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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE SIXTY-SIXTH MEETING

Held at Lake Success, New York  
on Wednesday, 9 June 1948, at 2.30 p.m.

<u>Chairman:</u>	Mrs. Franklin D. ROOSEVELT	United States of America
<u>Rapporteur:</u>	Mr. MALIK	Lebanon
<u>Members:</u>	Mr. HOOD	Australia
	Mr. LEBEAU	Belgium
	Mr. STEPANENKO	Byelorussian Soviet Socialist Republic
	Mr. LARRAIN	Chile
	Mr. WU	China
	Mr. LOUTFI	Egypt
	Mr. CASSIN	France
	Mrs. MEHTA	India
	Mr. QUIJANO	Panama
	Mr. LOPEZ	Philippines
	Mr. KLEKOVKIN	Ukrainian Soviet Socialist Republic
	Mr. PAVLOV	Union of Soviet Socialist Republics
	Mr. WILSON	United Kingdom
	Mr. FONTAINE	Uruguay
	Mr. VILMAN	Yugoslavia

Also Present:

Mrs. LEDON	Representative of the Commission on the Status of Women
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Representatives of Specialized Agencies:

Mr. METALL	International Labour Organization
Mr. LEPAR	United Nations Educational, Scientific and Cultural Organization

Consultants from Non-Governmental Organizations:

Miss SENDER	American Federation of Labor (AF of L)
Mr. DRANNAN	Catholic International Union for Social Service
Mr. Van ISTENDAEL	International Federation of Christian Trade Unions (IFCTU)
Miss SCHAEFER	International Union of Catholic Women's Leagues
Dr. ROBB	Liaison Committee of Women's International Organizations
Dr. BIENENFELD	World Jewish Congress

Secretariat:

Dr. HUMPHREY	Director, Division of Human Rights
Mr. E. LAWSON	Secretary of the Commission

CONTINUATION OF THE CONSIDERATION OF THE DRAFT INTERNATIONAL DECLARATION ON HUMAN RIGHTS, SUBMITTED BY THE DRAFTING COMMITTEE (Annex A of Document E/CN.4/95)

The CHAIRMAN drew attention to the text of Article 23 submitted by the drafting sub-committee. (E/CN.4/114)

She pointed out that the words "of his own choice" in paragraph 3 had been placed in parenthesis, as the sub-committee had been unable to agree upon their inclusion. Certain members had contended that the words "everyone is free to form or join trade unions" already implied that the individual was free to choose the trade union, but the United States delegation wished to retain the words "of his own choice" for the sake of clarity.

Mr. WILSON (United Kingdom) warned the Commission of the danger of putting more in the article than was necessary. The words "of his own choice" would imply that any individual would join any trade union, which would only increase the difficulties of demarcation which already existed among the different trade unions.

/He added

He added that the United Kingdom delegation considered the whole paragraph unnecessary if the Commission wished to retain it, however, it should make sure that no misleading statements were included.

Mr. MALIK (Lebanon) asked why the sub-committee had in that instance departed from the formula "everyone has the right...", and had substituted "everyone is free...".

Mrs. MEHTA (India) explained that "everyone is free..." left it to the individual to decide whether or not he wished to join a trade union.

Mr. LEBEAU (Belgium) supported the explanation given by the Indian representative; it was not only a question of the right of the individual to join a trade union, but also his right not to join. The present text made that abundantly clear, and in his opinion the words "of his own choice" were redundant.

The CHAIRMAN, speaking as the representative of the United States of America, withdrew the words "of his own choice", in order to simplify the voting.

Mr. LOUFI (Egypt) declared his intention not to vote for paragraph 3, which he considered superfluous, since the right to freedom of association was already given in Article 18.

Mr. MALIK (Lebanon) asked why the sub-committee had singled out trade union association for separate mention, when freedom of association was already covered in Article 18.

