

COMMISSION ON HUMAN RIGHTSSECOND SESSION

WORKING GROUP ON THE DECLARATION OF HUMAN RIGHTS

Summary Record of the Ninth Meeting held at the Palais
des Nations on Wednesday, 10th December 1947, at 3 p.m.

Present:

Chairman	Mrs. F.D. ROOSEVELT (United States)
Rapporteur	Professor CASSIN (France)
Members	Mr. STEPANENKO (Byelorussian S.S.R.) Mr. AMADO (Panama) General ROMULO (Philippines) Mr. BOGOMOLOV (Union of Soviet Socialist Republics)
Representatives of the Commission on the Status of Women	Mrs. BEGTRUP Mrs. URALOVA
Observer	Mr. HEPPEL (United Kingdom)
Secretariat	Miss KITCHEN
Specialized Agencies	Mr. de GIVRY (I.L.O.) Mr. HAVET (UNESCO) Dr. WEISS (I.R.O.)
Non-Governmental Organizations:	
Category A	Mr. ROBINET de CLERY (Inter-Parliamentary Union) Mr. VANISTENDAEL (International Federation of Christian Trades Unions)
Category B	Mr. EASTERMAN (World Jewish Congress) Mr. F. NOLDE (Commission of the Churches on International Affairs) Miss de ROMER (International Union of Catholic Women's Leagues) Mr. M. WINN (Consultative Council of Jewish Organizations)

Discussion of the Report of the Drafting Committee (E/CN.4/21, Annex F)

Article 35

The CHAIRMAN said she was prepared to accept the Drafting Committee's text.

Mr. AMADO (Panama) proposed that the Article be omitted as its contents were covered by Articles which had already been adopted. Moreover, he recalled that in the view of some of the members of the Drafting Committee, the principle on which the Article was based should be embodied in the Preamble.

Professor CASSIN (France) considered that the Article ought to be retained, as it contained a new idea, that of participation in cultural life. He favoured the text proposed by the Drafting Committee.

General ROMULO (Philippines) said that he favoured the retention of the Article.

Mr. HAVET (UNESCO) stressed the importance of this Article. It was necessary to assert that all had the same right to participate in culture, and thus to affirm the priority of cultural life over materialistic conceptions.

The CHAIRMAN called for a vote on whether Article 35 should be retained in the Declaration.

Decision: The Working Group decided by 3 votes to 1, with 2 abstentions, to retain the Article.

Mr. AMADO (Panama) proposed, with a view to defining the scope of the Article more clearly, an amendment to the effect that the words "by political propaganda or in any other manner" be inserted after the words "of the community". To participate in the cultural life of the community meant for some people contributing to the development of certain

social ideas, which might include the development of certain ideas of a political character.

The CHAIRMAN pointed out that this amendment bore no relation to Article 35. She put the amendment proposed by the representative of Panama to the vote.

Decision: This amendment was rejected by 3 votes to 1, with 2 abstentions.

The CHAIRMAN put the Article submitted by the Drafting Committee to the vote.

Decision: The Working Group adopted Article 35 by 3 votes to 1, with 2 abstentions.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) asked what was meant by sharing in the benefits that resulted from scientific discoveries.

Professor CASSIN (France) said that Article 35 in its present form had been adopted by the Drafting Committee at the request of a considerable number of cultural organizations. It had originally been linked to the right to rest and leisure, with which it might perhaps be advisable to connect it ultimately.

The CHAIRMAN said that as regards sharing in the benefits that resulted from scientific discoveries, the idea of the Drafting Committee had been to stress the universality of such sharing.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) said that this phrase appeared to imply the obligation to reveal the patents of scientific discoveries.

The CHAIRMAN said it would be possible to insert a comment to the effect that the Article did not imply the obligation

to reveal the secret of scientific discoveries that had been patented.

Article 35A

Professor CASSIN (France) desired to submit to the Group an Article 35A concerning the authors of artistic, literary or scientific works. He stressed the need to recognize that such authors had a moral right to their works or their discoveries, differing from the right of copyright or literary ownership. He proposed, in this connection, the following Article:

"Authors of all artistic, literary and scientific works and inventors shall retain, in addition to the just remuneration of their labour, a moral right on their works and/or discovery, which shall not disappear, even after such work shall have become the common property of mankind".

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) pointed out this question was a matter for bilateral or multilateral conventions.

General ROMULO (Philippines) said it was impossible to define the concept of a moral right, and that the legal right was covered by the Articles relating to literary ownership.

