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24 November 1947.

ORIGINAL: ENGLISH

## COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES

## FIRST SESSION

## SUMMARY RECORD OF FIRST MEETING

held at the Palais des Nations, Geneva, on Monday 24 November  
1947 at 4 p.m.Present:

Temporary Chairman	Prof. J.P. Humphrey	(Secretariat)
Members:	Mr. W.M.J. McNamara	(Australia)
	Mr. Joseph Nisot	(Belgium)
	Dr. C.H. Wu	(China)
	Mr. Samuel Spanien	(France)
	Mr. Hérard Roy	(Haiti)
	Mr. M.R. Masani	(India)
	Mr. Rezazada Shafaq	(Iran)
	Mr. E.E. Ekstrand	(Sweden)
	Mr. A.P. Borisov	(Union of Soviet Socialist Republics)
	Miss Elizabeth Monroe	(United Kingdom)
	Mr. Jonathan Daniels	(United States of America)
Specialized Agencies:	Mr. Rodolphe Lopes	(International Labour Office)
Secretariat:	Mr. Edward Lawson	
	Mr. Emile Giraud	
	Mr. A.H. Hekimi	

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1. Opening of the Session.

The Temporary Chairman, on behalf of the Secretary-General, opened the first session of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and called for the election of officers.

The task that the Sub-Commission had to perform, he felt, was a very important one. It had been asked to participate in one of the most extraordinary and promising experiments in the history of international co-operation. The Commission on Human Rights and the various agencies related to it are engaged in an effort to write a universal Bill of Human Rights which will define the fundamental rights of a man everywhere without distinction as to race, sex, language or religion, and which will set up international machinery for the protection of these rights. The Commission on Human Rights had already met twice; once as a nuclear body in the early summer of 1946, and again in January 1947, in its first regular session. The second regular session of the Commission will assemble at Geneva on December 1st for the purpose of receiving a report from its Drafting Committee, which met at Lake Success in June. The report to which he had just referred was already a public document and could be consulted by anyone who was interested in the work of the Commission.

It was hoped that, at its December meeting, the Human Rights Commission would complete its preliminary draft of the Bill of Rights. If the Commission followed the suggestion made by the Drafting Committee, it would probably recommend the adoption of not one but two international bills; a Declaration or Manifesto which would eventually be adopted in the form of a Resolution of the General Assembly and which would constitute a catalogue of human rights without express

provisions for implementation; and an International Convention on Human Rights. The essential difference between the two would be, of course, that whereas the resolution of the Assembly would have the force of a recommendation only, a convention would be part of international law and legally binding on these States which signed and ratified it.

The draft, or drafts, as finally prepared by the Commission would be referred to the governments for their comments. The comments would be considered and changes made, if necessary, in the draft or drafts by another session of the Drafting Committee in May, and eventually by the third regular session of the Commission on Human Rights in the same month. This session in turn would report to the 7th session of the Economic and Social Council, which would meet in Geneva in July. After discussion by the Council, the whole matter would be referred to the 1948 session of the General Assembly, which it was hoped would adopt a Bill of Human Rights.

The Commission on Human Rights had also established two sub-commissions; the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and a Sub-Commission on the Freedom of Information and of the Press which met in its first session in May 1947. The Sub-Commission on the Freedom of Information had already done excellent work; for it prepared the elaborate agenda of the United Nations Conference on the Freedom of Information which would meet here in Geneva next March.

He stated that he had tried to outline the work of the Human Rights Commission and its subsidiary organs, because he thought that it was important that the work of this Sub-Commission should be viewed in its proper perspective. He did not intend to say anything more about the work of the

sub-commission itself. That was a matter which was entirely in their hands. They were familiar with their terms of reference and the Secretariat had prepared working papers for them. In the course of their deliberations his colleagues and he would be eager to assist them in any way that they could. He must, however, plead in advance for their indulgence. For budgetary reasons they had brought the smallest staff possible from Lake Success to Geneva. Moreover, in Geneva the staff was itself reduced by reasons of the fact that the General Assembly was still in session at Flushing Meadows. The Secretariat would therefore be working under great difficulties particularly during the week when, it seems, the Sub-Commission and its parent body would overlap. This situation had been explained to the Economic and Social Council when arrangements had been made for these meetings; but he wanted to remind the members what had been said at that time.