The CHAIRMAN explained that the United States delegation considered that the right to form and join trade unions was an essential element of freedom. While other associations had long enjoyed recognition, trade unions had met with much opposition and it was only recently that they had become an accepted form of association. The struggle was, in fact, still  
/continuing,

continuing, and her delegation thought, therefore, that specific mention should be made of trade unions.

Mr. FONTAINA (Uruguay) agreed with the representative of Egypt that paragraph 3 was superfluous, as the matter was already covered by freedom of association in Article 18. He would not, however, be able to vote against the paragraph, having voted for freedom of association. If it were to be retained, it should be interpreted as meaning that individuals were not only free to join, but also not to join trade unions.

Mr. Fontaina understood why the USSR representative, who had only seen USSR trade unions, could not imagine any worker wishing to remain outside a trade union, for a USSR worker who left his trade union would have no work. Uruguay, however, among other countries, had many trade unions, which could be roughly classified into two politically opposed categories: those with a socialist trend, and those with a communist trend. Mr. Fontaina cited a case in his country where a socialist trade union had promoted a strike for an increase of pay; when the increase was obtained for all workers, whether members of the socialist or communist trade union, the communist trade union had organized a strike for a further increase, with the result that the factory in question had closed and all had suffered from a long period of unemployment. In view of such cases, it was essential that the right to join trade unions should be accompanied by the right not to join.

The CHAIRMAN recalled that when Article 19 had been considered, the suggestion to include trade unions in it had been decided against. Several members had supported that decision on the assumption that specific mention of trade unions would be made in Article 23.

It was understood that the words "everyone is free to form or join trade unions" left individuals free not to join.

The Commission approved paragraph 3 of Article 23 by twelve votes, with four abstentions.

Paragraph 4: "Women shall work with the same advantages as men and receive equal pay for equal work."

The CHAIRMAN, speaking as the representative of the United States of America, expressed her strong support for the principle of equal pay for equal work, which was widely observed in the United States, where many States had equal pay laws on their Statute Books. She felt, however, that there was no need for a specific provision in the Declaration, since the principle was adequately covered by the provision against discrimination in Article 3, and paragraph 1 spoke of "just and favourable conditions of work and pay". Moreover, she disagreed with the phrase "with the same advantages" since there were many fields of work in which women required special advantage,

Mrs. MEHTA (India) explained that only two members of the sub-committee had wished to include the paragraph in question.

For her part, she would vote against it, as she had explained at an earlier meeting. To make a specific reference to women in the article would give rise to the impression that women did not have the same rights in other matters where they were not specifically mentioned.

Mr. LARRAIN (Chile) recalled that when the Economic and Social Council at its last session had considered the proposal concerning equal pay for equal work submitted by the World Federation of Trade Unions and supported by the French and many Latin American delegations, Chile had supported the proposal wholeheartedly, pointing out that equal pay would be no innovation in Chile, where the principle was already applied in various fields of activity. The Council had adopted a resolution referring the problem to the International Labour Organization and calling upon all Member States to implement the principle.

In view of the Council's action, the delegation of Chile felt it was right and proper to refer to the principle in Article 23. Since there were, however objections to the specific mention of women, Mr. Larrain

/proposed

proposed that the following text might be more acceptable:

"Everyone is entitled to receive equal pay for equal work."

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) expressed his astonishment that the representative of India, herself a woman, was opposed to paragraph 4. The importance of such a provision was paramount, in view of the fact that women had been discriminated against in the matter of pay almost more than in any other. Moreover, the Commission on the Status of Women had adopted a resolution, requesting that the Declaration should contain a provision with regard to equal pay for equal work.

The provision had been included in the text adopted at the second session of the Commission and in the text of the Drafting Committee, and it was not right to ask for its exclusion now. As the representative of Chile had pointed out, the Economic and Social Council had passed a resolution on the subject, and in Mr. Stepanenko's opinion the Commission was bound to include such a provision in the Declaration.

Mr. WILSON (United Kingdom) declared that, in spite of the arguments of the Byelorussian representative, he would be guided by the views of the two women members of the Commission.

