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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE SEVENTY-FIFTH MEETING

Held at Lake Success, New York
on Wednesday, 16 June 1948, at 10.45 a.m.

Chairman: Mrs. Franklin D. ROOSEVELT United States of America

Rapporteur: Mr. AZKOUL Lebanon

Members:

Mr. HOOD	Australia
Mr. LEBEAU	Belgium
Mr. STEPANENKO	Byelorussian Soviet Socialist Republic
Mr. LARRAIN	Chile
Mr. CHANG	China
Mr. LOUFI	Egypt
Mr. ORDONNEAU	France
Mrs. MEHTA	India
Mr. QUIJANO	Panama
Mr. LOPEZ	Philippines
Mr. KLEKOVKIN	Ukrainian Soviet Socialist Republic
Mr. PAVLOV	Union of Soviet Socialist Republics
Mr. WILSON	United Kingdom
Mr. FONTAINE	Uruguay
Mr. VILFAN	Yugoslavia

Representative of specialized agency:

Mr. LEBAR United Nations Educational, Scientific and Cultural Organization (UNESCO)

Consultants from non-governmental organizations:

Miss SENDER American Federation of Labor (AFL)
Mr. VANISTENDAEL International Federation of Christian Trade Unions (ICTU)
Miss STUART World Federation of United Nations Associations (WFUNA)

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Consultants from non-governmental organizations:(Continued)

Mrs. DRENNAN	Catholic International Union for Social Service
Mr. NOLDE	Commission of the Churches on International Affairs
Mr. MOSKOWITZ	Advisory Board of Jewish Organizations
Mrs. Van den BERG	International Women's Alliance
Miss STRAHLER	International Committee of the Red Cross (ICRC)
Mrs. PARSONS	International Council of Women (ICW)
Miss SCHAEFER	International Union of Catholic Women's Leagues
Miss ROEB	Liaison Committee of International Women's Associations
Mr. BIENENFELD	World Jewish Congress (WJC)

Secretariat:

Mr. HUMPHREY	Director of the Human Rights Division
Mr. LAWSON	Secretary of the Commission

CONTINUATION OF THE DISCUSSION ON THE DRAFT DECLARATION OF HUMAN RIGHTS:
CONTINUATION OF THE REPORT OF THE STYLE COMMITTEE

The CHAIRMAN said that the alterations proposed by the Style Committee were submitted for the approval of the Commission. She pointed out that the changes affected only the drafting and the order of the articles and did not alter their substance.

The Chairman suggested the substitution of the word "of" for the word "on" in the English title. That change would not affect the French. Moreover, she suggested that the present title "Draft Declaration of Human Rights" should be replaced by "United Nations Declaration of Human Rights".

At the request of Mr. ORDONNEAU (France), the French text of the second paragraph of the revised article 2 was amended as follows:

"...limitations as are necessary to secure respect for the rights of others and to (satisfy) the requirements..."

At the request of Mr. WILSON (United Kingdom), the English text of the second paragraph of the revised article 2 was amended by deletion of the word "to" in the phrase: "...for the rights of others and (to) the requirements..."

/Mr. CHANG

Mr. CHANG (China) suggested that the order of the articles should be altered as follows: (a) the revised article 2 should be placed immediately before article 33 which had been adopted at the previous meeting; the article proposed by the representative of Lebanon should be placed before article 2; (b) the two paragraphs which made up article 3 might become two separate articles: the first paragraph would become article 2 and the second paragraph would become article 5 preceding the provisions concerning legal rights; (c) articles 4 and 5 would then become respectively articles 3 and 4; articles 6, 7 and 8 would remain unchanged.

Mr. LEBEAU (Belgium) thought that the Commission was faced with two separate questions, namely, the approval of the text drawn up by the Style Committee, and the order of the articles in the Declaration. He asked that the text drawn up by the Style Committee should be approved before the consideration of the proposal submitted by the representative of China.

Mr. CHANG (China) pointed out that his proposal should be taken as an amendment to the report of the Style Committee and should, therefore, be considered at the same time as that report.

The CHAIRMAN proposed that the Commission should defer consideration of the Style Committee's report until the next meeting.

