

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

SUMMARY RECORD OF TWENTY-THIRD MEETING

Held at the Palais des Nations, Geneva, on Tuesday,
2 December, 1947, at 10 a.m.

Present:

Chairman: Mrs. Franklin D. Roosevelt (United
States of America)

Members: Col. W. R. Hodgson (Australia)
Mr. F. Schousse (Belgium)
Mr. A. S. Stepanenko (Byelorussian
S.S.R.)
Mr. P. Garcia de la Huerta (Chile)
Mr. O. Loufti (Egypt)
Mr. R. Cassin (France)
Mrs. Hansa Mehta (India)
Mr. A. G. Pourevaly (Iran)
Mr. M. Amado (Panama)
Mr. M. Klekovkin (Ukrainian S.S.R.)
Mr. A. E. Bogomolov (U.S.S.R.)
Mr. Campbell (United Kingdom)
Mr. V. Ribnikar (Yugoslavia)

Specialized Agencies: Mr. J. Benling (I.L.O.)

Mr. J. de Givry (I.L.O.)

Mr. Albert Cohen (Preparatory Com-
mission for the International
Refugee Organization)

* The 24th Meeting of the Commission was held in closed session, and by decision of the Commission is distributed as a Restricted document (E/CN.4/SR.24) to members of the Commission only.

Non-Governmental
Organizations:

Category A : Mr. A. R. de Clery (Interparliamentary
Union)

Mr. L. Boissier " " "

Miss Tony Sender (American Federation
of Labour)

Category B : Mr. A. G. Brotman (Co-ordinating Board
of Jewish Organizations)

Mr. P. R. Bienenfeld (World Jewish
Congress)

Mr. C. Pilleud (International Red Cross
Committee)

Miss Louise C. A. van Eeghen (Inter-
national Council of Women)

Secretariat: Professor J. P. Humphrey

Mr. Edward Lawson

1. Opening of the Session.

The CHAIRMAN opened the twenty-third meeting of the Commission on Human Rights, and apologised for the delay which had been occasioned by her unavoidable absence the day before. She then suggested that the Commission should hold its meetings from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., which was unanimously accepted.

2. Adoption of the Agenda (Document E/CN.4/22/Rev.2).

The CHAIRMAN presented the provisional Agenda to the Commission and asked for observations upon it.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) opposed the inclusion in the revised Agenda of the documents appearing in brackets after Item 5, with the exception of Document E/CN.4/21, which was, in his opinion, an integral part of the

Item. In view of the heavy Agenda and the limited time at the disposal of the Commission he felt that the necessary consideration could not be given to these documents, which included a memorandum on Trade Union Rights, not previously submitted to the representatives. In his opinion, the question of Trade Union Rights was a very important one, having a direct bearing on the lives of tens of millions of people. He felt that the Commission's efforts should be devoted to the items in the original Agenda and that a decision as to whether or not to include consideration of new documents should be deferred meantime.

Professor HUMPHREY (Director of the Human Rights Division), at the request of the CHAIRMAN, explained that the documents in brackets after the items of the Agenda did not constitute part of the Agenda. They were merely references to the documentation available, and had been placed there for the convenience of the Representatives. A document would become part of the Agenda only if adopted as a basis for discussion of a particular item.

Mr. RIBNIKAR (Yugoslavia) said that it appeared to him that the documents mentioned in Item 5 fell into three categories:

- 1) those referring to a Bill of Rights,
- 2) those referring to an International Convention, and
- 3) those referring to Trade Union Rights.

He suggested that the third category should form a separate item in the Agenda.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) felt that Professor HUMPHREY's explanation would be perfectly satisfactory if Document E/CN.4/21 did not appear in brackets after Item 5. He thought that the Commission should confine itself under Item 5 to discussion of the Drafting Committee's Report,

the other documents being for information only. In his opinion Trade Union Rights should not form part of Item 5. He felt the Commission should be free to decide at a later date whether or not to insert a separate item in the Agenda on this question.

The CHAIRMAN asked if Representatives would like to add a new item to the Agenda entitled "Trade Union Rights", as suggested by the Representative of Yugoslavia.

Mr. DEHOUSSE (Belgium) said he believed it was the intention of the Commission to constitute, as soon as practicable, Committees to deal with special subjects. He therefore felt it might be a means of expediting their work to establish a Committee to study, within the framework of the Terms of Reference of the Commission, the question of Trade Union Rights.

