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THIRD COMMITTEE

COMPILATION OF AMENDMENTS TO THE DRAFT DECLARATION OF HUMAN RIGHTS SUBMITTED
TO THE THIRD COMMITTEE BEFORE 4 P.M. 6 OCTOBER, IN
CHRONOLOGICAL ORDER.

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

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; and

WHEREAS disregard and contempt for human rights resulted, before and during the second world war, in barbarous acts which outraged the conscience of mankind and made it apparent that the fundamental freedoms were one of the supreme issues of the conflict; and

WHEREAS it is essential, if mankind is not to be compelled as a last resort to rebel against tyranny and oppression, that human rights should be protected by a regime of law; and

WHEREAS the peoples of the United Nations have in the Charter determined to reaffirm faith in fundamental human rights and in the dignity and worth of the human person and to promote social progress and better standards of life in larger freedom; and

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

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 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,

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/to secure

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.

Amendments:

Netherlands: Amendment to the first paragraph of the preamble.
(Document A/C.3/219)

Insert after the words "human family" the following text:

"based on man's divine origin and immortal destiny".

Dominican Republic (Document A/C.3/217)

In paragraph 4, line 2, delete the word "and" and substitute a comma; line 3, after the words "human person", insert the words: "and in equality of rights as between men and women".

Union des Republiques Socialistes Sovietiques (Document E/800)
(Draft Preamble)

"In accordance with the principles proclaimed in the Charter of the United Nations of respect for human rights and basic freedoms for all without distinction as to race, sex, language and religion and for the dignity and value of the individual;

In order to ensure observance of all these rights and freedoms and with a view to promoting social progress and improving the living conditions of the peoples;

With a view also to promoting the development of friendly relations between nations;

The General Assembly recommends the following 'Declaration of Human Rights' to all States Members of the United Nations to be used at their discretion both in adopting appropriate legislative and other measures, and in their systems of upbringing and education and in extending the provisions of this Declaration to the peoples of State Members themselves and to the populations of all the territories in respect of which the States concerned discharge the function of the guiding and administering authority (populations of trust and other non-self-governing territories)."

Cuba (Document A/C.3/224)

Before the enumeration of Rights, insert the following text:

"All men are born free and equal in dignity and rights; being endowed by nature with reason and conscience, they should act towards one another like brothers."

Respect for the rights of all requires that each shall do his duty. In all human activity, both social and political, rights and duties are indissolubly linked with one another. While rights enhance individual freedom, duties express the dignity of that freedom.

Duties of a legal nature presuppose other duties of a moral nature which facilitate their understanding and serve as their foundation.

It is the duty of man to practise, uphold and promote culture by all means at his disposal, for culture is the highest social and historical expression of the human spirit.

Morality being the noblest product of culture, it is the duty of all to respect it at all times."

Union of South Africa

(Document A/C.3/226)

In paragraph 3, delete the words "protected by a regime of law", and substitute the words "respected and observed".

In paragraph 4, delete the words "and to promote social progress and better standards of life in larger freedom".

Article 1

Text adopted by the Commission on Human Rights.

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

Amendments:

Brazil

(Document A/C.3/215)

Amendment to the second part of Article 1

Amend the second sentence to read:

"Created in the image and likeness of God, they are endowed with reason and conscience, and should act towards one another in a spirit of brotherhood."

Panama

(Document A/C.3/220)

Article 1

It is proposed that it be eliminated.

Amendments:

Cuba

(Document A/C.3/224)

Delete this article and insert its substance in the preamble (see "preamble").

Union of South Africa

(Document A/C.3/226)

Delete the words "in dignity and rights", and substitute the words "in fundamental human rights and freedoms".

Guatemala

(Document A/C.3/228)

Delete articles 1 and 2 of the Draft Declaration and transfer their contents to the Preamble.

/Mexico

Mexico (Document A/C.3/229)

"All human beings are born free and equal in dignity and rights. The right of sustenance, health, education and work is considered essential in order to guarantee social justice and the full development of the human being.

Article 2

Text adopted by the Commission on Human Rights.

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, property or other status, or national or social origin.

Amendments:

Panama (Document A/C.3/220)

Article 2

It is proposed that this article be merged with Article 6 in order to have one single article dealing with the right to equality, as proposed in connection with Article 6.

