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**Chairman: Mr. Salvador P. LOPEZ (Philippines).**

AGENDA ITEM 35

**Draft International Covenants on Human Rights (E/2573, annexes I-III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/4789 and Corr.1, A/C.3/L.903) (continued)**

**ARTICLE 24 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B) (concluded)**

1. Mr. GARCIA SAEZ (Spain) said that his delegation had voted for the revised Indian amendment (A/C.3/L.945/Rev.1) because it emphasized that, in a community ruled by law, the law ought to ensure that order was respected.
2. His delegation had voted also for the two-Power amendment (A/C.3/L.946) because, far from expecting that it would have the consequences feared by other delegations, his delegation felt that it was a more careful and precise formulation of the concept of non-discrimination contained in article 24. All delegations must defend that concept, for discrimination was a humiliating distinction inspired by hate.
3. The history of Spain showed that it had always been proud to absorb into its national heritage the civilization, language and customs of different peoples, and they had helped to enrich it. The first movements against discrimination had appeared some centuries ago in Spain, where the ethical values of Christian civilization were placed above all biological or racial considerations.
4. He was therefore glad that agreement had been reached on article 24.
5. Mr. ZULOAGA (Venezuela) asked whether the articles of the Covenant would have titles or only numbers. If they were to have titles, "Equality before the law", the title of article 24 in the Annotations on the text of the draft International Covenants on Human Rights (A/2929), seemed inadequate.
6. The CHAIRMAN explained that in the final text of the Covenant the articles would have numbers only; the titles given in the Annotations had no official authority.

**ARTICLE 25 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B)**

7. The CHAIRMAN invited the Committee to consider article 25. He hoped that it would not give rise to a lengthy debate, for some parts of the discussion on article 24 applied to it as well. Furthermore, as was clear from the Annotations (A/2929, chap. VI, paras. 183-188), the text proposed by the Commission on Human Rights was a compromise reached after a detailed study of the article, which raised many difficulties.
8. Mr. ALBUQUERQUE MELLO (Brazil) pointed out that, of all the principles enunciated in the Universal Declaration of Human Rights (General Assembly resolution 217 (III))—which was said to have been adopted unanimously only because of the very vagueness of some of those principles—the concept of minority had certainly been the most discussed.
9. The legal concept of the protection of minorities, which had sprung from treaties signed in the sixteenth and seventeenth centuries to protect the religious freedoms of certain groups and which had been extended to national groups after the French Revolution and the Congress of Vienna, had acquired its full force after the First World War. It now went far beyond the mere coexistence of peoples of different nationality within the same State, and had come to embrace three main ideas: first, protection not only of a religion but of a race, a nationality and a language; second, international protection not only of the individual but also of the group as a collective person; and third, a guarantee of the relevant international agreements by an international organization—originally the League of Nations.
10. The evolution of that concept was well reflected in article 25, which struck a delicate balance between protection of individual members of minorities, and collective protection of minorities.
11. However, it was necessary to define the word "minority" very carefully, and Brazil's attitude to that question had been stated as early as 1925 in the Council of the League of Nations. The mere coexistence of different groups in a territory under the jurisdiction of a single State did not make them minorities in the legal sense. A minority resulted from conflicts of some length between nations, or from the transfer of a territory from the jurisdiction of one State to that of another.
12. For a minority to exist, a group of people must have been transferred "en bloc", without a chance to express their will freely, to a State with a population most of whom differed from them in race, language or religion. Thus, groups which had been gradually and deliberately formed by im-

migrants within a country could not be considered minorities, or claim the international protection accorded to minorities. That was why Brazil and the other American States, which gave immigrants the same legal status as aliens and the same fundamental rights as their own nationals, did not recognize the existence of minorities on the American continent.

13. Although the Commission on Human Rights had thought it unnecessary to mention groups formed by immigrants specifically in article 25 (A/2929, chap. VI, para. 186), the Brazilian delegation wished to define its attitude towards them. That was necessary, for the concept of minority adopted by the Commission was still rather vague, and it was impossible to forget the difficulties caused in Latin America during the Second World War by certain immigrant groups which had claimed the status of minorities.

14. Subject to those explanations, the Brazilian delegation was willing to vote for article 25 as it stood.

15. Lady TWEEDSMUIR (United Kingdom) said that minorities were an important and delicate problem; their rights were not respected everywhere even now.

16. However, it was possible to draft a text which would be easy to translate into legislation. She thought the Commission's article 25 was simple, direct and effective and should not give rise to a lengthy debate; the United Kingdom delegation was ready to vote for it.

