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PERIODIC REPORTS ON HUMAN RIGHTS

Report submitted by UNESCO

The Secretary-General has the honour to submit herewith the report received from the United Nations Educational, Scientific and Cultural Organization pursuant to resolution 624 B (XXII) of the Economic and Social Council.

SECOND TRIENNIAL REPORT OF UNESCO ON DEVELOPMENTS AND PROGRESS  
ACHIEVED BY MEMBER STATES WITH RESPECT TO ARTICLES 19, 26 AND 27  
OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1957-1959)

INTRODUCTION

1. UNESCO's second report<sup>1/</sup> on member States' progress achieved in the area of rights contained in articles 19, 26 and 27 of the Universal Declaration of Human Rights is submitted pursuant to resolution 624 B (XXII) of the Economic and Social Council of the United Nations.<sup>2/</sup> This report<sup>3/</sup> contains an analytical summary of information reported to UNESCO pursuant to the requests of the Secretary-General of the United Nations (circular letter SO 214(2-1-3), 1957/1959) and the Director-General of UNESCO (circular letter CL 1396, 18 December 1959).
2. In his circular letter the Secretary-General invited Governments to submit a report on human rights covering the three-year period 1957-1959 pursuant to resolution 624 B (XXII) of the Economic and Social Council. Governments were requested to report directly to UNESCO concerning the rights enumerated in articles 26 and 27 of the Universal Declaration of Human Rights. Certain aspects of article 19, as noted below, were also to be reported to UNESCO. The Acting Director-General of UNESCO also addressed a circular letter (CL/1396, 18 December 1959) to UNESCO member States requesting that information concerning human rights be included in member States' biennial reports, in order that the Director-General could use such information in this triennial report submitted to the Secretary-General pursuant to Economic and Social Council resolution 624 B (XXII).
3. In compliance with that resolution, reportable material was submitted by forty-four Governments for inclusion in this analytical summary. For reasons of brevity, the name of the country has been used throughout to denote "The

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<sup>1/</sup> For UNESCO's first report covering the years 1954-1956, entitled "Periodic Reports on Human Rights - Report Submitted by Unesco", see document E/CN.4/758/Add.2, 15 January 1958.

<sup>2/</sup> See also, Economic and Social Council resolution 728 B (XXVIII) concerning the method of preparing the triennial reports on human rights.

<sup>3/</sup> The Director-General of UNESCO was authorized to prepare and submit this report to the Secretary-General of the United Nations by resolution 49 (b), <sup>[5]</sup> (b) adopted by the General Conference of UNESCO at its tenth session.

Government of ...". In the following enumeration of the forty-four reporting Governments, the reference to articles of the Universal Declaration following the name of each Government refers to the portions of the analytical summary where the Government's report is summarized:

Afghanistan (articles 26 and 27), Argentina (articles 19, 26 and 27), Australia (articles 19 and 26), Austria (article 26), Brazil (article 27), Bulgaria (articles 19, 26 and 27), Burma (articles 19, 26 and 27), Cambodia (article 26), Ceylon (article 26), Chile (article 26), China (articles 19, 26 and 27), Colombia (article 26), Cuba (articles 19, 26 and 27), Denmark (article 26), Federal Republic of Germany (article 26), Finland (article 26), France (article 26), Honduras (articles 19, 26 and 27), Hungary (articles 19, 26 and 27), India (articles 26 and 27), Indonesia (articles 26 and 27), Iran (article 26), Iraq (article 26), Israel (article 27), Italy (article 26), Japan (articles 19, 26 and 27), Korea (articles 19, 26 and 27), Monaco (article 26), the Netherlands (articles 19, 26 and 27), Norway (articles 26 and 27), Pakistan (article 26), Panama (article 26), Philippines (article 26), Romania (articles 19, 26 and 27), Spain (article 26), Switzerland (articles 19, 26 and 27), Thailand (article 26), Tunisia (articles 19, 26 and 27), Turkey (article 26), United Arab Republic (article 26), United States of America (articles 26 and 27), Uruguay (articles 19, 26 and 27), Viet-Nam (articles 19, 26 and 27), Yugoslavia (article 26). General statements concerning human rights were also submitted by Canada, Ghana and Lebanon. References to the previous triennial report were made by Ethiopia and Greece. Luxembourg referred generally to other reports sent to the United Nations.

