

ECONOMIC  
AND  
SOCIAL COUNCILCONSEIL  
ECONOMIQUE  
ET SOCIALE/CN.4/SR/32  
11 December 1947

ORIGINAL: ENGLISH

## COMMISSION ON HUMAN RIGHTS

## SECOND SESSION

## SUMMARY RECORD OF THIRTYSECOND MEETING

Held at the Palais des Nations, Geneva, on Thursday,  
11 December, 1947, at 10 a.m.

## Present:

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

Rapporteur: Dr. Charles Malik (Lebanon)

Members: Col. W.R. Hodgson (Australia)

Mr. F. Dehousse (Belgium)

Mr. A.S. Stepanenko (Byelorussian S.S.R.)

Dr. C.H. Wu (China)

Mr. O. Loutfi (Egypt)

Mr. R. Cassin (France)

Mrs. Hansa Mehta (India)

Mr. A.G. Pourevaly (Iran)

Gen. Carlos P. Romulo (Philippine Republics)

Mr. M. Klekovkin (Ukrainian S.S.R.)

Mr. A.E. Bogomolov (U.S.S.R.)

Lord Dukeston (United Kingdom)

Mr. J.J.C. Victorica (Uruguay)

Dr. V. Ribnikar (Yugoslavia)

Commission on the Status of Women: Mr. E. Uralova

Mrs. B. Begtrup

Specialized Agencies: Mr. J. de Givry (I.L.O.)  
Miss Barble (Preparatory Commission  
for the International Refugee  
Organization)

Non-Governmental  
Organizations:  
Category A: Miss Toni Sender (American Federa-  
tion of Labour)  
Mr. Robinet de Clery (Union Inter-  
Parlementaire)

Category B: Mr. A.G. Brotman (Co-ordinating  
Board of Jewish Organizations)  
Mlle de Romar (Union Internationale  
des Ligues Feminies Catholiques.  
Union Catholique Internationale  
de Service Social)  
Mr. F.O. Nolde (Commission of the  
Churches on International Affairs)  
Miss van Eeghen (International Council  
of Women)  
Dr. Bienenfeld (World Jewish Congress)  
Mr. Pilloud ) (International Red Cross  
Mr. Duchosal) Committee)  
Dr. Easterman (World Jewish Congress)  
Mrs. B. Eder (International Council of  
Women)

Secretariat: Professor J.P. Humphrey  
Mr. Edward Lawson

The CHAIRMAN welcomed Mr. VICTORICA, Representative of Uruguay, who took his seat for the first time this session.

1. Report of the Sub-Commission on the Prevention of  
Discrimination and the Protection of Minorities

The CHAIRMAN directed attention to documents E/CN.4/52, the Report of the Sub-Commission, and E/CN.4/W.19, a paper prepared by the Secretariat to facilitate the work of the Commission. She pointed out that the second document contained nothing new; it was merely a repetition of parts of the Sub-Commission's

Report. She also stated that suggestions regarding Articles for inclusion in the draft Declaration would not be considered until the Report of the Working Group was received. She asked for observations on Document E/CN.4/W.19.

Dr. MALIK (Lebanon) felt that it was unnecessary to mention the Terms of Reference of the Sub-Commission in the Preamble on page 1, and suggested that it should read: "The Commission on Human Rights, taking note of the Report of the first session of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities requests".

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) did not feel that the study of the document was appropriate at that stage, before the Commission received the Report of the Working Group on the Declaration. The Sub-Commission had studied a number of Articles for inclusion in the draft Declaration and its decisions were included in the document under consideration.

The CHAIRMAN reminded the Soviet Union Representative that she had already stated that suggestions regarding Articles were not to be considered during the discussion; only the remainder of the Sub-Commission's Report was under consideration.

Lord DUKESTON (United Kingdom), while realising that the Terms of Reference of the Sub-Commission were well known to the Commission, felt that they might not be quite so clear to others. He therefore considered that no harm would be done by having them re-stated in the Resolution under consideration.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) repeated that he had already proposed that the discussion of the document should be deferred until the Report of the Working Group on the Declaration had been received. He therefore proposed immediate consideration of items 8 and 9 of the Agenda.

