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Eleventh Session

SOCIAL COMMITTEE

SUMMARY RECORD OF THE ONE HUNDRED AND TWENTY-SIXTH MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 July 1950, at 3 p.m.

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/Present:

1. ELECTION OF VICE-CHAIRMAN

The CHAIRMAN called upon the Committee to elect a Vice-Chairman to conduct business in his absence.

Mr. KAYSER (France) proposed Mr. Davidson (Canada).

Mr. BROHI (Pakistan) and Mr. BERNSTEIN (Chile) seconded the proposal.

Mr. Davidson (Canada) was elected Vice-Chairman by acclamation.

The CHAIRMAN suggested that the most effective way of organizing the Committee's work would be to put the Vice-Chairman in charge of the discussions on all questions concerning human rights, he himself acting as Chairman during the discussions on all the other questions with which the Committee had to deal.

It was so agreed.

2. PROCEDURE FOR CONSIDERATION OF THE REPORT OF THE COMMISSION ON HUMAN RIGHTS

In reply to the question put by the French representative at the 125th meeting, the CHAIRMAN explained that not only the draft covenant on human rights but the report of the Commission on Human Rights as a whole had been referred to the Social Committee for examination.

Mr. KAYSER (France) felt that the discussions on the Report should in that case be divided into two distinct sections, one on the covenant and the measures to implement it, the other on the remaining questions dealt with in the Report.

It was so agreed.

3. REPORT OF THE SIXTH SESSION OF THE SOCIAL COMMISSION (Item 25) (E/1673, E/1678/Add.1, E/1701, E/1701/Corr.1) (Resumed from the 125th meeting)

(a) Conclusion of General Discussion

Mr. BROHI (Pakistan) observed that the most important activities of the United Nations fell in the social field; conscientious and extensive work had been carried out in the past, and would no doubt be continued with unabated vigour.

Two approaches were possible in connection with any world reform, particularly in the social field, namely, the external and the internal. The first attempted to develop the individual by creating better living conditions and by securing social and economic equality through improvement of the sub-human conditions existing in certain countries.

The second method was to transform the individual by making available to him better resources for promoting his social well being. Progress in that direction could only be made if a clear statement of what the individual stood for, and of his claims on society as a whole, were drawn up. While the financial implications of a programme of the kind envisaged would impose a heavy burden on the richer governments, the latter could not evade their moral obligation to implement the work.

He suggested that one method of doing so would be to launch an extensive publicity programme to provide the less privileged countries, particularly those in the Middle and Far East, (whose claims could no longer be ignored), with tangible evidence of the activities of the United Nations.

He reserved the right to revert to specific points in the report and accompanying resolutions as they arose.

Mr. VANISTENDAEL (Belgium) congratulated the Social Commission and the Secretariat on their excellent work. He reserved the right, however, to express his views on various points of detail during the ensuing discussion.

The quality of the report submitted by the Commission was a sign of maturity, and proof that the long period of patience was beginning to bear fruit. The success of the United Nations depended, indeed, on whether the lofty ideals propounded in the Charter and the Universal Declaration of Human Rights could be translated into fact, for only thus could these ideals become part and parcel of the daily life of the peoples of the world.

Nevertheless, the maturity of the Social Commission's work could be further developed in various directions in the future. The problems which the Commission had to face were extremely complex, and also concerned other bodies. Closer co-ordination at various levels of the Commission's work would provide additional proof and guarantee of its quality.

To illustrate his argument, he cited the question of migration. That was being dealt with by both the Social Commission and the Population Commission, while the non-governmental organizations interested in the question had recently held a conference under United Nations auspices, and the International Labour Organisation had held a conference in April 1950 on migration problems of concern to the United Nations, various non-governmental organizations, the Council of Europe and a large body of experts. It followed that there must be better co-ordination of the efforts being made to solve the social problems confronting the world.

Turning to the declaration of the rights of the child, he endorsed what had been said at the morning meeting by the Canadian representative. The Universal Declaration of Human Rights already contained a number of articles concerning the family, which was the child's natural environment. Furthermore, it included a series of articles expressly devoted to children, such as those on education. It would be a mistake to detract from the moral and universal force of the Declaration by making special declarations for each aspect of human rights. He accordingly urged acceptance of the Canadian representative's suggestion.