DISCUSSION OF THE PREAMBLE TO THE DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

The CHAIRMAN pointed out that the Commission had before it three draft preambles: the first had been submitted by the Union of Soviet Socialist Republics; the second had been drawn up by the Committee on the Preamble which had taken account of the drafts presented by France, Belgium, the United States and the American Federation of Labor; the third draft had been submitted by the United Kingdom (document E/CN.4/124).

/Mr. WILSON

Mr. WILSON (United Kingdom) thought that the draft drawn up by the Committee on the Preamble should be taken as the basic text and the two other drafts considered as amendments.

Mr. PAVLOV (Union of Soviet Socialist Republics) thought that the order of discussion suggested by the Chairman was preferable inasmuch as the draft submitted by his delegation could not be considered merely as an amendment to the text drawn up by the Committee on the Preamble. He observed that the Committee had failed to observe the principle of brevity which had been advocated in the course of previous discussions. He also pointed out that if the Commission were to adopt the preamble as drafted by the USSR delegation, possibly with a few amendments, it would be unnecessary to consider any other draft.

Mr. Pavlov requested that the USSR draft of the preamble should be voted in parts: the first part, consisting of the first two paragraphs, recalled the principles of the Charter; the second part constituted the recommendation to the General Assembly.

The CHAIRMAN read the draft preamble submitted by the USSR (document E/CN.4/139) and put it to the vote in parts, as requested by the representative of the USSR.

The first part was rejected by 9 votes to 5, with 2 abstentions.

The second part was rejected by 8 votes to 5, with 3 abstentions.

The draft preamble submitted by the USSR was rejected.

The CHAIRMAN opened the discussion on the draft prepared by the Style Committee and proposed that it should be examined paragraph by paragraph.

Mr. AZKOUL (Lebanon) drew attention to the logical way in which the text had been prepared. Paragraph 1 laid down an absolute and general

/principle

principle, which was independent of the existence of the United Nations; paragraph 2 declared that that principle had been violated; paragraph 3 showed the importance of averting the dangers of such a violation in the future; paragraph 4 was a reminder that the Charter provided that human rights should be respected; paragraph 5 recalled that the members of the United Nations had undertaken to respect those rights; paragraph 6 showed how those rights could be respected; lastly, a concluding paragraph consisted of the General Assembly's resolution.

The CHAIRMAN read the text of paragraph 1.

Mr. WILSON (United Kingdom) proposed a drafting amendment which would not affect the French text: that the word "of" should be inserted before the words "the equal".

The proposal was adopted.

Mr. CHANG (China) hoped this paragraph would be adopted in view of its special importance and intrinsic value.

Paragraph 1 was adopted by 11 votes to none, with 5 abstentions.

The CHAIRMAN read out paragraph 2.

Mr. LEBEAU (Belgium) proposed that in the French text the words "à la veille de" should be replaced by the word "avant".

Mr. ORDONNEAU (France) preferred the words "dans la période précédant".

This suggestion was supported by the representative of Belgium, and the amendment was adopted.

Mr. WILSON (United Kingdom) asked for the insertion in the English text of the word "of" after the word "ignorance", an alteration which did not affect the French text. He also proposed that the last part of the paragraph should be omitted, from the words "and made it apparent to all..."

/The CHAIRMAN

The CHAIRMAN put the proposal for the omission of these words to the vote.

The proposal was rejected by 6 votes to 3, with 5 absentions.

The last sentence of paragraph 2 was retained.

Mr. CHANG (China) pointed out that the addition of the word "of" in the English text would narrow the meaning of the word "ignorance". Most of the members of the Style Committee had had in mind ignorance in general and not simply ignorance of human rights.

The CHAIRMAN agreed with the representative of China.

Mr. AZKOUL (Lebanon) thought that the word as understood by the representative of China was weaker than in the sense of ignorance of human rights; he thought ignorance of human rights should be mentioned, and that there was no question of referring to ignorance in general in the Preamble.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that as the Preamble submitted by the USSR had been rejected in a manner which he considered far too hasty, he would abstain in principle throughout the voting on the Preamble. He would, nevertheless, make any observations he might deem necessary. He agreed with the representative of the United Kingdom. The second World War had not been the result of ignorance of human rights but had been caused by the policy of Germany. The conclusions of paragraph 2 were faulty and might confuse the man in the street.

