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COMMISSION ON HUMAN RIGHTS

Nineteenth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND SEVENTY-FIRST MEETING

held at the Palais des Nations, Geneva,
on Friday, 5 April 1963, at 11.20 a.m.

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Economic and Social Council (item 16 of the agenda)

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GE.64-2380

PRESENT:

Chairman:

Mr. RESICH (Poland)

Rapporteur:

Mr. SPERDUTI (Italy)

Members:

Canada

Miss AITKEN

Chile

Mr. DIAZ CASANUEVA

China

Mr. CHENG Paonan

Denmark

Mr. MADSEN

Ecuador

Mr. PONCE y CARBO

France

Mr. BOUQUIN

India

Mr. CHAKRAVARTY

Lebanon

Mr. HAKIM

Liberia

Mr. DOE

Netherlands

Mr. BEAUFORT

Philippines

Mr. QUIAMBAO

Poland

Mr. WIECZOREK

Turkey

Mr. LÜTEM

Ukrainian Soviet Socialist Republic

Mr. NEDBAILO

Union of Soviet Socialist Republics

Mr. NASSINOVSKY

United Kingdom

Sir Samuel HOARE

United States of America

Mrs. TREE

Observers for Member States:

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Cuba

Mr. GONZALEZ-PINEIRO

Iraq

Mrs. AFNAN

Israel

Mr. ROSENNE

Yugoslavia

Mr. SOC

Representative of a specialized agency:

International Labour Organisation

Mr. METALL

Secretariat:

Mr. HUMPHREY

Director, Division of Human Rights

Mr. TARDU

Secretary of the Commission

REPORT OF THE NINETEENTH SESSION OF THE COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL (item 16 of the agenda) (E/CN.4/L.662 and Add.1-8)

The CHAIRMAN invited the Commission to consider its draft report to the Economic and Social Council (E/CN.4/L.662 and Add.1-8) part by part.

Organization of the session (E/CN.4/L.662)

Mr. SPERDUTI (Italy), Rapporteur, suggested that after paragraph 6, a new paragraph should be added indicating that at the 768th meeting, the Commission was informed that Mr. Pazhwak, its Chairman, was prevented from attending the meetings, and that Mr. Resich (Poland), first Vice-Chairman, accordingly took over the chairmanship for the remainder of the session. Secondly, since that part of the report had been prepared before the consideration of certain items had been concluded, a number of additions would have to be made: in paragraph 3, that Mrs. Lefauchaux had attended as representative of the Commission on the Status of Women; in paragraph 8, that at its 770th meeting the Commission had decided, on the oral proposal of the Lebanese representative, to postpone consideration of items 5, 6(a), 7(a) and (b), 8, and 15 to its twentieth session; in a new paragraph, that the Commission had heard a statement by Mrs. Lefauchaux at the 770th meeting; in paragraphs 9, 10 and 11, the passages left blank would have to be completed.

It was so agreed.

The first part of the draft report (E/CN.4/L.662), as amended, was adopted. Fifteenth anniversary of the Universal Declaration of Human Rights (E/CN.4/L.662/Add.

The CHAIRMAN observed that the Commission had already adopted the second part of its draft report at the 764th meeting.

Draft international Covenants on Human Rights: proposals relating to an article on the rights of the child (E/CN.4/L.662/Add.2)

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) remarked that the views of those who had wished an article on the rights of the child to be included in the draft Covenant on Civil and Political Rights were less fully reported in the third paragraph on page 2 than the views of those who had opposed its inclusion. He suggested that the following sentences be added after the sentence ending "but also in articles 10, 18 and 22 of the draft Covenant on Civil and Political Rights": "The argument that there was already an article on children in the draft

Covenant on Economic, Social and Cultural Rights, and that there was therefore no need to include an article on the rights of the child in the Covenant on Civil and Political Rights, was not convincing to some representatives. It was pointed out that children have specific political and civil rights, and that a special article relating to them should therefore be included in the draft Covenant on Civil and Political Rights. The inclusion of such an article was also essential in view of the special need to protect these rights of the child."

Mr. DIAZ CASANUEVA (Chile) said that personally he found it difficult to agree to the suggestion of the Ukrainian representative. The report was well-drafted and gave a clear indication of the opinions of those who had favoured and those who had opposed the inclusion of an article on the rights of the child. If the argument by one member of the Commission was to be included, the arguments by others should also be mentioned.

Sir Samuel HOARE (United Kingdom) observed that the Ukrainian amendment was based on what had actually been said during the discussion. The Ukrainian representative was fully entitled to ask for any point to be added, and he, personally, would have no objection to an addition along the lines suggested.

He suggested that the words "binding legal obligations" be inserted in the last sentence of the second paragraph on page 3 after the word "undertake" and the words "to all persons within their territory and jurisdiction" in the following line after the word "Covenant".

