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## V. Social, Humanitarian and Cultural Questions<sup>1</sup>

### A. HUMAN RIGHTS

#### 1. Universal Declaration of Human Rights

##### a. INTRODUCTION

One of the major actions of the General Assembly at its third regular session was the adoption of the Universal Declaration of Human Rights. In view of the importance of this Declaration, a brief survey is given here of its background and of the steps leading towards its adoption which were taken prior to 21 September 1948.

##### (1) Decision of the United Nations Conference on International Organization

At the United Nations Conference on International Organization, held at San Francisco in 1945, some representatives suggested that the United Nations Charter should contain a bill of rights. Committee I/1 of the Conference, which was charged with the task of considering the Preamble, Purposes and Principles of the Charter, received the idea with sympathy, but decided that

"the present Conference, if only for lack of time, could not proceed to realize such a draft in an international contract. The Organization, once formed, could better proceed to consider the suggestion and to deal effectively with it through a special commission or by some other method. The Committee recommends that the General Assembly consider the proposal and give it effect."<sup>2</sup>

At the final plenary session, on 26 June 1945, the President of the United States stated that

"under this document [the Charter] we have good reason to expect an international bill of rights, acceptable to all the nations involved."<sup>3</sup>

##### (2) Provisions of the United Nations Charter

One of the principal functions of the United Nations is to promote universal respect for, and observance of, human rights.

Prior to the United Nations, provisions for safeguarding human rights had been written into many national constitutions, and certain rights in limited fields had been guaranteed in treaties. The United Nations Charter, however, goes further in its emphasis on the general obligation of all the Members of the United Nations to provide and encour-

age respect for human rights, and in providing that machinery should be set up for this purpose.

Article 1 of the Charter declares that one of the principal purposes of the United Nations is:

"To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion . . ."

Moreover, universal respect for human rights and fundamental freedoms is recognized as one of the conditions of stability and friendly relations among nations (Article 55). Its encouragement is one of the basic objectives of the trusteeship system (Article 76 c).

The General Assembly may initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion (Article 13). The Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all (Article 62).

<sup>1</sup> For further information, see:

Official Records of the General Assembly for its third session (Parts I and II) and fourth session, including summary records of plenary meetings (separate vols. covering meetings 136-187, 188-219, 220-276, and separate annex to each vol.); summary records of meetings of the Third (Social, Humanitarian and Cultural) Committee (separate vols. covering meetings 84-180, 181-229, 230-269, and separate annexes to the first and last vols.); summary records of meetings of the Fifth (Administrative and Budgetary) Committee (separate vols. covering meetings 104-178, 179-183, 194-234, and separate annex to each vol.); summary records of meetings of the Joint Second and Third Committee (separate vols. covering meetings 25-39, 40-44, and separate annex to each vol.).

Official Records of the Economic and Social Council, fourth year, eighth session (meetings 226-82) and Supplement No. 1 Resolutions, and ninth session (meetings 283-343) and Supplement No. 1 Resolutions.

See also, in connexion with particular questions, publications and documents referred to in text (e.g., reports of the functional and regional commissions, reports of the Secretary-General, United Nations publications).

<sup>2</sup> United Nations Information Organization. Documents of the United Nations Conference on International Organization, San Francisco, 1945 (published in co-operation with the Library of Congress). Vol. 6, p. 456.

<sup>3</sup> Ibid., Vol. 1, p. 683.

## (3) Establishment of a Commission on Human Rights

The importance with which the question of human rights was regarded at the San Francisco Conference is illustrated by the provision in the Charter, obliging the Economic and Social Council to set up a commission or commissions for the promotion of human rights (Article 68). The Commission on Human Rights is thus the only Commission specifically named in the Charter.

The Economic and Social Council, on 15 February 1946, established a Commission on Human Rights in nuclear form.<sup>4</sup> The Council decided that the work of the Commission should primarily be devoted to submitting proposals, recommendations and reports for an international bill of human rights. This Commission met at Hunter College, New York, from 29 April to 20 May 1946. At this meeting, the Commission studied its final composition and asked the Secretary-General to collect all possible information on the subject. At that stage, the Division of Human Rights was set up in the Secretariat. That Division began a study of various drafts submitted by the delegations of Panama, Chile and Cuba and by the American Federation of Labor, as well as private drafts, especially those of Dr. Lauterpacht of Cambridge University, Dr. Alvarez of the American Institute of International Law, the Rev. Parsons, of the Catholic Association for International Peace, Mr. McNitt of the Faculty of Law of South Western University, and Mr. H. G. Wells.

## (4) First Session of the Commission on Human Rights

The Economic and Social Council, on 21 June 1946, adopted the terms of reference of the permanent Commission on Human Rights, and determined its membership. The Commission held its first session at Lake Success, New York, from 27 January to 10 February 1947.

The Commission, at its first session, had before it a number of working papers prepared by the Secretariat at the request of the nuclear Commission, and also a number of draft bills submitted by Governments and various organizations. The Commission devoted a great deal of its time to a discussion of the form and content of the proposed bill. It decided that the Chairman, together with the Vice-Chairman and Rapporteur, should undertake, with the assistance of the Secretariat, the task of formulating a preliminary draft international bill of human rights, to be submitted to the Commission at its second session for thorough examination. In view of the difficulties encountered by that small drafting group, it was suggested that it be expanded into a drafting committee, consisting of repre-

sentatives of the Philippines, the Ukrainian SSR, the USSR, the United Kingdom, the United States, Uruguay and Yugoslavia. The Council later endorsed this suggestion.<sup>5</sup>

## (5) First Session of the Drafting Committee on the Bill of Human Rights

The Drafting Committee held its first session at Lake Success, from 9 to 25 June 1947. In addition to a Draft Outline of an International Bill of Human Rights prepared by the Secretariat (E/CN.4/AC.1/3 and Add.1), the Drafting Committee had before it the text of a letter from Lord Dukeston, the United Kingdom representative on the Commission on Human Rights, transmitting a draft International Bill of Human Rights and also a draft resolution which might be passed by the General Assembly when adopting the Bill (E/CN.4/AC.1/4). These two documents were considered and compared by the Drafting Committee, together with certain United States proposals for the rewording of some items appearing in the Secretariat Draft Outline (E/CN.4/AC.1/8 and Rev. 1 and 2). The Draft Outline prepared by the Secretariat was a compilation of all the rights proposed either in international drafts, or contained in national constitutions or suggested by members of the Commission on Human Rights.

