

Third session
THIRD COMMITTEE

Dual Distribution

REPORT OF SUB-COMMITTEE 4 OF THE THIRD COMMITTEE
submitted by Mr. Alan S. Watt (Australia), Rapporteur

Terms of Reference of the Sub-Committee

At its 166th meeting on 30 November 1948, the Third Committee set up a Sub-Committee "to examine the totality of the Declaration of Human Rights, i.e. the 29 articles and the Preamble, adopted by the Third Committee, solely from the standpoint of arrangement, consistency, uniformity and style and to submit proposals thereon to the Third Committee."

The Sub-Committee was also asked to "set up a language group of five members, one for each of the official languages, to check and secure the exact correspondence of the text in the five official languages".

Composition of the Sub-Committee

The Sub-Committee was composed of the representatives of the following eleven countries:

Australia
Belgium
China
Cuba
Ecuador
France
Lebanon
Poland
Union of Soviet Socialist Republics
United Kingdom
United States of America

Summary of the proceedings and recommendations of the Sub-Committee

The Sub-Committee held 10 meetings from 1 December to 4 December 1948.

The first meeting of the Sub-Committee was called to order by the Director of the Division of Human Rights and immediately proceeded to the election of the following officers:

- Chairman: Professor René Cassin (France)
- Rapporteur: Mr. Alan S. Watt (Australia)

/Mr. John Humphrey,

Mr. John Humphrey, Director of the Division of Human Rights, represented the Secretary-General and Mr. T.L. Tchang acted as Secretary.

At its first meeting, after hearing statements by the representatives of China, Cuba and Ecuador on the general structure of the Declaration and the order of the articles, the Sub-Committee proceeded to a detailed examination and study of the Declaration article by article. This detailed examination continued through the second to the ninth meeting.

As a result of this examination and study, and subject to the reservations indicated ^{below} regarding the text of certain articles and the question of order and arrangement, the Sub-Committee decided to recommend to the Third Committee the text attached hereto as Annex A. Subject to the same reservations, it also decided to recommend that the order of the paragraphs in the preamble and of the articles of the Declaration be as therein indicated.

The order in the Annex is the same as that of the original text with the exception of a few changes in the order of articles and of one paragraph in the Preamble. The representative of Cuba explained his vote against the proposed re-arrangement because he considered that this order contained serious mistakes in that it did not take into proper account (1) the right to protection of the family; (2) the right to freedom of thought, conscience and religion; (3) social rights (articles 20 to 25).

It will be noted that there has also been one change in the order of the recital of the preamble.

The Committee had before it the following documents: A/C.3/380, A/C.3/218, A/C.3/379, (E,F,C,R,S.), A/C.3/386 (E,F,C,R,S.), A/C.3/SC.4/W.1, A/C.3/SC.4/1 to 21.

At its last meeting, the Sub-Committee set up the language group mentioned in its terms of reference. The membership of this group is as follows: Dr. P.C. Chang and Mr. T.Y. Tsao (China); MM. Borisov and Petrov (Union of Soviet Socialist Republics); Dr. Perez Cisneros (Cuba) and Carrera de Andrade (Ecuador); Mr. Rundall (United Kingdom); Mr. Ryckmans (Belgium).

During the course of the debates various members requested that certain points be brought to the attention of the Third Committee. These points are the following:

Article 2, Paragraph 1: The representative of the Union of Soviet Socialist Republics protested against the action of the Sub-Committee in changing the place of the word "birth". He said that this changed a decision taken by the Third Committee on a question of substance, and reserved his right to bring the matter up again in the Third Committee.

Paragraph 2:

Paragraph 2: The representatives of Ecuador, Poland and the Union of Soviet Socialist Republics were of opinion that the Sub-Committee had exceeded its terms of reference in changing the "additional" article adopted by the Third Committee which now appears in modified form as paragraph 2 of Article 2. The representative of the Union of Soviet Socialist Republics said that this amounted to a deletion of the "additional" article as a separate article. The representative of Ecuador was of opinion that the suppression of the colonial clause constituted a reconsideration of a decision taken by the Third Committee and that such reconsideration required a two-thirds majority vote of the Third Committee.

