

**ECONOMIC  
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SOCIAL COUNCIL**

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ET SOCIAL**

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COMMISSION ON HUMAN RIGHTS OF THE ECONOMIC AND SOCIAL COUNCIL

SUMMARY RECORD OF MEETINGS

Seventh meeting held on Wednesday, 8 May 1946, at 10:30 A.M.

Chairman: Mrs. Franklin D. Roosevelt

The Chairman opened the meeting by referring to the communications addressed to the Chairman of the Commission on Human Rights by the American Association for the United Nations, Inc., and the American Bar Association, both of which suggested that hearings be fixed by the Commission between now and the time of the Commission's report to the Economic and Social Council so that both American and international organizations might have the opportunity to present directly to the Commission their views and recommendations. The American Association for the United Nations offered to organize these hearings and to present in the most concise form views of a number of important organizations.

The Commission agreed that a chance to be heard should be given to these organizations at a future meeting, and that the American Association for the United Nations should be authorized to make the necessary arrangements with the organizations.

The Chairman then read to the Commission a memorandum from the Sub-Commission on the Status of Women, requesting the Commission on Human Rights to recommend to the Economic and Social Council that the Council should refer to it all communications and information received concerning all matters of interest to women.

The Chairman suggested that discussion of a memorandum from the United States Delegation (E/Commissions/4) on the establishment

of a sub-commission on freedom of information be deferred until the Commission on Human Rights is ready to discuss freedom of information.

The Commission then proceeded to consider the points on the agenda which had been prepared by the Secretariat at the suggestion of the Commission.

#### Documentation

The Chairman pointed out that the Commission might recommend that the Economic and Social Council instruct the Secretariat to compile a yearbook including all declarations on human rights now in force in the various countries.

M. Laugier suggested that the documentation collected by the Secretariat should include not only declarations of human rights which are in force now, but the history of human rights, declarations by non-governmental organizations and international societies, as well as all actions taken by the organs of the United Nations - the General Assembly, the Economic and Social Council, and the Commission on Human Rights itself.

Mr. Brkish felt that while the Declarations by the Delegation of Cuba (E/HR/1) and the Delegation of Panama (E/HR/3) should prove very useful to the Commission in its effort to draft an international bill of rights, much more documentation would be necessary before such a tremendous task could be completed. He suggested, therefore, that all Member governments of the United Nations be asked to submit to the Commission on Human Rights those parts of their constitutions which deal with human rights.

M. Cassin pointed out that the documentation service which might be recommended to the Economic and Social Council should accomplish much broader tasks:

1. Its first task should, of course, be a yearbook incorporating existing bills of rights.

2. It should, in addition, provide information on the work of all organs of the United Nations which concern human rights, including reports on the work of the international Courts established at Nuremburg and Tokyo, as these Courts, for the first time, dealt with crimes against humanity according to principles which were not incorporated in any previous legislation, but were newly established by these courts.

3. The Economic and Social Council might suggest to Member nations that they should create their own information service, such as local committees on human rights.

Mr. Neogy agreed with M. Cassin's suggestion. Dr. Hsia, however, doubted that the Commission could gain much new knowledge by studying the procedures of the Tokyo and Nuremburg Courts. He recalled that Justice Jackson had drafted the principles upon which the actions of the Courts were based and that these principles were now available to everyone who wanted to study them. M. Cassin pointed out that while the principles themselves might not add new knowledge, the verdicts of the Court would set a valuable precedent. The Chairman then summarized the informal agreement which had been reached by the members of the Commission concerning the documentation service, establishment of which they would recommend to the Economic and Social Council.

The Economic and Social Council should instruct the Secretariat:

1. To compile a yearbook, the first edition of which should contain the bills of rights in existence now in the Member Nations of the United Nations.

2. To collect and publish information on the activities of the General Assembly, the Economic and Social Council, the Security Council, the Hague Court, the Commission on Human Rights, and all other organs of the United Nations dealing with human rights and fundamental freedoms; to include information on the Nuremburg and Tokyo trials which might be important in the field of human rights;

to include also a history of the development of human rights, as well as plans and declarations by specialized agencies and non-governmental national and international organizations.

3. That the Economic and Social Council suggest to the Member Nations to establish information groups or local human rights committees within their countries, who would transmit periodically information to the Commission on Human Rights on the observance of human rights in their country, both in their legal system and their jurisdictional and administrative practice.

#### Draft Declarations

The Commission then discussed the suggestion that the fifty-one Members of the United Nations might be asked to submit draft declarations of human rights.