Mr. PAVLOV (Union of Soviet Socialist Republics) felt that paragraph 4 was of great importance. In many countries women were paid less than men for the same work -- a particular form of discrimination which could not be ignored in the Declaration. The fact that "just and favourable conditions of work and pay" were mentioned in paragraph 1 would be no safeguard, since employers might consider it just to pay women less for the same work.

Mr. Pavlov suggested that the following text might prove more acceptable to the majority of the Commission:

/"Women shall enjoy

"Women shall enjoy no less advantages than men in work and shall receive equal pay for equal work."

Mr. CASSIN (France) thought paragraph 4 had its uses, since the matter was not entirely covered by the provision against discrimination in Article 3, which had no power to regulate relations between employer and employee.

He would favour the principle of the text adopted at the second session, with the amendment proposed by the USSR representative.

Mrs. MEHTA (India) reiterated her conviction that any specific mention of women in the article would only weaken the position of women; there were many other fields in which there was discrimination against women, but nowhere else did the Declaration make specific mention of women, it being understood that "everyone" included women.

Mrs. LEDON (Commission on the Status of Women), on behalf of her Commission, which represented all the women of the world, urged the adoption of paragraph 4. The argument that the question of equal pay for equal work was covered by the general provision in paragraph 1 was not correct, since the Declaration did not specify what were "just and favourable conditions of work and pay".

Human beings must first be able to live; the standard of living depended upon work and its remuneration. The question of equal pay was therefore vital for women.

In conclusion, Mrs. Ledon appealed to the sense of justice of the members of the Commission, urging them to support that paragraph in order to improve the position of women throughout the world.

Mr. LOPEZ (Philippines) stated that he had previously objected to the wording of the first part of the provision, as he had thought it was open to misinterpretation. With the first part now amended by the

/USSR representati

USSR representative, he could support paragraph 4. Paragraph 1 was not enough, since the criterion of what "just and favourable" would be determined by contracts between the employer and employee. Paragraph 4 would in no way be redundant, for it introduced a new idea which was not contained in the rest of the article.

Mr. HOOD (Australia) supported the alternative text proposed by the representative of Chile, since it disposed of the objection, which he shared, to the specific mention of women. Moreover, it stated a principle which was not clearly enunciated in paragraph 1, wherein "just and favourable" referred to the conditions of work of individuals and did not cover the relations of individuals to one another.

Mr. WU (China) also supported the text proposed by the representative of Chile, which he thought would cover the objection raised by the representative of India.

Mr. CASSIN (France) urged members not to allow discrimination to continue, simply because they were afraid of words and preferred abstract amendments. The French delegation had considered the question very seriously and would support the original provision, since it considered it more important to defend women than to defend words.

Mr. WU (China) wished to make it clear that his delegation did not object to the mention of women, and was guiltless of any attempt to use vague and abstract words. The broader statement of the Chilean representative, however, stated an important principle which had not hitherto found its place in the Declaration, and which the Chinese delegation was glad to support.

Mr. PAVLOV (Union of Soviet Socialist Republics) had no fault to find with the Chilean text, save that it was not sufficiently specific.

/If that could



If that could be corrected, he would be willing to support it. He proposed that it should be amended to read:

"Everyone, regardless of race, nationality or ~~sex~~, is entitled to equal pay for equal work."

That would cover discrimination against women, and also discrimination against coloured workers as compared to white, colonial workers as compared to those of metropolitan Powers, etc.

Mr. LARRAIN (Chile) explained that his sole desire had been to enunciate the principle clearly, yet in such a way that the paragraph would not be rejected. He would accept the USSR amendment.

Mr. WILSON (United Kingdom) pointed out that although the Commission had started by discussing equal pay for men and women, a separate principle had now developed. He had nothing against the principle of equal pay for equal work, but it was a wide subject which entered into the matter of family responsibilities and which would involve an examination of the wage structure in various countries. Moreover, if that one principle were to be emphasized, it would throw the whole Declaration out of balance.

