

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE EIGHTEEN MEETING

Hold at Lake Success, New York, Friday 31 January at 2:45 p.m.

Present:

Chairmen: Mrs. Roosevelt (United States of America)

Vice-Chairman: Mr. Chang (China)

Rapporteur: Mr. Malik (Lebanon)

Members: Colonel Hodgson (Australia)
Mr. Ebeid (Egypt)
Professor Cassin (France)
Mrs. Mehta (India)
Mr. Ghani (Iran)
General Romulo (Philippines)
Mr. Dukes (United Kingdom)
Mr. Tepliakov (Union of Soviet Socialist Republics)
Mr. Mora (Uruguay)
Mr. Ribnikar (Yugoslavia)

Observers: Mr. Lebeau (Belgium)
Mr. Guardia (Panama)

Representatives of Specialized Agencies:
Mr. Hutchinson (ILO)
Mr. Carnes (UNESCO)

Non-Governmental Organizations:

Adviser: Miss Sender (AF of L)

General Discussion on Drafting the Draft International Bill of Human Rights (Continued)

Mr. DUKES (United Kingdom) said that the United Kingdom attached the utmost importance to the principles of the rights and dignity of the human person which were mentioned in the preamble to the Charter and in eight other places in that document, and was prepared to work for the application of those principles throughout the world.

/The United Kingdom

The United Kingdom had always been in the forefront of the fight for human rights. The British Government had always, everywhere, fostered the emancipation of the human person, along with the promotion of education and of social and economic progress. The United Kingdom which, in 1940, had been the sole champion of freedom against tyranny, would remain faithful to that ideal. Amongst the values to which the Government of the United Kingdom attached the greatest importance was tolerance, which was the essence of democracy and civilization. Each individual ought to be in a position to form opinions, to express his views and to communicate freely. This ideal implied the recognition of the freedom of information, which was the touchstone of all the freedoms to which the United Nations was consecrated.

Mr. KEESE then stressed the fact that many years of hard work would be required to achieve the universal application of a Bill of Human Rights. The drafting of such a bill would constitute only the first step. The Commission's task was to define fundamental rights and set up machinery for their universal application. Each State was, at present, free to interpret for itself the principles to which it had subscribed in acceding to the Charter of the United Nations. The United Kingdom hoped that an international body would be set up to which appeals could be made in the event of any violation of human rights.

The Commission should not take upon itself to examine measures to ensure freedom from want, as that question was within the competence of other organs of the United Nations and specialized agencies such as the ILO and FAO.

Mr. GANJI (Iran) suggested that the Commission should begin by examining the draft bill submitted by the representative of Panama. He hoped however, that the Commission would bear in mind the difficulties with which certain countries would have to cope in giving such a bill

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effective application. In certain cases, it would be necessary for that to be done gradually, in the interest of social peace. He declared, in conclusion, that any attempt to set up a Court of Appeal to pass judgment on violations of human rights would constitute an infringement of the sovereignty of States.

Mr. EBEID (Egypt) recalled the disillusionments and conflicts which had followed the proclamation of President Wilson's fourteen points, after the first world war. The principles of human rights should be set forth in clear terms. The peoples of the world would greet with enthusiasm the first action taken by the United Nations to enforce redressment of wrongs.

Mr. GUARDIA (Panama) submitted his country's draft, which contained the minimum essential stipulations and would, by practical measures, promote true respect for human rights.

Mr. MORA (Uruguay) stressed the international character of the proposed bill. Hitherto, only States had been subject to international law, but now the individual should have access to international tribunals which would pass judgment on individuals as well as States. Freedom of movement ought to be included among the fundamental freedoms of the individual. Each person should be free to move about within a country and to leave that country, subject to the limitations imposed by the immigration laws of other countries.

Mrs. MEHTA (India) asked that the general debate be brought to a close and that the Commission undertake, without further delay, consideration of the draft resolution which she had submitted.

Mr. HUTCHINSON (ILO) then drew attention to the work of the ILO in the field of economic freedom for the individual and especially to the Declaration of Philadelphia, which had been drawn up by the ILO after a quarter of a century's experience of work in the social field, and which had been approved of by the Governments

/and representatives

and representatives of forty States. He gave a rapid analysis of that document to show its scope. In conclusion, he proposed that the Commission should consider the possibility of recommending the Declaration of Philadelphia to the sub-committee drafting the Bill of Human Rights, as a basis for its work in the economic and social field.

Mr. RIBNIKAR (Yugoslavia) stressed the far-reaching effects which the Bill of Human Rights would have throughout the world: it would establish new bonds of solidarity, and would be an expression of the social realities of our time, defining the relations between the individual and society.

He outlined the history of liberalism. New economic conditions in the twentieth century had given birth to a collective spirit, a consciousness of solidarity. Personal freedom could only be attained through perfect harmony between the individual and the community. The social ideal lay in the interests of society and of the individual being identical.

We were at present in a transitional period. The Commission should regard the social and political ideals of the middle classes as those of another age, and not look on certain principles as eternal. That was the mistake in the draft submitted by Panama and Cuba, and, more especially, in that of the American Federation of Labor. The International Bill of Human Rights should be in conformity with the aspirations of the popular masses of the world.

As for the form which the bill should take, he advocated a General Assembly Resolution of a universal nature rather than a Convention or an annex to the Charter formulating obligations for all Member States.

Professor CASSIN (France) referring to a point he had made in the morning, explained that the text itself, as well as the

/Preamble

preamble to the Bill of Human Rights, ought to take account of present conditions, and of the political and social evolution undergone in the course of two centuries.

He approved of the attempts which had been made to classify the rights according to their nature, or according to the ideas of liberty, equality and security to which they correspond. He wished to see the Commission draw up an international Bill which would be the counterpart of the present national declarations, rather than a detailed code.

The drafting sub-committee should also bear in mind the duty of the community of nations to safeguard the individual's right to belong to a national or territorial group.

Miss SENDER (AF of L) felt it her duty to reply to the Yugoslav representative's accusation against the draft bill submitted by the American Federation of Labor. He placed greater importance upon common interest than upon that of the individual and considered the idea of individual liberty obsolete. The American Federation of Labor was convinced, on the contrary, that the idea of individual liberty was not out-moded and that it was perfectly compatible with the interests of the community.

The meeting rose at 5 p.m.
