

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

SECOND SESSION

DRAFT INTERNATIONAL DECLARATION ON HUMAN RIGHTS (DOCUMENT E/600)
WITH UNITED STATES' RECOMMENDATIONSGeneral Comment

The United States submits herewith certain suggestions for re-wording of individual articles of the Declaration. These suggestions envisage the substantive rights being expressed under an overall clause stating "Every one is entitled to" these rights and freedoms, and will obviate the necessity of repeating "Every one is entitled to" or similar wording in each article.

The United States representative is profoundly impressed by the draft Declaration submitted by China at this session of the Committee. It is encouraged to find that so brief and entirely understandable a Declaration will be considered. It will lend full support to a very substantial further curtailment of the length of the Declaration and considers that the length of the draft presented by China may well come close to the ideal.

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UNITED NATIONS
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/PREAMBLE

PREAMBLE

Draft Declaration

Covenant Article

None

WHEREAS the Members of the United Nations have

Article 1

Reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and

Pledged themselves to co-operate for the achievement of

higher standards of living, full employment, and conditions of economic and social progress and development;

solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;

The General Assembly recommends the following Declaration as a standard of achievement for its Members in their promotion of human rights and fundamental freedoms.

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

All men are born free and equal in dignity and rights.

None

Article 1

/Article 2

Article 2

In the exercise of his rights everyone is limited by the rights of others and by the just requirements of the democratic State. The individual owes duties to society through which he is enabled to develop his spirit, mind and body in wider freedom.

The full exercise of the rights set forth in this Declaration requires recognition of the rights of others and protection by law of the freedom, general welfare and security of all.

Article 3

Every one is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, (which includes colour), sex, language, religion, political or other opinion, property status, or national or social origin.

All are equal before the law regardless of office or status and entitled to equal protection of the law, without distinction of any kind, such as race, (which includes colour), sex, language, religion, political or other opinion, property status, national or social origin or any other arbitrary discrimination.

All are equal before the law regardless of office or status and entitled to equal protection of the law against any arbitrary discrimination, or against any incitement to such discrimination, in violation of this Declaration.

Article 4

Every one has the right to life, liberty and security of person.

No change.

Article 5

No one shall be deprived of his personal liberty or kept in custody except in cases prescribed by law and after due process. Every one placed under arrest or detention shall have the right to immediate judicial determination of the legality of any detention to which he may be subject and to trial within a reasonable time or to release.

Every one is entitled to:

Freedom from being arrested or detained without being promptly informed of the reasons for the arrest or detention and without being entitled to a fair hearing within a reasonable time or release.

/Article 6

Article 5

Article 5

Articles 9, 13

Article 2

Article 20

6
Article 6

Every one shall have access to independent and impartial tribunals in the determination of any criminal charge against him, and of his rights and obligations. He shall be entitled to a fair hearing of his case and to have the aid of a qualified representative of his own choice, and if he appears in person to have the procedure explained to him in a manner in which he can understand it and to use a language which he can speak.

Every one is entitled to:

Freedom from conviction or punishment for crime except after a public trial within a reasonable time before a fair, impartial and independent tribunal; and

The right to a fair hearing before an impartial and independent tribunal in the determination of any criminal charge against him or of any of his rights or obligations.

Article 7

1. Any person is presumed to be innocent until proved guilty. No one shall be convicted or punished for crime or other offence except after fair public trial at which he has been given all guarantees necessary for his defence. No person shall be held guilty of an offence on account of any act or omission which did not constitute such an offence at the time when it was committed, nor shall he be liable to any greater punishment than that prescribed for such offence by the law in force at the time when the offence was committed.

2. Nothing in this Article shall prejudice the trial and punishment of any person for the commission of any act which, at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

3. No one shall be subjected to torture, or to cruel or inhuman punishment or indignity.

Every one is entitled to:

The right to be presumed innocent of crime until proved guilty;

Freedom from ex post facto laws; and

Freedom from torture or mutilation, or cruel or inhuman punishment or indignity.

