

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE SECOND MEETING

Held at Lake Success, New York, on Monday, 27 January 1947,  
at 3:00 p.m.

Present:

Chairman:	Mrs. Roosevelt	(United States of America)
Vice-Chairman:	Mr. Chang	(China)
Rapporteur:	Mr. Malik	(Lithuania)
Representatives of Specialized Agencies		
	Mr. Hutchison	(ILO)
	Mr. Darchambeau	(UNESCO)
Representatives of Non-Governmental Organizations		
	Miss Spiegel	(WFTU)
	Miss Sender	(AF of L)
	Mr. Campbell	(ICA)
Secretariat:	Mr. Humphrey	(Secretariat)
	Col. Hodgson	(Australia)
	Mr. Lebeau	(Belgium)
	Mr. Kaminsky	(Byelorussian Soviet Socialist Republic)
	Mr. Ebeid	(Egypt)
	Mrs. Mehta	(India)
	Mr. Ghani	(Iran)
	General Romulo	(Philippine Republic)
	Mr. Dukes	(United Kingdom)
	Mr. Tepliakov	(Union of Soviet Socialist Republics)
	Mr. Mora	(Uruguay)

The CHAIRMAN called the meeting to order.

The RAPPORTEUR, moved that verbatim records of all meetings of the Commission be provided by the Secretariat, owing to the highly important nature of the problems to be discussed by the Commission. This was supported by Mrs. MEHTA (INDIA) and agreed to unanimously.

1. Discussion of Item 7 of the Agenda (E/CN.4/L/Rev.1): Review of Terms of Reference (E/248) (continued).

The CHAIRMAN, recalling that under point 4 the Commission could propose to the Council changes in its terms of reference, suggested that the paragraph concerning the composition of the Commission contained in page 520 of Journal 29 of the Economic and Social Council, should be included in the terms of reference of the Commission. Speaking as representative of the United States of America, Mrs. Roosevelt also suggested that the following paragraph should be inserted: "The Commission shall co-operate with all principal and subsidiary organs of the United Nations and with specialized agencies in matters of common concern. The Commission may make special arrangements for consultation with other inter-governmental organizations."

Mrs. ROOSEVELT explained that this paragraph had a particular bearing on the point made at the previous meeting, concerning the Commission on the Status of Women.

General ROMULO (PHILIPPINE REPUBLIC) remarked that the second suggestion made by Mrs. Roosevelt seemed to be covered by paragraph 5, page 521, Journal No.29 of the Economic and Social Council.

The CHAIRMAN considered that this paragraph referred to the authorization of the Commission to call in specialists and working groups of experts; the paragraph that had been suggested concerned co-operation with other organs of the United Nations and specialized agencies in matters of common concern. This suggestion could be discussed in connection with the terms of reference of the Commission, or in relation to Items 16 and 17 of the Agenda, which concerned relations with specialized agencies and non-governmental organizations.

Col. HODGSON (AUSTRALIA) agreed with the suggestion of the Chairman, but considered that the degree and nature of co-operation with international bodies should be further examined and clarified.

The CHAIRMAN replied that the point raised by the representative of Australia would be discussed later in connection with the scope and competence of the Commission. For the time being, the Commission could take note of the fact that it had considered the terms of reference, and proceed with the agenda.

2. General Discussion of Item 8: International Bill of Rights.  
Order of the Agenda with Reference to that Item.

Mrs. MEHTA (INDIA) declared that the Government and people of India attached the greatest importance to the Human Rights Commission and considered that its work would profoundly influence the future of the United Nations. She recalled that the Government of South Africa had maintained the position during recent discussions that there had been no violation of human rights in South Africa since there existed no written definition of human rights as such within the framework of United Nations. The Government of United Kingdom had taken a similar attitude by suggesting that the dispute between India and South Africa might be referred to the International Court of Justice. Mrs. Mehta considered it the justification of the Commission that pleas of this nature should not be allowed to be advanced within the forum of the United Nations in the future.

She considered, however, that the bill should be a simple and forthright document which could be easily understood, with the assurance that there would be adequate machinery for its enforcement whenever human rights were violated in States Members of the United Nations.

Mrs. Mehta went on to suggest that the work of the drafting committee and sub-commissions to be appointed by the Commission on Human Rights should be planned with a view to preventing any confusion and rush; she hoped that all members would have sufficient opportunity to refer to their respective Government on the highly important and intricate questions involved. This was a vital point of procedure involving a certain consumption of time.

The Representative of India pointed out that her country faced a problem of exceptional magnitude for reasons beyond its control: during the past one hundred years, four million Indians had been transplanted to various parts of the world under the aegis of the colonial governments concerned, and were now residing abroad in special communities, created at the request and for the benefit of those governments. As a result of this transplantation, numerous cases of denials of rights in law and equality and complicated questions of nationality and citizenship had arisen, due to certain administrative practices on the part of the governments concerned. Such problems had to be solved within the meaning of the terms of reference of the Commission on Human Rights and the principles of the Charter.

/The Representative

The representative of India considered that an effort should be made to define in precise legal terminology the terms "discrimination" and "minority". It was also necessary to define what specific safeguards should be incorporated in the proposed bill of right against the dangers of assimilation. Moreover, the Commission on Human Rights should compile a list from every country in the world of legal and administrative measures tending to decrease human rights within the meaning of the principles of the Charter. The most important consideration before the Commission should not be merely the enunciation of principles in terms of a bill of human rights, but the improvisation of adequate machinery to implement those principles. In fact, the proposed bill of human right would be meaningless unless an unequivocal definition were given of the relationship which ought to exist between the individual, the community, the state, and the international organization.