Article 4: The representative of the Union of Soviet Socialist Republics said that the change made by the Sub-Committee in the order of the article weakened the text in that the emphasis had been altered.

Article 12

Paragraph 2: Certain representatives felt that the suggested new version of the second paragraph might affect the substance of the article as adopted by the Third Committee.

Article 18: The Sub-Committee decided to ask the Third Committee whether it was advisable to retain the word "pacifique" in the French text of Article 18.

Article 19: The representatives of Cuba, France and the Lebanon were strongly of opinion that the French text of paragraph 3 of article 19 should begin: "La volonté du peuple est le fondement...."

Article 20: The representative of Ecuador is of opinion that the French version of article 20 as proposed by the Sub-Committee is completely different from the English version which he considers to be the basic text.

Article 22: Certain members of the Sub-Committee thought that the suggested change, "All children, whether born in or out of wedlock..." in paragraph 3 of Article 22 might affect the substance of the article as voted by the Third Committee.

Article 23: The representative of Ecuador protested against any modification of the fundamental right to free education as stated in the text voted by the Third Committee. The representative of the Union of Soviet Socialist Republics reserved his right to raise this question in the Third Committee inasmuch as the text had not been improved but weakened.

Additional article: The representative of Ecuador desired to draw the attention of the Third Committee to the fact that this article no longer appears in the draft Declaration as a separate article.

At the ninth meeting of the Sub-Committee, the Cuban representative criticized the Secretary-General for not having provided interpretation from Spanish into the working languages notwithstanding the fact that interpretation had been provided from one of the other official languages. He requested that this protest be recorded in the report of the Sub-Committee.

During a discussion of the order of the articles at the ninth meeting, the representative of Cuba requested roll-call votes on three issues.

The first of these votes was on the Cuban proposal to insert articles 16 and 17 immediately after article 4(a). The result of this vote was as follows:

Australia	no
Belgium	abstention
Ecuador	no
Cuba	yes
China	no
USA	no
France	no
Lebanon	abstention
Poland)	did not participate
USSR)	in the vote
United Kingdom	no

Result: 1 for, 6 against, 2 abstentions.

In the explanation of his vote, the representative of Cuba referred to the importance of his proposal and reserved his right to take up the matter before the Third Committee.

The second roll-call vote was on the Cuban proposal to insert Article 14 immediately after Article 4(a). The result of this vote was as follows:

Australia	no
Belgium	abstention
Ecuador	yes
Cuba	yes
China	no
USA	no
France	no
Lebanon	no
Poland)	did not participate
USSR)	in the vote
United Kingdom	no

Result: 2 for, 6 against, 1 abstention.

The representatives of the Union of Soviet Socialist Republics and Poland stated that they had been unable to participate in the voting on the two Cuban motions mentioned above because no general plan for the order of articles had been adopted by the Sub-Committee which had only considered the location of individual articles. In these circumstances, it was impossible for them to judge the advisability of making isolated changes in the order of the articles.

The third roll-call vote was on the Cuban proposal to insert articles 20 to 25 inclusive immediately after Article 4(a). The result of this vote was as follows:

Australia	no
Belgium	yes
Ecuador	yes
Cuba	yes
China	no
USA	no
France	no
Lebanon	abstention
Poland	yes
USSR	yes
United Kingdom	no

Result: 5 for, 5 against, 1 abstention.

In the explanation of his votes on these three issues, the representative of Cuba referred to the importance of his proposals and reserved his right to bring them up again before the Third Committee.

At the ninth meeting of the Sub-Committee the representative of the Union of Soviet Socialist Republics said that, because the language group had not been established, the Sub-Committee was working under abnormal conditions and had not performed its mandate.

This revision of the draft report of the 4th Sub-Committee does not contain the Annex A, which is to be found in Document A/C.3/400.
