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President: Mr. Mohammad MIR KHAN (Pakistan).

Present:

The representatives of the following countries: Argentina, Brazil, Canada, China, Dominican Republic, Egypt, Finland, France, Greece, Indonesia, Mexico, Netherlands, Pakistan, Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Observers from the following countries: Albania, Bulgaria, Chile, Czechoslovakia, Hungary, India, Japan, Philippines, Saudi Arabia, Venezuela.

The representatives of the following specialized agencies: International Labour Organisation, Food and Agriculture Organization of the United Nations, International Civil Aviation Organization.

AGENDA ITEM 10

Recommendation addressed to the Council by the United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery (E/2934, E/2963)

1. Miss BERNARDINO (Dominican Republic) referred to General Assembly resolution 843 (IX), which stated that in certain areas of the world women were subject to customs, ancient laws and practices relating to marriage which were inconsistent with the principles of the United Nations Charter. In that resolution the General Assembly urged the abolition of bride-price, child marriages and other customs derogatory to women's dignity.

2. The Commission on the Status of Women, which had already dealt with those questions in its agenda item "Status of women in private law", had welcomed the recommendation of the Conference of Plenipotentiaries, (E/2934, para. 1), in which the Council was asked to undertake a study of the question of marriage with the object of drawing attention to the desirability of free consent of both parties to a marriage and of the establishment of a minimum age for marriage.

3. In her opinion, that task should be entrusted to the Commission on the Status of Women. She accordingly proposed that the Council, using the terms of paragraph 1 of the resolution adopted by the Commission on the Status of Women at its eleventh session,¹ should in its turn adopt the following draft resolution:

"The Economic and Social Council

"1. Approves the recommendation of the United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery;

"2. Decides that the study referred to in that recommendation should be undertaken by the Commission on the Status of Women."

4. Mr. CHENG (China) said that the sole object of the recommendation addressed to the Council by the Conference of Plenipotentiaries was to draw attention to the desirability of free consent of both parties to a marriage and of the establishment of a minimum age for marriage, preferably of not less than fourteen years. If that was to be the sole object of the study, the Chinese delegation was in favour of accepting the recommendation of the Conference.

5. Under the Chinese Civil Code, both parties must freely accept an agreement to marry but they could not make such an agreement unless the man had completed his seventeenth year of age and the woman her fifteenth. Before the marriage could be concluded, the man must have completed his eighteenth year of age and the woman her sixteenth. Both in law and practice, therefore, marriage in China was in conformity with the recommendations of the Conference of Plenipotentiaries.

6. Various organs might be entrusted with making the proposed study: it might be referred to the Commission on the Status of Women, which had in fact already adopted a resolution to that effect; to the Commission on Human Rights, since marriage concerned both men and women; to the Social Commission, since marriage was primarily a social question, or to the Council itself, which might formulate a recommendation to Governments on the desirability of the free consent of both parties to a marriage and on the determination of a minimum age of marriage.

7. The Chinese delegation had no preference and was prepared to vote in favour of the draft resolution submitted by the Dominican Republic. It felt, however, that whatever organ was finally selected should limit itself to a well-defined object, as the Slavery Conference had recommended, and should not attempt to deal with the many other matters, such as bride-price, transference and inheritance of wives, and so forth, which were already covered by the 1956 Supplementary Convention.²

¹ Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 3, para. 195.

² United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery, held

8. Mr. DRAGO (Argentina) said that his country, which had taken part in the Conference of Plenipotentiaries at Geneva in 1956, accepted the recommendation of that Conference (E/2934, para. 1). A study of the free consent of both parties to the marriage and of the minimum age for marriage would be very valuable. The Argentine delegation wished to express its warm appreciation of the contribution already made by the Commission on the Status of Women in that field during its earlier sessions and it would support the proposal submitted by the Dominican representative. He emphasized, however, that the study should take account of the legislation, ways and customs of the various countries.

