

# ECONOMIC AND SOCIAL COUNCIL

# CONSEIL ECONOMIQUE ET SOCIAL

E/AC.7/SR.14  
4 August 1947

ORIGINAL: ENGLISH

## FIFTH SESSION SOCIAL COMMITTEE

### Summary Record of the Fourteenth Meeting

Held at Lake Success, New York, on Wednesday 30 July 1947 at 11:00 a.m.

#### Present:

Chairman:	Mr. Moe	
	Mr. Kaminsky	(Byelorussian Soviet Socialist Republic)
	Mr. Davidson	(Canada)
	Mr. Larrain	(Chile)
	Mr. Wu	(China)
	Mr. Osuna	(Cuba)
	Mr. Stolz	(Czechoslovakia)
	Mr. de Folin	(France)
	Mr. Ahmad	(India)
	Mr. Malik	(Lebanon)
	Mr. Van der Mandele	(Netherlands)
	Mr. Perry	(New Zealand)
	Mr. Haar	(Norway)
	Mr. Seyersted	(Norway)
	Mr. Benavides	(Peru)
	Mr. Sur	(Turkey)
	Mr. Gore-Booth	(United Kingdom)
	Mr. Kotschnig	(United States of America)
	Mr. Borisov	(Union of Soviet Socialist Republics)
	Mr. Zuloaga	(Venezuela)

#### Representatives of Specialized Agencies:

Miss Maass	UNESCO
Miss Bach	FAO

#### Consultants of Non-Governmental Organizations:

Category A:	Miss Sender	AFL
	Miss Spiegel	WFTU
Secretariat:	Mr. Benson	Acting Assistant Secretary-General for Trusteeship Affairs
	Mr. Stanczyk	Representing the Assistant Secretary-General for Social Affairs
	Professor Humphrey	Director, Division of Human Rights
	Mr. Wieschhoff	Acting Director, Division of Trusteeship

1. Continuation of Discussion on Chapter V of the Report of the Commission on Human Rights. (documents E/259, E/AC.7/24, E/AC.7/26).

The CHAIRMAN opened the meeting and drew the attention of the Committee to the United States amendment to paragraph (d) of the New Zealand proposal (document E/AC.7/24) upon which decision had been

/held over

held over when the votes had been equally divided at the previous meeting.

Mr. DAVIDSON (Canada) pointed out that the identity of the writers of all communications concerning human rights must be protected and proposed that an indication of the substance and not copies of communications be forwarded to the Trusteeship Council.

Mr. KAMINSKY (Byelorussian Soviet Socialist Republic) raised the question as to whether it was appropriate to vote on a matter of principle before paragraph (d) as a whole had been voted on.

The CHAIRMAN ruled that according to the rules of procedure the Committee should vote on the amendments first.

Mr. KOTSCHNIG (United States of America) expressed the opinion that it was unnecessary to discuss the Canadian representative's point since the responsibility for safeguarding the writer lay with the Trusteeship Council.

Mr. GORE-BOOTH (United Kingdom) supported the United States representative and felt sure that the Secretariat of the Economic and Social Council would draw the attention of the Trusteeship Council to the importance attached by the Committee to that point.

Mr. WIESCHHOFF (Secretariat) stated that according to the rules of procedure of the Trusteeship Council the identity of the writer was protected.

Mr. DAVIDSON (Canada) stated that he would not press a formal amendment.

Mr. BORISOV (Union of Soviet Socialist Republics) could not accept the proposal relating to the transmission to the Trusteeship Council of the communications from trust territories. He noted that there were no recommendations in the Report of the Commission concerning the transmission of communications to the Trusteeship Council. He did not agree that the Commission should be deprived of its right to examine such communications from trust territories and make appropriate recommendations.

Mr. FERRY (New Zealand) proposed that the Trusteeship Council be asked to consider the question and advise on the procedure to be adopted.

The CHAIRMAN suggested that the point raised by the representative of Canada should be referred to the Joint Committee of the Trusteeship Council and the Economic and Social Council which was scheduled to meet shortly.

