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COMMISSION ON HUMAN RIGHTSSecond Session

Summary Record of the Seventh Meeting of the  
Working Group on the Declaration held at the  
Palais des Nations, Geneva, at 3 p.m. on  
Tuesday, 9 December, 1947  
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## Present:

President: Mrs. F.D. ROOSEVELT (United States of  
America)

Rapporteur: Professor CASSIN (France)

Members: M. STEPANENKO (Byelo-Russian S.S.R.)

M. AMADO (Panama)

General ROMULO (Philippines)

M. BOGOMOLOV (U.S.S.R.)

Representatives of the Commission on the Status of Women:

Mme. BEGTRUP

Mme. URALOVA

Observer: M. HEPPEL (United Kingdom)

Secretariat: Miss KITCHEN

Specialized Agencies:

Mr. HAVET (U.N.E.S.C.O.)

Mr. BARBLE (I.R.O.)

Mr. J. BESSLING (I.L.O.)

Non-Governmental Organizations:

Category A: Mr. VANISTENDAEL (International Federation  
of Christian Trade Unions)

Category B: Mr. BREUMFELD (World Jewish Congress)

Mr. BROTMAN (Consultative Council of Jewish  
Organizations)

Mr. NOLDE (Commission of the Churches  
on International Affairs)

Mlle. ROMER (International Union of  
Women's Catholic Organizations)

Miss EDER (International Council of  
Women)

Consideration of the Report of the Drafting Committee  
Document E/CN.4/21. Annex F.

Articles 21 and 22

The CHAIRMAN expressed the view that, since the question of freedom of information would be fully debated at the Freedom of Information Conference to be held in March, 1948, it would be preferable to defer consideration of these two Articles until after that. It was clear that the recommendations of the Conference would furnish the basis for future consideration. She suggested that these two Articles be omitted and an explanatory footnote added in the Report.

This proposal was adopted without objection.

Article 23

The CHAIRMAN called attention to the three different texts on this Article (Drafting Committee, Panama (A/148) & U.S. (E/CN.4/36)). Her own opinion was that the United States' short text was more inclusive and more concise.

Mr. AMADO (Panama) emphasized the importance of drawing a distinction between political associations which complied with democratic customs, and assemblies convened for the purpose of upsetting existing institutions or for other discreditable objects. He considered that an amendment should be included to exclude the latter.

Mr. CASSIN (France) supported this suggestion. It would be advisable to link the nature of the associations with the aims of

the United Nations. He proposed a modification of the text with reference to associations which were not contrary to the principles of the United Nations.

The Article should also express the idea of international associations in order to give official status to recognized institutions of this type.

Mr. STEPANENKO (Byelo-Russian S.S.R.) contended that the Article contained nothing regarding legal guarantees of the right of association, nor did it indicate the democratic character that such assemblies should bear. They should only be permitted if existing for truly democratic purposes. The Article did not refer to Trades Union Associations whose rights were limited in many states, although these associations existed for the benefit of millions. He wished to draw particular attention to this matter.

The CHAIRMAN pointed out the difficulty of affording the right of assembly, without previous knowledge of what was intended. She thought the qualifying phrase "right of peaceful assembly" should be used.

A discussion ensued as to the advisability of describing the forms of association, such as economic, religious, social, cultural, political.

It was decided that no attempt at an enumeration could be exhaustive.

General ROMULO (Philippines) proposed the following wording: "Everyone has the right to freedom of peaceful assembly, and association for purposes not inconsistent with this Declaration."

Mr. CASSIN (France) suggested that the question of Trade Union rights would be discussed in the consideration of social rights.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) considered that the clearest distinction should be made between democratic and undemocratic associations. The Declaration should afford the fullest protection to democratic organizations like the World Federation of Democratic Women. It should in no way protect any organization which was contrary to democratic principles. He emphasized that Trade Union rights should be specifically mentioned in Article 23.

The CHAIRMAN thought that "association for purposes not inconsistent with the principles of the U.N." would cover the point concerning democratic organizations.

Miss EDER (International Council of Women) considered it important and desirable that the words "national and international associations" should be used. Freedom of association could exist within a country and yet not internationally.

Mr. VANISTENDAEL (International Federation of Christian Trades Unions) pointed out that the question of trade union rights had recently been referred by the Economic and Social Council to the International Labour Organization which had not yet concluded its study of the subject. He thought the I.L.O. report should be examined before the trade union rights were fully implemented in a Convention.