Two views were put forward by the Drafting Committee regarding the form the preliminary draft Bill should take. Some representatives thought that the preliminary draft, in the first instance, should take the form of a declaration or manifesto; others felt that it should be in the form of a convention. (A declaration or manifesto would be a recommendation by the General Assembly to Member States, and, as such, would have moral weight but no legal compulsion on Members. On the other hand, a convention would be legally binding on Members which accepted it. Its application, however, would be limited to the signatories.)

It was agreed by those who favoured the declaration that it should be accompanied or followed by a convention or conventions on specific groups of rights. It was also agreed by those who favoured the convention that the General Assembly in recommending a convention to Member States might make a declaration wider in content and more general in expression. The Drafting Committee, therefore, while recognizing that the decision as to the form of the Bill was a matter for the full Commission on Human Rights, decided to pre-

<sup>4</sup> See Yearbook of the United Nations, 1946-47, p. 523.

<sup>5</sup> For further details on the establishment of the Drafting Committee, see Yearbook of the United Nations, 1946-47, p. 524.

pare two documents; one, a working paper in the form of a preliminary draft of a declaration or manifesto setting forth general principles, and the second, a working paper outlining a draft convention on those matters which the Committee felt might lend themselves to formulation as binding obligations.

The report (E/CN.4/21) submitted by the Drafting Committee to the Commission on Human Rights included, therefore, drafts for an international declaration and an international convention on human rights.

**(6) Second Session of the Commission on Human Rights**

The Commission on Human Rights met for its second session at Geneva, from 2 to 17 December 1947. It was in the course of that session that the conception of an international bill of human rights comprising three parts began to crystallize: a declaration, a convention, and measures for implementation. It had become evident that many Governments were prepared to accept a draft declaration if it were to precede and not to replace a convention. One result of that session was a report (E/600) on the measures for implementation which remained a basic document for all subsequent study in that field.

**(7) Second Session of the Drafting Committee**

The Drafting Committee met for its second session at Lake Success, New York, from 3 to 21 May 1948. It considered comments on the draft International Bill of Human Rights which had been received from a number of Member Governments. It also took into account (1) the suggestions of the United Nations Conference on Freedom of Information (held at Geneva in March and April 1948) concerning articles on freedom of information in the draft Declaration and the draft Covenant (E/CONF.6/79); (2) suggestions made by the Commission on the Status of Women on two articles in the draft Declaration (E/615); and (3) the American Declaration of the Rights and Duties of Man, as adopted by the Ninth International Conference of American States, held in Bogota, Colombia, in March-May 1948. It redrafted the entire draft Covenant, but had time to redraft only parts of the draft Declaration and did not consider the question of implementation.

**(8) Third Session of the Commission on Human Rights**

The third session of the Commission on Human Rights took place at Lake Success, from 24 May to 18 June 1948. The Commission, at that session, based its work on the report (E/CN.4/95) of the second session of its Drafting Committee. The in-

dividual articles of the draft Declaration were examined anew. The Commission was able to complete a re-draft of the Declaration, which was adopted without opposition, but had no time to consider the Drafting Committee's re-draft of the Covenant, nor to discuss implementation, as requested by the Economic and Social Council at its sixth session (February and March 1948).

**(9) Decision of the Economic and Social Council at its Seventh Session**

Because of pressure of business at its seventh session, the Economic and Social Council decided, on 17 August 1948, that the report (E/800) of the third session of the Commission on Human Rights, which had been referred to the Council's Human Rights Committee, should be recalled to the plenary session; and that in plenary meeting there would be an opportunity for each member to make one general statement of position.

Statements were made on 25 and 26 August by all members of the Council.<sup>6</sup> The Council then decided, on 26 August, to transmit to the General Assembly the draft International Declaration of Human Rights submitted to it by the Commission on Human Rights in the report of its third session, together with the remainder of the report of the Commission and the records of the proceedings of the Council on the subject.

**b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION**

**(1) Discussion in the Third Committee**

The General Assembly, at its 142nd meeting held on 24 September 1948, referred to the Third Committee the draft International Declaration of Human Rights (E/800).

The Third Committee considered the item at its 88th to 105th, 107th to 116th, 119th to 134th, 137th to 167th, and 174th to 179th meetings, held on 30 September to 18 October, 19 to 29 October, 30 October to 12 November, 15 to 30 November, and 4 to 7 December 1948. Altogether, the Third Committee spent eighty-one meetings in considering and discussing the draft Declaration prepared by the Commission on Human Rights. One hundred and sixty-eight formal draft resolutions containing amendments to the various articles of the draft Declaration were submitted during the course of the Committee's debate.<sup>7</sup>

Before beginning a detailed study of each of the

<sup>6</sup> See Yearbook of the United Nations, 1947-48, pp. 576-78.

