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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE SEVENTIETH MEETING

Held at Lake Success, New York  
on Friday, 11 June 1948, at 2.30 p.m.

Chairman: Mrs. Franklin D. ROOSEVELT United States of America

Rapporteur: Mr. Charles MALIK Lebanon

Members:

Mr. J. D. L. HOOD	Australia
Mr. R. LEBEAU	Belgium
Mr. A. S. STEPANENKO	Byelorussian Soviet Socialist Republic
Mr. G. LARRAIN	Chile
Mr. P. C. CHANG	China
Mr. Omar LOUFI	Egypt
Mr. René CASSIN	France
Mrs. Hansa MEHTA	India
Mr. M. de J. QUIJANO	Panama
Mr. Jose D. INGLES	Philippines
Mr. M. KLEKOVKIN	Ukrainian Soviet Socialist Republic
Mr. A. P. PAVLOV	Union of Soviet Socialist Republics
Mr. E. WILSON	United Kingdom
Mr. R. FONTAINA	Uruguay
Mr. Josa VILFAN	Yugoslavia

Also present:

Mrs. Amalia LEDON Commission on Status of Women

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Representatives of Specialized Agencies:

Dr. R. A. METALL	International Labour Organization (ILO)
Mr. Pierre LEBAR	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Consultants from Non-Governmental Organizations:

Miss Toni SENDER	American Federation of Labor (AFL)
Mr. A. J. VANISTENDAEL	International Federation of Christian Trade Unions (IFCTU)
Mr. J. H. DRENNAN	Catholic International Union for Social Service
Mr. Sartell PRENTICE, Jr.	Commission of the Churches on International Affairs
Mr. Barnett JANNER	Co-ordinating Board of Jewish Organization for Consulta- tion with the Economic and Social Council of the United Nations
Mrs. W. B. PARSONS	International Council of Women
Mrs. M. B. VANDENBERG	International Alliance of Women
Miss Catherine SCHAEFFER	International Union of Catholic Women's Leagues
Dr. F. R. BIENENFELD	
Mr. Stephen D. WOLKOWICZ	World Jewish Congress

CONTINUATION OF CONSIDERATION OF THE DRAFT INTERNATIONAL DECLARATION ON HUMAN RIGHTS (DOCUMENT E/CN.4/95)

Article 29

The CHAIRMAN read a statement submitted by the representative of the International Federation of Christian Trade Unions supporting the French position on paragraph 2 of Article 29 and the statement of the AFL representative. The Federation favoured both the content and the spirit of the Article. It considered that its implementation on the international level was the responsibility of ILO, while on the national level it should be implemented by both the legislatures and the trade unions. The Federation however made its acceptance of the Article dependent on the adoption of an article covering the whole social and economic field.

Mr. LOUTFI (Egypt) supported the joint India-United Kingdom amendment suggesting the deletion of paragraph 2. He considered that the statement of principle contained in paragraph 1 was sufficient and did not need further elaboration.

Mr. VILFAN (Yugoslavia) favoured retention of paragraph 2. He was ready to accept the "umbrella article" proposed by the French representative but thought that a decision on that point should be reached only after examining all the social, economic and cultural rights. In its present form the paragraph did not adequately cover the field. It was not enough to speak of "limitation of working hours" or of "periodic vacations with pay" since it might be argued that that requirement could be met for instance by giving workers a free Sunday. The Declaration should lay down the principle towards the realization of which international development should be directed.

The CHAIRMAN put paragraph 1 of Article 29 to the vote.

Paragraph 1 of Article 29 was unanimously adopted.

/in answer

In answer to a question by Mr. PAVLOV (Union of Soviet Socialist Republics), the CHAIRMAN explained that the India-United Kingdom amendment proposed the deletion of paragraph 2 of Article 29.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) pointed out that since paragraph 2 contained an important principle the Commission would place itself in the strange position of voting against it if it adopted deletion of the paragraph.

The CHAIRMAN stressed that no question of opposing the principle was involved. It was merely a matter of deciding whether it should be inserted in the Declaration at that point.

The India-United Kingdom proposal to delete paragraph 2 of Article 29 was adopted by 9 votes to 6.

#### CONSIDERATION OF ARTICLE 30

Mr. CASSIN (France) introduced his amendment suggesting the insertion of the words "in scientific research and" between the words "share" and "in the benefits". In answer to questions and suggestions by Mr. MALIK (Lebanon), Mr. LEBEAU (Belgium), the CHAIRMAN and Mr. CHANG (China), the French representative explained that cultural life included science but that he wished to lay particular stress on the participation of even uneducated persons in scientific progress.

Mr. CHANG (China) proposed the replacement of the last part of the sentence after "share" by "in scientific advancement" and recalled that the phrase was derived from Bacon.

