

GENERAL
ASSEMBLY

FIFTH SESSION

Official Records



THIRD COMMITTEE 291st

MEETING

Friday, 20 October 1950, at 3 p.m.

Lake Success, New York

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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation (A/1384, A/C.3/534, A/C.3/535 and E/1681) (*continued*)

[Item 63]*

1. Mr. CORTINA (Cuba) commented briefly on the statement made at the 290th meeting by the Chilean representative, who, Mr. Cortina felt, might have been unduly pessimistic in his conclusions.
2. The first eighteen articles were totally inadequate, in the opinion of his delegation, because they failed to include basic political and civic rights, not to mention economic and social rights which he would discuss at a later stage. They failed to incorporate in the draft covenant the political and civic rights contained in the Universal Declaration of Human Rights.
3. It was not enough to include all the rights in question among the principles enumerated in the Declaration; they must also be expressed as legally binding obligations in the draft covenant. He quoted the penultimate clause of the preamble of the Declaration, and wondered how the purpose stated therein could possibly be achieved if important rights recognized in the Declaration were to be excluded from the draft covenant. Such an omission would imply that some of the rights in the Declaration were not really essential, and adoption of a draft covenant suffering from such a defect could only be interpreted by public opinion as a retrograde step. The rights to choose domicile, to meet attacks on reputation, to participate on an equal basis in the activities of the State, to equal opportunity, were most important to his country and were recognized in the constitutions of other Latin American countries. Nevertheless, some of those rights were not included in the first eighteen articles.
4. A second question confronting the Committee was whether the eighteen articles adequately protected the rights which they proclaimed. The articles were, on the

whole, sufficiently harmonious and interlinked to be taken as a basis for discussion and study. They did, however, suffer from certain defects and discrepancies. Thus article 10, paragraph 1, while proclaiming a thoroughly justified and desirable right, was perhaps too technical and detailed when it went into the question of the attendance of the Press and public at trials of juveniles. Although that principle was useful and important, it might not be suitable for inclusion in such detail in an instrument of the kind under discussion. By contrast, article 12, which also dealt with a right of basic importance, was enunciated in a most sweeping form which might not perhaps be as suitable in the covenant as the corresponding article 6 was in the Declaration.

5. The draft covenant thus exhibited divergent trends, which should be reconciled. It was also shown to be backward by comparison with the constitutional law of many countries. The French and Czechoslovak representatives had indicated that social, economic and political progress in their respective countries was in advance of the provisions of the draft covenant. In Cuba, constitutional guarantees also exceeded the rights contemplated in the draft covenant.

6. Attention should be paid to the legal implications of the draft covenant in relation to the Declaration: care must be taken lest the draft covenant should, by implication, derogate from the rights created by the Universal Declaration of Human Rights.

7. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) stated that the covenant should meet the following requirements: it should provide for the basic rights of everyone, without any distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; and it should not only proclaim the necessary fundamental rights and freedoms but should also ensure their implementation, and the implementation of economic, social and cultural rights without any distinction based upon the political status of countries or territories. It had failed to meet those requirements.

* Indicates the item number on the General Assembly agenda.

8. One of its major shortcomings was that it did not contain the rights to work, leisure and social security, as well as other important economic rights. It also lacked articles dealing with trade-union rights, the prohibition of fascist and other anti-democratic organizations, the right of self-determination of nations and the right to equal participation in the government of the State.

9. Moreover, the entire approach of the Economic and Social Council was unsound in asking the General Assembly to state whether it was desirable to include in the draft covenant articles on economic, social and cultural rights. It was obvious that they should be included.

10. It was a second major shortcoming of the draft covenant that it did not contain any measures which would bind States to promote and implement the rights which it proclaimed. Individuals could be assured of the rights in question only by appropriate legislative measures, and without such measures the draft covenant was doomed to remain a dead letter which would not bind anyone to anything. It was a retrograde step even in comparison with the Universal Declaration of Human Rights.