4. This analytical summary is derived solely from material contained in the reports indicated above. No other material of any kind was used in preparing this document.

5. All of the submitted reports are analysed and summarized in the same general form and manner that the Secretary-General adopted in the preparation of his first analytical summary in 1957 (see document E/CN.4/757 and additions). The material contained in the member States' reports was therefore classified and summarized as follows:

1. Under each article of the Declaration;
2. Under subject-headings under each article;
3. By country in the English alphabetical order of the Government reporting.

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6. The subject matter headings are, with one exception, identical with those adopted by the Secretary-General with regard to articles 19, 26 and 27 in his first analytical summary. In each case it was found that the material submitted by Governments would fit properly into the Secretary-General's subject-headings. Governments did not, however, report any material under article 19, heading 19 (3)(c)iii which related to penal restriction on freedom of expression for the protection of the administration of justice. Hence that subject-heading was dropped. Otherwise the Secretary-General's form and method were adopted throughout.

7. There is little need for comment upon the substance of the analytical summary. Generally speaking the material has been confined to the three-year period under review except that some material reported as occurring in other years was included to explain developments during the reporting period or otherwise in the interest of clarity. No attempt was made, however, to analyse and summarize all reported developments which occurred prior to 1957. In all cases the Governments' classification has been followed in so far as it related to one or another of the articles of the Universal Declaration. In other cases the material was classified in accord with the most logical placement in the report.

8. It was expected that Governments would prefer to split up the reported material on article 19 of the Universal Declaration, sending UNESCO a report on cultural and economic developments within the information field and sending a separate report on political and legal developments to the Secretary-General (see the Secretary-General's suggestion annexed to resolution 728 B (XXVIII) of the Economic and Social Council). The reports received by UNESCO do not disclose a rigid adherence of Governments to the Secretary-General's suggestion. All types of material under article 19 were reported to UNESCO. If otherwise relevant, all of this material was incorporated into the analytical summary. Hence some developments in the political and legal as well as the cultural and economic fields will be found in this report.

9. The summary of the member States' reports may not seem to be entirely uniform. This stems from the fact that some Governments submitted very summary

statements which could not be further reduced without affecting the substance of the information. In all cases UNESCO has avoided making any evaluation of the substance of the reports.

#### ARTICLE 19

"Article 19. 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."

10. The following questions relating to article 19 have been dealt with in the reports:

1. Right to freedom of opinion and expression.
2. Rules governing the establishment of information enterprises.
3. Restrictions placed on the right to freedom of opinion and expression:
  - (a) Basic principles;
  - (b) Prior restraints;
  - (c) Penal sanctions.
    - (i) Protection by penal law of public order, security, maintenance of international peace, religion and morality;
    - (ii) Protection by penal law of the honour and the reputation of others.

#### Developments during 1957-1959

11. Eighteen Governments reported developments during the period under review: Argentina (see paras. 12, 26, 28, 35, 41); Australia (see paras. 13, 29); Bulgaria (see para. 36); Burma (see para. 30); China (see para. 14); Cuba (see para. 15); Honduras (see para. 16); Hungary (see paras. 31, 37); India (see para. 17); Japan (see paras. 18, 38, 42); Korea (see para. 19); Netherlands (see paras. 20, 32, 33); Romania (see paras. 21, 34, 39); Switzerland (see para. 22); Tunisia (see paras. 23, 27, 40, 49); Uruguay (see para. 24); Viet-Nam (see para. 25).

