

HUMAN RIGHTS COMMISSION

FIRST SESSION

SUMMARY RECORD OF THE FIFTH MEETING

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

Present:

Chairman:	Mrs. Roosevelt	(United States)
Vice-Chairman:	Mr. P. C. Chang	(China)
Rapporteur:	Mr. Charles Malik	(Lebanon)
	Col. William Roy Hodgson	(Australia)
	Mr. Roland Lebeau	(Belgium)
	Mr. Osman Ebeid	(Egypt)
	Mrs. Hansa Mehta	(India)
	Mr. Ghassame Ghani	(Iran)
	General Carlos P. Romulo	(Philippine Republic)
	Mr. V. F. Tepliakov	(USSR)
	Mr. Charles Dukes	(United Kingdom)
	Mr. José A. Mora	(Uruguay)

Representatives of Specialized Agencies:

Mr. Valere Darchambeau	(UNESCO)
Mr. Eric W. Hutchison	(ILO)

Representatives of Non-governmental Agencies:

Miss Sender	(AFL)
Miss Spiegel	(WFTU)

The CHAIRMAN read a communication from the Representative of Panama,  
Mr. Ricardo J. Alfaro:

"In view of inability to be present at the session of the Commission on Human Rights beginning 27 January, I have designated Licenciado German Gil Guardia to act as my personal representative in the Commission and Guillermo Herrera y Franco and John R. Ellington to act as his advisors with authority to participate in debates as may be required. Please consider this message as their credentials. Formal document follows....R. J. Alfaro, Minister of Foreign Relations."

/1. Discussion

1. Discussion of Item 2 of the Agenda (document E/CN.4/5) - Establishment and Terms of Reference of the Sub-Commission on Freedom of Information and the Press.

Colonel HODGSON (AUSTRALIA) recalled that he had earlier advocated consolidation of Items 8, 11, 12 and 13 of the first Agenda, as these items were integrally connected. If the Commission set up Sub-Commissions before considering the general principles involved in the Bill of Rights, it would be discussing terms of reference before the tasks were known. His Government was opposed, in any event, to the formation of too many sub-commissions which might deviate along paths of their own. He suggested not deletion, but postponement of Item 10, and that Items 11 and 12 should be amalgamated.

The CHAIRMAN referred to paragraphs 6 and 7 of document E/CN.4/W.11 and, as representative of the United States, stated that her Government was in favour of setting up the Sub-Commission on Freedom of Information and of the Press.

General ROMULO (PHILIPPINE REPUBLIC) said he agreed with the second part of Colonel Hodgson's suggestion but not the first. The Sub-Commissions would study various aspects of the International Bill of Rights, and that on Freedom of the Press would be of material help in preparing for the International Conference on Freedom of Information.

Colonel HODGSON (AUSTRALIA) said he had not realized the part the Sub-Commission would play in this and withdrew his motion.

Mr. TEPLIAKOV (USSR) stated that there was no resolution of the General Assembly regarding this function of the Sub-Commission.

The CHAIRMAN agreed but referred to paragraph 7 of document E/CN.4/W.11 and said that the Economic and Social Council might decide that the Commission on Human Rights was the proper body to prepare the Conference, and the Commission might be faced later with the problem of hurriedly creating machinery.

General ROMULO (PHILIPPINE REPUBLIC) said he wished to place on

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record paragraph 15 of document E/CN.4/W.11. He moved "that the Commission of Human Rights establish a Sub-Commission on Freedom of Information and of the Press in accordance with our terms of reference."

Mr. MALIK (LEBANON) seconded the motion.

Mr. TEPLIAKOV (USSR) said he would not oppose the motion, but wished to ask whether the Sub-Commission's work would be preparation of the Conference, or whether it would function as anticipated by the Economic and Social Council. He favoured the latter; the former was merely an additional task.

General ROMULO (PHILIPPINE REPUBLIC) explained that his motion was solely to create a sub-commission in accordance with the Commission's Terms of Reference.

Mr. MALIK (LEBANON) said the creation of the Sub-Commission recognized that this was an important field of human rights, so important that it required a permanent organ of the United Nations. One of the first tasks of the Sub-Commission would be the preparation of the International Conference. He thought that once the Sub-Commission was established, determination of its Terms of Reference should be referred to a smaller sub-committee which would elaborate them and submit them to the Commission.

Mr. DUKES (UNITED KINGDOM) said there should be no hesitation about setting up the Sub-Commission. Freedom of information was one of the basic human rights.

Mr. LEBEAU (BELGIUM) agreed with Mr. Tepliakov that it was the task of the Economic and Social Council to call the Conference. He favoured the Sub-Commission, but as defined by the Economic and Social Council.

The CHAIRMAN, speaking as the United States Representative, said that the mandate to set up the Sub-Commission was clear. Possibly certain changes in the Terms of Reference might be recommended. The Commission would be able to discuss later how it would be composed and what its Terms of Reference would be.

/Mr. CHANG

Mr. CHANG (CHINA) suggested that the motion would be more clear if the last phrase were dropped.

