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ORIGINAL: FRENCHCOMMISSION ON HUMAN RIGHTSSECOND SESSION

Summary Record of the Forty-fifth Meeting
held at the Palais des Nations, Geneva,
on Wednesday, 17 December 1947, at 9.15 p.m.

Present:

Chairman: Mrs. F.D. ROOSEVELT (United States of America)

Rapporteur: Dr. MALIK (Lebanon)

Members: Col. W.R. HODGSON (Australia)
Professor F. DEHOUSSE (Belgium)
Mr. A.S. STEPANENKO (Byelorussian S.S.R.)
Dr. WU (China)
Mr. O. LOUTFI (Egypt)
Professor R. CASSIN (France)
Mr. KLEKOVKIN (Ukrainian S.S.R.)
Mr. A.E. BOGOMOLOV (Union of Soviet Socialist
Republics)
Lord DUKESTON (United Kingdom)
Mr. J.C.C. VICTORICA (Uruguay)
Dr. V. RIBNIKAR (Yugoslavia)

Secretariat: Mr. Edward LAWSON
Miss KITCHEN

Specialized Agencies:

Mr. WEISS (International Refugee Organization)

Non-Governmental Organizations:

Category A: Miss Toni SENDER (American Federation of
Labor)
Mr. ROBINET de CLERY (Interparliamentary
Union)
Mr. SERRARENS (International Federation of
Christian Trade Unions)

Category B: Miss de ROMER (International Union of
Catholic Women's Leagues)
Mr. RIEGNER (World Jewish Congress)

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CONSIDERATION OF THE REPORT OF THE HUMAN RIGHTS
COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL

The CHAIRMAN opened discussion of the Draft Covenant on Human Rights (Document E/CN.4/77/Annex B).

Dr. MALIK (Rapporteur) pointed out that the idea of the Annexes was to incorporate the observations and comments made by representatives during the discussion, at the end of the document containing the Articles of the Covenant. He had wanted to avoid overloading the text of each Article with marginal notes. He begged the delegations to bring to his notice any comment or observation which might inadvertently have been omitted.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) noted that Annex B had only just been distributed to the members of the Commission, who had thus not had time to examine the observations closely. He urged that delegations be allowed to submit to the Rapporteur such corrections or emendations as they might wish to make to the marginal notes.

The CHAIRMAN said that these corrections could be handed in during the following day, up to 5 p.m.

Colonel HODGSON (Australia) observed that several representatives had to return home to report to their Governments. He thought that in these circumstances they should be in a position to submit a report in final form.

The CHAIRMAN pointed out that even after the documents had been distributed to the various Governments, it would still be possible to make minor corrections in writing.

Mr. VICTORICA (Uruguay) observed that he had submitted several amendments during the discussion, some of which had been supported by other delegations. He had read out observations and alternative texts, which had been translated into French, but he found no trace of them in the Report.

Dr. MALIK (Rapporteur) replied that the observations and opinions expressed by the Uruguayan representative had been recorded in the minutes of the meetings. The Report, however, was an entirely different document, and the Commission had decided that only those observations transmitted in writing to the Rapporteur, in whatever language they were drawn up, would be inserted in the Report.

Dr. WU (China), on a point of order, proposed the adoption of the Report and a decision that any corrections whether of form or of substance should be transmitted to the Rapporteur by 5 p.m. on 18 December at the latest.

Dr. MALIK (Rapporteur) said he would be at the disposal of the delegations at the Palais des Nations on Thursday from 4 - 5 p.m.

Professor CASSIN (France) urged that no alteration be made to the substance of the text.

Dr. MALIK (Rapporteur) explained that the Commission had decided at its 44th meeting, that no marginal notes could be inserted after the session had closed. Only corrections of mistakes would be permitted.

The CHAIRMAN confirmed this statement, pointing out that any additional observation or proposal involving a substantial change should be proposed before the close of the meeting. She announced that the United States delegation would propose two such changes.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) pointed out that after the first session considerable discrepancies had been discovered between the French and English texts of the Commission's resolutions or decisions. The sense sometimes differed according to the language of the text. In order to avoid any confusion which might arise from translations, he urged

that the Secretariat carefully compare the texts in different languages before transmitting the documents to the Governments.

Dr. MALIK (Rapporteur) said he could accept responsibility only for the adopted texts, the translations of which had been made by the official translators of the United Nations Secretariat, who were specialists on the subject and in whom he had every confidence.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) replied that a translation might be correct from a linguistic or grammatical standpoint, but incorrect from a political standpoint. In his opinion the translators should be assisted by a specialist in political matters.

Colonel HODGSON (Australia) pointed out that the Commission had decided to conclude its work at that meeting, and that the Rapporteur was prepared to receive any formal corrections between 4 and 5 p.m. on the following day. He noted, however, that certain delegations now wished to propose either alterations or additions which might change the substance of the text. He suggested that the Commission should continue to sit in order to hear all the proposed changes of that kind. The delegations would thus have the opportunity of considering these new proposals and if necessary of replying to them.

The CHAIRMAN proposed that it be left to the Rapporteur to judge whether any text involved a change of substance.

Dr. MALIK (Rapporteur) said he would accept no substantial change after the end of the session unless the author could prove, by reference to previous decisions, that a mistake had arisen.

Lord DUKESTON (United Kingdom) felt that it would be dangerous to embark on a discussion of the texts, which had been translated by competent specialists. He proposed, in the light

of the statement which the Rapporteur had just made, that it be left to him to judge whether an alteration constituted an improvement to the text or a change of substance.

The CHAIRMAN reminded members that the Chinese representative had moved the adoption of the Report. It had also been proposed that all alterations or additional remarks should be submitted in writing before the end of the session. She asked the Commission to vote on these two proposals jointly, with the proviso that any formal alteration, or correction of a material error, should be handed to the Rapporteur during the following day, 18 December.

