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DRAFT REPORT OF SUB-COMMITTEE 4 OF THE THIRD COMMITTEE
submitted by Mr. Alan S. Watt (Australia), Rapporteur

Terms of Reference of the Sub-Committee

At its 166th meeting on 30 November 1948, the Third Committee set up a Sub-Committee "to examine the totality of the Declaration of Human Rights, i.e. the 29 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".

Composition of the Sub-Committee

The Sub-Committee was composed of the representatives of the following eleven countries:

Australia
Belgium
China
Cuba
Ecuador
France
Lebanon
Poland
Union of Soviet Socialist Republics
United Kingdom
United States of America

Summary of the proceedings and recommendations of the Sub-Committee

The Sub-Committee held 10 meetings from 1 December to 4 December 1948.

The first meeting of the Sub-Committee was called to order by the Director of the Division of Human Rights and immediately proceeded to the election of the following officers:

- Chairman: Professor René Cassin (France)
Rapporteur: Mr. Alan S. Watt (Australia)

/Mr. John Humphrey

Mr. John Humphrey, Director of the Division of Human Rights, represented the Secretary-General and Mr. T.L. Tchang acted as Secretary.

At its first meeting, after hearing statements by the representatives of China and Cuba on the general structure of the Declaration and the order of the articles, the Sub-Committee proceeded to a detailed examination and study of the Declaration article by article. This detailed examination continued through the second to the ninth meeting.

As a result of this examination and study, and subject to the reservations submitted both regarding the text of certain articles and the question of order and arrangement, the Sub-Committee decided to recommend to the Third Committee the text attached hereto as Annex A. Subject to the same reservations, it also decided to recommend that the order of the paragraphs in the preamble and of the articles of the declaration be as therein indicated.

The Committee had before it the following documents: A/C.3/380, A/C.3/381, A/C.3/382 (E,F,C,R,S), A/C.3/383 (E,F,C,R,S), A/C.3/SC.4/W.1, A/C.3/SC.4/W.2, 21.

The Sub-Committee has not yet had the time to examine the Chinese, Russian and Spanish texts. It considered however that, having regard to the urgency of the Third Committee's task, it should make the preliminary report as soon as possible and report later on the correspondence of these texts.

During the course of the debates various members requested that certain points be brought to the attention of the Third Committee. These points are the following:

Article 2

Paragraph 1: The representative of the Union of Soviet Socialist

Republics protested against the action of the Sub-Committee in changing the place of the word "birth". He said that this changed a decision taken by the Third Committee on a question of substance, and reserved his right to bring the matter up again in the Third Committee.

Paragraph 2: The representatives of Ecuador, Poland and the Union of

Soviet Socialist Republics were of opinion that the Sub-Committee had exceeded its terms of reference in amending the additional article adopted by the Third Committee which now appears justified form as paragraph 2 of article 2. In what it considered a drafting change, the Sub-Committee had, they felt, changed the substance of a decision of the Third Committee. These representatives therefore protested against the action taken by the Sub-Committee and reserved their right to raise the question in the Third Committee.

Article 12

Paragraph 2: Certain representatives felt that the suggested new

version of the second paragraph might affect the substance of the article as adopted by the Third Committee.

Article 18

The Sub-Committee decided to ask the Third Committee whether it was advisable to retain the word "pacifique" in the French text of article 18.

Article 19

The representatives of Cuba, France and the Lebanon were strongly of opinion that the French text of paragraph 3 of article 19 should begin: "La volonté du peuple est le fondement....."

Article 20

The representative of Ecuador is of opinion that the French version of article 20 as proposed by the Sub-Committee is completely different from the English version which he considers to be the basic text.

Article 22

Certain members of the Sub-Committee thought that the suggested change, "All children, whether born in or out of wedlock..." in paragraph 3 of article 22 might affect the substance of the article as voted by the Third Committee.

Article 23

The representative of Ecuador protested against any modification of the fundamental right to free education as stated in the text voted by the Third Committee.

At the ninth meeting of the Sub-Committee, the Cuban representative criticized the Secretary-General for not having provided interpretation from Spanish into the working languages notwithstanding the fact that interpretation had been provided from one of the other official languages. He requested that this protest be recorded in the report of the Sub-Committee.

During a discussion of the order of the articles at the ninth meeting, the representative of Cuba requested roll-call votes on three issues.

The first of these votes was on the Cuban proposal to insert articles 16 and 17 immediately after article 4(a). The result of this vote was as follows:

Australia	no
Belgium	abstention
Ecuador	no
Cuba	yes
China	no
U.S.A.	no

/France

France	no
Lebanon	abstention
Poland	} did not participate in the vote
USSR	
UK	no

Result: 1 for, 6 against, 2 abstentions.