Mr. AMADO (Panama) proposed the following wording: "Freedom to assemble peaceably with others and to form associations, either national or international, of a political, economic, religious, social, cultural or any other character, for purposes not inconsistent with these Articles, is the right of everyone."

General ROMULO (Philippines) accepted the addition of the words "national and international" to his proposal.

Mr. HEPPEL (United Kingdom) submitted that the addition of the word "local" as well as "national and international" might be advisable, since its meaning was not fully covered by the word "national".

Mr. CASSIN (France) thought that the text could be drafted on the basis of the Philippine proposal with the addition of the following: "for purposes of a political, cultural, economic, religious, social, trade union or any other character." He considered that the adoption of the suggestion of the Soviet Union representative to restrict the mention to those associations which were engaged in the fight for democracy would exclude neutral but equally deserving institutions.

The following text was adopted by 4 votes to none with 2 abstentions:

"Article 23.

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

Mr. AMADO (Panama) said that he had wished to point out before the vote was taken that certain national constitutions forbade associations of an international character and consequently the Committee had voted for something which might not be acceptable to a number of Governments.

The CHAIRMAN then requested approval of a suggestion from the representative of the Philippines to include the following as a footnote to Article 23:

"That no individual or association that aims to destroy the fundamental rights and freedoms set forth in this Declaration can claim protection under this Article."

This was adopted without a vote.

Replying to the representative of Panama, the CHAIRMAN said that a comment could also be included to the effect that the Article was not intended to include international political associations forbidden by law.

Article 24

The CHAIRMAN said that the United States Delegation was prepared to accept the Drafting Committee's version, provided the Article began with the wording : "No one shall be denied the right".

Mr. CASSIN (France) was also agreeable to this text and suggested that the words "public authorities" should be substituted for "government".

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) asked why the individual was given a right of petition to the United Nations and in what capacity the latter could act. The United Nations had never been given the task of looking after the interests of the individual.

Mr. HEPPEL (United Kingdom) said that his delegation wished to raise a somewhat similar query but on the grounds of the wisdom of encouraging petitions of this nature until the machinery at the disposal of the United Nations for dealing with such cases had been more clearly defined.

Gen. ROMULO (Phillippines) considered this to be a fundamentally important provision, particularly in connection with minorities, non self-governing peoples and peoples under trusteeship. The regulations of the Trusteeship Council expressly permitted such right of appeal, which provided the sole means of redress in the case of individuals from Trust territories.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) emphasized that this Article did not deal with the rights of minorities, but of individuals. Rights of minorities, and peoples of non self-governing and Trust territories would be protected under different provisions.

Mr. CASSIN (France) wished to retain this Article. He thought the right of petition to the United Nations should be a right possessed by everyone, irrespective of whether they formed part of a minority or whether they lived in an autonomous state or in a non self-governing or Trust territory. He favoured a procedure by which such petitions could be made through recognized bodies which would tend to eliminate appeals of a frivolous character.

Mr. HEPPEL (United Kingdom) wished it to be made clear that his Delegation strongly supported the principle of the right of petition, which should be equally applicable in any part of the world. He was only concerned with the advisability of giving an impression that the United Nations was ready to redress grievances.

The following Article was adopted by 4 votes to none with 2 abstentions :

"Article 24.

No one shall be denied the right, either individually or in association with others, to petition or to communicate with the public authorities of his state, of his residence, or the United Nations."

Article 25

The CHAIRMAN drew the attention of the meeting to the comment on this Article in the Drafting Committee's text and suggested that it should be considered for inclusion in the preamble.

It was agreed without a vote to consider this Article either in the preamble or at the end of the Declaration.

Articles 26 and 27

The CHAIRMAN proposed that Articles 26 and 27 should be read together and if possible combined.

Gen. ROMULO (Phillipines) proposed the following wording :

"Everyone has the right to take an effective part in his Government directly or indirectly through elections which should be periodic, free and by secret ballot".

Mr. CASSIN (France) said that he would prefer the expression "every citizen" to "everyone" as it was not everyone who was qualified to participate in government. He also considered that whatever text was adopted should not eliminate the phrase "will of the people" which was the source of all power.

