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COMMISSION ON HUMAN RIGHTS

Fifth Session

SUMMARY RECORD OF THE ONE HUNDRED AND THIRD MEETING

Held at Lake Success, New York,
on Friday, 27 May 1949, at 11.30 a.m.

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Draft international covenant on human rights (E/800, E/CN.4/W.25): Article 8 (discussion continued)

Chairman:	Mrs. ROOSEVELT	United States of America
Members:	Mr. SHANN	Australia
	Mr. LEBEAU	Belgium
	Mr. SAGUES	Chile
	Mr. P. C. CHANG	China
	Mr. SOERENSEN	Denmark
	Mr. LOUTFI	Egypt
	Mr. CASSIN	France
	Mr. GARCIA BAUER	Guatemala
	Mrs. MEHTA	India

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Members: (Cont.)

	Mr. ENTEZAM	Iran
	Mr. AZKOUL	Lebanon
	Mr. INGLES	Philippines
	Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. PAVLOV	Union of Soviet Socialist Republics
	Miss BOWIE	United Kingdom
	Mr. FONTAINA	Uruguay
	Mr. VILFAN	Yugoslavia

Consultants from non-governmental organizations:

Category A:	Miss SENDER	American Federation of Labor (AF of L
	Mr. FISCHER	World Federation of Trade Unions (WFTU)
Category B:	Mr. LEWIN	Agudas Israel World Organization
	Mr. NOLDE Mr. STEINER	Commission of the Churches on International Affairs
	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. FRIEDMAN	Co-ordinating Board of Jewish Organizations
	Miss ROBB	International Federation of University Women
	Miss SCHAEFER	International Union of Catholic Women's Leagues
	Miss FREEMAN	Liaison Committee of Women's International Organizations and International Council of Women
	Mr. RENNIE Mr. BARNETT	World's Alliance of Young Men's Christian Associations
Secretariat:	Mr. HUMPHREY	Representing the Secretary-General
	Mr. TAUPIN	Conference Division, Department of Conference and General Services
	Mr. LAWSON	Secretary of the Commission

MEETING PLACE OF THE REGULAR SESSION OF THE COMMISSION ON HUMAN RIGHTS IN 1950

Estimate of expenditure presented by the Secretary-General (E/CN.4/268/Add.1

Proposal submitted by the representative of France (E/CN.4/268)

The CHAIRMAN read out document E/CN.4/268/Add.1 which gave a comparative table of the expenditure the sixth session of the Commission on Human Rights would involve if it were held at Headquarters and if it were held in Geneva in accordance with the French representative's proposal (E/CN.4/268).

Mr. CHANG (China) was surprised that in paragraph 3 of the document submitted by the Secretariat, provision was made for simultaneous interpretation in all the official languages except Chinese.

The CHAIRMAN replied that the Secretariat had no doubt supposed, in view of the Chinese representative's perfect knowledge of English, that he would be so good as to use that language, and had made its arrangements accordinly.

Mr. CHANG (China) thought that personal considerations should not be introduced in a matter of principle. He added that his delegation had always been of the opinion that such an important session as that contemplated should be held only at the permanent Headquarters of the Organization.

Mr. GARCIA BAUER (Guatemala) asked why there was a footnote to the Secretariat estimate to the effect that it would not be necessary to provide documents in Spanish.

Mr. TAUPIN (Department of Conferences and General Services) explained that simultaneous interpretation in Chinese would involve very high costs in Geneva; in fact there would be no Chinese staff on the spot. They would have to bring three or four Chinese interpreters from Headquarters and, therefore, the travelling expenses and daily allowances involved would be in the order of four to five thousand dollars.

The Secretariat was aware that the rules of procedure authorized representatives to request the translation of summary records into any of the official languages. However, in preparing the estimate, the essential aim had been to cut expenditure as far as possible.

/Mr. LEBEAU

Mr. LEBEAU (Belgium) thought it necessary to make a correction. Rule 28 of the rules of procedure of functional commissions of the Economic and Social Council said that speeches made in any other of the three official languages would be interpreted into the two working languages. To say that speeches made in the working languages must necessarily be translated into the other official languages would be to misconstrue completely the meaning of rule 28.

The same comment might be made with regard to the translation of documents into Spanish. It was desirable that those documents should exist and should be communicated to the Spanish speaking delegations at their request; it was not, however, an automatic right.

Mr. GARCIA BAUER (Guatemala) disputed that point of view and said that the rules of procedure effectively guaranteed the right of members to obtain the translation of documents and summary records.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) wondered why the travelling expenses of representatives would be much higher if the session took place at Geneva, than if it were held at Lake Success. The figure of $13,500 seemed to him to be too high. A certain number of the delegations represented on the Commission, in fact half of them, belonged to European countries and their travelling expenses should on the contrary amount to less. Moreover, the travelling expenses of the representatives of the Latin American countries should be substantially the same as if the session took place at Lake Success.