11. The Ukrainian delegation was not satisfied with the catalogue of rights contained in the first eighteen articles, nor with the guarantees for the implementation of such rights. The eighteen articles by-passed the question of the right of peoples and nations to national self-determination and of the equality of rights of ethnic groups within a State. There was also no provision that States responsible for Non-Self-Governing Territories must promote those rights, and in particular, the right to national self-determination, use of the native language, libraries, museums and so on.

12. None of the eighteen articles contained a provision that States should be governed in accordance with democratic principles. It was not enough to proclaim the rights to equal status before the law in the abstract; it was also necessary to guarantee to each citizen the right to participate in the administration of the State, to elect and to be elected by secret ballot, to equal opportunity with his fellow citizens to occupy governmental positions. Furthermore, none of the eighteen articles set forth the right of the masses to the freedom of the streets for demonstrations and processions. There was no reference to propaganda for nazism, fascism or racist views, which should be prohibited, as should also any incitement to war and enmity between nations. The draft covenant should help to strengthen democracy and peace and should struggle against fascism and war-mongering. If that were done, it would meet the aspirations of millions of people who were longing for peace, security and fundamental human rights.

13. The very few rights contained in article 1 were so narrowly circumscribed as to be virtually nullified. The draft covenant appeared to be rather a digest of limitations of human rights than a catalogue of such rights.

14. While reserving its right to submit specific proposals at a later stage, the Ukrainian delegation urged a thorough modification of the first eighteen articles.

15. Mr. ABADA (Philippines) said that the first eighteen articles of the draft covenant were on the whole adequate. Probably no covenant on human rights could

be wholly adequate for all countries with their differing ideologies; a law which might be perfectly reasonable in one country might not even be intelligible in another.

16. Many of the countries represented on the Committee regarded it as normal that all persons should be entitled to a fair and impartial trial in which they were considered innocent until proved guilty, to the services of a defence lawyer, to bail and to other such legal safeguards. Other such rights were that a person could not be held guilty of any criminal offence which had not been an offence at the time it was committed and that no one should be compelled to testify against himself or confess guilt.

17. The word "arbitrary" in article 6, paragraph 1, could only be interpreted in the light of such traditional safeguards of personal and civil freedoms. In his country, the fundamental safeguards embodied in the first eighteen articles were the regular practice. The human person was protected not only by process of law but in many other respects.

18. Although the first eighteen articles were adequate, some amendments might be desirable. The expression "according to law" was open to objection as it might permit a dictator to sign the covenant; he would prefer the expression "general principles of right and justice" to the word "law", because it was broader in scope and could be recognized even in backward countries with no elaborate legal system. Some provision should also be made against unlawful interference with privacy and correspondence and against attacks upon honour and reputation. Provisions guaranteeing that no one should be deprived of his property without due process of law, and that no private property should be expropriated without just compensation, had been omitted.

19. He supported the inclusion of social rights such as the right to citizenship and to marry and found a family, and the right of every child to parental care, to free elementary education at least and to an existence conducive to his physical, moral and intellectual well-being. Some positive measures of justice for labour were desirable, covering such matters as minimum wages and maximum hours of work, the hiring of children and women, provision for old age, sickness and disability, accident and unemployment and the freedom of trade unions. The most important consideration was that the rights and freedoms in the draft covenant should be fully implemented.

20. Mr. VLAHOVIC (Yugoslavia) stated that the first eighteen articles were generally satisfactory but that certain rights not included should be added.

21. While it was true that vestiges of past abuses of human rights should be eliminated, it would be more fruitful to approach the problem in terms of what had been achieved by the countries which had made the greatest progress in that field. The view that the draft covenant should be in conformity with all existing national legislations was untenable. On the contrary, a serious effort must be made to supersede out-moded legislation by more advanced principles. It was to be regretted that the first eighteen articles did not mention some widely recognized political rights, including electoral provisions enabling individuals to vote for the government of their choice, the right of individuals fighting for the promotion of United Nations principles

to enjoy asylum and not to be extradited, the right of national minorities to the use of their own language and the right of individuals to occupy governmental positions.

22. He shared the anxieties of those who feared that the terms "public order" and "security" were so broad as to permit a camouflage of many abuses and violations of human rights. A given government's concept of "public order" might be contrary to the ideals of the United Nations.

