

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE THIRTEENTH MEETING

Held at Lake Success, New York, 4 February 1947
at 11:00 a.m.

Present:

Chairman:	Mrs. Roosevelt	(United States of America)
Vice-Chairman:	Dr. Chang	(China)
Rapporteur:	Mr. Malik	(Lebanon)
Members:	Colonel Hodgson	(Australia)
	Mr. Nieto Del Rio	(Chile)
	Mr. Ebeid	(Egypt)
	Professor Cassin	(France)
	Mr. Ghani	(Iran)
	Mrs. Mehta	(India)
	General Romulo	(Philippine Republic)
	Mr. Tepliakov	(Union of Soviet Socialist Republics)
	Major Dukes	(United Kingdom)
	Mr. Mora	(Uruguay)
Alternates:	Mr. Lebeau	(Belgium)
	Mr. Guardia	(Panama)

Representatives of Specialized Agencies:

Mr. Carnes	(UNESCO)
Mr. Hutchison	(International Labour Organization)

Representatives of Non-Governmental Organizations:

Miss Spiegel	(World Federation of Trade Unions)
Miss Sender	(American Federation of Labor)
Mr. Trepet	

Secretariat: Professor Humphrey

Consideration of Document E/CN/W.18

The CHAIRMAN informed the Commission that the Secretariat had received
a draft declaration of human rights from the Catholic Welfare Association

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and that that draft would be examined.

She suggested the adoption of the following procedure in discussing the drafts: In studying document E/CN/W.18, the Commission would

1. Decide whether to include or reject the various rights enumerated;
2. Make a theoretical study of the said rights;
3. Discuss their possible application.

Mrs. MEHTA (India) pointed out that her draft resolution had been submitted in time and had been seconded by the Representative of the United Kingdom, and that it should therefore serve as a basis of discussion.

The CHAIRMAN considered that it was preferable to examine document E/CN/W.18 first.

Colonel HODGSON (Australia) considered in the first place that the classification of the freedoms contained in that document was questionable. If the Commission adopted that procedure, it would be jumping from one point to another. He considered that it would be preferable to adopt a logical order.

Professor CASSIN (France) did not consider it appropriate to raise the question of classification at the present juncture. He considered it better to wait until the concrete rights had been examined.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) likewise considered it unnecessary to divide the rights into groups. The Commission's task was to discuss rights and not a statute.

The CHAIRMAN asked the Commission to return to the subject under discussion, namely the status of equality without distinction as to race, sex, language or religion.

Mr. MALIK (Lebanon) considered that the question was a very ambiguous one

The CHAIRMAN pointed out that the Charter contained a very broad statement on this subject. It was the task of the Commission at the present juncture to determine what it wished to investigate, and to postpone the subject of drafting until later.

General ROMULO (Philippine Republic) considered that the procedure

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being followed was complicated. The subject was of an abstract nature and it was impossible when speaking of the various rights not to deal with their application. He therefore expressed himself in favour of discussing a concrete draft, for example, that of India.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) considered, for his own part, that the principle of the equality of rights was very clear. It had been defined for centuries.

The right of equality was illustrated by the fact that every person was a citizen of the United Nations. That should be recognized and incorporated in the Bill of Human Rights.

Professor CASSIN (France) endorsed the ideas expressed by Mr. Tepliakov. He recalled Article 1 of the French Declaration of the Rights of Man of 1789 to the effect that "Men are born and remain free and equal before the law." The definition was a broad one and justified the belief that it was not necessary to specify in too much detail what the principle of equality was.

Mr. Nieto DEL RIO (Chile) was in agreement with the Representative of France on this question.

The right of equality before the law implied the enjoyment of the other rights mentioned in document E/CN/W.18. The Representative of Chile was inclined to vote in favour of the inclusion of a text of the principle of equality of men before the law, together with certain definitions contained in the aforementioned document subject to simplification of the text.

Colonel HODGSON (Australia) was in agreement with the Representative of Chile.

Mr. LEBEAU (Belgium) considered that the best procedure would be to define rights in relation to the principle of liberty.

The CHAIRMAN then proposed proceeding to Point 2.

Professor CASSIN (France) said that it was impossible to leave Point 1 without a declaration that the Commission unanimously accepted the principle of equality; that principle would be included in the Commission's resolution.

Dr. CHANG (China) considered that the principle of equality should be

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examined, bearing in mind the concept of human dignity.

Mr. LEBEAU (Belgium) was opposed to immediate acceptance of the principle of equality. He wanted first to define the concrete rights attaching to the concept of equality, the interpretation of which was difficult.

Professor CASSIN (France) stated that he agreed to postponing discussion on the concept of equality, but that he wished to insist on the ascertainment of the fundamental principle of the unity of the human race in the Commission's resolution.

General ROMULO (Philippine Republic) supported the statement of the Representative of France. He asked that the Commission accept that principle henceforward, and that instructions be given to the Drafting Committee to include it in the Bill of Human Rights.

The CHAIRMAN summed up the discussion, and asked whether the Commission agreed to the Drafting Committee being entrusted with the definition of the principle of equality in the Bill of Human Rights.

Mr. LEBEAU (Belgium) agreed that the principle of the fundamental solidarity of all men should be mentioned in the Declaration, but he considered that the essential thing was to define the rights deriving from the concept of equality.

Professor CASSIN (France) considered it essential that the principle of equality be defined from the outset. He recalled that Hitler started by asserting the inequality of men before attacking men's liberties. The principles of the unity of the human race and of the equality of men before the law should appear in one of the fundamental articles of the Declaration.

The CHAIRMAN considered that all the members were in agreement on the substance of the question.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) proposed that voting on the questions which had just been discussed should be postponed until the next meeting. He read a statement which he would like to see included in the draft which the Commission would examine at its next meeting. That statement contained the definition of the principle of the equality of men in all fields.

