

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

FIRST SESSION

SUMMARY RECORD OF THE SIXTEENTH MEETING

Held at Lake Success, New York, on Tuesday, 24 June 1947 at 10:45 a.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States)
Vice-Chairman:	Dr. P. C. Chang	(China)
Rapporteur:	Dr. Charles Malik	(Lebanon)
	Mr. Ralph L. Harry	(Australia)
	Mr. H. Santa Cruz	(Chile)
	Mr. P. Ordonneau	(France)
	Prof. V. Koretsky	(Union of Soviet Socialist Republics)
	Mr. G. Wilson	(United Kingdom)
Non-Governmental Organizations:		
Consultant:	Miss Toni Sender	(American Federation of Labor)
Secretariat:	Prof. J. P. Humphrey	(Secretary of the Committee)
	Mr. Edward Lawson	

Consideration of the Draft Report of the Drafting Committee to the Commission on Human Rights (document E/CN.4/AC.1/14)

The CHAIRMAN announced that the Drafting Committee would consider the Rapporteur's draft Report (document E/CN.4/AC.1/14) and called upon Dr. MALIK (Lebanon), as Rapporteur, to introduce it.

Dr. MALIK (Lebanon) explained that the Report consisted of a five and one-half page statement to which would be appended six Annexes, namely:

/1. Draft

1. Draft outline of International Bill of Rights prepared by the Secretariat;
2. Document submitted by the United Kingdom;
3. Suggestions of the United States for redrafts of certain Articles in the Secretariat Draft Outline;
4. Suggestions submitted by the Representative of France for the Preamble and 44 Articles of an International Declaration on Human Rights;
5. Working Paper containing suggestions of the Drafting Committee for an International Declaration on Human Rights; and
6. Memorandum on Implementation Prepared by the Secretariat.

He proposed that the Drafting Committee should study the Report paragraph by paragraph and approve it Chapter by Chapter. He pointed out that the Report contained three chapters:

1. Introduction;
2. Preliminary Draft of an International Bill of Human Rights; and
3. The Question of Implementation of an International Bill of Human Rights.

The CHAIRMAN agreed to the suggested method of procedure and stated that she would ask for comments or objections on each paragraph.

Paragraph 1

Mr. HARRY (Australia) requested that the Representative of Australia be listed as Lt. Col. W. R. Hodgson.

Paragraph 2

Mr. WILSON (United Kingdom) suggested that the order of names be changed to correspond to the order in paragraph 1.

Paragraph 3

Paragraph 3 was accepted without objection.

Paragraph 4

Paragraph 4 was accepted without objection.

/Paragraph 5

Paragraph 5

Paragraph 5 was accepted without objection.

Paragraph 6

Paragraph 6 was accepted without objection.

Paragraph 7

Paragraph 7 was accepted without objection.

Paragraph 8

The CHAIRMAN observed that it was necessary for the Committee to decide who was to present the report.

Dr. MALIK (Lebanon) said he believed the Rules of Procedure provided that the report be presented by the Chairman, or in the absence of the Chairman, by the Rapporteur. This view was accepted by the Drafting Committee.

Paragraph 9

Dr. MALIK (Lebanon) explained that the purpose of this paragraph was to remind the reader that greater details could be obtained from the verbatim and summary records.

Paragraph 10

The CHAIRMAN recalled that it had not been possible to reach full agreement on any text inasmuch as one of their colleagues had had to reserve his position on many items. She suggested that paragraph 10 might either be deleted or be modified to read:

"It was agreed that, when necessary, alternative texts were to be submitted to the Commission on Human Rights."

Mr. WILSON (United Kingdom) said that since, in several instances, the question had arisen as to whether or not to include an Article, the following might be more suitable:

"It was agreed that where more than one view was taken about any Article, the different views expressed should be submitted to the Commission on Human Rights."

/Mr. HARRY (Australia)

Mr. HARRY (Australia) said he had circulated to Members an amendment to paragraph 10 which read:

"It was agreed that in appropriate cases alternative texts, reflecting the views of a minority or of an individual Representative, might be submitted to the Commission on Human Rights."

However, because he agreed with the suggested wording of Mr. WILSON, he withdrew his amendment.

Prof. KORETSKY (Union of Soviet Socialist Republics) stated that neither paragraph 10, nor the suggested wording of the Australian and United Kingdom Representatives, corresponded to the lines of thought that had been indicated at the meetings of the Committee. He felt that the inclusion of paragraph 10 or either one of the proposed redrafts, might give the impression that there were different drafts for each Article. In the Drafting Committee, only various views had been expressed, broad formulas had been suggested, and a consensus of opinion had been reached as to the desirability of including certain items in the Declaration or Convention.

The CHAIRMAN explained that the Committee was submitting the views expressed during the course of its session in a working paper which was not binding upon any individual or Government. Dr. CHANG (China) suggested that the words "it was agreed" be deleted. He felt that it might even be possible to omit the entire paragraph.