Dr. Hsia thought that such a request might cause difficulties, as governments might feel that by submitting such drafts, they committed themselves to put these declarations into effect in their own countries. While they might be entirely in favour of doing so, they might not be able to undertake such a step in the immediate future. He, therefore, suggested that it might be better for the full Commission to prepare a draft and then to circulate it among the governments.

The Chairman pointed out that Mr. Brkish had suggested that the governments be asked only to send in provisions for human rights which were already part of their constitution or their national laws. She stressed, however, that governments must accept certain basic human rights, even if, for economic reasons, they may not as yet be able to put them into effect.

Mr. Neogy felt that the government should not be asked for draft declarations, as the United Nations had, through the Economic and Social Council, created the Commission on Human Rights for the definite purpose of drafting an international bill of rights. This task should, therefore, not be turned back to the Member governments. He suggested that the

Cuban and Panamanian documents might be circulated to the national delegations with an invitation that their views on these documents would be welcomed.

M. Cassin agreed and suggested that the Commission should, at the earliest opportunity, consult individual experts of international renown, as well as non-governmental organizations, who are deeply concerned with basic human rights. A draft Bill of Rights should be prepared by the Commission and then sent to all the United Nations. M. Cassin, however, supported the proposal by Mr. Brkish that the Member Nations be asked to submit those provisions of their constitution or legal system which deal with human rights.

Dr. Hsia pointed out that the document submitted by Panama had been prepared by the American Law Institute - a non-governmental organization - and the Chairman explained that the American Law Institute had collected the declarations on human rights now in force in various countries and had offered to put all its information at the disposal of the Commission.

Decision:

The Commission agreed that, while the nuclear Commission has the right to draft a Bill of Rights, it is not as yet in a position to do so, but will proceed with the preparation for such a bill; that the full Commission itself should draft an international Bill of Rights, and should establish sub-commissions for that purpose, if necessary. This draft should be circulated among United Nations governments for their suggestions.

The Chairman did not consider it necessary or advisable to circulate the Cuban or Panamanian declarations with the draft bill of the Commission.

Regional Conferences

The members then discussed the suggestion of recommending to the Economic and Social Council the organization of conferences to ascertain

the views of different regions, especially those regions which had suffered most from the war. M. Cassin suggested that the Commission might recommend to the Economic and Social Council two conferences of experts - (1) representing the European and Mediterranean countries, and (2) Far Eastern regions. The views and recommendations of those experts should be transmitted to the Commission on Human Rights, thereby enabling it to proceed more quickly with the drafting of an international bill of rights.

As to the Cuban and Panamanian documents, M. Cassin felt that while the Commission might not want to circulate them itself, it should make sure that they are circulated.

Dr. Hsia pointed out that those documents have been submitted to the General Assembly, and therefore, had, in all probability, been circulated among all Member Nations.

Mr. Neogy agreed that the draft of an international Bill of Rights which was to be written by the Commission on Human Rights, should be circulated alone, and not with any other documents.

The Chairman then asked the members whether it was their agreement that the Commission on Human Rights should recommend to the Economic and Social Council that two regional conferences of experts should be held similar to the conference which had been held in the Western Hemisphere.

M. Cassin suggested that those conferences would be somewhat different from the Pan-American conference. As the Pan-American conference had been held before the Commission on Human Rights existed, their resolutions and recommendations were submitted to governments. Future conferences, however, should submit their recommendations to the Commission on Human Rights.

Answering Mr. Neogy's question as to who would take the initiative in setting up these conferences, the Chairman explained that the Economic and Social Council would take the initiative.

Dr. Hsia felt that it might not be easy to organize such conferences, as the expense would be extremely high and the conditions, especially in the Far East, are not favourable for such meetings. Moreover, the recommendations would only provide the Commission on Human Rights with reference material. He, therefore, felt that the proposal to set up conferences should not be pressed.

The Commission agreed that it would recommend to the Economic and Social Council that:

The organization of regional conferences of experts should be taken under consideration. If such conferences should prove impracticable, the advice and co-operation of individual experts from different regions should be sought.

Dr. Hsia then referred to the terms of reference for the Commission on Human Rights (E/27) and noted that the terms of reference suggested by the Report of the Preparatory Commission (Page 36, Paragraph 16) had been changed by the Committee on the Organization of the Economic and Social Council, and that point (e) of Paragraph 16 had been left out. The Secretary pointed out that while point (c) had been left out, the general clause covering (e) had been included in Paragraph (b) (E/27, 2 (b)).

The Chairman suggested that the Commission could, if desired, recommend to the Economic and Social Council changes in its terms of reference (Item 7, Agenda).

The meeting was adjourned at 12:20 P.M.

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