Mrs. MEHTA (India) was of opinion that the Commission could consider the question of Trade Union Rights only as part of its consideration of the International Bill of Rights, and was therefore opposed to its inclusion as a separate item in the Agenda. Mr. CAMPBELL (United Kingdom) supported the views of Mrs. MEHTA.

The CHAIRMAN drew the attention of the Representatives to the Resolution adopted by the Economic and Social Council at its Plenary Session on 24 March 1947 (Document E/CN.4/31, page 26). She felt that the insertion of a separate item to consider Trade Union Rights, as part of the consideration of the International Bill of Rights, would not be incompatible with that Resolution. She also pointed out that the matter had been referred to the Commission by the General Assembly of the United Nations.

Mr. CASSIN (France), while of the opinion that the question of Trade Union Rights could not be considered separately from that of the Bill of Rights, felt that the Representatives of India and of the Union of Soviet Socialist Republics might both be satisfied if the question were referred to a Committee.

The Committee's work should be confined to consideration of material to be inserted in a draft Convention, such as the one received from the Drafting Committee.

Mr. KLEKOVKIN (Ukrainian S.S.R.), in view of the importance of the question and of the fact that the Representatives had had a comparatively short time in which to study the relevant documents, proposed that the question of Trade Union Rights should be deleted from Item 5 and inserted as a separate item in the Agenda. It had been argued that the question of Trade Union Rights was closely linked with that of the Bill of Rights. He pointed out that other subjects, such as Freedom of the Press and Protection of Minorities, were equally closely linked and yet appeared as separate items in the Agenda.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) stated that he had no objection to the list of documents appearing after Item 5, as, following the discussion, it was clear that only the Report of the Drafting Committee would be studied in detail. He suggested that a decision as to whether or not a separate item on Trade Union Rights should be inserted in the Agenda should be deferred for a few days, until the Commission had had an opportunity to see whether time permitted them to give adequate consideration to such an important question.

The CHAIRMAN suggested that the Commission accept the Agenda provisionally, and reconsider later the insertion of a separate item on Trade Union Rights.

Mr. DEHOUSSE (Belgium) pointed out, however, that Rule 8 of the Rules of Procedure did not allow the Commission to accept the Agenda provisionally.

Mr. STEPANENKO (Byelorussian S.S.R.) said that he had not yet received the documents pertaining to Trade Union Rights and

was not in a position to express his views on the matter. He therefore opposed the insertion of a separate item regarding Trade Union Rights. He supported Mr. BOGOMOLOV's proposal to defer a decision on the matter for a few days.

The CHAIRMAN proposed that the Agenda be adopted and pointed out that, according to Rule 9 of the Rules of Procedure, the Commission was free to revise the Agenda later, should it consider this desirable.

Mrs. MEHTA (India) supported the CHAIRMAN's proposal.

Colonel HODGSON (Australia) felt it was quite clear from the Resolution of the Economic and Social Council that the Commission should consider Trade Union Rights only insofar as they were related to the Bill of Rights, and, in his opinion, that could be done under Item 5. He agreed with Mr. BOGOMOLOV that Document E/CN.4/21 should be included as an integral part of Item 5, the subsidiary documents remaining in brackets. He supported the CHAIRMAN's proposal to adopt the Agenda and felt that, were it considered necessary later, a committee might be established to deal with the subject.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said that the Soviet Union Delegation accepted the CHAIRMAN's proposal, but reserved its right to return, in accordance with Rule 9 of the Rules of Procedure, to the question of the insertion of a separate item in the Agenda relating to Trade Union Rights.

The CHAIRMAN declared the Agenda adopted. She then called on Mr. MODEROW, Director of the European Office of the United Nations, to address the Commission.

Mr. MODEROW (Director of the European Office of the United Nations) welcomed the Representatives to the European Headquarters of the United Nations and assured them that the Administration would do everything possible to supply complete and comprehensive

services in order to facilitate the work of the Commission. Unfortunately, budgetary restrictions might limit the services the Administration could provide. He mentioned that strictly limited credits were placed at the disposal of the European Office to provide conference services and it had been suggested at the General Assembly of the United Nations that the danger of overspending these credits should be pointed out to Representatives. He drew attention in particular to the fact that the staff assigned to the Conference from Headquarters had been reduced to a minimum and that, during the period of overlapping of the Conferences, of the Commission on Human Rights and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, difficulties might arise. He finished by expressing his sincere desire for the success of the Commission in its important task.