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the Ukrainian and United Kingdom representatives' amendments.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic), with regard to the opening of the second paragraph on page 3, said that his argument had been that the article on the rights of the child prepared for inclusion in the draft Covenant on Economic, Social and Cultural Rights should also be included in the draft Covenant on Civil and Political Rights. That did not appear clearly from the English text.

Mr. SPERDUTI (Italy), Rapporteur, said that the argument was clear enough in the French text and the English could be brought into line with it.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic) asked that the first sentence of the third paragraph on page 4 be completed by the addition, at the end, of the words "and that in this instance it was the civil and political rights of the child that were involved". The Polish representative had agreed to that amendment.

Mr. SPERDUTI (Italy), Rapporteur, said he thought that the text as it stood ought to give satisfaction to the Ukrainian representative, but he was willing to amplify it as he had suggested.

Mr. BEAUFORT (Netherlands) asked that the words "unlike the Universal Declaration of Human Rights and the Declaration of the Rights of the Child", be added after the word "paragraph" in the last sentence of the paragraph on pages 4 and 5.

Mr. SPERDUTI (Italy), Rapporteur, said he accepted that amendment.

Sir Samuel HOARE (United Kingdom) said he doubted whether the statement in the first sentence of the last paragraph on page 5 was true. He suggested that in that sentence the word "position" before the words "of children" be replaced by the words "legal status", that the words "was suitable for inclusion in" be replaced by the words "came within the scope of" and that the words "if such an article were included in the Covenant" be replaced by the words "if an article in the terms proposed were included in the Covenant".

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the United Kingdom representative's amendments.

Sir Samuel HOARE (United Kingdom) suggested that a similar change be made to the third paragraph on page 6 as had been made, on his suggestion, to the last paragraph on page 5: the second part of the first sentence of that paragraph would then be replaced by a phrase reading "it was generally agreed that a provision on name and nationality came within the scope of the draft Covenant on Civil and Political Rights, but ...".

Mr. HAKIM (Lebanon), referring to the fourth paragraph on page 6, recalled that his delegation had submitted an oral amendment to the draft article proposed by Chile for inclusion in the Covenant on Civil and Political Rights; it had been accepted by the representative of Chile, but was not mentioned in the draft report. He asked that a sentence should be added to the quoted text of the draft

article proposed by Chile to read: "To this end they undertake to adopt special legislative, administrative and other measures wherever necessary", and that the report should mention that the representative of Chile had accepted the oral amendment proposed by the Lebanese delegation.

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the United Kingdom and Lebanese amendments.

Mr. WIECZOREK (Poland) asked that the sentence beginning on the fourth line from the bottom of page 7 be amended to read "After certain oral amendments had been accepted by the representative of Poland, the draft resolution was adopted ...".

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the Polish amendment.

The CHAIRMAN said that since all the amendments proposed to the third part of the draft report (E/CN.4/L.622/Add.2) had been accepted by the Rapporteur, he would assume that that part had been adopted, as amended.

It was so agreed.

Draft declaration and draft convention on the elimination of all forms of racial discrimination (E/CN.4/L.662/Add.3)

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) said that while he would not submit any detailed amendments at that stage, he wished to express certain general views. The whole of the fourth part of the report was weakly drafted and did not sufficiently reflect the widely differing views which had become apparent during the discussion. It was regrettable, for example, that although three-fourths of the session had been devoted to that particular item, the report was very short and suffered from serious errors and omissions; the five meetings held by the Working Group had been passed over in one brief paragraph and the important drafts submitted by the Sub-Commission (E/CN.4/846, paragraph 210), Denmark and the United States (E/CN.4/L.635), and Poland and the Soviet Union (E/CN.4/L.636) had not been reproduced. Lastly, the draft report stated that the draft declaration had been adopted unanimously, without mentioning the important reservation by a number of delegations of their right to submit further amendments at a later stage.

Mr. HAKIM (Lebanon) supported the proposal of the Soviet representative that the full text of the three drafts he had mentioned should be reproduced in the report; as also the proposals submitted by Italy (E/CN.4/L.637) and Lebanon (E/CN.4/L.639).

Mr. SPERDUTI (Italy), Rapporteur, said that in deciding not to reproduce the texts referred to by the USSR and Lebanese representatives he had been guided by General Assembly resolution 1272 (XIII) on the control and limitation of documentation. He was, of course, prepared to include those texts if the Commission instructed him to do so.

Mr. WIECZOREK (Poland) said he agreed with the Lebanese representative that the full texts of all the documents mentioned should be reproduced in the report. He regretted that the draft report contained no mention of the statements made by delegations in explanation of vote; his delegation attached great importance to such statements, and in particular to its own explanation after the vote on the draft declaration as a whole.

Mr. NEDBALLO (Ukrainian Soviet Socialist Republic) said that he found it difficult to propose specific amendments to a draft which failed to reflect the various points of view expressed during the discussion. He hoped the Rapporteur would remedy that defect. If he did so, there would be no need to propose any amendments.

Mr. SPERDUTI (Italy), Rapporteur, observed that explanations of votes were customarily reproduced in the summary records, not in the report. He would, however, abide by the Commission's decision.

