

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

E/CN.4/SR.20
7 February 1947
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COMMISSION ON HUMAN RIGHTS

SUMMARY RECORD OF THE TWENTIETH MEETING

Held at Lake Success, New York, Friday, 7 February 1947, at 3:00 p.m.

Present:

Chairman:	Mrs. Roosevelt	(United States of America)
Vice-Chairman:	Mr. Chang	(China)
Rapporteur:	Mr. Malik	(Lebanon)
Members:	Colonel Hodgson	(Australia)
	Mr. del Rio	(Chile)
	Mr. Ebeid	(Egypt)
	Professor Cassin	(France)
	Mrs. Mehta	(India)
	Mr. Chomto	(Iran)
	Major Dukes	(United Kingdom)
	Mr. Toplikov	(Union of Soviet Socialist Republics)
	Mr. Ribnikar	(Yugoslavia)
Alternates:	Mr. Labeau	(Belgium)
	Mr. Guardia	(Panama)
	Mr. Bautista	(Philippine Republic)

Representatives of Specialized Agencies:

	Mr. Hutcheson	(International Labour Organization)
	Mr. Carnes	(UNESCO)
Secretariat:	Mr. Pelt	(Assistant Secretary-General)
	Mr. Cordier	(Executive Assistant to the Secretary-General)
	Mr. Stanczyk	(Director of the Department of Social Affairs)
	Professor Humphrey	(Secretary of the Commission)

Continuation of the Discussion of the Report of the Commission on Human Rights to the Economic and Social Council. (Documents E/CN.4/19 and E/CN.4/14/Rev.2.)

The CHAIRMAN read a telegram from Miss Spiegel, representative of the World Federation of Trade Unions, expressing regret at being unable to attend the meeting, and emphasizing the great interest with which the Federation was following the Commission's work, in which it considered it should take part.

/1. Discussion

1. Discussion and Vote on the Report of the Sub-Committee on the Handling of Communications. (Document E/CN.4/14/Rev.2.)

The CHAIRMAN called on Major DUKES (United Kingdom), Rapporteur of the Sub-Committee on the Handling of Communications received by the Commission on Human Rights.

Major DUKES (United Kingdom) read the Sub-Committee's report and asked for its adoption.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) was ready to accept the three first paragraphs of the report but proposed the deletion of paragraphs 4 and 5.

Mr. BAUTISTA (Philippine Republic) read a telegram from General Romulo, member of the Commission and representative of the Philippine Republic. The report on communications, in General Romulo's opinion, should be based on the following considerations:

1. The list of communications protesting against the violation of human rights should not give the names of their authors;
2. In making communications available to members of the Commission, the Secretariat should in no case reveal the identity of the authors.

Professor CASSIN (France) proposed the insertion, after paragraph 3 of the report, of an amendment drawing the Economic and Social Council's attention to the gap resulting from the Commission's absence of power to deal with communications.

Mr. LEBEAU (Belgium) paid a tribute to the Sub-Committee which had succeeded in reconciling the different points of view. He considered, however, that paragraph 5, and in particular its sub-paragraph (d), went too far, as it did not provide for the dangers which it previously indicated. Consequently, he would vote for the deletion of paragraphs 4 and 5.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) said that an element of confusion was present in the discussion. Every individual or organization undoubtedly had the right to address messages to the United Nations. The Commission, however, was bound by the Charter and the decisions of the

/General Assembly

General Assembly and the Economic and Social Council, and was not empowered to take any of the measures indicated in paragraphs 4 and 5 of the report or suggested by General Romulo.

Major DUKES (United Kingdom) recalled that, by its terms of reference, the Sub-Committee was instructed "to consider how communications should be handled". If the measures proposed in paragraphs 4 and 5 of the report were not taken, the communications would be simply filed.

Mr. CHANG (China) was ready to vote for paragraph 5 but was against paragraph 4 because it raised a question of principle. He thought it premature to say that the Commission was qualified to receive communications officially.

Mrs. MEHTA (India) was in favour of the report in its entirety.

The CHAIRMAN decided that the vote should be taken paragraph by paragraph.

DECISION: The first, second and third paragraphs were adopted unanimously.

