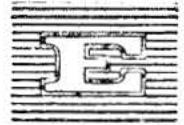


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COMMISSION ON HUMAN RIGHTS

Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SEVENTY-SEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 15 April 1954, at 10.50 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. AZMI	(Egypt)
<u>Rapporteur:</u>	Mr. INGLES	Philippines
<u>Members:</u>	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. ORTEGA	Chile
	Mr. CHENG PAONAN)	China
	Mr. H U CHUN)	
	Mr. GHORBAL	Egypt
	Mr. CASSIN)	France
	Mr. JUVIGNY)	
	Mr. CARAYANNIS	Greece
	Mr. BANERJEE)	India
	Mr. DAYAL)	
	Mr. PIRACHA)	Pakistan
	Mr. WAHEED)	
	Mr. BIRECKI	Poland
	Mr. ASIROGLU	Turkey
	Mr. SAPOZHNIKOV	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. LORD	United States of America
	Mr. RODRIGUEZ FABREGAT	Uruguay
<u>Representatives of specialized agencies:</u>		
	Mr. MANNING	International Labour Organisation
	Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

PRESENT: (continued)

Representatives of non-governmental organizations:

<u>Category A:</u>	Mr. DASSEAU	World Federation of Trade Unions
<u>Category B:</u>	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. BEER	International League for the Rights of Man
	Mr. RONALDS	World Union for Progressive Judaism
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
<u>Secretariat:</u>	Mr. HUMPHREY	Director of the Division of Human Rights
	Mrs. BRUCE)	Secretaries of the Commission
	Mr. DAS)	

PLACE OF THE NEXT SESSION OF THE COMMISSION ON HUMAN RIGHTS (E/CN.4/L.385)

The CHAIRMAN observed that the Commission had before it a draft resolution (E/CN.4/L.385) submitted by France, recommending the Economic and Social Council to decide that the Commission on Human Rights should meet at Geneva in 1955.

Mr. CASSIN (France) said that the French delegation was anxious to comply with the terms of the Charter and the General Assembly's instructions with regard to the Commission's place of meeting, but he hoped that the Commission would ask to be authorized to meet from time to time at Geneva, where working conditions were splendid and where the Commission had been able to accomplish its work very satisfactorily in 1951 and 1953.

The CHAIRMAN reminded the Commission of the terms of General Assembly resolution 790 (VIII) and of document A/2363 relating to the programme of conferences to be held at Headquarters and Geneva. Sessions of a functional commission or of functional commissions (but preferably not more than one) of the Economic and Social Council, to be determined by the Economic and Social Council, might meet at Geneva without overlap for a total period not exceeding five weeks between mid-March and the end of April. That was the very period during which the Commission was to meet and he hoped that when examining the calendar for 1955 the Council would decide that the session of the Commission on Human Rights would not last more than five weeks.

The French draft resolution (E/CN.4/L.385) was adopted by 8 votes to 1, with 6 abstentions.

DRAFT REPORT OF THE TENTH SESSION OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/L.366 and Add.1-13, 378)

Mr. INGLES (Philippines), Rapporteur, said that the draft report of the tenth session of the Commission appeared in documents E/CN.4/L.366 and Add.1-13; documents E/CN.4/L.366/Add.7-13 were being translated and would be distributed shortly. It recorded the various views expressed in the debates without duplicating the summary records. It also gave a bit of background of the work which had led to the completion of the draft covenants on human rights.

He thanked the members of the Secretariat who had taken part in drafting the report and asked representatives who had comments to make to hand him the text of any major amendment.

Document E/CN.4/L.366

Mr. INGLES (Philippines), Rapporteur, said that there were some changes to be made in document E/CN.4/L.366. He read out two sentences to replace the first sentence in paragraph 4. The names of Mr. Rogers and Mr. Labarca were to be added in paragraph 6; in paragraph 9 Mr. Metall's title would be corrected and the names of some non-governmental organizations would be added in paragraph 11. The word "also" would be substituted for "subsequently" in paragraph 22 and reference would be made also to item 5. The deferral of further consideration of items 4 and 5 would be referred to in paragraph 23.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked that immediately after the amended paragraph 4 there should be added a statement by his delegation to the effect that the seat of the representative of the Central People's Government of the People's Republic of China had been illegally occupied by an agent of the Kuomintang clique, who was not qualified to represent the great Chinese people.

Mr. CHENG PAONAN (China) did not oppose the incorporation of that statement in the report, but stated that he still thought it out of order.