The Rules of Procedure governing Sub-Commissions were the Rules which the Council adopted for its functional commissions in August 1947 - document E/565. Article 58 of these Rules of Procedure says: "The rules of procedure of the Commission shall apply to the proceedings of sub-commissions and their subsidiary bodies insofar as they are applicable."

According to Rule 8 the first item on the provisional agenda of any session was the adoption of the agenda. Having regard, however, to the fact that this was the first session of the Sub-Commission and that it therefore had no officers, he thought that they should proceed immediately to the election of officers, or at least, of the Chairman.

The rules governing the election of officers were numbers 14, 36 and 37. According to Rule 14, the Sub-Commission

must elect a Chairman, one or two vice-chairmen and a rapporteur from among its members. These elections, because they relate to individuals, must, according to Rule 36, be made by secret ballot.

Before calling for the election of a Chairman, the Temporary Chairman drew attention to the fact that because Dr. C.F. Chang had been unavoidably prevented from attending the session, he had been replaced by an alternate, Dr. J.C.H. Wu, who, according to Rule 60, should have the same status as a member, including the right to vote.

The Temporary Chairman asked the Secretary of the Sub-Commission to distribute ballots for the election of a Chairman.

## 2. Election of Chairman.

Mr. SHAFaq (Iran) proposed that the candidate for Chairmanship be nominated.

The Temporary Chairman agreed, but said that the Rules of Procedure made no mention of oral nominations.

M. NISOT (Belgium) proposed Mr. EKSTRAND (Sweden) as Chairman, and Mr. ROY (Haiti) said that although he had no doubt as to the result of the vote, he thought that there should be a regular election by secret ballot.

After discussion by Dr. WU (China), Mr. DANIELS (United States of America) and Mr. SHAFaq (Iran), the Temporary Chairman said that the consensus of opinion of the meeting was that there should be a secret ballot and that members could vote for any candidate, whether or not he had been nominated.

The ballot was held and the Temporary Chairman announced that Mr. EKSTRAND (Sweden) had been elected Chairman.

Mr. EKSTRAND (Sweden) took the Chair and thanked the members of the Commission for the honour bestowed on his country. He said that the next task was to elect one or two Vice-Chairmen, and asked the Commission for proposals.

Election of Vice-Chairman.

Dr. WU (China) suggested one Vice-Chairman, and proposed that there should be no nominations but that they should proceed directly to a secret ballot.

Mr. BORISOV (Union of Soviet Socialist Republics) suggested that the Commission should act as they had done in the election of the Chairman.

The CHAIRMAN said there were two suggestions, firstly that the Vice-Chairman should be elected without a nomination, and secondly that he should be elected with a nomination. A vote was taken which showed five votes in favour and four votes against a nomination.

The CHAIRMAN stated that nominations would be made. The next question was whether there should be one or two Vice Chairmen.

Miss MONROE (United Kingdom) seconded the proposal of Dr. WU (China) that there should be one Vice-Chairman only, and this was supported by Mr. BORISOV (Union of Soviet Socialist Republics), and Mr. SPANIEN (France).

The CHAIRMAN said that it was clearly the opinion of the Sub-Commission that there should be one Vice-Chairman and that there was no need to take a vote.

Mr. SHAFaq (Iran) proposed Mr. BORISOV (Union of Soviet Socialist Republics) as Vice-Chairman.

Mr. BORISOV (Union of Soviet Socialist Republics) proposed Mr. ROY (Haiti) as Vice-Chairman, and this was

seconded by Mr. DANIELS (United States of America) and supported by Mr. SPANIEN (France) and Miss MONROE (United Kingdom).

