

Friday, 18 October 1957,
at 3.15 p.m.



NEW YORK

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Chairman: Mrs. Aase LIONAES (Norway).

In the absence of the Chairman, Mr. López (Philippines) Vice-Chairman, took the Chair.

AGENDA ITEM 33

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/C.3/L.460, A/3525, A/3588, A/3621, A/C.3/L.625) (continued)

ARTICLE 14 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, annex I A, A/C.3/L.625) (continued)

1. The CHAIRMAN, speaking as the Chairman of the Working Party on article 14 of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I A), introduced the Working Party's report (A/C.3/L.625). The new text proposed for article 14, as it appeared in the report, had been adopted unanimously, except for paragraph 2, which had been opposed by the Netherlands representative, who, although not opposed to it in substance, had considered it repetitious. Paragraph 2 (e) and paragraph 4 were additions to the original text and there had been some minor changes in other paragraphs.

2. Miss RADIC (Yugoslavia) said that the original text of article 14 (E/2573, annex I A) was acceptable to her delegation, although the drafting might be improved. It had been clear from the debate that there were no fundamental divergencies of opinion on substance. In her view, the most important consideration was that the right to education was recognized and that States were committed to ensure full exercise of that right. Yugoslavia would have no difficulty in enforcing such a provision, as its Constitution and laws recognized the principles laid down in paragraph 1. Not only were all educational establishments in Yugoslavia available to all and not only was incitement to racial hatred prohibited, but the right of national minorities to education in their mother tongue was scrupulously respected. Eight years of free compulsory schooling and many subsistence and other grants were provided by the State and by independent organizations. After completion of the reform, the school system would be even better adapted to its essential purpose, which was to encourage the full development of the human personality.

3. Commenting on the proposed new text of article 14 (A/C.3/L.625) she said that, although the Working

Party had made a most commendable effort, the text submitted was not so clear as the original. Paragraph 2 (b) of the Working Party's text, in which the expression "shall be generally available" had been replaced by "shall be made generally available", introduced an element of progressiveness, which was out of place. Her delegation felt that secondary education should be free, but was willing to meet the views of certain delegations by accepting the wording "the progressive introduction of free education".

4. She could not support the replacement of the words "liberty of parents" by the words "right of parents", as that would imply an obligation on the part of the State to provide whatever types of schools parents wished to choose.

5. With respect to the establishment and use of schools, which public authorities were not bound to set up, the Yugoslav delegation considered that the maximum obligation of the State was to respect the freedom of parents in deciding what school they wished their children to attend. The condition, of course, must be that those schools conformed to such minimum educational standards as had been laid down or approved by the State, which, naturally enough, would be in conformity with its social and political system.

6. In answer to a question from Mr. AZNAR (Spain), the CHAIRMAN stated that the ten-minute time limit for statements was still in force.

7. Mr. CARSALES (Argentina) suggested that the same time limit might apply to statements on other articles.

8. Mrs. JONES (Liberia) said that her country attached great importance to the inclusion in the draft Covenant of the right to education, as formulated in article 14, paragraph 1. In Liberia, where illiteracy was still widespread and education for women had been neglected, a vast plan of education was in progress. Women, who had been looked upon mainly as an economic asset, since it was they who grew the food for the entire family, were now being educated and were taking an increasing part in village life. Parents were far more willing to send their children to school than they had been in the past and penalties for non-attendance were enforced.

9. The enthusiasm for education was most heartening. When the literacy campaign had been launched, the leader of one village had canvassed his village house by house in order to interest the inhabitants and when the Government was slow in responding to requests for new schools, as sometimes happened because of its heavy commitments in other matters, the villagers had sometimes built the schools themselves. The Government had made great progress with its educational policy, which had the strong support of the entire community, from the President downwards.

10. Education originally had been dispensed and

financed entirely by religious bodies but the system had now changed. The religious bodies continued to conduct schools but now received grants from the Government. An increasing proportion of the budget was being spent on education. Enrolment in both public and private schools had increased greatly and there had been a proportionate increase in the number of teachers. Schools of which about 30 per cent were private establishments, were now no longer confined to the coastal area.

11. A modern and flexible teacher-training scheme for elementary and high school teachers had been launched and emphasis had been laid on the sciences at the universities. Commercial and vocational training was given at the Booker T. Washington Institute and fundamental education at Klay, under the Joint UNESCO-Liberia Education Project, in which the United States International Cooperation Administration participated under the Point Four programme. Hundreds of scholarships were granted every year for study abroad.

12. If the purpose of education was to encourage the full development of the human personality, the Young Men's Christian Association and the Young Women's Christian Association were to be congratulated on their work in Liberia. If education was to conform to the spirit of the United Nations Charter and the draft Covenant, segregation and discrimination must be eliminated from all schools.

