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Chairman: Mrs. Aase LIONAES (Norway).

AGENDA ITEM 33

Draft International Covenants on Human Rights (E/2573, annexes I, II and III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/3077, A/C.3/L.460, A/3525, A/3588, A/3621, A/C.3/L.617-624) (continued)

ARTICLE 14 OF THE DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (E/2573, ANNEX I A) (continued)

1. Mr. BEAUFORT (Netherlands) stressed the importance of article 14, since the fate of future generations depended on a sound educational system. It might, however, be difficult to reach agreement on the article, as so many questions of principle were involved. The Netherlands delegation considered that although the article was not entirely satisfactory, it was generally acceptable as a compromise. It would therefore confine its intervention in the debate to introducing its amendment (A/C.3/L.618).

2. The proposal for the amendment of paragraphs 2 (b) and 2 (c) was in harmony with the real purpose of the article on free education, which was to make it possible for every able person to develop his capabilities further. Its essence was that no person should be deprived of secondary or higher education for financial reasons only. The ways and means whereby that purpose was to be achieved were of secondary importance. The experience of many countries had shown that it was possible to reach the goal in various ways and there seemed to be no valid reason for imposing a single method on all States, as had been done in the draft Covenant.

3. Although the Netherlands had suffered serious difficulties and set-backs in the past, it now had a high educational standard, at which it had arrived by means other than those proposed in article 14. Elementary education for eight years was both compulsory and free, but that system did not extend to secondary education, technical and vocational training or higher education. Nevertheless, no one was deprived of such education for financial reasons only, as the fees paid were in proportion to the parent's financial means, and interest-free loans and scholarships were granted to needy but qualified students. In the light of that experience, the Netherlands delegation considered that it was not essential to grant free education in all cases and it believed that the contracting parties should

have a certain measure of latitude in the methods used to achieve the purposes of the article.

4. Miss LIN (China) said that the idea of universal and free education had been cherished in China for many centuries. The Chinese educational system, which had been regulated in the fifth century B.C., during the time of Confucius, was based on the sage's teaching that the purpose of education was to perfect the human personality. The Constitution of the Republic of China, promulgated in 1947, provided that every citizen had not only the right but the obligation to receive education. Ample educational facilities were provided and the ratio of school attendance in the province of Taiwan stood at 92 per cent for children between six and twelve years. The Government was planning to extend the period of compulsory education to nine years.

5. The Chinese delegation found the provisions of article 14 of the draft Covenant generally acceptable, but thought that there was still room for improvement. It considered that the highest attainment of life was cultural leisure, in which energies might be concentrated on the pursuit of knowledge for its own sake. The right to education was an initial step in the fulfilment of the right to pursue knowledge, but the latter right was of primary importance and should be recognized as such in Covenant.

6. The Chinese delegation shared the apprehension of those who felt that it was unnecessary to give undue prominence to the suppression of racial hatred, as opposed to other forms of hatred, such as incitement to "class struggle" and religious persecution.

7. In conclusion, her delegation supported the view expressed by the Philippine representative (780th meeting) that the wording of article 14 should be brought into line with that of the corresponding article of the Universal Declaration of Human Rights.

8. Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization) said he would reply to questions asked of his organization at previous meetings.

9. The Philippine representative had asked whether the wording of the article could not be brought into line with that of article 26 of the Universal Declaration of Human Rights, particularly with regard to the phrase "education shall encourage the full development of the human personality" in paragraph 1 of article 14. Though it was for the Secretariat to explain the circumstances which had given rise to the difference between the two texts, he observed that the English, French and Spanish texts did not entirely correspond, as the French "*favoriser*" and the Spanish "*fomentar*" did not seem to mean the same as "encourage". Accordingly, two possibilities were open: either the three texts could be harmonized, or

the wording of the Declaration could be retained. In the opinion of UNESCO, the latter course would be quite appropriate in view of the commentary on article 14, paragraph 1, in the annotations on the text of the draft Covenants (A/2929, chap. VIII, para.37), concerning the desirability of including the definition of the aims of education.

10. With regard to the views expressed by the representative of Iraq (780th meeting) with regard to paragraph 2 (d), on fundamental education, he could not share the optimism which had led her to declare that the paragraph was unnecessary because the problem of illiteracy could be solved on a national basis in one generation. A recent UNESCO publication entitled *World Illiteracy at Mid-Century*^{1/} showed that the situation in 1950 had been such that countries faced with the problem could hardly be expected to solve it in the near future without considerable assistance. According to that publication, there were about 700 million illiterate adults in the world that represented about 44 per cent of the world population over the age of fifteen years. In nearly one half of the countries and territories in the world, 50 per cent or more of the adults were illiterate, and in about one-third of the countries and territories there were at least 1 million illiterate adults. It would therefore seem that fundamental education would be necessary in the areas concerned for some time to come.

