

**ECONOMIC
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SOCIAL COUNCIL****CONSEIL
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7 February 1947

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE NINETEENTH MEETING

Held at Lake Success, New York, on Friday, 7 February 1947, at 11:00 a.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States of America)
Vice-Chairman:	Mr. P.C. Chang	(China)
Rapporteur:	Mr. Charles Malik	(Lebanon)
Members:	Col. W.R. Hodgson	(Australia)
	Mr. T. Kaminsky	(Byelorussian Soviet Socialist Republic)
	Mr. F. Nieto Del Rio	(Chile)
	Mr. P.C. Chang	(China)
	Mr. O. Ebeid	(Egypt)
	Mr. R. Cassin	(France)
	Mrs. Hansa Mehta	(India)
	Mr. G. Ghandi	(Iran)
	Mr. G. Malik	(Lebanon)
	Col. Amado Bautista	(Philippine Republic)
	Mr. V. Tepliakov	(Union of Soviet Socialist Republics)
	Mr. C. Dukes	(United Kingdom)
	Mrs. E. Roosevelt	(United States of America)
	Mr. J.A. Mora	(Uruguay)
	Mr. V. Ribnikar	(Yugoslavia)
Substitutes:	Mr. R. Lebeau	(Belgium)
	Mr. G.G. Guardia	(Panama)

Representatives of Specialized Agencies

Mr. E. Hutchison	(ILO)
Mr. G.L. Carnes	(UNESCO)

Consultant of Non-Governmental Organization:

Mr. L. Teper	(AF of L)
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Secretariat: Mr. J. Stanczyk

Secretary of the Commission:

Prof. J.P. Humphrey	(Director, Human Rights Division)
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1. Discussion of the Report of the Committee on Rules of Procedure
(document E/CN.4/18).

The CHAIRMAN said that the first report to be discussed was that of the Committee on Rules of Procedure (document E/CN.4/18).

Mr. HODGSON (Australia) read the Report and said that the Committee in drawing up the list of amendments to be made to the Rules of Procedure (document E/CN.4/W.7) had taken in account not only those amendments suggested by members of the Commission on Human Rights, but also those submitted to the Secretariat by other Commissions. Referring to Rule 2, he said that the Committee had decided that it was for the Commission to state where and when it wished its next session to meet, and therefore that rule had been redrafted.

Mr. LEBEAU (Belgium), supported by Mr. MALIK (Lebanon) and Mr. CASSIN (France), suggested that the amendment to Rule 2 should read:

"If the Commission has not fixed a date or the date fixed proves impracticable, it may be fixed by the Chairman with the concurrence of the Secretary-General."

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) said the Working Group had discussed the matter thoroughly. He felt that the wording suggested by the Representative of Belgium was vague. Who would decide whether the date fixed for the Commission's session was practicable or impracticable, and how would the members of the Commission be notified in time of any change of date? In any event, the Chairman would have to consult members of the Commission before he fixed the date of any meeting.

Mr. HODGSON (Australia) said the text could be amended to read: "The Commission with the concurrence etc."

Mr. DUKES (United Kingdom) considered that the word "shall", in the second sentence of the amendment, should be changed to read "will". He felt that the Commission should attempt to fix a date for the next session and also suggest where it should be held. If the Commission failed to reach agreement, then the fact that it had suggested a certain time and place would assist the Chairman and the Secretary-General in reaching a decision as to the date and place of the next meeting.

/The SECRETARY

The SECRETARY said that the Secretary-General was consulting with the various delegations in order to draw up the year's schedule of meetings. It had been proposed that the Economic and Social Council should meet only twice in 1947 instead of three times, and that proposal, if adopted, would affect the dates proposed for the Commission. Two dates had been proposed for the second session of the Commission on Human Rights, namely, 30 June and 27 July, and it had been suggested by some delegations that the next session should be held in Europe.

The CHAIRMAN felt that it would be impossible to fix the date of the next session of the Commission as the date of the next session of the Economic and Social Council might be changed. She suggested that the first sentence of Rule 2 should read:

"The Commission with the concurrence of the Secretary-General will fix etc."

Mr. DUKES (United Kingdom) considered that the Commission should discuss the date and place of the next session on the assumption that a second session would be held.

Mr. HOIGSON (Australia) suggested that the text of Rule 2 should be amended to read:

"The Commission, with the concurrence of the Secretary-General shall, whenever possible, fix the date of the next session. Should it fail to do so, or should the date fixed prove to be impracticable, the Committee etc."

