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COMMISSION ON HUMAN RIGHTS

Fifth Session

SUMMARY RECORD OF THE ONE HUNDRED AND THIRTY FOURTH MEETING

Held at Lake Success, New York,
on Monday, 20 June 1949, at 10.30 a.m.

CONTENTS: Draft report of the fifth session of the Commission on Human Rights (E/CN.4/332, E/CN.4/332/Corr. 1, E/CN.4/332/Add.1, E/CN.4/332/Add.2, E/CN.4/332/Add.3)

<u>Chairman:</u>	Mrs. ROOSEVELT	United States of America
<u>Rapporteur:</u>	Mr. MALIK	Lebanon
<u>Members:</u>	Mr. SHANN	Australia
	Mr. CHANG	China
	Mrs. WRIGHT	Denmark
	Mr. LOUFI	Egypt
	Mr. CASSIN	France
	Mr. GARCIA BAUER	Guatemala
	Mrs. MEHTA	India
	Mr. EWIEZAM	Iran
	Mr. AQUINO	Philippines
	Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
	Mr. FAVLOV	Union of Soviet Socialist Republics
	Miss BOWLE	United Kingdom
	Mr. MOYA	Uruguay
	Mr. VILFAN	Yugoslavia

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Representatives of specialized agencies:

Mr. METALL	International Labour Organization (ILO)
Mr. ARNAIDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Mr. HILL	World Health Organization (WHO)

Consultants from non-governmental organizations in category A:

Miss SPENGLER	American Federation of Labor (AF of L)
Mrs. MEAGHER	World Federation of Trade Unions (WFTU)

Consultants from non-governmental organizations in categories B and C:

Miss ROBB	International Federation of University Women
Mrs. IETA	Catholic International Union for Social Service
Mr. NOLDE	Commission of the Churches on International Affairs

Secretariat:

Mr. HUMPHREY	Representative of the Secretary-General
Miss KITCHEN	Secretary of the Commission

DRAFT REPORT OF THE FIFTH SESSION OF THE COMMISSION ON HUMAN RIGHTS
(E/CN.4/332, E/CN.4/332/Corr.1, E/CN.4/332/Add.1, E/CN.4/332/Add.2,
E/CN.4/332/Add.3, E/CN.4/332/Add.4)

The CHAIRMAN proposed that the right of voting should be granted to Mrs. Wright, alternate, who was replacing Mr. Soerensen (Denmark), as the latter had been obliged to leave the United Nations headquarters before the conclusion of the fifth session of the Commission on Human Rights.

It was so decided.

Mr. MALIK (Lebanon), Rapporteur, said that the Commission's report had been prepared in accordance with the directives received from the Economic and Social Council. The translations of the report into French and Russian had not yet been completed and he therefore suggested that the parts which had already been translated should be considered first.

It was so decided.

Mr. GARCIA BAUER (Guatemala) was surprised that the report had not been translated into Spanish. The translation into Spanish was all the more justified since the document would be submitted to the General Assembly, and Spanish was one of the working languages of that body. Spanish was an official language of the United Nations with the same status as Russian. He hoped that, in the future, the various official languages would be treated on an equal footing.

Mr. HUMPHREY (Secretariat) explained that, in view of the very brief period of time at its disposal, it had proved quite impossible for the Secretariat to have the report translated into Spanish. It would nevertheless note the remarks made by the representative of Guatemala and would do its utmost to complete the work of translation as quickly as possible.

Mr. CHANG (China) hoped that the Secretariat would also see that the report was translated with as little delay into Chinese.

Mr. MALIK (Lebanon), Rapporteur, drew attention to the draft report (E/CN.4/332). Since Chapter VIII had been amalgamated with Chapter IV, the final report would comprise only fifteen chapters and four annexes.

The CHAIRMAN suggested that the comments and statements of the representatives of Governments concerning the questions dealt with in the report, should be included in an annex, as had always been the practice in the past. If that suggestion were adopted, representatives could transmit to the Rapporteur the texts they wished inserted in the report.

It was decided that an Annex II should be added to the report with the title "Proposals and Statements of Representatives of Governments". Annexes II, III and IV thus became Annexes III, IV and V respectively.

Chapter I: Organization of the fifth session of the Commission
Paragraph 1

Paragraph 1 was adopted.

/ Paragraph 2

Paragraph 2

Mr. MALIK (Lebanon), Rapporteur, stated that Mr. Kovalenko (Ukrainian Soviet Socialist Republic) was a representative and not an alternate. The paragraph should be altered accordingly.

Mr. GARCIA BAUER (Guatemala) pointed out that the initial "C" should be inserted before the name "Garcia Bauer".

Miss BOWIE (United Kingdom) said that her correct initials were "J. M."

Paragraph 2 was adopted with those corrections.

Paragraphs 3 and 4

Paragraphs 3 and 4 were adopted.

Paragraph 5

Mr. MALIK (Lebanon), Rapporteur, said that the reference to Mr. Kovalenko should be deleted.

The CHAIRMAN suggested that some reference should be made, at the end of the paragraph, to the decision taken at the beginning of the meeting concerning the representative of Denmark.