The CHAIRMAN put the proposal submitted by the representative of France to the vote.

Decision: The Working Group rejected the proposal by 2 votes to 2, with 2 abstentions.

Article 36

The CHAIRMAN thought the ideas expressed in this Article were already embodied in various parts of the Declaration. The position of the United States in the matter had been defined on many occasions. At the Conference of Lima, in 1938, it was asserted that a system of protection of ethnic, linguistic or racial groups could not be supported in America, where minorities did not exist as such. At the Inter-American Conference of Chapultepec, in 1945, it was stated that it was not desirable that there should exist in America water-tight homogeneous groups claiming minority status by reason of their ethnic, linguistic or racial characteristics. She therefore thought that this question should be considered in relation to the conditions obtaining in each country. She drew attention to the fact that the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities had proposed a draft article on page 9 of its Report (E/CN.4/52).

General ROMULO (Philippines) proposed they should now resume the discussion of Articles 6, 13, 15, 28 and 36, which had been postponed until the Group had received the Report of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities.

The Working Group decided to examine Article 6.

Article 6.

Mr. AMADO (Panama) reminded the Group that it had been decided to discuss Article 17 of the Declaration submitted by Panama (A/148) and Article 3, at the same time as Article 6.

The CHAIRMAN said she would like to omit from the text of the article proposed by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities the words "political or other opinion" and would prefer to keep to the wording of the Charter.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) recalled that in the course of the discussion of Article 6 in the Sub-Commission on the Prevention of Discrimination, the Soviet expert, Mr. Borisov, had submitted the following proposal: "Any advocacy of national, racial and religious hostility or of national exclusiveness or hatred and contempt, as well as any action establishing a privilege or a discrimination based on distinctions of race, nationality or religion, constitute a crime and shall be punishable under the law of the State" (E/CN.4/Sub.2/21). That text, which had not been adopted, was of the greatest importance, for in Article 6 it was not a question of the formal equality of all before the law, but of defining what was understood by all and what should be the political significance of those laws. By the equality of all must be understood all human beings irrespective of race, national origin, sex, language and religion or of social origin or property status. The affirmation of the equality of individuals before the law should be accompanied by the establishment of equal human rights in political, social, cultural and economic life. In terms of practical reality, this meant that one could not allow advocacy of hatred or racial, national or religious contempt and that any action establishing privileges or discrimination on grounds of race, nationality or religion constituted a crime and should be

punished by the law of the State. Without such a prohibition, any Declaration of Human Rights would be useless. It could not be said that to forbid the advocacy of racial, national or religious hatred constituted a violation of the freedom of the press or of free speech. Between Hitlerian racial propaganda and any other propaganda designed to stir up racial, national or religious hatred and incitement to war, there was but a short step. Freedom of the press and free speech could not serve as a pretext for propagating views which poisoned public opinion.

Propaganda in favour of racial or national exclusiveness or superiority merely served as an ideological mask for imperialistic aggression. That was how the German imperialists had attempted to justify by racial considerations their plan for destruction and pillage in Europe and Asia. Both in Europe and in Asia the Fascist regimes had been defeated. That victory of the common front of the democratic forces had rendered essential the task of extending and strengthening the democracies. The rights of millions of "men in the street" were involved, and they should be given the possibility of enjoying the wealth of the entire world, for, in the words of Mr. Molotov, Minister for Foreign Affairs of the USSR, "they have a legal right to it, especially after their great exploits and the sacrifices undergone during the war". Articles 73 and 76 of the Charter of the United Nations defined a number of obligations devolving on the Powers administering mandated or trust territories. Under Article 73, the mandatory or trustee governments were required to develop self-government by the population. Under Article 76, they were required to

promote their progressive development towards self-government or independence as might be appropriate to the freely expressed wishes of the peoples concerned. The declaration that acts of racial, national or religious discrimination and propaganda of racial hatred or national exclusiveness were anti-social and criminal was a natural consequence of the honest fulfilment of those tasks and of the statement that all had equal rights.

The Soviet representative therefore moved the adoption by the Working Group of Mr. Borisov's second paragraph, (E/CN.4/Sub.2/21).

Professor CASSIN (France) proposed that they should take as a basis Article 6 as submitted by the Sub-Commission on the Prevention of Discrimination which laid down a principle of international importance. He suggested that a second paragraph be added based on the proposal submitted by the representative of Panama with a view to the application of that general principle by national laws. The question of measures of implementation raised by the Soviet representative should, in his view, form the subject of much more precise texts appended to the Declaration. It was a question of procedure, not of principle and he was prepared, when the time came, to put forward definite proposals in that connection.