Mr. VICTORICA (Uruguay) said that he had no objection to the procedure being followed but felt that more time to study certain points was necessary. He felt it would facilitate discussion of the document if the Reports of the Working Groups were before the Commission at the same time. He stated that his country had no minority problems. It was open to all foreigners, whose rights and freedoms were assured, and his Government followed a policy of cultural assimilation. He was in favour of any recommendations that would help the Sub-Commission in dealing with its task. With regard to the principles involved, he felt that more consideration was necessary before a decision could be taken.

The CHAIRMAN reminded the Representative of Uruguay that the Commission had been working for some time before his arrival. She could, however, see no reason why consideration of individual items should not be postponed, if so desired. The United States of America, she said, was in the same position as Uruguay regarding minorities; they did not exist as such in the United States.

General ROMULO (Philippine Republics) could see no reason to postpone discussion of the draft Resolution, as every item contained in it was contained in the Report of the Sub-Commission, which the Representative of the USSR has previously discussed. He felt that it was important to keep in mind the limited time at the Commission's disposal. He agreed with Dr. MALIK that it was unnecessary to repeat the Sub-Commission's Terms of Reference and thought that the document should be shortened by eliminating repetitive passages.

Mrs. MEHTA (India) also supported the views expressed by Dr. MALIK.

The CHAIRMAN put to the vote the Soviet Union proposal to postpone consideration of the Sub-Commission's Report until the

Reports of the Working Groups were considered. It was rejected by 11 votes to 4, with 1 abstention.

Mr. CASSIN (France) expressed himself in favour of continuing the discussion. Should, however, special points arise on which Representatives did not feel sufficiently enlightened in the absence of the Reports of the Working Groups, he felt that discussion on such points should be deferred.

The CHAIRMAN pointed out that it had already been agreed to do so. She put to the vote Dr. MALIK's motion to leave out two sentences on Page 1 beginning with the words "Having requested" and ending with "these subjects, "; it was accepted by 8 votes to 3, with 5 abstentions. She then put to the vote the text of Page 1 from the words "The Commission on Human Rights" to "decides to", and that was accepted by 11 votes, with 4 abstentions.

The CHAIRMAN proposed that the words "from time to time upon request of the Commission on Human Rights" should be inserted in line 3 of the succeeding paragraph after the word "Secretary-General". A number of the communications referred to in the paragraph might be of interest to both the Commission and the Sub-Commission. She was of opinion that the Commission should retain the right to decide what communications should be referred to the Sub-Commission.

Colonel HODGSON (Australia) considered that the meaning of this paragraph was not clear. He asked if it meant that two lists of communications would be prepared, one for the Commission and the other for the Sub-Commission. When the paragraph had been drafted, it was obvious that the Sub-Commission had not known of the Commission's decision to appoint an ad hoc Committee to deal with communications. The procedure he envisaged was that the Commission would receive the list in its

entirety, the ad hoc Committee would review and make recommendations on it, and decide which communications, if any, should be remitted to the Sub-Commission. In his opinion the Sub-Commission's request should be framed within those limits.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said that the Soviet Union Delegation considered that the powers of the Secretary-General in connection with the Sub-Commission were sufficiently wide; it was of opinion that no grounds existed for further extending those powers. The Soviet Union Delegation would therefore oppose the proposal of the Sub-Commission.

Dr. MALIK (Lebanon) said that he agreed with the representatives of Australia and of the Soviet Union that no necessity existed for the Resolution under discussion, even with the addition proposed by the United States Representative. He felt that the Commission already had the right to request the Secretary-General to make available to the Sub-Commission documents regarding communications. He would therefore vote against the Resolution.

The CHAIRMAN stated that the United States Delegation was agreeable to the deletion of the Resolution.

Dr. WU (China) did not agree that the Resolution under discussion proposed an extension of the powers of the Secretary-General; only functions or duties were involved. He supported the United States amendment.

Mr. DEHOUSSE (Belgium) said that he could see no reason why communications regarding rights of minorities should not be considered on an equal basis with those concerning human rights in general. He was therefore unable to understand the opposition to the Resolution. He proposed that the text should be retained.

Mr. KLEKOVKIN (Ukrainian S.S.R.) reminded representatives

that the Commission had established a special Committee to deal with communications. He felt that all questions relating to communications, including those regarding minorities, should be discussed by that Committee. He was not in favour of conferring further rights on the Sub-Commission in that respect.

The CHAIRMAN stated that she withdrew her amendment and that she would vote against the Resolution.

