

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE FOURTH MEETING

Held at Lake Success, New York, on Tuesday 28 January 1947
at 2:30 p.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States)
Vice-Chairman:	Mr. P. C. Chang	(China)
Rapporteur:	Mr. Charles Malik	(Lebanon)
	Colonel William Roy Hodgson	(Australia)
	Mr. Roland Lebeau	(Belgium)
	Mr. Osman Ebeid	(Egypt)
	Mrs. Hansa Mohta	(India)
	Mr. Ghassame Ghani	(Iran)
	General Carlos P. Romulo	(Philippine Republic)
	Mr. V. F. Tepliakov	(USSR)
	Mr. Charles Dukes	(United Kingdom)
	Mr. José A. Mora	(Uruguay)

Representatives of Specialized Agencies

Mr. A. MacLeish	(UNESCO)
Mr. Eric W. Hutchinson	(ILO)

Representatives of Non-Governmental Organizations

Miss L. Spiegel	(WFTU)
Miss T. Sender	(AFL)

Secretary: Professor J. P. Humphrey

1. Proposal of Adjournment

Before resuming the discussion on the examination of communications received by the Commission, the CHAIRMAN said it had been suggested that the work of the Commission should be suspended on Thursday to enable the members to go to Hyde Park on that day.

General ROMULO (PHILIPPINE REPUBLIC) appealed to the Vice-Chairman and said that he proposed the adjournment on Thursday in honour of the champion

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of human freedom, Mr. Franklin Delano Roosevelt.

DECISION: The proposal of adjournment was adopted by acclamation.

2. Examination of Communications Received (Continued)

Mrs. MEHTA (INDIA) in order to avoid any misunderstandings, said that the resolution she had submitted concerned communications from organizations having a consultative status, those submitted by private individuals or non-governmental organizations would not be discussed in the Commission.

Mr. LEBEAU (BELGIUM) asked if it was indeed the intention of the representative of India that her proposal should refer exclusively to communications mentioned in the list before the Commission. He thought that the decision taken applied to communications already received as well as to those which might be received in the future.

Mrs. MEHTA (INDIA) did not wish the Commission to decide definitely that day in the sense advocated by Mr. Lebeau insofar as future communications were concerned.

The SECRETARY, at the Chairman's request, replied to a question by Mr. Malik (Lebanon) that it would be difficult for the Secretariat to refuse members of the Commission copies of documents if the Indian representative's resolution were accepted.

General ROMULO (PHILIPPINE REPUBLIC) asked the Secretary in the interests of clarity to read the resolution submitted by the Indian representative. He asked Mrs. Mehta to say whether the resolution would apply to communications received subsequently or not. When the Commission adopted the International Declaration on Human Rights it would receive letters from all over the world. He would like to maintain the position of the United Nations by giving it, in a sense, the role of a Supreme Court of Appeal, before which all plaintiffs would be assured of their immunity.

He therefore pressed his proposal to establish a Sub-Committee of three members, chosen from the Commission, to study all the questions involved and

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particularly those concerning the communication of documents. He asked that all the information in the possession of the Secretariat and the League of Nations should be submitted to the Sub-Committee.

The SECRETARY read the resolution submitted by the Delegation of India:

"While the communications of organizations having consultative status should be discussed by the Secretariat, the others as listed may be made available to members of the Commission upon their request."

Mr. EBELD (EGYPT) wished to know the practical result of these discussions. He asked what means the Commission possessed to remedy the facts which might be reported to it. Would it be content to file these communications?

The CHAIRMAN observed that the representative of Egypt had raised an important point regarding the competence of the Commission to put its recommendations into force. For the moment, the Commission had no power to conduct an enquiry, or to put its decisions into force, but it had the right to submit recommendations to the Economic and Social Council and to forward to it any complaint which it considered justified.

Mr. DUKES (UNITED KINGDOM) saw a certain danger in making these communications, addressed to the Secretariat, available to the members of this Commission. He considered that the publication of these documents was premature. The essential task of the Commission should be completed first, namely, the drafting of an International Declaration on Human Rights. He proposed that a reply to complainants should be given now in order to give them a little hope.

Mr. MCRA (URUGUAY) considered the best solution was to adopt the Indian proposal. Mr. LAUGIER, Assistant Secretary-General, had explained the task of the Economic and Social Council and of the Commission which was to create machinery for the examination of all communications concerning the violation of human rights. Pending the establishment of this machinery, the Commission could adopt the motion submitted by the Delegate of India. When the International Declaration on Human Rights was drawn up, the Commission could make a special recommendation to the Economic and Social Council on the

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of dealing with these communications.

