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COMMISSION ON HUMAN RIGHTS

Sixth Session

SUMMARY RECORD OF THE TWO HUNDRED AND FIRST MEETING

Held at Lake Success, New York,
on Friday, 19 May 1950, at 2.30 p.m.

CONTENTS:

Chairman:	Mrs. ROOSEVELT	United States of America
Members:	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHANG	China
	Mr. SORENSEN	Denmark

Members (continued)	Mr. RAMADAN	Egypt
	Mr. CASSIN Mr. ORDONNEAU	France
	Mr. KYROU	Greece
	Mrs. MEHTA	India
	Mr. MALIK	Lebanon
	Mr. MENDEZ	Philippines
	Miss BOWIE Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mr. ORIBE	Uruguay
	Mr. JEVREMOVIC	Yugoslavia
Representative of a specialized agency:		
	Mr. EVANS	International Labour Organisation (ILO)
Representatives of non-governmental organizations:		
Category A:	Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
	Mrs. GORDON-SPRAGUE	World Federation of United Nations Associations (WFUNA)
Category B:	Mr. GOLDSMITH	Agudas Israel World Organization
	Mrs. AIETA	Catholic International Union for Social Service
	Mr. NOLDE	Commission of the Churches on International Affairs
	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. BERNSTEIN Mr. HALPERIN	Co-ordinating Board of Jewish Organizations
	Mrs. CARTER Mrs. PARSONS	International Council of Women
	Mr. BEER Mr. BALDWIN Mr. PEARMAIN	The International League for the Rights of Man
	Miss SCHAEFER	International Union of Catholic Women's Leagues
	Mr. PERLZWEIG	World Jewish Congress
Secretariat:	Mr. SCHWELB	Assistant Director, Division of Human Rights
	Mr. SCHACHTER	Deputy Director, General Legal Division
	Mr. DAS Miss KITCHEN	Secretaries of the Commission

/DRAFT

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS (continued)

Draft resolution submitted by the French delegation (E/CN.4/501/Rev.1)

1. The CHAIRMAN called upon the members of the Commission to state their views on the French delegation's draft resolution (E/CN.4/501/Rev.1).

2. Mr. CASSIN (France) said that the purpose of his draft resolution was to recommend that States Members should forward annual reports to the Secretary-General on the manner in which they had promoted respect for, and the progress of, human rights in the course of the preceding year. Under the resolution the Economic and Social Council would be asked to instruct the Commission on Human Rights to draw up, subject to its approval, a scheme providing for the reports. Of course, there was already the Yearbook of Human Rights, but giving the annual reports of the various Governments an official character would help to keep world public opinion informed of the measures adopted by the States to promote respect for human rights. In submitting that resolution the French delegation hoped to be making a small, though useful, contribution to the progress of human rights.

3. Mr. NISOT (Belgium) suggested the following amendment to the last paragraph of the French draft resolution: "...for consideration by the Commission, with a view to the preparation of a Yearbook, a report on the manner...". That would form a link between the last and penultimate paragraphs.

4. Mr. KYROU (Greece) thanked the French representative for having taken into consideration the objections to the original French draft resolution (E/CN.4/501) raised by several members of the Commission at an earlier meeting. The English translation of the beginning of the last paragraph of the French draft resolution was incorrect. The English text should therefore be amended to read: "to agree to act in the spirit of the said scheme in forwarding...".

5. Miss BOWIE (United Kingdom) had serious doubts about the substance of the French draft resolution. It covered a much wider field than appeared.

/Moreover,

Moreover, the plans for the Yearbook had already varied and the general information would be out of place. However, for the sake of compromise she would vote for the French resolution as amended by Belgium.

6. The CHAIRMAN, speaking as United States representative, fully appreciated the French representative's attempt to meet the various points of view expressed at an earlier meeting. She would support the draft resolution, provided the French delegation agreed to the Belgian amendment. Finally, she approved of the Greek representative's amendment to the English text.

7. Mr. VALENZUELA (Chile) approved of the Belgian amendment to the last paragraph of the French draft resolution. He suggested, however, the deletion of the words "...and the procedure for their consideration by the Commission on Human Rights...". In his opinion it was for the Economic and Social Council to decide whether or not the Commission on Human Rights should consider the reports. States not parties to the covenant would probably not submit any reports; on the other hand, States signatories, which submitted reports, would be subject to criticism by states which had evaded the obligations of the covenant.