/With regard

With regard to section II.F of the report, he had been surprised to find that the enquiry into the world social and cultural situation was envisaged in the report as an enquiry into the social situation alone. It was not clear to him what the scope of such an enquiry could be. After examining the budget estimates submitted (E/1678/Add.1), he had been in doubt as to whether the intention was merely to co-ordinate enquiries already in progress, or to embark on new efforts.

He declared, in conclusion, that his delegation was well satisfied with the programme of work drawn up by the Social Commission. Its boldness showed that the members of the Commission were alive to the fact that the fate of the United Nations would be decided primarily in the social field.

Mr. NORIEGA (Mexico) was somewhat alarmed at the opposition shown by certain of his colleagues to a declaration of the rights of the child. While recognising that the adoption of too many solemn declarations by the United Nations would be unwise, he nevertheless felt that the Economic and Social Council should provide governments with a foundation on which they could base their child welfare legislation.

The draft declaration before the Committee contained a number of important points, several of which, incidentally, had been incorporated in the Universal Declaration of Human Rights. He suggested that governments should be asked to give as wide publicity as possible to the ten principles. The position of children in many parts of the world was not as good as it should be, and the Committee would be wrong simply to abandon the work done by the Social Commission in that field. Whereas certain countries had laws for the protection of children's rights, children in other countries were exposed to the worst hardships, for example, in industry. The document prepared by the Social Commission might accordingly serve as a basis, not for a declaration of the rights of the child, but for child welfare legislation. He hoped that the Committee would finally succeed in reaching a compromise solution on the question.

Turning to the question of social welfare services, he suggested that they should be given greater publicity, in view of the fact that the press very often ignored the work done by the United Nations, and especially by the Economic and /Social Council,

Social Council, in that field. The necessary steps should be taken to bring the results of the work undertaken by the Council to the notice of all sections of the population in all countries.

Mr. FEARNLEY (United Kingdom) agreed with previous speakers that the Social Commission, generally speaking, had done excellent work. He wished, however, to make two points.

First, he deprecated the delay in advising governments of the financial implications (amounting to almost 250,000 dollars) of the report of the Social Commission. Two months had elapsed since the work had been concluded at Lake Success. Secondly, while the Social Commission had reviewed its attitude towards co-ordination since its fifth session, there was room for further improvement. He would submit detailed proposals during the consideration of the report with a view to achieving closer co-ordination between activities coming under the aegis of the Social Commission and related activities of the specialised agencies.

Mr. BALLARD (Australia) stated that while his delegation associated itself with the remarks of previous speakers about the satisfactory progress of the Social Commission's work, there were some points with which it could not entirely agree. For the present, he would limit his remarks to two issues of principle; those remarks should not be taken as in any way detracting from his delegation's general approval of the report.

First, the Social Commission should at all times guard against any dissipation of effort on activities of secondary importance, and pay due regard to the overall budgetary implications of the work envisaged.

Secondly, with regard to the programme of work outlined, activities should in each specific case be covered by a decision, or by clear directions, of the Social Commission.

A sound financial approach was essential in taking decisions which would be implemented so far ahead as 1951 and 1952. For example, his Government could not be committed so far in advance to the procedure laid down in paragraph 16 of the report, nor was he clear as to whether the adoption of resolution VIII would constitute endorsement of all details of the programme of work.

/Mr. CHA

Mr. CHA (China) said that his delegation, too, appreciated the work of the Social Commission and was happy to note that it had been considered desirable to modify General Assembly resolution 58 (I) (Advisory Social Welfare Services). He hoped that favourable consideration would be given to the various projects outlined by the Social Commission and that the General Assembly would see fit to allot the necessary appropriations.

No further speakers having asked for the floor,

the CHAIRMAN declared closed the general discussion on the Report of the Social Commission.

(b) Consideration of the draft resolution under sections II, IV and V of Annex II to the Report.

The CHAIRMAN suggested that the best procedure for examining the Commission's Report (E/1678) would be to begin by examining Annex IV, dealing with the general programme of work.

As the Secretary to the Committee had pointed out, that method would enable it to obtain some idea of the general range of the tasks entrusted to the Social Commission before proceeding to examine each of the tasks individually.

