

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.799
4 May 1964

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND NINETY-NINTH MEETING

Held at Headquarters, New York,
on Friday, 6 March 1964, at 11.30 a.m.

CONTENTS

Tribute to the memory of King Paul of the Hellenes

Draft international convention on the elimination of all forms of
racial discrimination (A/5035, 5603; E/CN.4/865, 873;
E/CN.4/L.698, L.699 and Rev. 1, L.708; E/CN.4/Sub.2/234 and Add.1-4)
(continued)

PRESENT:

<u>Chairman:</u>	Mr. PONCE y CARBO	(Ecuador)
<u>Rapporteur:</u>	Mr. IGNACIO-PINTO	Dahomey
<u>Members:</u>	Mr. ERMACORA	Austria
	Miss AITKIN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO)	Costa Rica
	Mr. REDONDO)	
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. SPERDUTI	Italy
	Mr. HAKIM	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT)	Netherlands
	Mr. SCHAAPEVELD)	
	Mr. QUIAMBAO	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDEBALLO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV)	Union of Soviet Socialist Republics
	Mr. OSTROVSKY)	
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE)	United States of America
	Mr. BILDER)	

Observers from a Member State:

Mr. ROSENNE)	Israel
Mr. BARROMI)	

PRESENT (continued):

Representatives of specialized agencies:

Mr. FARMAN-FARMAIAN

International Labour
Organisation

Mr. SALSAMENDI

United Nations, Educational,
Scientific and Cultural
Organization

Secretariat:

Mr. LANDAU

Secretary of the Commission

TRIBUTE TO THE MEMORY OF KING PAUL OF THE HELLENES

On the proposal of the Chairman, the Commission observed a minute's silence in tribute to the memory of King Paul of the Hellenes.

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5605; E/CN.4/865, 873; E/CN.4/L.698, L.699 and Rev.1, L. 708; E/CN.4/Sub.2/234 and Add.1-4) (continued)

Article V (continued)

Mr. REDONDO (Costa Rica), referring to the three-Power sub-amendment (E/CN.4/L.708), suggested that from the point of view of terminology it would be better to say "The right to equal treatment before the organs administering justice", as the term "courts and tribunals" used in that text did not include political and administrative authorities, which would thus not be prohibited from violating the rights listed in article V.

Mr. CHAKRAVARTY (India) proposed the wording: "The right to equal treatment before all tribunals, administrative and judicial".

Mr. BOUQUIN (France) said that in view of the suggestions made by the representatives of Costa Rica and India the sponsors of the sub-amendment in E/CN.4/L.708 proposed the new wording "The right to equal treatment before the courts, including administrative tribunals".

Mr. ERMACORA (Austria) said that the purpose of the amendment submitted by his delegation (E/CN.4/L.698) was to conform to articles 7 to 11 of the Universal Declaration of Human Rights. He felt that it was important for all organs administering justice to be covered in article V of the draft convention.

Mr. PANCARCI (Turkey) suggested that it might be more precise for the three-Power sub-amendment to read "The right to equal treatment in all judicial and administrative proceedings".

Mr. NEDBALLO (Ukrainian Soviet Socialist Republics) said that the various changes proposed were departing too greatly from the original sub-amendment. In his country the right to equal treatment before the courts meant the right to an impartial trial, and there were no administrative tribunals. His delegation favoured the retention of the original words of the three-Power sub-amendment, "The right to equal treatment before the courts".

Mr. SPERDUTI (Italy) thought that the expression "in all judicial and administrative proceedings" proposed by the Turkish representative was too broad, since the term "administrative proceedings" also covered non-contentious proceedings and petitions for clemency. He therefore preferred the expression "in all judicial proceedings", since that would also include administrative bodies exercising judicial functions.

Mr. BENITES (Ecuador) recalled his statement at an earlier meeting that the administration of justice was carried on at different levels, which were not always parallel in different countries. The Italian representative's suggestion would resolve the difficulties facing the Commission.

Mr. ERMACORA (Austria) supported the Turkish representative's proposal and pointed out that there were police and administrative organs that could decide such matters as the arrest and expulsion of persons or refuse admission to refugees.

Mr. GRAULUND HANSEN (Denmark) favoured a general statement, such as "equal justice under the law". It was unnecessary to refer specifically to "The right to equal treatment before the courts", since that right was already protected by the provisions of article II and by the introductory sentence of article V. If members felt, however, that a specific reference was essential, he would prefer to use the word "tribunals", which appeared in article 8 of the Universal Declaration of Human Rights and in article 7 of the Declaration on the Elimination of all Forms of Racial Discrimination.

Mr. QUIAMBAO (Philippines) said that he would have to abstain on the Turkish proposal if it was put to the vote. He preferred the words "administrative tribunals", because under the Philippine judicial system there were administrative bodies, such as the immigration authorities, which had quasi-judicial powers.

Mr. SPERDUTI (Italy), on behalf of the sponsors of the three-Power sub-amendment (E/CN.4/L.708), announced that the text would be amended to read: "(a) The right to equal treatment before the tribunals and all other organs administering justice". That wording would clearly cover executive personnel performing judicial functions.

Mr. BENITES (Ecuador), Mr. HAKIM (Lebanon), Mr. VOLIO (Costa Rica) and Mr. QUIAMBAO (Philippines) supported that proposal.

Mr. ERMACORA (Austria) also supported the proposal and withdrew his amendment to sub-paragraph (a) (E/CN.4/L.698).

The orally revised three-Power sub-amendment (E/CN.4/L.708) was adopted unanimously.

Article V, sub-paragraph (a), as amended, was adopted unanimously.

The Polish amendment (E/CN.4/L.609), inserting a new sub-paragraph in sub-paragraph (d), was adopted by 19 votes to none, with 2 abstentions.

Article V, as a whole, as amended, was adopted unanimously.

The meeting rose at 1 p.m.