Mr. DEHOUSSE (Belgium) pointed out that, up to that time, no special protection had been afforded to minorities. In his opinion there was nothing new nor progressive in the Resolution; it represented the minimum demand that should be made. He reminded the Representatives that no question of depriving the Commission of part of its functions arose, as the Sub-Commission was under obligation to report regularly to the Commission.

Mr. CASSIN (France) stated that he agreed with the principle expressed in the Resolution and would not vote against it. He proposed however that consideration of the text should be postponed until the report of the ad hoc Committee on communications was received.

Colonel HODGSON (Australia) requested an official interpretation of the Resolution under discussion. He felt it was necessary that the facilities enjoyed by members of the Commission should be stated more precisely, and proposed that the words "in regard to the recommendations of the proposed ad hoc Committee" should be added at the end of line 2 of page 2.

Professor HUMPHREY (Director of the Human Rights Division), observed that, if the Resolution were adopted by the Commission, he would interpret it as meaning that the Secretary-General would have to establish two lists; (1) a general list of all communications received; and (2) a list of the communications relating to

the prevention of discrimination and the protection of minorities, taken from the general list. Colonel HODGSON's interpretation and his own were therefore the same.

Dr. MALIK (Lebanon) felt that the Belgian Representative was perhaps not fully aware of the content of the Resolution of the Economic and Social Council of 5 August 1947, as unfortunately he had not been present at the first session of the Commission. He pointed out that the Terms of Reference with regard to communications concerning human rights were exceedingly limited in scope and application, as a result partly of the attitude taken by Mr. DEHOUSSE's Alternate at that session. He reminded representatives that the communications under discussion could not be seen by anyone in the world except the Secretary-General. The Commission was only allowed to see original communications which dealt with general principles; it was not allowed to see petitions or complaints. The discussion was therefore entirely academic, as the Sub-Commission certainly could not see more than the Commission was allowed to see. He felt that, if the Commission in the future wished to refer any of the communications it was allowed to see to the Sub-Commission, no obstacle to such a procedure existed. He therefore felt there was no necessity for the Resolution.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) emphasised once more the necessity for rejecting the Resolution, particularly in view of the already large amount of work to be undertaken by the Commission. He felt it would be of interest to see documents emanating from large democratic organizations, and thought that it would be appropriate for the Commission to take positive steps to ensure receipt of as much documentation as possible, without however extending the functions of the Secretary-General.

General ROMULO (Philippine Republics) agreed with Dr. MALIK that the Resolution was unnecessary.

Mr. DEHOUSSE (Belgium), in reply to Dr. MALIK's remarks, stated that he was the Representative of the Belgian Government on the Commission on Human Rights, not his Alternate. In making his observations he had kept in mind the decision of the Economic and Social Council of 5 August 1947, with which he was perfectly familiar.

Colonel HODGSON (Australia) stated that he had no objection to the Sub-Commission receiving communications dealing with discrimination and minorities on the limited terms he had already outlined, and according to the interpretation of the Resolution given by Professor HUMPHREY. He would therefore vote for the proposal.

The CHAIRMAN said that, from Dr. MALIK's observations, she understood that the Sub-Commission would be able to receive communications under the present procedure in exactly the same way as it would receive them if the Resolution under consideration were adopted.

Dr. MALIK (Lebanon) pointed out that up to that time only the members of the Commission had the right to receive the confidential list of communications. In his opinion, items from that list might be referred by the Commission to the Sub-Commission. In order to place that procedure beyond question, however, he proposed the following alternative text for the Resolution: "That we decide to bring in the future to the attention of our Sub-Commission on the Prevention of Discrimination and the Protection of Minorities such communications concerning Human Rights which, in our opinion, the Sub-Commission should examine."

Mrs. MEHTA (India) disagreed with the views expressed by Dr. MALIK. She pointed out that the confidential list of communications should be received by the Commission only in private meeting, and she had doubts as to whether the Commission was entitled to pass on items from that list to the Sub-Committee.

The CHAIRMAN put to the vote the Soviet Union proposal to reject the Resolution: it was defeated by 7 votes to 6, with 2 abstentions. She then requested a vote on the alternative text proposed by Dr. MALIK.

Colonel HODGSON (Australia), on a point of order, stated that the Commission had already voted to retain the existing text. A vote could therefore not be taken regarding an alternative text.

