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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE SIXTY-NINTH MEETING

Lake Success, New York,
Friday, 11 June 1948, at 11 a.m.

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

Rapporteur: Mr. MALIK Lebanon

Members: Mr. GORDON-JOCKEL Australia
Mr. STEYAERT Belgium
Mr. STEPANENKO Byelorussian Soviet
Socialist Republic
Mr. LARRAIN Chile
Mr. CHANG China
Mr. LOUFFI Egypt
Mr. CASSIN France
Mrs. MEHTA India
Mr. QUIJANO Panama
Mr. INGLES Philippines
Mr. KLEKOVKIN Ukrainian Soviet Socialist
Republic
Mr. PAVLOV Union of Soviet Socialist
Republics
Mr. WILSON United Kingdom
Mr. FONTAINA Uruguay
Mr. VILFAN Yugoslavia

Also present:

Mrs. LEDON Commission on the Status
of Women

Specialized Agencies:

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

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Non-governmental Organizations:

Miss SENDER	American Federation of Labor
Mr. VANISTENDAEL	International Federation of Christian Trade Unions
Miss STUART	World Federation of United Nations Associations
Miss DRENNAN	Catholic International Union for Social Services
Mr. NOLDE and Mr. PRENTICE	Commission of the Churches on International Affairs
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mrs. van den BERG	International Alliance of Women
Mrs. PARSONS	International Council of Women
Miss SCHAEFER	International Union of Catholic Women's Leagues
Miss ROBB	Liaison Committee of Women's International Organizations
Mr. BIENENFELD	World Jewish Congress

Secretariat:

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

CONTINUATION OF THE CONSIDERATION OF ARTICLES 27 AND 28 OF THE
DECLARATION ON HUMAN RIGHTS

The CHAIRMAN said that the Commission had before it a draft submitted by the Drafting Sub-Committee suggesting the addition to article 27 of a paragraph 2 as follows: "Education shall be directed to the full development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the promotion of international goodwill."

There was also an amendment proposed by the Soviet Union to add the following at the end of the second paragraph: "...and to the combatting of the spirit of the intolerance and hatred against other nations or racial or religious groups everywhere."

Mr. PAVLOV (Union of Soviet Socialist Republics) said that it would be best first to take a vote on the USSR amendment, since his delegation's attitude to paragraph 2 would depend on the Commission's decisions on the USSR amendment.

/The experience

The experience of the World War, which had been a war of the democratic countries against the Fascist countries, made certain conclusions evident. Different conceptions of the aims of education might have been and might still be put forward in the Commission. But it was for the Commission to draw up a text acceptable to all the members of the United Nations, based on the principles of the Charter and the experience gained during the war.

The program prepared by the Drafting Sub-Committee was quite positive and acceptable. But education also had a political side which it was essential to stress, if it was to be an effective instrument for peace. The State should assume responsibility for the political education of its people, so as to lead it towards peace, condemning any attempts at a revival of Fascism. Under the USSR constitution anti-semitism and racial and religious hatred was considered as a crime. How could the prohibition of propaganda of hatred or intolerance be considered an intolerable restriction of the democratic freedoms? He recalled the disastrous results of the education given the German youth by the Nazis. The education of young people in a spirit of hatred and intolerance had been one of the fundamental factors in the development of Nazism and Fascism. It should be made impossible for young people to be brought up in a spirit of hatred. There were certain circles in New York where one could see the development of a new racial theory which alleged the superiority of the Anglo-Saxon race. The origins of that theory could be traced to Mr. Churchill's speech at Fulton. One could read in certain organs of the press articles on the number of atomic bombs required to destroy particular towns, or of scientific discoveries capable of poisoning millions of human beings. All such propaganda became extremely dangerous the moment it affected the education of young people. He, therefore, called on the Commission to accept the

/USSR amendment,

USSR amendment, the purpose of which was to promote the education of people who would combat hatred and would work for a new international understanding.

The CHAIRMAN, speaking as United States representative, pointed out that it would be difficult to assert that the United States upheld racial theories favouring the Anglo-Saxon race, since its population was made up of groups which differed so much that any racial theory would be devoid of any basis. It was true that the United States published, perhaps even too often, information about its scientific discoveries, while the government of the Soviet Union was rigorously silent on similar research in the Soviet Union. What was published was certainly no more of a threat to the peace than what was kept secret.

