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COMMISSION ON HUMAN RIGHTS

Ninth Session

SUMMARY RECORD OF THE THREE HUNDRED AND SIXTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 28 April 1953, at 3.0 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
Mrs. CHATTOPADHYAY	India
Mr. HARFOUCHE	Lebanon
Sir Abdur RAHMAN	Pakistan
Mr. INGLÉS	Philippines
Mr. DRUTO	Poland
Mrs. ROSSËL	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 specialized agencies

International Labour Organisation	Mr. VALTICOS
United Nations Educational, Scientific and Cultural Organization	Mr. BMMATE

Representatives of non-governmental organizations:

Category B and Register

International Federation of Business and Professional Women		Mrs. SCHRADER-RIVOLLET
International Federation of Friends of Young Women)	Mrs. FIECHTER
International Federation of University Women)	
Women's International League for Peace and Freedom)	
		Mrs. BAER

Secretariat:

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

1. REQUEST FROM Mrs. LEFAUCHEUX, CHAIRMAN OF THE COMMISSION ON THE STATUS OF WOMEN, TO BE HEARD BY THE COMMISSION ON HUMAN RIGHTS.

The CHAIRMAN announced that he had received a request from Mrs. Lefauchaux, the Chairman of the Commission on the Status of Women, to make a statement to the Commission on Human Rights. He suggested that the Commission might invite Mrs. Lefauchaux to make her statement at the afternoon meeting on Wednesday, 29 April, which time would be convenient to her.

It was so agreed.

2. DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION (item 3 of the agenda) (resumed from the previous meeting):

Proposals for additional articles relating to the draft covenant on civil and political rights (E/CN.4/674) (continued):

Soviet Union and joint Yugoslav/French proposals for a new article on the right to vote, the right to be elected to public office and the right of access to public service (E/CN.4/L.221, E/CN.4/L.224/Rev.2, E/CN.4/L.255/Rev.1, E/CN.4/L.256, E/CN.4/L.257, E/CN.4/L.258) (continued)

Mr. HOARE (United Kingdom), referring to the Polish representative's charge that too much attention was devoted to minor matters and not enough to broad principles, thought it important for the Commission now to consider the nature of the problem before it.

The principles relating to suffrage rights had already been laid down in article 21 of the Universal Declaration of Human Rights, which had been accepted by all the States represented on the Commission and many others. The Commission's task therefore was not to enunciate principles but to translate them into precise obligations immediately binding upon States ratifying the draft covenants. That was not an easy task and the Commission had not wasted time in discussing carefully the terms in which those obligations should be expressed.

It was regrettable that a provision on non-discrimination already existing in article 2 should have been repeated in the texts before the Commission, though in each case in a different form. The preoccupation of both the Soviet Union and the French and Yugoslav representatives appeared to be more or less the same, but was entirely misplaced since article 2 applied to all the remaining articles in the draft covenants. It was true that in the past, and notably in respect of article 7 of the draft covenant on economic, social and cultural rights, the Commission had transgressed against the canon of non-repetition in legal instruments, but that was no justification for committing the same fault again.

The two texts also raised difficulties of a practical character. They proclaimed, for instance, that everyone had the right to take part in elections. In his own country three classes of persons did not enjoy that right, minors, lunatics and members of the House of Lords. The exclusion of the latter class certainly appeared to contradict the principle of non-discrimination. In fact, however, there was no demand in his country for any change in that respect.

At the 363rd meeting representatives had been accused of inconsistency and as a believer in logic and sequence in argument, he would defend himself with energy against such accusations. At the same time he would point out that there were many contradictory elements in political institutions which made good bedfellows. He would even suggest that this ability to tolerate such contradictions without loss of vigour was one of the tests of the viability of a modern State.

