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SOCIAL COUNCIL****CONSEIL
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10 February 1947
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COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE TWENTY-SECOND AND LAST MEETING

Held at Lake Success, New York, on Monday, 10 February at 2:30 p.m.

Present:

Chairman: Mrs. Roosevelt (United States of America)

Vice-Chairman: Dr. Chang (China)

Rapporteur: Mr. Malik (Lebanon)

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

Alternates: Mr. Lebeau (Belgium)
Mr. Guardia (Panama)
Mr. Bautista (Philippine Republic)

Representatives of Specialized Agencies:

Mr. Hutchison (ILO)
Mr. Carnes (UNESCO)
Miss Spiegel (World Federation of Trade Unions)

Consultants from non-governmental organizations:

Mr. Campbell (International Co-operative Alliance)
Miss Sender (American Federation of Labor)

Secretariat: Mr. Stanczyk (Director, Department of Social Affairs)
Dr. Humphrey (Secretary of the Commission)

Discussion

Discussion and Adoption of the Draft Report of the Commission on Human Rights to the Economic and Social Council (Document E/CN.4/19)

1. Chapter III, Paragraph 4

By seven votes to none, the Commission adopted paragraph 4 subject to the two formal amendments proposed by Mr. HODGSON (Australia), namely, that "has been set up" should replace "had been set up" in the first line, and "to submit recommendations" should replace "to formulate recommendations" in the fifth line.

2. Chapter IV: Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission adopted paragraph 1 by eleven votes to none.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) proposed that the words "on grounds of race, sex, language or religion" should be added after the word "discrimination" in the third line of sub-paragraph (a).

The Commission adopted paragraph 2, with Mr. Tepliakov's amendment, by eleven votes to none.

With regard to paragraph 3, relating to the composition of the sub-commission, the RAPPORTEUR suggested that the Commission should follow, "mutatis Mutandis", the procedure adopted that morning by the Sub-Commission on Freedom of Information, leaving drafting details to the Rapporteur and the Secretariat.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) would have preferred the Commission to adopt the recommendation drawn up by the drafting group.

The CHAIRMAN, speaking as a member of the United States Delegation, supported the Rapporteur's proposal. It was for the Commission not the Economic and Social Council, to appoint the members of the Sub-Commission at the next meeting.

Replying to a question by Mr. TEPLIAKOV (Union of Soviet Socialist Republics), she explained that it was not so urgent to appoint the members of the Sub-Commission under discussion as those of the Sub-Commission on Freedom of Information, which would be holding a conference in the course of the year.

/Professor CASSIN

Professor CASSIN (France) thought it would be logical to adhere to the procedure followed by the Sub-Commission on Freedom of Information.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) did not think that the Commission could draw up the preliminary draft of the Bill of Human Rights without the help of the Sub-Commission under discussion, and that therefore the establishment of the latter was of the utmost urgency.

The CHAIRMAN thought, on the contrary, that the function of the Sub-Commission for the Prevention of Discrimination and Protection of Minorities would be to contribute to the implementation of the provisions of the Bill.

Col. HODGSON (Australia) supported Mr. Tepliakov's proposal, since the five Peace Treaties which were being signed at Paris would automatically create minorities of hundreds of thousands of persons, as well as problems of nationality, statelessness, rights of option and citizenship and dispossession. The Sub-Commission should be in a position to deal with all these questions immediately and to draw up guiding principles.

The CHAIRMAN appreciated that the members of the Sub-Commission should be appointed without delay, and explained that the Commission could either adopt the proposal of the United States, as it had done in the case of the Sub-Commission on Freedom of Information, or follow the procedure outlined in the Rapporteur's report. The latter solution had the two-fold disadvantage of retarding the work of the Commission and of establishing two forms of procedure.

The RAPPORTEUR read the text of the United States proposal, and the Commission decided, on the suggestion of Mr. Lebeau, to replace the singular "a list" in the eighth line of paragraph 2 by the plural "lists."

The Commission adopted the amendment submitted by the CHAIRMAN by eight votes to four, thus deciding to omit sub-paragraphs (a), (b) and (c) of paragraph 3 and to replace them by the United States text.

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By eleven votes to none, the Commission adopted sub-paragraph (d) of paragraph 3, which had, at the request of Mrs. MEHTA (India), been restored to its original wording and provided that members of the Commission would be elected for two years and not for one year.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) said that he would vote against the adoption of Chapter IV, but only because he objected to the amendment to paragraph 3, which had just been adopted as a separate amendment.

The Commission adopted Chapter IV in its entirety by ten votes to one.

3. Chapter III, Paragraph 3: Composition of the Sub-Commission on Freedom of Information and of the Press

By eight votes to two, the Commission adopted paragraph 3 of Chapter III, in the form drafted by the United States Delegation.

The Commission adopted Chapter III in its entirety by seven votes to four.