Articles 9, 13

Articles 9, 13

Article 14

Article 7

/Article 8

Article 8

Slavery, in all its forms, being inconsistent with the dignity of man, shall be prohibited by law.

Every one is entitled to freedom from slavery or forced or compulsory labour.

Article 8

Article 9

Every one shall be entitled to protection under law from unreasonable interference with his reputation, his privacy and his family. His home and correspondence shall be inviolable.

Every one is entitled to freedom from unreasonable interference with reputation, family, home or correspondence.

None

Article 10

1. Subject to any general law not contrary to the purposes and principles of the United Nations Charter and adopted for specific reasons of security or in general interest, there shall be liberty of movement and free choice of residence within the border of each State.

Everyone is entitled to freedom of movement and residence within the borders of each State and freedom to emigrate, and to acquire the nationality of any state willing to grant it.

Article 11

2. Individuals shall have the right to leave their own country and, if they so desire, to acquire the nationality of any country willing to grant it.

Article 11

Every one shall have the right to seek and be granted asylum from persecution. This right will not be accorded to criminals nor to those whose acts are contrary to the principles and aims of the United Nations

Every one is entitled to the right to seek and be granted temporary asylum in other countries to escape persecution.

None

Article 12

Every one has the right everywhere in the world to recognition as a person before the law and to the enjoyment of fundamental civil rights.

Every one is entitled to the right to recognition as a person before the law.

Articles 9, 13

Article 13

1. The family deriving from marriage is the natural and fundamental unit of society. Men and women shall have the same freedom to contract marriage in accordance with the law.

Omitted as sufficiently protected in other Articles.

None

2. Marriage and the family shall be protected by the State and Society.

Article 14

1. Every one has the right to own property in conformity with the laws of the State in which such property is located.

Every one is entitled to the right to own property in conformity with the laws of the state in which such property is located and to freedom from the arbitrary deprivation of his property.

None

2. No one shall be arbitrarily deprived of his property.

Article 15

Every one has the right to a nationality.

Omitted as sufficiently covered in Article 10.

None

All persons who do not enjoy the protection of any government shall be placed under the protection of the United Nations. This protection shall not be accorded to criminals nor to those whose acts are contrary to the principles and aims of the United Nations.

Article 16

1. Individual freedom of thought and conscience, to hold and change beliefs is an absolute and sacred right.

2. Every person has the right, either alone or in community with other persons of like mind and in public or private, to manifest his beliefs in worship, observance, teaching and practice.

Every one is entitled to freedom of religion, conscience, and belief, including the right, either alone or in community with other persons of like mind, to hold and manifest any religious or other belief, to change belief, and to practice any form of religious worship and observance.

Article 16

Article 17

1. Every one is free to express and impart opinions, or to receive and seek information and the opinion of others from sources wherever situated.

2. No person may be interfered with on account of his opinions.

Every one is entitled to freedom of speech and expression including freedom to hold opinions, and to seek, receive and impart information and ideas by any means and regardless of frontiers.

Article 17

Article 18

There shall be freedom of expression either by word, in writing, in the press, in books or by visual, auditive or other means. There shall be equal access to all channels of communication.

The Commission referred these articles to the Sub-Commission on Freedom of Information and of the Press, and to the Conference on Freedom of Information.

The Sub-Commission on Freedom of Information and of the Press, at its second session (January 1948) approved the following one article to take the place of Articles 17 and 18:

/"Every one

Article 18 (continued)

"Every one shall have the right to freedom of thought and expression: this shall include freedom to hold opinions without interference; and to seek, receive and impart information and ideas by any means and regardless of frontiers."

The Conference on Freedom of Information (April 1948) approved this article in substantially the same language.

Article 19

Every one has the right to freedom of peaceful assembly and to participate in local, national and international associations for purposes of a political, economic, religious, social, cultural, trade union or any other character, not inconsistent with this Declaration.