23. He also deplored the absence of limitations which might serve as protection against the abuse of certain rights for the purpose of inciting to war or race hatred and similar activities. In that connexion, he would agree with what had been said by the representatives of Poland (290th meeting) and the Ukrainian SSR, but would ask them to apply their statements also to Yugoslavia; without such application, they were just empty words.

24. Some had argued that the concept of democratic principles was too vague and open to too many differing interpretations to warrant inclusion in the draft covenant. He would merely note in that connexion that, quite aside from the fact that the draft covenant contained no social or economic rights, it did not pay adequate attention to the rights of working men and women.

25. The Yugoslav delegation believed that the rights set forth in the first eighteen articles should be completed; that some of them should be amended; and that the entire document should be brought more closely into line with the Charter by the inclusion of economic and social rights which were a prerequisite for the enjoyment of such rights as were currently included in the draft covenant. The Third Committee and the General Assembly should submit positive, concrete recommendations to the Commission on Human Rights; only if that were done could the draft covenant help man to achieve a greater enjoyment of his cultural heritage.

26. Mr. CHANG (China) stated that before the Committee could comment upon the adequacy of the first eighteen articles, it must consider what was meant by "adequate". That word implied certain criteria, as to both commission and omission, in relation to the subject matter and style of the draft covenant. The selection of proper criteria also necessitated thorough consideration of the purpose and applicability of the draft covenant. The instrument under discussion was described as a "covenant", and it was hoped that many States would ratify it. It was therefore a treaty and thus raised the question of the effectiveness of treaties.

27. Much might be learned from a comparison with the Universal Declaration of Human Rights. The purpose of the Declaration had been clearly stated and that was a guarantee that its significance would increase with the passage of time. In its resolution 217 (III), the General Assembly had proclaimed it as "a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction".

28. The purpose of the draft covenant should be made equally clear. Some members had urged the Committee to avoid turning the draft covenant into a second edition of the Universal Declaration of Human Rights. He agreed with that counsel. He also agreed most emphatically that nothing must be done to undermine the Declaration.

29. The question was how to forge a connecting link between the drafting, signing and ratifying of the draft covenant, on the one hand, and, on the other, the promotion and protection of the rights of individual human beings in various parts of the world. Mere ratification would obviously not automatically grant enjoyment of the rights in question to every individual. The Secretariat might be able to elucidate that important question.

30. Judging from the debate, there appeared to be no need of a draft covenant at all, for every speaker claimed that the constitution of his own country already provided rights far in excess of those contemplated in the draft covenant. If that were indeed true, the only result of the adoption of the draft covenant would be to lower, rather than to raise, standards of human rights. He suspected, however, that the actual situation was less encouraging than appeared from the debate; that there was a very real need to protect the enjoyment of human rights; and that such a task could be accomplished by the adoption of a suitable covenant.

31. Mr. PAZHAWAK (Afghanistan) said that it would be paradoxical not to adopt the covenant after having accepted the Universal Declaration of Human Rights. His delegation approved of the covenant in principle and hoped that further consideration of some of its controversial points would render it equally acceptable to all Members, since it was essential that it should be as nearly universal as possible.

32. The purpose of the covenant was to integrate different cultures and ways of thought but it was of the utmost importance that the attachment of peoples to their own traditional social principles should be respected.

33. Nearly all the rights provided for in the draft covenant were covered by various articles of the Constitution of Afghanistan, the greatest contributing factor in which, he was proud to state, were the principles of the Islamic faith professed by 99.7 per cent of the population. That faith had come into existence as the result of a divine struggle against the violation of human rights.

34. His delegation would accept the first eighteen articles of the covenant, with some drafting changes and slight amendments, and would favour the addition of articles on economic and social rights. It also agreed to the inclusion of an article on the right to participate in government and the right of election, while emphasizing that those rights should be extended to the peoples of Non-Self-Governing Territories. It would also support additional articles on the right to privacy, protection of property and safeguards against confiscation.

35. He wished in conclusion to thank the representative of France for his statement, which had been imbued with the spirit of co-operation and recognition of the rights of all and represented the views of a people which had won universal gratitude by its great achievements in the field of human rights.