Mr. EASTERMAN (World Jewish Congress) suggested that the text submitted by the Sub-Commission on the Prevention of Discrimination be amended by the addition, at the end, of the words "and everyone shall be able to exercise them freely". He supported the proposal submitted by the Soviet representative and suggested that the words "legislative, administrative or judicial" be added before the word "action" in Mr. Borisov's proposal. Finally, he supported the proposal put forward by the representative of Panama which was designed to confirm the principles defined in this Article.

General ROMULO (Philippines) recalled that the Group had already adopted two phrases of Article 3 dealing with the equality of individuals before the law. The proposal submitted by the representative of Panama should be attached to that Article rather than to Article 6. He therefore proposed that a vote be taken on Article 3 supplemented by Article 17 of the Declaration as submitted by Panama, the latter being slightly amended so as to bring the two texts into accord.

Dr. WEISS (International Refugee Organisation) said that in its report to the Commission on Human Rights (E/CN.4/41), the Preparatory Commission for the International Refugee Organisation had drawn attention to the need to avoid all discrimination on the grounds of nationality or lack of nationality, and to maintain equal rights, even in the absence of agreements between the various countries providing for reciprocity. It had also urged the desirability of providing under the civil and penal laws of the various countries adequate safeguards against discrimination and the advocacy of discrimination.

Professor CASSIN (France) said that Article 6, which defined a universal principle, raised a problem which was prior to that of equality before municipal law, dealt with in Article 3. The latter had only been adopted provisionally. It seemed to him at present preferable to place Article 6 first. Even if the Working Group was not of that opinion, a logical order must be adopted.

General ROMULO (Philippines) proposed that Article 6 should be placed at the end of the Declaration, in the form of a conclusion.

Mr. AMADO (Panama) said that the place where his proposal was inserted was of secondary importance, but he insisted that it should be adopted as it stood, without any change.

Professor CASSIN (France) thought that the proposal submitted by the representative of Panama was intrinsically bound up with Article 6. He proposed that Article 6 and Article 3, supplemented by Article 17 of the Declaration submitted by Panama, be regarded as two paragraphs of the same Article. The first paragraph would define the principle, and the second its application.

Mr. HEPPEL (United Kingdom) proposed the insertion in this Article of a provision to the effect that a person could be punished for what he had done or said, but he could not be punished for an opinion he held.

The CHAIRMAN said this point could not be embodied in so general an Article as Article 6. She proposed to take a vote on the United States amendment, to the effect that the text submitted by the Sub-Commission on the Prevention of Discrimination be adopted down to the word "religion", inclusive. If that amendment were rejected, she would take a vote on the whole of the text submitted by the Sub-Commission. If the latter were not adopted she would take a vote on the Soviet

proposal. Finally, the Working Group would have to take a decision on the proposal of the representative of France that Article 3 combined with the proposal of the representative of Panama, be added to Article 6.

She put to the vote the amendment submitted by the United States.

Decision: The Working Group rejected the amendment by 2 votes to 1, with 3 abstentions.

The CHAIRMAN put to the vote the complete text submitted by the Sub-Commission on the Prevention of Discrimination.

Decision: The Working Group adopted this text by 3 votes, with 3 abstentions.

The CHAIRMAN said it did not seem necessary to consider the Soviet representative's proposal and called for a vote on the second paragraph resulting from the fusion of Article 3 adopted by the Working Group and Article 17 of the Declaration submitted by Panama, with certain minor changes suggested by the French representative. This second paragraph read: "All are equal before the law regardless of office or status and entitled to equal protection of the law against any arbitrary distinction in violation of this Declaration".

Decision: The Working Group adopted this second paragraph by 3 votes to 1, with 2 abstentions.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) formally requested a vote on the second paragraph of Mr. Borisov's proposal, as a third paragraph of Article 6.

The CHAIRMAN put the Soviet representative's proposal to the vote.

Decision: The Working Group rejected the proposal by 2 votes to 2, with 2 abstentions.

General ROMULO (Philippines) said he had abstained not because of any disagreement on substance, but because in no other Article of the Declaration had there appeared the idea of penalties and this idea seemed to him to be contained in the proposal of the representative of Panama.

Professor CASSIN (France) said he supported the idea expressed by the Soviet representative, but had abstained because the Declaration was not a penal text and, for the sake of method, he preferred to include measures of implementation in a separate text.