1. Right to freedom of opinion and expression
12. Argentina reports that the Constitution and laws protect freedom of opinion and expression. Article 14 of the Constitution provides that ideas may be published through the press without previous censorship. Article 32 forbids the Federal Congress to enact laws restricting liberty of the press. Privacy of personal papers and correspondence is expressly guaranteed in article 18. Freedom of expression is encouraged by the Government in various ways, including: reduced postal rates and customs duties for certain types of printed matter, provision for reciprocal reduction of postal rates and customs duties on certain foreign publications and exemption from customs duties of textbooks written in any language. Postal rates for publications for the blind and rates for materials subject to reciprocal arrangements are below those set or advocated by the Universal Postal Union (See Decrees Nos. 6398/51, 8977/56 and 8333/56). Telecommunication rates for news items are reduced below normal charges, particularly if the items are simple and written in Spanish (Decree No. 6.398/51).
13. Australia notes a complete freedom to hold opinions, secured by the absence of inhibiting laws and by a vigorous traditional sentiment.
14. China indicates that the Constitution establishes the fundamental right of the people to be free from interference in expressing opinions and in seeking, receiving and imparting information and ideas.
15. Cuba reports that the revolutionary movement that came to power on 1 January 1959 respects the provisions of article 19 in its entirety. Publications of all kinds of ideas, even those which are contrary to the popular revolutionary principles advocated by the Government, may be freely expressed. No one is persecuted for holding or expressing his opinions.
16. Honduras states that article 83 of the Constitution of 1957 guarantees the right of free thought and expression. No one may be investigated for his opinions. Everyone has the right to seek and receive information and to communicate it by all means of expression. No law restraining such rights may be approved. But the law may deal with abuses of such rights to the detriment of the honour, reputation or interests of persons or organizations. Such a law was recently enacted by the National Congress.

17. The Constitution of India is reported to confer the right of freedom of speech and expression, subject to certain restrictions imposed in the interest of state security. The Government has adopted measures to promote free dissemination of information and the development of various media of information and free expression.

18. Japan mentions certain constitutional provisions: "Freedom of thought and conscience shall not be violated" (article 19), "Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed" (article 21), and "Academic freedom is guaranteed" (article 23).

19. Korea notes a constitutional provision that "Citizens shall not, except as specified by law, be subjected to any restriction on the freedom of speech, press assembly and association." On 7 April 1957, the Korean Newspaper Editors' Association proclaimed the press code which was required thenceforth to be observed by Korean journalists.

20. The Netherlands states that certain legislation proposed for the regulation of journalists has been dropped. The draft bill was placed before the Second Chamber of the States-General in 1949. The bill would have provided, inter alia, for the creation of a Court of the Press, a Register of Journalists and the introduction of disciplinary jurisdiction for journalists, editors, publishers and directors of news agencies. It was dropped on 2 February 1960. The Netherlands also reports that in the Netherlands New Guinea no prior permission is required for the expression of ideas or feelings via the press.

21. Romania indicates that basic rights of opinion and expression are established in the Constitution. Article 81 provides for complete equality of rights in all aspects of economic, political and cultural life. This equality extends to all Romanian citizens without distinction as to nationality or race. Article 85 provides that the following rights are guaranteed by law: free speech, free press, freedom of assembly and meetings, freedom to parade and demonstrate. The working people have access to printing presses, paper depots, public buildings, public streets, communications and other means for the exercise of the foregoing rights. Moreover, the Penal Code forbids the opening of private mail (articles 501-504), guarantees the right of response by means of the press (article 574), and establishes individual responsibility

for articles appearing in the press (articles 575-578). It also forbids publications of unpermitted matter (article 325), the broadcasting of false news (article 329) and traffic in obscene literature (article 430).

22. Switzerland reports that articles 49, 50 and 55 of the Federal Constitution guarantee freedom of conscience, belief and press. Switzerland is a party to the Agreement on the Importation of Educational, Scientific and Cultural Materials.

23. Tunisia notes that since 1956 the restrictions on the freedom of information have been abolished in accordance with article 19 of the Universal Declaration of Human Rights. This meant the abolition of restrictions on the right of free spoken or written expression and the right to seek, receive and impart information and ideas by all means of communication.

24. Uruguay reports that article 29 of the Constitution affords the right of free expression of ideas by oral, written or other means without censorship. The author or publisher remains responsible, in accordance with the law, for any abuse of this right.

25. Viet-Nam notes that all currents of thought are welcomed except those ideologies seeking the destruction of the human personality, the submersion of the spirit or over-throw of the social order.

## 2. Rules governing the establishment of information enterprises

26. Argentina reports that no one may install or operate a radio transmitter without a Government licence.

27. Tunisia states that information media have developed in the spirit of new rules abolishing restrictions on freedom of information. Instead of an exclusive single press service, four other news agencies have been asked and encouraged to open offices in Tunis. As regards customs duties and telecommunication rates, special tariffs are applied for the press.

