

COMMISSION ON HUMAN RIGHTS

SECOND SESSION

SUMMARY RECORD OF THIRTY-FOURTH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 December 1947, at 10 a.m.

Present:

Chairman: Mrs. Franklin D. Roosevelt (United States of America)

Members: Professor F. Dehousse (Belgium)
Mr. A. S. Stepanenko (Byelorussian S.S.R.)
Senor E. Cruz Coke (Chile)
Dr. C. H. Wu (China)
Mr. O. Loutfi (Egypt)
Professor R. Cassin (France)
Mrs. Hansa Mehta (India)
Mr. A. G. Pourevaly (Iran)
Dr. C. Malik (Lebanon)
Mr. M. Amado (Panama)
General C. P. Romulo (Philippine Republic)
Mr. M. Klekovkin (Ukrainian S.S.R.)
Mr. A. E. Bogomolov (U.S.S.R.)
Lord Dukeston (United Kingdom)
Mr. A. C. C. Victorica (Uruguay - Alternate)
Dr. V. Ribnikar (Yugoslavia)
Mrs. Begtrup
Mme. Walova

Secretariat: Professor J. P. Humphrey
Mr. E. Lawson

**Specialized
Agencies:**

Mr. P. de Briey)
Mr. J. de Givry) (I.L.O.)
Mr. J. Havet (UNESCO)
Mr. Weis (Preparatory Commission for the
International Refugee Organiza-
tion)

**Non-Governmental
Organizations:**

Category A:

Miss Toni Sender (American Federation
of Labor)
Mr. A. J. Farristendael) International
Mr. P. J. Serrarens) Federation of
Christian
Trade Unions

**Non-Governmental
Organizations:**

Category B:

Mr. O. F. Nolde (Commission of the
Churches on International Affairs)
Dr. Bienenfeld (World Jewish Congress)
Mr. Milton Winn (Consultative Council of
Jewish Organizations)
Miss de Romer (Union Internationale des
Ligues Feminines
Catholiques. Union
Catholique Internationale
de Service Social)
Mrs. Eder (International Council of Women)
Mr. A. G. Brotman (Co-ordinating Board
of Jewish Organizations)
Mr. C. Pilloud (International Red
Cross Committee)

1. Consideration of the Reports of the Working Groups on an International Convention on Human Rights (Document E/CN.4/56) and on the Declaration of Human Rights (Document E/CN.4/57).

The CHAIRMAN welcomed the representative of China, Dr. C. H. WU, who had previously been represented by Dr. NAN-JU WU. She stated that the Report on the Convention (Document E/CN.4/56) contained the final English text, but that the French version was an unofficial translation. The wording of the two Reports on the Declaration and Convention could not be regarded as final, but since they would be sent to all Member Governments for comment, she hoped that representatives would concentrate on substance rather than wording. She suggested that the Commission should study simultaneously the corresponding clauses in the Draft Declaration and the Draft Convention.

Mr. RIBNIKAR (Yugoslavia) proposed a general discussion on the drafts as a whole before commencing a study of separate Articles.

The CHAIRMAN did not think that that procedure would be useful, but was willing to put the proposal to the vote.

Mrs. MEHTA (India) thought that some general remarks should be permitted. One of the drafts omitted allusion to certain rights which should be brought to the attention of the Commission.

The CHAIRMAN pointed out that there was nothing to prohibit general observations on Articles under discussion.

Mr. WU (China) suggested that consideration should proceed Article by Article, and the right to make general observations either in the preamble or at the end should be reserved.

The CHAIRMAN reminded representatives that it had been decided not to draft the preamble at the second session.

Mr. MALIK (Lebanon) felt that everyone should be allowed to give an explanation of their general attitude to the two documents.

The CHAIRMAN said that there would be no objection to representatives giving an explanation of their vote either on specific articles or on the document as a whole. The proposal to be put to the vote was whether the Commission should consider the corresponding Articles of the two documents simultaneously.

Mr. CASSIN (France) feared that consideration of the Articles out of their numerical order would cause confusion. An understanding of the logical purpose of each Article was a necessary guide to consideration of the full text.

Mr. DEHOUSSE (Belgium) thought that it would be simpler to take the Declaration Article by Article, starting with Article 1, and to consider at the same time the corresponding Articles in the Convention, whenever a common subject arose.

The CHAIRMAN put to the vote the proposal to consider the two Documents Article by Article which was adopted by 11 votes to 4, with 2 abstentions.

The Belgian proposal was then put to the vote and adopted by 11 votes to 0, with 6 abstentions.

2. Declaration on Human Rights (Document E/CN.4/57) - Article 1.

Mrs. MEHTA (India) said she did not like the wording "all men" or "and should act towards one another like brothers", she felt they might be interpreted to exclude women, and were out of date.