17. Mr. BEAUFORT (Netherlands) said that his delegation, though it found both the substance and the wording of article 25 acceptable, had considered proposing an amendment with the object of inserting the limitations proposed in article 18, paragraph 3, of the draft Covenant. However, it had refrained from doing so because it felt that article 25 could not be held to exempt the rights of minorities from the limitations laid down by law to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. On that understanding it would vote for article 25.

18. Mr. DIAZ CASANUEVA (Chile) concurred in the views expressed by the Brazilian representative, which he felt to reflect the position of most of the American States.

19. He agreed that the problem of minorities which arose in some European and Asian countries did not arise in the American States, particularly those of Latin America. They would not like the adoption of article 25 to encourage the formation of minorities, which was already bound to be promoted by the nationalist movements appearing everywhere in the world.

20. The concept of minority, which was closely linked to the principles of non-discrimination, was difficult to define, for some groups demanded autonomy while others wished only to retain their own characteristics without being subjected to discrimination by the State in which they lived. That was the meaning given in article 25 to the protection of minorities.

21. The Latin American countries understood the problems raised by minorities in some European and Asian countries, and hoped that the latter also appreciated the difficulties faced by Latin America

because of its immense area and its geographical and ethnic diversity. In order to create modern States and give all their inhabitants the benefits of economic and social progress, the Latin American countries had to strive first and foremost to achieve national unity. There had been a great improvement in the attitude of the younger generations to the indigenous peoples, and an effort was now being made to integrate those peoples into the life of the nation and give them a share in its progress while allowing them to retain their own characteristics. However, the formation of minority groups in Latin America would seriously impede the efforts of the States to strengthen their national unity.

22. Furthermore, it should not be forgotten that in some of those States there were aliens of European origin who should not be encouraged to claim the status of minorities, as the German colony in the south of Chile had attempted to do before the Second World War, under the influence of nazi propaganda.

23. The Chilean delegation would therefore vote for article 25 if the Committee favoured it, but declared that there were no minorities in Chile and that their formation was not desirable, as it would prevent the strengthening of national unity.

24. Mr. TSAO (China) said that he could support the present text of article 25, which was both clear and well-balanced. However, he wished it to be understood that the limitations laid down in article 18, paragraph 3 also applied to minorities.

25. Miss WARREN (Australia) associated herself with those representatives who had spoken in favour of article 25. Australia had the same position toward the minorities problem as countries such as Brazil and Chile. As one of the world's newer countries, Australia was concerned to promote national unity and a sense of national identity. It was therefore doing its best to encourage new immigrants not to set up separatist minority groups, but to merge completely with the Australian community and enrich it with their ideas, cultures, and traditions. There were no barriers in Australia against newcomers worshipping according to their own creed, or using their native languages.

26. Besides the immigrant population, Australia had a small group of aborigines whose way of life was still very primitive but who could not be considered a "minority" within the meaning given to that term by the Commission on Human Rights. The policy of the Australian Government was to encourage their progressive assimilation into the normal life of the nation, but without compulsion, and only as and when they themselves desired to associate themselves with the way of life common to the majority of Australians.

27. Mr. ZULOAGA (Venezuela) expressed surprise that no reference had yet been made to a problem of particular interest to the African continent: that of providing protection against minorities. In certain African countries that had not yet become independent an exceedingly unfair parity system was practised under which a small white minority and a huge non-white majority were granted equal representation in the legislatures.

28. Article 25 did not raise any difficulty for the delegation of Venezuela, because the minority problem did not arise there. Nevertheless, as the Com-

mission on Human Rights had emphasized, the provisions relating to the rights of minorities should not be so applied as to encourage the emergence of new minority groups, or to thwart the process of assimilation and so threaten the unity of the State.

29. Mr. CHAU SENG (Cambodia) said that the adoption of the principle laid down in article 25 was highly important because of the existence throughout the world, especially in the so-called civilized countries, of minority groups which were being spurned and denied the most elementary human rights.

30. He was thinking chiefly of ethnic or national groups forcibly assimilated by multiracial States, where they had the same nationality as the other inhabitants and where in theory, they were even citizens, although in fact they were considered and treated as second-class citizens.

31. A second category of minorities comprised groups living in a foreign State into which they had been neither assimilated nor integrated. They were consequently deprived of all their rights and exposed to arbitrary and extortionate treatment by the authorities.