The CHAIRMAN said that in her opinion too this provision should not appear in the text of the Declaration. She drew the Working Group's attention to the recommendation formulated by the Sub-Commission on the Prevention of Discrimination, to the effect that the idea expressed by the Soviet representative be embodied in a Convention.

Article 13

The CHAIRMAN said that in this connection the Working Group had before it the following note intended as a comment:

"Recognising that the right of emigration, affirmed above, would not be effective without facilities for immigration into and transit through other countries, the Working Group recommends that these questions be treated as a matter of international importance, and that Members of the United Nations co-operate in providing such facilities".

Mr. STEPANENKO (Byelorussian S.S.R.) said that the second paragraph of the text proposed by the Sub-Commission on the Prevention of Discrimination made it possible to cover the flight of traitors to their country and a change of their nationality. That was particularly the case as regards Byelorussia. He asked for the deletion of that paragraph.

The CHAIRMAN stated that the second paragraph of the Drafting Committee's text dealt with implementation and would be more appropriate in a Convention.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) pointed out that freedom to emigrate implied freedom to immigrate. This provision would conflict with the provisions of the United Nations Charter, since in accordance with Article 2, paragraph 7, the United Nations were not authorised to intervene in matters which were essentially within the domestic jurisdiction of any State.

Dr. WEISS (International Refugee Organisation) supported the proposed comment, which would facilitate the resettlement of individuals under the supervision of the IRO.

Mr. HEPPEL (United Kingdom) emphasised the importance of the words "individuals shall have the right to leave their own country". Any restriction of this freedom would have serious consequences.

Professor CASSIN (France) thought that freedom to emigrate and to change one's nationality must in any case be mentioned. The second paragraph of Article 13 proposed by the Sub-Commission on Prevention of Discrimination, made this freedom an unconditional right. Despite his sympathy with this viewpoint, he felt obliged to point out that there were national laws in France which, for instance, forbade persons of military service age to change their nationality. He therefore preferred the text submitted by the Drafting Committee which applied the same proviso to the second paragraph as to the first. He would, however, be prepared to amend the Drafting Committee's text by adding the words "to that of any country willing to accept them" after the words "change their nationality", since this provision would prevent the emergence of stateless persons.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) stated that so far as concerned the Soviet Union, where several different peoples lived together on an equal footing from the point of view of nationality, renunciation of nationality was regarded as a problem which should not be treated lightly.

The CHAIRMAN stated that the proposal submitted by the United States was not an amendment to the draft of the Sub-Commission on Prevention of Discrimination but a text suggested by the Drafting Committee, for the deletion from Article 13 of the limitations covered by Article 2.

Mr. HEPPEL (United Kingdom) stated that Article 13 should at least contain a reference to the limitations mentioned in Article 2. Such limitations should be applied to Article 13 for reasons of public order and also for reasons of town planning.

Professor CASSIN (France) on a point of order, asked for a separate vote on each part of the Article.

The CHAIRMAN proposed to take a vote on the first sentence of the English text of Article 13, as submitted by the Drafting Committee.

Professor CASSIN (France) proposed the insertion of the following amendment as the beginning of this sentence: "Subject to any general law not contrary to the purposes and principles of the United Nations Charter and adopted for specific reasons of security or in the general interest".

The CHAIRMAN put the amendment proposed by the representative of France to the vote.

Decision: This amendment was adopted by 3 votes to 1, with 1 abstention.

The CHAIRMAN called for a vote on the first sentence of the English text of the Article submitted by the Drafting Committee: "There shall be liberty of movement and free choice of residence within the borders of each State".

Decision: This sentence was adopted.

The CHAIRMAN stated that there was no need to vote on the second sentence of the English text, which had been replaced by the amendment of the French representative.

General ROMULO (Philippines) proposed the following amendment to the third sentence of the Drafting Committee's text: "Individuals shall have the right to leave their own country, and if they so desire to change their nationality to that of any country willing to accept them".

Mr. HEPPEL (United Kingdom) stated that freedom to leave the country should be subject to a provision restricting this right to persons not liable to military service in their country.

The CHAIRMAN observed that this provision was covered by the amendment submitted by the French representative. She put the amendment submitted by the Philippines representative to the vote.

Decision: The Working Group adopted this amendment by 2 votes to 1, with 2 abstentions.

The CHAIRMAN called for a vote on the insertion after the Article of the comment proposed by the Working Group.

Decision: The Working Group agreed to the insertion of the proposed comment after Article 13, by 3 votes to 1, with 1 abstention.