Another practical difficulty was raised by the use of the somewhat imprecise expression "organs of authority" in the Soviet Union proposal (E/CN.4/L.221). The House of Lords would presumably fall within that definition but its members were not elected. Similarly, the revised joint draft (E/CN.4/L.224/Rev.2) referred to freedom to elect or to be elected "without arbitrary restrictions". In the United Kingdom a series of restrictions existed upon the right to be elected to the legislature; that right was not enjoyed, for example, by bankrupts, high court judges, certain magistrates, and Church of England, Church of Ireland and Roman Catholic priests. He would not attempt to pronounce on the question whether such restrictions, many of which were rooted in history, were "arbitrary"; he merely wished to draw attention to their existence in order to indicate how hard it would be to devise a general text on the right of suffrage which would take into account all the variations in national practice and would not require changes in existing institutions. It was, moreover, unfortunate that the Commission should be considering such texts without knowing whether any provision would be made to allow for reservations and within what limits reservations would be permissible. With that knowledge it would have been much easier for many members of the Commission to decide their attitude to a text in general terms.

The intention of paragraph 2 in the joint text had been clearly explained by its authors and was commendable, but the text illustrated the extreme difficulty of framing at all precisely a provision to the effect that noxious forms of discrimination should be prohibited but that reasonable discrimination could be admitted.

The difficulty was to steer a middle course between too loose a formula which could be open to abuse and an unduly rigid one with which States might be unable to comply. He was not satisfied that that had been achieved in paragraph 2 of the joint text.

Among other defects in the Soviet Union proposal was its reference to rights being "guaranteed by the State", a reference which was clearly redundant in the light of article 2. In other respects the text was too restricted and lacked flexibility. The joint text also suffered from a series of shortcomings which would compel him to abstain when it was put to the vote, unless very convincing arguments were adduced to persuade him to change his opinion.

A general objection to both texts was that their acceptance would mean that States which at present did not accord equal voting rights to women would have to do so on ratifying the covenants. For many States that would involve a process of social readjustment which would take time. A binding obligation of such a kind might preclude States of goodwill from ratifying the covenants for a considerable length of time, and he would therefore urge all representatives to bear in mind considerations affecting not only their own countries but others as well.

Mr. INGLÉS (Philippines), introducing his two amendments (E/CN.4/L.256) to the Soviet Union text, said that the purpose of the first was to qualify the phrase "organs of authority" by the word "elective", so as to render the text acceptable to such countries as the Philippines, where certain organs of authority were not elective but appointive. He had already explained the reasons for his second amendment at the 363rd meeting.

He would vote in favour of the Uruguayan amendment (E/CN.4/L.255/Rev.1) for the insertion of the words "political opinions" in the Soviet Union draft and reserved the right to ask for a separate vote on the word "direct", as well as on the last sentence in that draft. He desired a separate vote on the word "direct" because it was essential to remain consistent with article 21 of the Universal Declaration, which admitted indirect suffrage; he did not believe that the time had come to make a choice as to which was the better of the two systems; it was not for the Commission to pronounce upon an issue about which the General Assembly itself had purposely avoided making any pronouncement. And he asked for a separate vote on the last sentence of the Soviet Union draft because the term "other qualifications" was too broad and might be assumed to include elements not envisaged in article 2.

Turning to the revised joint text he thanked its authors for accepting his suggestion to insert the word "periodic" before the words "general elections" and urged them to accept also his amendment (E/CN.4/L.257) to insert the words "which shall be by universal and equal suffrage and shall be" after the words "general elections", since the concept of universal and equal suffrage was one of the principal elements in article 21 of the Universal Declaration. He had not found the French representative's opposition on that point convincing. The principle of universality and equality certainly did not imply abolition of all distinctions between local and national elections. It was quite possible to achieve that principle provided there was equality between all electors on the local as well as on the national plane as regards local and national elections respectively. The question of universality and equality of suffrage was quite distinct from the question of direct or indirect suffrage, as the first related to the rights of the voter and the second to the method of election. It was perfectly possible to achieve universality with indirect elections provided all electors had a chance to participate in the preliminary though not in the final stage of the elections. Equality between electoral areas was an altogether different question; he must observe that in that respect relative equality was sufficient inasmuch as mathematical precision was perhaps impossible.

He was greatly concerned that the elimination of the concept of universality and equality of suffrage might have the possible effect of perpetuating certain electoral procedures, which, based on a perverted concept of equality, enabled small electoral groups to carry the same weight as large ones with the result that they obtained equal representation with and hence domination over, groups vastly superior in size. Such was the case in certain parts of Africa where a small number of settlers justified equal representation with the preponderant indigenous population under the guise of partnership, co-ownership or co-sovereignty. He therefore believed his amendment indispensable in order to correct inequalities existing in certain territories and in order to fulfil the purposes of article 21 in the Universal Declaration.

