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COMMISSION ON HUMAN RIGHTS

SECOND SESSION

SUMMARY RECORD OF TWENTY-FOURTH MEETING

Held in closed session

at the Palais des Nations, Geneva, on Tuesday,  
2 December, 1947, at 3 p.m.

Present:

Chairman: Mrs. Franklin D. Roosevelt  
(United States of America)

Members: Col. W.R. Hodgson (Australia)  
Mr. F. Dehousse (Belgium)  
Mr. A.S. Stepanenko (Byelorussian  
S.S.R.)  
Mr. P. Garcia de la Huerta  
(Chile)  
Mr. O. Loufti (Egypt)  
Mr. R. Cassin (France)  
Mrs. Hansa Mehta (India)  
Mr. A.G. Pourevaly (Iran)  
Mr. M. Amado (Panama)  
Mr. M. Klekovkin (Ukrainian S.S.R.)  
Mr. A.E. Bogomolov (Union of Soviet  
Socialist Republics)  
Lord Dukeston (United Kingdom)  
Mr. V. Ribnikar (Yugoslavia)

Distribution of the confidential list of communications  
concerning human rights.

The CHAIRMAN raised the preliminary question of the participation in the present meeting of the representatives of the Specialized Agencies and non-governmental organizations. The latter, having attended the opening meeting, wished to know whether they were authorized to take part in the present meeting.

Colonel HODGSON (Australia) stated that it was not certain that the Commission could legally exclude them.

Mr. CASSIN (France) said it was important from the point of view of future procedure that this question should be settled. However, a distinction should be drawn between the solution adopted on the present occasion and the solution to be adopted for the future. In his view the distribution of the list of communications in closed session should on the present occasion be legally interpreted to mean that only the members of the Commission could attend the meeting, in order not to create a precedent.

The CHAIRMAN drew the Commission's attention to the fact that some of these communications might have been transmitted by non-governmental organizations.

Mr. DEHOUSSE (Belgium) proposed that a distinction should be made between the Specialized Agencies and the non-governmental organizations; the latter could clearly not attend a meeting in closed session. As regards the Specialized Agencies, the communications might have a bearing on certain aspects of questions in which those Agencies had an interest; their participation might therefore be envisaged.

Lord DUKESTON (United Kingdom) thought it would be premature to increase the number of participants in the meeting before the contents of the communications were known.

The CHAIRMAN remarked that it was not necessary to take a final and irrevocable decision. The only question arising was whether the representatives of the Specialized Agencies and the non-governmental organizations should be allowed to attend the present meeting.

The substantive question of which meetings they would be allowed to attend in the future, would be settled later.

Colonel HODGSON (Australia) asked if there were any directives governing the participation of representatives of these organizations in the Commission's meetings. He also wished to know whether, in the case of bodies similar to the Commission on Human Rights, such as the Economic Commission for Europe for example, any decisions were on record concerning the participation of representatives of non-governmental organizations or Specialized Agencies.

Professor HUMPHREY (Secretariat) pointed out that great care had to be exercised in consulting precedents.

The Commission on Human Rights was acting under a special resolution of the Economic and Social Council (No.75(v)), which stipulated that the list of communications should be furnished to the Commission in private meeting. He knew of precedents where representatives of the Specialized Agencies had been admitted to private meetings of committees, but the latter had not been acting in pursuance of a resolution like the one governing the Commission's action in this field. The members of the Commission were therefore called upon to decide how the relevant clause in the Resolution of the Economic and Social Council should be interpreted.

In a Resolution of the Council concerning consultation with non-governmental organizations (Journal of the Economic and Social Council No.29, p.485, para.IV.2), it was stated that

non-governmental organizations in category (a) might designate representatives to sit as observers at all public meetings.

A fortiori, non-governmental organizations in category (b) could not attend private meetings.

As regards the Specialized Agencies, it was stated in Article II, paragraph 2 of the Draft Agreement between the United Nations and the International Labour Organization that representatives of the International Labour Organization would be able to attend meetings of the Economic and Social Council and of its Commissions and participate without vote in the deliberations with respect to questions in which the Organization had an interest. (Journal No.29, p.487). Generally speaking, the directives concerning other Specialized Agencies were of a similar character.

Mr. DEHOUSSE (Belgium), in view of the explanations given by the Secretariat, considered that the subject under discussion was a special question governed by Resolution 75 (v) of the Economic and Social Council, dated 5 August 1947, and that the Commission was required to conform to the letter of that Resolution.

Furthermore this decision could not create a precedent, as it only related to communications concerning the protection of human rights.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) wondered whether the Commission could not adopt the procedure of distributing the list of petitions to each member. Besides being simpler, this procedure would enable the confidential nature of these communications to be respected.

Lord DUKESTON (United Kingdom) observed that it had been decided at the Commission's First Session not to divulge the origin or source of the communications, in order to avoid any

risk of recriminations against the petitioners. The procedure proposed by the Representative of the Soviet Union would increase the danger of disclosure. It had already been observed at the First Session that this danger tended to restrict the number of petitioners.

Professor HUMPHREY (Secretariat) pointed out that there was a discrepancy between the recommendations contained in the Report of the last session of the Commission (E/259) and Resolution No.75 (v) of the Economic and Social Council. The Commission's recommendation requested the Secretary-General to furnish the confidential list to the members of the Commission upon request, without divulging the identity of the authors. The Resolution of the Economic and Social Council requested the Secretary-General to furnish this confidential list to the Commission in private meeting.

The list of communications he was about to furnish to members did not divulge a single name, except those of organizations enjoying consultative status, since the latter, in virtue of another Resolution of the Council, had the right to submit communications to the Economic and Social Council. It would therefore be for the delegates to decide whether discussion on these communications should be held in private meeting or whether it could be open to certain organizations.

The CHAIRMAN stated that the list was about to be distributed to the members of the Commission and that they could then decide whether they wanted a further meeting in closed session. At the same time they would be able to take a decision concerning the appointment of an ad hoc committee.

The meeting rose at 3.55 p.m.