Article 28

Mr. STEPANENKO (Byelorussian S.S.R.) proposed to exclude all mention of examinations. Recruiting was not always conducted on the basis of examinations and furthermore he did not think examinations were an impartial method of selection.

Professor CASSIN (France) stated that examinations could not be made compulsory and proposed the following text in place of the second sentence. "They may not be regarded as a matter of privilege or favour but shall be given to the most capable candidate chosen on a competitive or other basis."

Mr. STEPANENKO (Byelorussian S.S.R.) asked for a vote on his proposal for the deletion of the second sentence of the Article.

The CHAIRMAN stated that if this deletion was accepted the Working Group would still have to take a decision on the amendment proposed by the representative of France, which referred to the whole Article.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) stated that the amendment submitted by the representative of France was merely a change of wording and had no bearing on the substance of the Article.

The CHAIRMAN put to the vote the amendment submitted by the representative of Byelorussia.

Decision: The Working Group rejected this amendment by 2 votes to 2 with 1 abstention.

General ROMULO (Philippines) remarked, in support of the view expressed by the representative of the Soviet Union, that the amendment proposed by the representative of France did not involve any change of substance. He requested that the sentence be left as it stood in the English text.

Professor CASSIN (France) asserted that the amendment he had proposed had a bearing on the substance of the Article. The Drafting Committee's text stated that access to examinations was not a matter of privilege, whilst his amendment stated that the award of an office was not a matter of favour. He was prepared to delete all mention of examinations. His amendment would then read: "Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Such office or employment may not be regarded as a matter of privilege or favour."

The CHAIRMAN stated that a different school of thought existed in the United States, where it was held that access to public employment was not a privilege but that the tenure of a public office was. She therefore proposed the following text. "Access to public employment shall not be a matter of privilege or favour."

Professor CASSIN (France) accepted this proposal.

The CHAIRMAN put this text to the vote.

Decision: The Working Group adopted this text by 4 votes to none.

Article 36

General ROMULO (Philippines) proposed that the Sub-Commission's text be taken as a basis of discussion.

The CHAIRMAN stated that the United States delegation was in a somewhat difficult position with regard to this text since, although different ethnic and linguistic groups existed in the United States, there was no minority problem.

Mr. HEPPEL (United Kingdom) suggested that the words "and other authorities of the State" be deleted since they might lead

to confusion in administration. He mentioned the possibility of persons belonging to certain linguistic groups claiming the right to fill up administrative questionnaires in their own language. A refusal of this right would not constitute a denial of justice. However, the British delegation recognised the right to use the language of a certain linguistic group before courts of justice, in the Press and at public meetings.

The CHAIRMAN stated that her delegation had no objection to the deletion requested.

Mr. STEPANENKO (Byelorussian S.S.R.) regarded this aspect of the minorities problem as one of the main points. The expression of views would not suffice to guarantee the protection of the rights of national groups; these guarantees should be provided in a practical way by the establishment of schools and cultural institutions. He suggested that the Article should be clearly worded and should guarantee that the State would not only establish standards but would furnish these national groups with the means of enlarging their real autonomy. He was amazed that Article 36 should contain a reservation embodied in the words: "as far as is compatible with public order and security"; no such reservation was included in other Articles dealing with the use of languages.

Professor CASSIN (France) stressed the importance of the text under discussion. He recalled that France had always been an immigration country. In the Mediterranean territories, Mohammedan and Catholic minorities lived side by side, without friction. If the human rights defined in this Declaration were everywhere respected a simple proclamation would be sufficient, but he thought it would be necessary to define the measures of implementation. His delegation would vote for

the whole of Article 36, provided the word "persons" was replaced by "citizens of the country". He accepted the amendment proposed by the British delegation, since he feared that the words "other authorities of the State" might lead, for instance, to the establishment of armed units who would be allowed to use a different language. Although this situation existed in certain countries, it offered no justification for making the establishment of separate military units compulsory.

The CHAIRMAN, noting that no objection had been made to the foregoing slight modifications, took it that the replacement of the word "persons" by "citizens of the country" was adopted.

Mr. STEPANENKO (Byelorussian S.S.R.) moved the amendment of the text of Article 36 by the following addition:

"The rights of minorities must be guaranteed by the State by means of establishing standards and procuring the necessary means from State sources in order to give members of such groups rights of nation and nationality in the framework of national and territorial autonomy."