Union of Soviet Socialist Republics (Document E/800)

Addition to Article 2

After the words "property or other status", add "class".

(Amendments)

Cuba (Document A/C.3/224)

Replace this article by the following text:

"All are equal before the law and are entitled to the rights, and subject to the duties, laid down in this Declaration without distinction of race, birth, sex, language, religion, political opinion, or property or other status."

This wording would make it unnecessary to include Article 6.

Article 3

Article 3

Text adopted by the Commission on Human Rights.

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

Amendments:Panama

(Document A/C.3/220)

Article 3

Its total elimination is proposed.

It is proposed that the rights to life and liberty be defined as follows:

Article - Every human being has the right to exist and to maintain, develop, protect and defend his existence.

Article - No one shall be subjected to arbitrary arrest or detention. Every person who has been detained has a right to have the legality of his detention judicially without any delay. Neither shall any one be held in slavery or involuntary servitude. (Paragraph 1, Article 4 of Draft).

An additional article is proposed containing the text of Paragraph 2 of Article 4 of the Draft, as follows;

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

(Amendments.)

Cuba

(Document A/C.3/224)

Replace this article by the following text:

"Every human being has the right to life, liberty, security and integrity of person."

Article 4

Text adopted by the Commission on Human Rights;

1. No one shall be held in slavery or involuntary servitude.
2. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Amendments:

Panama

(Document A/C.3/220)

It is proposed that this article be suppressed in its present form and that its text be used as stated above.

Union of Soviet Socialist Republics

(Document E/800)

Addition to Article 4

"Slavery and the slave trade are prohibited in all their aspects; and all violations of this principle, whether they be of an overt or clandestine nature, must be punished according to law."

Amendments

Cuba

(Document A/C.3/224)

Delete the first paragraph.

Replace the second paragraph by the following text:

"No one shall be subject to cruel, degrading and non-customary punishment."

Insert this text in the part related to the purely juridical rights, (see Article 26).

Article 5

Text adopted by the Commission on Human Rights.

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

Amendment

Cuba

(Document A/C.3/224)

Replace this article by the following text:

"Everyone has the right to recognition everywhere as possessing rights and obligations and enjoying fundamental civil rights."

Place this text at the beginning of the part related to the purely juridical rights (see Article 16).

Article 6

Text adopted by the Commission on Human Rights;

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

Amendments:Panama

(Document A/C.3/220)

It is proposed to have the text of this article combined with that of Articles 2 and 8, as follows:

Article - All are equal before the law and are entitled to equal protection of the law and to enjoy 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, property or other status, or national or social origin.

Article 6Cuba

(Document A/C.3/224)

Delete this article.

Union of South Africa

(Document A/C.3/226)

Delete the words "against any discrimination in violation of this Declaration and against any incitement to such discrimination".

Article 7

Text adopted by the Commission on Human Rights;

No one shall be subjected to arbitrary arrest or detention.

Amendments:Panama

(Document A/C.3/220)

It is proposed that this article be replaced in the manner above stated in connection with Article 3.

Union of Soviet Socialist Republics

(Document E/800)

Addition to Article 7

"Any one deprived of his liberty has the right to be informed without delay of the grounds for his detention. Any one who is arrested, detained or imprisoned is entitled to have immediately established by the judicial authorities the legality of his deprivation of liberty, and also to have his case brought before the court without undue delay or to be liberated.

No one may be imprisoned on account merely of failure to carry out his contractual obligations.

Every one is entitled to compensation for illegal arrest or deprivation of liberty."

Article 7Cuba

(Document A/C.3/224)

Replace by the following text:

"No one may be deprived of his freedom except in such cases as are covered by existing laws and in conformity with the procedure prescribed by them.

/"No one may

"No one may be detained for failure to carry out obligations of a purely civil character.

"Any person who has been deprived of his freedom is entitled to have the legality of the measures to which he has been subjected immediately confirmed by a judge, and to be tried without unjustifiable delay or, failing that, to be released.

"He is also entitled to humane treatment while under detention."

Insert this text in the part related to the purely judicial rights (Article 25: Protection against arbitrary arrest.)

Article 8

Text adopted by the Commission on Human Rights

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

Amendments:

Panama

(Document A/C.3/220)

It is proposed that the phrase "in full equality" be eliminated from this article in as much as the subject of equality is covered by another article.

