

HUMAN RIGHTS COMMISSION

FIRST SESSION

SUMMARY RECORD OF THE SIXTH MEETING

Held at Lake Success, New York, on Wednesday
29 January 1947 at 2:30 p.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States)
Vice-Chairman:	Dr. P. C. Chang	(China)
Rapporteur:	Mr. Charles Malik	(Lebanon)
	Col. William Roy Hodgson	(Australia)
	Mr. Roland Lebeau	(Belgium)
	Mr. T. Kaminsky	(Byelorussian SSR)
	Mr. Osman Ebeid	(Egypt)
	Mrs. Hansa Mehta	(India)
	Mr. Chassemeh Ghani	(Iran)
	Mr. German Gil Guardia	(Panama)
	General Carlos P. Romulo	(Philippine Republic)
	Mr. V. F. Teplyaev	(USSR)
	Mr. Charles Dukes	(United Kingdom)
	Mr. José A. Mora	(Uruguay)

Representatives of Specialized Agencies:

Mr. Eric W. Hutchison	(International Labour Organization)
Mr. Valere Darchambeau	(UNESCO)

Representatives of Non-Governmental Agencies:

Miss Sender	(AF of L)
Miss Lena Spiegel	(WFTU)
Mr. Wallace Campbell	(International Co-operative Alliance)

Secretary of the Commission:

Prof. J. P. Humphrey	(Director, Human Rights Division)
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Establishment and Terms of Reference of Sub-Commission on Protection of Minorities (Item 11 of Agenda - E/CN.4/1/Rev.1)

Col. HODGSON (AUSTRALIA) considered that discrimination was the cause
/of minority

of minority problems and that both questions should be treated by a single sub-commission. He moved, therefore, that Items 11 and 12 should be amalgamated to read: "11 - Establishment and Terms of Reference of Sub-Commission on Protection of Minorities and Prevention of Discrimination".

Gen. ROMULO (PHILIPPINE REPUBLIC) seconded that motion.

Mr. TEPLIAKOV (USSR) recalled the recommendation of the Nuclear Commission, confirmed by the Economic and Social Council, that two sub-commissions be established. He also pointed out that the working papers submitted by the Secretariat had emphasized the inter-related aspects of the two proposed sub-commissions, and had concluded that it might be possible to create a single body, as proposed by the representative of Australia.

The USSR representative remarked, however, that there might be different cases of discrimination regardless of majority or minority, and that minority problems differed in many respects from those of discrimination. Consequently, it would be preferable, for the time being, to adopt the recommendation of the Nuclear Commission to establish two sub-commissions. If future experience proved that there existed duplications of work, the Commission could decide to amalgamate both bodies.

Mr. TEPLIAKOV (USSR) therefore moved that the Australian proposal should be amended to include the creation of two separate sub-commissions.

Dr. CHANG (CHINA) considered that the prevention of discrimination was more inclusive than the protection of minorities, and suggested that the Australian proposal should therefore be amended to refer to the contemplated sub-commission as the sub-commission on the prevention of discrimination and protection of minorities.

Col. HODGSON (AUSTRALIA) agreed to the amendment submitted by the representative of China.

Mrs. MEHTA (INDIA) supported the views expressed by the USSR representative. The problems of discrimination and minority were distinct, and should accordingly be treated by two sub-commissions.

/The CHAIRMAN

The CHAIRMAN put to the vote the amendment to the Australian proposal, submitted by the USSR representative.

DECISION: The USSR amendment was defeated by eight votes to two.

Mr. TEPLIAKOV (USSR) asked the representative of Australia whether he would accept the wording adopted by the Economic and Social Council ("sub-commission on the prevention of discrimination on the grounds of race, sex, language or religion," etc.)

Dr. CHANG (CHINA) explaining that this suggestion was no doubt intended to improve the general definition of discrimination, assured the USSR representative that the matter would be taken up during the discussion of the terms of reference of the sub-commission.

The CHAIRMAN put to the vote the Australian proposal for the establishment and terms of reference of a "sub-commission on the prevention of discrimination and protection of minorities".

DECISION: The Australian proposal was adopted.

Discussion of Terms of Reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Mr. TEPLIAKOV (USSR) moved that the Commission should accept the terms of reference recommended by the Economic and Social Council on the protection of minorities, and on the prevention of discrimination, with the addition of the following words to the second paragraph covering the prevention of discrimination: "on grounds of race, sex, language, or religion" (Journal of the Economic and Social Council, No. 29, page 522).

The CHAIRMAN, speaking as representative of the United States of America, introduced a document expressing the views of the United States Government on the terms of reference of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (E/CN.4/6).

Commenting on the proposed functions of the Sub-Commission, Mrs. ROOSEVELT emphasized the necessity of defining practices of discrimination and determining the principles to be applied in prevention thereof (point 1). Moreover, the Sub-Commission should co-operate with

/the Commission

the Commission on the Status of Women and the Trusteeship Council in matters concerning discrimination because of sex or race respectively (point 2). The Sub-Commission should also determine the meaning of "minorities" and enunciate principles for their protection (point 3). Point 4, concerning the handling of communications received by the Sub-Commission on matters within its jurisdiction, could be deleted, since that question had been previously dealt with under Item 9 of the agenda.