11. He drew the attention of the Israel representative, who had asked about the attitude of UNESCO to the Irish amendments (A/C.3/L.617), to his organization's observation on the article on education drafted by the Commission on Human Rights (E/CN.4/655/Add.4). His organization had stated that the article appeared to be satisfactory as it stood; he therefore endorsed paragraph 45 of the commentary on article 14 (A/2929, chap. VIII) according to which paragraph 3 of article 14 was felt to be the most realistic and equitable way of expressing the content of article 26, paragraph 3, of the Universal Declaration of Human Rights.

12. With regard to the implications of the Irish amendments, he considered that the substitution of the words "means towards education" for "schools" was merely an extension of the provisions of the paragraph to cover individual and home education, and that the purpose of the additional paragraph was to specify the provision, implicit in paragraph 3, that parents were free to send their children to other than State schools. The replacement of the word "liberty" by "right", however, seemed to be a more substantive change, as it implied that individuals could ask the State for material assistance in educating their children outside State schools.

13. Mr. MAHMUD (Ceylon) said that article 14 was one of the most important articles in the draft Covenant, because without it the other articles would be meaningless. Violations of fundamental human rights often passed unnoticed because the peoples concerned were not sufficiently aware of them and the full exercise of the right to education was the best guarantee of the observance of those rights.

14. When Ceylon had assumed a certain measure of control over its administration in 1931, it had set itself the aim of ensuring that every child between the ages of five and fourteen should be provided with educational facilities and should not be deprived of them on grounds of poverty. That aim had been achieved to the extent that over 2.5 million children out of a total population of 8.5 million were attending school. The provision of progressively free secondary and higher education, referred to in paragraphs 2 (b) and 2(c), had been a reality in Ceylon since 1945. Any student could be educated free of charge from primary school to the completion of the highest academic or professional training.

15. He had cited those achievements in order to show that it was possible even for an undeveloped country to achieve the purposes of the article. Ceylon was not a rich country, and its economy depended on the fluctuations of the world market; yet the Government had never changed its aims with regard to free education. Accordingly, 19 per cent of the budget was devoted to that purpose, with the result that the literacy rate in Ceylon was the second highest in all Asia.

16. He could not agree with the Iraqi representative, who had questioned (780th meeting) the need to include paragraph 2 (d), on fundamental education, on the grounds that the need would be eliminated by achieving the aims of paragraph 2 (a). Unfortunately, those aims could not be entirely realized even in countries where primary education was free and compulsory. For various reasons, many children still escaped the vigilance of attendance officers and fundamental education was a real and immediate need for the many adults who had grown up in less enlightened times and had not had an opportunity to receive any education. In Ceylon, organized efforts had been made since 1940 to reduce the percentage of adult illiteracy through adult education centres in rural areas. In that connexion he paid a tribute to the UNESCO Fundamental Education Project set up in 1951.

17. Although his delegation considered that paragraph 1 was somewhat awkwardly worded, it did not want the text to be altered, apart from the slight drafting amendment proposed by the United Kingdom (A/C.3/L.621). One or two delegations had expressed concern about the reference to incitement to racial hatred and had suggested that that form of hatred should not have been singled out. It was a paradoxical truth, however, that although racial hatred could be overcome only through education, racial bigotry had its ugliest manifestations in the educational field. The Indian representative had referred (780th meeting) to the influence which education had had on the elimination of the caste system in his country. Ceylon had had similar problems and had also overcome them by more and better education. It considered that the reference to racial hatred should be retained as a reminder to all countries that if differences between nations were to be eliminated, divisions within nations must be eliminated first, through education.

18. With regard to the Irish amendments (A/C.3/L.617), his delegation had no objection to the insertion of a new paragraph, but had some misgivings concerning the replacement of the word "schools" by the words "means towards education", on the

^{1/} United Nations Educational, Scientific and Cultural Organization, *World Illiteracy at Mid-Century: a statistical study*, Monographs on fundamental education, No. XI (UNESCO, 1957).

ground that parents might wish to educate their children at home. While that practice might not be unreasonable in certain circumstances, its abuse might deprive children of any kind of education. The amendment undoubtedly intended that education in the home would conform to the minimum educational standard of the State, yet that would be difficult to enforce.