It is further proposed that an article dealing in toto with the subject of fair trial be made up of Article 8, modified as stated above, and the first paragraph of Article 9, as follows:

Article -

1. In the determination of his rights and obligations and of any criminal charge against him, everyone is entitled to a fair hearing by an independent and impartial tribunal.
2. 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.

Union of Soviet Socialist Republics

(Document E/800)

Alterations and Supplements to Article 8:

Insert the following before the text as adopted by the Commission:

"All people are equal before the law. Judges must be independent and answerable only to the law. Legal procedure in all States must be based on democratic principles.

Hearings in all courts must be public, with the exception of cases for which provision is made by law for the purpose of complying with public morality or in the interests of national security. The accused shall be entitled to the services of a defence counsel in court.

Should the accused be unfamiliar with the national language, he must be enabled to acquaint himself with all the details of the case by means of an interpreter, and he must be given the right to speak in court in his native language."

Articles 8 and 9

Cuba

(Document A/C.3/224)

Replace by the following text:

"Any person against whom a charge is made is presumed to be innocent until proved guilty according to law.

"Everyone charged with a penal offence has the right to an impartial and public hearing and trial by previously established tribunals in accordance with existing laws.

"Such person shall not be subjected to cruel, degrading or non-customary punishment."

Insert these texts in the part relating to the purely juridical rights (see Article 26).

Article 9

Text adopted by the Commission on Human Rights;

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 offence on account of any act or omission which did not constitute an offence, under national or international law, at the time when it was committed.

Amendments:

Panama

(Document A/C.3/220)

It is proposed that the second paragraph of this article be made part of a separate article dealing with the right to security against ex post facto laws, as follows:

Article - No one shall be held guilty of any offence on account of any act or omission which did not constitute an offence, under national or international law, at the time when it was committed. Neither can anyone be imposed a heavier penalty than the one that was applicable at the time the offence was committed.

Union of Soviet Socialist Republics

(Document E/800)

Before the word "trial" delete "public", and after the word "defence" add: "... and which must be public except in cases involving considerations of the protection of public morality or national security."

dd.

/United States of America

United States of America

(Document A/C.3/223)

Insert the word "penal" before the word "offence" in the second paragraph of Article 9, so as to read:

" Article 9

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."

Article 10

Text adopted by the Commission of Human Rights

No one shall be subjected to unreasonable interference with his privacy, family, home, correspondence or reputation.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Supplement to the text as adopted "and everyone is entitled to legal defence against such interference".

Article 11

Text adopted by the Commission of Human Rights

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.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

- (a) Paragraph 1. After the words "residence within the borders of each State", add "in accordance with the laws of that State".
- (b) Paragraph 2. After the words "to leave any country, including his own", add "in accordance with the procedure laid down in the laws of that country".

Article 12

Text adopted by the Commission of Human Rights

1. Everyone has the right to seek and be granted, in other countries, asylum from persecution.
2. Prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations do not constitute persecution.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Replace paragraph 1 by the following:

"The right of asylum is guaranteed to all persons persecuted in connexion with their activity in defence of the interests of democracy and

/or for

or for their scientific activity or for their participation in the struggle for national liberation."

Article 12

Bolivia

(Document A/C.3/227)

Add to Article 12, paragraph 1, a second sentence which reads as follows:

"The right shall extend to asylum in embassies or legations."

Article 13

Text adopted by the Commission of Human Rights

No one shall be arbitrarily deprived of his nationality or denied the right to change his nationality.

Amendments:

Union of Soviet Socialist Republics

(Document E/800)

The following wording is proposed:

"No one shall be arbitrarily deprived of his nationality, i.e. in any other manner or in any other case than as provided for in the laws of the country concerned."

Article 14

Text adopted by the Commission of Human Rights

1. Men and women of full age have the right to marry and to found a family and are entitled to equal rights as to marriage.
2. Marriage shall be entered into only with the full consent of both intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection.

Amendments:

Union of Soviet Socialist Republics

(Document E/800)

Paragraph 2. Add after the first sentence of the text as adopted:

"Men and women shall enjoy equal rights both during marriage and when divorced."

Paragraph 3. At the end of the third paragraph add the words "by society and the State."