9. Mr. SAMY (Egypt) said that in his country the minimum age for marriage was fixed by law at eighteen years for men and sixteen for girls; any violation of that law was punishable by imprisonment.

10. There had been a suggestion that the Commission on Human Rights should undertake the proposed study but he thought that it should be entrusted to the Commission on the Status of Women, which had already done some valuable work in that field and was the competent organ with regard to the rights of women. The Commission could transmit its conclusions to the Council in its report.

11. Mr. EFFENDI NUR (Indonesia) stated that his delegation had always endorsed the principles of human rights and supported any action designed to ensure respect for them. His Government's position regarding slavery and related questions had already been defined during the twenty-first session of the Council. There was no slavery or servitude in Indonesia, whose Constitution prohibited it.

12. The study recommended by the Conference of Plenipotentiaries was not only useful but necessary, for caution must be exercised; indeed, to amend the legislation on marriage was to amend the very basis of the family, which was in turn the basis of society.

13. The Indonesian delegation was of the opinion that the Commission on the Status of Women was fully qualified to carry out the study and it would support the Dominican proposal.

14. Mr. SCOTT FOX (United Kingdom) thought that it would be easier to bring about a real change in social behaviour by educating public opinion rather than by adopting laws or conventions. He therefore supported the idea of an objective study which would, he hoped, help to enlighten the people concerned. Significant progress had been made in that connexion in the Territories under United Kingdom control.

15. It would be best to entrust the study to the Commission on the Status of Women, which had already considered a large number of related questions such as polygamy and bride-price. His delegation would therefore support the draft resolution submitted by the Dominican Republic, on the understanding that the Secretary-General would present a progress report on the question to the Commission on the Status of Women at its twelfth session.

16. Mr. BOUCHER (Canada) stated that his country, which had supported the recommendation of the Conference of Plenipotentiaries, would also support the draft resolution submitted by the Dominican Republic.

at Geneva, Switzerland, from 13 August to 4 September 1956, *Final Act and Supplementary Convention* (United Nations publication, Sales No.: 1957.XIV.2).

17. He wished to point out, however, that the subject could have been dealt with by another organ of broader competence. It would be unfortunate if the Commission on the Status of Women were to undertake work which did not fall exclusively within its competence. The Commission should make an objective study of the question of free consent to marriage and the minimum age for marriage and should simply report to the Council, which would then make the necessary recommendations to the different Governments.

18. Mrs. LEIVO-LARSSON (Finland) stated that slavery had never existed in her country and that marriage had always been based upon the consent of both parties, husband and wife having identical responsibilities. Legal majority was reached at twenty-one years of age and the minimum age for marriage was seventeen years for girls and eighteen for men. In certain cases, the President of Finland could authorize the marriage of persons who had not yet reached the legal minimum age. The consent of the parents was necessary for minors.

19. In regard to the proposed study, it should be borne in mind that the age at which individuals attained maturity varied according to place and ethnic origin. In any case, marriage and the family were institutions which should be highly respected, since they were the true basis of society.

20. The Finnish delegation was prepared to accept the proposal contained in the resolution adopted by the Commission on the Status of Women.

21. Mr. ARKADEV (Union of Soviet Socialist Republics) pointed out that the Soviet delegation had voted in favour of the recommendation addressed to the Council by the Conference of Plenipotentiaries (E/2934, para. 1). A study of the question of marriage would undoubtedly contribute to the elimination of undesirable practices.

22. No such practices existed in the USSR, where article 122 of the Constitution, as well as the social structure of the country, ensured women the true enjoyment of equal rights. The legal minimum age for marriage was eighteen years, with a possibility of dispensation in certain cases. The same democratic principles obtained in the People's Republic of China, where the legal minimum age for marriage was twenty years for men and eighteen for women. The USSR was naturally in favour of anything which could help to eliminate the vestiges of slavery and colonialism in other regions of the world. On 12 April 1957, it had been the first country to ratify the Supplementary Convention of 7 September 1956. The Soviet delegation was therefore prepared to support any draft resolution endorsing the recommendation the Conference of Plenipotentiaries had addressed to the Council and entrusting the proposed study to the Commission on the Status of Women.