Mr. ORDONNEAU (France) pointed out to the representative of the USSR that his remarks had unfortunately come too late, as a vote had already been taken on the retention of the last words of the paragraph.

Mr. WILSON (United Kingdom) asked that the insertion of the word "of" should be put to the vote. He had thought its omission had been me-

/a grammatical

a grammatical error, but if the present wording was intentional, it would be difficult for him to accept it.

Mr. LEBEAU (Belgium) pointed out that the French text used the word "méconnaissance", which could not be taken here as having a general sense; it definitely meant ignorance of human rights. He would support the United Kingdom amendment.

Mr. CHANG (China) explained that he had not approved the drafting of this paragraph. It was true that the Germans and the Japanese were to blame for their contempt of human rights, but it could not be said that they had been ignorant of those rights. The word "ignorance" in the English text was not the right word, and he would propose that it should be replaced in the English text by the words "indifference to".

Mr. PAVLOV (Union of Soviet Socialist Republics) said that the retention of the word "ignorance" would give the impression that the acts of the Germans and Japanese were being excused because they did not know that they were violating human rights. This was the most serious error in the whole paragraph. There had been no ignorance on the part of the aggressors, but a natural development of a system which had led to war. Public opinion had been shocked by the measures which the Fascists had deliberately taken, first in their own countries and later, during the war, in occupied countries.

Mr. WILSON (United Kingdom) thought it would be preferable to adopt the Chinese representative's proposal that the word "ignorance" should be omitted.

Mr. ORDONNEAU (France) pointed out that the difficulty did not arise in the French text, as the word "méconnaissance" meant intentional ignorance.

/Mr. AZKOUL

Mr. AZKOU (Lebanon) agreed with the representative of France, but drew attention to the fact that there was a difference of degree between "méconnaissance" and "mépris". Consequently, if the word "méconnaissance" ("ignorance" in the English text) were omitted, that would give the impression that only contempt for human rights was condemned and not ignorance of those rights.

Mr. LEBEAU (Belgium) also thought that the distinction between ignorance and contempt should be preserved and suggested that "disregard of" should be used in the English text.

Mr. WILSON (United Kingdom) accepted the Belgian representative's proposal.

Mr. CHANG (China) proposed that the substitution of the words "disregard of" for "ignorance" should be put to the vote.

The amendment was adopted by 10 votes to 1 with 5 abstentions.

/Mr. HOOD

Mr. HOOD (Australia) spoke again on the wording of the second paragraph. Although the Commission had decided to retain the much too dogmatic statement it contained, he wondered whether, in spite of that, it would not be wiser to define its scope more precisely by saying, in the English text, at the end of the sentence "and made it apparent to all that the fundamental freedoms were a (instead of "the") supreme issue of the conflict."

Mr. CHANG (China) pointed out that as the idea underlying the sentence was saved, it would be perfectly in order to submit amendments to that sentence.

The CHAIRMAN agreed.

Mr. AZKOUL (Lebanon) said that the adjective "supreme" had an absolute meaning. It would, therefore, be incorrect to speak of a supreme issue since there could be only one supreme issue.

Mr. HOOD (Australia), while agreeing with the Lebanese representative in regard to grammar, nevertheless, maintained that in ordinary language it was often possible to have several supreme issues.

The CHAIRMAN suggested that the expression "an essential issue" should be used.

Mr. LARRAIN (Chile) who shared Mr. Azkoul's views on the use of the word "supreme" said that he would agree to: "one of the essential issues".

Mr. FONTAINA (Uruguay) said that, like the USSR representative, he had abstained from voting during the debate on whether to delete the words under discussion, as he too considered that those words raised a question of substance, and that he disagreed with the idea they expressed.

