

COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE SEVENTEENTH MEETING

Held at Lake Success, New York, on Thursday, 6 February 1947, at 11:00 a.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States of America)
Rapporteur:	Mr. Charles Malik	(Lebanon)
	Col. W. R. Hodgson	(Australia)
	Mr. F. Nieto Del Rio	(Chile)
	Mr. O. Elbeid	(Egypt)
	Mr. R. Cassin	(France)
	Mrs. Hansa Mehta	(India)
	Mr. G. Ghani	(Iran)
	Mr. C. Malik	(Lebanon)
	Col. A. Bautista	(Philippine Republic)
	Mr. V. Tepliakov	(Union of Soviet Socialist Republics)
	Mr. C. Dukes	(United Kingdom)
	Mrs. E. Roosevelt	(United States of America)
	Mr. J. A. Mora	(Uruguay)
	Mr. V. Ribnikar	(Yugoslavia)
Substitutes:	Mr. R. Lebeau	(Belgium)
	Mr. G. G. Guardia	(Panama)
	Col. A. N. Bautista	(Philippine Republic)

Representatives of Specialized Agencies:

Mr. E. Hutchison	(ILO)
Mr. G. L. Carnes	(UNESCO)

Consultant of Non-Governmental Organization:

Miss Tony Sender	(AF of L)
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Secretary of the Commission:

Prof. J. P. Humphrey	(Director, Human Rights Division)
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Consideration of Item 13 of Original Agenda (document E/CN.4/1)

The CHAIRMAN said that Item 13 had been discussed thoroughly in earlier meetings, where it had been decided to establish a drafting group to prepare

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a preliminary Draft International Bill of Human Rights for the consideration of the Commission at its next session. It had been agreed that the drafting group could ask and receive assistance from members of the Commission and from any others to whom they chose to apply.

Mrs. MEHTA (India) drew attention to the last paragraph of document E/CN.4/W.17, and asked whether the Commission was to consider the point raised there with regard to the setting up of a panel of experts.

The CHAIRMAN answered that the creation of a panel of experts would have to be approved by the Chairman of the Economic and Social Council and by the Secretary-General. She personally did not consider that such specific action would be of any use at the present time.

Mrs. MEHTA explained that her idea was that members of the Commission could, in consultation with their governments, suggest names to be put on the panel.

The CHAIRMAN said that it had already been agreed that anyone the drafting group wished to call upon could only be approached after consultation with his government.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) pointed out that the resolution whereby the drafting group had been set up had contained a clause to the effect that any members of the Commission had a right to submit names of experts. There was no need for further discussion.

Col. HODGSON (Australia) agreed with the representative from the Union of Soviet Socialist Republics that there was no need for a panel, since the resolution establishing the drafting group allowed them a considerable amount of discretion in calling upon individual experts.

Mrs. MEHTA said that, so long as the principle of the right of members to submit names of experts in consultation with their governments was accepted, she was satisfied to pass to the next item.

Item 14

The CHAIRMAN reminded those members who had served on the Nuclear

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Commission that Item 1 was based on a suggestion made by the representative from France, who had proposed that in view of the difficulties of travel at that time, it might be good to have regional conferences from time to time upon special points that might arise. It appeared to her that the point was not so important at present.

Mr. CASSIN (France) agreed that conditions had improved. His proposal, accepted in May by the Nuclear Commission, had been intended to cover the period between that date and the present session, but unfortunately there had been no possibility of a regional conference. He hoped, however, that the next session of the Commission of Human Rights might be held in Europe.

Item 15

As Item 15 had been disposed of at an earlier meeting, the CHAIRMAN passed to the next item.

Item 16

The CHAIRMAN, drawing attention to the working paper prepared by the Secretariat on the subject (document E/CN.4/W.1), said that for present purposes the discussion could be confined to consultations of the drafting group with non-governmental organizations. The Economic and Social Council had divided non-governmental organizations into Categories (a), (b) and (c). With regard to Category (a), she would suggest that the Commission should simply agree that such organizations should be encouraged to submit to the drafting group ideas for an International Bill of Human Rights.

With regard to Categories (b) and (c), the Commission might consider it sufficient to say that it would be a good working arrangement for the drafting group to receive written communications and to hear representatives of those organizations.

The SECRETARY drew the attention of members to the fact that the whole question of relations with non-governmental organizations was still before the Economic and Social Council and that a decision might be reached before the next session of the Commission. Machinery was being created to implement relations between United Nations and Categories (a), (b) and (c), and the

question arose whether the Commission would have the right to consult any body not having that status.

The CHAIRMAN thought that, pending the decision of the Economic and Social Council, the drafting group would not want to cut off any organizations which had not yet been granted status.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) considered that the question of relations with non-governmental organizations was a matter of great importance. He did not think, however, that there was any need for the Commission to make any kind of recommendation.