Professor CASSIN (France) proposed the addition to Article 3 of the following amendment: "The Commission draws the Economic and Social Council's attention to the serious gap which results from the absence of this power." He did not make any proposal for bridging this gap, but hoped that the Economic and Social Council would instruct the Commission to do it.

The CHAIRMAN suggested that no mention of this gap should be made in the Commission's report but that the Rapporteur should be asked to explain the situation verbally to the Economic and Social Council.

Colonel HODGSON (Australia) objected both to the French representative's amendment and to the Chairman's suggestion. He recalled that he had voted against the setting up of the sub-committee because he considered that the Economic and Social Council had no authority to delegate the right to redress injustices to the Committee. It would be an error on the part of the Commission to accept such powers.

/Professor

Professor CASSIN (France) accepted the Chairman's suggestion and withdrew his proposed amendment.

Mrs. MEHTA (India) remarked that paragraph 4, as it stood, aimed only at permitting the examination of communications which might be of interest in the Commission's work. She considered that the Commission could do this without reference to the Economic and Social Council.

The CHAIRMAN said that these remarks would be communicated to the Council.

The Commission next examined paragraph 4 of the report, the deletion of which had been proposed by the representative of the Union of Soviet Socialist Republics.

Mr. MALIK (Lebanon) stated that it was the Commission's duty to receive all communications dealing with human rights, otherwise it might appear that it was not doing its job.

The CHAIRMAN also considered that, although the Commission had not the power of inquiry or judgment, it would fail in its duty if it did not take notice of communications.

DECISION: The Soviet proposal to delete paragraph 4 was rejected by seven votes to four.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics), in connection with the vote on paragraph 4, stated that this paragraph was in contradiction with the terms of the Charter and that the Commission in adopting it was going beyond its powers.

The Commission proceeded to discuss paragraph 5.

Colonel HODGSON (Australia) could not understand why the list of communications received should be at the disposal of the members of the Commission only. States not members of the Commission had an equal right to be informed of them. He consequently asked for the addition of the words "and other Members of the United Nations" to paragraphs (b) and (c).

The CHAIRMAN remarked that the risk of indiscretions had to be reduced.

/Colonel HODGSON

Colonel HODGSON (Australia) replied that there were indiscretions anyhow, and that the press had already obtained the text of certain communications.

Professor HUMPIREY (Secretary of the Commission) stated that the indiscretion could not be attributed to the Secretariat.

Major DUKES (United Kingdom) said that the Sub-Committee had only intended preserving the confidential character of the list of communications with a view to protecting their authors.

Mr. LEEBEAU (Belgium) thought that communications should not be answered; otherwise their authors would expect some action to be taken. He therefore proposed the deletion of sub-paragraph (d).

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) was against paragraph 5 and asked for its complete deletion for the same reasons that he had put forward against paragraph 4.

Mr. del RIO (Chile) said that he would vote for paragraph 5 with the amendment proposed by the Australian representative but with the deletion of sub-paragraph (d). The national courts, he added, were competent in all matters of violations of rights, and the Commission should only use communications received for its information.

DECISION: The proposal of the representative of the Union of Soviet Socialist Republics to delete paragraph 5 was rejected by seven votes to four.

The amendment proposed by the representative of Belgium for the deletion of sub-paragraph (d) was rejected by five votes to three.

The Commission next discussed the amendment proposed by the Australian representative to add the words "and other Members of the United Nations" to sub-paragraphs (b) and (c).

Professor CASSIN (France) was against the Australian amendment. The Commission, he said, should not transmit communications received to persons other than members of the Commission. By doing so the Commission would assume responsibilities which did not belong to it.

/Mr. EBEID

Mr. EBEID (Egypt) added that the Commission was the sole appropriate body to receive communications regarding human rights.

DECISION: The Australian representative's proposal to amend sub-paragraphs (b) and (c) was rejected by six votes to three.

Mr. BAUTISTA (Philippine Republic) recalled that the telegram from General Romulo, which he had read, was aimed at ensuring protection for the authors of communications. He therefore proposed the following amendment to sub-paragraph (b): "This confidential list and contents thereof will be furnished to the members of the Commission without divulging the identity of the authors".

Mr. MALIK (Lebanon) supported the Philippine amendment which he said stressed the word "confidentially" and endorsed the present practice of the Secretariat.

