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COMMISSION ON HUMAN RIGHTS

MASTER FILE

DRAFTING COMMITTEE

SECOND SESSION

SUMMARY RECORD OF THE FORTY-FOURTH MEETING

Lake Success, New York
Friday, 14 May 1948, at 2:30 p.m.

<u>Chairman:</u>	Mrs. Franklin D. ROOSEVELT	United States of America
<u>Rapporteur:</u> and <u>Vice-Chairman:</u>	Dr. Charles MALIK	Lebanon
<u>Members:</u>	Mr. E. J. R. FITZWOOD Mr. H. SANTA CRUZ Dr. T. Y. WU Prof. CASSIN Mr. A. P. PAVLOV Mr. G. WILSON	Australia Chile China France Union of Soviet Socialist Republics United Kingdom
<u>Representatives of Specialized Agencies:</u>	Mr. O. F. NOLDE Mr. P. LEBAR	World Federation of United Nations Associations United Nations Educa- tional, Scientific and Cultural Organization
<u>Consultant from Non-Governmental Organization:</u>	Miss Toni SENDER	American Federation of Labor
<u>Secretariat:</u>	Dr. J. P. HUMPHREY	

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CONTINUATION OF DISCUSSION OF THE DRAFT REPORT OF THE DRAFTING COMMITTEE
TO THE COMMISSION ON HUMAN RIGHTS

On opening the meeting, the CHAIRMAN asked whether there would be any objection to the inclusion of the last paragraph of document E/CN.4/AC.1.19 in the draft report. It would be included as an additional article proposed by the United States of America, with a note to the effect that no action had been taken upon it.

As there was no objection, the paragraph was so included.

In reply to an inquiry from Mr. CASSIN (France) about a document containing supplementary articles proposed by his delegation, Mr. HUMPHREY (Secretariat) said that the document would presently be produced.

Turning to Annex A of the draft report, the CHAIRMAN pointed out that Articles 6-8, 21-22, 24-30, and 32-33 in the draft of the International Declaration of Human Rights should bear the notation, "Text originally proposed by the Commission on Human Rights" or "Geneva text".

The Chairman also proposed the following amendments, which were agreed without discussion:-

Page 11: Substitution of the words "alternative texts" for the words "amendments and comments" and of the words "this purpose" for the word "consideration" in the Note preceding Article 23.

Page 11: Addition of the words "for Articles 23 and 24" after the heading "Alternative text suggested by the United States".

Page 15: Addition in parenthesis of the words "First Session" after the heading "Text proposed by the Drafting Committee" under Article 31.

Prof. CASSIN (France) observed that the French translation of the draft report appeared defective in some minor respects. He must therefore make some reservation as to his acceptance of it in its present form.

/Mr. WU

Mr. WU (China) had no amendments to offer to the draft report, but pointed out that his own draft on the Declaration, which was quite different, had not been discussed at all. He would like to have it included in the report.

The CHAIRMAN said that the Chinese draft would go at the end of the report. She had been under the impression that its inclusion had already been decided. Speaking as representative of the United States, she expressed her delegation's great interest in the Chinese draft.

Mr. PAVLOV (Union^{of} Soviet Socialist Republics) remarked that he had understood that twenty-four hours would be allowed for presentation of amendments to a document. He had only just received the present document, and was not yet sure to what extent it reflected the Drafting Committee's work. He must therefore reserve his opinion upon it.

At first glance, he could not see his own views recorded in the report, nor all of the various rights which had been mentioned in the course of the discussions. He thought that they should have been included and that the USSR amendments should have been noted. The most substantial of those amendments concerned freedom of assembly and association, on which subject he had proposed that Fascist gatherings and associations should be forbidden.

He had understood that Article 15 was to be omitted altogether, but the original text remained in the draft report. There should be added to it an explanation that the right of nationality was to be defined according to the laws of the respective countries. With regard to the right of asylum, defined in Article 11, he had proposed that that right should be granted to persons persecuted because of their progressive viewpoint, but not to Fascist groups and individuals. That proposal should be stated.

Article 7 in the draft was a pale reflection of the original text, which should have been included as an alternative. The USSR delegation had made observations on that subject which were not recorded in the report.

Mr. MALIK (Lebanon) Rapporteur, pointed out that the USSR representative had raised two different questions. Alternative texts had been included in the draft report when delegations had expressed a wish that they should be so included. If the USSR representative had specific alternative texts, which he wished to have included, and would submit them to the Rapporteur, they would be included.

With regard to views expressed in the course of debate, those were embodied in the Summary Records of the meetings, as was stated in paragraph 9, page 4, of the draft report. That was the same procedure as had been followed at Geneva.

In reply to an inquiry from the CHAIRMAN, Mr. PAVLOV (Union of Soviet Socialist Republics) said that he would submit specific alternative texts.

After some discussion as to whether the draft report included in full the compromise article proposed in substitution of Articles 6-8 (formerly 5-7), Mr. PAVLOV (Union^{of} Soviet Socialist Republics) repeated his observation that he had not had sufficient time to study the document and must therefore reserve his right to return to the subject.

The CHAIRMAN explained that at the morning meeting, at which the Soviet representative had not been present, the Committee had agreed to complete work on the report at the afternoon meeting in order to enable the Secretariat to have the report ready for distribution to the Commission on Human Rights at the opening of its session on 24 May.

/Mr. MALIK

Mr. MALIK (Lebanon) Rapporteur pointed out that even after distribution of the report it would be possible for any representative to submit corrigenda and addenda.

Prof. CASSIN (France) stated that in order to facilitate the work of the Secretariat he would not request inclusion in the report of the French amendments to Articles 11, 12 and 15 but he reserved the right to bring the subject up for discussion in the Commission on Human Rights.

After some discussion of the revised text of paragraph 5 of the report of the Drafting Committee proposed by the representatives of Chile and China, it was agreed that the final drafting should be left to the Rapporteur.

Referring to the question of the designation of alternates raised in paragraph 5, Mr. PAVLOV (Union of Soviet Socialist Republics) commented that, although he was listed in the report as an alternate, the Soviet Government had actually designated him as its representative at the forthcoming session of the Commission on Human Rights.

Mr. MALIK (Lebanon) Rapporteur explained that the rules of procedure of the Economic and Social Council provided that an alternate could not be considered as a representative without confirmation by the Council.

Mr. PAVLOV (Union of Soviet Socialist Republics) observed that discussion of Article 3 of the Covenant which had been postponed until the question of implementation was considered had never actually taken place.

If Article 3 were considered by the Committee, the Soviet delegation would favour deletion of the text.

/Mr. MALIK

Mr. MALIK (Lebanon) Rapporteur, explained that the opinion of the Soviet delegation would be noted in the summary record. The report was reserved for the inclusion of texts proposed as alternate drafts.

All articles which had not been discussed by the Drafting Committee would be listed.

After Mr. MALIK (Lebanon) had expressed the Committee's appreciation of the Chairman's excellent direction of the work of the Drafting Committee, the second session was declared closed.

The meeting rose at 4 p.m.