Mr. LEBEAU (Belgium) reminded members that the Economic and Social Council had devoted much time and effort to deciding the status of non-governmental organizations in relation to the Council itself, and that there was therefore no need for the Commission to concern itself with that. The intention of the Economic and Social Council was that non-governmental organizations should have consultative status with Commissions, and it was the duty and the right of each Commission to decide whether or not to consult them.

Mr. CASSIN (France) asked whether, pending the decision of the Economic and Social Council, the Commission was able to receive visits from non-governmental organizations. Communications in writing had been received, and the Commission might be asked later to receive someone in audience.

The CHAIRMAN shared the views expressed by the representative from Belgium, and thought that the Commission could informally allow the drafting group to proceed on the assumption that non-governmental organizations in Category (a) could consult the group and that the group could invite any organization it wished to consult.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) emphasized that, as far as the drafting group was concerned that group was to work solely under the instructions of the Commission.

With regard to relations with non-governmental organizations, it was the

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duty of the Commission to observe the Charter and the decisions of the General Assembly and of the Economic and Social Council.

He drew attention to the resolution adopted by the Social Commission on the question (document E/CN.5/W.21/Rev.1, page 26), and thought the Commission on Human Rights might well follow the framework of that decision. If necessary, he would make a formal motion to that effect.

The CHAIRMAN did not think such a motion would be needed, since the Commission had practically the same permission at the present time.

The SECRETARY explained that he had not intended to suggest that the Commission should go beyond the decisions of the Economic and Social Council. It was possible that the drafting group might want to consult agencies to whom consultative status had not been granted. The Commission might consider it advisable to make recommendations to the Council before the latter took a decision on the matter.

Mr. LEBEAU (Belgium) thought it was the duty of the Commission to suggest to the Economic and Social Council that consultative status should be granted to any organization offering assistance.

The CHAIRMAN did not consider there was any need for formal action. Until the Economic and Social Council came to a decision, the Commission could continue to use the methods used hitherto. In reply to a question from Mr. TEPLIAKOV (Union of Soviet Socialist Republics) as to whether that would mean that the group would not be empowered to consult any organizations other than those authorized by the Economic and Social Council, she answered that it had authority to consult any non-governmental organizations under the present arrangements.

Mr. CASSIN (France) thought it would be a serious matter if pending the decision of the Council, the drafting group were not allowed to receive communications from organizations whose status had not yet been established.

The CHAIRMAN stressed that both the Commission and the drafting group had the right to consult organizations not as yet recognized, while

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awaiting the final decision of the Economic and Social Council.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) referring to a remark by the representative of France, said that the Drafting Group had to carry out its task under the instructions of the Commission on Human Rights and the former should first bring to the notice of the Commission any papers or documents submitted to it by non-governmental organizations.

The CHAIRMAN pointed out that the Drafting Group had to proceed on the basis of the Rapporteur's report. A number of papers had been submitted by non-governmental organizations and they were bound to read and consider them though that did not mean that those papers would be included in the draft Bill of Rights or that that draft would be accepted without a great deal of discussion.

Mr. LEBEAU (Belgium) said that the question of non-governmental organizations was discussed in great detail by the Economic and Social Council. The Council had said that Commissions might consult those organizations placed in Category (a) or (b) either directly or through committees, and he felt that the Drafting Group should not be empowered to do any more. The Commission on Human Rights could suggest to the Economic and Social Council that certain organizations should be placed in Categories (a) and (b) because their advice was necessary for the work of the Commission.

Mr. MALIK (Lebanon), Rapporteur, referring to the remarks of the representative of the Union of Soviet Socialist Republics that the Drafting Group should have the right only to consult those papers or documents referred to it by the Commission, said that to his knowledge no such papers had been submitted to the Commission, though about twenty had been received by the Secretariat from various non-governmental organizations regarding the question of a Bill of Rights. The Drafting Group wished to know to what extent that material could be utilized in the elaboration of a draft Bill of Rights.

Mr. HODGSON (Australia) referring to Items 13, 16, 17 and 18 of the

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Agenda said that the discussion was circumscribed. The Economic and Social Council had laid down that certain bodies should be given consultative status, and he considered that the right of consultation did not mean the right to participate in the work of a Commission or Committee. The Commission should not request information direct from the non-governmental organizations as had been suggested in the last paragraph of document E/CN.4/W.17. If non-governmental organizations were given the right to participate in meetings, they might plead special cases and that might place governments in an embarrassing position.

The SECRETARY drew the attention of the representative of Australia to the fact that document E/CN.4/W.17 referred to consultation with the Commission and not to participation.

Replying to Mr. TEPLIAKOV (Union of Soviet Socialist Republics), the CHAIRMAN pointed out that the General Assembly and the Economic and Social Council had referred documents to the Commission and it had had to consider documents which had been submitted by a Member Government.