Mr. HAKIM (Lebanon) remarked that Commission reports usually named the delegations which had made statements in explanation of vote, but did not reproduce the statements themselves. The draft report might carry the names of delegations followed by a reference, in brackets, to the symbol of the summary record containing their explanations.

Mr. WIECZOREK (Poland) said he must explain that he had not meant that the full text of statements made in explanation of vote should be included in the draft report, but only a summary.

Mr. BOUQUIN (France) said he could confirm that it was not usual to include explanations of votes in a report; the Lebanese suggestion should satisfy the Polish representative, who, he hoped, would not press his request.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) formally proposed that the full texts of the draft declaration prepared by the Sub-Commission (E/CN.4/846, paragraph 210), together with the drafts submitted by Denmark and the United States (E/CN.4/L.635 and Corr.1-2), Poland and USSR (E/CN.4/L.636), Italy (E/CN.4/L.637) and Lebanon (E/CN.4/L.639), should be included in the Commission's report.

It was so decided.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) proposed that the following sentence should be inserted at the appropriate place: "Some representatives observed that the draft declaration adopted by the Commission was weaker than the drafts prepared by the Sub-Commission and by the Commission's Working Group, and they reserved the right to submit amendments and additions to the Commission's draft at a later stage with a view to improving it".

It was so agreed.

Mr. HAKIM (Lebanon) said that the "oral proposal by Ecuador, India and Philippines" referred to in sub-paragraph (iv) on page 14 of the draft report had actually been an oral amendment by India to the written amendment by Ecuador and Philippines (E/CN.4/L.661/Corr.1); in order to bring out the difference in substance between the two, the Indian amendment might be reproduced in full.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic) said that it would be easier for his delegation to submit amendments and additions to the draft report if the Rapporteur would prepare a new text reflecting more fully the different points of view which had been expressed during the debate.

Mr. SPERDUTI (Italy), Rapporteur, said that he would abide by the Commission's decision.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) said that he could not understand the meaning or purpose of the last sentence in the fifth paragraph on page 3, which read: "The interested specialized agencies were to participate in its discussions upon invitation". Since it had no relation to anything preceding it, he suggested that it should be deleted.

Mr. SPERDUTI (Italy), Rapporteur, said that the sentence complained of exactly reflected the Commission's decision; he believed that the UNESCO representative had actually been consulted by the Working Group.

Mr. CHAKRAVARTY (India) said he insisted that the sentence in question should remain, whether the specialized agencies had participated in the Working Group's discussions or not, since it related to a decision taken by the Commission itself.

With respect to the point raised by the representative of Lebanon, he suggested that the first sentence in sub-paragraph (iv) on page 14, should be revised to read "An oral proposal by India, based on an amendment by Ecuador and the Philippines (E/CN.4/L.661/Corr.1) and accepted by Ecuador and the Philippines".

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the Indian amendment.

Sir Samuel HOARE (United Kingdom) suggested that the opening of the fourth paragraph on page 3 should be redrafted to read: "In the course of the general debate there was a detailed comparison ...".

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the United Kingdom proposal.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) said that the fifth paragraph on page 3 should contain a more detailed and objective account of the work done by the Working Group; it should start by stating that the Working Group held eight meetings under the chairmanship of the representative of Chile. With respect to the reference to the specialized agencies, he still thought that it should be deleted, since, to the best of his knowledge, no representative of a specialized agency had participated in the Working Group's deliberations or had been invited to do so.

Mr. SPERDUTI (Italy), Rapporteur, said he accepted the proposal that it should be stated that the Working Group had held eight meetings, at which the Chilean representative had taken the chair.

Mr. MEANS (United States of America) said that his delegation was opposed to the deletion of the reference to the specialized agencies at the end of the fifth paragraph on page 3. The Chairman had, in fact, said at the Commission's 774th meeting that he would request the representatives of the specialized agencies to co-operate with the Working Group when invited to do so, and he himself (the United States representative) recalled that the representative of UNESCO had attended at least one meeting of the Working Group.

Mr. CHAKRAVARTY (India) agreed that the reference to the specialized agencies should be retained; the Commission had been engaged in preparing a historic document, and the fact that the specialized agencies had been given an opportunity to participate in its work was very important.

Mr. DIAZ CASANUEVA (Chile) said that, while reluctant to claim any personal credit for himself as Chairman, he felt that the report should contain some mention of the work done by the Working Group and the number of meetings held by it.

Mr. SPERDUTI (Italy), Rapporteur, suggested that, in order to meet the Chilean representative's wishes, the text might state that the Working Group had held eight meetings under the chairmanship of the Chilean representative. He could accept the United States representative's proposal and was prepared to say that the UNESCO representative had attended certain meetings.

After further discussion, the CHAIRMAN said that the Rapporteur would redraft pages 2 and 3 of the fourth part of the report in line with the suggestions made during the meeting.

The meeting rose at 1.10 p.m.