

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

E/CN.4/SR.11

3 February 1947

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE ELEVENTH MEETING

Held at Lake Success, New York, on Monday, 3 February 1947, at 11:00 a.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States of America)
Vice-Chairman:	Mr. P. C. Chang	(China)
Rapporteur:	Mr. Charles Malik	(Lebanon)
	Col. W. R. Hodgson	(Australia)
	Mr. T. Kaminsky	(Byelorussian Soviet Socialist Republic)
	Mr. F. Nieto Del Rio	(Chile)
	Mr. P. C. Chang	(China)
	Mr. O. Ebeid	(Egypt)
	Mr. R. Cassin	(France)
	Mrs. Hansa Mehta	(India)
	Mr. G. Ghani	(Iran)
	Mr. C. Malik	(Lebanon)
	Mr. V. Tepliakov	(Union of Soviet Socialist Republics)
	Mr. C. Dukes	(United Kingdom)
	Mrs. E. Roosevelt	(United States of America)
	Mr. J. A. Mora	(Uruguay)
	Mr. V. Ribnikar	(Yugoslavia)
Substitutes:	Mr. R. Iebeau	(Belgium)
	Mr. G. G. Guardia	(Panama)
Representatives of Specialized Agencies:		
	Mr. E. Hutchison	(ILO)
	Mr. G. L. Carnes	(UNESCO)
Consultant of Non-Governmental Organization:		
	Mr. L. Teper	(AF of L)
Secretary of the Commission:		
	Prof. J. P. Humphrey	(Director, Human Rights Division)

1. Introductory Remarks.

The CHAIRMAN welcomed the Member for Chile, Mr. F. Nieto Del Rio.

/2. Discussion

2. Discussion of procedure to be followed in the drafting of an International Bill of Rights (documents E/CN.4/12 and 13).

The CHAIRMAN said that Mr. Malik, the Rapporteur, wished to present a formula which might help solve the problem of the composition of the group which would prepare the first draft of the Bill of Rights.

Mr. MALIK (Lebanon), the Rapporteur, said that his proposal was based on five ideas. Firstly, the drafting should be closely supervised by the Commission itself. Secondly, the expert knowledge of the Secretariat should be fully utilized. Thirdly, the utilization of experts from outside the Commission should be left open. Fourthly, the drafting must be in accordance with instructions elaborated at the present session. Lastly, the draft should be submitted to the next session of the Commission.

He read the following text:

"That the Chairman of the Commission on Human Rights undertake, in co-operation with the Secretariat and any Member of the Commission, or any expert outside the Commission she may wish to co-opt, the task of formulating a draft Bill of Human Rights, in accordance with the instructions and conclusions of the first session of the Commission, to be submitted to the second session of the Commission for thorough examination."

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) thought that the best procedure would be for a Sub-Commission composed of Members of the Commission to work out the draft. It would be difficult for outside experts to do the work satisfactorily under the present circumstances. He had full confidence in the Secretariat, but could not agree that the Commission had the right to transfer its duties to the Secretariat. The Members of the Commission were supposed to be experts; they also represented their Governments, which were ultimately responsible for the protection and futhering of human rights. He wished therefore to second the Indian proposal (document E/CN.4/12).

Mr. DUKES (United Kingdom) supported Mr. Malik's proposal. He thought, however, that the word "consult" should be substituted for "co-opt", since experts should not receive the rights of representatives. It should be clear that the Commission's authority would not be relegated; the Commission would make the final decision regarding every clause of the proposed Bill of Rights. If a Committee of the Commission prepared the draft, that Committee's Members would, to some extent, be obligated to support that draft. No such difficulty would occur if the draft were prepared by the Secretariat under the Chairman's supervision.

The CHAIRMAN, speaking as the member for her Government, expressed the view that persons of differing national, legal, economic, and social systems, with a broad international outlook and experience in various fields of human rights, should be available to the Secretariat in the drafting work. Consultation should be carried on with persons thoroughly familiar with various legal and religious systems.

Mrs. MEHTA (India) stressed that neither the Secretariat nor a Committee could prepare an acceptable draft unless the Commission gave full instructions. Unless it were decided that such instructions would be forthcoming, she could not vote in favour of any of the resolutions.

The CHAIRMAN said that after the solution of the present procedural problem, three days would be devoted to the discussion of the directives for the drafting group.

Mr. TEFLLIAKOV (Union of Soviet Socialist Republics) thought that the Indian proposal would be voted on first. He wished to point out that the Members of the Commission could utilize the services of experts. Special experts could be invited too, but they should not be charged with the task of drafting the document.