Mr. DUKES (United Kingdom) felt that specific instructions regarding consultation with non-governmental organizations should not be given to the Drafting Group. It would only impede the free development of the Drafting Group.

Mr. MALIK (Lebanon), Rapporteur, said the Commission should come to a decision as to whether the Drafting Group could only work in accordance with explicit instructions as to what documents they should refer to, or whether they should have the liberty of referring to any document which they deemed of interest to their work.

The CHAIRMAN said that the Commission should decide what the particular field of the Drafting Group should be. Item 16 of the agenda of the Commission could be disposed of by saying that the Commission would await the decision of the Economic and Social Council and not make any recommendations at the present time.

/Replying

Replying to Mr. LEBEAU (Belgium) who referred to his proposal that the Commission should suggest to the Economic and Social Council that certain non-governmental organizations should be placed in Categories (a) and (b), the CHAIRMAN said that could be done and organizations could be advised to apply to the Economic and Social Council to be included in those categories.

Mr. LEBEAU (Belgium) suggested that the Commission should submit the following recommendation to the Economic and Social Council:

"The Commission recommends to the Economic and Social Council that at its fourth meeting the Council should place in Category (b) such non-governmental organizations which at present had consultative status namely....(and here would be inserted the three or four organizations connected with the work of the Commission) and which are of interest to the Commission."

Replying to Mr. TEPLIAKOV (Union of Soviet Socialist Republics) who asked what organizations the representative of Belgium had in mind, Mr. LEBEAU said that any organization of special interest to the Commission should be placed in Category (b). He did not think it necessary to name any special organization.

Mr. CASSIN (France) wished to draw attention to the fact that the Secretariat had received a large number of draft Bills of Rights and the Drafting Group should be able to consider those documents in case they were of interest in drawing up the draft Bill of Human Rights. He felt that the Commission should not specify the number of organizations it wished to recommend for inclusion in Category (b).

The CHAIRMAN asked whether the representative of Belgium would consider a recommendation to the effect that the Economic and Social Council should receive suggestions made by members of the Commission on Human Rights, after consultation with their governments, as to the non-governmental organizations which should be placed in Category (b).

Mr. LEBEAU (Belgium) agreed with the recommendation made by the

/Chairman

Chairman and withdrew his proposal.

Mr. del RIO (Chile) asked whether the non-governmental organizations to be suggested by members of the Commission were only for consultation in connection with the drafting of the Bill of Rights.

The CHAIRMAN said that the Economic and Social Council had placed certain non-governmental organizations in Category (a) and had given them consultative status. The organizations suggested by the members of the Commission on Human Rights would be placed in Categories (b) and (c).

Mr. del RIO (Chile) suggested that a decision on the matter should not be taken at the present time.

The CHAIRMAN said that the final decision as to which non-governmental organizations would be included in Categories (b) and (c) would be taken by the Economic and Social Council, and the Commission on Human Rights could only make recommendations to the Council.

Mr. EBEID (Egypt) suggested that if the Drafting Group found that a certain non-governmental organization could be of use to them in their work they should ask the Commission for permission to consult that organization.

The CHAIRMAN felt that Item 16 should be left to the Economic and Social Council for a decision.

Mr. MALIK (Lebanon), Rapporteur, said the Draft Report of the Commission would be ready for discussion sooner if the Commission approved of it being a brief one, embodying only the decisions arrived at and referring in general to the summary records for any elaboration that might be needed.

The CHAIRMAN felt that the Report should be a brief one and should refer to the summary records. The verbatim reports should also be used for information purposes by the drafting group.

Mr. MALIK (Lebanon) Rapporteur, proposed the following:

"The CHAIRMAN, VICE-CHAIRMAN and RAPPORTEUR of the Commission, in drawing up a draft International Bill of Rights may consult any document or organization deemed by them of relevance to their work".

/Mr. DUKES

Mr. DUKES (United Kingdom) seconded the proposal of the representative of the Lebanon.

The CHAIRMAN said it should be understood that the Drafting Group, although governed by the rules of the Economic and Social Council, could still consult with organizations or with individuals if they so wished.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) supported the proposal of the representative of the Lebanon and suggested the following amendment:

"The Commission instructs the Drafting Group that in the course of its work of preparing a preliminary draft of the Bill of Rights it may consult any document received from non-governmental organizations in Category (a), and in particular the Commission desires that the Drafting Group should co-operate to the fullest possible extent with the WFTU which represents seventy-one million workers and fifty-six countries and is the most authentic body of the workers of the whole world and is very important in this particular field of work of the United Nations."

Mr. CHANG (China) said that the Drafting Group were only submitting a draft Bill of Rights and it could be left to their common sense to consider all documents submitted to them.

The CHAIRMAN said that the motion and amendment before the Commission would be discussed at the afternoon meeting.

The meeting rose at 12:50 p.m.