It was so decided.

Mr. CASSIN (France) wished it to be stated that Mr. M. Simon had substituted for Mr. Cassin (France). That statement should be included after the reference to Mr. O. Sagues (Chile).

It was so decided.

Mr. GARCIA BAUER (Guatemala) recalled that his correct initial was "C".

Mr. ENTIZAM (Iran) stated that the correct initial of his alternate was "M" and not "H".

Mr. CHANG (China) said that the initial of his alternate, Mr. Cha, was "H".

Paragraph 5 was adopted with those alterations and corrections.

Paragraph 6

Mr. CASSIN (France) pointed out that the word "Vice-Président" in the French text should be in the plural, so as to correspond to the English.

Paragraph 6 was adopted with that correction.

Paragraph 7

Paragraph 7 was adopted.

Paragraph 8

Mr. MALIK (Lebanon), Rapporteur, said that the paragraph should include a reference to the Committee on the Trusteeship Questionnaire and that the list of the summary records of that body would be completed later.

Paragraph 8 was adopted.

Paragraph 9

Mr. GARCIA BAUER (Guatemala) thought that the words "Third Committee of the" should be deleted.

It was so decided.

Paragraph 9, as amended, was adopted.

Chapter II: Agenda

Paragraph 10

Mr. MALIK (Lebanon), Rapporteur, thought that the words "the Commission adopted by acclamation" should be replaced by the words "the Commission adopted unanimously".

Mr. PAVLOV (Union of Soviet Socialist Republics) recalled that his delegation as well as that of the Ukrainian Soviet Socialist Republic had abstained during the adoption of the agenda. It would therefore be better to say "in the absence of any objection" instead of "unanimously".

Mr. MALIK (Lebanon), Rapporteur, suggested that the phrase should be drafted as follows: "the Commission adopted the provisional agenda as its agenda without any objections; the representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic abstained in that adoption".

Chapter II was adopted, with that alteration.

/ Chapter III:

Chapter III: Invitation to the Commission on the Status of Women

Paragraph 11

Chapter III was adopted.

Chapter IV: Prevention of Discrimination and Protection of Minorities

Paragraph 12

Paragraph 12 was adopted.

Paragraph 13

Paragraph 13 was adopted.

Paragraph 14

Mr. MALIK (Lebanon), Rapporteur, explained that the completed text of paragraph 14 was contained in a document which had just been distributed to members of the Commission (E/CN.4/332/Corr.2).

The CHAIRMAN thought it should be stated in the paragraph that all three letters received had nominated the Ambassador Joseph Winicwicz as candidate.

Mr. CASSIN (France) pointed out that the French translation of the new paragraph 14 should be corrected, since the word "nomination" did not have the same meaning in French as it had in English.

Mrs. MEHTA (India) proposed that the words "the Commission elected" should be replaced by the words "the Commission declared elected".

Paragraph 14, as amended, was adopted.

Paragraph 15

Miss BOWIE (United Kingdom) recalled that her delegation had maintained, both before the Sub-Commission and the Commission itself, that the visiting missions sent by the Trusteeship Council to trust territories represented the United Nations as a whole and there was therefore no reason why a member of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities should take part in the Council's visiting missions.

She wished to emphasize, moreover, that the last clause of paragraph 15, which was worded in the same way as the draft resolution prepared for the Economic and Social Council, implied that the Trusteeship Council had some responsibility for the administration of trust territories. The

United Kingdom considered that such responsibility rested entirely with the administering authorities of the territories in question.

Mr. CASSIN (France), Mr. SHANN (Australia) and Mrs. WRIGHT (Denmark) associated themselves with the remarks made by the United Kingdom representative.

Mr. PAVLOV (Union of Soviet Socialist Republics) thought, on the contrary, that the Egyptian proposal, which was at the basis of the Commission's decision, had been inadequate and recalled that his delegation had proposed a far more explicit and effective text.

Paragraph 15 was adopted.

Chapter XI: Yearbook on Human Rights

Mr. CHANG (China) would have preferred the languages mentioned in paragraph 1 of the operative part of the resolution, to have been listed in the order in which they appeared in the Charter, namely: "Chinese, Russian, Spanish".

Mr. GARCIA BAUER (Guatemala) wished the following comments to be included in the part of Annex IV which dealt with the financial implications of draft resolution D. Certain members of the Commission considered that the sum of \$20,000 said to be required for the translation of a volume of about six hundred pages into Spanish, seemed excessive, especially if it were borne in mind that one-third of the members of the Organization supplied documents in Spanish and that the publication could be carried out at a lower cost in a Spanish-speaking country.

Mr. CASSIN (France) pointed out that the words "la cour suprême" in the French text should be replaced by the words "la cour la plus élevée".

Mr. PAVLOV (Union of Soviet Socialist Republics) said that, according to the Russian text, the Yearbook on Human Rights was to be published "in 1949", when the text that had been adopted read "as of 1949". The Russian translation should therefore be corrected.