The CHAIRMAN replied that the word "men" used in this sense was generally accepted to include all human beings.

Article 1 was adopted by 12 votes to 0, with 5 abstentions.

Replying to a request by the representative of Belgium for a ruling on the point raised by the representative of India, the CHAIRMAN said that the text of Article 1 had been approved without modification, but that a comment could be inserted if so desired.

Lord DUKESTON (United Kingdom) proposed that, in order to avoid further discussion on the subject, a note should be included

at the beginning of both Documents to the effect that the word "men", as used therein, referred to all human beings.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said that the formula was of an abstract and philosophic character. It was also contradictory. It repeated the ideas of the materialistic French philosophers of the eighteenth century and ended by proclaiming a new philosophy. He was aware that abstract formulae were sometimes useful at the beginning of a document, but as such they should appear in the preamble. He could not accept that text as final.

The CHAIRMAN observed that, as the Article had already been voted on, the remarks of the Soviet Union representative would be taken as an explanation of his vote.

Mr. DEHOUSSE (Belgium) pointed out that the eighteenth century French philosophers were not all materialists. One example was Jean Jacques Rousseau. It was unreasonable to say that those responsible for the slogan "Liberty, equality, fraternity" had not reached the idea of universal brotherhood.

Mrs. MEHTA (India) said that she had no objection to the United Kingdom suggestion, but Article 1 was the only place in the Declaration where the expression "men" appeared. She wished to have this changed to "human beings" or "persons".

A discussion followed as to the advisability of: (1) accepting the alteration suggested by the Indian representative; (2) inserting a footnote to Article 1, or (3) adopting the proposal of the United Kingdom representative.

Mr. DEHOUSSE (Belgium) thought it was necessary to insert a footnote since firstly, the expression "droit de l'homme" appeared repeatedly in the French version and, secondly, if the words "human beings" were used, it would be logical to add "brothers and sisters".

The CHAIRMAN then put to the vote the proposal of the United Kingdom representative which was adopted by 12 votes to 1, with 3 abstentions.

Article 2.

The CHAIRMAN said that the United States Delegation preferred the text it had proposed, (E/CN.4/36) and wished it to be inserted as a footnote.

Mr. VICTORICA (Uruguay) agreed with the underlying spirit of the Article. Its provisions were in harmony with liberal constitutional law in the field of Human Rights. An Inter-American Law Commission was due to meet at Bogota in March at which consideration would be given to limitations imposed within the framework of the law and in respect of public order. The rights of individuals should be limited by the just requirements of a democratic state. He suggested the addition to the present text of the sentence "formulated by the law" after the words "democratic state". He also submitted the following as an amended text:

"The rights of each may be limited to secure the rights of others, by the exigencies of public order, the security of the state and the normal development of collective life as expressed by law."

Lord DUKESTON (United Kingdom) objected to the term "democratic state" in a context which introduced distinctions and which might cause difficulties. He preferred a simpler and broader text, proclaiming the rights of individuals and their obligations to society for the creation of a more liberal atmosphere. He submitted the following:

"In the exercise of their rights, everyone must recognise the rights of others and his obligation to society so that all men may develop their spirit, mind and body in wider freedom."

Mr. CASSIN (France) said that the English words "spirit, mind and body" had not been very aptly rendered in the French version. He noted the remarks of the Uruguayan representative concerning the Inter-American Law Commission, and pointed out that the ground had already been covered to some extent by the Meeting of American Jurists in Philadelphia. The Drafting Committee text represented a compromise between the liberal eighteenth century ideas and the modern point of view.

The CHAIRMAN said it was impossible at the present session to attempt to draft a Declaration in final form. It was also unnecessary since the whole would be revised at the next session. She suggested that representatives should submit their amendments for insertion as footnotes, which would then be circulated to Member Governments together with the formal text.

Mr. WU (China) proposed amending the first sentence of Article 2 to read: "In the exercise of his rights everyone shall respect the rights of others and comply with the just requirements of the democratic State "

Mr. CRUZ COKE (Chile) supported the Chinese proposal. He emphasised the point made by the CHAIRMAN that the discussion should be kept to matters of substance rather than actual drafting.

Mr. MALIK (Lebanon) objected to the idea of adding alternative texts in the form of footnotes. He thought that the Declaration should be the expression of the views of the Commission as a whole, and that representatives who had not been members of the Working Group on the Declaration should be given an opportunity to propose amendments. He pointed out that, when the Declaration was sent to Governments, they would have the opportunity to make comments and propose alternative texts.

The CHAIRMAN said that all formal proposals on matters of substance would be put to the vote. If, thereafter, a representative still considered his own text to be better than that which was

adopted, he would be free to insert it in a footnote.