32. Desiring to ensure that these two minority categories were effectively protected, his delegation would vote in favour of article 25. It considered, moreover, without going so far as to claim for them all the rights enjoyed by the citizens of the countries in which they lived, they should be given more rights than those conferred by article 25. He would willingly support any amendment moved for that purpose.

33. Mr. GARCIA SAEZ (Spain) explained that there was no minority problem in his country, where the British, German, Jewish or other colonies were numerically insignificant and were left entirely free to conduct their own affairs.

34. Article 25 was of particular importance for Spain, many of whose inhabitants emigrated to other parts of Europe or of the world, bringing their own particular qualities and their merits as hard-working citizens. It went without saying that the national interests of the receiving countries should not be endangered by the establishment of minority groups, but the assimilation and integration of these should be encouraged.

35. His delegation would vote in favour of article 25, which it interpreted in the same manner as the Chilean delegation.

36. Mr. KASLIWAL (India) also thought that the provisions of article 25 should not be interpreted in such a way as to encourage the emergence of new minorities. In any event, the rights conferred by that article should not be exercised in a manner detrimental to the integrity, unity or national solidarity of countries harbouring minorities. Evidently everything possible should be done to encourage the minorities to merge with the population of the country.

37. In addition to the political rights that members of minority groups enjoyed as citizens, the Indian Constitution also guaranteed to them the special rights set forth in article 25, and his delegation could accept that text. It wondered, however, whether the words "in those States in which ethnic, religious

or linguistic minorities exist" should be retained. In that form article 25 might encourage dictatorial States to refuse to recognize the rights of minorities living in their territory, simply by denying their existence.

38. He also wondered whether the Committee would not prefer to replace the word "persons" by "citizens", which seemed more in keeping with the intentions of the Commission on Human Rights.

39. Unlike the representative of Brazil, he did not think that the provisions of article 25 could be held to protect the rights of minorities considered as groups. The article applied only to "persons belonging to" minorities—in other words, to members of minority groups who wished to enjoy the benefit of those rights. But cases might well arise in which members of a minority wished to waive those rights, in order, for example, to fit better into the life of the country.

40. He doubted whether the restrictive clauses in article 18 should be inserted in article 25. For one thing, he felt that the limitations on exercise of the right to freedom of thought, conscience and religion would apply automatically to the corresponding provisions of article 25. For another thing, he did not think it necessary to repeat in one article of the draft Covenants provisions, however pertinent, which were already contained in another.

41. His delegation would support the present text of article 25 if other delegations found it satisfactory, and would also accept any amendment that the Committee might see fit to make.

42. Mr. DOMINGUEZ (Panama) said that he would vote for the article before the Committee, which he regarded as a supplementary statement of the respect due to the human personality. The problem dealt with in that article did not, strictly speaking, concern Panama, which was a melting-pot of numerous races which the Government was endeavouring to integrate as far as possible into the national life. Obviously the provisions of article 25 should not be invoked to justify breaches of the national integrity of any country.

43. Mr. ALCIVAR (Ecuador) considered that the Chilean representative had called attention to a problem which should not be overlooked in adopting article 25. On the American continent in general and in the Spanish-American countries in particular there were no minority problems but rather a problem of integrating the numerous ethnic and national groups composing each State. Where half the population of a country consisted of Indians whom the Government was working hard to assimilate into the active life of the nation, it was hardly a native minority. Ecuador could rightly and objectively claim that there were no minorities on its territory.

44. Since, however, minority groups existed in other regions, his delegation could accept article 25, subject to the express condition that it could in no way thwart the process of their assimilation. The Nazi theories about minorities, which had done so much harm in Chile, caused great anxiety in all the Latin American countries. Immigrants must become integrated in the receiving countries, as they had done so successfully in, for instance, Argentina and Uruguay.

45. He did not think the Committee should replace the word "persons" in the present text of article 25 by the word "citizens". Each individual was naturally and even legally a person before he was a citizen. In Ecuador, for example, a citizen must be eighteen years old and able to read and write. Citizenship was essentially a political status.

46. Mrs. TILLET (United States of America) said she would vote for article 25 as drafted by the Commission on Human Rights because it satisfactorily solved a very thorny problem. The Annotations on the text of the draft international Covenants on Human Rights showed that the problem of minorities' rights could be approached in various ways; but the Commission's draft was well thought out and the United States delegation would support it, though prepared to study carefully any amendments.

47. Mrs. CISELET (Belgium) said that she too was willing to vote for the text under discussion, on the understanding that the limitations in article 18, paragraph 3 applied to all acts by which persons belonging to minorities might manifest their opinions or religious beliefs.