After a brief discussion, however,

the Committee decided to begin by examining Annex II, containing the draft resolutions submitted by the Social Commission.

The Committee further decided to examine for the moment only such draft resolutions as had no financial implications, and to ask the Secretariat to provide the Committee with detailed estimates of expenditure with regard to the other draft resolutions.

Draft resolution under section II of Annex II to the Report: Migration.

Mr. FEARNLEY (United Kingdom) suggested that the Committee would not need to spend much time on the draft resolution in question as it had been unanimously adopted by the Social Commission. In the United Kingdom, indigent

to the adoption of the recommendation contained in the draft resolution, especially as it was not clear whether the term "social assistance" used therein related to social legislation as a whole, or only to measures of assistance in cases of indigency.

Mr. NORIEGA (Mexico) explained that his country interpreted "social assistance" in its normal technical sense, that was, as general social assistance.

Mr. DELIERNEUX (Secretariat) explained that the draft resolution referred only to social assistance to indigent aliens, and not to social welfare in general.

Mr. VANISTENDAELE (Belgium) thought that Mr. Doliernoux's explanations decidedly narrowed the scope of the draft resolution, but in an attempt to reach general agreement, he would suggest that the words "or model agreement" be inserted after the words "possibility of an international convention" in the second line of the final paragraph.

Mr. KOTSCHNIG (United States of America) supported the Belgian suggestion. In his opinion, the interpretation of "social assistance" as embracing only relief and welfare activities was too narrow. That was the minimum to be achieved, and he hoped there was no implication that aliens would be excluded from other benefits. They should enjoy equal privileges with citizens and he wished to place on record his Government's view that benefits should be extended with equal-handed justice to all.

Mr. DAVIDSON (Canada) took the Chair.

Mr. KAYSER (France) did not think the amendment suggested by the Belgian representative changed the sense of the draft resolution under discussion. The amendment took account of an existing situation, and made the text of the draft resolution more precise. Hence the French delegation would support it.

The CHAIRMAN put the draft resolution under Section II of Annex II, as amended by the representative of Belgium, to the vote.

The draft resolution, as amended, was adopted by 10 votes to none, with 4 abstentions.

Draft resolution under Section IV of Annex II of the Report

Draft preamble and principles of the declaration of the rights of the child

Mr. NORIEGA (Mexico) was not sure whether any useful purpose would be served by referring the question back to the Social Commission together with the Committee's comments on it. There was no lack of concern for the child's need of protection. But if the text were referred back, the best plan might be to state what sections the Social Committee felt should be formulated in such a way as to make them suitable as models for national legislation.

Mr. KOTSCHING (United States of America) agreed that it would be unsatisfactory to refer the draft back to the Social Commission, which might be presumed to have made every effort to draft a sound text. Reference to another body, such as the Commission on Human Rights, might be more valuable. The best course would therefore be to accept the Social Commission's request for consultation with the Commission on Human Rights.

He proposed the deletion from the last paragraph of the words "with a view to its approval by the General Assembly", which were premature. If his proposal were adopted the United States Government would accept the text, which might be referred back to the Social Commission after it had been studied by the Commission on Human Rights.

Mr. BALLARD (Australia) supported the United States representative's proposal.

Mr. KAYSER (France) also supported the United States proposal, but thought the deleted passage should be replaced by some other formula, to show that the Economic and Social Council was anxious to continue its work in the field in question and to achieve positive results.

/Moreover, by

Moreover, by approving the draft resolution as it stood, the Social Committee would also approve the expression "Declaration" (of the rights of the child). French representatives had already proposed that the word "Declaration" be replaced by the word "resolution". Although that proposal had not been accepted at the time, he would like to submit it again to the Social Committee, for he believed that a series of new declarations might well detract from the prestige of the Universal Declaration of Human Rights.

Mr. NORIEGA (Mexico) thought that the decision to be taken largely depended on the sense in which the word "Declaration" was used. Before sending the document to the Commission on Human Rights it was essential that that point should be clarified.

Mr. BERNSTEIN (Chile) agreed that to refer the document back to the Social Commission would be unsatisfactory. He was not opposed to sending it to the Commission on Human Rights, but thought that such a procedure could not be adopted without specifying how the text should be dealt with.