Mr. KAMINSKY (Byelorussian Soviet Socialist Republic) felt that, in connection with the question of jurisdiction, a writer who desired that his petition should be considered by the Commission of Human Rights should have it so considered. In view of the additional machinery involved in handling the work of transfer, he questioned whether communications should be transferred to the Trusteeship Council.

Mr. DAVIDSON (Canada) could not accept the present text of the proposal. He proposed that the question be dropped for the time being and an attempt made to work out a suitable text in conjunction with the Trusteeship Council.

/In reply

In reply to a question from the Chinese representative, Mr. BENSON (Secretariat) stated that there were no specific provisions for forwarding communications concerning Human Rights to the Commission in the rules of procedure of the Trusteeship Council, though paragraph 105 directed that the Council should, when appropriate, avail itself of the advice of the Economic and Social Council.

Mr. MALIK (Lebanon) questioned the propriety of the proposed action which requested the Secretary-General to do something which the Trusteeship Council should do.

He felt that regardless of the ultimate jurisdiction any communications concerning human rights should receive the comments of the Commission on Human Rights. He proposed the wording: "to forward to the Trusteeship Council any comments that the Commission on Human Rights might wish to make on communications concerning Human Rights and appertaining to the trust territories."

Mr. KOTSCHNIG (United States of America) supported the Canadian proposal that the matter be dropped for the present and referred to the Joint Committee of the Trusteeship Council and the Economic and Social Council.

DECISION: The Committee decided to refer consideration of the inclusion of a paragraph concerning communications relating to trust territories to the Joint Committee of the Trusteeship Council and the Economic and Social Council, by fourteen votes to none, with four abstentions.

2. Paragraph 4 (a) of the Report of the Drafting Sub-Committee Concerning Paragraph 21 (d) of Chapter V of the Report of the Commission on Human Rights (E/AC.7/26).

Mr. KOTSCHNIG (United States of America) moved the adoption of paragraph 4 (a) as drafted.

Mr. KAMINSKY (Byelorussian Soviet Socialist Republic) raised the question of the method which would be used in acknowledging communications and whether it would not in effect mean divulging the identity of writers.

He also felt that consideration should be given to the amount of work involved.

Mr. KOTSCHNIG (United States of America) replied that only the Secretary-General and not the Commission would know the names of the writers.

DECISION: Paragraph 4 (a) of the Drafting Sub-Committee's Report was adopted by fifteen votes to none, with three abstentions.

3. Paragraph 4 (b) of the Drafting Sub-Committee's Report Concerning Paragraphs 21 (c) and 23 of Chapter V of the Report of the Commission on Human Rights (E/AC.7/26)

Mr. DAVIDSON (Canada) proposed the adoption of the paragraph.

The CHAIRMAN proposed that paragraph 23 under 4 (a) be taken first.

/Mr. DE FOLIN



Mr. DE FOLIN (France) raised a question of procedure as to whether paragraph 23, which contained a reference to paragraph 21 (c), could be voted upon before paragraph 21 (c).

Mr. MALIK (Lebanon) supported the French representative, pointing out that this raised the question as to whether certain communications would or would not be made available in the original.

Mr. GORE-BOOTH (United Kingdom) and Mr. DAVIDSON (Canada) supported the Chairman since it had been decided in the previous meeting that paragraph 21 (c) could not be dealt with until a decision had been reached on paragraph 23.

Mr. MALIK (Lebanon) accepted the proposal but pointed out that should paragraph 21 (c) be altered or not accepted, a reconsideration of paragraph 23 would be necessary.

DECISION: Paragraph 23 as redrafted in paragraph 4 (b) of the Sub-Committee's Report was adopted by twelve votes to one, with two abstentions.

Mr. MALIK (Lebanon) felt that the wording of paragraph 21 (c) in the Sub-Committee's Report which was identical with paragraph (c) of the New Zealand proposal, (document E/AC.7/24) would limit the powers of the Commission on Human Rights by placing the responsibility for decision upon the Secretariat as to which communications dealt with complaints and which were concerned with principles. He felt that responsibility would lie with the Commission. He suggested the deletion of the phrase "dealing with the principles involved in the promotion of universal respect for and observance of human rights."

Mr. VAN DER MANDELE (Netherlands) supported the proposal of the representative of Lebanon and drew attention to the paper submitted by the Czechoslovak Delegation (document E/AC.7/27).