<sup>7</sup> For texts of the draft resolutions submitted, see United Nations Official Records of the Third Session of the General Assembly, Part I. Third Committee. Annexes to the Summary Records of Meetings, 1948.

articles in the draft Declaration, the Third Committee engaged in a general debate on the draft as a whole. The representatives of the following countries, among others, supported the draft Declaration: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, the Dominican Republic, Ecuador, France, Greece, Guatemala, Haiti, Lebanon, Mexico, Norway, Pakistan, Panama, the Philippines, the United Kingdom, the United States, Syria and Uruguay. The following is a summary of the main points of view expressed by various representatives in the general debate.

(a) GENERAL VIEWS EXPRESSED IN THE THIRD COMMITTEE

The Chairman of the Commission on Human Rights (the representative of the United States) stated that the members of the Commission considered that the draft Declaration represented a great step forward in the protection and promotion of human rights and fundamental freedoms and in their application. As the Commission had pointed out in its report, the Declaration, she explained, was only the first step in the elaboration of the human rights programme called for by the Charter; it was essential that it should be followed by a covenant on human rights, drafted in the form of a treaty and containing provisions for implementation. The draft Declaration, she submitted, was not a treaty or international agreement and did not impose legal obligations; it was rather a statement of basic principles of inalienable human rights setting up a common standard of achievement for all peoples and all nations. Although it was not legally binding, the Declaration would, nevertheless, have considerable weight. Its adoption, she continued, would commit Member States, in the words of the preamble,

"to 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."

A similar opinion was expressed by the representative of Norway. He declared that, while the Declaration was designed to set moral standards rather than to impose legal obligations, it would be of practical value, since it would undoubtedly serve as a basis for the discussion in the United Nations of any question of human rights. Human rights, he argued, should not be regarded as falling within the domestic jurisdiction of States.

The representative of Mexico remarked that his Government recognized that the draft Declaration

was of the greatest importance. It would not involve legal obligations, but that would not diminish the value of the document. He said that it would define the human rights which States undertook to recognize and would serve as a criterion to guide and stimulate them. At the moment, he contended, it would be difficult to go further.

The representative of Colombia observed that the authors of the draft Declaration did not intend to interfere in relations between Governments, or in relations between the Government and the citizens of any State; they intended simply to establish a set of principles, which should, if possible, be implemented.

Although not considering the Declaration to have legal authority as an interpretation of the relevant provisions of the Charter, the representative of the United Kingdom stated that the "moral authority of the document that would be adopted" by the General Assembly, nevertheless, "would serve as a guide to Governments in their efforts to guarantee human rights by legislation and through their administrative and legal practice."

Other representatives attributed a greater importance to the Declaration. According to the representative of Pakistan, it was imperative that the peoples of the world should recognize the existence of a code of civilized behavior which would apply not only in international relations but also in domestic affairs.

The representative of Bolivia expressed the opinion that the Declaration, when adopted, should provide protection against persecution.

Some representatives went even further. The representative of Panama objected to the "oft-repeated sophistry" that the United Nations was helpless to prevent violation of human rights because under Article 2, paragraph 7, of the Charter it could not interfere in matters which were within the domestic jurisdiction of States. He observed that the Charter also included provisions concerning human rights. Article 2, paragraph 7, he protested, dealt only with questions which fell exclusively within domestic jurisdiction, and could not apply to matters covered under international law. Consequently, he argued, it could not be invoked in the case under discussion.

According to the representative of Brazil, by making human rights international, the United Nations Charter had placed upon States positive legal obligations.

In the opinion of the representative of the Philippines, the primary purpose of the Declaration was not simply to achieve a moral success, but to enable man, all over the world, to develop his rights and, in consequence, his personality. It was

essential, he indicated, that man should feel confident that executive, legislative and judicial powers could not impair his fundamental rights.

The representative of Chile remarked that the draft Declaration merely stated, explicitly, rights granted by the Charter. While he agreed that the proposed covenant on human rights alone would be legally binding, violation by any State of the rights enumerated in the Declaration, he declared, would mean violation of the principles of the United Nations.

The representative of France said that the Declaration could be considered as an authoritative interpretation of the United Nations Charter. By the adoption of the Declaration, the question of human rights was a matter no longer of domestic, but of international concern.

A similar opinion was expressed by the representative of China who said that the Charter committed all Member States to the observance of human rights, and the Declaration stated those rights explicitly.

The representative of Australia also considered that the draft Declaration represented a considerable advance towards a satisfactory definition of the "fundamental human rights" referred to in the Charter.

The representative of Lebanon categorically stated that no State could violate the principles of the Declaration without also violating the terms of the Charter. In actual fact, he observed, the resolution for its adoption was more than a recommendation, because there already existed a place in the Charter for a declaration of human rights.

A few representatives—among them, the representative of Ecuador—regretted the fact that only the draft Declaration could be adopted at the present session of the Assembly, thus leaving to a future session the adoption of a proposed convention on human rights.

Other representatives, including those of Belgium, China and France, praised the universal character of the draft Declaration, considering it to be a compromise among the many points of view expressed by various States.

The representatives of New Zealand, the Union of South Africa, Saudi Arabia, the USSR, Poland, the Byelorussian SSR, the Ukrainian SSR, Yugoslavia and Czechoslovakia criticized the draft Declaration.

The representative of New Zealand felt that the Declaration should not be approved by itself, but together with documents which would provide means of implementation. In her opinion, the draft Declaration was not yet a mature document

which would reflect the views of all the Members of the United Nations.

The representative of the Union of South Africa stated that the Declaration should refer only to those fundamental rights, the universal applicability of which was recognized all over the world. The Declaration, as it stood, went beyond those generally accepted rights. He declared that his delegation could not possibly accept the thesis that human dignity would be impaired if a person were told he could not reside in a particular area. Such a thesis, he explained, would destroy the whole basis of the multi-racial structure of the Union of South Africa and would not be in the interests of the less advanced indigenous population. Similarly, the right to participate in government was not universal; it was conditioned not only by nationality but also by qualifications of franchise. The representative of South Africa wondered how many States were in a position to say that they could assume any international responsibility for the full exercise of certain economic rights mentioned in the Declaration.

