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COMMISSION ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE SEVENTY-FIRST MEETING

Hold at Lake Success, New York,
on Monday, 14 June 1948, at 10.30 a.m.

Chairman: Mrs. Franklin D. ROOSEVELT United States of America

Rapporteur: Mr. Charles MALIK Lebanon

Members:

| | |
|----------------|-------------------------------------------|
| Mr. HOOD | Australia |
| Mr. STEYLAERT | Belgium |
| Mr. STEPANENKO | Byelorussian Soviet Socialist Republic |
| Mr. LARRAIN | Chile |
| Mr. CHANG | China |
| Mr. LOUTFI | Egypt |
| Mr. CASSIN | France |
| Mrs. MEHTA | India |
| Mr. QUIJANO | Panama |
| Mr. INGLES | Philippines |
| Mr. KLEKOVKIN | Ukrainian Soviet Socialist Republic |
| Mr. PAVLOV | Union of Soviet Socialist Republics |
| Mr. WILSON | United Kingdom |
| Mr. FONTAINE | Uruguay |
| Mr. VILFAN | Yugoslavia |

Also Present:
Mrs. LEDON Commission on the Status of Women

Representatives of specialised agencies:

| | |
|------------|---------------------------------------------------------------------------------|
| Mr. METALL | International Labour Organization (ILO) |
| Mr. LEBAR | United Nations Educational, Scientific and Cultural Organization (UNESCO) |

Observer from inter-governmental organization:

| | |
|-----------|-----------------------------------------------------------------------------|
| Mr. STONE | Preparatory Commission of the Inter- national Refugee Organization (IRO) |
|-----------|-----------------------------------------------------------------------------|

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Consultants from non-governmental organizations:

| | |
|-------------------|---------------------------------------------------------------|
| Miss SENDER | American Federation of Labor (AFL) |
| Mr. VANISTENDAEL | International Federation of Christian Trade Unions (IFCTU) |
| Mr. RUBINCW | World Federation of United Nations Associations |
| Mrs. DRENNAN | Catholic International Union for Social Service |
| Mr. NOLDE | Commission of the Churches on International Affairs |
| Mr. PRENTICE | International Alliance of Women |
| Mrs. Van den BERG | International Union of Catholic Women's Leagues |
| Miss SCHAEFER | Liaison Committee of Women's International Organizations |
| Miss ROEB | |

Secretariat:

| | |
|--------------|---------------------------------|
| Mr. HUMPHREY | Director, Human Rights Division |
| Mr. LAWSON | Secretary of the Commission |

CONTINUATION OF THE DISCUSSION ON THE DRAFT INTERNATIONAL DECLARATION
ON HUMAN RIGHTS (document E/CN.4/95)

Articles 25 and 26

The CHAIRMAN read the text proposed by the International Labour
Organization for paragraph 1 of the article intended to replace articles
25 and 26:

"Every one has the right to a standard of living, and to
social services adequate for the health and well-being of him-
self and his family (and to social security) including protec-
tion in the event of unemployment, sickness, disability, old
age or other lack of livelihood in circumstances beyond his
control."

A separate vote had to be taken on the words which appeared in brackets.
The representative of the USSR had also asked that the following phrase should
be included in the ILO text: "social insurance, housing and medical care."

Speaking as United States representative, the Chairman thought that the
text proposed by the representative of ILO was both complete and adequate.
She would prefer the term "social insurance" not to be used, as its meaning
varied in different countries. She would agree, however, to the inclusion
somewhere in the text, either before or after the expression "social security",

/of the words

of the words "food, clothing, housing and medical care."

Owing to the absence of some representatives, the Commission decided to consider the covering article (document E/CN.4/120) proposed by Mr. Cassin (France) for inclusion in the Declaration before the series of articles on social and economic rights.

Covering articles (document E/CN.4/120)

The CHAIRMAN read the article proposed by Mr. Cassin (France).

Mr. LOUFI (Egypt) wished the French text amended so as to say that the fulfilment of rights should be guaranteed "in accordance with economic and social possibilities..." It was to be understood, moreover, that that question was within the competence not only of the State, but of any organization which might be entrusted with those functions.