8. Mr. CASSIN (France) approved of the Greek representative's amendment to the English text. The Belgian amendment to the French draft resolution would make it merely an opinion on the worth of the Yearbook on Human Rights. The Belgian amendment should, therefore, be changed to read: "...and with a view to the preparation of the Yearbook".

9. He had taken into account the statements, made at an earlier meeting, by the United Kingdom representative who had particularly emphasized that new methods should be considered in preparing the Yearbook. The question under discussion should not, however, be exclusively linked to the Yearbook on Human Rights.

10. The representative of Chile seemed to fear that the French draft resolution would deprive the Economic and Social Council of some of its responsibilities. Under the French draft resolution, however, the Economic and Social Council would have to give its approval. The Council would thus have the last word. He therefore could not approve the Chilean amendment.

/11. Mr. NISOT

11. Mr. NISOT (Belgium) could not accept the French representative's amendment to his amendment, as it would make it completely ineffective.

12. He supported the Chilean amendment.

13. Mr. ORIBE (Uruguay) said that he was in favour of the French draft resolution. The provisions of the Charter on human rights should be put into effect by stages, and that was the responsibility of the Commission on Human Rights. Doubtless, the application of the French draft resolution would cause some difficulties; but it should be possible to solve those difficulties by adopting a satisfactory procedure.

14. Mrs. MEHTA (India) said that she had been in favour of the original French draft resolution and supported the new draft resolution. She thought that the Yearbook would only be useful if it was intended to make a purely academic survey of human rights; the annual reports from various countries on the progress of human rights on the other hand could be examined by the Commission. Thus the French draft resolution would become pointless if the Chilean amendment was adopted. It was important that the Commission on Human Rights should be kept informed of the way in which human rights were being respected in the various countries and it should have the power to make recommendations to the Economic and Social Council. If it did not have that power as matters stood, it should ask the Council for it.

15. Mr. VALENZUELA (Chile) explained that in principle he was not opposed to the French draft resolution. He was simply trying to find a formula that would be acceptable to all. He believed that if only a few democratic States sent reports on the way in which human rights had been put into effect, they would be subjected to the criticism of the totalitarian States.

16. He also wondered what decision the Commission could make after it had examined the various reports. If it recommended that the few States which had sent in reports should amend their legislation, it would not be respecting their sovereignty and would be violating Article 2, paragraph 7, of the Charter.

/17. Mr. MALIK

17. Mr. MALIK (Lebanon), Rapporteur, said that he was in favour of the French draft resolution. He thought that it was the prerogative of the Commission on Human Rights to examine the way in which the provisions of Article 68 of the Charter, regarding human rights, were put into effect. The French draft resolution corresponded perfectly to the terms of reference the Charter had thus given to the Commission on Human Rights.

18. The CHAIRMAN, speaking as United States representative, recalled that under its terms of reference the Commission's first task had been to prepare a Universal Declaration of Human Rights; that Declaration set forth certain rights, but had no legal value. The Commission had then been charged with drafting a covenant on human rights which would give a legal character to the provisions of the Declaration. In the light of the comments of the representatives of India and Uruguay, she thought that the result of the French draft resolution would be to bring the provisions of the Charter and the Declaration into effect independently of the covenant on human rights. If it did that, the Commission would be taking a decision which it had previously decided not to take.

19. Lastly, she agreed with the Chilean representative that to ask States to send in annual reports for consideration by the Commission would be to make the Commission an exeellent platform for the propaganda of the anti-democratic States. For all those reasons, she was in favour of the French draft resolution only as amended by the representatives of Belgium and Chile.

20. Mrs. MEHTA (India) said that according to the French draft resolution the Commission was not to make recommendations to the various States but to examine the reports they sent in. It would then be easy to determine whether the legislation of the States conformed with the principles of the Declaration of Human Rights.

21. Mr. ORIBE (Uruguay) said that the French draft resolution would make it possible to implement not only the Declaration of Human Rights but also the provisions of the Charter regarding human rights. He added that from both the legal and the moral point of view, it was the Commission's duty to take a decision which would guarantee the application of the provisions of the Charter

regarding human rights. The French draft resolution could be a first step which would simply have the effect of making the Commission a real Commission on Human Rights.