13. Her delegation would vote for any amendments to article 14 that improved the form without impairing the substance.

14. Mr. SOLANO LOPEZ (Paraguay) took exception to the statements made by the Bulgarian representative—when referring to the lack of educational facilities in various parts of the world at the Committee's 782nd meeting—that some countries in Latin America were particularly ill served, and that in Paraguay 48 per cent of the children of school age had no access to education. The first statement was somewhat sweeping, and the figure given in the second statement did not reflect the situation in Paraguay. School age in Paraguay was from seven to fourteen years; education for that age group was free and compulsory. Moreover, the percentage of children of school age attending school was steadily increasing: in 1950, out of a school-age population of 277,465, there had been 195,607 attending school, representing 70.5 per cent of the total; there had been 327,643 children of school age in 1955, of which 267,643, or 81.85 per cent, were enrolled in schools; the situation had improved even further by 1956, when there were 275,454 children attending school.

15. Mr. CARASALES (Argentina) associated himself with the protest made by the representative of Paraguay. The Bulgarian representative's strictures were quite unmerited as far as Argentina was concerned.

16. He supported the proposal previously put forward by the Saudi Arabian representative (779th meeting) and by the Israel representative (782nd meeting) that the drafting of the final text of the Covenants should be entrusted to a conference of plenipotentiaries. At its current rate of progress, the Committee might spend years on the draft Covenants without producing a final text. Since the draft Covenants were very important international instruments, speed was not the

main consideration but the Committee should face the fact that it was practically impossible for it to complete the consideration of the draft Covenants by the end of the twelfth session.

17. Turning to the text submitted by the Working Party (A/C.3/L.625), he welcomed the inclusion of the new paragraph (paragraph 4 of the Working Party's text) proposed by Ireland (A/C.3/L.617). The right of parents to choose schools for their children, laid down in paragraph 3, could not be exercised unless individuals and bodies were entitled to establish and direct educational institutions in accordance with their views. It was for each country to decide what rules should be applied to such institutions. The Argentine Constitution recognized the right to teach as well as the right to education but there was no parallel provision in article 14. The revised text filled the gap.

18. He understood the motives that had prompted the Romanian representative to submit his amendment (A/C.3/L.620) to the original text but regretted that the Working Party had seen fit to include it, in substance, in the new text (paragraph 2 (e)). It was unnecessary to state the obligations of States in connexion with each right set down in the draft Covenant, as article 2 laid a blanket obligation on the States parties to achieve the full realization of the rights recognized in it. Furthermore, it was unadvisable to specify the measures by which that should be done. That was a question for States to decide and there was a danger that any list might be considered restrictive.

19. Mr. RAFIK (Afghanistan) stated that his delegation considered article 14 of the greatest importance; without it the remaining articles would be meaningless. The Working Party's text of article 14, which contained principles already embodied in the constitution of Afghanistan, was acceptable to his delegation.

20. Primary education was free and compulsory in Afghanistan, and the number of schools and students had doubled during the past ten years. Considerable progress in education had been made in Afghanistan through the efforts of the United Nations Educational, Scientific and Cultural Organization. The Government of Afghanistan regarded paragraph 2 (d) of article 14 as extremely important, since fundamental education would help people living in rural areas to raise their standard of living.

21. The delegation of Afghanistan would support only amendments that would improve the form of article 14 and reserved the right to give its opinion on the revised text submitted by the Working Party (A/C.3/L.625) when it had completed its examination of that text.

22. The CHAIRMAN declared the general debate on article 14 closed. He suggested that the Committee should examine the draft submitted by the Working Party paragraph by paragraph, and, within each paragraph, sentence by sentence.

23. Mr. Francisco LIMA (El Salvador) pointed out that, since the new draft had been distributed that afternoon, his delegation requested additional time for a thorough study of it.

24. Miss BERNARDINO (Dominican Republic) supported the request made by the representative of El Salvador and asked whether article 14 would be put to the vote that afternoon.

25. The CHAIRMAN said that if the Committee considered that it had not had sufficient time to study the revised draft, article 14 would not be put to the vote that afternoon. Delegations that were prepared to make observations on the revised draft, however, were invited to do so.

26. Mrs. SHOHAM-SHARON (Israel) asked whether it would be possible, in considering each part of the revised draft (A/C.3/L.625), to introduce modifications from the original text (E/2573, Annex I A); in other words, whether the original draft or the revised draft was to be considered as the main proposal before the Committee.

27. Mr. AZNAR (Spain) pointed out that the revised draft represented the conciliation of the various amendments that had been submitted and therefore was itself an amendment to the original text of article 14. The revised draft could not be substituted for the original draft as the main proposal for examination unless the Committee so decided.

28. The CHAIRMAN stressed the fact that the revised draft was a synthesis of the original text and the amendments submitted. The most practical pro-

cedure would therefore be for the Committee to consider the revised draft as the main proposal for examination.

It was so decided.

29. The CHAIRMAN suggested that the meeting should be suspended for half an hour in order that delegations might be able to study the French and Spanish texts of the Working Party's draft, which had just been circulated.

The meeting was suspended at 4.5 p.m. and resumed at 4.35 p.m.

30. Mr. ROY (Haiti) said that his delegation needed additional time to study the revised draft and proposed that the Committee should adjourn and discuss and vote upon the draft at its next meeting.

31. The CHAIRMAN requested that, in addition to being prepared to vote on the revised draft of article 14 at the next meeting, Committee members should submit as soon as possible any amendments they wished to make regarding article 15.

The meeting rose at 4.40 p.m.