Mr. TAUPIN (Department of Conferences and General Services) explained that the travelling expenses estimated for representatives, if the session took place at Headquarters, were lower because three representatives belonged to permanent delegations in New York. He added that the travelling expenses had been calculated very carefully.

Mr. CHANG (China) thought that the formula proposed by the French representative, whereby the first session of the Commission in 1950 should be held in Europe, to a certain extent prejudged the decision of the Economic and Social Council. In point of fact, the Council could decide that the Commission on Human Rights should hold only one session in 1950.

Mr. CASSIN (France) recognized the aptness of the Chinese representative's observation and proposed that the following wording should be used instead: "that the regular session of the Commission in 1950 be held in Geneva." He hoped that the Commission would accept the French proposal which had already been approved by a number of non-European delegations.

Mr. FONTAINA (Uruguay) felt that the question of expense should not be the only concern of the Commission. There were many other factors worthy of consideration, such as the moral significance involved in holding the meeting of the Commission on Human Rights in Europe.

Mr. CASSIN (France) shared the opinion expressed by the Uruguayan representative. He recalled that the last time the Commission on Human Rights had met in Europe was in 1947; three years would therefore have elapsed if it met there again in 1950. Moreover, it should be remembered that the Commission had accomplished excellent work at its Geneva meeting. Both from the point of view of technical facilities which the Commission would have at its disposal in Geneva, as well as from the point of view of European public interest in questions dealing with human rights, Mr. Cassin felt that it would be advisable for the Commission to meet in Geneva in 1950, and he hoped that there would be a majority opinion in the Commission to make such a recommendation to the Economic and Social Council.

Mr. CHANG (China) pointed out that the public which generally attended the meetings of the Commission in Geneva was limited, composed only of Genevese. It could not be said therefore that that public represented European public opinion.

Moreover, telephonic and wireless communications between Geneva and other parts of the world, were not at all on the same scale as those connecting New York with the whole world. Therefore, if the publicity factor were considered from the angle of press communications and public attendance of meetings, it had to be recognized that the Commission on Human Rights had everything to gain by meeting in New York, where a considerable number of press correspondents followed the debates regularly.

Mr. Chang recognized that Europe was the cradle of modern civilization and that European public opinion was deeply interested in the question of human rights. But it could not be said that from the point of view of prestige and of close contact with public opinion, it was necessary for the Commission on Human Rights to meet in Geneva.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that his delegation had on numerous occasions emphasized the fact that, when the Commission on Human Rights had met in Europe and when the Economic and Social Council, meeting in Europe, had discussed questions concerning human rights, both the European press and public opinion had shown extraordinary interest in the work done on such questions.

While it might be true, as the representative of China had pointed out, that correspondents following the debates in the Commission were more numerous in New York than in Geneva, what was the use of having so many correspondents when the press of the United States did not pay any attention or give any publicity to the work of the Commission? In fact, the question of human rights did not seem to interest either the press or public opinion in the United States. On the other hand, it was evident that European public opinion, which was more sensitive, followed the question very closely.

The arguments of the Chinese representative regarding the natural pride of European countries had a certain value, and following that reasoning the Chinese representative might well propose, for instance, that the Commission on Human Rights should meet in Nanking. But such considerations were obviously not as important as the valuable influence of the work of the Commission on Human Rights on public opinion.

Mr. Pavlov felt that the practical considerations which had been advanced in favour of selecting New York for the next session of the Commission on Human Rights, would not hold good under careful examination. Wherever the meeting was held, it was obvious that some representatives would have to travel to get there whereas other representatives would already be on the spot or would have a short distance to travel. Mr. Pavlov was therefore surprised that the representative of China should advocate so strongly that the Commission on Human Rights should meet exclusively in the United States when the United Nations did not yet have suitable headquarters in that country.

The conditions in which the Commission on Human Rights was required to work in the United States could not be compared to those in Geneva where it would meet in the Palais des Nations, in a setting worthy of the importance of the work which it was called upon to accomplish.

Mr. CHANG (China) pointed out that his delegation did not insist that the Commission on Human Rights and the organs of the United Nations in general should meet in the United States; what he had intended to convey was that his delegation felt the organs of the United Nations should meet at the Headquarters of the Organization, wherever those Headquarters were situated.

Mr. LEBEAU (Belgium) moved the closure of the debate on the French draft resolution in accordance with rule 51 of the rules of procedure of functional commissions of the Economic and Social Council.

A vote was taken by show of hands on the motion for closure proposed by the Belgian representative.

The motion was approved by 14 votes to 1, with 1 abstention.

A vote was taken by show of hands on the French draft resolution.

The draft resolution was adopted by 10 votes to 2, with 4 abstentions.

REQUEST BY THE REPRESENTATIVE OF THE WORLD FEDERATION OF TRADE UNIONS TO ADDRESS THE MEETING

The CHAIRMAN announced that Mr. Fischer, representative of the World Federation of Trade Unions, would shortly have to leave for Europe and had asked permission to address the meeting on trade union rights. She wished to know whether any members of the Commission had any objections in that connexion.