22. Miss BOWIE (United Kingdom) and Mr. WHITLAM (Australia) spoke in favour of the Chilean and Belgian amendments.

23. Mr. SORENSEN (Denmark) observed that the future direction of the Commission's work depended on the adoption of the French draft resolution. It was essential for the Commission to know to what extent each country guaranteed respect for human rights. The countries which submitted reports would not be criticized in any way. On the contrary, every time that a country took some constructive step on behalf of human rights, it would serve as an example to the others; in that connexion, it was enough to read the last two lines of the French draft resolution. It could of course be argued that the French draft resolution would involve government departments in extra work but that objection was not enough to justify the rejection of a resolution which in principle was excellent.

24. Some speakers had said that the information in the Yearbook was sufficient. In his opinion that was not so. The information in the Yearbook was received not only from governments but also from certain correspondents and publications. The extent to which countries ensured respect of human rights could not be gauged entirely by the information in the Yearbook. In conclusion, the representative of Denmark said he would support the French draft resolution.

25. Mr. MENDEZ (Philippines) thought it would be inopportune for the Commission on Human Rights to assume functions of control over governments by examining in detail the manner in which they had ensured respect of human rights in the course of each year: the terms of reference of the Commission would have to be amended to make that possible.

/ 26. Mr. CASSIN

26. Mr. CASSIN (France) recalled that there had been considerable difficulty in drawing up the draft covenant of human rights; in particular, the Commission had been unable to set up a competent organ for the implementation of the provisions of the covenant. States should not, in his view, be divided into two categories, those who had ratified the covenant and assumed its obligations, and those who had not ratified it and had rejected those obligations. The purpose of the French proposal was precisely to avoid such a division by inviting all States to describe the manner in which they promoted respect for human rights.

27. The United Nations had an obligation towards the international community: the free nations would be throwing aside a strong moral weapon if they failed to assure the defence of freedoms for everyone. The French draft resolution, therefore, was meant as a gesture of conciliation. The session would not be complete if, after the effort it had made to draw up the covenant on human rights, the Commission failed to adopt a provision making possible the implementation of human rights in countries which were not in a position to ratify the covenant.

28. Mr. NISOT (Belgium) said that the Chairman and the representative of Chile had described the situation very well: the French draft resolution would enable each Government to scrutinize the laws of other States, thus giving additional cause for friction within the United Nations and, in fact, harming the interests of democratic States.

29. Mr. VALENZUELA (Chile) explained that his amendment affected the third and fourth paragraphs of the French draft resolution. It provided for the deletion of the words "...and the procedure for their consideration by the Commission on human Rights" in the third paragraph and of the words "for consideration by the Commission" in the fourth paragraph.

The French amendment to the Belgian amendment was adopted by 8 votes to 6, with 1 abstention.

The Belgian amendment was adopted by 11 votes to 1, with 2 abstentions.

The Chilean amendment was adopted by 8 votes to 6, with one abstention.

The French draft resolution (E/CN.4/501/Rev.1) was adopted as amended by 10 votes to 2, with 3 abstentions.

/ADOPTION

ADOPTION OF THE DRAFT REPORT OF THE SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS (E/CN.4/L.12, E/CN.4/L.12/Add.1, E/CN.4/L.12/Add.2, E/CN.4/L.12/Add,3, E/CN.4/L.12/Add.4)

30. The CHAIRMAN asked members of the Commission wishing to submit corrections to the various chapters of document E/CN.4/L.12 to notify the Rapporteur.

The various chapters of document E/CN.4/L.12 were adopted.

Chapter IV (Draft international covenant on human rights and measures of implementation (E/CN.4/L.12/Add.1)

31. Mr. CHANG (China) remarked that the title of the chapter should be changed to read "Draft first international covenant."

It was so decided.

The paragraphs on pages 1 and 2 of document E/CN.4/L.12/Add.1 were adopted.

Section on revision of parts I, II and III of the draft covenant.

32. Mr. WHITLAM (Australia) observed that the words "to submit a report on articles 23 and 25 dealing with the previous actions which may have been taken" in the sixth paragraph of the section should be replaced by the words "to submit a report on articles 24 and 25 dealing with the legal aspects of previous actions which may have been taken...".

33. Mr. SCHACHTER (Secretariat) said that the report to be prepared by the Secretariat would bear on United Nations precedents on the federal and colonial clauses, with footnotes referring to the discussions on those articles. It would not deal with political consequences nor with those aspects of the problems which related to local laws.

The change proposed by the representative of Australia was adopted.

34. Mr. SORENSEN (Denmark) said that the Secretary-General should report to the Economic and Social Council and not to the Commission. The text of the sixth paragraph should therefore be amended as follows: "to submit a report to the Economic and Social Council".

It was so decided.