The CHAIRMAN preferred the retention of the word "everyone" as including the inhabitants of non self-governing territories who are not citizens but to whom the Declaration would afford some rights of participation in Government.

Mr. HEPPEL (United Kingdom) said that he disliked the word "citizen" if it excluded persons in non self-governing territories. His delegation felt that the Secret Ballot was a form of democratic procedure which was neither understood nor accepted by some of the British African dependencies. Their forms of Native Government were based on old-established customs with which it was the policy of his Government to interfere as little as possible. The principle of developing democratic institutions was fully recognised. As an illustration of the difficulties, he quoted from a report to the Trusteeship Council from the Commission on Samoa, stressing the dangers of the arbitrary imposition of western democratic procedure. His delegation was reluctant to accept the words "secret ballot" in this Article.

The CHAIRMAN felt it would be impossible to eliminate these words from the Article but said that the observations of the United Kingdom delegation could be inserted as a comment, possibly in the form of the extract from the Report to the Trusteeship Council.

Mr. AMADO (Panama) observed that there were three elements in the Articles under discussion. Firstly, the right to take part in the government of the state. Secondly, the duty of the State to conform to the will of the people. And thirdly, a form of procedure for expressing that will. Since all these essentials were conveyed by the Panama text (A/148), he advocated its adoption.



Mr. STEPANENKO (Byelorussian S.S.R.) considered that the right of the individual to take part in the government of his State was imperfectly expressed in the drafts. He submitted a fresh draft which he said was more concrete and precise, reading as follows :

"All citizens of any state regardless of race, sex, language, religion, fortune, education, national or social origin, have the right to elect and be elected in all organs of their government by universal, free and general elections.

"Everyone has the right to participate in the organs of the government of the state of which he is a citizen."

Mrs. BEGERUP (Commission on Status of Women) said that in practice there were still in many countries qualifications of class, income and sex regulating suffrage. She would like to see the word "equal" before "election".

Miss EDER (International Council of Women) supported this view and emphasized equality of suffrage.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) supported the draft proposed by the representative of Byelorussia which, in his opinion, was complete and explicit. He said that the obligation imposed on nations responsible for non self-governing and trusteeship territories by the Charter Articles 73 (b) and 76 (b), which he quoted, were well-known, but discrimination still existed in matters of race, class, sex and wealth, as it did in metropolitan countries. Consequently, the Article should contain a clear definition of the unqualified right of the citizen to elect and to be elected and should emphasize the obligation on colonial powers to encourage self-government until independence were reached.

Mme. URALOVA (Commission on Status of Women) said that the draft Articles did not clearly define the rights of women, who were still struggling for equality in the political and economic field.

She hoped that this equality would be fully recognised by the Declaration, since without it no real spirit of democracy could exist. Her Government had given practical effect to these principles more than anywhere else in the world. She quoted instances where women were still partly or wholly excluded from the political, economic and social life. In reactionary countries there was a strong tendency to campaign against the participation of women in public life, and she asked that such propaganda should be condemned. She reminded the meeting that women everywhere were looking to this Declaration as the recognition of their aspirations and supported the Byelorussian draft as the most effective expression of these sentiments.

Miss ROMER (International Union of Women's Catholic Organizations) stressed the solidarity of women on the matter of equality of political rights and suggested that a comment should emphasize that the word "everyone" in the Article contained no discrimination against women.

There was discussion on the wording of the Article between the Representatives of France, the Phillipines and Panama, together with the CHAIRMAN. It was agreed to replace "The State has a duty" by "The State shall" and to add the word "fair" to the adjectives qualifying "elections".

On the request of the Representative of the Byelorussian S.S.R., his proposal was put to the vote but was rejected by 3 votes to 1 with 2 abstentions.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) explained that, while he supported this proposal, he would abstain from voting on it in conformity with the declaration he had made at the first meeting of the Committee.

The following draft was then put to the vote and adopted by 4 votes to 1 with 1 abstention :

"Articles 26 and 27. Everyone without discrimination has the right to take an effective part in the Government of his country. The State shall conform to the will of the people as manifested by elections which shall be free, fair, periodic and by secret ballot."

Article 28

The CHAIRMAN said that this Article had been the subject of observations by the Sub-Commission on Minorities and she suggested that consideration should therefore be deferred.