The representative of Saudi Arabia called attention to the fact that the Declaration was based largely on Western patterns of culture, which were frequently at variance with the patterns of culture of Eastern States. That did not mean, however, that the Declaration went counter to the latter, even if it did not conform to them.

Although admitting that the Declaration contained many good points, the representative of Poland considered the Declaration in its existing form to be unsatisfactory, as it contained only one mention of the word "democracy" and made no provision for limiting the application of the rights. He thought that the application of those articles dealing with the right of asylum, the freedom of opinion and expression, and the granting of freedom of assembly and association should be limited so that fascists would not be able to profit by those provisions in order to overthrow democracy. He submitted that the adoption of the Declaration should not entail any interference in the domestic jurisdiction of sovereign States. He also felt that there were several omissions in the draft, such as the omission of the right of nations to use their own language and to develop their own culture.

The representative of the USSR considered that the draft Declaration did not satisfy the three conditions which were, in the opinion of the USSR delegation, indispensable to the completion of the Declaration, namely: a guarantee of basic freedoms for all, with due regard to the national sovereignty of States; a guarantee that human rights could be exercised with due regard to the particular eco-

conomic, social and national circumstances prevailing in each country; and a definition of the duties of citizens to their country, their people and their State. He regretted that fascism was nowhere condemned in the draft. He declared that the rights specified in the draft were illusory as they lacked effective guarantees.

Similar criticisms were expressed by the representatives of the Byelorussian SSR and the Ukrainian SSR.

The representative of Yugoslavia expressed the fear that, through lack of real substance, the Declaration might be forgotten even before the ink of the signatures affixed to the document had dried. For that reason, he urged the members of the Third Committee "to exert every possible effort to draw up a text which would fulfil the legitimate aspirations of the peoples."

The representative of Czechoslovakia also considered the Declaration too abstract.

(b) DETAILED CONSIDERATION OF THE ARTICLES OF THE DRAFT DECLARATION

After concluding the general debate on the draft Declaration, the Third Committee, at its 94th meeting, held on 5 October, decided by 41 votes to 3, with 7 abstentions, to consider only the draft Declaration, as the other two documents (the covenant and measures of implementation) were not yet in a state suitable for consideration. The Committee did not, however, exclude an exposition of views on the other parts of the International Bill of Rights.

The Committee, at its 95th meeting, held on 6 October, decided by 43 votes to 6, with 7 abstentions, to start by discussing article 1 of the draft Declaration. A detailed examination of each article and the preamble of the draft Declaration was then entered into by the Committee, which devoted eighty-one meetings to its task. One hundred and sixty-eight amendments were presented. The Committee's work lasted from 6 October until 7 December.<sup>8</sup>

(c) EXAMINATION OF THE ARTICLES BY SUB-COMMITTEE

At its 166th meeting on 30 November, the Third Committee adopted a Lebanese proposal (A/C.3/380) to set up a sub-committee "to examine the totality of the declaration of human rights, i.e., the twenty-nine articles and the preamble, adopted by the Third Committee, solely from the standpoint of arrangement, consistency, uniformity and style and to submit proposals thereon to the Third Committee." The Sub-Committee was also asked to "set up a language group

of five members, one for each of the official languages, to check and secure the exact correspondence of the text in the five official languages."

The Sub-Committee was composed of the representatives of the following eleven countries: Australia, Belgium, China, Cuba, Ecuador, France, Lebanon, Poland, the USSR, the United Kingdom and the United States. It held ten meetings, from 1 to 4 December, and examined in detail each article of the draft Declaration. Among other things, the Sub-Committee proposed the division into two parts of two of the articles of the draft—those dealing with (1) slavery and torture, and (2) equality before the law and right to an effective remedy by competent national tribunals. The Sub-Committee also proposed that the article of the draft dealing with the right to rest and leisure should be placed after the article dealing with the right to work rather than after the article dealing with the right to education.

(d) ADOPTION OF THE DRAFT DECLARATION BY THE THIRD COMMITTEE

The report (A/C.3/400/Rev.1) of the Sub-Committee was considered by the Third Committee at its 175th to 178th meetings, held on 4 and 6 December. At the Committee's 175th meeting, on 4 December, an oral proposal of the Chairman (the representative of Lebanon) to have the Committee proceed to an examination, paragraph by paragraph, of the text submitted by the Sub-Committee to make certain, first of all, that the sense had not been altered, was adopted by 31 votes to none, with 3 abstentions.

Only minor drafting changes in the text proposed by the Sub-Committee were made by the Committee. The arrangement of articles was discussed at the Committee's 178th meeting on 6 December, at which time a number of changes were agreed to.

After it had adopted separately the substance and the arrangement of the draft Declaration, it also, at its 178th meeting, voted on the text as a whole. The draft Declaration was adopted by a roll-call vote of 29 to none, with 7 abstentions.

The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Chile, China, Cuba, Denmark, Dominican Republic, France, Greece, Haiti, Honduras, India, Iran, Lebanon, Mexico, Netherlands, New Zealand,

<sup>8</sup> For reasons of space, a detailed account of the Committee's work is not included in the present Yearbook. A full account of the Committee's debate may be found in United Nations, Official Records of the Third Session of the General Assembly, Part I. Social, Humanitarian and Cultural Questions. Third Committee. Summary Records of Meetings, 21 September-8 December 1948.



Peru, Philippines, Sweden, Syria, Turkey, United Kingdom, United States, Venezuela.  
 Abstaining: Byelorussian SSR, Canada, Czechoslovakia, Poland, Ukrainian SSR, USSR, Yugoslavia.