The CHAIRMAN, speaking as the United States representative, proposed the following amendment: "...be made possible in every State separately or in collaboration with other States, in accordance with the social and economic system and political organization."

Mr. CASSIN (France) welcomed the comments to which his proposal had given rise. The two suggestions which had just been made, though similar, were not, however, identical. While the Egyptian representative wished to obtain the maximum possible rights compatible with the potentialities of the social, economic and political system of each country, the text proposed by the United States representative tended rather to insist on the need for such measures to be fit in with the prevailing system. It might be possible to merge these two ideas into a single amendment.

He would like to hear the Australian representative's views on his proposal.

Mr. WILSON (United Kingdom) thought that the text proposed by Mr. Cassin (France) raised a serious difficulty. In the articles adopted

/up till then

up till then the Commission had not defined how the other rights were to be applied. To introduce into a covering article on social and economic rights the question of the method of applying those rights gave them priority. The Declaration on Human Rights would be publicized throughout the entire world, and would serve as a basis of education. It would be unfortunate were such an important text to give priority to those rights, thus placing them before all others. The text agreed upon by the Drafting Sub-Committee for insertion at the end of the Declaration covered all rights enumerated in the Declaration, and appeared to be amply sufficient. Objections had been raised against other articles because they contained, in addition to a statement of rights, provisions for applying such rights.

Such details which were justified in the Covenant should not appear in the Declaration. In a question of such importance the Commission should proceed circumspectly, and should avoid giving the impression that the fulfilment of social and economic rights was more important than that of the other human rights.

It was his delegation's view that no distinction should be made between the rights and freedoms enumerated in the Declaration. The French text, by using the expression "whose fulfilment should be made possible etc." implied that there was less need to implement the other rights. He would vote against the text submitted by the French delegation.

The CHAIRMAN suggested that the further discussion of the covering article should be postponed until the afternoon meeting, and that the Commission should resume the consideration of the article which was intended to replace articles 25 and 26.

Articles 25 and 26 (Continued)

The CHAIRMAN read the wording submitted by the representative of the USSR for the new article:

"1) Everyone has the right to social security and to a standard of living sufficient for the maintenance of his own welfare and health as

well as those of his family, and in particular the right to material security in case of unemployment, sickness, disability, old age or the loss of means of existence for reasons beyond his control, and in case of employment, the right to social insurance at the expense of the State or of employers, in accordance with the legislation of each country.

"2) Everyone has the right to medical care and physician's help in case of sickness.

"3) Everyone has the right to housing worthy of the dignity of the human being.

"The State and community should take all necessary measures, including legislative ones, to insure for every person real possibilities of enjoying all these rights."

She then read again the text proposed by the ILO for paragraph 1 of the new article, and the USSR amendment thereto.

Mr. CASSIN (France) considered that the draft proposed by the representative of the ILO, based as it was on the Drafting Sub-Committee's text, was highly satisfactory. The words "to a standard of living and to social services adequate for the health and well-being" covered the points enumerated in the USSR draft. However he had no objection to the words "housing and medical care" being added.

As to the term "social insurance" he himself had submitted a text in which that expression had been used, and which had been rejected by the Commission as too narrow. The words "social security" used in the ILO text were broader. It would be a mistake to re-introduce a term already considered inadequate. He was in favour of the text proposed by the representative of the ILO.

Mr. WILSON (United Kingdom) was unable to accept the USSR draft for articles 25 and 26. In his country, social insurance was the joint responsibility of the State, employer and the worker. It was impossible to

adopt any text which would compel a country to alter completely a system of social insurance which was entirely satisfactory.

Moreover, he agreed with Mr. Cassin that the term "social insurance" had a much narrower meaning than had "social security".

The ILO text covered all the points contained in the USSR draft. Medical care was covered twice; once by the words "standard of living" and again by "health and well-being". Housing -- as well as food and clothing -- was covered by "well-being of himself and his family". He was prepared to accept the ILO text if the words in brackets were left out. The meaning of the term "social security" differed in the various countries. If it had only a vague meaning it could be accepted, but in practice it was not universally applied, as the ILO had pointed out to the Commission.

