

**ECONOMIC
AND
SOCIAL COUNCIL**

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ET SOCIAL**

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COMMISSION ON HUMAN RIGHTS OF THE ECONOMIC AND SOCIAL COUNCIL
SUMMARY REPORT OF MEETINGS

First Drafting Session

Held on 6 May 1946 at 3:00 P.M.

Chairman: M. Cassin (in Mrs. Roosevelt's absence)

The Chairman pointed out that the Commission had agreed at their previous meeting to discuss the Draft Declaration on Human Rights submitted by the Cuban Delegation (Document E/HR/1) and the Statement on Essential Human Rights submitted by the Delegation of Panama (Document E/HR/3). He emphasized that these documents would not be discussed in detail but rather in order to find methods by which the work of drafting an International Bill of Rights could proceed. Mr. Hsia agreed that the two documents would form a good basis for discussion, but suggested that the Commission should first decide whether it would recommend the drafting of an International Bill of Rights. He favoured such a recommendation. Mr. Neogi suggested that the nuclear Commission should not undertake to draft an International Bill of Rights but to study all available documents and to prepare the ground for the work of the full commission.

The Chairman proposed that the nuclear Commission might consider three specific recommendations.

1. It might ask the Economic and Social Council to instruct the Secretariat to publish each year a collection of texts pertaining to the Rights of Man - including the Constitutions of various countries which contains provisions for Human Rights. While these texts exist they are too scattered to be available to the Members of the Commission.

2. He stressed particularly, that it was necessary for the

nuclear Commission to act quickly and not to leave all substantive work to the full Commission. One of its recommendations might be that a clause on the observance of Human Rights should be included in all peace treaties. Also it seemed important that a Declaration on Human Rights should be accepted by all who want to become members of the United Nations. As preliminary peace treaties might be agreed upon soon and as a number of countries will ask for admittance into the United Nations in the near future, the Commission will have to work fast. The Commission might want to consider whether an International Bill of Rights should be drafted or a Convention which would become an appendix to the Charter of the United Nations. The Commission might further consider whether it would not be necessary to create an Organ which would study violations of human rights and inform the Commission of those violations.

3. The Chairman stressed the fact that both documents before the Commission now had been produced in the Western Hemisphere where representatives of the American Nations had had a chance to meet at Mexico City. He suggested that a Conference of European experts in London, Geneva or some other place in Europe might be arranged while a similar Conference could be held in Africa and Asia to discuss the basic documents concerning human rights. In August the nuclear Commission might meet again to receive their reports and to prepare a preliminary draft on human rights.

Mr. Neogi warned the Commission that it might be difficult to set up a controlling agency as the Member countries might feel that it would interfere with their sovereignty. He suggested that it might be wise to study existing constitutions many of whom have human rights provisions and to find out whether these provisions have been adhered to. He felt very strongly that it would be important to write a Declaration on Human Rights which any nation who might want to join the United Nations would have to accept. He questioned however,

the authority of the nuclear Commission to draft such a Declaration.

The Secretary pointed out that the terms of reference for the nuclear Commission on Human Rights (E/27) established beyond a doubt the right of the Commission to discuss and draft a Declaration or Convention.

The Chairman repeated that the first task before the Commission was to devise a method on how to proceed with the work.

Mr. Hsia felt that the Commission could not draft any document at its present session and that therefore it might be best to appoint sub-commissions who would consider problems like a Bill of Rights or Freedom of the Press and make recommendations to the Commission at its next session.

The Chairman agreed that the Commission could nominate sub-committees without reference to the Economic and Social Council and could, of course, decide to hold another session.

The Commission agreed that another session would be advisable.

Mr. Neogi questioned the wisdom of splitting up the six members of the nuclear Commission into sub-committees.

The Secretary explained that the nuclear Commission had no authority to appoint permanent sub-commissions to study substantive matters but could name sub-committees for the organization of the work. Mr. Hsia then stated that he had meant to suggest that perhaps one member of the Commission might study and digest a number of documents available on human rights and make a preliminary draft which he would then discuss with two or three others. This draft signed by two or three members would then be presented to the nuclear Commission.

The Chairman felt that it was important to discuss further the problem of a control agency. He pointed out that the Charter provides for action on the part of the United Nations in "situations which menace peace". There may be cases where the violation of human rights

principles may be so serious that the right of the United Nations to discuss them must be stressed. The control agency would naturally have to distinguish between problems which are of national competence and those which transcend national concern.

The Chairman stressed the importance of the International Trials at Nuremberg and Tokyo in which the United Nations have created a precedent for putting on trial those who violate the rights of man. He recommended that the principles dealing with the rights of man which were developed by these international tribunals should be closely studied by the Commission.

The Chairman then suggested that the Secretariat should prepare a memorandum to aid the Commission in the further discussion of these problems.

The meeting adjourned at 4:20 P.M.