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) said that the Chairman should not be authorized to fix the date of a session with the concurrence of the Secretary-General without prior consultation with the members of the Commission.

Replying to the CHAIRMAN, who asked how it would be possible to consult each member of the Commission should a change of date be necessary, Mr. TEPLIAKOV said that the Commission itself should fix the date.

The CHAIRMAN did not see how the whole Commission could be consulted about a change of date. It could decide on a date for the next session, but

/if that

if that date had to be changed it would be for the Chairman and the Secretary-General to fix another date.

Mr. DUKES (United Kingdom) and Mr. HODGSON (Australia) supported the remarks of the Chairman. Mr. Hodgson suggested that Rule 2 could be amended to read:

"The Commission with the concurrence of the Secretary-General, shall, whenever possible, fix the date of its next session etc."

Mrs. MEHTA (India) considered that the words "whenever possible" should be deleted. The Commission should fix a provisional date.

Replying to the representative of the Union of Soviet Socialist Republics, the CHAIRMAN said that the Secretary-General would judge whether the date suggested for a session was practicable or impracticable, as he had to draw up the schedules for all the meetings held during the year.

Mr. DUKES (United Kingdom) asked whether the only reason for changing the date of a Commission would be because it did not fit in with the dates of other Commissions etc. He pointed out that most of the members of the Commission had other public duties to perform in their own countries, and suggested that the words "unless something untoward happens" should be inserted in the text of Rule 2.

The SECRETARY said that a date suggested by the Commission might be impracticable from the Secretariat's point of view owing to the various arrangements which had to be made for the holding of the sessions of Commissions.

The CHAIRMAN said that when the date of the next session of the Commission was fixed each member of the Commission could say whether it would be possible for them to attend and if they could not, then their alternates could be named.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) suggested that Rule 2 should read:

/"The Commission

"The Commission with the concurrence of the Secretary-General shall fix the date of its next session. Should the fixed date prove to be impracticable from the point of view of the Secretary-General, then the date of such session shall be fixed by the Chairman, etc."

The CHAIRMAN put to the vote Rule 2, as amended, of the draft Rules of Procedure of the Commission on Human Rights.

DECISION: Rule 2 of the draft Rules of Procedure of the Commission on Human Rights was approved.

Rule 4

Mr. HODGSON (Australia) said the Committee had suggested the deletion of Rule 4 as it had considered that rule unnecessary in view of the decision taken regarding Rule 2.

Mr. MALIK (Lebanon) considered that the deletion of Rule 4 would make it impossible for the Commission to hold any special session.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) said that as the Commission on Human Rights was going to hold three sessions during the year, he did not see why a special session should be called.

The CHAIRMAN said that the schedule for the Commission on Human Rights was two sessions during the year and only two dates had been suggested for the second session. The Economic and Social Council was scheduled to meet three times a year. It might be necessary for some reason or other to hold a special meeting of the Commission on Human Rights.

Mr. CASSIN (France) agreed with the remarks of Mr. Malik, and felt that it should be left to the Chairman, with the concurrence of the Secretary-General, to call any special session of the Commission which might be necessary.

Mr. MALIK (Lebanon) moved that Rule 4 should be retained with the addition of the word "special" before the word "session."

/Mr. HUMPHREY (Commission Secretary)

Mr. HUMPHREY (Commission Secretary) asked whether the Commission was voting to amend the provisional Rules of Procedure or was it making suggestions to the Secretariat Committee which was going to prepare a draft set of Rules of Procedure for all Commissions.

The CHAIRMAN said that the Rules of Procedure now being discussed were provisional and might be amended if so desired by the Commission.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics), supported by Mr. HODGSON (Australia), said that the Rules of Procedure drawn up by the Working Group were of a provisional nature only. He would move the deletion of Rule 4.

The CHAIRMAN said that the representative of the Lebanon had moved as an amendment that the Commission should retain Rule 4 with the addition of the word "special" in front of "session" in the second line, and the representative of the Union of Soviet Socialist Republics had moved the deletion of Rule 4.

DECISION: Paragraph 4 of the draft Rules of Procedure of the Commission on Human Rights was deleted.

Rule 5: Amend by changing the word "Chairman" to "Commission".

Col. HODGSON (Australia) explained that this revision had been suggested, since it was felt that the decision should be in the hands of the Commission itself.

Mr. LEBEAU (Belgium) opposed the amendment; he considered that the Chairman and the Secretary-General should be given a certain leeway in determining the date and place of meetings, taking into account the arrangements of the Secretariat.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) supported the amendment, and moved that the Commission should adopt the revision proposed by the Committee.