The CHAIRMAN, speaking as United States representative, supported the ILO text for the same reasons as those of Mr. Wilson (United Kingdom). The text was sufficiently complete. For the sake of unanimity she was prepared to accept the addition of the words "housing and medical care".

Mr. HOOD (Australia) also thought that all the principles enounced in the text of the representative of the USSR were included, in general terms, in the draft submitted by the ILO.

He thought the words "social security" should be retained in the ILO text. The term was very useful and, if it were left out, the clearness of the rest of the text would suffer, and it would be left uncertain where the protection would come from in the cases listed at the end of the paragraph. The article should contain the concept of social security which should, in every State, be the basis of the "protection" mentioned in the text.

Mr. PAVLOV (Union of Soviet Socialist Republics) replying to the comments put forward, did not accept the argument that the right to medical care was inferred in the ILO draft. It was true that the text spoke of standards of living and of social services adequate for health, but there was

/no provision

no provision for cases where health was lost or threatened. The principle of the right to medical care which was admitted in all countries, could not be opposed. The USSR text went further than merely admitting a principle; it stipulated that the right to such care would be guaranteed by legislative measures. Such an important right should be stated categorically and its application should be guaranteed.

The United States of America might, as its representative had told the Commission, have a million hospital beds, but other countries were less advanced in that field and the article should call on them to make an effort. The USSR had spent twenty-thousand million rubles on medical care in 1948. One million hospital beds were available to the population in free hospitals in the USSR, in addition to the four hundred and fifty thousand beds in the clinics and sanatoria.

In regard to paragraph 3 of his draft, he did not agree with some representatives, that the ILO text was satisfactory. It was not enough to talk about standards of living and well-being. The workers' right to adequate housing should be stated in concrete terms. There was no equality of housing in many countries. Now that industrialization was going forward steadily it was intolerable that people should be housed in a way which was incompatible with human dignity. All States should take the measures called for in the Declaration. He could see nothing to object to in paragraph 3.

He reminded the United States representative of the difficulties with which the USSR had been faced in the matter of housing after the German occupation. One thousand seven hundred towns, seventy thousand villages and over six million houses had been destroyed, leaving twenty-five million persons homeless. As the United States representative had rightly remarked, the USSR had been faced with difficulties. The figures he had quoted gave an idea of the size of the task which had had to be tackled and which still had to be carried through. Since the end of the war five million persons had been re-housed as a result of the reconstruction of eight hundred and thirty-nine thousand houses in rural districts and nine million square metres of dwellings in the towns.

The CHAIRMAN

The CHAIRMAN, speaking as United States representative, pointed out to the USSR representative that she thought that the main objection to paragraph 3 of his draft arose from the difficulty of precisely defining the expression "worthy of the dignity of the human being". Every country had its own conception of what constituted housing worthy of the dignity of the human being.

Mr. PAVLOV (Union of Soviet Socialist Republics) replied that he had in mind a memorandum from the President of the United States to Congress, which dealt with the question of millions of young people forced to live in slums. It was clearly impossible to use the same form of words for everyone. But his text was sufficiently clear: human beings should not live like animals; they should not be forced to live in shacks, hovels or caves. They should be provided with adequate housing which would not endanger their health or that of their families. He would accept any amendment which would state that idea in even stronger terms. It was also important that the words "every person" in the last paragraph should be emphasized so that the article should appeal to the feeling of social justice. He did not object to the amendment of the words "worthy of the dignity of the human being", but he insisted on the retention of the principle that every person had a right to adequate housing, and that that objective could only be attained with the help of the State and society.

He asked that when the vote was taken, his text should be voted on paragraph by paragraph in the following order: Paragraph 2, paragraph 3, paragraph 1 and the last paragraph.

Mrs. MEHTA (India) preferred the shorter text proposed by the representative of the International Labour Organization. The reference to a "standard of living adequate for health and well-being" adequately covered the points raised by the USSR amendment.

Mrs. Mehta did not, however, think that the reference to "social security" should be deleted altogether, and suggested by way of compromise that the phrase "and to such measures of social security as would include protection in the event of..." should be inserted after the word "family".

