

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

DRAFT REPORT OF THE COMMISSION ON HUMAN RIGHTSSUBMITTED TO THE ECONOMIC AND SOCIAL COUNCIL

Geneva, 2 December to ____ December 1947

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CHAPTER I

INTRODUCTION

1. The Second Session of the Commission on Human Rights opened at 10 a.m. Tuesday, 2 December 1947, at the European Headquarters of the United Nations, Geneva, Switzerland. The Commission held Plenary Meetings and terminated its work on _____ December 1947.

2. The following Representatives of Member Nations on the Commission attended:

Chairman:

Mrs. Franklin D. Roosevelt (United States) Representative

Rapporteur:

Dr. Charles Malik (Lebanon) Representative

Col. W.R. Hodgson (Australia) Representative

Mr. Fernand Dehousse (Belgium) Representative

Mr. A.S. Stepanenko (Byelorussian S.S.R.) Representative

Senator E. Cruz Coke (Chile) Alternate

Dr. C.H. Wu (China) Alternate

Mr. Omar Loutfi (Egypt) Alternate

Prof. René Cassin (France) Representative

Mrs. Hansa Mehta (India) Representative

Mr. A.G. Pourevaly (Iran) Alternate

Mr. M. Amado (Panama) Alternate

Brig.Gen. Carlos P. Romulo (Philippine Republic) Representative

Mr. Michael Klekovkin (Ukrainian S.S.R.) Representative

Mr. A.E. Bogomolov (U.S.S.R.) Representative

Lord Dukeston, C.B.E. (United Kingdom) Representative

Mr. Juan J.C. Victorica (Uruguay) Alternate

Dr. Vladislav Ribnikar (Yugoslavia) Representative

3. The following Representatives of Specialized Agencies were also present at the session:

Mr. J. de Givry,
Mr. P. de Briey, and
Mr. J. Bessling

International Labour
Organization

Mr. J. Havet

United Nations Educational,
Scientific and Cultural
Organization

Miss M. Barblé, and
Mr. Weiss

Preparatory Commission
for the International
Refugee Organization.

4. The following consultants from non-governmental organizations were also present:

Category A

Miss Tony Sender

American Federation of Labour

Mr. A. van Istendael and
Mr. P.J.S. Serrarens

International Federation of
Christian Trade Unions

Mr. Leopold Bpissier and
Mr. A.R. de Cléry

Inter-Parliamentary Union

Category B.

Mlle. E. de Romer

Catholic International Union
for Social Service, and the
International Union of
Catholic Women's Leagues.

Mr. O. Frederick Nolde

Commission of the Churches
on International Affairs

Mr. A.G. Brotman

Coordinating Board of Jewish
Organizations

Prof. Norman Bentwich
Mr. Milton Winn
Mr. Eugene Weill and
Prof. Paul Mantoux

Consultative Council of
Jewish Organizations

Mr. Th. de Félice

International Abolitionist
Federation

Mr. J.M.E. Duchosal and
Mr. C. Pilloud

International Committee of
the Red Cross

Dr. Eden and
Miss van Eeghen

International Council of Women

Mrs. Gabrielle Duchène

Women's International Democratic
Federation

Mr. John A.F. Ennals

World Federation of United
Nations Associations

Dr. F.R. Bienenfeld
Mr. Alex Easternman and
Mr. Gerhard M. Riegner

World Jewish Congress

5. Although scheduled to meet on December 1st, the Commission could not open its session before December 2nd, owing to the unavoidable delay in arriving in Geneva of the Chairman and several other Representatives.

6. The Representatives or Alternates representing Chile (Senator CRUZ-COKE), China (Dr. C.H. WU), Lebanon (Dr. Charles MALIK), the Philippines (Brig.-Gen. Carlos P. ROMULO), the United Kingdom (Lord DUKESTON) and Uruguay (Mr. Juan J.C. VICTORICA) were unavoidably delayed in reaching the session. Senator CRUZ-COKE participated from the 33rd to the 37th meeting; Dr. WU and Dr. MALIK participated in the 28th and following meetings, Brig.-Gen. ROMULO in the 29th and following meetings, Lord DUKESTON in the 24th and following meetings, and Mr. Juan J.C. VICTORICA in the 32nd and following meetings. Dr. C.H. WU was represented at the 23rd to the 27th meeting by Dr. Nan-Ju WU. Brig.-Gen. ROMULO was represented at the 28th meeting by Mr. Salvador P. Lopez. Lord DUKESTON was represented at the 23rd meeting by Mr. A. CAMPBELL.

7. Observers representing the Governments of Greece, Poland, Rumania and Turkey, and the Holy See, attended the Session.

8. Prof. John P. HUMPHREY, Director of the Division of Human Rights, represented the Secretary-General. Mr. Edward LAWSON acted as Secretary of the Commission.

