

**ECONOMIC  
AND  
SOCIAL COUNCIL**

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ET SOCIAL**

E/HR/30  
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ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS OF THE ECONOMIC AND SOCIAL COUNCIL

SUMMARY RECORD OF MEETINGS

NINTH MEETING

Held on 10 May 1946 at 10:30 A.M.

Chairman: Mrs. Franklin D. Roosevelt

The Commission considered the recommendations upon which it had informally agreed at the seventh and eighth meetings (Wednesday, 8 May 1946, 10:30 A.M. and 3:00 P.M. E/HR/15 and E/HR/16).

1. Documentation

The Commission agreed on Point (a) of Recommendation I (E/HR/15). On Point (b) of Recommendation I, "history of the development of human rights" was amended to read "survey of the development of human rights". Point (c) of Recommendation I was agreed upon.

2. Draft Declarations

M. Cassin suggested that the text of Recommendation II, (E/HR/15) concerning draft declarations, was not precise enough, that the Commission should state clearly that:

(a) the full Commission should draft an international bill of rights as soon as possible.

(b) the nuclear Commission, though it was within its competence to draft an international bill of rights, was not yet in a position to do so, but would continue the preparatory work.

M. Cassin also pointed out that it might be better not to mention sub-commissions under II, but to suggest under Recommendation II the organization of regional conferences of experts, as such conferences would enable the full Commission to proceed more rapidly with the drafting of an international bill of rights.

Recommendation II (a) was therefore amended to read:

The Commission on Human Rights recommends to the Economic and Social Council that:

The full Commission should draft an international bill of rights as soon as possible. The nuclear Commission agreed that while it was within its competence to draft such a bill, it is not as yet in a position to do so, but will proceed with the preparations for such a bill. The draft of the international bill of rights, as completed by the full Commission, should be circulated among the United Nations governments for their suggestions.

It was suggested and agreed upon to include in Recommendation II (b):

The detailed examination of the documents submitted by the Delegations of Cuba and Panama (Documents E/HR/1 and E/HR/3) should be left to the full Commission or to a later session of the nuclear Commission.

Concerning regional conferences, M. Cassin suggested, and Mr. Neogy agreed that the work which had been accomplished by the Inter-American conferences and by different organizations all over the world, should be mentioned and that it should be recommended to the Economic and Social Council to call similar conferences, if possible, in other regions of the world.

The Commission agreed that its report to the Economic and Social Council should speak about the work of the Inter-American conferences and of non-governmental groups and organizations all over the world, but that its recommendation concerning such conferences at this time should be as follows: II (c):

The organization of regional conferences of experts should be taken under consideration. If such conferences should prove impracticable, the advice of individual

experts from different regions should be sought.

3. Human Rights in International Treaties

The Commission decided that the informal agreement concerning human rights in international treaties reached at the eighth meeting, (E/HR/16) did not exactly express its intentions. The Chairman pointed out that the Commission had wanted to recommend to the Economic and Social Council that the "principle" of including provisions for basic human rights in international treaties should be accepted, and M. Cassin suggested that "particularly peace treaties" be added to international treaties; furthermore, it should be stated that the Commission felt it necessary to make such a recommendation "because we have not as yet an international bill of rights."

Recommendation III was amended to read:

Without waiting for an international bill of rights to be written, the general principle should be accepted that provisions for basic human rights be included in international treaties, particularly peace treaties, and that similar provisions be accepted by all States, Members of the United Nations - and those who want to become members.

4. Agency of Implementation

The Chairman reported that some members of the Commission felt that the recommendation informally agreed upon (E/HR/16) under Organ of Inquiry) was not sufficient, but that the following suggestion by M. Cassin be added as IV (b):

Pending the eventual establishment of an agency of implementation, the Commission on Human Rights might be recognized as qualified to aid the appropriate organs of the United Nations in the task defined for the General Assembly and the Economic and Social Council in Articles 13 and 62 of the Charter, concerning the promotion and observance of human rights and fundamental freedoms for

all; and to aid the Security Council in the task entrusted to it by Article 39 of the Charter, by pointing to cases where violation of human rights committed in one country may, by its gravity, its frequency, or its systematic nature, constitute a threat to the peace.

The Commission agreed to add IV (b):

5. Sub-Commissions

No changes were suggested in Recommendation V (E/HR/16) dealing with sub-commissions, and VI, dealing with public opinion (E/HR/16).

The Commission thereupon voted to accept Recommendations I, II, III, IV, V, VI.