Mr. PERRY (New Zealand) explained that the purpose of point 21 (c) was to protect the Commission on Human Rights from becoming the complaints bureau of the United Nations. He pointed out that the procedure, if adopted, might be provisional, subject to change should it prove to be impracticable. It would be easier to reverse the decision, if the initial responsibility were left to the Secretary-General, than if the world knew that their communications went before the Commission.

Mr. MALIK (Lebanon) suggested the following wording: "the originals of those communications recommended by the ad hoc committee under paragraph 23 below be made available to members of the Commission on request."

Mr. DAVIDSON (Canada) supported the New Zealand proposal inasmuch as he believed it established a guiding principle for the ad hoc committee.

/Mr. AHMAD

Mr. AHMAD (India) considered that adoption of the amendment of the representative of Lebanon would eliminate the need for point 21 (c) since the Secretariat would naturally make available those communications recommended by the ad hoc committee. In his opinion, the importance of the item lay in the principle it established, without which point 21 (c) became redundant.

DECISION: Paragraph 21 (c) was adopted by ten votes to three, with five abstentions.

4. Proposal Submitted by the Czechoslovak Delegation (E/AC.7/27).

Mr. STOLZ (Czechoslovakia) thought it would be useful to both the Commission on Human Rights and the Secretariat to have certain qualifications for those communications to be examined by the Commission.

Mr. DE FOLIN (France) supported the Czechoslovak proposal.

Mr. AHMAD (India) pointed out that the previous adoption of point (a) of the New Zealand proposal (document E/AC.7/24) rendered the Czechoslovak amendments out of order.

Mr. WU (China) suggested that the Czechoslovak proposal might be an additional paragraph.

Mr. GORE-BOOTH (United Kingdom) raised the question as to who was to judge the qualifications. To whom must the intention to protect human rights be evident? By whom were the communications to be authenticated?

Mr. STOLZ (Czechoslovakia) felt the same objection could be made to paragraph 21 (c).

Mr. KAMINSKY (Byelorussian Soviet Socialist Republic) considered it essential to set up such standards and criteria as were expounded in the Czechoslovak proposal.

Mr. DAVIDSON (Canada) stated that he could not support the proposal. Whereas point 21 (c) was fairly objective in making a distinction between complaints and principles, the Czechoslovak proposal, in his mind, involved subjective analysis.

Mr. KOTSCHNIG (United States of America) thought it unjustifiable to discard communications solely on the basis of anonymity.

Mr. BORISOV (Union of Soviet Socialist Republics) however felt the Commission should not concern itself with anonymous communications.

DECISION: The proposal of the Czechoslovak Delegation was rejected by ten votes to four.

5. Proposal Submitted by the Delegation of the United Kingdom (E/AC.7/25).

Mr. GORE-BOOTH (United Kingdom) explained that his Delegation felt the need for a country to be made aware of communications in which it was concerned. He pointed out that Member States not members of the Commission would be furnished only with a brief indication of the contents of the Communications.

/At the

At the suggestion of Mr. MALIK (Lebanon) it was agreed to add the phrase "without divulging the identity of their authors."

To clarify the meaning of the word "territory" it was decided to add the phrase "to such State or to territory under its jurisdiction" after the word "explicitly".

DECISION: The proposal of the Delegation of the United Kingdom, as amended, was adopted by thirteen votes, with four abstentions.

6. The CHAIRMAN stated that the Committee would proceed to vote on Chapter V of the Report of the Commission on Human Rights as a whole, with the reservations concerning communications relating to trust territories.

DECISION: Chapter V of the Report of the Commission on Human Rights was adopted by fourteen votes to two, with two abstentions.

Mr. MALIK (Lebanon) pointed out that the Committee had, in reality, adopted a draft resolution for the Economic and Social Council rather than Chapter V, which had already been adopted by the Commission on Human Rights.

7. The CHAIRMAN requested the Drafting Sub-Committee, previously appointed to consider paragraphs 21 (d), 21 (c) and 23 of Chapter V, to adapt the decisions taken with regard to the Report of the Commission on Human Rights to the Report of the Commission on the Status of Women.

The meeting rose at 1:30 p.m.

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