Mr. ABDEL-GHANI (Egypt) said that both proposals before the Commission embodied the five fundamental principles of democratic government, equality of suffrage, free elections, secret ballot, non-discrimination and equal access to

public service. His country believed in and stood for those principles. One of the main principles and objectives of the present régime, established by peaceful and genuine revolution on 23 July last, was to assure to all citizens not only the right but also the opportunity and possibility of taking part in directing the policy and carrying on the administration of the country. The present leaders of Egypt had sprung from the rank and file of the Egyptian people, and felt deep in their hearts the needs and wishes of the common man. They had, as one of their first objectives, done away with the monopoly of the key administrative posts formerly enjoyed by a privileged class who had imposed themselves upon the majority by their wealth and titles. The way followed by Egypt in achieving that objective was the way of social justice based on various economic reforms, among which he would only mention the programme of agrarian reform. That might suffice to make clear why the Egyptian people had agreed to regard the new régime as a "régime of liberation", because it had liberated them from all vestiges of despotism - political, economic and social alike.

General Neguib had frequently stated that the régime of liberation gave every citizen an assurance of self-respect and aimed at enabling him, regardless of his social origin and rank or of his economic status and condition, to take an active part in affairs of State. Moreover, a new constitution, in harmony with the principles and objectives of the new régime, was being worked out. One of the main policies guiding the Committee in charge of its drafting was decentralization of the administration by the establishment of provincial bodies and village councils to which citizens could elect and be elected. That would result in the common man's taking a more direct part in the administration of his local affairs as well as of the general affairs of the nation. All future elections in Egypt would unquestionably be sincere and genuine elections, as required by the covenant on human rights. The prevailing policy was that every citizen should have access to the representative organs of his country, either directly or through his freely elected representatives. In that way Egypt was progressing towards the adoption of a genuinely democratic system, which would assure to its people one of the fundamental human rights.

It followed from what he had said that he wholeheartedly supported the principles underlying the two draft articles under consideration. However, the joint

text, though drafted in somewhat laconic and cautious terms, was more liberal than the Soviet Union proposal in the matter of non-discrimination, to which it referred in general terms, to be interpreted in the light of the United Nations Charter, the Universal Declaration and article 2 of the draft covenants. The Soviet Union text on the other hand did not mention all forms of possible discrimination and though the Uruguayan amendment, which he would support, made good one of the omissions at least, he doubted whether it would be effective in removing all possible loopholes. The formula in the joint text in that respect was preferable and represented a compromise between the two extreme views that discrimination should not be mentioned at all and that it should be mentioned in detail.

In any genuine democracy suffrage rights must be based upon the principle of equality, but elections need not be direct. The reference in the Soviet Union proposal to direct suffrage clearly derived from the Soviet concept of democracy, whereas the joint text was based on the more general concept of democracy held by the majority of Member States. The Philippines representative's amendments to the Soviet Union draft sought to bridge the gulf between the two concepts and his delegation would vote in favour of them. Their fate would determine its ultimate attitude towards the Soviet Union proposal as a whole.

The doubts he had felt concerning certain elements in the joint proposal had been dissipated by the French representative's statement at the previous meeting, and he would therefore vote in favour of it.

Sir Abdur RAHMAN (Pakistan) considered that the word "arbitrary", qualifying "restrictions" in paragraph 2 of the joint proposal, should be replaced by "unreasonable", since it would be impossible for the Human Rights Committee to determine whether restrictions were arbitrary.

He did not share the objections raised by other representatives to the phrase "without any discrimination whatsoever".

Mr. KAECKENBEECK (Belgium), agreeing, said that since the kinds of discrimination prohibited were set out in article 2 of the covenant, there hardly seemed any point in repeating them in detail, as was done in the Soviet Union proposal, or in a general way, as was done in the three different expressions used in the joint text. It would be sufficient to use the expression "without any discrimination whatsoever" once and for all at the beginning of the joint text, thus implying that article 2 of the covenant was to be applied purely and simply.