The CHAIRMAN, on behalf of the Representatives, thanked Mr. Moderow. In connection with Item 5 of the Agenda she gave a summary of the stages through which the draft Bill of Human Rights had already passed and through which it had still to go. After the first session of the Commission on Human Rights, a Drafting Committee had been constituted with the task of preparing a preliminary draft of an International Bill of Human Rights. Its draft would be considered by the Commission under Item 5 of the Agenda. The Commission had three main questions to decide:

- (1) Whether there should be a Declaration;
- (2) Whether there should be a Convention; and
- (3) what measures were necessary for implementation of the Convention.

She pointed out that the Commission's task was to define principles and to give them form but not to prepare a final draft. After the Commission's Report had been sent to Member Governments for their comments, it would be considered at a meeting of the Drafting Committee to be held in the early part of May 1948, and thereafter by the third Session of the Commission on Human Rights in the latter part of May 1948. The Report would then be submitted to the Economic and Social Council at its meeting in July 1948 and, finally, if approved, to the General Assembly of the United Nations in September 1948. It would thus be seen that many stages lay ahead of the Report, and, while it was important that the Commission should lay down the principles, it need not feel that the actual wording was final.

In connection with the Preamble to the Declaration of Rights, she asked the Representatives to take into account both political and literary considerations, in order to have clear cut ideas for discussion. She suggested that it be considered that a subject could best be handled by a Sub-Committee, she hoped that such Sub-Committees would be established.

3. Invitation to the Officers of the Commission on the Status of Women.

Professor HUMPHREY, at the CHAIRMAN's request, directed the attention of the Representatives to a Resolution of the Economic and Social Council adopted at its Fourth Session (Document E/437, Resolution 46, Item (f)), which requested the Commission to invite the Officers of the Commission on the Status of Women to be present and participate without voting in its deliberations when sections of the draft of the International Bill of Human Rights concerning the particular rights of women were being considered.

The CHAIRMAN, with the concurrence of the Representatives, requested the Secretariat to extend formal invitations to the Officers of the Commission on the Status of Women, in accordance with the Resolution.

4. Communications.

Professor HUMPHREY directed the attention of the Representatives to a Resolution of the Economic and Social Council taken at its Fifth Session (Document E/573, page 20, Resolution 75). In his opinion, that Resolution might involve three distinct steps: (1) consideration of the Resolution of the Council; (2) reception by the Commission of the list of communications prepared by the Secretariat in accordance with the terms of the Resolution; and (3) the appointment of an ad hoc Committee to consider, before the next Session of the Commission, the list of communications. He pointed out that the list could only be distributed to Representatives in a private meeting. He therefore suggested that a meeting be held in private for the time necessary to distribute the list.

The CHAIRMAN asked if the Representatives were agreeable to having a private meeting the next morning for reception of the list of communications, the meeting being thereafter opened to the public.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said he wished to remind Representatives that, at the Fifth Session of the Economic and Social Council, the Soviet Union Delegation had expressed its views regarding the substance of the communications in question and also regarding the establishment of an ad hoc Committee to study them. The Soviet Union Delegation had felt and still felt, that priority

should be given to the consideration of communications from from non-self-governing territories and from the largest democratic organizations and that individual communications should not be taken into account. He was therefore opposed to the establishment of an ad hoc Committee for the purpose of studying these communications.

Mr. CAMPBELL (United Kingdom) did not agree with the Soviet Union Representative's views. In his opinion there was nothing in the political status of a non-self-governing territory which made petitions from such an area different from petitions received from a self-governing territory, and he felt that no distinction should be made in dealing with them. He directed the attention of the Representatives to the procedure laid down in the Draft Report of the Joint Committee of the Trusteeship Council and the Economic and Social Council for dealing with petitions from Trust territories. The Report had been approved and adopted by the Economic and Social Council and, in his opinion, the Commission should follow the procedure established in that Report.

The CHAIRMAN thought that the discussion regarding the establishment of an ad hoc Committee should be deferred until the list of communications had been received by Representatives.