Document E/CN.4/L.366 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.1

Mr. INGLES (Philippines), Rapporteur, pointed out that the word "rights" in the phrase "rights of petition" in paragraph 2 should be in the singular. There was the name of another non-governmental organization to be added in paragraph 10 (c). The word "rights" should be followed by a comma both times it appeared in the sentence referring to the Commission's 419th meeting. In that sentence reference should also be made to the consideration of the question of the applicability of the human rights committee procedure to the covenant on economic, social and cultural rights. In paragraph 14 the expression "federal clause" would be replaced by "clause relating to federal States". In the same paragraph a new sentence should be inserted stating that the Commission had not resumed its consideration of the right of property and had decided to adjourn indefinitely the question whether an article on that right should be inserted in the covenant on economic, social and cultural rights. In the penultimate sentence of the English text of paragraph 14 the word "and" would be substituted for "or".

Mr. CHENG PAONAN (China) and Mr. CASSIN (France) thought that the penultimate sentence of paragraph 6 should be corrected to explain that the Assembly had transmitted the text of an article on the right of peoples and nations to self-determination to the Commission for action and the phrase stating that the Assembly had indicated the lines along which the article should be drafted should be deleted.

The CHAIRMAN observed that it was true that the General Assembly resolution had not embodied mandatory instructions and that the reference in paragraph 6 should be altered.

Mr. HOARE (United Kingdom) drew the Rapporteur's attention to the fact that the English wording of the sentence on the equality of men and women with respect to the economic, social and cultural rights, in paragraph 3, needed revision.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked that a new sentence, to the effect that he had stated that he was still convinced that in dealing with human rights, it was a mistake to draft two separate covenants and that he had reserved his delegation's right to raise the matter again at a later stage of the consideration of the draft covenants, should be inserted in the fifth line of paragraph 13 after the second sentence. He would hand the Rapporteur the written text of that amendment, if necessary.

The CHAIRMAN pointed out that it was customary not to refer explicitly to delegations, but to use very general language such as "some representatives" or "several representatives" or "the majority of the Commission". Some exceptions were obviously possible, but in general it would be best to keep to that tacitly accepted rule.

Mr. INGLES (Philippines), Rapporteur, observed that a new paragraph should be added after paragraph 15, stating that with regard to the procedure for adopting the draft covenants the Commission had agreed at its 476th meeting to insert in its report a statement by the representatives of Egypt, France, Philippines and Uruguay; that introductory sentence would be followed by the text of the statement, as it appeared in document E/CN.4/L.384.

Document E/CN.4/L.366/Add.1 was adopted, subject to those amendments.

Document E/CN.4/L.366/Add.2

Mr. HOARE (United Kingdom) thought that it would be simpler to consider the draft report paragraph by paragraph or at least by groups of paragraphs.

Mr. MOROZOV (Union of Soviet Socialist Republics) did not agree with the United Kingdom representative; much time would be lost if the Commission had to discuss each paragraph of the voluminous draft report. He would therefore prefer the Commission to adhere to the method followed so far.

Mr. HOARE (United Kingdom) said that he had not proposed that each paragraph of the report should be discussed but that the paragraphs should be taken up in the order in which they appeared, with the understanding that the Rapporteur and other representatives could comment on individual paragraphs as they were reached.

The CHAIRMAN proposed a compromise procedure; the Rapporteur would comment on the document as a whole and the United Kingdom representative's suggestion would be followed for the comments of the other members of the Commission.

It was so decided.

Mr. INGLES (Philippines), Rapporteur, pointed out that the asterisk after the word "PART II" and the corresponding footnote should be deleted. Furthermore, paragraph 4 as it now stood might appear to imply a criticism of the French position and should be redrafted; he read out the proposed new wording.

The CHAIRMAN invited the members of the Commission to submit their comments.

Paragraph 1

Mr. MOROZOV (Union of Soviet Socialist Republics), referring to the penultimate sentence, pointed out that it was not clear why, if there had been agreement, the Commission had failed to adopt a text. He accordingly proposed that the words "There was general agreement on various aspects of the definition of the right" should be deleted and that the sentence should begin with the words "However, the Commission failed to adopt...".

Mr. NISOT (Belgium) and Mr. CASSIN (France) had no objection to that proposal.

The CHAIRMAN said that the original text, at least in the French version, seemed perfectly clear to him; there had been agreement on various aspects of the definition, but in view of the differences of opinion on some of its other aspects it had been impossible to arrive at a text acceptable to the majority of the Commission. There was, however, no reason why the amendment proposed by the USSR representative should not be adopted.

