

COMMISSION ON HUMAN RIGHTS

THIRD SESSION

SUMMARY RECORD OF THE FORTY-NINTH MEETING

Held at Lake Success, New York,  
on Thursday, 27 May 1948, at 11 a.m.

<u>Chairman:</u>	Mrs. Franklin D. ROOSEVELT	United States of America
<u>Rapporteur:</u>	Mr. MALIK	Lebanon
<u>Members:</u>	Mr. HOOD	Australia
	Mr. STEPANENKO	Byelorussian Soviet Socialist Republic
	Mr. LEBEAU	Belgium
	Mr. SANTA CRUZ	Chile
	Mr. WU	China
	Mr. CASSIN	France
	Mrs. MEHTA	India
	Mr. QUIJANO	Panama
	Mr. LOPEZ	Philippines
	Mr. KLEKOVKIN	Ukrainian Soviet Socialist Republic
	Mr. PAVLOV	Union of Soviet Socialist Republics
	Mr. WILSON	United Kingdom
	Mr. MORA	Uruguay
	Mr. VILFAN	Yugoslavia

Representative of Specialized Agency:

Mr. LEBAR	United Nations Educational, Scientific and Cultural Organization
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Observer from Inter-governmental Organization:

Mr. HOWELL	World Health Organization
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Consultants from Non-governmental organizations:

Miss SENDER	American Federation of Labor
Mr. Van ISTENDAHL	International Federation of Christian Trade Unions
Miss STUART	World Federation of United Nations Associations
Mr. GOLDSMITH	Agudas Israel World Organization
Mr. BROTMAN	Co-ordinating Board of Jewish Organizations
Miss STRAHLER	International Committee of the Red Cross
Miss BURGESS	International Federation of Business and Professional Women
Miss ROBB	Liaison Committee of Women's International Organizations
Mr. BIENENFELD	World Jewish Congress

Secretariat:

Mr. LAUGIER	Assistant Secretary-General in charge of Social Affairs
Professor HUMPHREY	Director, Human Rights Division

Mr. PELT (Secretariat) expressed the hope that a statement regarding the documents situation would remove some of the misunderstandings which had arisen.

His department's budget was based on average workloads, spread evenly over the year. Peak loads were sometimes inevitable and provision had been made for them in two ways. If the peak load could be foreseen in good time, temporary staff was engaged. If the peak load arrived suddenly, as when a Commission requested a night meeting, there was some provision in the budget for that. The budget provided only for occasional peak loads however, and since the middle of January peak loads had been almost routine. As a result, the mimeographing service was in permanent need of more staff, and not a single week had passed without the present staff working overtime. The translation service was in a similar situation. That was why it had been necessary some two weeks ago to cancel all meetings for a few days, and that was why the Secretariat sometimes had to ask Commissions and Committees to wait a few days for documents.

As things stood, there was a risk of the budget provision for overtime and temporary assistance being exhausted long before the end of the year. Nor was it only a question of money. There was also the health of the staff to be considered. Many categories of the staff, had been doing more overtime than was good for them, and overdue leave ran into hundreds of thousands of man-hours. In fact, the Secretariat had reached the extreme limit of working capacity, and the only way to cope with the problem was to spread out the work. It would be recalled that the Advisory Committee on Administrative and Budgetary Questions had criticized the Secretariat for not keeping the work on an even keel.

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That was the general picture. As to the particular difficulties of the Commission on Human Rights, Mr. Pelt understood that complaints had been made that summary record writers were not always available. The reason was simple. The budget approved by the last General Assembly had provided for enough summary record writers to serve six meetings a day. For several weeks past there had been many more than six meetings a day and consequently some meetings had not been covered. In such cases, the Secretary-General's instructions were that the committee secretary should furnish a short, comprehensive report.

With regard to translations it was true that rule 30 of the rules of procedure said that "a translation of the whole or part of any summary record into any of the other official languages shall be furnished if requested by any member." It was difficult, however, to equate that right to translations into terms of time and money. For one thing, it was almost impossible correctly to estimate how much translation would be required. For another, the last General Assembly had been in a mood of economy. In that connexion the General Assembly had endorsed the Advisory Committee's view that, while the Secretariat should take the lead in urging economy, it could not be expected to succeed without the cooperation of delegations, who were asked to keep their demands to a minimum.

Mr. Pelt concluded by stating that he was not suggesting either an increase in the budget or a decrease in the workload. He was only asking the Commission to abide by the assumptions on which the budget had been drawn up and, especially, to reduce peak loads.

Mr. SANTA CRUZ (Chile) expressed satisfaction at Mr. Pelt's statement. It was well known how the General Assembly had cut the budget,

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and it was his opinion that serious mistakes had been made then.

He had only two questions to ask Mr. Pelt. The first was whether summary records could be made as complete as possible and circulated as soon as possible. It was obvious that the fullest records possible were desirable in the drafting of an instrument like the Covenant on Human Rights.

His second question was whether the Commission could be provided with working documents in the two working languages at the time when they were needed. The Latin-American delegations rarely made use of their right to have documents translated into Spanish, but there were some of them who knew only one of the two working languages. When they came to final drafting, it was essential to have the documents in a language that could be completely understood.