Articles 29 and 30

The CHAIRMAN accepted the suggestion made by the Soviet Union Representative that Articles 29 and 30 should be studied together. This was adopted without objection.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) considered that when establishing the right to work, it was also necessary to recognise the obligations of the State and particularly its duty to take steps to prevent unemployment. He thought this should be stated in the Article.

Mr. STEPANENKO (Byelorussia ) proposed the following wording:

"Everyone has the obligation and the right to work, i.e. the right to obtain a salary commensurate with his ability. The State has an obligation to take all necessary measures to eliminate unemployment."

Mr. CASSIN (France) was in favour of the Panamanian Article 12 (A/148), but wished to retain the phrase "Human labour is not a merchandise" in accordance with various I.L.O. conventions.

Mr. VANISTENDAEL (International Federation of Christian Trade Unions) pointed out that it was a part only of the duty of the state to guarantee employment; it had the primary duty of

harmonizing the economic life of the nation to permit full employment. He suggested that the text should be so drawn up as to avoid any implication of compulsory labour.

The CHAIRMAN then called for a vote on the first sentence of the Article : "Everyone has the right to work", which was adopted by 5 votes to none with 1 abstention.

Mr. CASSIN (France) suggested that the second paragraph of Article 12 of the Panamanian Draft (A/148) should form the second paragraph of the Article : "The state has a duty to take such measures as may be necessary to ensure that all its residents have an opportunity for useful work".

The CHAIRMAN pointed out that all States might not be able to guarantee useful work for all and suggested that the Article should read : "The State has a duty to make every effort to ensure... "

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said that he was satisfied with the conception that the State was under an obligation to provide employment. That was recognised and complied with in the U.S.S.R., but there were other states which had been unable to discharge this duty. He considered that a clause should be incorporated underlining the responsibility of the State for taking every possible measure to prevent unemployment.

Mr. CASSIN (France) pointed out that the duty of the State to give the right to work was governed by its potential for implementing this function, and he suggested a wording on the following lines : "The state has a duty to take such measures as may be within its powers to ensure that all its citizens have an opportunity for useful work".

Mr. STEPANENKO (Byelorussian S.S.R.) said that unemployment was a distressing situation with such repercussions on family life that the onus to prevent it should be placed on the State.

Mme. URALOVA (Commission on Status of Women) stated that the right to work and to pay was of particular importance to women engaged in public employment where men were still receiving far higher rates than women. Frequently public appointments were kept open until a man was accepted. Not only equal rights of employment, but equal conditions in employment were required. The 1937 report of the Commission on the Status of Women had emphasized the aspect of equality in the right to work, to pay and to leisure, and she considered that the wording of this report could well be adopted in the Declaration.

Mr. CASSIN (France) said the proposition fell under two headings : the right to work and the obligation of the State in this matter, and the conditions of work.

Paragraph 2 of Article 29 was adopted by 4 votes to none with 2 abstentions, reading :

"The State has a duty to take such measures as may be within its power to ensure that all its citizens have an opportunity for useful work."

General ROMULO (Phillipines) proposed the following Article to replace Article 30 of the Drafting Committee's text :

"Everyone has the right to receive pay commensurate with his ability and skill, to work under just and favourable conditions, and to join trade unions for the protection of his interests.

The State shall take necessary measures with its power to assure full employment."

Women shall have the right to work under the same conditions as men and to receive equal pay for equal work.

Mr. CASSIN (France) pointed out that the Phillipine amendment did not include the family. He proposed it should read: "... in securing a decent standard of living for himself and his family."

The CHAIRMAN said that she wished to point out the significance of the demand in relation to the pre-natal period, maternity and other aspects, that women should be given the right to work under the same conditions as men. She suggested that the representative of the women's organization might wish for further reflection on these problems before committing themselves on this Article.

Mrs. BECTRUP (Commission on the Status of Women) stated that she was prepared to accept the proposed text since adequate protection for the rights of motherhood appeared to be secured under Article 34.

Miss ROMER (International Union of Women's Catholic Organizations) thought that a reservation should be inserted that nothing expressed in this clause should contravene the existing conventions for the protection of women.

The following text was adopted for Article 30 by 5 votes to 0 with 1 abstention. The reservation was made that a comment to this Article regarding protection of women would be considered later:

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

Women shall have the right to work under the same conditions as men and to receive equal pay for equal work."

The Meeting rose at 7.30 p.m.

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