As regards the second part of the paper, pertaining to the composition of the Sub-Commission, Mrs. ROOSEVELT commented that paragraph 1 appeared to meet the point made by the USSR representative during the previous meeting on the selection of members. Moreover, it was preferable that members should be chosen during the second session of the Commission on Human Rights, since the additional time would give the Commission a better opportunity of considering the prospective selections.

Dr. CHANG (CHINA) said that numerous points of the United States document required detailed discussion; the suggestion of the USSR representative should be given consideration; the composition of the sub-commission in question should be studied in connection with that of other sub-commissions. Inasmuch as the Commission had appointed a drafting sub-committee to consider the terms of reference of another sub-commission, Dr. CHANG moved that the terms of reference and the composition of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities should also be referred to that sub-committee. He further moved that, in view of the added work which the sub-committee would be called upon to perform, two new members should be added to it.

Mr. DUKES (UNITED KINGDOM) supported the motion.

The CHAIRMAN stated that the USSR motion would have to be put to the vote first.

Mr. TEPLIAKOV (USSR) withdrew his proposal in favour of the Chinese motion.

/Mr. HODGSON

Mr. HODGSON (AUSTRALIA) felt that clarification of the functions and powers of the sub-commissions was necessary. In his view, they were bodies subsidiary to the Commission, which should investigate, examine, report and make recommendations, but which did not have the authority to make independent decisions. The United States document gave the Sub-Commission powers to determine what was meant by "discrimination" and by "minorities", and set forth the principles which should be applied in the prevention of discrimination and the protection of minorities. He believed that the definition of terms and the formulation of principles should be the work of the Commission itself, and that the sub-commission should merely study and recommend the methods of applying those principles. He would like the matter resolved now, since the drafting sub-committee would be faced with the same problem.

The CHAIRMAN called attention to point 5 on the first page of the United States document, which listed the making of recommendations to the Commission as one of the functions of the Sub-Commission. The United States document contained a number of functions, but there had been no intention to contradict the basic assumption that all final decisions rested with the Commission.

Mr. MALIK (LEBANON) agreed with the Chairman that the Sub-Commission was merely a deliberating organ engaged in working out certain ideas which the Commission would be free to accept or reject. The Sub-Commission could safely be granted considerable latitude in initiating ideas, and there was no danger in permitting it to define such terms as "minorities" and "discrimination" and awaiting its report.

Mr. MALIK (LEBANON) approved the deletion of point 4 of the Functions listed in the United States document, but hoped that the drafting sub-committee would attach proper importance to the establishment of some instrument for the reception of communications which would be directly responsible to the Commission.

/With reference

With reference to the composition of the Sub-Commission, he called attention to the fact that point 2 contained no provision for ensuring continuity by appointing some of the original members for one and two year terms. He supported the Chinese motion.

Mr. HUTCHINSON (INTERNATIONAL LABOUR ORGANIZATION) said that his organization welcomed warmly the suggestion contained in the United States document that the Sub-Commission should co-operate with the specialized agencies. ILO had always attached great importance to the prevention of discrimination in the social and economic fields, and was endeavouring to secure practical application of that principle through national social legislation.

Tracing the history of his organization's efforts in the prevention of discrimination, he said that at several International Labour Conferences recommendations were adopted which contained specific provisions aimed at preventing discrimination in labour conditions in non-metropolitan areas. He cited several articles from a proposed convention on social policy in non-metropolitan territories containing provisions aimed at preventing discrimination by reason of race, colour, religion or tribal association.

Miss SPIEGEL (WORLD FEDERATION OF TRADE UNIONS) suggested the insertion, before the word "organizations" in the last line of the United States document of the words "and non-governmental".

The CHAIRMAN said that the suggestion would be communicated to the drafting sub-committee.

Mr. TEPLIAKOV (USSR) called attention to point 2 of Functions in the United States document. He felt that to ascertain where discrimination existed was a colossal task which was beyond the scope, not only of the Sub-Commission, but of the Commission itself, the terms of reference of which had been clearly established by the Economic and Social Council. The Commission's first duty was to draft the International Bill of Rights.

/Replying to

Replying to a question by Mr. EBEID (EGYPT), the CHAIRMAN said that, in the event that a member of the Sub-Commission was unable to serve for the full three-year term, a person of the same nationality would be selected to fill his place.

Dr. CHANG (CHINA) proposed that his two motions should be put to the vote separately.

The CHAIRMAN put to the vote the Chinese motion to refer the terms of reference and composition of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the drafting sub-committee.

DECISION: The motion was adopted by ten votes to none.

The CHAIRMAN put to the vote the Chinese motion to add two members to the drafting sub-committee.

DECISION: The motion was adopted by ten votes to none.

The CHAIRMAN thereupon appointed the representatives of China and Australia as additional members. In reply to a request by Mr. TEPLIAKOV (USSR), she cited the present membership of the drafting sub-committee, which consisted of the representatives of Australia, China, Lebanon, the Philippine Republic, the USSR, the United Kingdom, and the Chairman of the Commission. The Committee on Rules of Procedure consisted of the representatives of Australia, China, and the USSR, while the Committee on the Handling of Correspondence was composed of the representatives of Lebanon, the United Kingdom, and Uruguay.

The suggestion of Dr. CHANG (CHINA) that the Commission should adjourn to study documents with respect to the International Bill of Rights was accepted. It was decided that the drafting sub-committee would sit immediately following the Commission's adjournment.

The meeting rose at 3:55 p.m.