Professor CASSIN (France) added that this amendment would protect authors of communications from the indiscretions, even if unintentional, of the press.

DECISION: The amendment of the Philippine representative was adopted by five votes to two.

The report of the Sub-Committee on the Handling of Communications as a whole was adopted by nine votes to three.

2. Discussion of the Draft Report of the Commission on Human Rights to the Economic and Social Council (document E/CN.4/19)

The CHAIRMAN invited the members of the Commission to submit proposals for amendments as the Rapporteur, Mr. Malik (Lebanon), read through the text of the document.

In Chapter I, paragraph 2, the Commission decided, on the proposal of Mr. Chang (China), to delete the word "substitutes" in line 2 and to insert "represented" instead of "replaced" in the last line.

At the request of Mr. TEPLIAKOV (Union of Soviet Socialist Republics) it was decided that in lines 5 and 6 of the same paragraph, dealing with the absence of the representative of the Ukrainian Soviet Socialist Republic, the latter's name, Mr. Stadnik, be inserted, and the words "on account of illness" be added after the words "not present".

/The CHAIRMAN,

The CHAIRMAN, replying to a remark by Colonel HODGSON (Australia), said that the representative of the Byelorussian Soviet Socialist Republic was present only as an observer, and that no credentials establishing his quality as a member of the Commission had been received. So far as the representative of the Ukrainian Soviet Socialist Republic was concerned, a telegram had been received from Mr. Manuilsky, Minister of Foreign Affairs, stating that he had appointed a provisional representative to replace Mr. Stadnik at the next session of the Commission on Human Rights. This nomination did not effect the present situation in any way.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) stated that Mr. Stadnik who had been wounded by a shot during the General Assembly hoped to be able to resume his duties very shortly.

On the proposal of Mr. LEBEAU (Belgium) the Commission decided that the erroneous reference to "document E/33/Rev.1" in paragraph 7 should be replaced by reference to "document E/CN.4/W.7", whilst on the Rapporteur's proposal, the word "provisional" was added in line 2 before the word "rules".

The Commission unanimously adopted Chapter I as a whole.

Discussion on the following chapters was adjourned.

3. Discussion on the Choice of Date and Time for Holding the Twenty-first Meeting

The CHAIRMAN announced that the Secretariat had informed her that it would be impossible to provide technical services on Saturday and, furthermore, that it would not be easy to provide the necessary services for a meeting of the Human Rights Commission on Monday, 10 February, as that day was a particularly busy one. After a prolonged discussion, the Commission asked Mr. Stanczyk to consult the Secretary-General on the possibility of providing technical services, exceptionally, for a meeting on Saturday, 8 February.

Mr. PELT (Assistant Secretary-General in charge of Conference and General Services) speaking on behalf of the Secretary-General, explained that the Secretariat could not provide services for the Commission on Human Rights on Saturday, 8 February:

/(a) because

- (a) because the Assembly had laid down in the staff regulations that Saturday was not a working day;
- (b) because the Assembly had decided that members of the staff who might be called upon, in exceptional circumstances, to work on Saturdays should be remunerated at overtime rates, namely, 150 percent of the normal rate;
- (c) because the credits voted by the Assembly to cover the overtime were so small that Saturday work had to be reserved for very exceptional circumstances. The Commission on Human Rights, however, had already had the benefit of such an exception on the preceding Saturday, and there were always other Commissions invoking exceptional circumstances.

He further emphasized the necessity of not exhausting the credit reserved for overtime payments before the session of the General Assembly, which was undoubtedly the time of the year when most use would have to be made of the overtime system.

He recalled, finally, that the budget was insufficient in general: it corresponded, in fact, approximately to the working programme at the beginning of the first session, in the course of which the Assembly had itself adopted a much heavier programme for 1947 than for 1946.

In reply to a suggestion by the CHAIRMAN, he said that the Commission could not continue to sit after 6:00 p.m. as this also involved overtime payments to the technical conference staff.

Mr. LEBEAU (Belgium) and Professor CASSIN (France) supported Mr. Pelt's explanations and the Commission decided to adjourn until Monday, 10 February at 10:00 a.m.

The meeting rose at 5:40 p.m.