Mr. PELT (Secretariat) referred back to his statement that the department was staffed to provide summary record writers for only six meetings a day. That day there were thirteen. In such cases, he could only follow the Secretary-General's instructions and select the meetings to be covered. His answer to the representative of Chile must therefore be that in normal circumstances the Secretariat would provide the service required, but that in abnormal circumstances he could make no promise.

With regard to translations his answer must be similar. In normal circumstances the required service would be provided. If, however, the Security Council, for example, should suddenly require an unusually large volume of translation, he could not guarantee the required service to all the Commissions and Committees. The ultimate solution was to even

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out the work. The staff should not be based on peak loads.

Mr. SANTA CRUZ (Chile) said he had had no doubt that the Secretariat was doing its best. He only wished to have the facts. If the members of the Commission should find that in those conditions they could not properly fulfil their task, he would ask them to bear Mr. Pelt's statement in mind and perhaps induce the next Assembly to reconsider the situation.

#### CONSIDERATION OF REPORT OF THE DRAFTING COMMITTEE (DOCUMENT E/CN.4/95)

The CHAIRMAN asked for general statements on the report of the Drafting Committee.

Mr. PAVLOV (Union of Soviet Socialist Republics) observed that so far there had been discussion only of the formal interrelation between the Declaration and the Covenant on Human Rights. There was also a question of principle to be considered, and in that respect the Charter should be the Commission's guide. The preamble to the Charter reaffirmed faith in "fundamental human rights" and in the "equal rights of men and women" and promised "to promote social progress and better standards of life in larger freedom". Article 13 of the Charter required the General Assembly to initiate studies which would assist "in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

Mr. Pavlov recalled his own statement in the Drafting Committee on 4 May when he had listed three basic requirements which the Declaration and Covenant must fulfil. They were: --

/1. A guarantee

1. A guarantee of human rights without distinction of race, nationality, religion or sex and in accordance with the principles of national sovereignty and political independence.

2. Implementation of those rights with due regard to the economic, social and other peculiarities of each country.

3. A definition not only of rights but also of the obligations of citizens to their respective States.

Those three requirements were in full accord with the Charter.

In the course of the discussion on the inter-relation between the Declaration and the Covenant it had been said that the Declaration should be of a general character, the question of implementation being left to the Covenant. He could not agree that the Declaration should be confined to pious wishes. If the members of the Commission were serious, they could not oppose the Declaration to the Covenant.

The representative of France had mentioned three points which every article should contain. They were:

1. A definition of the right.

2. A statement as to who gave the right and how it was to be implemented.

3. A statement of the necessary limitations in the interests of democratic government and of society as a whole.

Those principles must apply both to the Declaration and to the Covenant, although there might be some difference in the degree of elaboration in the two instruments.

The United Kingdom representative had said the day before that the Declaration's main importance would be as an educational instrument. Education was important, of course, but the Commission had not met to prepare only an educational document. The Declaration must be a

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recommendation, eventually endorsed by the General Assembly, to all the Members of the United Nations. It should not be a mere listing of pious hopes and of educational aims for adolescents.

There was one important aspect of the Declaration and Covenant which should not be overlooked. That was that their texts should be acceptable to Members of the United Nations with differing economic systems. In illustration he would cite the two questions of the right to property and the right to work. In the draft Declaration it was stated that arbitrary deprivation of property was inadmissible. The USSR Constitution recognized the right to private property, resulting from individual labour and not from the exploitation of others. But besides private property there was another system of property, and that was socialist and collective property.

It would be possible to prove that private property had acted as a brake on progress and ensured the continuance of extremes of poverty and wealth. It would be possible also to prove the superiority of a property regime where the land belonged to the peasants and the factories to the workers. If, therefore, any statement about private property was to be put in an international document, mention must also be made of the other form of property. The Geneva draft had said correctly that property regimes were determined by the laws of the individual countries. That was an expression of the equality of the two systems. The Drafting Committee had deviated from that line, however. The Declaration should state that every man could have property, alone or collectively. Representatives should not ask the impossible of each other. The USSR could never agree that only private property could be guaranteed.

With regard to the right to work, in the USSR, this right was real and tangible, guaranteed by the Socialist system, by control of

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production, and by the elimination of economic crises. A generation had grown up in his country which did not know what unemployment meant. To that generation a declaration of a right to work sounded like an old-fashioned manifestation of an ancient system.

It would be incorrect for him to ask the United States representative to undertake to eliminate unemployment in the United States. The economic system in the United States made that impossible. In capitalistic states, not counting the Far East, there were some twenty to thirty millions in a state of want who formed a regular army of unemployment. He could, however, ask that something concrete should be done. Instead of merely making a general statement about the right to work, the relevant article should list measures to be taken to ensure that right.

The representatives of the old and of the new democracies held very different views on those two questions. But they could come to some understanding.

