

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

FIRST SESSION

DRAFT REPORT OF THE DRAFTING COMMITTEE TO THE
COMMISSION ON HUMAN RIGHTS

CHAPTER I

Introduction

1. The Drafting Committee of the Commission on Human Rights held its First Session during the period of 9 to 24 June 1947, with the following representatives in attendance:

Col. William Hodgson	Representative of Australia
Mr. H. Santa Cruz	" " Chile
Mr. P. C. Chang	" " China
Prof. René Cassin	" " France
Dr. Charles Malik	" " Lebanon
Mr. Geoffrey Wilson	" " United Kingdom
Mrs. Franklin D. Roosevelt	" " United States of America
Prof. V. Koretsky	" " Union of Soviet Socialist Republics

2. Mr. Geoffrey Wilson represented Lord Dukeston (United Kingdom); Prof. V. Koretsky represented Mr. V. F. Tepliakov (Union of Soviet Socialist Republics); and Mr. H. Santa Cruz represented Mr. Felix Nieto Del Rio (Chile). Mr. Ralph Harry represented Col. William Hodgson (Australia) at most meetings.

3. The Specialized Agencies were represented at the Drafting Committee as follows:

UNESCO	Mr. J. Havet
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4. Consultants in attendance were:

American Federation of Labor:	Miss Toni Sender
International Co-operative Alliance:	Mrs. H. Fuhrman

5. The Drafting Committee elected the Officers of the Commission on Human Rights as its Officers:

Mrs. Franklin D. Roosevelt as Chairman;
Dr. P. C. Chang as Vice-Chairman; and
Dr. Charles Malik as Rapporteur

6. Professor John P. Humphrey was Secretary of the Drafting Committee.
7. The Drafting Committee adopted the Provisional Rules of Procedure of the Commission on Human Rights as its Rules of Procedure.
8. The Drafting Committee authorized the _____ to present this report to the Commission on Human Rights.
9. The expression of the views of the Members of the Drafting Committee is embodied in the verbatim and summary records of the meetings.
10. It was agreed that where there was not full agreement on any text, alternative texts were to be submitted to the Commission on Human Rights.

CHAPTER II

Preliminary Draft of an International Bill of Human Rights

11. The Drafting Committee reviewed its terms of reference as contained in the letter of the Chairman of the Commission on Human Rights of 24 March 1947 (document E/383) to the President of the Economic and Social Council, and approved by decision of the Council of 28 March 1947 (document E/325). It noted in particular that its function in this session was to prepare, on the basis of documentation supplied by the Secretariat, a preliminary draft of an International Bill of Human Rights.
12. In this preparation, the Drafting Committee started with two basic documents, (a) a Draft Outline of an International Bill of Rights prepared by the Secretariat (documents E/CN.4/AC.1/3 and E/CN.4/AC.1/3/Add.1), constituting Annex A of this Report, and (b) a draft Bill of Rights proposed by the United Kingdom (document E/CN.4/AC.1/4), constituting Annex B of this Report. These two documents were carefully gone over and compared, together with certain United States proposals for the rewording of some items appearing in the Secretariat outline (documents E/CN.4/AC.1/8 and Revs. 1 and 2), constituting Annex C of this Report.
13. Concerning the form which the preliminary draft might take, two views were put forward. In the opinion of some Representatives it was necessary that the Draft, in the first instance, should take the form of a Declaration

/or Manifesto;

or Manifesto; in the opinion of others there should also be a Convention in addition to the Manifesto or Declaration. The Drafting Committee therefore decided to attempt to prepare two documents, one a working paper outlining a Declaration or Manifesto setting forth general principles, and the second a working paper containing suggestions as to the contents of one or more Conventions flowing from these principles to which Member Nations might adhere.

14. The Committee established a temporary working group, composed of the Representatives of France, Lebanon, and the United Kingdom, with the Chairman of the Committee as an ex officio member. It requested this working group:

- (a) to suggest a logical rearrangement of the articles of the Draft Outline supplied by the Secretariat;
- (b) to suggest a redraft of the various articles in the light of the discussions of the Drafting Committee; and
- (c) to suggest to the Drafting Committee the division of the substance of the articles between a Declaration and a Convention.