19. The Netherlands amendments (A/C.3/L.618) raised an issue which was of particular interest to Ceylon. When a special committee on education in that country had considered the question of free education, one of the reasons advanced against a universal free education scheme had been that the State would deprive itself of fees paid by wealthy parents. That argument had a strong appeal in an under-developed country, yet the proposal had been rejected because of the irreparable harm that it could do to the cause of education by creating in the minds of students class distinctions which would not otherwise arise. His delegation therefore could not vote for the Netherlands amendments.

20. He shared the misgivings expressed by the Indian representative (780th meeting) concerning the phrase "on the basis of merit" in paragraph 2 (c), as that provision might be interpreted too rigidly and exclude able students who were for some reason unable to pass examinations. The words "those who show an aptitude for it" might be preferable, but he would not submit a formal amendment to that effect.

21. In conclusion, his delegation fully supported the drafting changes in the United Kingdom amendments (A/C.3/L.621), which considerably improved the original text.

22. Mr. ZEA HERNANDEZ (Colombia) said that his delegation considered it indispensable to make a digression from the article-by-article discussion of the draft Covenant on Economic, Social and Cultural Rights in order to state clearly his country's attitude towards the draft Covenants on Human Rights. Recent changes in the country made it possible to express full support of the draft Covenants, the principles of which were an integral part of the history of Colombia.

23. The Colombian Minister of Foreign Affairs had stated in a plenary meeting of the General Assembly (683rd meeting) that Colombia was particularly interested in any proposal relating to the investigation of violations of human rights. The legal structure of a law-abiding State should guarantee the rights of the individual; the concept of the human individual was the only basis for a sound political system, just as it was the true basis of law, economics and all aspects of culture.

24. The example of Colombia illustrated the truth of those statements. Its Constitution, adopted in 1886, embodied principles which formed a major part of the liberal constitutions drawn up after the First World War, as well as many of the principles contained in the Universal Declaration of Human Rights and the draft Covenants under consideration. Colombia had always had a system of freely elected representatives and had guaranteed the rights of all persons. Then for a time Colombia had been governed by dictatorship, a régime which had been maintained only by violence and had been overthrown by the Colombian people, fighting for their freedom. At the

current time, Colombia was governed by a council of five military leaders, working in close touch with public opinion; it was their task to reinstate the constitutional régime.

25. The Colombian people had suffered hardship and violence in order to be able to live under a system such as that recommended in the draft Covenants. Colombia therefore ranged itself with the democratic nations; it wished to help in giving effect to the principles contained in the draft Covenants and favoured the investigation of any violation of those principles.

26. A few general observations should be made on the agenda item under discussion.

27. The CHAIRMAN pointed out that the general debate on the item in question had been held at a previous session, and the Committee had decided to proceed to an article-by-article discussion of the draft Covenants; observations should therefore be restricted to article 14 of the draft Covenant on Economic, Social and Cultural Rights, which was the article currently under consideration.

28. Mr. ZEA HERNANDEZ (Colombia) replied that his general remarks were essential to an understanding of his delegation's position regarding the article in question.

29. During the eleventh session of the General Assembly, the representative of Greece had proposed that, as one of the interim measures to be adopted, in view of the time that must pass before the coming into force of the Covenants, the Commission on Human Rights should form a committee to study complaints regarding violations of human rights by Governments.^{2/} It would be difficult to ensure the application of Covenants which had not been approved; but although they had not been approved, the proposal made by Greece was useful, since Member States were bound to observe the principles of the Universal Declaration of Human Rights.

30. The delegation of Colombia considered that steps should be taken to ensure the effective application of the Covenants, and the only serious criticism which might be made with regard to the draft Covenant on Civil and Political Rights was that it did not make sufficient provision in that respect. Colombia would propose amendments similar to those suggested by Chile, Egypt, the Philippines and Uruguay when the Covenant was being drafted by the Commission on Human Rights. The draft as it stood was incomplete and ineffective; its provisions would be a dead letter if the people whom it was designed to protect had no means of submitting their complaints for investigation and redress. That point was of especial importance for countries in which democratic principles had not yet taken deep root and in which there might therefore be a sudden reversal of existing institutions by force. The people was the victim in such cases. In studying the draft Covenants, peoples rather than Governments should be kept in mind. Provision should be made in the draft Covenants for the investigation of any violation of human rights by a Government, and the right of petition and redress should be granted to individuals or groups of individuals.

^{2/} See Official Records of the General Assembly, Eleventh Session, Annexes, agenda item 60, document A/3524, para. 4.

