

COMMISSION ON HUMAN RIGHTS**FIRST SESSION****SUMMARY RECORD OF THE SEVENTH MEETING**

Held at Lake Success, New York, on Friday, 31 January 1947, at 11:00 a.m.

Present:

Chairman: Mrs. Roosevelt (United States of America)

Vice-Chairman: Dr. P. C. Chang (China)

Rapporteur: Dr. Charles Malik (Lebanon)

Members: Col. William Roy Hodgson (Australia)
 Mr. T. Kaminsky (Byelorussian Soviet Socialist Republic)
 Dr. P. C. Chang (China)
 Dr. Osman Ebeid (Egypt)
 Mr. Cassin (France)
 Mrs. Hansa Mehta (India)
 Dr. Ghassame Ghani (Iran)
 Dr. Charles Malik (Lebanon)
 General Carlos P. Romulo (Philippine Republic)
 Mr. Charles Fukes (United Kingdom)
 Mrs. Eleanor Roosevelt (United States of America)
 Mr. V. F. Tepliakov (Union of Soviet Socialist Republics)
 Mr. Jose A. Mora (Uruguay)
 Mr. Ribnikar (Yugoslavia)

Substitutes: Mr. Lebeau (Belgium)
 Mr. Guasdia (Panama)

Representatives of Specialized Agencies: Mr. Eric W. Hutchison (International Labour Organization)
 Mr. Valere Darchambeau (UNESCO)

Consultants:**Non-governmental Organizations:**

Miss Sender (AFL)
 Miss Lena Spiegel (WFIU)
 Mr. Wallace Campbell (International Co-operative Alliance)

Secretary of the Commission:

Prof. J. P. Humphrey (Director, Human Rights Division)
 Mr. Jan Stanezyk

/Discussion

Discussion of Item 2 of the Agenda: International Bill of Rights (E/CN.4/4, E/CN.4/W.4).

The CHAIRMAN called the attention of the Commission to the working paper on an International Bill of Rights prepared by the Secretariat (E/CN.4/W.4) and to the United States proposals contained in document E/CN.4/4. Both papers brought up the same points, except that the Secretariat document suggested a third alternative whereby the bill might take the form of an amendment to the Charter.

Mrs. ROOSEVELT, speaking as United States representative, considered that the Charter should be kept flexible and general in order to meet new problems and situations. She hoped that the Commission would first discuss the other two alternatives (a declaration or other act of the General Assembly, or a multilateral convention), and that it might not be necessary to consider the third suggestion.

The CHAIRMAN proposed that the Commission should examine the form of the proposed bill before going into its substance, and called the attention of the Commission to paragraph II (1) of the United States proposals, which expressed the views of the United States delegation in that respect.

Mrs. MEHTA (India) supported the United States proposal to prepare the bill in the form of a declaration on human rights and fundamental freedoms to be adopted as a General Assembly resolution. She considered, moreover, that this bill should eventually become an integral part of the Charter and a fundamental law of the United Nations.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) believed that the Commission should not vote on any definite points until all aspects of the bill had been examined. A decision as to the legal form of the bill would be premature at the present stage of discussion.

Mr. DUKES (United Kingdom) felt that the Commission should first proceed with a general ad hoc discussion covering the entire bill and then deal with specific points, with a view to reaching an agreement on those questions before the end of the present session. He doubted, however, that the Commission could take a decision on the legal form of the bill during this session.

/General ROMULO (Philippine Republic)

General ROMULO (Philippine Republic) agreed with the representative of the United Kingdom that the Commission should begin with a general debate and decide subsequently on specific points.

Mr. LEBEAU (Belgium), supported by Mrs. MEHTA (India), considered that the legal form of the bill would determine to a large degree its substance. The representative of Belgium agreed with the view taken by Mrs. Roosevelt that the Commission should not proceed with a general debate until an agreement had been reached on the legal form of the bill.

Mr. CASSIN (France) suggested that the Commission should proceed with a general debate based on the proposals submitted by the United States, and then discuss in greater detail the contents of the bill, taking no vote until all aspects of the question had been examined.