4. Chapter II: International Bill of Human Rights

The RAPPORTEUR proceeded to read Chapter II.

The Commission agreed that Professor Cassin (France), who had pointed out several drafting errors in the French text, should have full power to introduce all necessary corrections into the document.

On the proposal of Mrs. MEHTA (India), the Commission decided that the phrase "which may be submitted to it" in the fifth and sixth lines of sub-paragraph (e) of paragraph 1 should be replaced by the phrase "which have been or may be submitted to it."

On the request of Mr. TEPLIAKOV (Union of Soviet Socialist Republics), the Commission decided to omit the words "or excluded from" from the third line of paragraph 2.

On the proposal of Col. HODGSON (Australia), the Commission decided to insert a new paragraph to read as follows:

"Concerning the form of the Bill of Human Rights, the consensus of opinion of the Commission was that it should be submitted to the

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Commission by the Drafting Group as a draft resolution for presentation to and approval by the General Assembly."

The Commission adopted Chapter II in its entirety by nine votes to none, with one abstention.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) explained that he had abstained from voting because he thought that the powers of the existing Drafting Group were too wide and that the Commission should appoint a larger number of members of the Commission to draw up the draft Bill.

The RAPPORTEUR pointed out that during the adoption of Chapters III and IV, he had merely been acting as Rapporteur of the Sub-Committee; the Commission still had to adopt these two chapters officially, in the form in which they were to be submitted to the Economic and Social Council.

The Commission adopted Chapter III in its entirety by seven votes to three.

The Commission adopted Chapter IV in its entirety by nine votes to one.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) emphasized that he had only voted against the adoption of Chapter IV because he did not approve of the provisions relating to the composition of the Sub-Commission.

5. Discussion and Vote on Chapter V

The Commission then discussed Chapter V of the report (document E/CN.4/19/dd.1), which was read by the RAPPORTEUR.

Professor CASSIN (France) asked that paragraph 2 be divided into two separate paragraphs, in order to stress the fact that the Commission had no power in the matter of sanctions in respect of violations of human rights.

The RAPPORTEUR accepted this proposal. It was agreed that the new third paragraph would begin with the word "however."

Mr. BAUTISTA (Philippine Republic) suggested the addition of the words "without divulging the identity of the authors" to paragraph 1, sub-paragraph (c).

/The RAPPORTEUR,

The RAPPORTEUR, supported by Mr. LEBEAU (Belgium), explained that the originals of those documents could not be consulted without this identity being revealed.

DECISION: By a vote, which led to a recount by a roll-call, Chapter V was adopted by six votes to four with one abstention.

Votes in favour: France, India, Iran, Lebanon, United Kingdom, United States. Votes against: Australia, China, Union of Soviet Socialist Republics, Yugoslavia. Abstention: Egypt.

6. Discussion of the Proposed Amendment by the Representative of France to Add a Chapter Relating to Information Groups

Professor CASSIN submitted the following amendment to be added to the report: "The Commission shall take note of the invitation addressed by the Economic and Social Council to Member States of the United Nations, with a view to the establishment in the respective countries of information groups or committees which would collaborate among themselves towards the development of the activities of the Commission on Human Rights. It is hoped that the Member States shall bring to it at regular intervals and by their own initiative, either directly or through the intermediary of such committees and groups, their contributions for its information."

If this text were adopted it would facilitate the establishment of communication between public opinion in the Member States and the Commission on Human Rights. It reproduced an invitation from the Council, to which it would be very wrong not to respond since it was extremely favourable to the purposes of the Commission. Certain States had already set up such groups.

The CHAIRMAN pointed out that a discussion of this recommendation of the Economic and Social Council was not included in the Commission's Agenda.

The RAPPORTEUR appreciated the importance of establishing information groups, but suggested that they should not be mentioned in the report, since the Commission had taken no action with respect to them.

Mr. LEBEAU (Belgium) remarked that the representative of France had

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spoken on the subject of information groups without arousing a prolonged debate. He supported the French proposal without inclusion of a slight formal amendment, namely, that the phrase "It is hoped" should be replaced by "certain Members of the Commission express the hope".

DECISION: By six votes to one it was decided not to include the French proposal in the report.

The representative of France was reminded that he might request the inclusion of the question on the Agenda of the Commission at the next session.

7. Discussion on Annexes (Document E/CN.4/19)

The RAPPORTEUR thought that the contribution of UNESCO and the ILO to the work of the Commission should be transmitted to the Economic and Social Council for information.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) was against including the annexes in the report. The organizations in question were not the only ones that had collaborated with the Commission, and their suggestions should not be reported in detail, since not even Members of the Commission had their suggestions reported.

Mr. LEBEAU (Belgium) thought that since the contributions of specialized agencies and non-governmental organizations were not mentioned in the decisions, the inclusion of the annex in the report was justified.