Mrs MEHTA (India), pointing out that the Commission had very little time left in which to study the Covenant and the measures for its application, suggested that the statement of the representative of the World Federation of Trade Unions should be heard when the Commission examined the question of trade union rights.

Mr. PAVLOV (Union of Soviet Socialist Republics) wished to know how much time would be taken up by the statement of the representative of the World Federation of Trade Unions, and how many trade unions were represented by that Federation.

Mr. FISCHER (World Federation of Trade Unions) said his statement would take ten to fifteen minutes and that his Federation included 56 trade unions belonging to Europe, Latin America, North America, Asia, Africa and Australia, with a total membership of about 72 million persons.

The CHAIRMAN put to the vote Mr. Fischer's request.

The request of the representative of the World Federation of Trade Unions was not accepted by 7 votes to 7, with 2 abstentions.

The CHAIRMAN said that the Commission would be glad to hear the statement of the representative of the World Fedrration of Trade Unions when it examined the question of trade union rights

Mr. PAVLOV (Union of Soviet Socialist Republics) wished to explain his vote. He had voted in favor of the request because he felt that the Commission could have listened for a quarter of an hour to the representative of the World Federation of Trade Unions without thereby hindering its work. The fact that it had refused to listen to the representative of an organization which grouped together 72 million workers created a dangerous precedent and would make a bad impression on the labour world. He stressed, moreover, that the Commission had listened several times, without any objection having been raised, to the representative of the American Federation of Labor, whose statements were very often only a repetition of the speeches of the United States delegation.

The CHAIRMAN felt that the protest raised by the USSR representative was not justified. The Commission had not refused to hear the representative of the World Federation of Trade Unions but had merely decided to postpone hearing him.

Mrs. MEHTA (India) explained the reason for her objection. She had not wished the Commission to refuse to listen to the statement of the representative of the World Federation of Trade Unions; she had merely asked that the question before the Commission should continue to be studied.

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS (E/800, E/CN.4/W.25): Article 8 (discussion continued)

The CHAIRMAN remirded the Commission that it had already adopted paragraph 1 of article 8, worded in the following terms:-

"No one shall be held in slavery; slavery and the slave trade shall be prohibited in all their forms."

The Drafting Sub-Committee had studied the other paragraphs of that article (E/CN.4/W.25). Its members had approved the following text:-

"2. No one shall be held in servitude or be required to perform forced or compulsory labour except as a consequence of a conviction of crime by a competent court;

"For the purposes of the present article the term 'forced or compulsory labour' shall not include

(a) any work, not amounting to hard labour, required to be done by a person undergoing detention imposed by the lawful order of a court;"

also sub-paragraph (c) drafted as follows:-

"(c) any service exacted in cases of emergencies or calamities threatening the life or well-being of the community."

Agreement had not, however, been reached on sub-paragraphs (b) and (d) which she requested the Commission to discuss.

Mr. AZKOUL (Lebanon) pointed out that the restrictive terms of article 8 referred to cases where persons might be required to perform compulsory labour, contrary to the general principle laid down by the article.

Sub-paragraph (b) provided particularly for the case of conscientious objectors. The text discussed by the Drafting Sub-Committee did not offer the latter the adequate guarantees which the Commission certainly wished them to have. By allowing Governments freely to decide the type of work which might be required of conscientious objectors, the way was left open to arbitrary action.

It was because it realized the possibility of abuses in that field that the Lebanese delegation would prefer to revert to the original text drawn up by the Drafting Sub-Committee after long and careful discussion.

The CHAIRMAN, speaking as the United States representative, stated that in general her delegation preferred concise texts. It was ready, however, to accept the original text of the Drafting Sub-Committee if the Commission considered that it did not lend itself to the interpretation which the Lebanese delegation felt it might.

Mr. LEBEAU (Belgium) pointed out that his delegation had shown in the past that it had been guided by the same motives as those inspiring the Lebanese delegation. It considered, however, that the present text was satisfactory in that it established two points which might be considered as the essential points of the question. In the first place that text recognized the lawfulness of conscientious objection, and secondly it placed the national service to which conscientious objectors might be assigned on a level with service of a military character.

The last point might be defined by stating:-

"b) ... any service of a military character, or, in the case of conscientious objectors, any service exacted in virtue of laws requiring compulsory national service ranking with military service."

Mrs. MEHTA (India) stated that her delegation, far from being opposed to conscientious objection, would be happy, in the interests of peace, to see an increase in the number of sincere conscientious objectors throughout the world. It was to be feared, however, that malingerers might be encouraged by the insertion in the Covenant of a provision of the nature proposed for sub-paragraph (b). It was for that reason that it would be preferable not to enter into details of that nature.

The meeting rose at 1 p.m.