The CHAIRMAN recalled that certain reservations had been made by the Australian delegation at the previous meeting with reference to the order of the agenda.

Col. HODGSON (AUSTRALIA) explained that he did not desire an alteration of the order of the agenda as adopted during the first meeting of the Commission, but wished to propose an amalgamation of certain items to be considered together as part of one topic. He recalled that, during the Paris Conference, the Australian Government had tried to implement with adequate machinery that portion of the Charter referring to human rights and fundamental freedoms. The efforts of the Australian Government in that respect had failed, and a special legal committee, to which the question had been referred, had taken the view that this was not a matter for incorporation in individual peace treaties, but for the United Nations.

The representative of Australia considered that questions of minority, nationality, statelessness, rights of option, rights of property, and discrimination, were all integrally related to the general problem of human rights. He suggested, therefore, that the Commission should not consider Items 11, 12 and 15 separately but together in connection with Item No. 3, and should submit one single report covering all related problems.

The CHAIRMAN

Commission should begin with discussion of item 9, since it constituted an entirely separate topic, and should then continue with items 8, 10, 11, 12, 13, 14 and 15 in that order.

In reply to a question from Mr. TEPLIAKOV (UNION OF SOVIET SOCIALIST REPUBLICS), regarding the exact meaning of the Australian suggestion Col. HODGSON (AUSTRALIA) explained that the problems raised by items 11, 12, and 15, were so closely related to item 8 that they could not be discussed separately. The suggestion to amalgamate them had been made with a view to facilitating the debate. Col. Hodgson agreed that items 9 and 10 could be discussed separately, inasmuch as the latter was the object of a special conference to be held later during the year.

Gen. ROMULO (PHILIPPINE REPUBLIC) felt that the Commission, before discussing the contemplated bill of rights, should first consider its component parts. He suggested that the Commission could begin with items 10, 11 and 12, then turn to item 8, and finally discuss item 15 which implemented the previous item.

Mr. DUKES (UNITED KINGDOM) considered that the Commission should discuss item 8 separately. However, greater progress could be made in the subsequent discussion if the Commission defined the meaning of individual rights, before proceeding to deal with the other subjects.

Mr. TEPLIAKOV (UNION OF SOVIET SOCIALIST REPUBLICS) pointed out that items 10, 11 and 12 involved technical and organizational problems and not questions of substance. He suggested that the Commission could first examine item 9, then turn to items 10, 11, and 12, and deal with items 8 and 15 after disposing of item 19.

Mr. MALIK (LEBANON) considered that the Commission was dealing with three different problems. It was required to draw up an international bill of rights, a process which belonged to the theoretical order. It also had to determine ways and means for the effective implementation of that particular bill. In addition, the Commission faced distinct problems of practical organization raised by items 10, 11 and 12. All those questions were inter-related in a general sense, but were quite distinct in function and priority.

/Mr. MALIK (LEBANON)

Mr. MALIK (LEBANON) concluded by proposing that the Commission should dispose of item 9, then deal with items 10, 11, and 12 together, item 8, and finally item 15, in that order.

The CHAIRMAN suggested that, in the absence of other formal proposals, the proposal of Mr. Malik should be put to the vote. He emphasized that the Commission was empowered to set up the sub-commissions contemplated in items 10, 11, and 12, and state their terms of reference, and should consider the form in which to present its recommendations on items 8 and 15 to the Economic and Social Council, before attempting to enter into the substance of the question.

Col. HODGSON (AUSTRALIA) stated that he would vote in favour of this proposal with the understanding that members of the Commission would have the opportunity of discussing the general principles of the establishment of the sub-commissions contemplated under items 10, 11 and 12.

DECISION: The Commission unanimously adopted the proposal of Mr. Malik.

3. Item 9: Consideration of communications received (E/CN.4/W.3).

Mrs. MEHTA (INDIA) considered that the communications received from individuals and organizations on matters pertaining to the work of the Commission would be of great interest to all members, and requested that they should be circulated by the Secretary.

The CHAIRMAN recalled the suggestion that the Commission might appoint a small committee to examine these communications and decide how they should be processed.

/ The SECRETARY

The SECRETARY explained that the Secretariat had prepared a list of the communications, which was available for distribution, if requested; that list did not disclose the names of individuals but identified the organizations which had written to the Commission or the Secretariat. The Secretariat had not wished to disclose the communications without receiving express instructions, since some letters alleged violations of human rights within particular countries. The number of communications was considerable, and the Secretary suggested that the Commission might wish to see the list before deciding to appoint a committee to examine the communications themselves.

Col. HODGSON (AUSTRALIA) suggested that the Commission should examine the formula worked out in the Annex to the Provisional Rules of Procedure of the Security Council, with a view to adopting its principles. In accordance with that procedure, a list of communications received would be circulated to all members, and a copy of any communication on the list would be furnished by the Secretariat upon request.

The CHAIRMAN felt that the Commission could not deal in detail with each communication. However, members could study the list prepared by the Secretariat, and decide whether closer examination of individual communications was warranted or what further action should be taken.

On a motion by General ROMULO (PHILIPPINE REPUBLIC) the Secretariat was authorized to distribute the list of communications received.

Miss SENDER (AF of L) introduced a request, addressed to the Commission by the American Federation of Labor, that the latter organization should be given the opportunity of defending its views on the question of an international bill of rights.

/The SECRETARY

The SECRETARY explained that the communication received from the A.F. of L. could be considered either under items 8 or 16, rather than in connection with item 9.

The Commission agreed to meet from 11 a.m. to 1 p.m., and from 2.30 p.m. to 5 p.m.

The meeting rose at 5.30 p.m.

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