The CHAIRMAN put to the vote the French proposal to postpone consideration of the Resolution until the Reports of the Working Groups were received; it was accepted by 9 votes to 5, with 2 abstentions.

The CHAIRMAN proposed that consideration of the succeeding paragraph on Page 2 beginning with the word "requests" and ending with the word "petitions" should also be postponed until the Report of the ad hoc Committee was received, and it was so agreed.

In answer to Dr. MALIK she stated that the two paragraphs would be discussed when the Report of the ad hoc Committee was received.

Colonel HODGSON (Australia) suggested that, if a motion for postponement or adjournment were projected, it should be made and voted upon before discussion took place.

Lord DUKESTON (United Kingdom) supported Colonel HODGSON's remarks.

The CHAIRMAN pointed out that the French proposal for postponement of the debate had been made early in the discussions and the Commission could not go back on the decision taken, and

asked for observations on the succeeding paragraph on Page 2, beginning with the word "requests" and ending with the word "women". The UNITED STATES Delegation felt that the proposal contained in the paragraph to single out one petition and to give it priority was a one which it could not support.

Lord DUKESTON (United Kingdom) supported the Chairman's remarks and proposed the deletion of the paragraph in question.

General ROMULO (Philippine Republics) stated that his Delegation also would vote for the deletion of the paragraph.

Miss Toni SENDER (American Federation of Labour) protested against the fact that one Category B Non-Governmental Organization, the International Democratic Federation of Women, had been singled out for special mention. She felt that the Categories, as decided by the Economic and Social Council, should be maintained, and suggested that the text should be altered to include all Category B Organizations.

Mrs. MEHTA (India) said that she would like the Sub-Commission to be asked why it had discriminated against other petitions by singling out the one mentioned for special treatment.

Dr. WU (China) stated that some members of the Sub-Commission had wished to discuss the petition from the International Democratic Federation of Women. However, the decision to refer the question to the Commission on the Status of Women had been taken. In his opinion, no question of discrimination was involved.

The CHAIRMAN pointed out that in its Resolution the Sub-Commission recommended the consideration of that particular petition. She asked whether any suggestion had been made by the Sub-Commission that all petitions should be considered.

Dr. WU (China) said that no decision regarding the handling of petitions in general had been taken in the Sub-Commission's meetings.

The CHAIRMAN felt that, if there had been no decision in the Sub-Commission regarding the treatment of petitions in general, discussion of the item should be postponed.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) pointed out that information regarding the petition from the International Democratic Federation of Women had not been received by his Delegation, but suggested that the text should be retained, on the grounds that the giving of priority to the study of petitions emanating from large organizations was fully justified. He felt that such petitions should not be placed on the same footing as petitions emanating from small groups or individuals.

Mr. CASSIN (France) said that as the International Federation of Women had been placed in Category B, it had itself the right of access to the Commission on the Status of Women and to the Sub-Commission. He also pointed out that the Commission's competence to deal with petitions constituting complaints had not yet been settled, and it was therefore not in a position to delegate powers in connection with such petitions to the Sub-Commission.

The CHAIRMAN said that the substance of the petition in question was not under discussion. The point to be decided was whether the request contained in the Resolution was appropriate.

Mr. VICTORICA (Uruguay) moved the closure of the debate.

Mr. DEHOUSSE (Belgium) supported this motion.

The CHAIRMAN put the motion for closure of the debate to the vote; it was carried by 10 votes to 3, with 3 abstentions. She then asked for a vote on whether or not the paragraph should be deleted. It was agreed to delete the paragraph by 10 votes to 5, with 1 abstention.

The CHAIRMAN asked for consideration of the succeeding paragraph on page 2, beginning with the word "approves" and ending with the word "importance".

Mrs. MEHTA (India) drew attention to the fact that the two following paragraphs would require to be considered in conjunction with it. With regard to the third paragraph concerning the machinery for implementation, she proposed the following alternative text: "Invites the Sub-Commission to examine proposals for implementation as formulated by the Commission on Human Rights and to make its suggestions to the Commission."

Mr. VICTORICA (Uruguay), on a point of order, proposed that only the Resolution of the Sub-Commission which called for action should be discussed. In his opinion, discussion of paragraphs which were merely statements of fact should not be allowed. He therefore asked that the Commission pass immediately to voting on those proposals having an operative effect.

General ROMULO (Philippine Republics) moved the adjournment of the meeting; it was accepted.

The meeting rose at 1 p.m.