23. Mr. TOUSSAINT (France) found it quite natural that the Conference of Plenipotentiaries should concern itself with marriage practices which were the aftermath of slavery. Articles 1 and 2 of the Supplementary Convention represented a compromise, since some delegations had not felt they could go any further at that time. France had signed the Convention and supported the recommendation before the Council. The French delegation was therefore ready to vote in favour of the draft resolution submitted by the Dominican Republic, due account being taken of the United Kingdom representative's proviso about a report by the

Secretary-General. He felt, moreover, that the part of the study dealing with forms and formalities could be entrusted to the International Institute for the Unification of Private Law.

24. Mr. BOZOVIC (Yugoslavia) stated that his country had taken an active part in drafting the Supplementary Convention of 1956. The question of free consent of the parties and of the minimum age for marriage could not be settled until it had been the object of a thorough study. His delegation was prepared to support the draft resolution submitted by the Dominican Republic, which would entrust the study to the Commission on the Status of Women. In fact, he did not think that the Council could venture to adopt any other solution.

25. Mr. KOTSCHNIG (United States of America) noted that the Council seemed disposed to request the Commission on the Status of Women to make the proposed study. His delegation was ready to vote in favour of the substance of the draft resolution submitted by the Dominican Republic. It would be better, however, if the text could be amended in such a way as to avoid any legal difficulties and discussions regarding the "appropriateness" of the subject for United Nations action and to define clearly the scope of the study. He therefore proposed that the preamble should begin with the words:

"Having noted that the recommendation of the United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave-Trade, and Institutions and Practices Similar to Slavery that the Economic and Social Council consider the appropriateness. . ."
and continue with the text of the operative part of the resolution adopted by the Conference (E/2934, para. 1), as follows:

"of initiating a study of the question of marriage with the object of drawing attention to the desirability of free consent of both parties to a marriage and of the establishment of a minimum age for marriage, preferably of not less than fourteen years".
The operative part of the Council resolution would read:

"Decides that the study should be undertaken by the Commission on the Status of Women."

26. Miss BERNARDINO (Dominican Republic) accepted the United States amendment.

27. Mr. BOUCHER (Canada) feared that the United States amendment might have the disadvantage of prejudging the conclusions of the study. It seemed to him that it would be better to delete the words "marriage with the object of drawing attention to the desirability of" and the words "preferably of not less than fourteen years".

28. Mr. KOTSCHNIG (United States of America) was prepared to accept the Canadian amendment.

29. Miss BERNARDINO (Dominican Republic) accepted the Canadian amendment but thought that in any case it would be understood that the minimum age would not be less than fourteen years.

30. Mr. BOZOVIC (Yugoslavia) pointed out that the original text that the Conference of Plenipotentiaries had studied had been more ambitious. He thought that the purpose of the study should be clearly stated. He agreed with the representative of the Dominican Republic that it should be understood that the minimum age would not be less than fourteen years.

31. Mr. ARKADEV (Union of Soviet Socialist Republics) considered that the Conference of Plenipotentiaries had, by its recommendation, already indicated the scope of the proposed study. The Council should now define the exact purpose of that study, so as to avoid any misdirection of effort. He therefore thought it would be better to adhere to the formula used in the recommendation made by the Conference (E/2934, para. 1).

32. Mr. BOUCHER (Canada) said that he had had no intention of weakening the recommendation of the Conference and in order to avoid any misunderstanding he would withdraw his proposal.

33. Mr. FARUQUI (Pakistan) said that he preferred the proposal of the Dominican Republic as amended by the United States representative.

34. Mr. TOUSSAINT (France) thought that it should be categorically stated that the Council was in favour of the study being undertaken.

