

COMMISSION ON HUMAN RIGHTS OF THE ECONOMIC AND SOCIAL COUNCIL

SUMMARY RECORD OF MEETINGS

FIFTEENTH MEETING

Held on Wednesday, 15 May 1946, 2 P. M.

Chairman: Mrs. Franklin D. Roosevelt

The fifteenth meeting was devoted to a review of the draft report of the Commission on Human Rights to the Second Session of the Economic and Social Council (E/HR/19).

The Chairman suggested that Mr. K.C. Neogy, Rapporteur, might read the report in sections and that members should suggest corrections after the reading of each section, if such correction were found to be necessary.

Mr. Neogy read the preamble.

Mr. Borisov requested that the footnote on Page 1 (E/HR/19) be changed, as no letter had been transmitted from the U.S.S.R. Government to the Secretary-General authorizing Mr. Kriukov to take part in the meetings of the Commission as a member. Therefore, Mr. Kriukov had to be considered as an observer.

The Chairman suggested that the Commission might state that Mr. Borisov was named a member of the Commission, that Mr. Kriukov sat for him until 13 May, when Mr. Borisov arrived. Although no letter of authorization was received, the Commission was not informed, either by letter or by Mr. Kriukov himself, that he was to be considered an observer. He was accepted as a voting member and his votes were recorded. The Chairman suggested that Mr. Borisov would have the opportunity to propose any changes in the report that he considered necessary.

The Chairman asked Mr. Neogy to make the necessary changes in the footnote on Page 1 and Borisov agreed that he would suggest changes in the report, but would vote on the report as a whole.

Terms of Reference (E/HR/19, Page 2)

The Secretary explained to Mr. Borisov why item (e), Report of the Preparatory Commission, Page 36, Paragraph 16 had been deleted from the terms of reference of the Commission (E/27), and the Chairman explained why the Commission felt that a clause, substantially on the lines of the original (e) should be added.

Mr. Borisov then agreed with the recommendations concerning terms of reference.

Programme of Work (E/HR/19)

Mr. Neogy pointed out that Paragraph 7 (Page 3, E/HR/19) had been inserted at the suggestion of Dr. Hsia.

M. Cassin felt that the members had not had enough time to study the report and could not, therefore, propose amendments in writing. He suggested that, while the report reproduced faithfully the intentions of the Commission, it should give more expression to the spirit in which the Commission met and should, in addition to the text of the Resolution, contain some of the considerations of the Commission in arriving at its resolutions.

As to the paragraph suggested by Dr. Hsia, M. Cassin felt that the protection of national minorities should not be mentioned, as the paragraph dealt with the rights of man, and minorities were only one of the groups that needed protection.

The Chairman agreed that such additions were desirable and asked M. Cassin to work out amendments with Mr. Neogy and the Secretary.

Mr. Neogy felt that Paragraph 7 of Programme of Work (E/HR/19, Page 3) needed clarification. He pointed out that the Economic and Social Council could not give any "power" to the Commission on Human Rights which it did not have itself.

Dr. Hsia explained that he had mentioned the protection on minorities in the statement he proposed for inclusion in the report (E/HR/19, Programme of Work, Paragraph 7), as human rights alone were too large a concept; people

would understand better if a specific case were mentioned. He had included the second sentence because he shared Mr. Neogy's question as to the powers which the Economic and Social Council could grant, and wanted clarification from the Council.

The Chairman stated that protection of minorities might, in many cases, be a matter of national concern and not within the powers of the United Nations but if a Sub-Commission on Freedom of Information and of the Press were established and agreement could be reached, the knowledge of instances where protection might be necessary would become world-wide and the first step in remedying the situation would thereby be taken.

The Chairman suggested that Dr. Hsia meet with the Rapporteur to change the wording of the seventh paragraph, where necessary.

M. Cassin proposed that under Terms of Reference (E/HR/19, Page 2) a statement should be included that the terms of reference might have to be enlarged to enable the Commission to deal with tasks which it might have to consider in the future. He explained that one of its tasks might be the development of an international penal code or provisions against the traffic in women and children.

The Chairman agreed that the terms of reference should be elastic enough to allow the Commission to accept further tasks, but pointed out that the problem of "traffic in women and children" had been delegated to the Temporary Social Commission.

Mr. Neogy then read the recommendations of the Commission concerning documentation and it was accepted by the Commission. After Mr. Neogy had read the resolution dealing with draft recommendations, M. Cassin pointed out that under Section II, Point 3, Sentence 2, (E/HR/19) to be amended to read:

"If such conferences should prove impracticable before the convening of the full Commission, the advice of individual experts from different regions should be sought".

The amendment was accepted.

"Agency of Implementation" (E/HR/19, IV) was amended to read:

"Provisions for Implementation"

It was decided to change the order of sections in the draft report, and to deal with the definitive composition of the Commission (E/HR/19, Page 7), before the Sub-Commission on Freedom of Information and of the Press (E/HR/19).

Mr. Borisov took exception to I(a) (E/HR/19, Page 8) concerning type of membership and method of selection. He pointed out that if (a) were accepted by the Council, the Commission on Human Rights would have no similarity to other bodies of the United Nations and that its members would only represent themselves and would have no direct relations with their governments. They would be specialists in limited fields and would not have the authority of government representatives which they would need if their resolutions and decisions were to be carried through. As to I(c) (E/HR/19, Page 8) he felt that no nation should be allowed to nominate nationals of another State as possibly a Quisling might be nominated as expert by another nation, and that such a provision was unnecessary, as each nation would have enough experts among its own nationals.

The Chairman explained that members of the nuclear Commission on Human Rights had been appointed by the Economic and Social Council as individuals, that during the discussions on the type of membership, the question of government representatives had been considered, and that the Commission had agreed that governments should have the right to make two nominations each, but that the Economic and Social Council should have the authority to appoint the members from this panel as individual experts. As to (c), the Chairman did not feel that there was any danger that a Quisling might be nominated as expert, but she felt that in rare cases, more than one government might want to nominate an outstanding person. Mr. Borisov suggested that the method of selection I(a), (E/HR/19, Page 8) could apply to experts but not to members of the Commission.

The meeting was adjourned at 4:30 P.M.