Mr. WILSON (United Kingdom) agreed with the Chairman. The United Kingdom text which was meant to replace articles 27 and 28 actually amounted to the complete deletion of article 28. That proposal was still before the Commission and, as it was the earliest, it should be the first to be put to the vote. He thought it dangerous to try to summarize in three or four lines all the theories on the aims of education.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) could not see how an article, which simply stated the need for respecting all human rights and for developing international goodwill to prevent any kind of hatred, could be dangerous. He agreed with Mr. Pavlov's statement on the danger of a racial theory favouring the Anglo-Saxon race. As far as the publishing of scientific discoveries was concerned, it was not a question of publicity or the lack of publicity, but of the way in which such publications were used in the education of young people. When the press mentioned that, thanks to new scientific discoveries the cities

Soviet Union could be bombed, it was clear that, if that was how these discoveries were explained in the schools, it amounted to war propaganda. There was no such propaganda in the Soviet Union against the United States. A refusal to accept the USSR amendment would, in his opinion, amount to an admission that it was intended, under the guise of free education, to teach that war was necessary and to prepare young people for such a war. The Soviet Union intended to fight for peace everywhere and always, and that was why his delegation asked that the amendment be adopted.

Mr. CHANG (China) recalled that the Commission had discussed the question of education at length at its last meeting, and that it was essential that the declaration should not be silent on that point. Paragraph 2, as re-drafted by the Drafting Sub-Committee, appeared to him to express adequately the aim which positive education should pursue.

Mr. CASSIN (France) asked whether the deletion of article 26 proposed by the United Kingdom also entailed the deletion of paragraph 2 proposed for article 27 by the Drafting Sub-Committee.

The CHAIRMAN replied that the United Kingdom proposal to delete article 28 also applied to paragraph 2 proposed by the Drafting Sub-Committee, as that paragraph merely brought up certain points of article 28.

Mr. PAVLOV (Union of Soviet Socialist Republics) thought that the Commission should not consider the Indian and United Kingdom proposal on article 28 until it had completed the discussion of article 27. He therefore suggested that the Commission begin by taking a vote on the USSR amendment to paragraph 2 of article 27.

/Mr. CHANG

Mr. CHANG (China) suggested that the United Kingdom representative should modify his proposal by applying it not only to article 28, but to the whole of paragraph 2 of article 27, since that paragraph embodied the ideas contained in article 28.

Mr. WILSON (United Kingdom) pointed out that the Commission was working on the Drafting Sub-Committee's original text. It had adopted a new text for article 27. There were three proposals regarding article 28: (1) to replace it by the Drafting Sub-Committee's text; (2) the USSR proposal; (3) to delete the whole of the article.

The CHAIRMAN, referring to the procedure which had been followed with regard to the discussion of article 27, recalled that it had been decided to examine that article first with the understanding that articles 27 and 28 might be merged into a single article. After several proposals had been received, a sub-committee had been appointed and, in view of the Commission's wish to merge the two articles, it had suggested that a new version of article 28 should be included as a second paragraph in article 27. The ideas contained in article 28 were therefore reproduced in the second paragraph of article 27. The Commission, however, was still seized of a proposal to delete article 28. Only if that proposal were rejected would the Commission examine the Sub-Committee's text and decide whether it should be included as a second paragraph in article 27 or form a separate article 28.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) supported Mr. Pavlov's suggestion that paragraph 2 of article 27 should be examined before the question of whether or not it was necessary to retain article 28.

/The CHAIRMAN

The CHAIRMAN remarked that such a procedure was impossible since article 28 was incorporated in paragraph 2 proposed for insertion in article 27 by the Sub-Committee.

Mr. CASSIN (France) stressed that the correct procedure was to decide in the first place whether the Commission wished to add the definition of the principles of education to article 27. If that were the case, the Commission should then proceed to establish such a definition, and lastly to decide where it should be placed. If a vote on the deletion of article 28 were taken, some members might be compelled to vote against their own opinion.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) supported the remarks made by Mr. Stepanenko.

Mr. WILSON (United Kingdom) suggested that, in view of the course the discussion had taken, it might avoid misunderstanding if a vote were first taken on the deletion of the second paragraph of article 27 as drafted by the Sub-Committee and then on the deletion of article 28.

Mr. KLEKOVKIN (Ukrainian Soviet Socialist Republic) observed that the simplest procedure would be to vote on paragraph 2 separately. As the United Kingdom representative wished to have that paragraph deleted, he could vote against its insertion.

The CHAIRMAN proposed that the deletion of paragraph 2 of article 27 should be put to the vote first, being the one furthest removed from the original proposal.

The Chairman's proposal was adopted by 11 votes to 3, with 1 abstention.

/The CHAIRMAN

The CHAIRMAN put to the vote the deletion of paragraph 2 of article 27.

The proposal was rejected by 10 votes to 5.

Mr. QUIJANO (Panama) announced that he would vote against the USSR amendment, not because he disagreed with it in principle but because he thought that the adoption of that amendment would amount to interference in domestic jurisdiction.

The amendment submitted by the Union of Soviet Socialist Republics was adopted by 6 votes to 5, with 4 abstentions.

Mr. CHANG (China) proposed the deletion of the words: "and foster international understanding", in order to avoid two repetitions of the same idea in a single paragraph.

It was decided to retain the words: "and foster international understanding" by 4 votes to 4, with 5 abstentions.