35. Mr. SCOTT FOX (United Kingdom) proposed that the operative part of the resolution should be worded as follows:

"Decides that a study of these questions should be undertaken by the Commission on the Status of Women."

36. Miss BERNARDINO (Dominican Republic) accepted the United Kingdom amendment.

37. The PRESIDENT proposed that the Council adopt the draft resolution of the Dominican Republic as amended by the United Kingdom.

It was so decided.

AGENDA ITEM 15

Non-governmental organizations (E/2955, E/L.748) (*continued*)*

REPORT OF THE COUNCIL COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS ON APPLICATIONS AND RE-APPLICATIONS FOR CONSULTATIVE STATUS (E/2955)

38. Mr. PENTEADO (Chairman of the Council Committee on Non-Governmental Organizations) said that since the drafting of its report (E/2955) the Council Committee on Non-Governmental Organizations had received further information concerning the Comité d'études économiques de l'industrie du gaz and had decided to recommend that that organization be placed on the Register.

39. Mr. ARKADEV (Union of Soviet Socialist Republics) wished to comment on the decision of the Council Committee on Non-Governmental Organizations not to grant category B consultative status to the World Federation of Democratic Youth, the International Association of Democratic Lawyers and the International Organization of Journalists.

40. He objected in the first place to the irregular procedure followed by the Committee in examining the applications, and in particular to the fact that the NGO Committee had held closed discussions, taking its decisions in an atmosphere of secrecy without even hearing the representatives of the organizations concerned. Secondly, he protested against the decisions themselves, pointing out that nothing could be found in either the purposes and principles declared by those

* Resumed from 958th meeting.

organizations or in their activities, that was incompatible with the Purposes and Principles of the United Nations as set forth in the Charter.

41. The World Federation of Democratic Youth had been founded in London in 1945 by delegates from sixty-three countries representing over 30 million young men and women. Among its aims were to strengthen collaboration and understanding between the youth of all countries, to help Governments to maintain peace and security, to raise living standards for the young, and to increase the participation of the young in economic activities. In the preamble to its charter, the Federation declared its intention of contributing to the work of the United Nations. Since coming into existence, the Federation had accomplished a great deal of work, in complete conformity with the Purposes and Principles of the United Nations set forth in its Charter. Besides holding two world congresses, at Budapest in 1949 and at Bucharest in 1953, it organized conferences, meetings and festivals, both regional and international, in which the youth of the whole world participated. The first festival, held at Prague, had had an attendance of 17,000 young men and women, from seventy-two countries. The fifth, held at Warsaw, had drawn 30,000 from 114 countries, and preparations were being made for the sixth festival, to be held at Moscow in July 1957. In 1956 the membership of the Federation had numbered about 37 million young men and women from more than ninety countries. The Federation, which had enjoyed category B consultative status from 1947 to 1950, had been deprived of it for no reason in 1950, chiefly at the insistence of the United States of America. Throughout the time when it had had consultative status in Category B, the Federation had shown the greatest interest in, and contributed to, the work of the Council. The facts which he had mentioned showed that the decision of the Council Committee on Non-Governmental Organizations to reject the application of the World Federation of Democratic Youth was unjust and completely unfounded. As the discussion of the question in the Committee had shown that recommendation was based on political considerations, having nothing to do with the factual considerations that should guide the Council and its organs in the decision of such questions. The experience of the widely representative Federation could be of great assistance to the Council and its organs when they considered the various questions on their agenda.

42. The International Organization of Journalists, founded in London in 1941 to unite the journalists of the Allied and free countries in the struggle against fascism, had as its principal objective the conversion of the Press into an effective instrument for social progress, the maintenance of peace, the strengthening of friendship and international understanding, and the combating of war-mongering propaganda and war psychosis. Its membership comprised some 60,000 journalists from various countries, and it organized international meetings of journalists, the most recent of which had been held at Helsinki, and had been attended by over 300 journalists of different political complexions. If granted consultative status, that organization could be of great assistance to the Council in studying such questions as freedom of information. By rejecting the application of such a potentially influential organization, the Council would be in conflict with the principles set forth in the United Nations Charter.