General ROMULO (PHILIPPINE REPUBLIC) agreed with Mr. Chang, and accordingly moved "that the Commission on Human Rights establish a Sub-Commission on Freedom of Information and of the Press."

This was seconded by Mr. Dukes and carried by 10 votes to nil.

The CHAIRMAN said that before proceeding to discussion of the composition of the Sub-Commission and Terms of Reference, a document incorporating suggestions made by the United States would be circulated (documents E/CN.4/7 and E/CN.4/8).

Mr. CHANG (CHINA) supported the proposal of the Lebanese Representative to appoint a sub-committee of three to go over the various points, formulate Terms of Reference, and report back to the Commission. He emphasized the importance of responsibility of the press as well as freedom of the press.

Mr. TEPLIAKOV (USSR) said he moved to confirm the Terms of Reference as outlined by the Economic and Social Council. After the International Conference on Freedom of the Press, the Terms of Reference might be reconsidered. Secondly, he moved to set up a Sub-Commission of seven Representatives of Governments.

Mrs. MEHTA (INDIA) made a general statement regarding her Government's view as to what the Sub-Commission should consider. India's interest was the logical outcome of a long struggle to maintain freedom of the press within her own borders. India imposed a minimum of restrictions on foreign correspondents and agencies and wished to see this freedom established in the international sphere. India maintained certain reservations, especially in regard to safeguarding against monopolies of the press. In the past, also, India had seen the flow of news to and from India used in such a manner that nationals abroad had been cut off from cultural relations with their own country. She objected to the false picture of India which was spread abroad and to the false picture which nations received of one

Mr. CHANG (CHINA) said that perhaps the Sub-Commission's Terms of Reference should be a little more definitive, suggestive, and inclusive than the words of the resolution of the Economic and Social Council, even though the general principles were acceptable.

Mr. DUKES (UNITED KINGDOM) drew the Members' attention to the statements made by the United Kingdom Representative at a meeting of the Third Committee on 20 November 1946 concerning the Agenda of the proposed International Conference on Freedom of Information (paragraph 8 of document A/229). He would like to see the four points which had been emphasized by the United Kingdom Representative brought to the notice of the sub-committee.

The CHAIRMAN, speaking as the United States Representative, said she would like Members to consider also the changes the United States thought should be made in the Terms of Reference (documents E/CN.4/7 and E/CN.4/8).

Mr. MALIK (LEBANON) moved "that this Commission appoint a small sub-committee of three or four to go over the suggestions made concerning the Terms of Reference of the Established Sub-Commission on Freedom of Information and of the Press and to report thereon to this Commission later."

This was seconded by General ROMULO.

Mr. MALIK (LEBANON) added that the Sub-Commission was one of the most important organs of the United Nations. His own country accorded the greatest liberty both to its own and to the international press. He outlined the various points of view advanced on Terms of Reference for the Sub-Commission, and stated that in view of the importance of this matter, the suggestions could best be considered by a sub-committee.

General ROMULO (PHILIPPINE REPUBLIC) emphasized the consideration which should be given to freedom of information in undeveloped areas. Information from these sources should be as unbiased as possible, as

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people in such areas had no means of communication other than that furnished by established news agencies.

The resolution of the Lebanese Representative was carried by 9 votes to 2, and the Chairman nominated the Representatives from Lebanon, the USSR, the United Kingdom and the Philippine Republic, with the Chairman herself ex officio, as members of the sub-committee.

Mr. CHANG (CHINA) suggested that the sub-committee also be given the task of determining the composition of the Sub-Commission.

Mr. TEPLIAKOV (USSR) recalled his previous motion on the issue of composition, and suggested that it now be considered.

Mr. CHANG (CHINA) pointed out that there were several problems such as relationship with Specialized Agencies to be discussed in relation to the composition of the Sub-Commission. The Representative of the USSR, who was also on the recently appointed sub-committee, could place his suggestions before it.

Mr. MORA (URUGUAY) called the Commission's attention to paragraphs 9 and 10 of the working paper (document E/CN.4/W.11).

Mrs. MEHTA (INDIA) agreed with Mr. Chang that it was wise to let the sub-committee discuss the composition as well as the Terms of Reference of the Sub-Commission, and seconded his motion.

Mr. TEPLIAKOV (USSR) said he was willing to withdraw his motion provided the question of composition was considered later along with the composition of the other Sub-Commission or Sub-Commissions.

Colonel HODGSON (AUSTRALIA) stated that the morning's discussion had reinforced his previous view concerning the setting up of the Sub-Commission. He had withdrawn his objection in the belief that the Sub-Commission's main function would be to prepare for the International Conference. It seemed that was not so. It was also apparent that the Sub-Commission would not be able to assist the Commission in its immediate

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task. It should be the task of the Conference, not of the Commission, to discuss the composition of permanent machinery such as they were setting up. There was danger of overlapping and duplication.

Mr. CHANG's proposal was carried by 9 votes to 2.

Mr. TEPLIAKOV (USSR) pointed out that his own motion was consequently rejected and he withdrew it.

The meeting adjourned at 1:00 p.m.

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