Mr. MALIK (Lebanon) proposed the following wording:

"The aim of education is the full development of the human personality. Such development demands the strengthening of respect."

Mr. CASSIN (France) accepted Mr. Malik's proposal but suggested that the second sentence should read as follows:

"Such education should strengthen respect..."

Mr. MALIK (Lebanon) withdrew his proposal.

Mr. FONTAINE (Uruguay) was in agreement with the substance of the paragraph but stated that he would vote against its adoption for grammatical reasons.

/The CHAIRMAN

The CHAIRMAN put to the vote the first part of paragraph 2 as far as the words "...fundamental freedoms."

The first part of paragraph 2 was adopted by 13 votes to none, with 2 abstentions.

Paragraph 2 as a whole was rejected by 7 votes to 5, with 2 abstentions.

Mr. CHANG (China) proposed the following text:

"Education shall be directed to the full development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the promotion of international goodwill."

Mr. VILFAN (Yugoslavia) suggested that the following phrase should be added to the text proposed by the Chinese representative:

"and to the combatting of the spirit of intolerance and hatred against the nations or racial or religious groups."

The amendment proposed by the representative of Yugoslavia was adopted by 6 votes to 4, with 5 abstentions.

The text submitted by the representative of China was adopted in its amended form by 7 votes to 5, with 2 abstentions.

Article 27 as a whole was adopted by 7 votes to 4, with 3 abstentions.

Article 28

It was decided to delete Article 28 by 11 votes to 1, with 3 abstentions.

Article 29

The CHAIRMAN recalled that the following drafts had been placed before the Commission: the draft adopted at the Commission's second session, a French proposal to merge articles 29 and 30, and a United Kingdom-India proposal to delete paragraph 2 of article 29.

Speaking as the representative of the United States of America, the Chairman announced that she would support the United Kingdom-India proposal, since paragraph 1 contained by implication the provisions of paragraph 2. She added that she thought it preferable to discuss articles 29 and 30 separately.

Mr. PAVLOV (Union of Soviet Socialist Republics) did not think there was anything in common between articles 29 and 30, and felt that they should be examined separately. Furthermore, he thought that there was a marked difference between the two paragraphs of article 29; paragraph 2 dealt with vacations with pay which were not mentioned in paragraph 1. Suppressing the second paragraph would be tantamount to depriving the workers of their vacations. He was opposed, therefore, to the deletion of the reference to vacations with pay from the Declaration.

Moreover, limitations on working hours was an important point, for a worker could not possibly enjoy his leisure if he worked 12 hours or more a day.

The CHAIRMAN pointed out that the Declaration had no juridical value. Consequently, mentioning that right in the Declaration was a meaningless gesture. In the United States it was recognized by law and, in the majority of cases, established by collective contracts. Mentioning it in the Declaration would be tantamount to expressing a pious wish, without any legal guarantee whatever, and would do more harm than good.

Mr. CASSIN (France) noted that there was no objection to the first paragraph. As regards the provisions of the second paragraph, it was not the first time that objections of that kind had been raised. If there had to be a general article on the implementation of all economic and social rights, he saw no objection to the deletion of the second paragraph of article 29.

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out, in connexion with the Chairman's argument, that the same objection could be raised against all the articles of the Declaration. If that argument therefore stood, it was useless to go on with the drafting of the Declaration. He thought that the Declaration would derive its value from the moral strength and authority of the United Nations. The workers' right to rest should, therefore, be written into the Declaration.

Mr. WILSON (United Kingdom) agreed with the Chairman and pointed out that the substance of article 29 was largely covered by article 23.

Furthermore, the Declaration was a statement of principles and there was no reason why it should describe the implementation of various rights. Such implementation usually varied according to the country.

Miss SENDER (American Federation of Labor) preferred the existing wording of article 29 but did not object to its deletion if there had to be a general article on all economic and social rights.

Mr. FONTAINA (Uruguay) pointed out that, in the text adopted at Bogota, one article alone - article 13 - contained all the substance of articles 28, 29 and 30 of the Declaration. Every State was left to decide how it should implement the

/provisions

provisions of the article. He thought that that was a logical method.

Replying to a question asked by the Chairman, he said that he had only tried to show how the Declaration could be implemented, that is to say by confining itself to a statement of the rights in question.

Mr. STEPANENKO (Byelorussian Soviet Socialist Republic) thought that the aim of the Indian-United Kingdom proposal was to express a pious wish; the workers would gain nothing unless the Declaration stated how the implementation of that right was to be ensured. Workers would not be able to afford vacations unless there was a provision for vacations with pay. In addition to receiving vacations with pay, workers in the Byelorussian SSR also had their travelling expenses paid.

He did not think that the Commission would succeed in drafting an article on all social and economic rights. It would be more logical, therefore, to retain the second paragraph of article 29. That would enable any worker reading the text to understand the question immediately.

The meeting rose at 1.10 p.m.