Mr. DUKES (United Kingdom) considered that both contingencies of date and location should be covered in the overall discussion. If the location selected proved to be impracticable, another place should be designated under the responsibility of the Chairman in concurrence with the Secretary-General.

Col. HODGSON (Australia) suggested that both factors might be covered by a single rule, which would read:

"The Commission with the concurrence of the Secretary-General, shall fix the date and place of its next session..." etc., on the basis of Rule 2.

Mr. CHUNG (China) remarked that the question of location required greater attention than the date, in view of its political significance. Any decision in that respect should be in the hands of the Commission. At the same time, he emphasized the basic principle that the Commission should meet at Headquarters.

Mr. MALIK (Lebanon) pointed out that the wording suggested by the Australian representative did not provide for the general rule that sessions should be held at the seat of the United Nations.

Mr. LEBEAU (Belgium) agreed with the representative of Lebanon, and suggested that Rule 5 might be worded as follows:

"Each session shall be held at the seat of the United Nations. If this proves to be impracticable, another place may be designated by the Chairman..." etc.

Mr. CASSIN (France) proposed that the Commission should adopt the wording of the Committee, and add the second sentence of Rule 2, changing the word "date" to "place".

The CHAIRMAN put to the vote the motion of the Union of Soviet Socialist Republics representative that the Commission should adopt the wording recommended by the Committee.

DECISION: The Union of Soviet Socialist Republics motion was carried by nine votes with no opposition.

The Commission proceeded to discuss the proposal of the French representative.

Mr. LEBEAU (Belgium) considered that the Commission should take into account the general opinion expressed by the Fifth Committee of the General Assembly that measures of economy were necessary and that

/meetings

meetings of organs of the United Nations should be held insofar as possible simultaneously and in the same location, in order to avoid dispersion of Secretariat services. It was therefor necessary that the Chairman, in concurrence with the Secretary-General, should have the authority to designate a proper location if the original decision of the Commission proved to be impracticable.

The members for China and the Union of Soviet Socialist Republics emphasized the importance of selecting a location for the sessions of the Commission, and believed that any decision in that respect should remain in the hands of the Commission.

The CHAIRMAN put to the vote the second sentence proposed by the French representative.

DECISION: The French proposal was adopted by seven votes to two.

Rule 6: Delete the phrase, "unless the Chairman shall otherwise determine".

DECISION: Rule 6 as amended was adopted by eight votes with no opposition.

Rule 8: Amend to add, after the word "Chairman" the words, "and sent to the Members of the Commission at the same time as the notification of the meeting".

Col. HODGSON (Australia) remarked that this addition was self-explanatory. It was not meant to exclude additional items from the provisional agenda.

DECISION: Rule 8 as amended was adopted by eight votes with no opposition.

Rule 9: Delete Section (e).

DECISION: Rule 9 as amended was adopted by eight votes with no opposition.

Rule 10: Amend to add, after the word "agencies", the words, "and to the non-governmental organizations placed in category (a) by the Economic and Social Council".

/DECISION:

DECISION: Rule 10 as amended was adopted by eleven votes with no opposition.

Rule 12: Delete the words "or 4".

The CHAIRMAN pointed out that this deletion was valid, since the Commission had previously decided to delete Rule 4.

Rules 15, 16 and 44: Eliminate brackets and delete the word "General".

DECISION: Rules 15, 16 and 44 as amended were adopted by eleven votes with no opposition.

Rule 54: Amend to substitute the word "shall" for "may".

Col. HODGSON (Australia) explained that the word "shall" had been deemed preferable owing to its mandatory implication.

DECISION: Rule 54 as amended was adopted by ten votes with no opposition.

Mr. CASSIN (France) called ~~the~~ attention of the Commission to the importance of Rule 28 regarding interpretations and translations into both working languages.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) stated that he wished to go on record as abstaining on Rule 2.

In reply to a question from the Belgian representative, the Secretary stated that there had been no question of referring the Rules of Procedure to the Economic and Social Council. However, the Secretariat would attempt to produce another draft, taking into consideration the suggestions made in the various commissions. In the meantime, the Commission would be governed by the Rules as amended during the previous discussion.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics), pointing out that the Commission was not bound to accept the Secretariat draft, suggested that the Rules of Procedure should be adopted provisionally without any time limit.

/Col. HODGSON (Australia)

Col. HODGSON (Australia) moved that the Provisional Rules of Procedure should be adopted as amended provisionally.

DECISION: The Australian motion was carried by eleven votes with no opposition.

The meeting rose at 12:55 p.m.