/Mr. PAVLOV

Mr. PAVLOV (Union of Soviet Socialist Republics) said that all those difficulties would have been avoided had the Commission adopted the text proposed for the Preamble by the USSR. The second paragraph of the Preamble drafted by the Commission's office gave the impression that the war had been caused by ignorance. It should not be forgotten that contempt for human rights had been taught by political groups which belonged to a well-defined system and were based on a capitalist economy aided by overseas countries. If the causes of the war were mentioned, the real ones should be given and those lay at the roots of the political system of the Nazi and Fascist groups, and in the lack of balance caused by capitalist economy. That system and that economy carried within themselves, and would always carry inherently the seeds of war. If the cause of war was to be mentioned, that should be said; otherwise the matter should be left alone.

Mr. ORDONNEAU (France) pointed out that the paragraph under discussion in no way dealt with the causes of war. It stated that respect for human rights was at stake. Victory had undeniably led to the establishment of a system which respected human rights certainly more than the Nazis had.

Discussion followed on the correct translation into Spanish of the English word "ignorance". The CHAIRMAN asked the Spanish-speaking representatives to agree on a translation which the Commission could approve.

Mr. AZKOUL (Lebanon) suggested the wording "that the fundamental freedoms were at stake in that conflict", so as to emphasize that respect for the fundamental freedoms depended on the outcome of the conflict.

/Mr. WILSON

Mr. WILSON (United Kingdom) was still convinced that the best solution would be to delete the last part of the sentence. The Lebanese proposal gave the text a meaning which was nearer reality, but at the same time weakened it so much that one wondered whether it would be worth including in the Preamble.

The CHAIRMAN put to the vote the proposal to delete from the second paragraph, third line of the English text the words "to all".

It was decided by 7 votes to none, with 8 abstentions, to delete the words "to all".

The CHAIRMAN put to the vote the Lebanese amendment to say "...and made it apparent that the fundamental freedoms were at stake in the conflict."

The amendment was rejected by 3 votes to none, with 11 abstentions.

The CHAIRMAN put to the vote the Australian amendment to change the last part of the sentence so as to read: "...the fundamental freedoms were one of the supreme issues of the conflict."

The amendment was adopted by 7 votes to none, with 9 abstentions.

Mr. WILSON (United Kingdom) proposed putting to the vote the sentence as amended.

Mr. LOPEZ (Philippines) and Mr. LARRAIN (Chile) objected to that procedure, pointing out that the Commission had weakened the sentence to please the United Kingdom representative in the hope of contributing to a result which the Commission could accept. One should not trade on that spirit of co-operation by asking for the deletion of the sentence. In effect, the Chilean representative had voted in favour of its retention and Mr. Wilson had criticized the sentence because its wording was too strong but had now been toned down. A vote had already been taken on that part of the sentence.

/Mr. ORDONNEAU

Mr. ORDONNEAU (France) said that the Commission had decided at its last meeting not to vote on proposals to delete paragraphs.

Mr. FONTAINA (Uruguay) pointed out that since they were dealing with a historic document of great importance, the rules of procedure should be applied so that the question could be settled. A vote should first be taken on the question of whether the vote, already taken, to delete the sentence, should be retaken.

Mr. VILEVAN (Yugoslavia) would abstain from voting as he was in favour of the draft Preamble submitted by the USSR, but thought that the second paragraph followed logically from the ideas stated in paragraph 1. Since the first paragraph spoke of the importance of observing the respect due to all the members of the human family and their equal and inalienable rights, one naturally expected the second paragraph which spoke of the war to say that the Second World War had imperilled the value and existence of those rights and freedoms.

Mr. CHANG (China) pointed out that the Preamble had not been drafted in accordance with a concept acceptable to all the members of the Committee. That was why the second paragraph had not been unanimously supported.

The CHAIRMAN put to the vote the question of whether a vote should be retaken on the deletion of the last part of the second paragraph.

The proposal to retake the vote was adopted by 7 votes to 4, with 5 abstentions.

The CHAIRMAN took a vote on whether the last part of the sentence should be retained.

It was decided by 7 votes to 3, with 6 abstentions, to retain the last part of the sentence.

The CHAIRMAN put to the vote the last part of the sentence as amended, i.e., the English text to read "and made it apparent that the fundamental freedoms were a supreme issue of the conflict."

The text was adopted by 7 votes to none, with 6 abstentions.