In paragraph 2 of the joint proposal, the word "sincères" did not seem to be a good translation of the English "genuine". The word "honnêtes", as used in article 21 of the Universal Declaration, would be more accurate.

Turning to the substance of the proposal, he had various difficulties. The Commission had to frame a legal obligation which would be binding on States, though they could not undertake to modify their constitutions at a moment's notice or put an end overnight to long-standing practices. Hence, to avoid the danger of producing something of merely academic value, the texts must be flexible, and acceptable to as many States as possible.

He had, at the outset of the work, stressed the importance of proceeding very warily when laying down and defining the obligations incumbent on States, so as not to create further sources of conflict. He had also urged the necessity for effective international supervision to ensure genuine application of the covenants; and he stood by that warning.

Hence, he was inclined to favour the joint Yugoslav/French proposal, subject to drafting changes. It was flexible, and could thus be made to apply to each separate State, while at the same time it stipulated the rights of every citizen without any discrimination whatsoever. Nevertheless, he was afraid that even that text could not be accepted by all members without reservations, and he wondered whether the time was ripe to vote.

Mrs. ROSSELL (Sweden) said that it would be inconsistent not to try to include in a draft covenant on civil and political rights an article on suffrage rights. The latter were, however, extremely difficult to define. She presumed that the authors of the proposals before the Commission used the word "citizen" to mean persons holding the nationality of a country by reason of birth or administrative decision. In Sweden, for instance, foreigners were not entitled to vote but could apply for citizenship, which endowed them with that right after seven years' residence. She would mention in passing that civil servants in her country could take part in politics and were eligible for election. Freedom of access to public office already existed in Sweden with one minor exception, namely that women were debarred from becoming ministers of religion in the national church, and there was good reason to believe that that exception would soon be removed.

She was unable to endorse the list of forms of discrimination contained in the Soviet Union proposal, excluding as it did discrimination on grounds of political or other opinion. Those who had attended the discussions in the General Assembly on the political rights of women would remember that the same omission, whether intentional or not, had been made in the Soviet Union draft on the subject. She agreed with the United Kingdom representative that, since the provisions of article 2, paragraph 1, applied to all other articles in the draft covenants, such an enumeration was unnecessary, and for the same reason she was opposed to the phrases "without any discrimination whatsoever" and "without discrimination" in the joint text. A further objection to any reference to discrimination was that it might be taken to imply some distinction between the article under consideration and article 18, which dealt with the fundamental right of freedom of association and in which no such reference was made. She requested therefore that such parts of both proposals as dealt with discrimination should be voted on separately, as she wished to vote against them.

On the whole the joint text, though not entirely acceptable to her delegation, had its preference. She suggested however that paragraph 2 should open with the words "Every citizen shall", so as to bring it into line with the other two paragraphs.

Mr. PEROTTI (Uruguay) said that he had introduced a revised amendment (E/CN.4/L.255.Rev.1) to the Soviet Union proposal, in the conviction that his original amendment was inadequate. He believed that his new amendment was entirely consistent with those of the Philippines representative. However as there was a possibility that the Soviet proposal, even with his amendment, would not be accepted, he had joined with the Chilean representative in submitting amendments (E/CN.4/L.258) to the joint text. The purpose of the latter of those two amendments was to bring the joint text into harmony with article 21, paragraph 3, of the Universal Declaration. The effect would be to make it almost mandatory upon States to recognize the right of universal and equal suffrage.

The Chilean and Uruguayan delegations had some doubts about the use of the word "sincères" to describe elections in the French version of paragraph 2 of the joint text, and believed that the Spanish word "auténticas" which appeared in article 21, paragraph 3, of the Universal Declaration rendered the intended meaning more accurately.

In explanation of the way in which the observance of the right to elect and be elected was enforced in Uruguay, he read out articles 322, 324 and 325 of the Uruguayan Constitution, relating to the composition and functions of the electoral court responsible for the administration of electoral justice.

He added that he was glad the Swedish representative had drawn attention to the omission from the article on the right to freedom of association (article 18) of any reference to the need for preventing discrimination; if the Swedish representative proposed an amendment in order to correct that omission he would gladly support it.