48. Mr. CHAKCHOUK (Tunisia) agreed with the views of the representative of Venezuela on certain minorities which, because they were in a dominant position, did not need the guarantees provided for in article 25. The African countries had suffered greatly from the system of parity, which gave equal representation to foreign minorities and indigenous majorities, and were glad that it had now disappeared. He had no difficulty in supporting the Commission's article 25 and hoped that the Committee would soon be able to vote.

49. Mr. THOMAS (Liberia) said that article 25 set forth clearly and satisfactorily certain principles fully respected in Liberia, where the protection of minorities was no longer a problem. At one time there had been a demarcation line between the indigenous population and the descendants of immigrants; but because of a unification programme carried out by the present Government that line had now disappeared.

50. The Liberian delegation would vote for the text under discussion, but wondered whether article 25 should not include a provision to encourage integration of minority groups in the national community, since their existence was likely to cause friction.

51. Daw MYA SEIN (Burma) said that she could easily vote for the text under discussion, because the Constitution of Burma guaranteed to ethnic and religious minorities the rights set forth in article 25. Since in her country Buddhism—which was practised by 86 per cent of the population—had been proclaimed a State religion, the Constitution had been amended to guarantee to members of other sects the right to follow and to practise their religions.

52. Mr. LIMA (Cameroun) said he was in full agreement with article 25, which was excellently drafted. The minorities problem was a social one and a source of dissension, since a religious, linguistic or racial minority was sometimes connected with a majority community in a foreign country. If that minority was badly treated by the Government under which it lived, conflicts might

arise between the two countries. He mentioned the example of the Indians in South Africa, whose status caused concern to India. The right way to solve the problem wherever it arose was to recognize the rights of minorities, but the integration of the groups would help to solve many economic and social problems and to accelerate general national progress, at less cost.

53. Mrs. MARTIN (Guinea) said she was in favour of article 25. The problem of minorities did not arise in her country, where there was only a colony of Syrians and Lebanese, who had the same rights and obligations as Guineans. Unfortunately that could not be said of all African countries; some of them were controlled by minorities which imposed their language and religion on the majority of the population. She was firmly opposed to such minorities, and would speak again on the matter if necessary.

54. Mr. KARAPANDZA (Yugoslavia) said that, in order to strengthen the rights of minorities, his delegation proposed that the following words should be added at the end of article 25: "without being on that account deprived of the rights enjoyed by other citizens of the same State". The addition of those words would ensure the protection of minorities against discriminatory measures, and would, for instance, enable their members not only to use their own languages but also to learn the language of the majority community if they wished to do so. It might be said that that idea was already expressed in article 2 of the draft Covenant, but it would be useful to repeat it in article 25. He hoped his colleagues would give their views on his suggestion. If the Committee's reaction were unfavourable, he would not press the matter.

55. Mr. ZULOAGA (Venezuela) said he could not give a final opinion on the Yugoslav proposal, but pointed out that the meaning of the words "other citizens" was not clear.

56. Mr. KARAPANDZA (Yugoslavia) said that the addition to article 25 which he had proposed was intended to ensure that members of minorities should enjoy the same rights as all citizens of the particular State. If his form of words did not satisfy delegations, he would try to suggest another.

57. Mr. BAROODY (Saudi Arabia) agreed with the representative of Venezuela that the Yugoslav proposal was not drafted very clearly. It also raised a problem of substance, and might lead the Committee into debate on political and economic problems which the Commission on Human Rights had tried to avoid. He did not wish to question the Yugoslav representative's intentions, but thought that the Committee should set aside all political, social and economic considerations while discussing article 25. He asked the representative of Yugoslavia to refer to the Annotations, and hoped that a formal amendment would not be submitted to the Committee. Article 25 was generally considered to be one of the most satisfactory in the draft Covenant, and should not be amended in any way likely to destroy its balance or make it obscure.

58. Mr. CHAU SENG (Cambodia) said that the Committee should not adopt so important an article as article 25 too quickly. He understood that the representative of Yugoslavia wished to test the Committee's opinion before submitting an amendment. He found the Yugoslav suggestion interesting. It

was important to ensure that minorities should enjoy not only the rights mentioned in article 25, but all the other fundamental rights set forth in the Universal Declaration of Human Rights.

59. Mr. KARAPANDZA (Yugoslavia) observed that most delegations had declared that they were in

favour of article 25, but were quite ready to consider amendments to it. The Yugoslav delegation would like to have a few hours to find out whether the Committee favoured its suggestion.

The meeting rose at 12.55 p.m.