43. The International Association of Democratic Lawyers, founded in Paris in October 1946 on the initiative

of a group of French lawyers who had taken part in the resistance movement, had adopted the motto "Law in the service of peace". At the present time it comprised more than forty national sections of democratic jurists, including sections in the United States of America, the United Kingdom, France, and the USSR. Its members included lawyers of all classes and political opinions. Up to the present time it had organized six congresses, the International Lawyers Conference for the Defence of Democratic Rights and Freedoms held at Vienna in 1954 and the conference of lawyers from Asian countries which had met at Calcutta in 1956. It was fundamentally democratic in its activity, as was shown by the decisions taken at the Vienna Conference, which had been attended by 130 delegates from thirty-one countries. At that Conference an appeal had been made to lawyers of all countries to join in the struggle for peace and the defence of civic, constitutional and trade-union rights. The experience of an organization of that kind would be very useful to the Council in examining numerous juridical questions.

44. It was clear that in refusing consultative status to those three organizations, the Council Committee on Non-Governmental Organizations had been prompted solely by political considerations rather than guided by the facts. The Economic and Social Council had granted consultative status to unimportant organizations, whose activities bore scarcely any relation to the questions discussed by the Council. As a principal organ of the United Nations, it could not therefore accept ill-founded decisions of the NGO Committee and reject the legitimate applications of genuinely democratic and international organizations. It was time to adopt a correct policy and to put an end to an abnormal situation which was threatening the prestige of the United Nations. For that reason the Soviet delegation was proposing amendments (E/L.748) to draft resolution A submitted by the Council Committee on Non-Governmental Organizations (E/2955, para. 2). It hoped those amendments would receive the support of the majority of the Council.

45. Mr. SCOTT FOX (United Kingdom) said that it was not the first time that the Council had received applications from the three organizations in question. It was true that in the light of the facts and figures cited by the representative of the USSR, one might be tempted to wonder why the Council had consistently refused to grant those organizations category B consultative status. But the Soviet representative had omitted a number of other facts which, in the opinion of the United Kingdom delegation, were of paramount importance and which no doubt explained the attitude taken by the Council.

46. The three organizations mentioned were far from being as representative as had been claimed and carried on activities far less unpolitical than their names and objectives would suggest. Furthermore, their political action had often conflicted with the principles of the United Nations Charter.

47. When the three organizations had been set up after the Second World War, they had had a widely international character. Towards 1949, however, their true nature had begun to become apparent and many national groups had broken away to form new organizations, which had obtained consultative status from the Economic and Social Council. The organizations in question were now recruiting their members only from a comparatively small area. Moreover, they did not have

a good record of support for the aims and purposes of the United Nations. That indeed was the reason for the Economic and Social Council's withdrawal of consultative status from them in 1950 (Council resolution 334 A (X)).

48. In connexion with the World Federation of Democratic Youth, it should also be mentioned that during the events of the previous autumn in Hungary, Warsaw Radio had expressed strong disappointment that the Federation, which had its headquarters at Budapest, had remained wholly inactive. The Federation had, in fact, made no attempt to support the efforts of the United Nations throughout those events.

49. With regard to the International Organization of Journalists, it was now duplicated by the International

Federation of Journalists, which had been formed by dissenting groups from the Organization and possessed consultative status. He recalled that the Federation had declined to co-operate with the Organization when requested to do so two years previously, on the grounds that the Organization had done nothing useful and was indulging in virulent propaganda. It was clear that in those circumstances the Council could not accede to the Organization's request.

50. For those reasons, the United Kingdom delegation would support draft resolution A submitted by the Council Committee on Non-Governmental Organizations (E/2955).

The meeting rose at 12.50 p.m.