(e) **DISSEMINATION OF THE DECLARATION**

After the Third Committee had adopted the Declaration of Human Rights, it adopted by 28 votes to none, with 8 abstentions, a French draft resolution (A/C.3/381), which was slightly amended by Cuba (A/C.3/402), the Dominican Republic, China, Lebanon and Syria, and which called upon the General Assembly to recommend that Member Governments publicize the text of the Declaration and cause it to be disseminated as widely as possible.

(f) **USSR DRAFT RESOLUTION**

At the 179th meeting of the Third Committee on 7 December, the representative of the USSR explained why his delegation had abstained from voting on the draft Declaration. He observed that most of the USSR amendments to the draft Declaration had been rejected, and the text adopted at the 178th meeting was practically identical with the original draft and was unsatisfactory. He therefore submitted a draft resolution (A/C.3/407) which stated that the text of the Declaration considered by the Third Committee required "serious improvements in a whole series of articles", and which requested the Assembly to postpone the final adoption of the Declaration to its next session. The USSR draft was supported by the representatives of the Byelorussian SSR and the Ukrainian SSR.

The representatives of the United States, the Philippines, France and Ecuador opposed the USSR draft. They maintained that the action contemplated in the USSR draft would be illegal in view of the fact that the Committee had already adopted the draft Declaration.

On being put to the vote, the USSR draft resolution was rejected by 6 votes in favour to 26 against, with 1 abstention.

(2) **Discussion by the General Assembly in Plenary Meeting**

The report of the Third Committee (A/777) was considered at the 180th to 183rd plenary meetings of the General Assembly, on 9 and 10 December. Altogether, thirty-five delegations spoke in the general debate, many of them raising points which they had previously raised in the Third Committee.

(a) **VIEWS EXPRESSED BY REPRESENTATIVES**

Various representatives underlined the importance of the Declaration. The representative of Lebanon stated that the Declaration was destined to

mark an important stage in the history of mankind. The representative of the United States said that the Declaration was inspired by a sincere desire for peace, and that it was based on the conviction that man must have freedom in order to develop his personality to the full and have his dignity respected. The representative of Chile maintained that once the Declaration were approved, no one could infringe upon the rights proclaimed in it without becoming an outcast from the community of nations. The representative of France considered the Declaration to be the most vigorous and the most urgently needed of humanity's protests against oppression. The representative of the Philippines pointed out that, during its third session, the United Nations had been on trial for its life and that it was at that very moment that it had justified its existence before an anxious world by producing the Declaration.

The representative of Cuba proclaimed that the Declaration expressed in particularly clear and precise terms the most noble aspirations of twentieth-century man. The representative of Iceland regarded the Declaration as a preamble to a future world constitution. The representative of the United Kingdom stressed the fact that the preparation of the draft Declaration was a milestone on the road of human progress. Never before, he said, had so many nations joined together to agree on what they considered to be the fundamental rights of the individual.

According to the representative of Mexico, the adoption of the Declaration was one of the most important actions in the history of the United Nations. The representative of Pakistan stated that his delegation fully associated itself with what had been said in praise of the Declaration. In the opinion of the representative of Denmark, the Declaration made the promises of the Charter regarding equality of men and women a living reality. The representative of India expressed the hope that the Declaration would pave the way to a new era of international solidarity, because the basis of rights was neither the State nor the individual, but the social human being, participating in social life, and striving for national and international co-operation. The representative of Canada stated that the Declaration was inspired by the highest ideals and expressed the most noble principles and aspirations. As a result of the Declaration, the representative of Bolivia said, humanity would enter upon a new phase which should lead to the establishment of a true international constitution, founded on the limitation of the sovereignty of States for the benefit of the individual. Though imperfect, the Declaration was the most harmonious, comprehensive and

universal that had been so far achieved, and its principles were very advanced, compared with the conditions prevailing in some countries, the representative of Paraguay declared.

The representative of Lebanon drew attention to the fact that eighteen articles of the Declaration had been adopted without any opposition. Of a total of 1,233 individual votes, 88.08 per cent had been affirmative, 3.73 per cent negative, and 8.19 per cent had been abstentions.

A number of representatives drew attention to the Declaration's universality and to the attitude of compromise shown by the delegations working on it. The representative of the United States stated that the Declaration represented a compromise which did not contain everything that each country would have wished it to contain; nevertheless, her country regarded it as a satisfactory document. The representative of Chile recalled that fifty-eight civilized nations had succeeded in overcoming ideological and juridical differences, and had agreed on a joint proclamation of human rights. Stressing that it was impossible to attain complete agreement on doctrine, the representative of France pointed out that an agreement based on the practical as well as the ideal had been achieved. The Declaration, he said, represented a considerable effort on the part of individuals, groups and States. To the French representative, the chief novelty of the Declaration was its universality. Because it was universal, he said, the Declaration could have a broader scope than national declarations.

The document, the representative of the Philippines pointed out, could make no claims to perfection since it had been the result of a compromise, but compromise, he stated, was the essence of democracy and the very basis of the United Nations. Nations which had taken part in the preparation of the Declaration, the representative of Australia observed, differed profoundly in their political, economic, social and religious points of view, and divergencies were bound to become apparent regarding the manner in which the various aspects of the question should be approached and treated. The Declaration, therefore, presented an effort at compromise and mutual understanding. He thought that, having been accepted and approved by the majority of Members of the United Nations, the Declaration would go forth to the world with much greater strength and authority.

The representative of Brazil said that the Declaration did not reflect the particular point of view of any one people or of any one group of peoples. Neither was it the expression of any particular political doctrine or philosophical system. It was, he declared, the result of the intellectual and moral

co-operation of a large number of nations. The preparation of the Declaration, explained the representative of New Zealand, had been a difficult task, since its authors had different social, economic and philosophical backgrounds, but it had proved that with good will and a sincere desire to co-operate, it was possible for divergent points of view to be reconciled. Thus, he submitted, the Declaration could justly be described as being "universal".