/Article 15

Article 15

Text adopted by the Commission of Human Rights

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.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Replace the text as adopted by:

"1. Everyone has the right to own property alone as well as in association with others in accordance with the laws of the country where such property is situated.

"2. No one shall be arbitrarily, i.e. illegally, deprived of his property."

Article 16

Text adopted by the Commission of Human Rights

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.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Replace the text as adopted by the following:

"Everyone must be guaranteed freedom of thought and freedom to perform religious services in accordance with the laws of the country concerned and the requirements of public morality."

Amendments:

Cuba (Document A/C.3/224)

Place the text replacing article 5 before this article.

Peru (Doc.

Delete article 16 and replace it by the following text:

"Every person has the right freely to profess a religious faith, and to express it in thought and in practice, both in public as well as in private."

Article 17

Text adopted by the Commission of Human Rights

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.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Replace the text as adopted by the following:

"1. In accordance with the principles of democracy and in the interests of strengthening international collaboration and world peace, everyone must be legally guaranteed the right freely to express his opinions and, in particular, freedom of speech and the Press and also freedom of artistic expression. Freedom of speech and the Press shall not be used for purposes of propagating fascism, aggression and for provoking hatred as between nations.

"2. For the purpose of enabling the wider masses of the people and their organizations to give free expression to their opinions the State will assist and co-operate in making available the material resources (premises, printing presses, paper, etc.) necessary for the publication of democratic organs of the Press."

Second Amendment:

The following changes should be introduced into the text as adopted:

"Everyone has the right to freedom of thought and its expression; wherein is included freedom of conviction and freedom of access to sources of information and means of communication for the transmission of information in the territory of his own country and also in other countries, within limits corresponding to the interests of national security."

Article 18

Text adopted by the Commission of Human Rights

Everyone has the right to freedom of assembly and association.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Replace the text as adopted by the following:

"In the interests of democracy a legal guarantee must be provided for freedom of assembly and meeting, street processions, demonstrations and the organization of voluntary societies and unions. All societies, unions and other organizations of a fascist or anti-democratic nature, as well as their activity in any form, are forbidden by law under pain of punishment."

United States of America (Document A/C.3/223)

Substitute the following text for the present text

"Everyone has the right to freedom of assembly and association, especially for the promotion and protection of the rights and freedoms set forth in this Declaration."

Article 19

Text adopted by the Commission of Human Rights

1. Everyone has the right to take part in the government of his country, directly or through his freely chosen representatives.
2. Everyone has the right of access to public employment in his country.
3. Everyone has the right to a government which conforms to the will of the people.

Amendments:

Union of Soviet Socialist Republics

(Document E/800)

Include the following in paragraph 3:

"The State shall consider the will of the people as expressed in elections, which shall be conducted periodically and must be universal and equal and be held by secret ballot."

Article 20

Text adopted by the Commission of Human Rights

Everyone, as a member of society, has the right to social security and is entitled to the 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 set out below.

Amendments:

Union of Soviet Socialist Republics

(Document E/800)

Replace the text as adopted by the following:

"It is the duty of the State and society to take all the necessary measures, including legislative measures, to ensure for every individual a real opportunity to enjoy all the rights mentioned in the Declaration. In view of the special importance of the economic, social and cultural rights enumerated in Articles 21 to 26 of the Declaration and, in particular, of the right to social security, it is considered desirable that they be implemented by means of both national efforts and international co-operation, due regard being had to the social, economic and political organization and resources of each State."

Article 21

Text adopted by the Commission of Human Rights

1. Everyone has the right to work, to just and favourable conditions of work and pay and to protection against unemployment.
2. Everyone has the right to equal pay for equal work.
3. Everyone is free to form and to join trade unions for the protection of his interests.

Amendments:

Union of Soviet Socialist Republics

(Document E/800)

After the words "right to work . . . and pay" add "and the right to protection against unemployment. The State and society shall guarantee this right by measures calculated to provide everyone with the broadest opportunities for useful work, and to prevent unemployment."

Second amendment

Add:

"Everyone, without distinction as to race, nationality or sex, has the right to equal pay for equal work."

Proposed supplementary clause to article 21.

"Women shall enjoy equal advantages in their work with men and shall receive equal pay for equal work."