Mr. PAVLOV (Union of Soviet Socialist Republics) stressed that the vital interests of the working people were concerned in the question of equal pay for equal work, and the working woman must be protected from discrimination.

The whole question of wages was not a question of pay for work, but rather of pay in accordance with the requirements of the individual. Modern society, unfortunately, could not yet achieve that, but at least it could do away with the injustice suffered by women, coloured races, national minorities etc.

Mr. FONTAINA (Uruguay) declared that the very arguments of the USSR representative indicated the vast nature of the subject, for if the principle of equal pay for equal work were to be enlarged upon, it would

/be necessary

be necessary to mention every possible ground for discrimination. The Chilean text, on the other hand, referred to the principle of equal pay for equal work for "everyone", which included men and women, and rendered the USSR amendment unnecessary.

Mr. LOUTFI (Egypt) moved the closure of the debate.

Mr. QUIJANO (Panama) asked the Chairman to put paragraph 4 to the vote in two parts, the first part to be: "Everyone regardless of race, nationality and sex".

The Commission rejected the first part of paragraph 4 of Article 23, by eight votes to five, with four abstentions.

The CHAIRMAN put to the vote paragraph 4 in the following text: "Everyone is entitled to receive equal pay for equal work."

The Commission approved paragraph 4 of Article 23 by ten votes to three with four abstentions.

/Mr. CASSIN

Mr. CASSIN (France) said he had voted against the text "Everyone is entitled to receive equal pay for equal work" because he considered that not only was such an abstract formula very dangerous, but its interpretation would give rise to serious problems.

Mr. FONTAINE (Uruguay) suggested that paragraph 4 should become paragraph 2.

Mr. LOPEZ (Philippines) considered that the suggested new paragraph 2 should begin with the word "Women".

Mr. PAVLOV (Union of Soviet Socialist Republics) regretted the adoption of a wording for paragraph 4 of Article 23 which did not include mention of "equality regardless of sex."

The Committee decided by eight votes to none with eight abstentions that paragraph 4 of Article 23 should become paragraph 2.

The CHAIRMAN put Article 23, reading as follows, to the vote:

"1. Everyone has the right to just and favourable conditions of work and pay and to protection against unemployment.

"2. Everyone is entitled to receive equal pay for equal work.

"3. Everyone is free to form or join trade unions for the protection of his interests."

The Commission adopted by eight votes to three with five abstentions the text of Article 23 as amended.

CONSIDERATION OF THE REPORT OF THE DRAFTING COMMITTEE. (document E/CN.4/95)  
(Continuation of discussion)

Article 24

Mr. PAVLOV (Union of Soviet Socialist Republics) considered that Article 24 was covered by Article 23.

After a brief discussion, the CHAIRMAN put to the vote a proposal that the Drafting Sub-Committee should be requested to draft a separate Article 24.

/The proposal

The proposal was adopted by eleven votes to none with five abstentions.

Articles 25 and 26

The CHAIRMAN pointed out that the India/United Kingdom joint proposal (document E/CN.4/99) suggested the amalgamation of Articles 25 and 26, and that the delegation of China had proposed that Article 23 - 29 should be amalgamated (document E/CN.4/102).

Mrs. MEHTA (India) suggested the insertion in the joint India/United Kingdom proposal of a new paragraph reading as follows:

"Mothers and children shall be granted special care and assistance.", to which Mr. WILSON (United Kingdom) said he was not opposed. He did not however wish to be committed to that exact wording.

Replying to Mr. LEBEAU (Belgium), who asked whether the words "security in the event of unemployment", need be retained in the India/United Kingdom draft as protection against unemployment was provided for in Article 23, Mr. WILSON (United Kingdom) said he would prefer their retention.

Mr. CASSIN (France) pointed out that the amendments suggested by his delegation (document E/CN.4/82/Add.8) were submitted as amendments to the text adopted at the second session, but as the Lebanese amendment to paragraph 1 of Article 23 had been adopted that morning, he would not press the French amendment to Article 25. He supported the retention of the words "security in the event of unemployment" in the joint India/United Kingdom text, and suggested the addition of a new paragraph referring to the right of everyone to an adequate standard of living. He agreed with the representative of India's proposed amendment.