Another point covered in the general debate was the need to supplement the Declaration with a convention and measures for implementation. The representatives of Haiti, Lebanon, France, the United States, the United Kingdom and New Zealand, among others, spoke of this need.

Some representatives spoke of the effect that the adoption of the Declaration would have on men and nations. The representative of the United States considered it to be first and foremost a declaration of basic principles to serve as a common standard for all nations. Although the Declaration was not legally binding on Governments, it should have great moral force, the representative of the Netherlands submitted, and would serve as a guiding light to all those who endeavoured to raise man's material standard of living and spiritual condition. According to the representative of Mexico, the Declaration would serve as the basis for the realization of one of the highest aims of the United Nations, that of developing and encouraging universal respect for human rights. The representative of New Zealand expressed the opinion that the Declaration, as a statement of principles, had moral force only.

Other representatives attributed even far greater importance to the Declaration. The representative of Lebanon recalled that the Members of the United Nations had already solemnly pledged themselves, under the Charter, to promote respect for human rights and fundamental freedoms, but that it was the first time that human rights and fundamental freedoms had been set forth in detail. Hence, every Government knew, at that time, to what extent exactly it had pledged itself, and every citizen could protest to his Government if the latter did not fulfil its obligations. The Declaration, he claimed, would therefore provide a useful means of criticism, and would help to bring about changes in present legal practice. According to the representative of Chile, men everywhere would henceforth know what their rights and freedoms were. All States which were signatories to the Declaration undertook to respect and extend the basic rights proclaimed.

The representative of France explained that, while the Declaration was less powerful and binding than a convention, it had no less legal value,

for it was contained in a resolution of the General Assembly which was empowered to make recommendations; it was a development of the Charter which had brought human rights within the scope of positive international law. The Declaration, said the representative of Uruguay, was a natural complement to the Charter. Its enforcement and respect for its provisions would become one of the obligations of Member States. He argued that human rights would in the future be protected and defended by all the peoples of the States Members of the United Nations. The representative of Bolivia declared that he had been instructed by his Government to state that Bolivia would pledge itself solemnly to adhere to all the provisions of the Declaration.

Although supporting enthusiastically the Declaration, the representatives of, inter alia, the Netherlands, Belgium, Canada and Egypt criticized certain of its aspects. The representative of the Netherlands regretted that man's divine origin and immortal destiny had not been mentioned in the Declaration, for the fount of those rights was the Supreme Being. The representative of Belgium considered that it would have been desirable to acknowledge the real basis of the equality of rights, namely, the common origin and destiny of all men. He also viewed the order of the articles as being imperfect.

In the view of the representative of Canada, the Declaration was often worded in vague and unprecise language. The imperfections and ambiguities of the Declaration might have been removed, he remarked, if a body of jurists, such as the International Law Commission, had been asked to review the text before it had been submitted to the General Assembly.

Referring to the article in the Declaration concerning the freedom to contract marriage without any restrictions as to race, nationality or religion, the representative of Egypt explained that in his country, as in almost all Moslem countries, certain restrictions and limitations existed regarding the marriage of Moslem women with persons belonging to another faith. Those limitations, he contended, were of a religious character, sprung from the very spirit of the Moslem religion, and therefore could not be ignored. He also feared that, by proclaiming man's freedom to change his religion or belief, the Declaration would be encouraging, even though it might not be intentional, the machinations of certain missions, well-known in the Orient, which pursued their efforts to convert to their own beliefs the masses of the population of the Orient.

The draft Declaration was criticized by the

representatives of the Union of South Africa, the USSR, the Ukrainian SSR, Czechoslovakia, the Byelorussian SSR, Poland and Yugoslavia.

In the opinion of the representative of the Union of South Africa, the Declaration went far beyond the rights and freedoms contemplated in the Charter. He expressed doubt as to the wisdom of a declaration which would be honoured in the breach rather than in the observance of its provisions.

According to the representative of the USSR, the Declaration suffered from serious defects and omissions. Some of the articles dealing with extremely important questions—such as the article on slavery and the article on the right to education—were, in his opinion, in a very abstract form. He considered that the article dealing with the freedom to disseminate ideas did not solve the problem of freedom of expression, as the diffusion of dangerous ideas, such as war-mongering and fascist ideas, should be prevented. That same article, he submitted, made no provision for the free dissemination of just and lofty ideas. If freedom of expression was to be effective, the workers, he argued, must have the means of voicing their opinions, and for that they must have at their disposal printing presses and newspapers. The right to street demonstrations, he said, should be guaranteed. He declared that it was necessary to make certain that scientific research would not be used for war purposes which would obviously hinder progress. He drew the Assembly's attention to a defect in the Declaration which he considered to be fundamental: the absence of provisions guaranteeing the rights of national minorities. He also regretted the failure of the Declaration to mention the sovereign rights of States.

He submitted a draft resolution (A/785/Rev.2) recommending that the General Assembly postpone adoption of the Declaration until its fourth regular session. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and Yugoslavia supported the Soviet draft resolution.

The representative of the Ukrainian SSR stated that the Declaration contained a series of rights which could not be exercised, in view of the existing conditions and the economic structure of a great number of countries. Several elementary democratic rights which could be realized even in a capitalist society had been deliberately omitted. Before the right to work, to rest and to education could be put into effect, he submitted, it was necessary to alter drastically the economic system of private enterprise. He said that there could be true equality among men only under an economic system which guaranteed to everyone equal condi-

tions and opportunities for the development of his own potentialities, and that was not the equality mentioned in the Declaration.