His delegation considered, moreover, that the beginning of Chapter XI should mention not only the report of the Committee on the Yearbook on Human Rights but also the proposal submitted by the Ukrainian Soviet Socialist Republic (E/CN.4/AC.8/1). The Commission's decision reflected

/the proposal

the proposal submitted by Guatemala and it would therefore be unjust to make no mention whatever of the Ukrainian proposal.

Mr. CHANG (China) said that the Committee had transmitted the proposals submitted by Ukraine (E/CN.4/AC.8/1) and by Guatemala (E/CN.4/AC.8/2) to the Commission together with its report. The first paragraph of Chapter XI could therefore mention all three documents.

It was so decided.

Chapter XI, as amended, was adopted.

Chapter XV: Programme of future work

Mr. GARCIA BAUER (Guatemala) and Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) announced their intention of making some comments when the part of Annex IV dealing with the financial implications of draft resolution D came up for discussion.

Chapter XV was adopted.

Annex III (E/CN.4/332)

Mr. MALIK (Lebanon), Rapporteur, pointed out that the draft resolutions appearing in Annex III had been drafted in the form of resolutions of the Economic and Social Council, at the latter's request.

Mr. PAVLOV (Union of Soviet Socialist Republics) requested that, when the Commission came to examine the financial implications of resolution D in Annex IV, account should be taken of the fact that the Secretariat's estimates referred only to paragraph 1 of the operative part of that resolution; he thought that the Secretariat should also draw up estimates for paragraphs 2 and 3.

The CHAIRMAN said that the Secretariat was preparing estimates relating to paragraphs 2 and 3 of the operative part of resolution D; those estimates might be ready when the Commission took up the examination of the financial implications appearing in Annex 4.

Mr. CASSIN (France) drew attention to the fact that the term "Cour supérieure" in paragraph 2 of the French text of the operative part of draft resolution D should be replaced by the words "Cour la plus élevée". That correction affected the French text only.

/The French

The French text having been amended accordingly, Annex III was adopted.

Annex IV
Financial implications of draft resolution A

Mr. CASSIN (France) proposed the addition of a footnote stating that, as the new member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was the Polish Ambassador in Washington, the travel costs of that member would not amount to \$900.00.

Mr. HUMPHREY (Secretariat) having explained that the estimate of \$900.00 had been drawn up before the election of the new member, the CHAIRMAN remarked that the French representative's suggestion was most appropriate.

The text of Annex IV relating to the financial implications of draft resolution A was adopted with the footnote proposed by the representative of France.

Financial implications of draft resolution C

Mr. GARCIA BAUER (Guatemala) requested that, apart from the changes he had proposed with regard to the cost of publication of documents in Spanish, the estimates on the cost of the session in Geneva should include a note stating that the Commission wished to make use of simultaneous interpretation. The time at the Commission's disposal was limited and the use of the simultaneous system of interpretation would lead to a considerable saving of time.

Mr. AQUINO (Philippines) shared the opinion of the representative of Guatemala as regards simultaneous interpretation.

The CHAIRMAN thought it necessary to have an explanatory footnote about consecutive interpretation which was mentioned in the estimate of the cost of the session in Geneva; she recalled, however, that the Commission had repeatedly expressed its preference for the simultaneous system of interpretation.

Mr. PAVLOV (Union of Soviet Socialist Republics) also wished that the budgetary estimates should be amended along the lines indicated by the representative of Guatemala as regards both the publication of

documents in Spanish and the simultaneous system of interpretation.

He added that the budgetary estimates did not show the length of the session for which the various amounts were provided.

The CHAIRMAN recalled that the question of the length of the following session had already been examined; it was highly probable that that session would last eight weeks at least, since the texts on measures of implementation had to be drafted so as to enable the General Assembly to examine them without further delay at the 1950 regular session.

Mr. HUMPHREY (Secretariat) said that the estimates had been prepared on the assumption that the session would last six weeks; if, however, it had to go on for eight weeks, only the item on the per diem of the secretariat would be affected.

Mr. CASSIN (France) thought that the budgetary estimates should not include the travel costs of interpreters and translators unless the latter were going to Geneva specially for the session of the Commission on Human Rights; if they were going to Geneva in connexion with meetings of several other organs as well, their travel costs should be charged to one of those organs only, or divided among those organs.

Mr. CHANG (China) requested that no distinction should be made between the five official languages, as regards both interpretation and translation.

Mr. ENTEZAM (Iran) proposed that the Commission should instruct the Secretariat to prepare new budgetary estimates of the financial implications of draft resolution C, taking into account the observations made by various delegations.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) recalled that during the discussion as to where the following session of the Commission on Human Rights should be held, his delegation had stressed that the budgetary estimates prepared by the Secretariat on the cost of a session in Geneva seemed excessive. He would like that ^{view} to be borne in mind when the budgetary estimates concerned were revised.

The CHAIRMAN stated that, there being no objection, the Secretariat would proceed to the revision of the budgetary estimates concerned, taking into consideration the observations made by the representatives of China, France, Guatemala, the Ukrainian SSR and the USSR.

It was decided accordingly.

With that reservation, the text on the financial implications of draft resolution C was adopted.

The meeting rose at 1.10 p. m.