Mrs. MEHTA (India) and Mr. WILSON (United Kingdom) accepted the amendment suggested by the representative of France.

/Mr. STEPANENKO

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) referring to Article 26, said the questions of social security etc., dealt with under that Article were of great importance to workers throughout the world. Pointing out that in some countries workers who became unemployed because of old age, illness, disability etc., found themselves without any means of support he emphasized the fact that in his country all workers, without exception, were insured against such possibilities, and that the insurance contributions were paid entirely by the employers. He disagreed with the practice followed in certain countries whereby workers themselves were required to pay their share of the cost of social insurance.

Article 26 should contain more concrete guarantees of social security for the working man than were contained in the India/United Kingdom text.

Replying to the CHAIRMAN, who asked what percentage of his wages a worker in Byelorussia received in case of disability etc., Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) said that such a worker received a monthly allowance based on the average rate of pay for the number of years he had been working.

The CHAIRMAN, speaking as the representative of the United States of America, wished to make the position of her delegation clear, and to emphasize that it supported the India/United Kingdom text for Articles 24/26 in the belief that that text stated the substance of the original Articles in a briefer and better form. She suggested that the words "necessary social services and" should be inserted before the word "security", in order to make it clear that the term "social security" encompassed the right to services as well as to economic protection.

Mr. HOOD (Australia) supported the India/United Kingdom text and the amendment suggested by the Chairman. He proposed that the words "and to social services" should be added after the words "standard of living".

/Mr. LEBEAU

Mr. LEBEAU (Belgium), Mrs. MEHTA (India) and Mr. WILSON (United Kingdom) also supported the amendment suggested by the Chairman.

Mr. WILSON (United Kingdom) suggested that the second part of the text for Articles 24 - 26 should read:

"including security in the event of unemployment, disability, old age or other lack of livelihood in circumstances beyond his control, and special care and assistance for mothers and children."

Mr. CASSIN (France), supported by Mr. MALIK (Lebanon) suggested that the proposed text for Articles 24 - 26 should be divided into three sentences.

Mr. WILSON (United Kingdom) said he preferred two sentences and proposed that a Sub-Committee should be appointed to draft the Article.

Mr. PAVLOV (Union of Soviet Socialist Republics) said that the India/United Kingdom text omitted all reference to the right of the family to a dignified standard of living, and the right of man to medical care and housing. The Declaration must contain clauses emphasizing these rights, and he asked the Drafting Sub-Committee to take his suggestions into consideration.

Referring to the high cost of medical aid and the lack of hospitals and health centres in the United States of America, he pointed out that in the Union of Soviet Socialist Republics not only was all medical aid provided free of charge to workers, but the hospital network system had been increased five times and the number of physicians 500 per cent during the last quarter of a century. Expenses in connection with the improvement of health services were increasing yearly.

Stressing the right of man to adequate housing, he said that in the Union of Soviet Socialist Republics only one to four per cent of a worker's earnings was spent on housing, whereas in certain other countries the average spent on housing was 30 per cent.

/The CHAIRMAN

The CHAIRMAN said the Drafting Sub-Committee would take into account the suggestions made by the representative of the Union of Soviet Socialist Republics. Speaking as representative of the United States of America she pointed out that in that country the poor received free medical aid, and that although the idea of socialized medicine was not generally accepted, several hospital insurance schemes were being tried out. Taken on a basis of population she thought that there were more doctors in the United States of America and more hospital beds than there were in the USSR. She felt it would be most interesting if there was an exchange of medical missions between the United States of America and the Union of Soviet Socialist Republics. That exchange might prove to be a very profitable one and would help greatly in the two countries' mutual knowledge of one another. She would do all in her power to arrange for such a mission if the USSR representative would reciprocate.

The meeting rose at 5.20 p.m.