The CHAIRMAN said that he thought the Commission had fully discussed the rights in question. If there was no objection, he would call on the Chinese representative, the only member of the Commission who had not yet spoken in the debate, and on the representatives who had proposed the draft articles, and would then begin putting the various texts to the vote.

Mr. MOROSOV (Union of Soviet Socialist Republics) said he did not concur in the Chairman's proposal. The Commission had spent much less time discussing the very important matter under consideration than in discussing comparatively unimportant subjects, such as article 52. He had not yet seen the latest Uruguayan amendment to the Soviet Union proposal in writing, except for a copy in French. He would draw the Chairman's attention to rule 51 of the rules of procedure, stating that consideration of substantive amendments or motions should be deferred until the day following that on which they were submitted in writing, if that was requested by any member. He did not want to prevent members who were ready to do so from giving their views on the latest Uruguayan amendment at the present meeting, but that amendment, which he believed had been made in a serious effort to enable the Commission to reach a compromise, should not be put to the vote until all members had had an opportunity to consider it in writing in a language they understood and subsequently to present their views on it. He would like to know the views of all the members of the Commission on the Uruguayan and Philippines amendments and later to have an opportunity to speak again. If the majority indicated that it was willing to accept the first group of amendments proposed by the Uruguayan delegation, he would accept them; but he could not yet give his final views on the second group, although he was confident that the Commission could arrive at a satisfactory compromise based on those amendments and the original Soviet Union proposal.

The CHAIRMAN said that following the Soviet Union representative's statement, the Commission could not begin voting on the texts before it until the following day.

Mr. CASSIN (France) thought that the delegations which had taken part in the debate realized the need for caution. The programme of the Universal Declaration could not be carried out overnight, and when States were faced with legal undertakings, they were obliged to proceed with circumspection.

In legal texts it was also desirable to avoid repetition. The Uruguayan representative proposed that the opening words of the Soviet Union proposal should be amended to read "The State shall recognize and guarantee to every citizen, irrespective of race etc."; but that was precisely what was already stated in article 2.

He then went on to reply in detail to the observations offered during the debate on the revised joint Yugoslav/French proposal.

Paragraph 1

To meet the objections to the expression "without any discrimination whatsoever", some speakers having expressed a wish to see the list given in article 2 included in the paragraph, while others were opposed to any reference to discrimination, he suggested the following version: "Every citizen shall have the right, without any of the distinctions mentioned in article 2 of this covenant ...". The paragraph should be voted on separately.

Paragraph 2

He accepted the Swedish representative's suggestion that the word "He" at the beginning of the paragraph be replaced by the words "Every citizen".

With regard to the words "without arbitrary restrictions", he agreed with the Pakistan representative's preference for the word "unreasonable"; and he hoped that that drafting amendment would reassure the United Kingdom representative, who feared that the fact that members of the House of Lords were not entitled to the vote might be regarded as an arbitrary restriction. His own understanding was that the words "without unreasonable restrictions" did not refer to the grounds of discrimination mentioned in paragraph 1 of the joint proposal and in article 2 of the draft covenant; they concerned matters dealt with in election regulations - disqualifications, loss of voting rights etc.

To meet the wishes of the Uruguayan representative, who had pointed out that in the French text the word "honnêtes" had been replaced by the word "sincères", whereas the English and Spanish versions reproduced the term used in article 21 of the Declaration, he agreed to retain the word "honnêtes" in order to avoid any misunderstanding.

There was still one point of difference, namely the proposal of the Philippines, Uruguayan and Chilean representatives to insert in paragraph 2 the words "by universal and equal suffrage". In that connexion he pointed out that the European Convention on Human Rights of 4 November 1950 contained no such provision, although all the States parties to it guaranteed universal suffrage and, except for one or two States which had family voting and other special procedures, they also applied equal suffrage. But if those rights were not mentioned in the European Convention, it was because that instrument constituted an international legal obligation and the signatory States had wished to remain free to change their electoral systems. That being so, it was impossible to consider inserting stricter and more rigorous undertakings in a world-wide covenant than were contained in a regional convention.