The Declaration, maintained the representative of Czechoslovakia, was not imbued with revolutionary spirit; it was neither bold nor modern. The abolition of the death sentence in peace time was not agreed to; nor were "fascism" and "aggression" denounced publicly and formally. The Declaration, he observed, took no account of the practical aspects of the question of the right to work; it simply expressed lofty ideals, making no provision for their implementation in the difficult daily life of the workers. He stressed the fact that there was no point in proclaiming the right to leisure, for example, if some men had no means of exercising that right.

According to the representative of the Byelorussian SSR, the Declaration was merely a proclamation of human rights, and it contained no guarantee of the rights it proclaimed. The right to national culture and democracy's struggle against fascism and nazism were not mentioned.

The Declaration stated only traditional freedoms and rights of the old liberal school, the representative of Poland asserted. It failed to mention that the counterpart of those rights was the duty of the individual towards his neighbours, his family, his group and his nation. It completely ignored the right of every person to speak his own language and to have the protection of his national culture ensured. He stated that the Declaration, in reality, represented a step backward if compared with the Declaration of the Rights of Man and the Citizen, which had been produced during the French Revolution; if compared with the Communist Manifesto, which had declared human rights as binding and necessary a hundred years ago; and if compared with the principles which had inspired the October Revolution.

The representative of Yugoslavia felt that the principles of human rights set out in the Declaration lagged behind the social progress achieved in modern times; and that they did not grant full juridical and social protection to man. He considered that the radical change in social conditions emphasized the necessity of widening the traditional categories of human rights—which generally included political and civil rights—and of establishing a system of social rights, including the collective ones for certain communities. He regarded the Declaration as an instrument of international codification rather than as an instrument which opened a new and bright future for the individual in the vast field of social rights.

The representatives of the United States, the

United Kingdom, India and Bolivia, among others, in opposing the USSR draft resolution proposing that the adoption of the draft Declaration be postponed, also spoke against the USSR amendments to the Declaration (see below).

Both the representatives of the United Kingdom and the United States examined critically the USSR amendments. To adopt these amendments, they argued, would limit the universal scope of the Declaration.

While paying a tribute to the USSR delegation for the tenacity with which it had defended its convictions, the representative of the United States remarked that people sometimes had to co-operate loyally with the majority even when they disagreed with its views. The first Soviet amendment, the United States representative said, dealt with the question of minorities, and the Third Committee had already decided that that question required further study, and had recommended that it be referred, for that purpose, to the Economic and Social Council and the Commission on Human Rights. According to the representative of the United States, it was clear from the second USSR amendment that the aim was to guarantee the rights of certain groups, and not the rights of individuals, with which alone the Declaration was concerned. The effect of the third USSR amendment would be to restrict freedom of opinion and expression, argued the representatives of the United States. That amendment, she declared, proposed to set up standards which would allow any State to deny freedom of opinion and expression without violating that article. The fourth USSR amendment, the United States representative explained, proclaimed the obligations of the State, a conception which the USSR delegation had tried to introduce into practically every article of the Declaration. She submitted that if that conception were adopted, the entire character of the Declaration would be changed.

The representative of India maintained that the right to hold different opinions was a sacred right and the prerogative of every truly democratic people. She declared that India, like other countries, would never agree to restricting political rights in order to realize social aims, however noble those aims might be.

According to the representative of Bolivia, two opposing schools of thought had confronted each other in the discussion on the Declaration. There had been, on the one hand, the thesis upheld by the USSR, characterized by the "desire to subordinate the individual to the State", and, on the other hand, the thesis supported by all the democratic countries, which was designed "to make the individual capable

of organizing a State which, in turn, would respect the rights of the individual." Referring to the objections formulated by the representative of the Ukrainian SSR, the representative of Bolivia stated that the democratic peoples abhorred the thesis that the happiness of mankind should be subordinated to the interests of the all-powerful communist State.

(b) PROPOSAL OF AMENDMENTS

The representative of the USSR repeated his objections to the Declaration, and again stated that the Declaration was directed against national sovereignty and was therefore entirely inconsistent with the principles of the United Nations. The independence and well-being of a nation, he argued, depended on the principle of national sovereignty, and this principle was the sole protector of the smaller countries against the expansionist dreams of more powerful States. He submitted a number of amendments (A/784) to the draft Declaration proposed by the Third Committee. These amendments, similar to those presented in the Third Committee—and which provided for, *inter alia*, (1) the extension to the population of Non-Self-Governing Territories of the provisions regarding the human and civic rights and fundamental freedoms set out in the Declaration; (2) a declaration that it was the inalienable right of every person freely to express and disseminate democratic views, and to combat fascism; (3) a declaration that every citizen of any State must have the right, among other rights, of access to any State or public office in his country; and (4) the insertion of a new article declaring that the rights and freedoms enumerated in the draft Declaration should be guaranteed by national laws—were all rejected by individual roll-call votes. The USSR draft resolution (A/785/Rev.2), calling upon the Assembly to refer the adoption of the Declaration of Human Rights to the fourth regular session, was also rejected, the vote being 6 in favour, 45 against, and 3 abstentions.

The President then put to vote a United Kingdom amendment (A/778/Rev.1) to delete the additional article of the draft Declaration (referred to as article 3), which declared that the rights proclaimed in the Declaration would also apply to any person belonging to the population of Trust and Non-Self-Governing Territories, and in its place to substitute the following text as an additional paragraph of the second article, regarding the application of the Declaration:

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs,

whether it be independent, Trust, Non-Self-Governing or under any other limitation of sovereignty."