9. The Commission took note of the Rules of Procedure for Functional Commission adopted by the Economic and Social Council on 12 August 1947.

10. The Commission adopted the Provisional Agenda (Document E/CN.4/22/Rev.2) as its Agenda, with the understanding that the listing of documents in brackets after each item was for information purposes only.
11. In accordance with Resolution 46 (IV) of the Fourth session of the Economic and Social Council, the Commission invited the officers of the Commission on the Status of Women to be present and to participate without vote in its deliberations when sections of the draft of the International Bill of Human Rights concerning the particular rights of women were being considered. The Commission on the Status of Women was represented by Mrs. Bodil BEGTRUP, Chairman, and Mrs. E. URALOVA, Rapporteur.
12. The expression of the views of the Members of the Commission is embodied in the summary records of the plenary meetings (documents E/CN.4/SR.23 to) and in the summary records (Documents E/CN.4/AC.2/SR.1 to 9, E/CN.4/AC.3/SR.1 to 9, and E/CN.4/AC.4/SR.1 to 7) and the reports of the 3 working groups (documents E/CN.4/53, E/CN.4/56 and E/CN.4/57).
13. (The Commission authorized the Chairman, or in the absence of the Chairman, the Rapporteur, to present this report to the Economic and Social Council).
14. The Commission instructed the Secretary-General to transmit the draft articles contained in Annexes A and B of this Report to all States members of the United Nations for their observations, suggestions and proposals, to be submitted to the Drafting Committee prior to its meeting in May 1948, in conformity with Resolution 46 (IV) of the Economic and Social Council. The Commission also instructed the Secretary-General to transmit the discussion on implementation contained in Annex C to all States members of the United Nations, requesting them to submit their comments to the Drafting Committee in time for consideration in its meeting of

CHAPTER II

PLAN OF WORK IN REGARD TO THE BILL OF HUMAN RIGHTS

15. The Commission decided to proceed without delay to consider the suggested Articles for inclusion in an International Declaration of Human Rights, contained in Annex F of the Report of the Drafting Committee (Document E/CN.4/21); and the suggested Articles for inclusion in an International Convention of Human Rights, contained in Annex G of the same Report.

16. In order to fulfil its mission, the Commission decided to set up three working groups immediately, to deal respectively with the problem of the Declaration, the Convention or Conventions, and Implementation. The membership of these working groups, as determined by the Chairman with the approval of the Commission, was as follows:

Working Group on the Declaration: The Representatives of the Byelorussian S.S.R., France, Panama, the Philippines, the U.S.S.R. and the U.S.A.

Working Group on the Convention or Conventions: the Representatives of Chile, China, Egypt, France, Lebanon, the United Kingdom and Yugoslavia.

Working Group on Implementation: The Representatives of Australia, Belgium, Iran, the Ukrainian S.S.R., and Uruguay.

17. The Working Groups began their work immediately upon establishment, and met simultaneously. The Working Group on the Declaration met 9 times, that on the Bill or Convention 9 times, and that on the question of implementation 7 times. When the Commission received the Reports of the three Working Groups (Documents E/CN.4/53, E/CN.4/56 and E/CN.4/57 respectively) it decided to examine first the proposed Articles for the Declaration Article by Article, referring to corresponding Articles in the Convention wherever such existed.

The Commission did not attempt to draft the articles of either document in a final form, being of the opinion that this could only be done after comments had been received from the Governments.

18. Four titles were frequently used in respect of the documents under preparation, Declaration and Convention. The latter was to be entered into and ratified by Governments and not only to be discussed and passed by the General Assembly. The question arose whether the term "Bill of Rights" was to be applied only to the Convention or to the two documents taken together. No decision was taken on this point. Other terms suggested were Covenant and Pact.

19. In discussing the Articles for the two documents, the Commission accepted a ruling of the Chairman (which was challenged and upheld) that in order to save time only one person would be recognized to speak for, and only one to speak against, each article or proposed amendment.

20. It was agreed that every Representative had a right to submit to the Rapporteur, in writing, any comment he wished to make upon a particular article or upon the documents as a whole, for inclusion in the Report.

CHAPTER III

INTERNATIONAL DECLARATION ON HUMAN RIGHTS

21. The Working Group on the Declaration on Human Rights held nine meetings. Mrs. Franklin D. ROOSEVELT (United States) was elected Chairman and Professor René CASSIN (France), Rapporteur. The views expressed by the members of the Working Group will be found in its Report (Document E/CN.4/57) and in the summary records of its meetings (Document E/CN.4/AC.2/1 to 9).

22. The Report of the Working Group was received and noted by the Commission, and Chapter 3, containing articles suggested for inclusion in an International Declaration on Human Rights, was considered in detail. Members commented upon the form and substance of the various articles, and proposed alterations. These comments and proposals are found in the summary records. The result of this examination is embodied in Annex A of this Report.