The CHAIRMAN ruled that there should be a secret ballot, which was then held, and which resulted in Mr. ROY (Haiti) being elected as Vice-Chairman.

Mr. ROY (Haiti) accepted the election and expressed his thanks to the Sub-Commission.

#### 4. Election of Rapporteur.

The CHAIRMAN said the next duty was to elect a Rapporteur.

Mr. DANIELS (United States of America) nominated Mr. NISOT (Belgium), which was seconded by Miss MONROE (United Kingdom).

Mr. BORISOV (Union of Soviet Socialist Republics) nominated Mr. MASANI (India), which was seconded by Mr. ROY (Haiti), but Mr. MASANI (India), after expressing his thanks, said that he wished to support the nomination of Mr. NISOT (Belgium) and to withdraw his own name.

Mr. BORISOV (Union of Soviet Socialist Republics) did not object to this withdrawal since it had been made by Mr. MASANI (India) himself.

Mr. ROY (Haiti) said that he would now support Mr. NISOT (Belgium), and after a secret ballot had been held the Chairman said that Mr. NISOT (Belgium) had been elected Rapporteur.

Mr. NISOT (Belgium) expressed his thanks to the Sub-Commission.

#### 5. Adoption of the Provisional Agenda.

The CHAIRMAN said the next duty was to adopt the Provisional Agenda.

Miss MONROE (United Kingdom) remarked that the Articles referred to the Sub-Commission by the parent Commission for discussion were very urgent, and she suggested that these Articles should be now inserted under a special item in the Agenda.

Professor HUMPHREY (Secretariat) pointed out that the revised Agenda (document E/CN.4/SUB.2/1 Rev.1) had been issued that morning, which excluded the old item No.6 concerning the adoption of the Regulations of Procedure. He further proposed that the Articles referred to by Miss MONROE (United Kingdom) could be discussed either under Items 7 and 8 or could be made a special item.

Miss MONROE (United Kingdom) said that she had proposed a special item for discussion of these Articles as they seemed to be borderline cases, and that it would be quicker if they were made the subject of a separate item.

After some discussion by Mr. ROY (Haiti), Mr. BORISOV (Union of Soviet Socialist Republics) and Miss MONROE (United Kingdom), as to whether Items 7 and 8 should be amalgamated, Miss MONROE (United Kingdom) and Mr. BORISOV (Union of Soviet Socialist Republics) agreed that Items 7 and 8 should be discussed together as they were inextricable.

The CHAIRMAN again suggested that Item 6 be adopted by the Sub-Commission, and that Items 7 and 8 should be amalgamated.

The Sub-Commission adopted Item 6. The discussion as to the amalgamation of Items 7 and 8 continued.

Mr. MASANI (India) proposed that they should not be amalgamated and referred to document E/CN.4/SUB.2/8, which pointed out that the prevention of discrimination and the protection of minorities were not necessarily co-terminus



subjects. He also pointed out that discrimination between the sexes did not involve a minority question, and that an intellectual or political minority would not be within the definitions of discrimination according to race, sex, language or religion.

Miss MONROE (United Kingdom) said that she appreciated the point raised by Mr. MASANI (India), but again pointed out that some of the Articles were hard to allot in one particular item, and that there would be a large overlap. She proposed that discussion of the specific Articles be under a separate heading.

Mr. SPANIEN (France) said that there should first be a discussion of the Terms of Reference, but that the Commission on Human Rights had referred to the Sub-Commission certain questions on which it would require an answer at its meeting on the 1st December, 1947. On the question of amalgamation, the items should be kept separate, as there would not necessarily be an overlap.

Professor HUMPHREY (Secretariat) said that originally the items had not been amalgamated because the Report of the Drafting Committee was not yet before the Commission on Human Rights. Document E/CN.4/SUB.2/9 had been prepared by the Secretariat to assist the Sub-Commission in making a recommendation on these items. He reminded the Sub-Commission that from a strictly constitutional point of view the Report was not before the Commission.

