

**ECONOMIC  
AND  
SOCIAL COUNCIL**

**CONSEIL  
ECONOMIQUE  
ET SOCIAL**

E/HR/29  
21 May 1946

ORIGINAL: ENGLISH

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COMMISSION ON HUMAN RIGHTS OF THE ECONOMIC AND SOCIAL COUNCIL

SUMMARY RECORD OF MEETINGS

SEVENTEENTH MEETING

Held on 16 May 1946, at 2 P.M.

Chairman: Mrs. Franklin D. Roosevelt

The Commission considered the amendments to the report which had been suggested by the members. It was proposed that the following addition be made to the footnote on Page 1 (E/HR/19):

"Mr. Borisov took part in the meetings of the Commission from 13 May 1946. Owing to a misapprehension on the part of the Commission and partly on the part of the member first attending the Commission meetings from the U.S.S.R., this representative took part in all of the discussions and in the votes of the Commission up to the time Mr. Borisov arrived on 13 May 1946, and stated that the former representative had been only an observer and should, therefore, not have taken part in either discussions or votes. As a result, Mr. Borisov took exception to certain agreements that had been reached, and in this report and in the Summary Records of the meetings of the Commission, his objections and dissents are recorded."

Mr. Borisov stated that Mr. Kriukov had been present only as an observer and, as such, had taken part in the discussions, but that there had never been any question of his voting and that he himself was the only one who could vote on the recommendations and decisions, and he felt, therefore, that the footnote should read:

"Up to the 13th of May, there was an observer who participated in the discussions of the Commission. On the 13th, the official representative of the U.S.S.R. arrived and participated actively in the discussions and the voting."

The Chairman replied that the Commission would have to note that votes were taken, as these votes would appear in the records of the meetings. Mr. Kriukov was treated as a member, even if this had happened under a misunderstanding. She pointed out that observers could not take

part either in the discussions or the voting. All members, the Chairman explained, were nominated by the Economic and Social Council and notified by the Secretary-General. None of the members presented any letters upon their arrival. It would, therefore, be necessary to explain to the Economic and Social Council exactly what had happened, and the only question before the Commission is whether the statement, as proposed, is correct. The amendment was accepted.

The following amendment was proposed and accepted concerning terms of reference (at end of paragraph, Page 2, E/HR/19):

"such as the eventual punishment of certain crimes which must be considered as international, as they constitute an offense against all mankind".

Amendments concerning Programme of Work:

After paragraph 1 (Page 2, E/HR/19):

"The Commission proceeded with this examination in full realization of the task entrusted to it by the Charter of the United Nations, namely, to promote, by recognition and observance of human rights and fundamental freedoms for all, some of the highest aspirations of mankind, and to draw from the last World War the practical consequences demanded by the sacrifice of so many lives. In addition, the Commission paid particular attention to well-considered plans and suggestions which were presented to it through hearings by qualified representatives of national and international organizations, well-known for the importance of their work."

Accepted

After paragraph 2 (Page 2, E/HR/19):

"and to publish periodically the most important information. But the Commission is confident that the Member countries will make regularly and on their own initiative, either themselves or by an organ entrusted with this task, contributions for the information of the Commission, as they primarily will have to bear the responsibility for developing human rights and for assuring their observance."

Accepted

After first sentence of paragraph 3 (Page 2, E/HR/19):

"The Commission agreed that the full Commission should determine the character of the bill which is to be drafted, as well as the content and the form of the bill (For instance, should it be a resolution by the Assembly of the United Nations or an appendix to the Charter, having to be integrated into the constitution of each Member Nations, or a convention between the States, or in any other form?)."

Accepted

Paragraph 4 was amended to read: (Page 3, E/HR/19):

"The importance of regional conferences of experts was emphasized, and in this connection, reference was made to the Inter-American Conference of War and Peace Problems at Mexico City (Act of Chapultepec) in March 1945. Some members pointed out that it might be difficult, at present, to arrange for similar conferences in other parts of the world, such as the Far East.