15. The temporary working group had three meetings, and after a general discussion decided to request Professor Cassin to undertake the writing of a draft Declaration based on those Articles in the Secretariat outline which he considered should go into such a Declaration. It was the consensus of opinion that such a document would have greater unity if drawn up by one person. The Representatives of the United Kingdom and Lebanon, together with the Chairman, were asked independently to go over the Secretariat outline and the United Kingdom draft with a view to determining which Articles could readily lend themselves to a Convention.

Professor Cassin produced a draft containing a Preamble and forty-four suggested Articles. The working group revised the Preamble and the first six Articles before submitting them to the Drafting Committee (document E/CN.4/AC.1/W.1). The remaining Articles were submitted to the Drafting Committee in the form proposed by Professor Cassin (document E/CN.4/AC.1/W.2/Rev.1), constituting part of Annex D of this Report.

/The Chairman,

The Chairman, the Representative of Lebanon and the Representative of the United Kingdom agreed that the Articles contained in the Convention part (Annex I of document E/CN.4/AC.1/4) of the United Kingdom draft could be submitted to the Commission on Human Rights as possibly forming the basis of a draft Convention and that the following three subjects should be added to this draft:

- (a) torture, physical integrity and cruel punishments;
- (b) the right to a legal personality; and
- (c) the right of asylum.

16. The Drafting Committee read the draft Preamble, but recognized that its final wording could not be determined until later.

17. The Drafting Committee considered in detail each of the six draft Articles submitted by the working group, then considered in like detail the remaining draft Articles submitted by Professor Cassin. Members made comments on the form and substance of the various articles. These comments are found in the verbatim and summary records. All Members of the Drafting Committee understood that no action taken by them during the session was to be considered binding upon their Governments. Professor Koretsky's remarks were confined in the main to procedural matters, and for all issues he specifically reserved the right to present the comments, observations, and proposals of his Government at a later time.

18. The Drafting Committee accepted Professor Cassin's offer to prepare, on the basis of the discussion of his draft, a revised Draft Declaration. This revised Draft (document E/CN.4/AC.1/W.2/Rev.2) was gone over carefully by the Drafting Committee and the result of this examination is embodied in Annex E of this Report. The Drafting Committee therefore submits to the Human Rights Commission this Annex as a working paper for a preliminary draft of an International Manifesto or Declaration on Human Rights.

19. The Drafting Committee used the proposal of the United Kingdom (document E/CN.4/AC.1/4) as a basis for its general discussion relating to the possible substantive contents of a Draft Convention. While it did not go over this

matter as thoroughly as it did the Drafts of Professor Cassin, it nevertheless suggests that the United Kingdom proposal may form a basis for a draft Convention which the Commission on Human Rights may wish to elaborate.

CHAPTER III

The Question of Implementation of an International Bill of Human Rights

20. The United Kingdom Draft embodied many proposals bearing on implementation. Consequently, in the discussion of that Draft, the question of implementation in general came up.

Annex F of this Report consists of a paper prepared by the Secretariat embodying documentation on the question of implementation. The following is a brief summary of the comments made on this subject in the session of the Drafting Committee:

- (a) It was the consensus of opinion of the Members of the Drafting Committee that the international community must ensure the observance of the rights to be included in an International Bill of Human Rights.
- (b) The view was expressed that implementation might take two forms:
 - (1) some form of punishment of an offending State, the proposals for such punishment ranging from a public request for information concerning the alleged violation to trial before an International Tribunal;
 - (2) action on the part of the United Nations and the Member States to educate the peoples of the world with regard to human rights and to create conditions under which respect for and promotion of human rights would be secured.
- (c) The view was expressed that the only practicable compulsory form of implementation would be an international Convention ratified or adhered to by Member Governments.
- (d) The view was expressed that the possibility might be studied of creating, within the framework of the United Nations, an organization to receive, sift, examine, and deal with communications alleging the violation of human rights.

/(e) The suggestion

(e) The suggestion was made that the terms of reference of the Commission on Human Rights be re-examined by the Economic and Social Council with a view to granting greater responsibility in this field to the Commission.

(f) The Australian proposal for the creation of an International Court of Human Rights, which was submitted in the first session of the Commission on Human Rights, was again referred to by the Representative of Australia and discussed in general by the Drafting Committee.