35. Mr. SORENSEN (Denmark) said that in the seventh paragraph it should be indicated that the Danish representative had withdrawn the proposal he had submitted and had supported the United Kingdom proposal.

/36. Mr. KYROU

36. Mr. KYROU (Greece) said the title of that section should be amended as follows: Revision of parts I, II and IV.

It was so decided.

The section on parts I, II and III of the draft covenant, as amended, was adopted.

Section on freedom of information

The Commission adopted the section on freedom of information without discussion.

Section on measures of implementation

Paragraph 2

37. Mr. MALIK (Lebanon), Rapporteur, read paragraph 2.

38. Mr. CRIBE (Uruguay) indicated that after the words "further measures of implementation" it should be stated that such measures might deal with the granting of the right of petition to non-governmental organizations and individuals.

39. Mr. HOARE (United Kingdom) thought the whole of the second sentence of paragraph 2, as amended by the representative of Uruguay, should be transferred to the end of the fourth paragraph.

40. Mr. MALIK (Lebanon), Rapporteur, pointed out that paragraph 2 related to implementation measures for later inclusion in a separate protocol, whereas paragraphs 3 and 4 dealt with implementation provisions which were to appear in the covenant itself.

41. Mr. SORENSEN (Denmark) proposed that the second sentence of paragraph 2 should be amended as follows:

"It was understood that this decision would not in any way prejudice the possibility of the submission by members of the Commission of such further measures of implementation as might not be included in the covenant itself".

That proposal was adopted.

/Paragraph 3

Paragraph 3

42. Mr. MALIK (Lebanon), Rapporteur, read paragraph 3.

Paragraph 3 was adopted.

Paragraph 4

43. Mr. MALIK (Lebanon), Rapporteur, read paragraph 4.

44. Mr. ORIBE (Uruguay) proposed that the first sentence of the paragraph should be drafted in a positive form. For that purpose, he requested the deletion of the word "only".

45. Mr. CASSIN (France) and Mr. HOARE (United Kingdom) supported that proposal.

It was decided to delete the word "only" in the first sentence of paragraph 4.

Paragraph 5

46. Mr. MALIK (Lebanon), Rapporteur, read paragraph 5.

Paragraph 5 was adopted without discussion.

Paragraph 6

47. Mr. MALIK (Lebanon), Rapporteur, read paragraph 6.

48. Mr. CASSIN (France) suggested that the words "as a working paper" should be added after the words "joint proposal".

That proposal was accepted.

Paragraph 6, as amended, was adopted.

Paragraph 7

49. Mr. MALIK (Lebanon), Rapporteur, read paragraph 7.

Paragraph 7 was adopted without discussion.

Paragraph 8

50. Mr. MALIK (Lebanon), Rapporteur, read paragraph 8.

Paragraph 8 was adopted.

paragraph 9

51. Mr. MALIK (Lebanon), Rapporteur, read paragraph 9.

/52. Mr. CASSIN

52. Mr. CASSIN (France) wished a short reference to be made in the paragraph to the Commission's decision to delete article 21 of the working document (E/CN.4/474) which provided that the Human Rights Committee should have no power to deal with matters for which special procedure had been provided within the framework of the United Nations or the specialized agencies, when the States concerned were governed by such procedure.

53. Mr. MALIK (Lebanon), Rapporteur, supported that suggestion.

The French representative's suggestion was adopted.

Paragraph 8, as amended, was adopted.

Paragraphs 9 and 10

54. Mr. MALIK (Lebanon), Rapporteur, read paragraphs 9 and 10.

55. Mr. ORIBE (Uruguay) asked that the reference numbers of the documents containing the proposals by the representatives of India and the United Kingdom should be mentioned in both paragraphs.

It was so decided.

Paragraphs 9 and 10, as amended, were adopted.

Paragraph 11

56. Mr. MALIK (Lebanon), Rapporteur, read paragraph 11 and stated that it should be made clear that the proposal submitted by the Australian delegation on the implementation of human rights through international courts was still before the Commission on Human Rights.

It was so decided.

57. Mr. CASSIN (France) asked that the discussion relating to the French draft resolution (E/CN.4/501/Rev.1) should be mentioned in that paragraph.

58. Mr. MALIK (Lebanon), Rapporteur, noted that request.

Paragraph 11, as amended, was adopted.

/59. Mr. MALIK

59. Mr. MALIK (Lebanon), Rapporteur, read the last four paragraphs of chapter IV of the draft report (E/CN.4/L.12/Add.2).