Mr. METALL (International Labour Organization) thought that the USSR amendment, by speaking of "the right to social security at the expense of the State or of the employer" raised insurmountable difficulties, as methods of social insurance varied from country to country and social insurance could be financed in at least seven distinct ways, by the State, the employer, the employee or by part contributions by two or all three of the above.

Mr. Metall supported the Chinese representative's suggestion that the words "including housing and medical care, food and clothing" should be inserted after the words "social services" in the ILO text. He pointed out, however, that if that amendment were adopted, the phrase "and to social security" would no longer be apposite as the principal elements of social security would have been listed already. He preferred the wording "and to social insurance including protection in the event of unemployment etc.", which, he thought, should satisfy both the United Kingdom and USSR representatives. The point at issue was to define the means by which it was proposed to put social security into effect, and the reference to social insurance seemed to him appropriate in that connexion.

The CHAIRMAN, speaking as representative of the United States of America, thought that it would be very difficult to accept such an

amendment, since the term "social insurance" inevitably implied payments made in advance. That conception excluded the possibility of social security in its wider sense, comprising donations or contributions from other sources made at the actual moment of need.

Mr. METALL (International Labour Organization) explained that the reference to social services in the first part of his proposal made sufficient provision for countries such as the United States, which preferred the system outlined by the Chairman for the protection of the health and well-being of its citizens.

Mr. PAVLOV (Union of Soviet Socialist Republics) pointed out that the concept of social insurance which his delegation defended was fundamentally different from that upheld by the others. In the eyes of the USSR delegation, a system of social insurance based only on contributions deducted from the employee's wages did not constitute real social insurance but merely a system of compulsory savings imposed on the employee. Contributions to social insurance should, in his opinion, be made either by the State or by the employer.

The USSR delegation was aware of the fact that methods of social insurance were not identical everywhere and had included the phrase "in accordance with the legislation of each country" in its text with that fact in mind. Moreover, the first part of the USSR text, in referring to social security, provided for the protection of everyone, including those who were not employees. The USSR amendment thus covered all the points which could be considered necessary.

In conclusion, Mr. Pavlov repeated that a system under which the worker paid the entire contribution towards his insurance was anti-democratic and did not constitute real social insurance. He suggested that other countries, and especially the United Kingdom, should ponder that question.

/Mr. CASSIN

Mr. CASSIN (France) thought that the ILO text as amended by the Chinese delegation was adequate.

He stated that France was a country with one of the most highly developed systems of social insurance. He would, however, be unable to vote in favour of the USSR amendment for two reasons, firstly, on account of the difficulties connected with the existence of different systems in various countries, and secondly because France, like many other countries, had millions of working citizens who were neither employers nor employees but independent workers. It was, therefore, impossible to establish a uniform system of social insurance or to issue rigid directives to individual States.

Mr. WILSON (United Kingdom) remarked that whatever system seemed the most desirable, a Declaration on Human Rights could not call on States to change the systems which were in force in their countries. The discussion on social security and insurance had convinced him that it was inadvisable to include those concepts in the Declaration in view of the difficulties of interpretation to which they were bound to give rise.

As a compromise, Mr. Wilson proposed to replace the words "including protection" in the ILO text by "and to social security".

He added that he did not think that there was any need for the words "food and clothing" proposed in the Chinese amendment.

Mr. METALL (International Labour Organization) agreed to the changes proposed by Mr. Wilson.

In compliance with the wish of the USSR representative, the CHAIRMAN put to the vote paragraph 2 of the USSR proposal, reading as follows:

"Everyone has the right to medical care and physician's help in case of sickness".

/Paragraph 2

Paragraph 2 of the USSR amendment was rejected by 7 votes to 4 with 2 abstentions.

The CHAIRMAN put to the vote paragraph 3 of the USSR amendment.

Paragraph 3 of the USSR amendment was rejected by 6 votes to 4, with 3 abstentions.

Mr. FONTAINA (Uruguay) thought that the paragraph was simply an injunction to States to supply free housing.

Mr. PAVLOV (Union of Soviet Socialist Republics) replied that the context and especially the last paragraph of his amendment clearly showed that it had no such meaning. There were naturally other possibilities varying from country to country, such as rent reductions, assistance given by organizations and so on.