Dr. WU (China) suggested that the present Agenda be adopted, but that the separation of Items 7 and 8 need not be too strict. There should be an understanding that the Commission could trespass in its discussion of the two items.

Mr. McNAMARA (Australia) agreed with Dr. WU (China).

The CHAIRMAN stated that the proposal of Miss MONROE (United Kingdom) was to gain time in the discussion of these Articles. He suggested adding after Item 6 a further item on "Discussion of Items Referred to the Sub-Commission".

Mr. ROY (Haiti) stated that these Articles had not in fact been referred and suggested some other formula, as he agreed that it was desirable for the Sub-Commission to discuss these Articles.

Professor HUMPHREY (Secretariat) said that the Articles had never been legally referred to the Sub-Commission for discussion, but that he was confident that the Commission would be disappointed if the Sub-Commission did not discuss them. He proposed adding an Item 7 - "Consideration of Articles of International Bill of Rights Relative to the Questions of Discrimination and Protection of Minorities".

Mr. BORISOV (Union of Soviet Socialist Republics) said that the Sub-Commission could only make observations on the Articles specifically referred by the Drafting Committee, i.e. nos. 6, 13, 15, 28 and 36, and that the actual drafting of these Articles must be done by the Drafting Committee itself. As to the other Articles which had not been referred, including nos. 5, 14, 16, 20 and 31, he suggested that the Sub-Commission should not discuss these at all because they had no instructions to do so.

Mr. DANIELS (United States of America) agreed with this proposal.

The CHAIRMAN again said that the intention was to accelerate discussion so as to produce an opinion of the Sub-Commission by the 1st December. He again proposed that after Item 6 there should be included an item on "Examination

of Articles 6, 13, 15, 28 and 36" and asked for the opinion of the Sub-Commission on that point.

Mr. ROY (Haiti), after some discussion by Mr. McNAMARA (Australia), Mr. SPANIEN (France) and Mr. BORISOV (Union of Soviet Socialist Republics) as to exactly where on the Agenda this new item should come - whether after Item 6 or Item 8, suggested that the subject of the new item be discussed with the present Items 7 and 8 as they were fundamentally the same.

The CHAIRMAN stated to the Sub-Commission the proposal of Mr. ROY (Haiti), which was supported by Mr. NISOT (Belgium), to adopt the Agenda as it was and under Items 7 and 8 to discuss the Articles which the Drafting Committee had suggested might be referred to the Sub-Commission.

Miss MONROE (United Kingdom) accepted this proposal as long as discussion of Items 7 and 8 was on the basis of the five Articles recommended for referral to the Sub-Commission.

Mr. DANIELS (United States of America) suggested that the Sub-Commission should not give its final approval or disapproval on any issue until the end of the discussion of Items 7 and 8.

Mr. McNAMARA (Australia) asked whether points of order could be raised at a later time which might exclude discussion of any Article.

The CHAIRMAN said that points of order must always be admitted and could not be excluded at the beginning of the meeting. It was difficult to separate the items, and he proposed that the Sub-Commission now vote on the adoption of the Agenda as it stood.

Dr. WU (China) supported the suggestion of the CHAIRMAN.

Miss MONROE (United Kingdom) agreed, subject to the reservation that the five Articles be discussed under Items 7 and 8.

The Agenda was adopted, subject to the reservation made by Miss MONROE (United Kingdom).

Professor HUMPHREY (Secretariat) referred to document E/CN.4/SUB.2/2, paragraph 14, where the Economic and Social Council adopted the resolution on the 29th March, 1947, "that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be requested to invite the Commission on the Status of Women to send a Representative to participate in its deliberations when items relating to discrimination based on sex are to be discussed." He suggested the Sub-Commission might wish to act upon this recommendation.

Mr. BORISOV (Union of Soviet Socialist Republics) supported the suggestion, and since there was no objection the CHAIRMAN declared that the Sub-Commission was clearly in favour of the Representative being invited.

The meeting closed at 6.45 p.m.