

## COMMISSION ON HUMAN RIGHTS

## FIFTH SESSION

REPORT OF THE COMMITTEE ON COMMUNICATIONS TO THE  
COMMISSION ON HUMAN RIGHTS

1. The Committee on Communications met on 6 and 7 June 1949, and considered items 7 (Report by the Secretary-General on the present situation with regard to communications concerning human rights) and 16 (Confidential list of communications concerning human rights) of the agenda of the Commission on Human Rights.

2. The following representatives of the Commission on Human Rights attended:

<u>Chairman:</u>	Mrs. ROOSEVELT	United States of America
<u>Members:</u>	Mr. SAGUES	Chile
	Mr. LOUTET	Egypt
	Mr. CASSIN	France
	Mr. GARCIA BAUER	Guatemala
	Mrs. MEHTA	India
	Mr. AZKOUL	Lebanon
	Mr. INGLES	Philippines
	Mr. PAVLOV	Union of Soviet Socialist Republics
	Miss BOWIE	United Kingdom

3. The expression of the views of the members of the Committee is embodied in the summary records of its meetings (Restricted documents E/CN.4/AC.9/SR.1 and 2).

4. As regards item 16 (Confidential list of communications concerning human rights) of the agenda, the Committee decided by 7 votes for, none against and 1 abstention, to submit the following draft resolution to the Commission:

## A.

"The Commission on Human Rights

Takes note of the confidential list of communications concerning human rights prepared for its fifth session by the Secretary-General in accordance with resolution 75 (V) as amended by resolution 116A (VI)".

5. In connexion with item 7 (Report by the Secretary-General on the present situation with regard to communications concerning human rights, (E/CN.4/165 and E/CN.4/165/Corr.1)), the Committee agreed with the suggestion of the Chairman that it should only deal with some of the points raised in the Report of the Secretary-General and that at the present stage the Committee had not sufficient time to make a detailed study of the Report, especially as the Commission had been called upon by the General Assembly to give priority in its work to the drafting of a Covenant and measures of Implementation. The Chairman also suggested that it would be more appropriate to take up further consideration of the Report of the Secretary-General after the completion of the Covenant and measures of implementation.

6. The Committee considered a proposal of the representative of the United Kingdom (E/CN.4/AC.9/1) and an amendment to this proposal by the representative of Uruguay (E/CN.4/AC.9/2) concerning paragraph (e) of resolution 75 (V) as amended by resolution 116A (VI). The Uruguay amendment was rejected by 2 votes for, 4 against and 1 abstention. The Committee then adopted by 6 votes for, none against and no abstention, the United Kingdom proposal for the submission of the following draft resolution to the Commission on Human Rights:

B.

"The Commission on Human Rights

Recommends to the Economic and Social Council that paragraph (e) of resolution 75 (V) as amended by resolution 116A (VI) and resolution 192 (VIII) be amended to read as follows:

"In the future, to furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in paragraph (b) above."

7. The Committee was of the opinion that the procedure suggested in the United Kingdom proposal for the amendment of paragraph (e) of resolution 75 (V) as amended by resolution 116A (VI), would also include communications referring to specialized agencies of the United Nations.

8. The representative of India raised the question of the deletion of the second sentence in paragraph (d) of resolution 75 (V). The Committee considered that it was not necessary to take a formal vote on the question, and it agreed that in future the Secretary-General should interpret paragraph (d) in a more flexible manner. The representative of Uruguay suggested that the Secretary-General should, when answering communications,

include the words "for the time being" as part of any statement to the effect that the Commission has no power to take any action on any complaint. The representative of the Union of Soviet Socialist Republics suggested that the words "in conformity with existing regulations" be used in this context.

9. The Committee decided to recommend the draft resolution given below to the Commission on Human Rights concerning the amending of paragraphs (a) and (b) of resolution 75 (V) as amended by resolution 116A (VI). Paragraph (a) of the proposal was adopted by 7 votes for, 1 against and no abstentions, and paragraph (b) was adopted by 7 votes for, none against and 1 abstention:

"The Commission on Human Rights

Recommends to the Economic and Social Council that paragraphs (a) and (b) of resolution 75 (V) as amended by resolution 116A (VI) be amended to read as follows:

C.

"Requests the Secretary-General

- (a) To compile and distribute to members of the Commission on Human Rights before each session a non-confidential list containing a brief indication of the substance of each communication however addressed, which deals with the principles involved in the promotion of universal respect for and observance of human rights and to divulge the identity of the authors of such communications unless they indicate that they wish their names to remain confidential;
- (b) To compile before each session of the Commission a similar confidential list of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged."

10. The Committee decided to include the following observation of the representative of Uruguay in its Report to the Commission, with which the representative of the Philippines associated himself:

"The delegation of Uruguay reserves the right to enlarge if it deems necessary in the present session of the Commission upon its point of view with regard to some of the communications received in 1949."

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11. The Chairman suggested that the representative of the Secretary-General would answer certain questions raised by the representative of the Union of Soviet Socialist Republics in connexion with communications relating to Trust Territories, and communications emanating from consultative organizations, at the meeting of the Commission when the Report of the Committee would be considered.

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