The CHAIRMAN stressed all the various difficulties which might arise from a text applicable to all States. The application of the principle proposed by the representative of Byelorussia was possible under certain governmental systems, but not all. She felt it would be advisable to leave the detailed implementation of Article 36 to each State.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) recalled that the Charter spoke of the obligation to promote the development of the peoples of non self-governing territories towards independence. In view of this he did not see why territorial autonomy could not be mentioned in Article 36.

Professor CASSIN (France) stated that the text proposed by the representative of Byelorussia would be altogether inappropriate in countries such as France, the United States and others. There were certain countries where different peoples, Christians, Mohammedans and Jews, had lived side by side for centuries; as in North Africa, for instance, and where such a text would be inapplicable. There were some non self-governing or trust territories where, no doubt, a problem of self-government existed, but there was no minorities problem.

The CHAIRMAN pointed out that this problem could only be approached in the light of the conditions obtaining in different countries. She thought that the decision should rest with the different States. She also thought that it would be preferable to delete the whole of the text. She put this proposal to the vote.

Decision: This proposal was rejected by 2 votes to 1, with 2 abstentions. The text of Article 36 was therefore retained.

The CHAIRMAN put the amendment proposed by the Byelorussian delegation to the vote.

Decision: This amendment was rejected by 3 votes to 2.

The CHAIRMAN called for a vote on the text of Article 36, as proposed by the Sub-Commission on Minorities, in which the

word "persons" was replaced by the words "citizens of the country".

Professor CASSIN (France) withdrew his amendment, since he considered that the text of this Article was not yet final and should therefore be held over. He proposed that this text be added to the Report and submitted to Governments for comment.

Decision: This proposal was adopted by 4 votes to 1.

The CHAIRMAN stated that the remarks made by the Byelorussian delegation would also be annexed to the Report.

Resumption of the discussion of Article 1.

General ROMULO (Philippines) proposed a new text:

"All men are brothers. Being endowed by nature with reason and conscience, they are born free and possess equal dignity and rights."

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) stated that it would be an act of hypocrisy to place such a text at the beginning of a draft Declaration on Human Rights at a time when so much misunderstanding existed in the world.

Professor CASSIN (France) agreed that men did not always behave, today, as brothers, but he remarked that they should behave as such. All nations were called upon to point out to men what was their duty. In deference to the representative of the U.S.S.R. he would agree to say: "All men should act like brothers" but such an article would not be appropriate in a Declaration on Human Rights.

The CHAIRMAN proposed the following text:

"All men are born free and equal. They are endowed by nature with reason and conscience and should act like brothers."

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) pointed out that the Working Group had two proposals before it: the first derived from the French materialist philosophers of the 19th century; the second was of deistic origin, a proposal taken from the Gospels. He could not understand why the Declaration should contain solemn proclamations, devoid of meaning, which were less realistic than the terms of Article 1 of the Charter. He thought that the wording proposed would be harmful to the Declaration on Human Rights, which should be immediately applicable. He felt that such wording could not even be included in the preamble, since it would have a pompous and ridiculous effect. He asked for the deletion of this Article.

The CHAIRMAN called for a vote on the text of Article 1, as proposed by the delegations of the Philippines and of France:

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

Decision: This text was adopted by 3 votes to 2.

Comment on Article 36.

The CHAIRMAN announced that the representative of the Commission on the Status of Women had asked permission to append the following text to Article 30 in the form of a comment:

"In the conditions prevailing at present in the world, legislation providing varying degrees

of protection for women may be necessary, in particular in regard to heavy or specifically harmful work."

General ROMULO (Philippines) seconded this request.

The CHAIRMAN called for a vote on the proposal.

Decision: This proposal was adopted by 5 votes.

The CHAIRMAN recalled that the Philippine delegation had also submitted a note asking that the term "laws", as used in the text of the Declaration, be construed as "laws in accordance with the spirit of the principles proclaimed in the United Nations Charter". She proposed that it should be left to the Rapporteur to decide whereabouts in the text this note should be inserted.

Mr. BOGOMOLOV (Union of Soviet Socialist Republics) thought that this question should be discussed.

The CHAIRMAN replied that it has been discussed and that the Working Group could proceed to the vote.

Professor CASSIN (France) stated that in his view this note should appear either at the beginning or at the end of the Declaration. He thought it would be preferable to place it at the end of the document; however, the final decision would rest with the Commission.

Decision: the proposal that it be left to the Rapporteur to decide where the note proposed by the Philippine representative should be inserted, was rejected by 2 votes to 2, with one abstention.

The meeting rose at 8.20 p.m.