In the explanation of his vote, the representative of Cuba referred to the importance of his proposal and reserved his right to take up the matter before the Third Committee.

The second roll-call vote was on the Cuban proposal to insert Article 1 immediately after Article 4(a). The result of this vote was as follows:

Australia	no
Belgium	abstention
Ecuador	no
Cuba	yes
China	no
USA	no
France	no
Lebanon	abstention
Poland	} did not participate in the vote
USSR	
UK	no

Result: 1 for, 6 against, 2 abstentions.

The third roll-call vote was on the Cuban proposal to insert articles 20 to 25 inclusive immediately after article 4(a). The result of this vote was as follows:

Australia	no
Belgium	abstention
Ecuador	no
Cuba	yes
China	no
USA	no
France	no
Lebanon	abstention
Poland	} did not participate in the vote
USSR	
UK	no

Result: 1 for, 6 against, 2 abstentions.

In the explanation of his votes on these three issues, the representative of Cuba referred to the importance of his proposals and reserved his right to bring them up again before the Third Committee.

ANNEX "A"

Draft Universal Declaration of Human Rights

Text of the Third Committee

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 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; and

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; and

WHEREAS it is essential to promote the development of friendly relations between nations; and

WHEREAS the peoples of the United Nations have in the Charter determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women 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;

Text of the Sub-Committee

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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; and

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

/Now therefore

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, 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.

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Text of the Third Committee

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

.....
The rights proclaimed in this Declaration also apply to any person belonging to the population of Trust and Non-Self-Governing Territories.
(Additional article)

Article 3

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

Article 4

Slavery and the slave trade are prohibited in all their aspects.

No one shall be held in slavery or servitude.

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

Article 5

Every human being has the right to recognition everywhere as a person before the law.

Article 6

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

Text of the Sub-Committee

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

1. 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, birth, national or social origin, political or other opinion, or property or other status.

2. Furthermore, no distinction shall be made on the basis of the political status of the country to which a person belongs.

Article 3

Everyone has the right to life, liberty and 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 4(a)

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

Article 5

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

Article 6

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.

/Everyone

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 7

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

Article 8

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

Article 9

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 10

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 11

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

Article 6(a)

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 7

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

Article 8

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 9

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 10

No one shall be subjected to arbitrary interference with his private 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 11

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

/2. Everyone

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

Article 12

1. Everyone has the right to seek and to enjoy 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.

Article 13

Everyone has the right to a nationality.

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

Article 14

1. Without any limitation due to race, nationality or religion, 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 free and full consent of the intending spouses. Men and women shall enjoy equal rights both during marriage and at its dissolution.

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

Article 15

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

No one shall be arbitrarily deprived of his property.

Article 16

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change

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

Article 12

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 13

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 14

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 15

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 16

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change

/his religion

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 17

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 18

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

No one may be compelled to belong to an association.

Article 19

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 universal and equal and shall be held by secret vote or by equivalent free voting procedures.

Article 20

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 indispensable for his dignity and the free development of his personality.

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Article 20

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 indispensable for his dignity and the free development of his personality.

Article 21

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.

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

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

Article 21

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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 insuring 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, to reasonable limitation of working hours and to periodic holidays with pay.

Article 22

1. Everyone has the right to a standard of living adequate for the health and well-being of his family and himself, including food, clothing, housing, and medical care and necessary social services, and 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 have the right to special care and assistance.

3. Children born out of wedlock shall enjoy the same social protection as those born in marriage.

Article 23

1. Everyone has the right to education, which shall be free, at least in so far as elementary and fundamental education are concerned. Elementary education shall be compulsory. Technical and professional education shall be made generally available. There shall be equal access to higher education on the basis of merit.

Article 22

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 23

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. There shall be equal access to higher education on the basis of merit.

/2. Education

2. Education shall be directed to the full development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the promotion of understanding, tolerance, and friendship among all nations, racial or religious groups, as well as of the activities of the United Nations for the maintenance of peace.

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

Article 24

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

Article 25

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.

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

Article 26

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

Article 27

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 prescribed by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and the just requirements of morality, public order and the general welfare in a democratic society.

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 25

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.

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

Article 27

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 prescribed 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 freedoms can in no case be exercised contrary to the purposes and principles of the United Nations.

Article 28

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

Additional Article

The rights proclaimed in this Declaration also apply to any person belonging to the population of Trust and Non-Self-Governing Territories.

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

Article 28

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

(see paragraph 2 of Article 2)