60. Mr. ORIBE (Uruguay) thought that paragraph 3 should be more explicit and state that on second reading the Commission had made only drafting amendments in the draft covenant.

61. Mr. MALIK (Lebanon), Rapporteur, replied that in general that was true, but pointed out that the Commission had, nevertheless, in the absence of opposition, adopted one or two amendments of substance, for example, on the question of exile and return to the country of origin.

62. Mr. SORENSEN (Denmark) observed that the report of the Style Committee (E/CN.4/L.16), which had been before the Commission during the second reading of the draft covenant, dealt only with articles 5 to 12 of the covenant. That fact should be specifically stated in chapter IV of the report.

63. Mr. MALIK (Lebanon), Rapporteur, said that he would take account of that observation.

Chapter IV of the draft report, as amended, was adopted.

64. Mr. MALIK (Lebanon), Rapporteur, read paragraphs 1 and 2 of chapter V of the draft report.

65. Mr. ORIBE (Uruguay) suggested that the English text of paragraph 2 should be worded in a positive manner, as was the French text.

66. Mr. MALIK (Lebanon), Rapporteur, said that he would take that observation into account.

Chapter V of the draft report, as amended, was adopted.

Chapter on communications

67. Mr. MALIK (Lebanon), Rapporteur, read the chapter of the draft report on communications (E/CN.4/L.12/Add.1).

The chapter on communications was adopted.

Chapter on the programme of future work.

68. Mr. MALIK (Lebanon), Rapporteur, read the chapter on the Commission's programme of future work (E/CN.4/L.12/Add.3).

69. Mr. ORIBE (Uruguay) felt that the title of the chapter was too broad; the chapter was limited to an enumeration of the items on its agenda which the Commission had decided to postpone. In order to justify that postponement, the Commission should mention, in the chapter under consideration, its desire to examine the qustion of economic and social rights at its next session.

70. The CHAIRMAN replied that it was not for the Commission itself to draw up its programme of work; the Economic and Social Council gave instructions to the Commission on the matter. The Commission had to limit itself to an indication of the questions it had postponed.

71. Mr. MALIK (Lebanon), Rapporteur, thought that in order to meet the wishes of the representative of Uruguay, the title of the chapter might be changed to "Questions the Commission has postponed". Reference might also be made in the chapter to the Australian draft resolution on the creation of an international court of human rights.

72. It would of course be necessary to await the Commission's final vote on the last chapter of the draft report.

73. Mr. SORENSEN (Denmark) asked whether a decision had been taken concerning the next session of the Commission, which was the subject of chapter XVI of the draft report. If not, the Commission should make a recommendation on that point.

74. The CHAIRMAN replied that while in general it was the function of the Economic and Social Council to decide that question, the Commission could express its desires on the subject.

75. Mr. JEVREMOVIC (Yugoslavia) requested that a statement should be included in the draft report to the effect that no vote had been taken on the draft covenant as a whole.

/ 76. The CHAIRMAN

76. The CHAIRMAN replied that, as consideration of two of the articles of the draft covenant had had to be postponed, it had been impossible to take a vote on the draft covenant as a whole.

77. The Chairman put to the vote the draft report of the sixth session of the Commission on Human Rights, as a whole.

The draft report of the sixth session of the Commission on Human Rights as a whole was adopted unanimously.

78. Mr. NISOT (Belgium) requested that all texts which had been adopted should be distributed by the Secretariat, in both English and French, by the following Wednesday at the latest, in view of the fact that representatives must prepare reports to their Governments.

79. Mr. SCHWELB (Secretariat) said that the text of the draft covenant would be distributed very soon. The texts of the resolutions adopted were already given in document E/CN.4/L.12.

80. The CHAIRMAN expressed her thanks to the members of the Secretariat, in particular the precis-writers and interpreters, for their excellent work and valuable assistance to the Commission. She also thanked the representatives of specialized agencies and non-governmental organizations for the interest they had shown in the Commission's debates; that interest had greatly encouraged the Commission. Finally, she thanked the members of the Commission for the spirit of co-operation they had manifested in frequently trying circumstances; it was that spirit of co-operation which had made it possible for the Commission to complete the preparation of the historic document that the first international covenant on human rights was.

81. Mr. CHANG (China) said that it had been a pleasure for the members of the Commission to work under the inspiring leadership of the Chairman, whose wisdom and humanitarian spirit had greatly facilitated the accomplishment of their task.

The meeting rose at 6.05 p.m.