Every one is entitled to freedom of peaceful assembly and association with others.

Articles 18, 19

Article 20

Every one has the right, either individually, or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations.

Every one is entitled to the right, either individually or in association with others, to communicate with the authorities of the State of which he is a national or with the United Nations.

None

Article 21

Every one without discrimination has the right to take an effective part in the Government of his country. The State shall conform to the will

Every one is entitled to:

- (a) The right to take an effective part

None

/of the people

/in the government

Article 21 (continued)

of the people as manifested by elections which shall be periodic, free, fair and by secret ballot.

Article 22

1. Every one shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen or a national.

2. Access to public employment shall not be a matter of privilege or favour.

Article 23

1. Every one has the right to work.

2. The State has a duty to take such measures as may be within its power to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.

3. The State is bound to take all necessary steps to prevent unemployment.

Article 24

1. Every one has the right to receive pay commensurate with his ability and skill, to work under just and favourable conditions and to join trade unions for the protection of his interests in securing a decent standard of living for himself and his family.

2. Women shall work with the same advantages as men and receive equal pay for equal work.

in the government of the State of which he is a national, including the right to participate in free and fair elections held periodically by secret ballot, and including opportunity to hold office and to engage in public employment; and

(b) The right to a government which conforms to the will of the people, with full freedom for minority opinion to persist and, if such is the people's will, to become the effective majority.

Every one is entitled to:

None

The right to work under fair and just conditions, to choose a vocation freely, and to join trade unions of his own choice for the protection of his interests in securing a fair standard of living for himself and his family.

Article 25

Every one without distinction as to economic and social conditions has the right to the preservation of his health through the highest standard of food, clothing, housing and medical care which the resources of the State or community can provide. The responsibility of the State and community for the health and safety of its people can be fulfilled only by provision of adequate health and social measures.

Every one has the right to a standard of living necessary for health and general well-being, including social security and the opportunity to obtain adequate food, clothing, housing and medical care.

None

Article 26

1. Every one has the right to social security. The State has a duty to maintain or ensure the maintenance of comprehensive measures for the security of the individual against the consequence of unemployment, disability, old age and all other loss of livelihood for reasons beyond his control.

2. Motherhood shall be granted special care and assistance. Children are similarly entitled to special care and assistance.

Article 27

Every one has the right to education. Fundamental education shall be free and compulsory. There shall be equal access for higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, financial means, or political affiliation.

Every one is entitled to the right to free fundamental education and to equal access on the basis of merit to higher education.

None

Article 28

Education will be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

Article 29

1. Every one has the right to rest and leisure.
2. Rest and leisure should be ensured to every one by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay.

Article 30

Every one has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits that result from scientific discoveries.

In lieu of Articles 29 and 30, and also of Article 31

The following, to be added to the Article on health and social security (recommendation on Article 25). The entire Article would read:

"Everyone is entitled:

To a standard of living necessary for health and general well-being, including social security and the opportunity to obtain adequate food, clothing, housing, medical care, to obtain rest and leisure, to participate in the customs and the cultural life of the community and of groups in the community, to enjoy the arts, and to share in the benefits that result from scientific discoveries.

/Article 31

Draft Declaration

Recommendation

Covenant Article

22

Article 31

(The Commission did not take a decision on the two texts below. They are reproduced here for further consideration.)

See preceding Article - also covered in previous Articles.

Ncne

(Text proposed by the Drafting Committee:)

(In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right, as far as compatible with public order, to establish and maintain schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State.)

(Text proposed by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities:)

(In States inhabited by well-defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population, and which want to be accorded differential treatment, persons belonging to such groups shall have the right, as far as is compatible with public order and security, to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose.)

/Article 32

Draft Declaration

Article 32

All laws in any State shall be in conformity with the purposes and principles of the United Nations as embodied in the Charter, insofar as they deal with human rights.

Omit

Recommendation

Covenant Article

None