"The Commission decided to recommend that if such conferences should prove impracticable in the very near future or before the convening of the full Commission, the advice of individual experts from various regions should be sought. It was considered most important that within the next weeks, the procedure for initial consultations should be started, in accordance with the decisions of the Economic and Social Council, so that their results may immediately aid the Commission in its work."

Accepted

Instead of the first sentence of paragraph 5 (Page 3, E/HR/19):

"As the drafting of a bill of rights might take a certain time in spite of every effort at speed in its preparation, members of the Commission unanimously stressed the importance of the acceptance of the principle of including provisions for basic human rights in international treaties, particularly peace treaties."

Dr. Hsia pointed out that this paragraph might be left out, but the Commission agreed that as the declarations of Moscow and Potsdam already showed that provisions for basic human rights were to be included in general treaties, and it was known that the peace treaty with Italy would include such provisions, it would be advisable to make a statement concerning human rights in treaties, and the amendment was accepted.

Instead of the first sentence of paragraph 6 (Page 3, E/HR/19):

"With regard to the promotion and observance of human rights and fundamental freedoms, the Commission felt that practical measures must be taken; that each Member State must feel bound to adopt, in accordance with its system of government, measures to safeguard the observance and to provide against the violation of those rights and freedoms that are proclaimed in an international bill. But the Commission also felt the need for an international agency of implementation, entrusted with the task of watching over the general observance of human rights, in order to prevent the recurrence of acts as monstrous as those which formed the prelude of the second World War."

Mr. Borisov stated that he was not in a position at this moment to give his judgment on this problem, especially where an agency of implementation was concerned, and that he needed to know more about the

character of this agency. He would also like to study more thoroughly the question of regional conferences, as important principles were involved in both questions, and he suggested that either he or the representative of the U.S.S.R. on the Economic and Social Council would present their views to the Economic and Social Council.

The Chairman proposed that the Commission might have another meeting to read the final report, and that Mr. Borisov might then want to give his opinion. If that proved impossible, it could be recorded that he abstained from voting on certain points. As the report would be presented to the Economic and Social Council, the representative of the U.S.S.R. on the Economic and Social Council would naturally have a chance to discuss it.

M. Cassin explained that the amendment (Page 3, Paragraph 6, E/HR/19) added nothing to the resolution which had already been adopted, but should be considered as an explanation. He suggested that the regional conferences which were recommended would not be political conferences, but conferences of experts to consider an international bill of rights.

Mr. Borisov then announced that he wished it to be recorded that due to insufficient time, he had not been able to study the records of the Commission meetings and the various documents, and preferred, therefore, to abstain from voting on the question of regional conferences and the provisions for implementation.

Paragraph 7 (Page 3, E/HR/19), was amended to read:

"The Commission recognized that when the Economic and Social Council comes to consider the question of how to implement an international bill of rights, it may find that political actions are necessary. This may also be the case where protection of national minorities is concerned. The Commission, therefore, requests the Economic and Social Council to take this problem into consideration in determining the status and power of the Commission on Human Rights, of its Sub-commissions, or any other agency established to safeguard the observance of human rights."

and was accepted.

M. Cassin explained to Mr. Borisov that the Commission had not created an agency of implementation for the observance of the bill of rights, nor was it probable that the Economic and Social Council would, at its Second Session decide to create such an agency. The Commission had however felt, that it would not be realistic to propose that an international bill of rights be written without stating at the same time that provisions for its implementation might become necessary.

Mr. Borisov answered that he abstained from voting only because he had not had sufficient time to study the available material, and not because he was either for or against any of the recommendations on which he had not voted.

Dr. Esia agreed with M. Cassin and pointed out that the Commission had not even suggested the creation of such an agency, but had simply mentioned the fact that such an agency might be needed.

The meeting adjourned at 3:45 P.M.

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