Mr. CHANG (China) considered that the Commission should take no vote at the present stage of discussion; he suggested, however, that it should proceed on the assumption that the bill would be drafted as a General Assembly resolution, and discuss the substance of the bill on that basis.

The Commission agreed to follow the procedure proposed by the representative of China.

The CHAIRMAN suggested that the Commission should proceed to examine paragraph II(2) of the United States proposals, which listed different categories of rights to be taken into consideration. She remarked the paper prepared by the Secretariat also contained suggestions as to the contents of the bill, but proposed that the Commission should be guided by the United States document which gave a briefer description of the matter. In reply to a question from the representative of the United Kingdom whether the United States document should be regarded as a form of agenda, Mrs. Roosevelt explained that this document had been prepared purely for convenience of discussion.

Mr. CHANG (China) pointed out that the preamble suggested in the document prepared by the Secretariat appeared to have been omitted from

/the United States

the United States proposals. He emphasized that the bill should include a preamble propounding the philosophy on which the bill was based.

At the present time it was necessary to affirm and enlarge the difference existing between man and animal. A standard should be established with a view to elevating the concept of man's dignity and emphasizing the respect of man: that principle should be embodied in a preamble to the International Bill of Rights.

In reply to a question from the representative of Australia regarding the nature of the standard envisaged for the application of human rights, Mr. Chang went on to explain that the principle of human rights should be given universal application regardless of human level. He had referred to a minimum standard as a means of increasing the stature of man as opposed to animal.

In conclusion, the representative of China urged the Commission to bear in mind the historical background of human rights, particularly the emphasis placed on human values by the 16th century thinkers, in elaborating a preamble propounding the philosophy on which the future International Bill of Rights would be based.

Mr. CASSIN (France) pointed out that two general ideas emanated from the statement made by the Chinese representative: the bill should include a preamble emphasizing the permanency of the qualities common to mankind. Moreover, that bill was bound to create a certain influence upon our time.

Mr. Cassin considered that the preambles to the Charter of the United Nations and other international organizations such as UNESCO constituted a useful basis and form of universal philosophy from which to seek inspiration.

The representative of France stated that the concepts of man as a community and man as an individual should become fused, and that human rights should be respected by every State in the world. A significant example in that respect was the meeting of the ideas of France and the Union of Soviet Socialist Republics: the philosophical conception of the

Union of Soviet Socialist Republics showed, indeed, that there was no incompatibility between the rights of man within the framework of the State and the possibility to assert himself outside the State.

In conclusion, Mr. Cassin stated that the Commission was bound to emphasize in the proposed preamble the rights of man as an individual as opposed to the universal rights of nations.

The CHAIRMAN stated the general opinion of the Commission that a preamble should be included in the International Bill of Rights, containing the ideas expressed during the previous discussion.

General ROMULO (Philippine Republic) pointed out that the power of might to rule over weaker nations had succeeded the divine right of kings to rule over individuals; he called upon the Commission to take that factor into consideration during the discussion of the universal standards to be written into the Preamble.

Mrs. MEHTA (India) thought that the Commission should define human rights before attempting to discuss the preamble.

The CHAIRMAN pointed out that the question of a preamble had been brought up as part of the general discussion, but would be given final consideration after the other clauses of the bill had been discussed.

Mr. TEPLIAKOV (Union of Soviet Socialist Republics) believed that the Commission should first discuss the preamble thoroughly, in order to determine the objectives of the bill, and then proceed to examine and formulate particular points with the guidance of the Preamble.

Colonel HODGSON (Australia) pointed out that the preamble would indicate and govern the substance of the bill. The Commission might discuss the preamble from a general point of view, but was not in a position to vote on its terms before determining the contents of the bill itself.

During the ensuing discussion, the Commission agreed to consider the preamble from a general point of view, and examine the separate points to be included in the bill before voting on the contents of the bill itself.

The meeting rose at 1:10 p.m.