36. Mr. PRATT DE MARIA (Uruguay) observed that the existing text of the first eighteen articles of the draft covenant on human rights had been the result of an attempt to reconcile the differing views, traditions and ideas of fifty-nine countries. The Committee was not endeavouring to draft a theoretically perfect text, but an instrument with the force of international law. Obviously, therefore, an imperfect text signed by all Members of the United Nations would be better than a perfect text with no signatures.

37. With that in mind, it might be said that the first eighteen articles had considerable merit; but they could be improved. What was mainly at fault was the method adopted. An attempt had been made to draw up an instrument for international legislation reproducing both the Universal Declaration of Human Rights and the relevant constitutional precepts of certain countries. The difficulty of doing so was exemplified by the extremely faulty drafting of article 3, in which an attempt had been made to use a method more appropriate for national legislation. That article not only established the right to life but went on to lay down the penalties for taking life; but it entirely omitted to mention among the limitations such obvious ones as the case of necessity, obedience to superior authority and many other exceptions which were included in almost all penal codes.

38. In adopting such a method, the framers of the draft covenant had neglected some of the basic principles of international law. The difference between domestic and international law lay in the fact that the former was based upon the subordination of obedience to authority, whereas the latter was based on the co-ordination of equals, on mutual agreement and consent. International law, drawn up by the representatives of many governments, must necessarily be a compromise. It must be more concise, more generalized and more flexible than domestic law.

39. The Committee must, therefore, reach agreement on the nature of the rights which it wished to safeguard and consider whether all of them could be codified into law and, above all, implemented in the same way. It would then be seen that the rights under consideration were of three different kinds.

40. First, there were the rights inherent in the human person as such, without any relation to society, which should be recognized by everyone everywhere. Examples were the right to life, to the inviolability of the person, freedom of speech, opinion, religious belief and association, the sanctity of the home, the inviolability of correspondence, guarantees against arbitrary arrest and of defence before the courts, equality before the law and protection against discrimination.

41. Complete agreement about such rights could be reached comparatively easily and a considerable degree of international intervention to protect them could be accepted. Their safeguarding could be the responsibility of an international tribunal to which individuals, certain associations and the States themselves had access.

42. Secondly, there were the political rights which belonged to the individual in relation to the society of which he was a member by birth or residence. Such rights included that of government by consent, that of being governed by persons freely elected, the secret vote and periodic elections. Those rights were in fact the

guarantee of those in the previous category, as in their absence the specifically personal rights could not be protected. About those rights, however, there was not the same agreement because, for historical reasons, they differed from country to country. The majority of States would not permit the same degree of international intervention for their protection. The measures of implementation, therefore, with regard to some of the political freedoms, must differ from those applied to the personal freedoms, and perhaps the provisions of the covenant dealing with political freedoms might be less mandatory than those dealing with personal rights.

43. Thirdly, there were economic and social rights, such as the right to social security, to work, to holidays with pay, to the minimum wage and to equal opportunities for cultural activities. Those rights were no less basic than those in the other two categories; neither civil nor political freedom could exist when confronted by the alternative of starvation. Economic and social rights, however, were of a different legal character and there was even less agreement about them and less room for international intervention. The best and most prudent method of seeing that they were widely respected was by the gradual unification of the relevant national legislations by means of some such system as that set up by the International Labour Organisation. Both the second and third categories of rights required far more thorough consideration.

44. Effective results could be obtained, therefore, only by drafting three separate covenants with separate measures of implementation and varying mandatory power. Admittedly, that would be a slow process.

45. The draft covenant should, therefore, be returned to the Economic and Social Council and to its Commission on Human Rights with the Committee's comments for further examination and re-drafting. A provisional system of guarantees, to be put into operation immediately, could, however, be established. He would make the following suggestions, which he would subsequently submit in a formal proposal if the Committee appeared to favour it.

46. He suggested, first, that an article or protocol should be drafted to put into effect the Universal Declaration of Human Rights.

47. Secondly, he suggested that a temporary experimental system of implementation should be established similar to, or based upon, that proposed by the Consultative Council of Jewish Organizations; under it a kind of attorney-general would be appointed with the title of High Commissioner for Human Rights, competent to receive complaints or petitions from individuals. The High Commissioner would be assisted by regional attorneys who would conduct the preliminary investigations and, if a serious violation of human rights was discovered, the High Commissioner would refer the matter to the Security Council.