Mr. PAVLOV (Union of Soviet Socialist Republics) favoured the article because it emphasized the right of "everyone" to participate in cultural life. The benefits of science were not the property of a chosen few but the heritage of the people. He stressed that the task of science

/was to

was to work for the advancement of peaceful ~~line~~ and to make human life better. In the USSR science and culture belonged to all, and tremendous progress had been achieved in making the benefits of culture accessible to broadest masses.

After Mr. CHANG (China) had drawn the Commissions' attention to the fact that the time originally set aside for the plenary meeting of the Commission had elapsed, Mr. CASSIN (France) moved that the discussion should be continued until a decision on the Article could be reached.

Mr. WILSON (United Kingdom) seconded the motion of the French representative.

It was decided by 11 votes to 1 to continue consideration of the Article.

The CHAIRMAN requested the members to limit their remarks to the issues presented by the Article and not to introduce extraneous matters.

In answer to Mr. STEPANENKO (Byelorussian Soviet Socialist Republic), who had pointed out that the USSR representative had not finished his observations, she said that Mr. Pavlov had been making a general statement not directly linked with the Article under consideration.

Mr. CHANG (China) maintained that his amendment was furthest removed from the original text and consequently should be voted first.

Mr. CASSIN (France) withdrew his own amendment and supported the Chinese proposal.

Mr. PAVLOV (Union of Soviet Socialist Republics) submitted the following amendment:

/"In the

"In the advancement of science which should serve the interests of the progress of mankind, the cause of peace, and co-operation amongst peoples".

The CHAIRMAN put the USSR amendment to the vote as furthest removed from the original draft.

The USSR amendment was rejected by 9 votes to 4, with 3 abstentions.

After a short discussion the Chinese amendment was adopted by 8 votes to 3, with 5 abstentions.

Mr. CASSIN (France) proposed the addition of a second paragraph to Article 30. The paragraph in question would read:

"Everyone is also entitled to the protection of the moral and material interests relating to the inventions or any literary, scientific or artistic work of which he is the author."

He stated that the Bogota Conference had adopted a similar provision.

Mrs. MEHTA (India) considered that Article 14 of the Declaration made sufficient provisions for the problem at issue. She would oppose the inclusion of a separate Article which would single out only a section of the people.

Mr. WILSON (United Kingdom) shared the view of the Indian representative. He felt that no special category of people should be singled out because this might lead to the necessity of mentioning other groups.

Mr. LARRAIN (Chile) strongly supported the French proposal and was gratified that it was based on the Bogota Declaration.

Mr. FONTAINA (Uruguay) favoured the French proposal and associated himself with the representative of Chile. He disagreed with the views of the Indian and United Kingdom representatives and pointed

out that the Declaration of Human Rights had made provisions for the right of other groups but had left intellectual workers without protection.

The CHAIRMAN, speaking as the representative of the United States of America, pointed out that the United Nations Declaration was shorter than that adopted at Bogota. The latter document dealt with copyright which was a problem of international law. She opposed inclusion of the French amendment.

The French amendment was rejected by 6 votes to 5, with 5 abstentions.

CONSIDERATION OF DRAFT ARTICLES 25/26 PREPARED BY THE DRAFTING SUB-COMMITTEE (DOCUMENT E/CN.4/127)

The CHAIRMAN read the following new draft for Articles 25/26 prepared by the Drafting Sub-Committee:

"1. Everyone has the right to social security. This includes the right to a standard of living and social services adequate for the health and well-being of himself and his family and to security in the event of (against the consequences of) unemployment, sickness, disability, old age or other lack of livelihood in circumstances beyond his control.

"2. Mother and child have the right to special care and assistance."

She pointed out that the Drafting Sub-Committee in proposing that text, had recommended that a preliminary vote should be taken as to whether the words "against the consequences of" (proposed by the representative of France) should be substituted for "in the event of" (proposed by the representative of the United Kingdom).

/Mr. CASSIN

Mr. CASSIN (France) said the words "against the consequences of" appeared in the text adopted at the second session of the Commission and also in the Bogota Convention. He felt they were more appropriate than the words "in the event of".

Mr. WILSON (United Kingdom) replying to a question raised by Mr. MALIK (Lebanon), said his delegation had proposed the words "in the event of unemployment, sickness etc." because one of the consequences of sickness or old-age, for instance, might well be death, and no one could be assured security against such a possibility.

The CHAIRMAN, speaking as the representative of the United States of America, said her delegation supported the words "in the event of" as there were many consequences of sickness, disability etc. against which the individual could not possibly be protected.

Mr. PAVLOV (Union of Soviet Socialist Republics) said he had compared the texts of Articles 25 and 26 in the draft adopted at the second session of the Commission with the new text proposed by the Drafting Sub-Committee, and considered that the latter was not an improvement. All reference to housing and medical assistance had been deleted. He asked for clarification of the word "security" as used in the text.

The CHAIRMAN considered that the words "everyone has the right to social security", which appeared in the new draft, meant that everyone had a right to a standard of living and social services adequate for the health and well-being of himself and family.