Mr. WHITLAM (Australia) pointed out that the words "At the tenth session" should be added to the English text of the fourth sentence, before the words "The representative of France".

Paragraph 1 was adopted with those amendments.

Paragraphs 2 to 10

Paragraphs 2 to 10 were adopted without comment.

Paragraph 11

Mr. ORTEGA (Chile) agreed with the Chairman that in principle the report should not record individual views or statements. Since paragraph 11 gave the views of the Chilean delegation, however, it should also give the reasons for them; there should therefore be an additional sentence, to the effect that the Chilean delegation felt that the Commission should indicate the scope to be given to the right of property in order that it might become a human right, rather than the limits within which it should be afforded international protection. He would hand the Rapporteur the text in writing.

Paragraph 11 was adopted, subject to that amendment.

Paragraphs 12 to 18

Paragraphs 12 to 18 were adopted without comment.

Paragraph 19

Mr. MOROZOV (Union of Soviet Socialist Republics) felt that paragraph 19 did not reflect the views of the representatives in question quite accurately. It should be made clear that several members of the Commission had opposed any reference to compensation, feeling that no such reference was necessary, since under the terms of the article in question expropriation should not take place except for considerations of public utility, as defined by law, and each State could prescribe the conditions for expropriation in its own legislation. He would hand a written text to the Rapporteur.

Paragraph 19 was adopted, subject to that amendment.

Paragraphs 20 to 31

Paragraphs 20 to 31 were adopted without comment.

Document E/CN.4/L.366/Add.2 was adopted, subject to the above amendments.

Document E/CN.4/L.366/Add.3

The CHAIRMAN suggested that, since document E/CN.4/L.366/Add.3 was very voluminous, the Rapporteur might be asked to comment on the various paragraphs rather than on the text as a whole, in accordance with the United Kingdom representative's suggestion.

It was so decided.

Paragraphs 1 to 4

Paragraphs 1 to 4 were adopted without comment.

Paragraph 5

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed that the word "specific" should be inserted before the words "measures of" in the first sentence. Moreover, the point of view of those who have opposed the concept to which the paragraph referred should be stated more clearly: their opinion had been that the system of so-called periodic reports might be used as a pretext for interference in matters falling within the domestic jurisdiction of States, which would be incompatible with the provisions of Article 2, paragraph 7, of the Charter. He would hand the Rapporteur a text stating that basic idea, to replace the second and third sentences of the present draft.

Paragraph 5 was adopted, subject to that amendment.

Paragraph 6

Mr. NISOT (Belgium) pointed out that the paragraph reproduced the text of his statement as it appeared in the provisional summary record. He asked that the paragraph should be redrafted to take into account the corrections he had submitted to the provisional summary record.

Paragraph 6 was adopted, subject to that amendment.

Paragraphs 7 to 12

Paragraphs 7 to 12 were adopted without comment.

Paragraph 13

Mr. INGLES (Philippines), Rapporteur, read out the text of a new paragraph, to be added after paragraph 13, recording the statement made by the representative of the International Labour Organisation.

Paragraph 13 was adopted, subject to that amendment.

Paragraph 14

Mr. MOROZOV (Union of Soviet Socialist Republics) thought that the Russian version of the English words "It was felt" at the beginning of the second sentence was too vague. Since the first sentence began with the words "Several members thought", it would be better to say "They felt" at the beginning of the second sentence.

Mr. NISOT (Belgium) and Mr. CASSIN (France) pointed out that the subject of the two sentences was not the same; if the words used in the Russian text were not satisfactory the USSR representative was right to ask to have them changed, but the words "Certains ont jugé" in the French text were perfectly satisfactory.

Mr. HOARE (United Kingdom) thought that the simplest way might be to replace the words "It was felt" in the English text by "Some members felt" and to amend the Russian text in the same way.

Mr. MOROZOV (Union of Soviet Socialist Republics) accepted that suggestion.

Paragraph 14 was adopted, subject to that amendment.

Paragraph 15

Paragraph 15 was adopted.

Mr. MOROZOV (Union of Soviet Socialist Republics) suggested that since document E/CN.4/L.366/Add.3 contained 171 paragraphs it would be advisable to examine the text in groups of paragraphs.

Paragraphs 16 to 21

Paragraphs 16 to 21 were adopted without comment.

Paragraphs 22 to 26

Mr. INGLES (Philippines), Rapporteur, said that in paragraph 23 a reference to paragraphs 9 to 11 should be included after the words "Members of the United Nations".