The CHAIRMAN agreed that the paragraph might be omitted. Prof. KORETSKY (Union of Soviet Socialist Republics) thought the suggestion of Dr. Chang was a logical one and favoured complete elimination of the paragraph. He said that perhaps some mention might be made of this point in Chapter II. Mr. HARRY (Australia) agreed to elimination of the paragraph. Dr. MALIK (Lebanon) explained that the original terms of reference had requested the Drafting Committee to prepare a preliminary draft of an International Bill of Human Rights. Inasmuch as the Drafting Committee had not actually prepared

/such a

such a Preliminary Draft, he felt that an explanatory reference to the discrepancy was necessary. He would, however, agree, should the Drafting Committee so wish, to the deletion of the paragraph.

The CHAIRMAN stated paragraph 10 could be deleted and that the Chairman or the Rapporteur, in presenting the Report to the Commission on Human Rights, might explain the manner in which the work was done and the difficulties encountered.

Chapter II

Paragraph 11

Paragraph 11 was accepted without objection.

Paragraph 12

Mr. HARRY (Australia) pointed out that in paragraph 11 it was said that on the basis of documentation supplied by the Secretariat a preliminary draft of an International Bill of Human Rights was to be prepared. In paragraph 12, it was stated that two basic documents had formed the basis of the Drafting Committee's work. He believed that the correct emphasis had not been given to the documents, and suggested the following wording:

"In addition to the draft outline of an International Bill of Rights prepared by the Secretariat (document E/CN.4/AC.1/3 and E/CN.4/AC.1/3/Add.1) the Drafting Committee had before it a letter from the United Kingdom Representative transmitting a draft International Bill of Human Rights and a draft Resolution which might be passed by the General Assembly when adopting an International Bill of Rights."

Mr. WILSON (United Kingdom) was in favour of the Australian amendment. The CHAIRMAN accepted the changes suggested by Mr. HARRY (Australia), but wished to have the words "gone over" replaced by "considered" or "examined."

Paragraph 12 was approved as modified by the Australian amendment, with the words "gone over" replaced by "considered."

/Dr. MALIK (Lebanon)

Dr. MALIK (Lebanon) suggested that Annexes A, B and C might be accepted at this stage.

Annexes A, B and C were accepted without objection.

Paragraph 13

Mr. HARRY (Australia) remarked that the lack of full verbatim records made it difficult to refer to previous discussions. In view of that fact, he believed that there should not be too strict an adherence to the summary records, but that expression be given to general thoughts and feelings. As he recalled, there had been two stages in the development of the Drafting Committee's work. At the first stage, the Committee had considered as its basic task the preparation of a Convention. As a result of its discussions, it was generally recognized that a Declaration also should be drafted. He therefore, suggested the following Amendment to replace that part of the paragraph starting "in the opinion of others there should also be a Convention:"

"others felt that it should be in the form of a Convention. It was agreed by those who favoured the Declaration form that the Declaration should be accompanied or followed by a convention or conventions on specific groups of rights. It was agreed by those who favoured the convention form that the General Assembly in recommending a convention to Member Nations might make a Declaration wider in content but more general in expression. The Drafting Committee therefore decided to prepare two documents, one a working paper outlining a Declaration or Manifesto setting forth general principles, and the second a working paper outlining a convention on those matters which the Committee felt could be expressed in the form of binding obligations on States."

The CHAIRMAN said that the United States would accept these changes.

Dr. MALIK (Lebanon) while in favour of the first part, could not accept the second part of the Australian amendment. The Committee was not actually submitting a draft convention but was suggesting to the Commission on Human Rights that the topics contained in the United Kingdom draft might serve as a basis for discussion of the possible substantive contents of a Convention. Mr. WILSON (United Kingdom) felt that the Australian Amendment met the situation adequately. The CHAIRMAN pointed out that the Committee
/had accepted

had accepted the first part of the Australian Amendment, and she suggested that Mr. HARRY and the Rapporteur might wish to present a joint draft of the second part of the paragraph. Mr. HARRY (Australia) agreed with the Rapporteur that the last sentence of his amendment did not completely indicate the status of the documents.

Dr. MALIK (Lebanon) said that, in writing the Report, he had tried to summarize the general consensus of opinion where there had been no decisions. He could not consider the two working papers as being on a par and he therefore felt that a slight difference in expression would be necessary.

Mr. WILSON (United Kingdom) was of the opinion that the Australian Amendment recorded quite accurately what had occurred.

Prof. KORETSKY (Union of Soviet Socialist Republics) felt that the question as to whether the document should be drafted in one or two forms would have to be considered by the Commission on Human Rights. He also thought that a more suitable word might replace the word "adhere."

The CHAIRMAN requested the Rapporteur and the Representative of Australia to take into account the suggestions of Prof. KORETSKY in their attempted redraft of the last part of the paragraph. It was agreed that the section to be redrafted began with the words "The Drafting Committee therefore decided....."

Paragraph 14

Prof. KORETSKY (Union of Soviet Socialist Republics) felt that sub-paragraph (c) required further qualification to indicate its conditional character. He desired the addition of a phrase such as "if it were considered that this were appropriate".

Mr. SANTA CRUZ (Chile) observed that sub-paragraphs (a), (b) and (c) were simply the terms of reference of the working group.