Decision: The Report on the Draft Covenant on Human Rights was adopted by 2 votes to 2, with 1 abstention.

CONSIDERATION OF DRAFT ANNEX A

Dr. MALIK (Rapporteur) said that the Annex would consist of two parts: firstly all the Articles of the Declaration already adopted, and secondly the notes relating either to the document as a whole or to particular points. It would also include the comments submitted in writing by members of the Commission for insertion in the Report.

The CHAIRMAN stated that the United States delegation had submitted the four following points to the Rapporteur for insertion as footnotes:

1. Article 8: the United States delegation associated itself with the view expressed by the Australian representative.
2. Article 18: the United States delegation suggested that the second paragraph of the Article might be deleted. The provisions of this paragraph related to effective action to be taken by the United Nations rather than to the Declaration.

3. Article 29: it considered that the description given in this Article of the positive duties of the State might be deleted, since it tended to upset the balance of the other Articles of the Declaration, where these duties were not mentioned.

4. Article 34: the same observation applied.

Colonel HODGSON (Australia) requested that all the comments be read out before the close of the session.

Lord DUKESTON (United Kingdom) pointed out that all comments submitted in writing were included in the Report on the personal responsibility of the members submitting them. There was therefore no point in proceeding to read out these comments.

Colonel HODGSON (Australia) said that some of the comments might call for a reply.

Mr. DEHOUSSE (Belgium) supported the Australian representative's viewpoint.

Professor CASSIN (France) stated that he had submitted the four following comments to the Rapporteur:

1. Delete, in the Declaration, Comment No. 1 and Comment No. 2, which duplicate Comment No. 8.
2. Insert as a footnote the few lines submitted by the French delegation by way of comment when the vote was taken on the Declaration, pointing out that the Declaration represents the first fruits of eighteen months' work, and that, despite its imperfections, it breaks new ground.
3. Mention in the Convention, the text concerning Article 1 submitted by the French delegation and withdrawn, for inclusion in the preamble, at the request of the United Kingdom representative.
4. Reproduce, in the Annex, the texts proposed by

the French delegation but not adopted.

Mr. VICTORICA (Uruguay) stated that he had transmitted to the Secretariat, for insertion in the Report, comments containing proposals submitted to the meeting by Uruguay but not adopted.

Dr. MALIK (Rapporteur) announced that the Panamanian representative had submitted comments for inclusion in the Report. These contained the following observations:

1. The draft Declaration, not being binding, is neither definite nor precise.
2. The Commission unanimously adopted the proposal submitted by Panama to the effect that when the draft Declaration was examined, the so-called Philadelphia Declaration on Human Rights should be taken into consideration.
3. The present text of the draft Declaration contains, in the form of an Article, points mentioned in the draft Declaration submitted by the Panamanian Delegation in the form of comments. Furthermore, the draft Declaration contains drafting features which not all States can accept.
4. The only basis for discussion is the Declaration submitted by Panama which, in an abridged form, defines rights acceptable by all, and also indicates the duties of the State in guaranteeing those rights.

Mr. RIBNIKAR (Yugoslavia) was unable to accept the draft Declaration in its present form, but felt confident that after the suggestions of the various Governments regarding the text had been obtained, it would be possible to draw up a Declaration acceptable by all States Members of the United Nations.

Lord DUKESTON (United Kingdom) wished to add the following comment to Article 29 of the Declaration:

The United Kingdom delegation considers that the first line of the Article should be worded thus:

"Everyone has the right to work and to social security". This Article should be followed immediately by the text of Article 34, thus bringing out the exact connection between the duty of the community to provide social security and the right of individuals to work.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said he had no desire to insert any comments, but wished to revise the translation of the texts proposed by his delegation which appeared as footnotes in the Report.

The CHAIRMAN announced that the United States delegation wished to add, on page 5 of Annex B, footnote 2, third line, the words "in paragraph 5" after the word "inserted". On the third line of footnote 3, the figure 3 should be altered to 2. Lastly, footnote 3 should precede footnote 2. On page 13, in Comment No. 2, the words "on Article 20 of the Convention" should be deleted.

The CHAIRMAN put draft Annex A to the vote.

Decision: The Commission adopted draft Annex A by nine votes, with four abstentions.

Dr. MALIK (Rapporteur) said that draft Annex C was an exact replica of the Report of the Working Group on Implementation. It also contained notes submitted for insertion by members of the Commission. These included in particular a note by the representative of Uruguay.

The CHAIRMAN put draft Annex C to the vote.

Decision: The Commission adopted draft Annex C by nine votes to five.

The CHAIRMAN put to the vote Chapters VIII to XII of the Report.

Decision: The Commission adopted Chapters VIII to XII of the Report by eight votes, with four abstentions.

The CHAIRMAN conveyed the Commission's thanks to the members of the Secretariat of the Human Rights Division for the hard work they had done and the valuable help they had given during this session of the Human Rights Commission. She cited Professor J.P. Humphrey, Director of the Human Rights Division, Mr. Lawson, Mr. E. Giraud, Mr. Hekimi, Miss Chait, Miss Kitchen and Miss Laroque.

The CHAIRMAN, on behalf of the Commission, also thanked and congratulated the Interpreters: Mme. Himly, Mr. Chatenay, Mr. Confino, Mr. Lambert-Lammond and Mr. Samarine. In conclusion, she expressed the Commission's thanks to the minute writers.

Mr. ROBINET de CLERY (Inter-Parliamentary Union) tendered thanks on behalf of the Category "A" and "B" Non-Governmental Organizations for the part which they had been permitted to play in the Commission's work.

The meeting rose at 11 p.m.