The CHAIRMAN pointed out that there were three suggestions before the meeting. First, there was the suggestion made by the representative of Mexico, that the text should be referred back to the Social Commission with an indication as to which parts of the draft declaration the Committee approved, and which it did not. Secondly, there was the United States proposal to delete the words "with a view to its approval by the General Assembly" and to send the document to the Commission on Human Rights. Finally, there was the suggestion of the representative of France that the phrasing of the first part should be altered to differentiate between a resolution such as he (Mr. Kayser) envisaged, and a declaration such as the Universal Declaration of Human Rights.

Mrs. SWAMINATHAN (India) said that her delegation would support the United States proposal, subject to the deletion of the words "at its thirteenth session".

Mr. NORIEGA (Mexico) said that what mattered was the final outcome. He had no strong preference in the matter of referring the text to the Social Commission or to the Commission on Human Rights, but considered that the ten principles enumerated should constitute the minimum basis for work on the rights of children.

Mr. CHA (China) supported the United States amendment, but not that proposed by the representative of India, since a time limit was essential.

He wished to draw attention to the wording "shall be" used in the text of principles. Those words were always used in legislative texts in English speaking countries, and had legal force, involving an obligation. In many countries, particularly under-developed countries, education was not free, many parents who wished to see their children develop "physically, mentally, morally, spiritually and socially in a healthy and normal manner" were too busy to ensure their doing so. In some countries, as in China, a child was not necessarily entitled to a name and nationality at birth, yet, by the terms of the text under consideration, parents might be penalized for failing to name their children. Principle 5 stated that the child should be given an education which would bestow upon him general culture. That too might not lie within the power of parents. The delegation of China therefore wished to see the words "shall be" replaced by another term which, though strong, would not be binding. "Should" might meet the case.

Mr. KAYSER (France) suggested that should the words "with a view to its approval by the General Assembly" be deleted, the following text should be inserted before the preamble:

"[The Economic and Social Council] ... Anxious to secure as rapidly as possible the adoption by the General Assembly of a resolution on the rights of the child."

He felt that the text had two advantages: it indicated the Economic and Social Council's determination to continue its activities in that direction, and in place of the word "Declaration", which was retained in the remainder of the draft, it used a broader term which the General Assembly might adopt if it thought fit.

/Mr. KOTSCHNIG

Mr. KOTSCHNIG (United States of America) was willing to support the proposal of the French representative if he would agree to a slight amendment recommending "early action" by the General Assembly on the rights of the child rather than the adoption of a "resolution". It would be a mistake to use different terms in different paragraphs, that was, to speak of a "resolution" in one paragraph and of a "declaration" in the other.

The CHAIRMAN suggested the following wording:

"The Economic and Social Council

"Desirous of achieving as soon as possible a document by the General Assembly on a resolution regarding the rights of children, and

"Noting the close relationship between the Draft Declaration of the Rights of the Child and the Universal Declaration of Human Rights;

"Requests the Commission on Human Rights to inform the Council at its thirteenth session of its observations on the Draft Declaration of the Rights of the Child".

Mr. KAYSER (France) did not think his text would lead to confusion. It did not refer to the title of a forthcoming document, but to a resolution which the General Assembly might wish to adopt. The United States representative's apprehensions were therefore groundless.

Mr. NORIEGA (Mexico) thought the text proposed by the representative of France insufficiently clear to meet the final aims of the document. He suggested instead the following text:

"Requests the Commission on Human Rights to consult with the specialized agencies and to communicate to the Economic and Social Council its comments on the possibility of using that document as a minimum moral and juridical basis for recommendation to Member States in the field of child protection."

/The CHAIRMAN

The CHAIRMAN understood from the Mexican representative's suggestion that he had withdrawn his former suggestion to refer the document back to the Social Commission.

There were two courses open to the Committee: it could either work in full Committee on minor amendments to the text, or set up a small drafting committee composed of the representatives who had made textual proposals to submit an agreed text to the following meeting. As no major points of principle were involved, the latter course might save time.

Mr. CHA (China) pointed out that as the Commission on Human Rights met only once a year, it might take two years to obtain replies from specialized agencies.