Mr. HARRY (Australia) suggested the wording "to suggest to the Drafting Committee how the substance of the Articles might be divided between a Declaration and a Convention," which was supported by Mr. SANTA CRUZ (Chile).

/Dr. MALIK (Lebanon)

Dr. MALUK (Lebanon) however, pointed out that this would lead to a discrepancy between the summary record and the Report.

Prof. KORETSKY (Union of Soviet Socialist Republics) accepted the Australian proposal. He said that he objected to a categorical statement and stressed the importance of the inclusion of a conditional element.

The CHAIRMAN was of the opinion that sub-paragraph (c), as it stood, expressed accurately what had actually been done by the working group. She felt that the consensus was to retain the wording of the summary record as it appeared in sub-paragraph (c).

Dr. CHANG (China) said that inasmuch as the Summary Record had not been passed by the Committee, there might be opportunity to change the phrasing. He proposed that the terminology used at the intermediate stage of discussions might be appropriate; "to undertake a division of the work indicating which Articles would require International Conventions and which would not."

Mr. SANTA CRUZ (Chile) said it was necessary for this paragraph of the Report to correspond to what had happened at the time the working group was set up.

Mr. WILSON (United Kingdom) and Prof. KORETSKY (Union of Soviet Socialist Republics) favoured the Australian proposal.

The proposal of Mr. HARRY (Australia) was accepted, as sub-paragraph (c). Paragraph 15

Mr. WILSON (United Kingdom) suggested that line 2 of page 4 be altered to read: "...United Kingdom agreed that the Articles contained in Part II of the Draft Convention of the United Kingdom document..." and that the word "should" be replaced by "might." Prof. KORETSKY (Union of Soviet Socialist Republics) wondered what principles lay behind the grouping together of torture, physical integrity and cruel punishments in sub-paragraph (a). Dr. MALIK (Lebanon) said they had been grouped as natural rights of the

/sheer physical

sheer physical body of man. Prof. KORETSKY (Union of Soviet Socialist Republics) thought that "physical integrity" might be placed first.

Paragraph 15 was accepted, with the modifications of Mr. WILSON (United Kingdom) and Prof. KORETSKY (Union of Soviet Socialist Republics).

Paragraph 16

Paragraph 16 was accepted without objection.

Paragraph 17

The CHAIRMAN stated that she wished to have it noted that "The United States reserved the right to urge before the Commission the inclusion, in the Declaration, of the United States rewording of Articles in the Secretariat draft."

Prof. KORETSKY (Union of Soviet Socialist Republics) remarked that in the final sentence it might perhaps be sufficient to say "observations", without any additional synonyms. He pointed out that all Representatives had reserved their positions.

In the sixth line of the paragraph, Mr. WILSON (United Kingdom) thought it preferable to say "nothing said by any of them" rather than "no action taken by them". Inasmuch as all Representatives had reserved their right to make comments at a later time, he proposed the following sentence:

"All Members of the Drafting Committee understood that nothing said by any of them during the session was to be considered binding upon their Governments, and reserved the right to make further suggestions at a later stage."

Dr. MALIK (Lebanon) observed, in connection with Prof. KORETSKY's remarks, that "proposals" was not synonymous with "observations" and thought that both words should be retained.

Prof. KORETSKY (Union of Soviet Socialist Republics) said he would agree to the inclusion of both words.

/At this point

At this point in the meeting, Dr. CHANG (China) Vice-Chairman, took the chair and Mr. HENDRICK replaced Mrs. ROOSEVELT as Representative of the United States.

Paragraph 18

Dr. MALIK (Lebanon) suggested that "considered" be substituted for "gone over."

Mr. WILSON (United Kingdom) felt it was not necessary to include the word "carefully." He also suggested the following revision of the second sentence:

"This revised Draft was examined by the Drafting Committee, and Annex E of this report embodies the general consensus of opinion which resulted from this examination."

Prof. KORETSKY (Union of Soviet Socialist Republics) wished the word "carefully" excluded from paragraph 12 as well as from the paragraph under discussion. Mr. WILSON (United Kingdom) agreed.

Mr. HENDRICK (United States) proposed that the suggestion of Mr. Wilson, as regards the second sentence of the paragraph, be expressed in two sentences, thus: "This revised Draft was examined by the Drafting Committee and changes in wording were made. The Draft as revised by the Committee is embodied in Annex E of this report."

Dr. MALIK (Lebanon) pointed out that inasmuch as paragraph 10 had been deleted, no mention was made of alternative texts. He thought it should be stressed that Annex E was not an univocal but a multivocal document.

Mr. HARRY (Australia) thought that this might be an appropriate place to make mention of alternative texts. He proposed that the following be inserted:

"The Drafting Committee decided that where a substantial minority view existed as to the text which should be submitted to the Commission, or if a particular delegation wished a text to go forward, this should be included."

/Dr. MALIK (Lebanon)

Dr. MALIK (Lebanon) said a simpler form would be an adaptation of paragraph 10 and suggested "Where alternative texts were entertained, they are thus reproduced in this Annex."

Mr. WILSON (United Kingdom) suggested that a redraft of this paragraph might be considered during the noon recess.

The meeting adjourned at 1:00 p.m.