48. Mrs. MENON (India) said that her delegation shared the doubts of members of the Commission on Human Rights and the Economic and Social Council as to the adequacy of the first eighteen articles.

49. The Universal Declaration of Human Rights had made a tremendous appeal to the peoples of the world because it represented an attempt for the first time to

give international recognition to individual rights, and the articles of the Declaration had become the battle-cry of all oppressed peoples. Anything which impaired the moral force of the Declaration would be a disaster. The Indian delegation, however, felt that the first eighteen articles did not adequately guarantee the rights and freedoms proclaimed in the Declaration.

50. She wished to dwell in particular on the exclusion of political rights from the first eighteen articles, which contained no reference to the right of people to take part in the government of their country, the right proclaimed in article 21 of the Declaration. Civil liberties and fundamental freedoms could exist only where people were able to participate in government by means of periodic elections on the basis of universal and equal suffrage. The first action of a dictator was to destroy representative institutions by dissolving them and suspending elections. The omission of political rights from the first eighteen articles was therefore a serious defect.

51. Much had been said about the violation of fundamental human rights by dictators. It should not be forgotten that the covenant was being formulated as a guide, not for dictators, but for countries which were committed or were willing to commit themselves to the democratic form of government envisaged in the Charter of the United Nations. As it was presented, the covenant did not adequately guarantee fundamental human rights even in a democratic society.

52. While congratulating the Commission on its patient efforts to devise measures for the protection of personal rights hitherto considered subject only to domestic jurisdiction, she wished to emphasize that the covenant should be more progressive than the constitutions of the various countries which would eventually become signatories to the covenant. As it stood, the covenant guaranteed less than what the constitutions of most countries guaranteed to their peoples.

53. Mr. KOUSSOFF (Byelorussian Soviet Socialist Republic) stated that his delegation believed that the first eighteen articles of the draft covenant were far from adequate; extremely important provisions had been omitted. Article 5 in its existing form was a good example of that defect. It was certainly praiseworthy, but the whole effect was stultified because the draft covenant failed to make a solemn declaration of such complementary rights as the right to work and to receive sufficient payment to maintain an adequate standard of living. In the absence of such provisions, workers might be compelled to place themselves in servitude. Paragraph 3 (c) (iii), moreover, was likely to nullify the whole of the article.

54. Other provisions vital to the interests of working people had been omitted, such as those protecting the right to leisure, education, old age security, social insurance, housing, democratic principles of government and self-determination, in the absence of which State constitutions might well not be implemented. Furthermore the draft covenant did not include the essential provisions for the equality of rights between men and women against fascist agitation, incitement to hatred and war-mongering. Moreover, the covenant ought to have included an article guaranteeing the right to participate actively in government and to be elected to public office without impediment on the grounds of prop-

erty qualifications, race, language or religion. Without such measures, the entire covenant would lose its real value. The draft covenant, as it stood, was weaker than the Universal Declaration of Human Rights, which itself was not as satisfactory as it might have been.

55. He was not satisfied with the wording of article 18 and he agreed with the USSR representative in thinking that articles 13, 14, 15 and 16 could not be implemented unless provision was made for the right to participate in meetings and demonstrations under democratic guarantees furnished by the State. Moreover, the rights proclaimed in those articles would be useless if they were not supplemented by a limitation prohibiting their enjoyment by those who would use them against the interests of democracy and for the purposes of inciting to hatred and for propaganda for a new war.

56. The wording of articles 1, 8 and 10 was unsatisfactory; he would return to them at a later stage in the debate.

57. Mr. AGUILAR CHAVEZ (El Salvador) said that his delegation found the first eighteen articles of the draft covenant satisfactory, save for a few minor points noted by other delegations. The Latin American countries would find no difficulty in accepting respect for human rights as a standard of conduct because those rights had been written into the constitutions of all of them. The new Constitution of El Salvador of 14 September 1950 was wholly inspired by respect for human rights, but merely as an inheritance dating from the earliest days of El Salvador's struggle for independence and even from the last days of the Spanish colony. On the other hand, slavery still existed in certain parts of the world and was currently a matter of concern to the United Nations.