Mr. WILSON (United Kingdom) supported the Chairman's remarks. The Drafting Sub-Committee had not deleted reference to medical assistance and housing -- those services were included in the broad terms used in the new text.

/The term "security"

The term "security" meant security against unemployment, etc. To use the term "social security" would be a mistake because in the United Kingdom, for example, the meaning of that term went far beyond that of the word "security".

Mr. METALL (International Labour Organization), referring to the new text of Articles 25/26, felt the Commission was placing a new definition on the words "social security" and giving it the same meaning as the right to a standard of living and adequate social services etc. He suggested that the phrase "security in the event of" should be redrafted to read "protection in the event of".

The word "sickness" should either be deleted, as sickness was a form of disability, or the word "disability" changed to read "invalidity". He suggested that the first paragraph of Articles 25/26 should be redrafted to read:

"Everyone has the right to a standard of living, and to social services adequate for the health and well-being of himself and family, and to social security including protection in the event of unemployment, sickness, invalidity, old age and the loss of livelihood in circumstances beyond his control."

The CHAIRMAN felt that it would be unwise for the Commission to use the term "social security" in a different sense from that in which it was used by the International Labour Organization. The term "disability" might be used to cover both sickness and invalidity, and in that connection she supported the text adopted at the second session of the Commission.

/Mr. PAVLOV

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that sickness in itself did not always result in disability. He doubted the value of the amendment suggested.

Mr. HOOD (Australia), referring to an ambiguity in the English text of Articles 25/26 prepared by the Drafting Sub-Committee, suggested that the word "to" should be inserted in the second line before the words "social services".

Mr. MALIK (Lebanon) said Articles 25/26 should be drafted in such a way as to leave no doubt that sick people who could still work were also entitled to security.

Mr. CASSIN (France) supported the amendment suggested by the representative of the International Labour Office, provided that it was divided into two sections as follows:

"(1) Everyone has the right to a standard of living and to social services adequate for the health and well-being of himself and his family.

(2) Everyone has the right to social security including protection in cases of unemployment, sickness, invalidity, etc.

The CHAIRMAN suggested that the term "loss of livelihood" should be changed to read "lack of livelihood" in order to cover the case of children.

Mr. WILSON (United Kingdom) considered that the last part of the amendment should be redrafted to read:

"sickness, disability, old age or other lack of livelihood, in circumstances beyond his control."

/The CHAIRMAN

The CHAIRMAN, replying to Mr. MALIK (Lebanon), said the clause "adequate for the health and well-being of himself and his family" covered both the right to a standard of living and the right to social services.

Mr. METALL (International Labour Organization), replying to Mr. WILSON (United Kingdom), who questioned the use of the words "social security", said that he considered those words had too wide a definition only when they appeared at the beginning of the paragraph. As they at present appeared in the middle of the paragraph they covered what was simply a fact in the legislation of most countries. The Declaration was not defining social security, it was merely saying what should be provided under social security.

Mr. PAVLOV (Union of Soviet Socialist Republics) considered that Articles 25/26 should contain some mention of social insurance.

Mr. METALL (International Labour Office) pointed out that the words "social security" as used in the draft text of Articles 25/26 included all measures of social insurance.

Mr. WILSON (United Kingdom) emphasized the fact that it might be dangerous to use the term "social security" as it did not mean the same thing in all countries. The insertion of those words in the middle of paragraph 1 of Articles 25/26 did not improve the text, and he would therefore vote against their inclusion.

Mr. LEBEAU (Belgium) supported the amendment suggested by the representative of the International Labour Office.

Mr. CASSIN (France) considered that the words "social security" should be retained. The Commission would not be carrying out its task in a proper manner if those words were omitted from the Declaration.

/Mr. PAVLOV

Mr. PAVLOV (Union of Soviet Socialist Republics) reiterated his previous remarks regarding Articles 25/26, and suggested that the amended text proposed by the representative of the ILO should be circulated in writing.

After a brief discussion, in which the CHAIRMAN and the representatives of URUGUAY, BELGIUM, YUGOSLAVIA, and the UNION OF SOVIET SOCIALIST REPUBLICS took part, the last-named formally moved, under rule 52 of the rules of procedure, the adjournment of the debate on the amended text for Articles 25/26 submitted by the representative of the International Labour Organization.

Mr. VILFAN (Yugoslavia) supported the proposal of the USSR representative.

The CHAIRMAN said the discussion of the draft text submitted by the representative of the International Labour Organization would be adjourned until Monday morning, 14 June.

Mr. PAVLOV (Union of Soviet Socialist Republics) having proposed that the Commission should take up the discussion of Article 31, the CHAIRMAN asked members of the Commission to vote on whether they wished to continue the discussion of the "umbrella" clause or of Article 31, or to adjourn immediately in order that the sub-committees might meet.

The Commission decided to adjourn by ten votes to none, with six abstentions.

The meeting rose at 5.15 p.m.