The CHAIRMAN said that as the specialized agencies were represented on the Commission of Human Rights, they could be consulted without delay.

Mr. KOTSCHNIG (United States of America) saw no need for reference to the specialized agencies. He was concerned to know whether the representative of Mexico really intended to suggest a juridical basis for the protection of the child. If so, the whole nature of the Declaration would be changed. In his view, the Declaration should be regarded merely as a statement of aim, not as an instrument with binding legal force. The time for a legal instrument had not come.

Mr. NORIEGA (Mexico) thought that, as the Commission on Human Rights was to be consulted, there was no need to lay great stress on the wording. Most countries had already accepted and included in their legislation the principles concerned.

If the Committee was to work effectively, there must be some hope of a constructive result. A statement of aims was not enough, and the Commission on Human Rights should consider the extent to which most countries would be able to accept the proposal. The power of the General Assembly was confined to recommendation. It was the function of the Social Committee to decide which of the ten principles should be recommended to Governments as a legal minimum.

/The CHAIRMAN

The CHAIRMAN said that, unless there were any objection, he would request the representatives of France, India, Mexico and the United States of America to meet at 10 o'clock the next morning as a small drafting committee for the purpose of preparing an acceptable text.

It was so agreed.

Draft resolution under Section V of Annex II to the Report: welfare of the aged

Mr. DELIERNEUX (Secretariat) drew the Committee's attention to the passage in the draft resolution requesting the Secretary-General, in consultation with the interested Governments and specialized agencies, to initiate an integrated work programme of research, studies and action for promoting the welfare of aged persons. He recalled that the Social Commission, in its report, had recommended the Secretary-General, in collaboration with the specialized agencies, to put in hand immediately studies on the welfare of the aged. To carry out that task, the Secretariat might require an expert, and an official from Lake Success might have to travel to Geneva for consultations with the specialized agencies. An expense item of 3,460 dollars (2,500 dollars for the services of the expert and 960 dollars for travel to Geneva) might thus be required. But the Social Commission had made it clear that the Secretariat should not incur that expense unless it was absolutely necessary.

Mr. BERNSTEIN (Chile) saw no necessity for such expenditure when the International Labour Organisation had, for years, been dealing with the rights of the aged.

Mr. KOTSCHNIG (United States of America) supported the draft resolution, which seemed to him of importance in a world where age distribution was rapidly changing, with the old age group becoming substantially larger. His sole misgivings concerned finance; there was no warrant for additional expenditure which could not be absorbed in the existing budget.

/Mr. DELIERNEUX

Mr. DELIERNEUX (Secretariat) said he would like to give the members of the Committee some explanations regarding the Secretariat's present budget. To carry out its extensive programme, the Department of Social Affairs in 1950 had a staff of only 74, about one third of them secretaries or typists. Its total budget for that year was 686,800 dollars. The Department was thus hardly in a position to add any new undertakings to its programme, bowing, however, to the views expressed by the United States representative he declared that the Secretariat would not ask for additional credits for that purpose and would try to carry out the assignment with the available means.

The CHAIRMAN reminded the meeting that Mr. Dolierneux had undertaken to explain the financial implications of separate resolutions as they arose. When the draft resolution under section VIII was reached, he would request from him a statement on the financial implications not already dealt with, that was, a statement of the amount left after the provisions made under the separate resolutions.

Mr. BROHI (Pakistan) suggested that the time factor was of importance in considering the welfare of the aged. For that reason he would propose immediate consideration of draft resolution V.

Mr. KOTSCHNIG (United States of America) stated his readiness to vote for draft resolution V without further discussion of its financial implications, since he was satisfied with Mr. Delierneux' assurance that the work would be carried out within the normal provisions of the budget.

Mr. FEARNLEY (United Kingdom) proposed that paragraph 2 be amended to read: "Initiate, as resources permit...."

After some discussion, in which Mr. DELIERNEUX (Secretariat) repeated his assurance that no additional credits would be asked for, Mr. FEARNLEY withdrew his amendment.

At the request of Mr. DELHAYE (Belgium), the CHAIRMAN stated that the assurance given by the representative of the Secretariat would be incorporated in the summary record of the meeting, though not in the form of a resolution.

The meeting rose at 6 p.m.