31. The United Nations was responsible for the protections of human rights and the effectiveness of the draft Covenants should be ensured by providing means whereby violations of human rights could be remedied.

32. The CHAIRMAN observed that the preceeding statement was out of order. Three years previously, at the ninth session, the Committee had held a first reading of the draft Covenants. At the tenth session it had decided to discuss them article by article and that procedure had been followed at the eleventh session. A few meetings previously, the Committee had again agreed to consider the draft Covenants in the same manner. She felt obliged therefore to ask representatives to confine their remarks to the article under consideration.

33. Mr. CHAUDHURI (Pakistan) said that, although there were many concepts of education, it might be regarded primarily as the preparation of the maturing individual for participation in the life and cultural heritage of the group to which he belonged. If the function of education was defined as that of imparting knowledge, both of the inner world of the individual and of the outer world of men, "the right of everyone to education" specified in article 14 meant the right of everyone to knowledge of himself and of the outer world; but the acquisition of such knowledge was governed by certain social factors, which therefore played an important role in the development of the human personality.

34. Such social factors were of two kinds. First, inherited biological and physiological characteristics and, secondly, personality characteristics induced by the environment and the culture patterns of the community.

35. Two systems of values transmitted in that way were of the utmost importance, namely, logic and morals. Logic had long been deemed an inherent faculty of man, but logic was not innate. As recent experiments had shown, it developed with age and training. The concept of education had therefore to be modified instead of being stuffed with information, the child must be taught to reason. "Everyone has the right to education" therefore meant that everyone had the right to an environment in which his logical faculties could be developed.

36. As moral values were no more innate than logic, the same reasoning applied to them. The right to intellectual and moral education implied not only the right to acquire knowledge and the duty to obey moral laws; it also posited an obligation on the part of the community to provide the means by which the individual could acquire his essential mental training and moral values.

37. It might be argued that education, in the strict sense, did not begin until the child left home and went to school but that was too narrow a view. Formal schooling could not be envisaged merely as the teaching of reading, writing and arithmetic but as a continuation of the teaching begun at home. Its purpose was to develop the child's intellectual capacities and enable him to acquire knowledge and absorb the moral training which would fit him to make the best use of both his capacities and his knowledge. Furthermore, it must also ensure, in the interest of the community

itself, that none of the child's potentialities was damaged or destroyed.

38. It was necessary to decide what techniques the school could most advantageously use in the formative process and whether they should be merely for the teaching of rules and the imparting of knowledge or should embrace the more complex field of human relations. The success or failure of the individual to realize all his inherent possibilities and to adapt himself to his environment depended on the answers the community found to such questions. "The right of education" therefore meant the right of every individual to develop his potentialities to the utmost and implied an obligation on the part of the community to ensure that he did so.

39. The role of education was to prepare individuals for the obligations of citizenship, which were not only personal, but national and international. Power belonged to those who could formulate and grasp ideas, and there was a minimum level of education below which no one should be permitted to fall if he was not to be a slave to others.

40. The right to education did not mean that all citizens should receive exactly the same intellectual training but that each individual should receive the amount of education which corresponded to his capacities.

41. In article 14, the aims of education were set out in paragraph 1. In order to see them in their proper perspective, it was necessary to consider the development of education from ancient times. In modern times, the State had assumed increasing responsibility for education and, with the appearance of national school systems, education had been fundamentally transformed. It was now necessary to decide whether the nationalism taught by many school systems was compatible with internationalism and the emergence of a genuine international order, whether it furthered United Nations action for the maintenance of peace and whether it was in harmony with the purposes of the Charter, as defined in Article 1, paragraph 1.

42. An educational system must be judged also by the extent to which it promoted the democratic ideals of liberty and equality. It must prepare citizens to exercise their right to vote and to avail themselves of the equality of opportunity which a democratic society must provide. Progress in that field had been very uneven in different countries owing to lack of resources and years of foreign domination in some. If the principles of liberty and equality were accepted, there could be no excuse for the domination of some countries by others. One of the first conditions for the emergence of an international order was the liberation of the colonial peoples.

43. The interests, responsibilities and opportunities of men had enormously increased and education had been adapted in such a way as to prepare them to meet new conditions. Mathematics, natural sciences and the social sciences had been added to the curricula and a new trend given to modern languages and history. Practical subjects, such as agriculture, commerce and technology were stressed, with the result that trade schools, technical institutes, engineering colleges and research laboratories had sprung up in increasing numbers.