Mr. Pavlov pointed out that there were two further questions, democracy and fascism and nazism, which should be considered. He regretted that every reference to democracy had been eliminated from the draft International Declaration on Human Rights. That was a serious omission; mention of the principles of democracy and of the struggle against fascism and nazism should be included in both the Declaration and the Covenant. The Commission was bound to take a definite stand in favour of democracy and outline realistic measures against fascism.

The Drafting Committee seemed to be afraid of the word democracy. The United Kingdom representative had opposed the mention of democratic fundamentals on the ground that the word democracy could be interpreted in various ways. Such an attitude must be considered erroneous. During the war there seemed to be no doubt concerning the concepts of democracy

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and those of fascism and nazism. The United States, the United Kingdom and the USSR declaration regarding Italy made on 1 November 1943 had clearly stated that "Allied policy towards Italy must be based upon the fundamental principle that fascism and all its evil influences and emanations shall be utterly destroyed", that "all fascist and pro-fascist elements shall be removed from the administration and from the institutions and organizations of a public character," and that "fascist chiefs shall be arrested and handed over to justice". The same declaration had also provided that "Freedom of speech, religious worship, political belief and of the press and public meetings shall be restored in full measure to the Italian people". Similar terms had been used in the Yalta Declaration of 11 February 1945 which proclaimed the purpose "to destroy German militarism and nazism" and to "wipe out the Nazi Party, Nazi laws, organizations and institutions, remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people." In its section on liberated Europe, the Yalta Declaration had stressed that the last vestiges of nazism and fascism must be destroyed and that democratic institutions should be created. The Potsdam Agreement of 5 August 1945 had clearly indicated that all discrimination on grounds of race, creed or political opinion should be abolished.

Thus it was evident that international instruments contained abundant references to democracy, and anti-democratic movements. It was difficult to understand why the Drafting Committee had not seen fit to retain them.

Contrary to the opinion of some members, a definition of democracy and of fascism was not difficult. Democracy could be defined as the power of the people to participate in their government and carry out its functions, while fascism meant dictatorship, imperialistic in its foreign

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policy and reactionary in its domestic policy. During the war no definition of those terms had been required. The USSR had offered assistance to the European democracies, and taken upon itself a noble liberating mission without asking for definitions. At that time all the Allies had known what they were fighting for. What had united the nations during the war might unite them also at present if there existed a genuine desire for agreement. However, the Drafting Committee had not shown such a desire.

The representative of the USSR did not find the draft Declaration satisfactory. It did not contain a reference to fascism and nazism as most odious phenomena, and made only one passing mention of democracy. No provisions were made to ensure racial and religious equality and protection against discrimination. He contrasted the situation of such minorities as the Negroes in the United States and the Indians in the Union of South Africa, with that existing in the USSR where all citizens enjoyed absolute equality, where sixty nationalities lived side by side in peace and where discriminatory propaganda was punishable by law. The Drafting Committee had excluded such items from its consideration. The same applied to a number of other articles of the draft Declaration such as those dealing with the right to use one's own language in court or in education and the equality of men and women in public life. The greatest weakness of the draft Declaration was its purely theoretical character and the lack of any reference to the steps which should be taken to implement its provisions.

The same remark might be made about the article dealing with a person's right to leave his country. That article seemed to imply that an emigrating person had no duty towards his nation; it could even be interpreted as an encouragement to anti-patriotic steps. The fact that

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the individual had obligations was mentioned only in passing in article 2.

Mr. Pavlov considered that the Drafting Committee had improved the Geneva document only very slightly and that the present **draft hardly** represented a step forward. The draft Declaration would certainly have gained if the USSR proposals concerning slave traffic, illegal arrest, equality before the courts, equality of the sexes and of colored peoples, had not been rejected. It was also regrettable that the article on freedom of expression and of the right of asylum had not been accepted in the form suggested by the USSR delegation, namely, that freedom of expression could not be used to propagate fascist theories and hostility among nations and that the right of asylum should be limited to liberals.

In conclusion Mr. Pavlov stated that the objective of the draft Declaration should be the improvement of the living conditions of millions of people, the elimination of discrimination and the safeguarding of democratic principles. In addition to proclaiming those objectives the Declaration should also state the means for their implementation. More important than the mere fact of collaboration in drafting the document was a genuine desire for cooperation in putting its principles into practice.

The CHAIRMAN announced that three more speakers were scheduled to make statements in the general discussion. She suggested that those statements should be made at the end of the afternoon meeting.

Mr. VILFAN (Yugoslavia) declared that instead of making a general statement he would limit himself to commenting in detail during the discussion of the declaration paragraph by paragraph.

/Mr. SANTA CRUZ

Mr. SANTA CRUZ (Chile) and Mr. MALIK (Lebanon) said they would like to speak prior to the detailed consideration of the draft Declaration.

The CHAIRMAN pointed out that if general statements were to be made at the afternoon meeting the Commission would have to vote whether it wished to rescind its decision adopted at the previous meeting, that the general statements should be confined to the morning meeting.

The Commission rescinded its decision. It was also decided that the time for the statements would not exceed one hour.

The meeting rose at 1.15 p.m.