Paragraphs 22 to 26 were adopted, subject to that amendment.

Paragraphs 27 to 91

Paragraphs 27 to 91 were adopted.

Paragraphs 92 to 99

Mr. INGLES (Philippines), Rapporteur, read out the text of a passage to be inserted in paragraph 94, at the end of the sentence beginning with the words "Again, if a State disapproved...".

Paragraphs 92 to 99 were adopted, subject to that amendment.

Paragraphs 100 to 105

Mr. INGLES (Philippines), Rapporteur, read out a new text to replace the sentence beginning with the words "That being so..." in paragraph 102.

In paragraph 104, the end of the sentence which started "Some members held" should be redrafted and he read out the new text. Still referring to the same paragraph, he read out a new wording for the sentence beginning with the words "It was said, on the other hand...".

Paragraphs 100 to 105 were adopted, subject to those amendments.

Paragraphs 106 to 113

Paragraphs 106 to 113 were adopted without comment.

Paragraphs 114 to 133

Mr. INGLES (Philippines), Rapporteur, read out a drafting amendment to the English text of paragraph 116.

Paragraphs 114 to 133 were adopted, subject to that amendment.

Paragraphs 134 to 154

Mr. NISOT (Belgium) pointed out that the words "431st meeting" in paragraph 134 should read "430th meeting". He asked that the text of his statement as it appeared in the final summary record should be reproduced in the paragraph.

Mr. INGLES (Philippines), Rapporteur, drew attention to a typing error in the English text of paragraph 137.

Paragraphs 134 to 154 were adopted, subject to those amendments.

Paragraphs 155 to 171

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed that the words "all international measures of implementation which they considered contrary", in the first sentence of paragraph 167, should be replaced by "the establishment and activity of the human rights committee as being contrary...".

Mr. INGLES (Philippines), Rapporteur, read out the text of a new sentence to be added at the end of paragraph 168.

He thought that the first sentence in paragraph 169 should be divided into two and that the end of the sentence which began with the words "Reference was made to the long experience" should be changed.

In paragraph 170, the end of the sentence which began with the words "Other members of the Commission, however..", should be amended from the words "and because the United Nations was free...". The new text was read out.

A drafting amendment to the English text of paragraph 171.

Paragraphs 145 to 171 were adopted, subject to those amendments.

Document E/CN.4/L.366/Add.3 was adopted.

Document E/CN.4/L.366/Add.4

Paragraph 1 (page 2)

Mr. MOROZOV (Union of Soviet Socialist Republics) asked that the expression used in the Russian text for "federal clause" should be changed in all the paragraphs where it appeared.

Mr. HOARE (United Kingdom) thought that in the English text it would be better to revert to the expression "clause relating to Federal States", which the Commission had adopted when it had examined paragraph 14 of document E/CN.4/L.366/Add.1.

Paragraph 1 was adopted, taking into account the USSR representative's comment.

Paragraphs 2 to 19 (pages 2 to 9)

Mr. INGLES (Philippines), Rapporteur, read out the text of two additions to paragraph 10, one in the first sentence, after the words "federal clause", and the other in the sentence beginning with the words "Therefore the whole question should be viewed...".

He read out the text of a phrase to be inserted in paragraph 14, at the end of the sentence beginning with the words "It was contended that federal States which were incompetent...".

Paragraph 2 to 19 were adopted with those additions.

Paragraphs 1 to 16 (pages 10 to 14)

Mr. INGLES (Philippines), Rapporteur, read out the text of an addition to the end of the first sentence of paragraph 6 and drew attention to a typing error in the English text of the second sentence of that paragraph.

He drew attention to a typing error in the English text of the first sentence of paragraph 13.

Mr. JUVIGNY (France) proposed that in the last sentence of paragraph 6, the words "was a matter for the General Assembly to decide" should be changed to "could more appropriately be dealt with in the General Assembly".

Mr. ORTEGA (Chile) pointed out that the Spanish translation of the words "purely on the technical ground" in paragraph 6 was not correct.

He suggested that the words "(see paragraph 2 above)" should be added at the end of paragraph 10, and the words "(see paragraph 11 above)" at the end of paragraph 16.

Paragraphs 1 to 16 (pages 10 to 14) were adopted, subject to those amendments.

Document E/CN.4/L.366/Add.4 was adopted, subject to the above amendments.

The CHAIRMAN proposed that the Commission should meet at 3.30 that afternoon.

It was so decided.

The meeting rose at 1.10 p.m.