Mr. MALIK (Lebanon), the Rapporteur, accepted the suggestion of the Member for the United Kingdom as regards the substitution of the word "consult" for "co-opt". He observed that the Chairman would be responsible for the utilization of experts.

The CHAIRMAN said that the draft would be based on the Commission's instructions. The Members of the Secretariat, however, and any other person who might participate in the work, would be available for questioning as regards their work.

Col. HODGSON (Australia) supported Mr. Malik's proposal, as amended, which brought in the concept that, through its Chairman, the Commission would remain responsible for the drafting work.

Mr. CASSIN (France) pointed out that it was manifestly impossible for the Commission itself to do the drafting work; neither could the Secretariat do that work, since that would imply a derogation of the Commission's mandate. He favoured, therefore, the Rapporteur's proposal, since the Commission could carry out its duties through its Chairman. In view of the fact that Mrs. Roosevelt would not be available during some of the time between the sessions, two or four other members of the Commission should be designated to assist her, and to form a small Committee.

He stressed the point made by the Member for the USSR as regards experts. Some of those would be appointed by the individual Members; others would be called upon by the Drafting Group. Furthermore, the Drafting Group should be aware of the fact that wherever the Commission's instructions were not explicit, alternative texts should be prepared for submission to the Commission itself. Lastly, the draft should be prepared as rapidly as possible in order to enable the Members, the Governments, and the numerous groups of jurists and associations interested in human rights to study the document and make observations.

Mr. CHANG (China) thought that the difficulty might be solved by the Commission sitting as a whole as a Committee, to draft the International Bill of Human Rights. The Chairman could call a meeting every two weeks, at which those members or their deputies who were in New York could be present. No formal voting would be done, but the Committee would give its views on the drafts prepared by the Secretariat with the assistance of experts.

/He considered

He considered it was more desirable to arrive at a practical compromise such as that than to take a vote which would give the impression of a difference of opinion on a matter of such vital importance.

Mr. LEBEAU (Belgium) shared the views of the Representatives of USSR and France that the Commission could not delegate to any other body the task of drafting a Bill of Human Rights.

He supported the suggestion of the Representative of the Lebanon that the work of formulating a draft International Bill of Human Rights should be the responsibility of the Chairman in co-operation with the Secretariat, and proposed that, in view of the Chairman's statement that she might be absent from New York a considerable time, two other members, such as the Vice-Chairman and the Rapporteur, should share the responsibility. The Commission would of course have to give its opinion on the draft Bill and would in no way be delegating its powers.

A discussion ensued as to the order in which the various motions and amendments before the Commission should be voted upon, and it was finally agreed to regard the motion presented by Mrs. MEHTA (India) as an amendment to the formula presented by Mr. MALIK (Lebanon) and to vote upon the former first.

Mr. TEPLIAKOV (USSR) maintained that the first question to be settled was whether the Commission wished to set up a Drafting Sub-Committee, and with that in view he proposed an amendment to the amendment of the Representative of India, to read as follows: "The Commission on Human Rights decides to set up a Drafting Sub-Committee composed of members of the Commission, to prepare the initial draft of an International Bill of Human Rights".

A vote was taken on the Amendment proposed by the Representative of USSR.

DECISION: The amendment was defeated by 8 votes to 4.

/The CHAIRMAN

The CHAIRMAN pointed out that the decision disposed of the amendment of the Representative of India.

Mr. RIBNIKAR (Yugoslavia) moved an amendment to the proposal of the Representative of the Lebanon. He proposed the addition of the words: "Experts designated by the members of the Commission, each member being allowed to propose not more than three experts".

The CHAIRMAN pointed out that if that amendment were adopted, it would mean that experts would have to be named during the present session of the Commission. It would tie the hands of those engaged upon the drafting of the Bill, who might require the services of a particular expert between the two sessions.

Mr. TEPLIAKOV (USSR) asked that the motion of the Lebanese Representative and the amendment of the Representative of Yugoslavia should be submitted in writing before a vote was taken.

Mr. LEBEAU (Belgium) requested the Lebanese Representative to include in his motion a provision that if the Chairman were not able to assume responsibility for the drafting of an International Bill of Human Rights, that responsibility should be relegated to other officers of the Commission.

Mr. MALIK (Lebanon) agreed,

Mr. MORA (Uruguay) moved the adjournment of the meeting until 2:30 p.m. to allow time for the motion and amendment to be prepared and circulated.

A vote was taken, and adjournment was approved by eight votes to two.

The meeting rose at 12:40 p.m.