Mr. CHANG (China) wished to point out before a vote was taken on the first part of paragraph 1 that its provisions were fundamentally the same as those contained in the ILO text. To vote against the USSR text would, therefore, signify disagreement with its wording only, but not with the principles on which it was based.

The CHAIRMAN put to the vote the first part of paragraph 1 of the USSR amendment down to the word "control".

The first part of paragraph 1 was rejected by 9 votes to 4, with 1 abstention.

Mr. PAVLOV (Union of Soviet Socialist Republics) regretted that while it had been admitted that his text was fundamentally identical with that submitted by the ILO, the former should have been rejected simply because it emanated from the USSR delegation. He drew the Commission's attention to the fact that the second part of paragraph 1

/contained

contained a reference to social insurance which did not appear in the ILO text and which was in danger of being omitted altogether if his amendment were rejected.

The CHAIRMAN put to the vote the second part of paragraph 1 of the USSR amendment.

The second part of the USSR amendment was rejected by 9 votes to 4, with 1 abstention.

The CHAIRMAN put to the vote the last paragraph of the USSR text.

The last paragraph was rejected by 6 votes to 4, with 4 abstentions.

The Commission then proceeded to consider the question of the vote to be taken on the text submitted by the International Labour Organization as amended by the Chinese and United Kingdom representatives.

Mr. WILSON (United Kingdom) was in favour of a separate vote as to whether special reference should be made to "food and clothing".

Mr. CHANG (China) did not see what possible objection there could be to that phrase when millions of people throughout the world were deprived of food and clothing.

Mr. PAVLOV (Union of Soviet Socialist Republics) was surprised that the representative of China should have voted against the last paragraph of the USSR amendment which made provision for the means to ensure those very rights which he wished to safeguard.

Mr. CHANG (China) stated that the question raised in that paragraph would form the subject either of a separate "umbrella" clause or of a paragraph to be inserted in the Preamble. He added that his reasons for voting against the USSR text were connected with its wording.

Mr. FONTAINE (Uruguay) observed that the practical application of the provisions of the Declaration would depend on the domestic legislation of each State, provided of course that such legislation corresponded to the principles and purposes of the United Nations.

He did not think that the words "food and clothing" were necessary, since the phrase "standard of living adequate for health and well-being" was sufficiently clear.

Mr. CHANG (China) did not agree that the term "standard of living" was sufficiently precise. The question involved concerned not only the quantity but also the quality of food. The Chinese representative did not understand the wish to avoid reference to the two principal factors of an adequate standard of living.

The CHAIRMAN suggested that the words "including food and lodging, housing and medical care" should be inserted after the words "standard of living".

Mr. CHANG (China) agreed to that proposal.

The CHAIRMAN called for a vote on the question as to whether the words "food and clothing" should be included in the text.

It was decided to include those words by 11 votes to 3.

The CHAIRMAN put to the vote the Chinese amendment as a whole.

The Chinese amendment was adopted by 12 votes to none with 2 abstentions.

The CHAIRMAN put to the vote the United Kingdom amendment.

The amendment was adopted by 6 votes to 2 with 5 abstentions.

A vote was then taken on the ILO text thus amended.

/The ILO text

The ILO text was adopted in its amended form by 8 votes to none, with 6 abstentions.

The Commission proceeded to vote on the second paragraph of article 26 dealing with special protection for mothers and children.

In reply to a question by Mr. Fontaina (Uruguay), the CHAIRMAN explained that the article referred to mothers and children in general and not to motherhood and childhood in particular.

The second paragraph of article 26 was adopted unanimously.

Mr. CASSIN (France) stated that he had abstained from voting on paragraph 1 because it contained no reference to social security. Mr. Cassin declared that world public opinion would fail to understand why such an omission had been allowed to occur, and reserved the right to raise the whole question again when the "umbrella" clause came under discussion.

Mr. HOOD (Australia) shared Mr. Cassin's attitude.

The CHAIRMAN put to the vote the whole of the joint article 25/26, as amended.

The article was adopted by 8 votes to none with 6 abstentions.

The meeting rose at 1 p.m.