He reiterated that the covenant would be open for signature by all the countries of the world and would constitute a minimum. Those countries that wished to grant wider voting rights - to aliens, for instance - would certainly not be prevented from doing so.

Mr. JEVREMOVIĆ (Yugoslavia) associated himself with the remarks made by the French representative in reply to the comments on the Yugoslav/French proposal, and thanked the authors of the various amendments which had helped to improve the text. He was prepared to accept the following amendments:

1. In paragraph 2, the word "arbitrary" to be replaced by "unreasonable" as suggested by the representative of Pakistan. The principle underlying the original text would thus be kept, but the wording would be clearer;

2. Also in paragraph 2, in accordance with the suggestion of the representatives of Belgium and Uruguay, the word "sincères" in the French text to be replaced by "honnêtes", the term used in article 21 of the Universal Declaration;

3. In paragraph 1, the words "as defined in article 2 of this covenant" to be added, as proposed in the amendment submitted by Chile and Uruguay (E/CN.4/L.258). The addition would clarify the notion that all discrimination must be abolished.

While on that subject, he pointed out, in reply to the Swedish representative, that at its eighth session the Commission had gone into the question whether the grounds of discrimination listed in articles 2 and 19 should be repeated in various other articles. He personally felt that the fact that discriminatory practices still existed called for such repetition.

He could not agree to the Swedish representative's suggestion that the word "He" be replaced by the words "Every citizen" at the beginning of paragraph 2, although Mr. Cassin had accepted it. Actually, the ideas expressed in the two paragraphs were closely linked, and they ought to be made into a single paragraph. Hence the Commission should vote first of all on the wording of the joint draft, and then on the question whether two paragraphs should be kept or whether paragraphs 1 and 2 should be combined.

With regard to the amendments, similar in substance, submitted by Chile and Uruguay (E/CN.4/L.258) and by the Philippines (E/CN.4/L.257) to paragraph 2 of the joint text, he repeated what he had said at the 363rd meeting, that he was prepared to support any proposal for inserting in the article in question the provisions of Article 21 of the Universal Declaration. For that reason he would support the joint Chilean/Uruguayan amendment and the Philippines amendment. The Commission should take a separate vote on the two proposals.

Mr. WHITLAM (Australia) said that although earlier in the discussion he had given some support to the joint text, he had doubts about its final form after the amendments proposed to it had been put to the vote. He felt particularly dubious about the use of the term "universal and equal suffrage", which was open to various interpretations, and had indeed been used in different senses by different members, some appearing to think that the word "equal" in that context was the equivalent of "uniform". But that concept of uniformity was the very thing the French representative had challenged. He also was opposed to it. Even in his own country there was confusion about what was meant by equality in connexion with the right of access to public service. Incautious statements had been made on the subject by persons in authority in Australia. To measure up to the responsibilities of a modern public service the attainment of at least a secondary standard of education, and to a considerable extent, a tertiary standard, was required. But those persons had mistakenly asserted that there could be no true equality in the enjoyment

of the right of access to public service for all citizens, if persons who had only attained a lower standard of education were excluded. The members of the Commission differed in their approach to the various problems, both from the constitutional standpoint and from that of accepted practice. Certain expressions which were appropriate in the constitutions of some States did not accord with the more prosaically worded constitutional instruments of Anglo-Saxon States. As the representatives of France and Belgium had already stated, the Commission should keep to minimum standards and not use in the covenant phrases such as "universal and equal suffrage" which Anglo-Saxon States could not accept in international instruments they were expected to ratify. He agreed with the Ukrainian representative that the subject under discussion was vital - to modern democratic progress - but he felt that the relevant article should be placed in a part of the covenant to which juridical sanctions would not apply. The Commission could not afford to include in the draft covenant clauses which went beyond present juridical concepts. The way in which he would vote on the joint text would depend on the Commission's decisions on the amendments proposed to it.

Mr. DIAZ-CASANUEVA (Chile) contended that the term "without discrimination" in paragraph 3 of the revised joint text was inconsistent with the use of the phrase "without arbitrary restrictions" in paragraph 2. The two terms had very different meanings. Technical training was necessary for certain posts in the public service, and it was not arbitrary or unreasonable to make a university education a condition for access to others; he would therefore urge the authors of the proposal to substitute the words "without unreasonable restrictions" for the words "without discrimination" in paragraph 3.