The CHAIRMAN recalled that the Commission had already adopted the resolution submitted by the Indian Delegation and that it now had another resolution before it.

General ROMULO (PHILIPPINE REPUBLIC) said that he proposed the setting up by the Chairman of a Sub-Committee of three members whose essential duty would be to study the communications addressed to the Secretary-General, the Economic and Social Council, or the Commission, and to make recommendations.

Colonel HODGSON (AUSTRALIA) pointed to the danger of hasty decisions on these questions without realizing the consequences. He thought that the text adopted applied not only to communications already received, but to those which would be received in the future. In discussing the new resolution, the Commission was on dangerous ground. It was now discussing the functions and responsibilities of the Commission. It seemed that certain members were under the impression that it had already been constituted as a kind of Court of Appeal.

He considered that the Commission's first duty was to draft the International Declaration on Human Rights. Its second duty was to set up machinery to put it into force. The examination of complaints did not enter the Commission's functions or powers.

If the representative of Belgium would submit a formal motion expressing his point of view, he would support it. He did not see how a Sub-Committee could do more than the Commission itself.

Mr. LEBEAU (BELGIUM) thought that the communications received from private individuals or organizations were useful insofar as they were an indication of public opinion in regard to the Commission's work, but that the principal task of this Commission was not to examine these communications or to give the impression that it could redress grievances.

He therefore proposed a draft resolution in terms slightly different from the rule adopted by the Security Council for dealing with communications which would inevitably come in:

"1. A list of all communications from private individuals and non-governmental bodies, addressed to the Commission on Human Rights, as well as those transmitted to the Commission by other United Nations bodies, shall be circulated to the members of the Commission at each meeting.

"2. The members of the Commission shall have the right to inspect the originals of these communications in the Secretariat."

The CHAIRMAN announced that voting on the resolutions proposed by the representative of the Philippine Republic and Belgium would be by show of hands and that this method would be adopted for all future voting in the Commission.

General ROMULO (PHILIPPINE REPUBLIC) wished to clear up one point. He had not meant that the Commission was to be a court of appeal. Nevertheless, that was how the public regarded it. It could, however, be said to represent the world conscience. The Philippine representative urged the Commission to accept his draft resolution. He added that its adoption was not incompatible with the Belgian proposal, which he supported.

Mrs. MEHTA (INDIA) supported the Philippine representative's proposal, the adoption of which would simplify the Commission's work by sorting out communications.

Mr. TEPLIAKOV (USSR), rising on a point of order, stated that the draft resolution of the Philippine representative was contrary to the Indian representative's motion adopted at that morning's meeting. He was astonished that Mrs. Mehta supported the Philippine proposal. He asked whether he was to understand that the Philippine proposal would only apply to future communications.

Mrs. MEHTA (INDIA) stated that she interpreted it in that sense.

The CHAIRMAN explained that, as she understood it, the two proposals before the Commission were not incompatible. The object of the Philippine proposal was to set up a Sub-Committee to study what steps should be taken to make the authors of communications feel that they were not writing for nothing.

/The Belgian

The Belgian proposal, on the other hand, gave the Secretariat explicit instructions as to what was to be done with these communications.

Mr. TEPLIAKOV (USSR) stated that in his opinion the adoption of the text proposed by the Philippine representative would annul the decision taken that morning. He proposed a resolution to make the morning's decision applicable to future communications.

The CHAIRMAN pointed out that the Commission now had three motions before it, the first being that presented by the Philippine representative.

Mr. TEPLIAKOV (USSR) stated that if the Philippine proposal were not amended in the way he had suggested, the Commission ought first to consider whether it desired to revoke the morning's decision.

The CHAIRMAN explained that in the absence of a vote cancelling it, the motion adopted in the morning stood. She thought that the Soviet representative was the only one who interpreted the Philippine proposal as annulling the morning's vote.

Mr. MALIK (LEBANON) thought the Philippine and Belgian motions were not incompatible; on the contrary, he considered them complementary. The Belgian proposal enabled the members of the Commission to perform their duties as representatives of their Governments; the Philippine proposal made the Commission as a whole lend a receptive ear to the world. Moreover, Mr. Malik added, many communications would relate to the work of the Sub-Committees of the Human Rights Commission, and the Philippine proposal provided for the transmission of such communications to the competent Sub-Committee. The Lebanese representative announced his intention of voting in favour of both the Philippine and the Belgian motions.