/The CHAIRMAN

The CHAIRMAN pointed out that that matter was the province of the Drafting Committee.

Major DUKES (United Kingdom) considered that the discussion was missing the principal point. Personally, he understood very well the principles of equality of race, equality before the law, etc., but he could not make out what was meant by equality of condition. He considered that in order to achieve more clarity on the subject, it would be better to allow the discussion to continue a little while longer so as to permit ideas to emerge which the Drafting Committee for the Bill of Human Rights could employ to advantage.

Mrs. MEHTA (India) remarked that it was not necessary to proceed to the vote at the present discussion, but to arrive at some conclusion. She reminded those present that her draft resolution dealt with the right of equality.

Dr. CHANG (China) considered that, in order to comply with the wishes of the Representatives of France and the Philippine Republic, a sentence might be included in the summary record to the effect that the Commission considered it necessary to emphasize this idea of the solidarity or unity of the human race. It would thereby be ensured that the Declaration of Human Rights would always be correctly understood, and that it would be possible at all times to see what had been formulated on the morrow of a war waged by the enemy in the name of racial inequality.

Mr. Nieto DEL RIO (Chile) asked if the first paragraph would be recommended to the Drafting Committee in its present form.

The CHAIRMAN said that only the summary record of the discussion would be communicated to the Drafting Committee and would serve as a basis for drafting the Bill of Human Rights. Proceeding to examination of paragraph 2, M.s. Roosevelt, after reading the rights enumerated in that paragraph, suggested that the Commission might decide whether or not it wished one or the other of those rights to appear in the Declaration.

Dr. CHANG (China) emphasized that his country's Constitution already

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contained the majority of the rights enumerated in paragraph 2, and he added that he would have copies of the Chinese Constitution distributed among the members of the Commission.

Mrs. MEHTA (India) considered that the right of political liberty should be added to this list of rights.

Mr. GUARDIA (Panama) desired that passage (a) should be amended. If he understood it correctly, it referred not only to a right to existence but also to the right to protection and respect for existence.

Mr. LEBEAU (Belgium) desired to submit certain general observations. The rights of the human being were concerned here, and the list in question applied much more to the rights of the individual than to those of the human being generally. There was a gap here, which he considered was filled in the document presented to the Commission by the Catholic Welfare Association of the United States. Section 2 of that document dealt with the rights of the family which were four in number: the right to contract marriage, to make a home and to have children; the right to an economic security adequate to ensure the independence of the family; the right of the mother to protection; and the right of the children to education. If it was desired to consider the rights of the human being here, it was also necessary to take into account those rights enumerated in the document referred to. It was also necessary to consider ensuring the protection of the human being against the over-industrialization of this modern age.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) did not understand very well what was meant by the right to existence. It went without saying that that right existed, and it was therefore unnecessary to mention it. He pointed out that the right to personal liberty was defined by the subsequent paragraphs in the list. Furthermore, the mention of the United Nations in paragraph 1 did not seem very clear to him. He considered, moreover, that certain rights contained in the list were matters for national legislations, and that wherever they fell within the international field they were covered by international agreements or by conventions and should not appear

/in an international

in an international Bill of Human Rights. That applied for example to points (o), (p), (s), (t) and (u). He therefore suggested that those points should be left out of the Bill of Human Rights. If they were allowed to appear, that would not be in conformity with the Charter.

Dr. CHANG (China) drew the Commission's attention to Article 18 of the Chinese Constitution which prescribed the system of public examinations for the admission to public office. He considered that that right should exist in all countries, and suggested that it be mentioned in the Bill of Human Rights.

Colonel HODGSON (Australia) pointed out that the rights of the family, of which the Representative of Belgium had spoken, would be found in paragraph 3 of the document. In his opinion certain rights enumerated in the list of paragraph 2 were quite obvious, and already guaranteed. That applied, for example, to the right to existence which was, so to speak, a sine qua non. It was a right which was already assured by the laws of all countries. Certain other rights contained in the list appeared to him too vague, and he considered that this list should in any case be restricted, and that before going any further it should be decided on which of the rights the Commission was in agreement.

Professor CASSIN (France) desired that the matter should be more precisely formulated. Certain rights had been treated as obvious, but that was not always the case. As regards the right to existence, for example, the fundamental consideration was to assure the protection of human life. That certainly was not as elementary a right as one might believe for in 1933, when Germany violated those principles, there were many countries in the world who asked themselves whether they had the right to intervene. He considered that it was of fundamental importance to affirm the right of human beings to existence. Similarly, it was a fundamental duty to assert that slavery was a shame to humanity. The most elementary rights must be re-affirmed as experience has proved that they could be violated.

/Replying to

Replying to the Representative of Belgium, he acknowledged that man could in fact be considered either as an individual, or in respect of his relations with other human groups. The document submitted by the Catholic Welfare Association considered man and the various human groups. But this Commission must make man, the human person, the centre of the Declaration.

Replying to the remarks made by the Representative of the Union of Soviet Socialist Republics on matters belonging to national legislation, he pointed out that certain national laws were very badly co-ordinated in the international field, and thus today large masses of humanity were obliged to live without properly defined rules. Somebody must take care of these masses of humanity. Rights of asylum, immigration and rights of nationality were so closely intertwined that millions of human beings could not be left without any statute. It was the duty of the community in the International Field to settle these three questions.

The CHAIRMAN stated that she had just received a proposal from the Representative of Chile requesting the Drafting Committee to take into account the various Constitutions of Member States in the matter of human rights and liberties in the various countries.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) endorsed that proposal.

The meeting rose at 1:10 p.m.
