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DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Cuba: Amendments to the first nine Articles  
of the Draft Declaration (E/800)

Article 1

Insert the text of this article in a Preamble worded as follows,  
to precede the enumeration of rights:

"All men are born free and equal in dignity and rights; being  
endowed by nature with reason and conscience, they should act towards  
one another like brothers."

Respect for the rights of all requires that each shall do his  
duty. In all human activity, both social and political, rights and  
duties are indissolubly linked with one another. While rights enhance  
individual freedom, duties express the dignity of that freedom.

Duties of a legal nature presuppose other duties of a moral  
nature which facilitate their understanding and serve as their  
foundation.

It is the duty of man to practise, uphold and promote culture by  
all means at his disposal, for culture is the highest social and  
historical expression of the human spirit.

Morality being the noblest product of culture, it is the duty of  
all to respect it at all times."

Article 2

This article in the following wording should become Article 2 of the  
Declaration:

"All are equal before the law and are entitled to the rights,  
and subject to the duties, laid down in this Declaration without  
distinction of race, birth, sex, language, religion, political  
opinion, or property or other status."

This wording would make it unnecessary to include Article 6.

Article 3

This article in the following wording should become Article 1 of the  
/Declaration

Declaration:

"Every human being has the right to life, liberty, security and integrity of person."

Article 4

Delete the first paragraph as being unnecessary after Articles 1 and 3.

Transfer the second paragraph to the section dealing with purely juridical rights (Article 26: "Right to fair trial") in the following wording:

"No one shall be subject to cruel, degrading and non-customary punishment."

It should be noted that the idea of Article 4 is embodied by the Cuban delegation in its proposed new draft of Article 7.

Article 5

Transfer this text, worded as follows, to the beginning of the section relating to purely juridical rights (Articles 16 and following):

"Everyone has the right to recognition everywhere as possessing rights and obligations and enjoying fundamental civil rights."

Article 6

No longer serves any purpose in view of the re-drafting of Article 2 as proposed by the Cuban delegation, and of the wording of Article 5.

Article 7

Transfer this text, worded as follows, to the section relating to purely juridical rights (Article 25: "Protection against arbitrary detention"):

"No one may be deprived of his freedom except in such cases as are covered by existing laws and in conformity with the procedure prescribed by them.

"No one may be detained for failure to carry out obligations of a purely civil character.

"Any person who has been deprived of his freedom is entitled to have the legality of the measures to which he has been subjected immediately confirmed by a judge, and to be tried without unjustifiable delay or, failing that, to be released.

"He is also entitled to humane treatment while under detention."

Articles 8 and 9

Transfer these texts, worded as follows, to the section relating to purely juridical rights (Article 26: "Right to a fair trial"):

"Any person against whom a charge is made is presumed to be

innocent until proved guilty according to law.

"Everyone charged with a penal offence has the right to an impartial and public hearing and trial by previously established tribunals in accordance with existing laws.

"Such person shall not be subjected to cruel, degrading or non-customary punishment."

It is pointed out that the improvements made in Article 5 by the Cuban delegation's amendments render Article 8 almost superfluous.

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