58. He agreed with the Lebanese representative that every precaution should be taken to prevent the possibility of a tyrant acceding to the covenant in order to cloak tyranny with the appearance of legality, but he was confident that some formula would be found really to protect freedom.

59. There was no religious problem in his country; Church was separated from State, but relations were cordial. He agreed, however, with the Netherlands representative that parents should be permitted to give their children whatever religious education they wished.

60. He favoured freedom of expression and of the Press. The sole result of the suppression of those freedoms was the growth of an underground movement and an underground Press. Certain delegations had stated that they favoured freedom of information, provided that it was not misused for war-mongering. To state a freedom and at the same time to place restrictions on it was a negative approach; it established only a conditional freedom, which was no freedom at all. Laws against abuse of the freedom of the Press were justified; but they must always be invoked against the offender himself, never against the Press as an institution.

61. He supported the French representative's proposal (290th meeting) that the words "in a democratic society" should be inserted after the words "public order" in various articles in order to prevent aspiring dictators from abusing human rights.

62. Insufficient attention had been paid in the draft covenant to the need to make the treatment of penal offenders more humane. The provision regarding juveniles in article 10, paragraph 2 (f) should be extended to adults.

63. Mr. ZELLEKE (Ethiopia) thought that the first eighteen articles were, in general, satisfactory; most of the provisions were embodied in the laws of his country.

64. He could not agree that the draft covenant was worded too broadly. Greater precision would be harmful because different countries had different laws, so that undue rigidity in drafting might prevent some countries from accepting that instrument.

65. He was in favour of the inclusion of economic, social and cultural rights and would give his delegation's views on the measures of implementation at a later stage.

66. In article 3, paragraph 4, the last sentence was somewhat vague. He proposed that the latter part of it should read: "... should be granted so far as possible".

67. Mr. SAVUT (Turkey) recalled that his country was a member of the Economic and Social Council when the Council had adopted its resolution 303 I (XI). He wished therefore to subscribe to the words of the resolution which noted the valuable work done by the Commission on Human Rights and thanked the Commission "for the contribution it has already made towards the accomplishment of a task of great importance". He understood that the draft would be considered and discussed further in the Commission and, with that understanding, regarded it as basically satisfactory.

68. It had been rightly pointed out that the first eighteen articles were not exhaustive in dealing with the rights and freedoms of man; it should however be borne in mind that, as its title indicated, the text under consideration was only the first of a projected series of covenants on human rights. It was therefore to be assumed that the other categories of rights had not been overlooked, but that the draft before the Committee was merely a beginning.

69. The United Nations was a family widely scattered over the earth and whose members had lived under various and widely differing social and legal systems. They were at greatly differing stages of development. In drawing up a covenant, it was necessary to consider not only the United Nations but the entire world, a world characterized by the coexistence of the most advanced as well as the most backward, superstition-ridden cultures.

70. The intention was to make a law for such a world with all its nations. That of course did not mean that such a law should also cover some of the more reprehensible practices found in primitive societies. The draft covenant should contain only the very highest standards. It should however be drafted in terms sufficiently general and pliable to render it acceptable to all nations, whatever their stage of development. Moreover, it should be drafted in such terms as to allow for development; it would be undesirable to make it too rigid for the sake of attaining legal precision.

71. Those conditions were not easy to achieve, but they were none the less attainable; and if they were

attained, no nation could refuse to accept the draft covenant on the grounds that it was against its own established system. On the other hand, while it would be relatively easy to prepare a precise, legal document by taking into account only the conditions prevailing in one country or in a group of countries regarded as advanced, it was to be doubted whether many countries would find such a document acceptable.

72. In the circumstances, the only alternative was to draft a covenant in general terms, taking care, however, not to make it loose. The Commission had succeeded in doing just that. In that connexion, he would tentatively suggest that, since the covenant had to be drafted in general terms, it might be desirable to include in it provisions for interpretation and for the settlement of disputes which might arise in respect of such interpretations.