Mr. CHANG (China) proposed that the suggestions of the specialized agencies and the non-governmental organizations should be transmitted orally to the Economic and Social Council by the Rapporteur.

DECISION: The proposal of the representative of China was adopted by nine votes to none.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics), speaking on the substance of the question, recalled that the Third Committee of the General Assembly had rejected the suggestion that the United Nations and UNESCO should jointly sponsor the forthcoming conference on freedom of information.

/DECISION:

DECISION: On the submission of the Report.

The Commission decided by seven votes to none to add a Point 8 to Chapter I worded as follows:

"The Commission authorizes the Rapporteur to submit its report to the Economic and Social Council."

8. Discussion and Decision on the Place and Date of the Next Session of the Commission on Human Rights

Dr. HUMPHREY (Secretary of the Commission) said that the question of the place and date of the next session of the Commission was being studied by the Secretariat. He gathered that the Secretariat would suggest that the session should be held from 30 July to 12 August at the seat of the United Nations if the Economic and Social Council met only twice this year, and from 21 July to 2 August at Geneva if the Council were to meet three times.

Mr. CHANG (China) proposed that the session should take place at the seat of the United Nations, and that the Economic and Social Council should fix the date. The rules of procedure of the Council provided for three annual sessions and the Council had decided to hold three or four sessions in 1947. In order to economize in budget funds, he asked that the session should take place at the seat of the United Nations.

Mr. LEBEAU (Belgium) said he had recent information from the Secretariat, according to which a meeting at Geneva cost three million dollars less a day than a meeting at New York.

Professor CASSIN (France) proposed that the session should take place at Geneva, where other Commissions were also to meet, and where the work of the Commission on Human Rights would make a greater impression on world public opinion.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) and Mr. DUKES (United Kingdom) supported the French proposal.

There was some discussion as to the powers of the Commission to establish the date and place for the next session, and the CHAIRMAN asked

/Dr. HUMPHREY

Dr. HUMPHREY, (Secretary of the Commission) to read Rule 5 of the Rules of Procedure: "Each session shall be held at the seat of the United Nations unless another place is designated by the Chairman with the concurrence of the Secretary-General." The CHAIRMAN said that the decision of the Commission would therefore be subject to the concurrence of the Secretary-General.

Mr. LEBEAU (Belgium) pointed out that the Chinese proposal was not a proposal in the true sense of the word, because the Commission as a general rule met at the seat of the United Nations. He asked that a vote should first be taken on the French or Australian amendment.

The CHAIRMAN decided to put the following French proposal to the vote first: "The next session of the Commission shall be held at Geneva on 21 July".

DECISION: The French proposal that the meeting of the Commission on Human Rights would be held at Geneva on 21 July was adopted by seven votes to three.

In reply to a question from Dr. CHANG (China), Mr. STANCZYK (Secretariat) said that the Commission's vote was only a guide to the Secretariat.

The CHAIRMAN regretted that the Commission did not know the Secretary-General's views which would have enabled it to take a definite decision.

9. Arrangements Between the Commission and the Group Instructed to Prepare a Preliminary Draft of the Bill of Human Rights

After an exchange of views on the methods whereby the Drafting Group of the preliminary Draft Bill of Human Rights would keep other members of the Commission informed of its work, the Commission took the following decision:

The first report of the drafting group should be transmitted on 1 April; other reports should follow at monthly intervals.

The final report should be mailed by 25 June.

10. Vote on the Whole Report of the Commission on Human Rights to the Economic and Social Council

DECISION: The report of the Commission, including, in particular, the decision as to place and date of the next session, and measures taken to keep members of the Commission informed of the work of the Drafting Group, was adopted in its entirety by eight votes to none.

11. Conclusion of the Debates of the First Session of the Commission on Human Rights

Dr. CHANG (China) asked that the following statement be included in the summary record for transmission to all concerned:

"The Commission on Human Rights expresses to the Secretary-General its appreciation of the extremely able manner in which the work of his staff was performed, both in preparation for and during the first session of this Commission.

"The opening address of Monsieur Laugier, delivered at real sacrifice to his personal convenience and his health, will not soon be forgotten. The Commission further feels that the Secretary-General is to be congratulated on having on his staff Dr. Humphrey, who acted as Secretary during this session. The success of the Commission's work has been due in no small measure to the careful planning and the high degree of intelligence and tireless devotion which Dr. Humphrey has given to this work.

"The Commission wishes also to express its appreciation and gratitude for the devoted and inspiring leadership of its Chairman, whose charming and irresistible spirit of patience and humor elicits our sincerest admiration."

Colonel HODGSON (Australia), Professor CASSIN (France), Mr. MALIK (Lebanon), Mr. DUKES (United Kingdom), Mr. RIBNIKAR (Yugoslavia), Mr. EBEID (Egypt), associated themselves with the sentiments expressed by the representative of China.

The meeting rose at 6:30 p.m.