Mr. TEPLIAKOV (USSR) thought that the Lebanese representative's statement had increased the misunderstanding. A decision having been taken regarding the communications listed by the Secretariat, he suggested that to avoid any possible misinterpretation the Philippine representative should add to his text a remark that it applied only to communications received in the future. A

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Sub-Committee could make recommendations as to the use of documents it received, but could not undertake investigations. The Human Rights Commission was not a court of justice. It had a definite task, namely, to draw up a Declaration of Human Rights.

The CHAIRMAN pointed out that in view of the morning's decision to allow members of the Commission to consult the communications, the members of the Sub-Committee proposed by the Philippine representative would have access to these documents in their individual capacities. Consequently the text of the Philippine proposal must be studied with care.

Mr. CHANG (CHINA) suggested that the Commission should postpone consideration of the proposal dealing with item 8 on its provisional agenda (Consideration of ways and means for the effective implementation of human rights and fundamental freedoms - document E/CN.4/3).

General ROMULO (PHILIPPINE REPUBLIC) was opposed to any postponement of consideration of his proposal.

Colonel HODGSON (AUSTRALIA) thought the Philippine proposal lacked clarity. He agreed with the USSR representative that adoption of the proposal would be incompatible with the morning's decision. Moreover, the proposal was interpreted differently by its author and by the Lebanese representative. If, as the Philippine representative asserted, the Sub-Committee was only to study the possible use to be made of the communications, it would be deceiving the authors of the communications who, for their part, expected effective action. If on the other hand, as the result of a misunderstanding, the idea were to spread abroad that the Sub-Committee was entitled to study communications, the Human Rights Commission would receive a flood of them. The public must not be allowed to think that the Commission was a tribunal.

The Australian representative announced that he would vote against the Philippine proposal.

Mr. TEPLIAKOV (USSR) stated that he would also vote against the proposal, for the reasons already indicated, and because after the remarks of the

representative of Lebanon and the Philippine representative had not made clear how he intended his proposal to be interpreted.

General ROMULO (PHILIPPINE REPUBLIC) asked for a vote by roll call.

DECISION: The draft resolution of the Philippine representative was adopted by five votes to three with three abstentions.

Votes for:

India
Lebanon
Philippine Republic
United States
Uruguay

Votes against:

Australia
USSR
United Kingdom

Abstentions:

China
Egypt
Iran

Absent:

Byelorussia
Chile
France
Panama
Ukraine
Yugoslavia

The representative of Belgium, who attended the meetings of the Commission as an observer, did not vote.

Colonel HODGSON (AUSTRALIA) asked whether the Commission's Rules of Procedure permitted a resolution which did not receive a majority vote, to be considered as adopted.

The SECRETARY read out Article 34 of the Rules of Procedure of the Commission: "Decisions of the Commission shall be made by a majority of the members present and voting".

Colonel HODGSON (AUSTRALIA) stated that an abstention was a vote.

The CHAIRMAN said that as she understood it an abstention, did not constitute a vote. She reminded the Commission of the long discussions on this point in the General Assembly, where it had been decided that abstentions did not count as votes. If the Commission held to the Assembly's decision, the resolution must be considered as adopted by a majority of the members present and voting.

Mr. LEBEAU (BELGIUM) added that this Assembly rule had constantly been applied in the Economic and Social Council and had never been questioned.

/The CHAIRMAN

The CHAIRMAN appointed the representatives of Lebanon, the United Kingdom and Uruguay as members of the Sub-Committee set up by the above decision.

The Commission then voted on the Belgian draft resolution.

DECISION: The draft resolution of the representative of Belgium was adopted unanimously by show of hands.

The Chairman asked Mr. Archibald MacLeish, the representative of UNESCO, to address the Committee. Mr. MacLeish, speaking as the representative of UNESCO, pointed out that this organization was particularly interested: first in the general question of a declaration on human rights, and second in the question of freedom of communication.

Mr. MacLEISH emphasized that these were directing principles of UNESCO's activity. UNESCO must be concerned primarily with freedom of communication in a more positive way than the simple removal of barriers.

UNESCO would like to keep in close touch with the work of the Sub-Commission on Freedom of Information and of the Press.

On 20 November, the Third Committee of the General Assembly recommended the calling of a world conference on freedom of information. Since then, UNESCO had also resolved that such a conference be called. Mr. MacLeish declared that it was the task of the United Nations to convene this conference but added that UNESCO was most anxious that the invitation should go out in the name of the United Nations and of UNESCO.

Finally Mr. MacLeish emphasized that UNESCO had only one desire, which was to be as useful as it could, and placed itself at the service of the Commission on Human Rights.