Mr. HOARE (United Kingdom) pointed out that the words "without discrimination" in paragraph 3 would lay upon States an obligation to admit persons to the public service without exercising any of the kinds of discrimination mentioned in article 2, paragraph 1. Since that article specifically mentioned discrimination in respect of "national origin", they would not even be permitted to follow the United Kingdom practice of requiring, in the case of British subjects by naturalization, at least seven years' residence in the United Kingdom as a condition for access to the public service, whereas there was no residence qualification for British subjects by birth.

Mr. JEVREMOVIĆ (Yugoslavia), replying to the Chilean representative, reiterated that the reason why the expression "equal access, without discrimination" in the third paragraph of the joint text was not the same as the expression used in the first two paragraphs was that not all citizens were eligible for public service, which called for special qualifications. The important point to be stressed in that paragraph was that access for all to public service should be equal, without discrimination.

With regard to the United Kingdom representative's reference to the House of Lords, no one would think of suggesting that the members of the House of Lords were the victims of a discriminatory practice that prevented them from taking part in the conduct of public affairs; hence that example was beside the mark.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that he saw in the English text, just distributed, of the revised Uruguayan amendments to the Soviet text the proposal to replace the term "an opportunity" by "the right". He could cite several tragic cases of people who were in principle granted the rights under discussion, by virtue of clauses in the national constitution, but who never had an opportunity to exercise those rights in practice. Since he believed that the Uruguayan representative wished the new article under discussion to be implemented and not to be an empty declaration, he assumed that the Uruguayan representative had not proposed the change in order that people should merely be granted the rights in question instead of being given an opportunity to exercise them in practice. He would be grateful if the Uruguayan representative would explain the reasons for the proposed change. He himself would suggest the use of both terms, so that the text would read: "Every citizen ... shall be guaranteed by the State the right and an opportunity to ...". He was convinced that the Commission could satisfactorily reconcile the wording of the Soviet Union text and the wording of the amendments proposed to it and thereby submit a useful new article for consideration by the Economic and Social Council and, subsequently, by the General Assembly. If the Commission rejected the Soviet Union text after the amendments proposed to it had been put to the vote, the Soviet Union would exercise its right to defend the principles embodied in its text when the draft covenant was considered by those two bodies.

The main divergency that had arisen during the discussion concerned the principle of universal and equal suffrage. It appeared from the revised joint text that the French representative was opposed to that principle, which had already been enunciated in article 21 of the Universal Declaration. The adoption of the text proposed by the French representative would be a step backwards.

He could not agree with the view that adoption of the Soviet Union proposal would imply drastic constitutional changes in a large number of countries. A remark to that effect had been made by the United Kingdom representative, who had expressed dissatisfaction with every text submitted, but had not himself submitted one. In most countries of the world the democratic principles laid down in the Soviet Union proposal and article 21 of the Universal Declaration were already being applied. The Commission should not align itself with unprogressive countries which still adhered to institutions that were relics from feudal times. Needless to say, it was none of his purpose to seek to defend the House of Lords. Nor could the Commission reduce the provisions of the covenant to the lowest common denominator, as the French representative had suggested. The covenant should be made a progressive document, even if that would prevent some countries from ratifying it.

The Egyptian representative had said that the Soviet Union proposal was based on the Soviet Union concept of democracy and not on the general concept of democracy. That was a nonsensical comment, for the principles laid down in the Soviet Union proposal, which were the best that had yet been devised by man, had been supported by other representatives. The Uruguayan representative, who could not be accused of sharing all the Soviet Union delegation's views on democracy, had given general support to the Soviet Union proposal. The Philippines representative too had recognized some merit in it.

The Chilean representative had urged that the wording of the joint Yugoslav/French text should be made more consistent; but that would not suffice, since the whole basis of that proposal was unsound.

He hoped that in the interval before the next meeting, when the discussion would be continued, members would reflect on their grave responsibility towards the people of the world, remembering that the balance of public opinion was heavily in favour of the principle of universal, equal and direct suffrage.

The meeting rose at 6.10 p.m.