CHAPTER IV

INTERNATIONAL BILL OF HUMAN RIGHTS

(CONVENTION, PACT, COVENANT)

23. The Working Group on the Bill of Human Rights (Convention, Pact, Covenant) held nine meetings. Lord DUKESTON (United Kingdom) was elected Chairman and Dr. Charles MALIK (Lebanon), Rapporteur. The views expressed by the members of the Working Group will be found in its Report (Document E/CN.4/56) and in the summary records of its meetings (Documents E/CN.4/AC.3/1 to 9).

24. The Report of the Working Group was received and noted by the Commission, and Chapter 2, containing articles suggested for inclusion in an International Bill of Human Rights (Convention, Pact, Covenant) was considered in detail. Members commented upon the form and substance of the various articles, and proposed alterations. These comments and proposals are found in the summary records. The result of this examination is embodied in Annex B of this Report.

CHAPTER V

THE QUESTION OF IMPLEMENTATION

25. The Working Group on the Question of Implementation held seven meetings. Mrs. Hansa MEHTA (India) was elected Chairman and Mr. Fernand DEHOUSSE (Belgium), Rapporteur. The views expressed by the members of the Working Group will be found in its Report (Document E/CN.4/53) and in the summary records of its meetings (Documents E/CN.4/AC.4/1 to 7).

26. The Report of the Working Group was received and noted by the Commission, and the Representatives proceeded to make general comments on it. A summary of these comments is contained in the summary records of the 38th and 39th plenary meetings (Documents E/CN.4/SR.38 and 39). The Commission decided to take no decision on any specific principle or solution stated in the Report, but to transmit the Report to the Governments of the various States and to the Economic and Social Council for their consideration and comment. Annex C of the present Report reproduces in full the Report of the Working Group on Implementation, together with such comments by Representatives as were expressly submitted in writing to the Rapporteur for this purpose.

CHAPTER VI
COMMUNICATIONS

27. The Commission received, in private meeting, a confidential list of communications received concerning human rights compiled by the Secretary-General. This list contained a brief indication of the substance of each communication, without divulging the identity of the authors. In accordance with the suggestion made by the Economic and Social Council in its Resolution of 5 August 1947 (Resolution 75 (V)), the Commission decided to establish an ad hoc committee to meet shortly before the third session for the purpose of reviewing the confidential list of communications prepared by the Secretary-General under part (a) of that Resolution and of recommending which of these communications, in original, should, in accordance with paragraph (c) of the Resolution, be made available to members of the Commission on request. The Commission requested the ad hoc committee to perform a similar function during the current session. In addition to the functions for the Committee suggested by the Economic and Social Council, the Commission requested that the Committee should also submit to it a report on the list of communications prepared under paragraph (a) of the Resolution, along with any recommendations it deemed appropriate.

28. The ad hoc committee held one meeting.

CHAPTER VII

FREEDOM OF INFORMATION AND OF THE PRESS

29. The Commission on Human Rights noted the Report of the first session of the Sub-Commission on the Freedom of Information and of the Press (Document E/441), which had been submitted directly to the Economic and Social Council in conformity with that Council's Resolution No. 46 (IV) of 28 March 1947.

30. The Commission decided to extend the terms of office of the members of the Sub-Commission to _____, in order that the Sub-Commission might hold a meeting after the session of the international Conference on Freedom of Information.

31. The Commission adopted the following resolution:

THE COMMISSION ON HUMAN RIGHTS:

1. Recognizes that freedom of expression and of information is one of the most fundamental freedoms;
2. Affirms that this freedom must be included both in the International Declaration and the Convention on Human Rights;
3. Decides, having before it two texts on this subject for inclusion in the International Convention, one submitted by the United States of America and one by the Drafting Committee, not to elaborate a final text until it has before it the views of the Sub-Commission on Freedom of Information and of the Press and of the International Conference on Freedom of Information, and remits to the Sub-Commission on Freedom of Information and of the Press these two texts for its consideration, requesting it further:

(a) to take into account the two resolutions of the General Assembly on this question (Document A/C.1/228, "Measures to be taken against Propaganda and the Inciters of a New War" and Document A/C.3/180, "Slandereous Information");

(b) to consider the social, economic and political conditions which will render this fundamental freedom real;

(c) to consider the possibility of denying this freedom to publications and other media of public expression which aim or tend to inflict injury, or incite prejudice or hatred, against persons or groups because of their race, language, religion or national origin.

4. Recommends to the Economic and Social Council that it remit to the International Conference on Freedom of Information the same documents with identical instructions.

5. The Commission also decided to refer Articles 21 and 22 of the draft Declaration to the Sub-Commission on Freedom of Information and of the Press for its consideration and report and to request the Economic and Social Council to refer these Articles also to the Conference on Freedom of Information for its own consideration and report.