United States of America

(Document A/C.3/223)

Substitute the following text for the present text of the second paragraph:

"2. Men and women have the right to equal pay for equal work."

Article 22

Text adopted by the Commission of Human Rights

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

Amendments:

Dominican Republic

(Document A/C.3/217)

Delete paragraph 2 and substitute Article VII of the American Declaration of the Rights and Duties of Man, adopted at Bogota, which reads as follows:

"All expectant and nursing mothers and all children have the right to special protection, care and aid."

Union of Soviet Socialist Republics

(Document E/800)

Include the right to social insurance by inserting in paragraph 1 (after the words "... in circumstances beyond his control") the words "and also (if he is gainfully employed) to social insurance at the expense of the State or of his employers, in accordance with the legislation of each country."

In addition, add the following points also to article 22 in the form of two independent sentences:

"2. Everyone has the right to medical care and assistance in case of illness.

"3. Everyone has the right to decent housing.

"It is the duty of the State and society to take all necessary steps including legislation, to ensure that everyone has a real opportunity of enjoying all these rights."

/Article 23

Article 23

Text adopted by the Commission on Human Rights

1. Everyone has the right to education. Elementary and fundamental education shall be free and compulsory and there shall be equal access on the basis of merit to higher education.
2. Education shall be directed to the full development of the human personality, to strengthening respect for human rights and fundamental freedoms and to combating the spirit of intolerance and hatred against other nations and against racial and religious groups everywhere.

Amendments:

Union of Soviet and Socialist Republics (Document E/800)

Add in paragraph 1 after the first sentence:

"Access to education must be open to all without any distinction as to race, sex, language, material status or party allegiance."

Article 24

Text adopted by the Commission on Human Rights

Everyone has the right to rest and leisure.

Amendments:

Union of Soviet and Socialist Republics (Document E/800)

Add to the text adopted:

"Everyone shall be guaranteed rest and leisure either by law or by contractual agreements, particular provision being made for the reasonable limitation of working hours and for periodical paid holidays."

Article 25

Text adopted by the Commission on Human Rights

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

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Add to the text adopted:

"The development of science must serve the interests of progress and democracy and the cause of international peace and co-operation."

Cuba

(Document A/C.3/224)

Insert in this article the text replacing Article 7.

Article 26

Text adopted by the Commission on Human Rights

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

dd.

/Amendments:

Amendments:

Union of Soviet Socialist Republics (Document E/800)

At the beginning of the sentence: "Everyone is entitled to a good social and international order in which..." delete the word "good" (or, in the second variant of the text, the word "just").

Cuba (Document A/C.3/224)

Insert in this article the texts replacing Articles 4, 8 and 9.

Article 27

Text adopted by the Commission on Human Rights

1. Everyone has duties to the community which enables him freely to develop his personality.
2. In the exercise of his rights, everyone shall be subject only to such limitations as are necessary to secure due recognition and respect for the rights of others and the requirements of morality, public order and general welfare in a democratic society.

Amendments:

Union of Soviet Socialist Republics (Document E/800)

Add (after the words "democratic society"):

"... and also the corresponding requirements of the democratic State".

United States of America (Document A/C.3/223)

Amend the second paragraph of this article to read as follows:

" Article 27

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are necessary to secure due recognition and respect for the rights of others and the requirements of morality, public order and general welfare in a democratic society."

Article 28

Text adopted by the Commission on Human Rights

Nothing in this Declaration shall imply the recognition of the right of any State or person to engage in any activity aimed at the destruction of any of the rights and freedoms prescribed herein.

NOTE:

The Commission has not considered the following article since measures of implementation were not in its third session:

"Everyone has the right, either individually, or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations,"

Additional Articles

Cuba

(Document A/C.3/216)

Insert in the text of the Declaration an Article worded as follows:

"Any person shall have the right to offer appropriate resistance to manifest acts of oppression or tyranny".

Union of Soviet Socialist Republics

(Document E/800)

Add to the text adopted a separate new paragraph in place of the corresponding Article 31 of the Geneva text rejected by the Commission:

"All persons, irrespective of whether they belong to the racial, national or religious minority or majority of the population, have the right to their own ethnic or national culture, to establish their own schools and receive teaching in their native tongue, and to use that tongue in the press, at public meetings, in the courts and in other official premises."