The CHAIRMAN pointed out that the Economic and Social Council had not directed the Commission to appoint an ad hoc Committee, but only suggested that it might do so. She asked Representatives to study Document E/CN.4/27 which set out in full the Economic and Social Council's resolutions and suggestions on the subject, and suggested that further discussion be deferred until the following morning.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) agreed with the CHAIRMAN's views regarding postponement of the discussion. He could not agree with the United Kingdom Representative that there was no difference in status between non-self-governing territories and self-governing territories. He maintained that in autonomous territories there existed means of communication, such as the Press, to give information regarding conditions of life, while no such means existed in non-self-governing territories.

Mrs. MEHTA (India) did not feel that a general discussion of the subject was necessary. The Commission was asked by the Economic and Social Council to appoint an ad hoc Committee with definite functions. The Commission had not been requested to classify the communications in question.

Mr. CAMPBELL (United Kingdom) did not agree with the Soviet Union Representative that no media existed in non-self-governing territories to allow expression of opinion. In such territories administered by the United Kingdom there existed the Press, broadcasting and the right of public assembly in exactly the same way as in self-governing territories.

Col. HODGSON (Australia) fully agreed with the views of the Representative of India. He considered that all that was necessary was that a decision be taken as to whether to appoint an ad hoc Committee, and if so, elect its Members.

Mr. DEHOUSSE (Belgium) could not agree with the views of the Representatives of India and of Australia. He thought the Resolution of the Economic and Social Council established a procedure of a permanent character, to govern all future meetings

of the Commission, and that procedure must be implemented. In his opinion, consideration of communications was a vital part of their task, which was not only to make a Declaration on Human Rights, but to make those Rights a living reality. He proposed that the Commission should establish immediately an ad hoc Committee to meet during the Session. He felt the provision of the Economic and Social Council for private discussion of the subject was a very wise one.

Mr. CASSIN (France) said he attached very great importance to the part which the Commission would have to play in connection with petitions. Nevertheless, he supported the postponement of the discussion until the following morning.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) asked if it would be possible for the list of communications to be presented to the Representatives at the afternoon meeting, in order to give time for study before the general discussion.

The CHAIRMAN said that it would be possible to do as Mr. BOGOMOLOV asked, and it was agreed to hold a closed meeting at 3 p.m. to receive the list of communications, thereafter opening the meeting to the public. She requested the Representatives to give consideration to two points remaining to be decided the following morning:

1. whether to appoint an ad hoc Committee to function before the next Session of the Commission; and
 2. whether to appoint an ad hoc Committee to function during the present Session.
5. Report of the Drafting Committee

The CHAIRMAN reminded Representatives that, at the first session of the Drafting Committee of the Commission, two documents had been produced, a Declaration and a

Convention, which were respectively Annexes F and G of the Report. She thought the first question to be decided was whether the Commission should draft a Declaration only, a Convention only, or both, and invited observations on the subject.

Mr. RIBNIKAR (Yugoslavia) recalled that, at the first Session of the Commission, most of the Representatives had shared his view that the Declaration of Rights should take the shape of a Resolution by the General Assembly of the United Nations. The Members of the Drafting Committee appeared to have been divided in opinion on the point and had prepared suggestions for a Convention as well as for a Declaration. He felt it would be impossible for the Commission to elaborate all the Articles necessary for a Convention of Human Rights. In his opinion, a Convention was an expression of the will of sovereign States and he therefore proposed that the Draft Conventions contained in Document E/CN.4/21 should be sent to Member Governments for their comments.

Mr. DEHOUSSE (Belgium) said that, in his opinion, the Yugoslav Representative's argument was not a valid one. The Commission was only preparing a rough draft of a Convention. That draft would have to pass through all the stages enumerated by the CHAIRMAN, including that of being sent to Member Governments for their comments.

Mr. CAMPBELL (United Kingdom) reserved the right of the United Kingdom Representative to amplify the statement made in Document E/CN.4/38.

Colonel HODGSON (Australia) asked Professor HUMPHREY, through the CHAIRMAN, whether Document E/CN.4/21 had been circulated to Member Governments or only to the Representatives.

Even if it had been circulated only to the Representatives, he felt sure that Member Governments would be aware that discussion of a Draft Declaration and of a Draft Convention had been envisaged, in which case precise instructions on the points must have been issued by them to their Representatives.

Professor HUMPHREY (Director of the Human Rights Division) stated that the Document in question was an unrestricted one and had been distributed through the routine channels to Member Governments.

The meeting rose at 1 p.m.