The representative of the United Kingdom explained that article 2 of the draft Declaration laid down that every individual was entitled to the rights and freedoms proclaimed in the Declaration, without distinction of any kind. He argued that, if article 2 had any meaning and if its terms were sufficiently precise and enumerated sufficiently clearly the distinctions to be outlawed, there was no reason to add an additional article (article 3) stipulating that those rights applied to the inhabitants of the Trust and Non-Self-Governing Territories.

The United Kingdom amendment was adopted by 29 votes to 17, with 10 abstentions.

(c) ADOPTION OF THE DECLARATION

At the request of the representative of Poland, a separate vote was then taken on each recital of the preamble, and on each article.

The first recital of the preamble was adopted, with 2 abstentions.

The second, third, fourth, fifth, sixth and seventh recitals of the preamble were adopted unanimously.

Article 1 was adopted by 45 votes, with 9 abstentions.

The first paragraph of article 2 was adopted unanimously.

The second paragraph of article 2 (United Kingdom amendment) was adopted by 36 votes to 1, with 8 abstentions.

Article 3 was deleted; its content was covered by the second paragraph of article 2 (United Kingdom amendment).

Articles 4 to 13 were adopted unanimously.

Article 14 was adopted by 44 votes to 6, with 2 abstentions.

Articles 15 to 18 were adopted unanimously.

Article 19 was adopted by 45 votes, with 4 abstentions.

Article 20 was adopted by 44 votes to 7, with 2 abstentions.

Articles 21 to 26 were adopted unanimously.

Article 27 was adopted by 53 votes, with 3 abstentions.

Article 28 was adopted unanimously.

Article 29 was adopted by 47 votes, with 8 abstentions.

Articles 30 and 31 were adopted unanimously.

A roll-call vote was then taken on the draft Universal Declaration as a whole, including the United Kingdom amendment previously adopted. The President stated that, as a result of the deletion of article 3, the articles in the final text of the Declaration would have to be renumbered.

The Universal Declaration of Human Rights, as a whole, was adopted by 48 votes, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam (Thailand), Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Abstaining: Byelorussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukrainian SSR, Union of South Africa, USSR, Yugoslavia.

The President of the General Assembly said that the adoption of that

"very important Declaration by a big majority without any direct opposition was a remarkable achievement . . . [that] the Declaration only marked a first step since it was not a convention by which States would be bound to carry out and give effect to the fundamental human rights; nor would it provide for enforcement; yet it was a step forward in a great evolutionary process. It was the first occasion on which the organized community of nations had made a declaration of human rights and fundamental freedoms. That document was backed by the authority of the body of opinion of the United Nations as a whole and millions of people, men, women and children all over the world, would turn to it for help, guidance and inspiration."

The text of the Declaration adopted (217(III) A) is as follows:

#### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

the General Assembly

Proclaims this Universal Declaration of Human Rights 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.

#### Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### Article 2

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

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### Article 3

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

#### Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 6

Everyone has the right to recognition everywhere as a person before the law.

#### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

#### Article 10

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

## Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

## Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## Article 17

1. Everyone has the right to own property alone as well as in association with others.

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

## Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

## Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

## Article 22

Everyone, as a member of society, has the right to national security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

## Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

## Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

## Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

## Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall

further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedom may in no case be exercised contrary to the purposes and principles of the United Nations.

#### Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

#### (e) DISSEMINATION OF THE DECLARATION

The draft resolution of the Third Committee relating to the dissemination and publication of the Universal Declaration of Human Rights was adopted by 41 votes, with 9 abstentions, its text (217 (III) D) being as follows:

"The General Assembly,

"Considering that the adoption of the Universal Declaration of Human Rights is an historic act, destined to consolidate world peace through the contribution of the United Nations towards the liberation of individuals from the unjustified oppression and constraint to which they are too often subjected,

"Considering that the text of the Declaration should be disseminated among all peoples throughout the world,

"1. Recommends Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories;

"2. Requests the Secretary-General to have this Declaration widely disseminated and, to that end, to publish and distribute texts, not only in the official languages, but also, using every means at his disposal, in all languages possible;

"3. Invites the specialized agencies and non-governmental organizations of the world to do their utmost to bring this Declaration to the attention of their members."

#### c. PUBLICATION AND DISSEMINATION OF THE DECLARATION BY THE SECRETARIAT

In order to carry out the above resolution, the United Nations began at once to develop a large-scale programme for disseminating the text of the Universal Declaration of Human Rights in various languages throughout the world, and for using every possible medium of publicity on behalf of this document. With the active co-operation of Member Governments, UNESCO and important non-governmental organizations, it was possible, during 1949, to prepare and disseminate the text of the Universal Declaration in fourteen languages in addition to the five official languages of the United Nations. The fourteen additional languages in which the Declaration was available at the end of 1949 were: Basque, Danish, Dutch, Esperanto, Finnish, German, Japanese, Norwegian, Portuguese, Sinhalese, Swedish, Tagalog, Tamil and Turkish.

The United Nations Secretariat also worked out ways and means of disseminating the Universal Declaration of Human Rights through regular national and international channels of information, in order to foster wider knowledge of the document. Among the channels used have been United Nations publications,<sup>9</sup> posters, discussion guides, film strips, films, radio and television programmes, photo-features, picture presentations, human rights exhibits and special events, including an anniversary concert on 10 December 1949 at Carnegie Hall in New York City.

The Secretariat has also provided speakers on Human Rights for important educational and non-governmental organization meetings, and uses every means at its command to induce publication of the text and discussion of its importance by the world press, non-governmental organizations and private individuals.

#### 2. Draft Covenant on Human Rights and Draft Measures of Implementation

##### a. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

After adopting the Universal Declaration of Human Rights, the General Assembly, on 10 De-

<sup>9</sup> See, in particular: *These Rights and Freedoms* (United Nations Publications. Sales No.: 1950.1.6); and *The Universal Declaration of Human Rights, a History and Commentary* (provisional title, scheduled for 1950 publication).