Paragraph 3

Mr. LOUFI (Egypt) said that in order to make the Preamble as brief as was fitting, all proposals of secondary importance should be avoided. The paragraph did not express a single essential idea. It mentioned revolts "against tyranny and oppression". There was no need to retain that idea in the Preamble. The paragraph also referred to the protection of human rights by "a regime of law", an idea which should be retained but which was already included in paragraph 5. In effect, paragraph 5 spoke of promoting and encouraging respect for human rights and for fundamental freedoms, which could only be assured by appropriate legislation conferring on such rights and freedoms the protection of the law. The third paragraph could, therefore, be dropped in toto.

Mr. ORDONNEAU (France) raised a question of procedure. To delete a sentence, a negative vote should be recorded when it was put to the vote. The method of voting on proposals to delete certain sentences was wrong, and the Commission had found, in regard to the preceding paragraph, that it led to several votes on the same question, which should have been decided by a single vote.

The provisional French wording used the expression "le regime de la loi", as being the equivalent of the English "a regime of law". The expression had no exact meaning. It would be better to use an old expression, namely "le regne de la loi" (the rule of law).

/Mr. LOPEZ

Mr. LOPEZ (Philippines) would vote against the adoption of paragraph 3 for the reasons already stated by the Egyptian representative, and also because that paragraph referred to the right of the people to rebel, a reference which might be misconstrued. That was a right which had not been mentioned anywhere in the body of the Declaration.

He would prefer the legal protection to be given to the rights and freedoms to be mentioned in another part of the Preamble, and suggested its inclusion in the operative part of the Preamble, to which his delegation had submitted an amendment.

The CHAIRMAN put paragraph 3 to the vote.

Paragraph 3 was adopted by 8 votes to 6, with 2 abstentions, thus being retained in the Preamble.

Paragraphs 4 and 5

The CHAIRMAN opened the debate on paragraphs 4 and 5, which were closely linked.

Mr. HOOD (Australia) suggested merging the two paragraphs, and thought that paragraph 4 might even be completely omitted. It was quite appropriate to quote the Charter, but if a quotation was to be made it would be best to use a passage conceived in more explicit and energetic terms.

Articles 55 and 56 of the Charter were ideal for that purpose. He, therefore, suggested that the following text be adopted for paragraph 5:

"WHEREAS the Members of the United Nations are pledged to take joint and separate action in co-operation with the Organization to promote and encourage respect for human rights and for fundamental freedoms,..."

/Miss SENDER

Miss SENDER (American Federation of Labor) said that the draft Preamble submitted by her Organization was among the drafts which the Committee on the Preamble had used as a basis for discussion before presenting a text for consideration. The draft submitted by the American Federation of Labor stressed the concept that indifference towards the happiness and the welfare of the individual made possible the spreading of suffering. The draft also emphasized the need to improve economic and social conditions to assist the people of the world in obtaining freedom from fear and want, thereby providing one of the most effective guaranties that human rights would be respected.

The Charter propounded the same idea.

Mr. CHANG (China) also wanted the need for an improvement in economic and social conditions mentioned. It could be done by borrowing the words of the Charter on that subject.

He suggested setting up a small committee to choose the appropriate quotations from the Charter.

The CHAIRMAN agreed with the Chinese representative's request and appointed a committee for that purpose, consisting of the representatives of China, the United Kingdom, Australia, the United States and Yugoslavia, which would meet in the early afternoon.

Mr. VILEAN (Yugoslavia) declined the offer as the Preamble as a whole, either wittingly or unwittingly, was based on a conception to which he could not subscribe; he could not make any concrete contributions to the preparation of a text based on a conception he did not share.

/In reply

In reply to a question by Mr. Chang (China), he pointed out that the Preamble spoke only of the rights of the individual, whereas it could also have mentioned, as a compromise, and in deference to the ideas of all the members of the Commission, the rights of the Nation and of peoples.

The Preamble as submitted failed to recognize the duty of the individual to his Nation and to his State.

The CHAIRMAN asked the representative of the Philippines to take the place of the Yugoslav representative on the Committee to choose the paragraphs from the Charter to be mentioned in the Preamble.

The meeting rose at 1.05 p.m.