73. Article 13, paragraph 2, set forth such limitations on the freedom to manifest religion as were necessary to protect public safety, order, health or morals, or the fundamental freedoms and rights of others. He did not wish to enter the discussion of the term "public order", which had been criticized as being too vague. He would however like to introduce, simply as a suggestion, a still broader and more general concept: promotion of conditions of social progress. The right of the individual to social progress was not to be found in the covenant.

74. Although the Ottoman Empire had not lacked statesmen of ability and good faith who had attempted to remedy the deplorable conditions in that Empire during the last two centuries of its existence, all the attempts had failed because of the insurmountable resistance of petty religious orders and their leaders, who had been materially interested in keeping the masses of people in absolute ignorance and backwardness. The meeting places and theological schools of such orders had been the main centres of obscurantism, reaction and resistance to any kind of reform and progress, and that situation had been one of the main causes, if not the main cause, of the downfall of the Ottoman Empire. The Turkish Republic had been obliged to abolish those medieval institutions more than a quarter of a century previously and only thus had it been able to make the reforms which in a very short time had changed the entire face of the country and raised it to the level of a modern civilized nation.

75. Freedom of religion was guaranteed under article 75 of the Turkish Constitution, which also recognized several other categories of human rights, including all those dealt with in the draft covenant. In fact, freedom of religion was more fully guaranteed in Turkey than in many other States, following the separation of Church and State. The measures taken had actually promoted freedom of religion by abolishing ignorance and superstition. Those measures had been directed against persons who had engaged in resistance to reform and progress under the cloak of religion. It was to be hoped that the same sort of progress which Turkey had achieved, would be achieved in many other parts of the world.

76. He was prepared to concede that promotion of conditions of social progress was a very wide concept and that it might be necessary to reformulate or qualify it. He had, however, for lack of an expression of greater

precision, borrowed the language of Article 55 of the Charter, where the concept which he had mentioned was set forth as one of the purposes of the United Nations.

77. He hoped that the Commission on Human Rights, of which his country was not a member, would take the suggestions made by his delegation into consideration.

78. Mrs. AFNAN (Iraq) said that the Universal Declaration of Human Rights had fallen short of the ideal because it failed to set out certain essential rights. It had however been a sincere effort to state a highest common denominator of human rights prevailing at the time at which it had been drafted and therefore had a practical as well as a moral value. The drafting of a covenant on human rights, which should in all essentials closely follow the lines of the Declaration, was possible only because civilization had reached a stage at which it was humanly possible to enunciate, practise and protect personal rights. Undoubtedly, the covenant, like the Declaration, would fall short of perfection, but the framers should seek the highest rather than the lowest common denominator. She could, therefore, accept the first eighteen articles of the covenant, subject to minor amendments.

79. The question of religion had been raised. If all nations lived in accordance with the spirit and the letter of their religion there would be no need for a covenant on human rights. No covenant could, in any case, demand so much in respect of human rights as Islam did. The Commission on Human Rights should concentrate its attention on the similarities rather than the differences among conflicting views on human rights and thereby draft a covenant to protect the common interests of humanity.

80. Mrs. ROOSEVELT (United States of America) suggested that the debate should be continued on the three further questions asked by the Economic and Social Council, question by question, that the delegations which so desired should submit resolutions relating either to one specific question or to all four and that those resolutions should be discussed at the close of the general debate.

81. The CHAIRMAN supported that suggestion.

82. He explained that, in accordance with resolution 303 I (XI) of the Economic and Social Council, governments, either directly or through their delegations, could transmit to the Secretary-General any comments they might have to make on specific articles or points, apart from the views recorded in the summary records. The silence of delegations in the general debate would not, therefore, be interpreted as an indication that they had no comments to transmit to the Commission on Human Rights.

83. The same applied to comments on amendments and proposals for supplementary articles which were not included in the report submitted by the Commission (E/1381), which would thus be informed in what way the Third Committee wished the draft expanded.

84. Mr. CABADA (Peru) observed that any delegation, even if it was not a member of the Commission, could attend its meetings.

The procedural proposal submitted by the United States representative was adopted.

The meeting rose at 5.50 p.m.