44. The social and political upheaval following the First World War had had a profound effect on education, particularly in the USSR, where formal education was being used on a vast scale to build a new order. The educational system of that country embraced nearly all the cultural institutions of society, except the family and the Church. It was being used to change the very character of the population and to compress within the space of a few years a century and half of the revolutionary process. It was, as yet, too early to appraise the full consequences of such a system, but that its impact on the concept of education had been tremendous could not be denied.

45. Paragraph 1 of article 14 stated that education should encourage the full development of the human personality, while strengthening respect for human rights and fundamental freedoms. In other words, the individual should be encouraged to develop his possibilities to the utmost within the limits of a freely accepted discipline based on respect for the personality and rights of others. The ideal was to fashion individuals who were intellectually and morally independent themselves and respected the independence of others.

46. Education must be based, in every country, on the understanding that national interests and those of the world community were fundamentally the same. There was still much to be done in that direction but good results could be expected from any system based on respect for men and women and tolerance on the international plane. The efforts to break down man-made barriers and accelerate the economic and social development of backward areas were contributing to the establishment of a truly international order.

47. There were difficulties, however, such as racial feeling, which was based on a misconception. Racial differences were not absolute or immutable but it would be dangerous to deny their existence or to try to eliminate them over night. The teaching of history and geography from a narrow national viewpoint produced other misunderstandings. The United Nations, and particularly UNESCO, should be asked to undertake a comprehensive analysis of the curricula of the educational systems of all Member States with a view to detecting and removing defects. When such defects were removed, progress towards a common ideal would become easier. That ideal would embrace physical well-being for all, economic independence, freedom from domination in economic, political and cultural matters and the freedom of each individual or group to full development, provided there was no infringement of the rights of others. Only on that basis could education foster the emergence of a world consciousness which would enable the United Nations to ensure the maintenance of permanent peace. Such aims were adequately stated in article 14, paragraph 1, of the draft Covenant.

48. In connexion with paragraph 2 (a), he gave a detailed description of the state of primary education in Pakistan and the difficulties and handicaps with which it had to contend. In connexion with paragraphs 2 (b) and (c), he pointed out that it was difficult to reconcile an adequate level of education with occupational specialization and that for the harmonious development of his whole personality, the

student must have the widest possible opportunity for physical, intellectual and moral development. Pakistan was making every effort to achieve the purpose set forth in paragraph 2 (d).

49. Referring to paragraph 3 he stated that Pakistan agreed that parents and legal guardians should be entitled to choose for their children schools other than those established by the public authorities which conformed to minimum educational standards. The liberty of parents to ensure the religious education of their children in conformity with their own convictions was guaranteed by the Constitution of Pakistan.

50. Finally, as Pakistan was a federal State, the central Government was obliged to consult the provincial governments with regard to the implementation of international conventions. He proposed that the words "subject to any general law of the State concerned" should be added at the end of paragraph 3, as that would make it easier for Pakistan to adapt its education laws to the requirements of article 14.

51. The CHAIRMAN reiterated that the Committee had completed its general debate at a previous session and requested that representatives should confine their remarks to the text of article 14.

52. Mr. BAROODY (Saudi Arabia) suggested that a working group composed of representatives of those delegations which had submitted amendments to article 14 should draft a unified amendment for submission to the Committee at its next meeting.

53. The CHAIRMAN pointed out that there still were twenty speakers on the list and asked whether the representative of Saudi Arabia would defer his suggestion for a day.

54. Mr. BAROODY (Saudi Arabia) considered that a working group would eliminate the possibility of prolonged discussion and therefore made a formal proposal that it should be established.

55. Mr. LOPES (Philippines) said that it would be difficult to draft a unified amendment or amendments without first hearing the statements of the remaining speakers. His delegation wished to participate in the open discussion of the text of article 14 and therefore hoped that the establishment of the working group might be deferred for a few days.

56. The CHAIRMAN said that if there were no objections, the decision with regard to the establishment of a working group would be postponed until the next meeting of the Committee.

It was so decided.

57. The CHAIRMAN proposed that a ten-minute limit should be placed on statements regarding article 14.

58. Mr. ROSSIDES (Greece) seconded that proposal.

It was so decided.

59. Mr. RODRIGUES (Portugal) stated that his delegation agreed to article 14 as it stood; the text embodied principles that were in force in Portugal. Primary education was free and compulsory in Portugal. Fees for secondary education were low, as were those for higher education, and were paid in part by parents and were partly covered by subsidies. Families with a large number of children were eli-

gible for exemption from payment. Scholarships were awarded on the basis of merit, and there was free access to schools. Portugal also recognized the right

of parents to choose the school to which their children would go.

The meeting rose at 6 p.m.