Mr. AMADO (Panama) pointed out that the draft Declaration under discussion was not simply the expression of the views of the six members of the Working Group, but that it had been based on the Drafting Committee's Report. He agreed with the Chairman that representatives should be allowed to include their own texts in the form of footnotes.

The CHAIRMAN put the Uruguayan proposal to the vote.

It was rejected by 9 votes to 2, with 6 abstentions.

The CHAIRMAN put to the vote the proposal made by the United Kingdom representative.

That was rejected by 7 votes to 5, with 4 abstentions.

Mr. DEHOUSSE (Belgium) asked to have the Chinese proposal voted on by division.

The CHAIRMAN put the first sentence of the Chinese proposal to the vote:

"In the exercise of his rights, everyone shall respect the rights of others and comply with the just requirements of the democratic State."

The proposal was rejected by 7 votes to 4, with 6 abstentions.

The CHAIRMAN then put to the vote the original text of Article 2, as contained in Document E/CN.4/57.

The Article was adopted by 9 votes to 2, with 5 abstentions.

The CHAIRMAN requested that a comment be included in the Report giving the United States' text (E/CN.4/36) and saying that the United States preferred its own version to that which had been adopted.

Lord DUKESTON (United Kingdom) requested that a similar remark should be inserted with regard to the United Kingdom text.

2. Articles 3 to 6 of the Draft Declaration (E/CN.4/57) and Article 19 of the Draft Convention (E/CN.4/26).

Mr. LOUTFI (Egypt) proposed the deletion of the words "political or other opinion, property status, or national or social origin". Those words had been added by the Sub-Commission on Discrimination and Minorities, but he preferred the original text proposed by the Drafting Committee. He suggested that the first sentence of the Article in the Declaration be amended to correspond to the wording of Article 19 of the Convention.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) opposed that proposal. He thought that the main fault of the Declaration was a lack of precision in enumerating those entitled to the rights and in providing methods to safeguard those rights. He read the proposal made by Mr. BORISOV to the Sub-Commission (document on Prevention of Discrimination and Protection of Minorities, E/CN.4/SUB.2/21) and suggested that it should be discussed:

"All people are equal before the law and shall enjoy equal rights in the economic, cultural, social and political life, irrespective of their race, sex, language, religion, property status, national or social origin.

Any advocacy of national racial and religious hostility or of national exclusiveness or hatred and contempt, as well as any action establishing a privilege or a discrimination based on distinctions of race, nationality, or religion, constitute a crime and shall be punishable under the law of the State."

The CHAIRMAN asked if the Soviet Union representative was proposing an amendment to the Declaration or to the Convention.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) asked that it be studied as an amendment to the Declaration, as the Convention was incomplete and many of the fundamental rights were not included.

Mrs. MEHTA (India) pointed out that the word "colour" had been added to the Article in the Convention. She had understood the term "race" to include colour, but if there was any doubt on the subject, she thought that the word "colour" should be inserted in the Declaration.

Mr. CRUZ COKE (Chile) did not agree with the Soviet Union proposal since it put all power in the hands of the State, and, in his opinion, the State constituted the chief threat to the rights of the individual.

Mr. MALIK (Lebanon) said that the representative of India had raised an important point since "race" and "colour" did not mean the same thing, neither was the conception of colour included in the term "race".

Mr. CASSIN (France) said that the Working Group on the Declaration had followed the practice of the Sub-Commission on Discrimination and Minorities and had considered the term "race" to include colour. He drew attention to the definition of "national origin" in the Sub-Commission's Report and said that a general reference to that Report should be made in connection with the interpretation of the terminology. He agreed with the principle of the Soviet Union proposal, but he did not think that the question of implementation should be included in the Declaration.

The CHAIRMAN said that her Government would be opposed to the introduction of the Soviet Union proposal in the Declaration. She did not think that a law such as that proposed by the Soviet Union representative could be applied in practice, and cited the prohibition law in the United States as an example.

General ROMULO (Philippine Republic) supported the Indian proposal that the word "colour" be added to the Article in the Declaration. He agreed with the Soviet Union proposal in principle,

but did not think it should be included in the Declaration. He announced his intention of abstaining from voting on it.

Mrs. MEHTA (India) wished to change her proposal to read "race including colour" since colour was not mentioned in the United Nations Charter.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) emphasised the importance of reinforcing the general principles by some concrete measures for implementation. He did not think there would be any difficulty in specifically prohibiting acts of discrimination. He thought that if no provision were adopted to prevent acts of discrimination, it would mean that such practices as lynching of negroes would continue. He thought that it should be specifically stated that violation of the principles of the Declaration was a crime.

The meeting rose at 1.10 p.m.