Terms of Reference

The Commission then considered the terms of reference established for it by the Economic and Social Council. M. Cassin raised the question of whether it might not be wise to include in the terms of reference the recommendation by the Commission of an agency of implementation. It was M. Cassin's opinion that the Commission is qualified to recommend such an agency, but he suggested that the Commission might ask the Economic and Social Council for clarification of this point.

The Chairman suggested that the Commission might want to defer discussion of terms of reference until all its work had been completed.

Dr. Hsia stated that he did not feel that Point (e) of Paragraph 16 (Page 36, Report of the Preparatory Commission) was fully covered by item (b) of Paragraph 2 of the terms of reference, (E/27) and Mr. Neogy suggested that the Commission might ask the Economic and Social Council to restore (e) to its terms of reference. Dr. Hsia and Mr. Neogy accepted a suggestion by the Chairman that the Commission might report to the Economic and Social Council that in general, it had accepted the terms of reference as established by the Council, but that a clause should be added which would include the general idea of Point (e), Page 36 (of the Report

of the Preparatory Commission.) The Commission decided to discuss the term of reference again.

Freedom of Information and the Press

The Chairman pointed out that the Commission had decided to recommend to the full Commission the establishment of a Sub-Commission on the Freedom of Information and of the Press, and that the question of how the Sub-Commission should be constituted was still open. The United States memorandum (E/Commissions/4) which dealt with the establishment of such a Sub-Commission suggested that it should consist of fifteen members not necessarily members of the Commission on Human Rights itself.

Dr. Hsia felt that this Sub-Commission more than any other would have to deal with highly technical subjects, and that it was therefore necessary to include among its members experts in the field of information and the press. He suggested that the following categories of members should be included:

- (a) Professional journalists
- (b) Governmental experts who know about the handling of news from the government point of view
- (c) People from different regions representing the different stages of development in the field of information.

He pointed to the two Chinese documents which had been transmitted to the Commission and which contained the endorsement both by the Chinese Government and the Chinese National Press Association of the plan to hold a World News Conference and to establish eventually a Worldwide News Association. Pointing out that the United States had the most highly developed system of information and that its news agencies, like the AP and UP, had become big money-making industries Dr. Hsia felt that it was important always to remember that in other countries no such industries had as yet had a chance to develop. While the AP and UP could dictate its policy independent both of public opinion and government interference, in other countries newspapers were often too

poor to buy the services of news agencies and therefore had to rely on government subsidies and accept some government control. The Sub-commission on Freedom of Information and the Press therefore needed members from many different countries.

The Chairman pointed out that Freedom of Information and the Press was a very wide concept and included motion pictures, the radio, books, magazines and even public relations and that therefore in addition to the type of people Dr. Hsia suggested it would be necessary to have experts from these different fields.

Mr. Brkish, while accepting in principle the recommendations of the United States memorandum, suggested that twelve would be a better number for the Sub-commission as the Commission on Human Rights only had eighteen members. It was his opinion that these twelve members should not be elected as individual experts but should be government representatives, - as their task was important for all the countries - and they needed special authority for this task. Mr. Brkish suggested that in addition to the terms of reference, suggested for the Sub-commission by the United States memorandum, the following recommendation be added:

The Sub-commission should examine measures which might have to be taken against those who abuse freedom of information and who by giving false or partly false information endanger friendly relations among nations.

He pointed out that President Roosevelt had been one of the leaders in the fight against the enemies of truth.

The Chairman observed that every nation has its own laws to determine what is libel, what constitutes treason and what may be opposed to majority opinion, - but permissible under freedom of speech. These laws are different in different nations. It was therefore important to distinguish between domestic and international concerns.

M. Cassin stated that it was necessary to keep apart the two

questions which were before the Commission now:

(a) Composition of the Sub-commission and

(b) The mandate which was to be given to this Sub-commission.

He felt that the Commission should consist of ten to fifteen members, twelve, if the majority of the Commission so decided and that the members should be elected in the same way as other Commissions or Sub-commissions were elected, i.e. that the Economic and Social Council would appoint qualified people who had been suggested by governments. As far as the mandate was concerned he felt that it was not possible to speak of freedom without responsibility, and that those who abuse freedom of the press and information must be held responsible. National laws were sufficient as long as the press was national in its scope. Now, when news from one country can circulate throughout the world national laws were no longer enough. He therefore felt that the Sub-commission would have to be given as part of its mandate the responsibility of considering the creation of an international organ or association which would take measures against any group or nation guilty or disseminating false or partially false information.

The Meeting adjourned at 12:20 P.M.

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