## Restrictions placed on the exercise of the right to freedom of opinion and expression

### A. Basic principles

28. Argentina reports that holders of radio transmission licences are required to keep telecommunications secret. Without special authority, transmitting

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stations are prohibited from receiving radio messages. If such messages should be involuntarily received, they may not be reproduced, communicated or used for any purpose; nor may their existence be revealed. Amateur radio communications are prohibited with countries where proper authorities object to such communications. Even when otherwise permitted, amateur radio messages should be confined to technical messages and texts not sufficiently important to warrant use of the official telecommunication service. (See extract from Radio Communications Regulations of the Argentine Republic, attached to the International Telecommunications Convention, 1947).

29. Australia states that restrictions on the freedom to seek, receive and impart information and ideas are contained generally in the laws defining defamation, obscenity and sedition. These restrictions are said to fall within the permissible limits set out in article 29(2) of the Universal Declaration of Human Rights. High Court action has tended to limit these restrictions. (See Transport Publishing Company Pty. Ltd., v. Queensland Literary Board of Interview (1956) 30 Australian Law Journal 518).

30. Burma says that no restriction is imposed upon ideas and information through the medium of films.

31. Hungary reports a new decree regulating the press. The new procedure accelerates the publication of compulsory corrections by the press, radio and television. Failing the publication of the correction within five days after proper demand, the aggrieved party may complain to the courts which must pronounce judgement in eight days (Governmental Decree No. 26/1959/V.1).

32. The Netherlands indicates that the Minister of Education, Arts and Sciences has requisitioned a certain amount of air time for broadcasts by political parties. This was done when it appeared that the parties could not agree among themselves upon the acquisition and distribution of air time among the parties. The Broadcast Act now under preparation will reconsider this problem. Pursuant to article 32 of the Television Decree, a Secretary of State has annulled an administrative decision conferring exclusive photography rights inside television studios to a single agency. The decision was annulled because it was deemed contrary to the public interest of allowing the people to receive all shades of information about the television medium. The Netherlands also reports that

in the Netherlands New Guinea authors, publishers, printers and distributors are regulated by ordinance to safeguard against abuses of freedom of the press. (Section 8 of the Decree for the Regulation of the Administration of Netherlands New Guinea [BNG]).

B. Prior restraints

33. The Netherlands notes a judicial decision concerning prior restraints in the book-selling trade. The Secretary of State of Economic Affairs had promulgated in 1958 a measure entitled "Establishment of Businesses Order", in which the establishment of the book-selling trade was prohibited in the absence of prior permission. On 22 March 1960 the High Court of the Netherlands held the measure to be in conflict with a constitutional provision guaranteeing that no person shall require previous permission to publish thoughts or feelings.

34. Romania reports that article 325 of the Penal Code forbids the distribution of non-permitted publications.

C. Penal sanctions

(i) Protection by penal law of public order, security, maintenance of international peace, religion and morality

35. Argentina reports that the unauthorized use of the words "national", "official" and "police" is prohibited (Decrees Nos. 42.366/23-V-934, 23.814/4-IX-944 and 24.381/11-IX-944). Use of the names of Ministries and government departments in newspapers and periodicals is likewise prohibited (Decrees Nos. 121.509/14-XI-942 and 134.697/14-XI-942). Every newspaper and periodical is required to display clearly the name of the publisher or editor and the registration number in the National Registry of Intellectual Property and the legal address (Decree Law 6422/12-VI-957). The postal service is prohibited from distributing any printed matter calculated to spread any form of communist ideology (stipulation of National Directorate of Communications). Publications supporting such views are denied certain postal exemptions and privileges. Communist activities are prohibited throughout Argentina (Decree 4965/59). The publication of obscene material is punishable by imprisonment for a term of from two weeks to one year (article 128 of the Penal Code). Anyone who

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makes or arranges for obscene displays in public is punishable by fine. Private obscene displays are equally punishable if they might be seen involuntarily by third parties (article 129 of the Penal Code).

36. Bulgaria notes that its Penal Code prohibits propagation of racial or religious hatred.

37. Hungary reports a new measure to govern the admission of young people to the cinema. Cashiers are required to prevent the entrance of young persons below the minimum age set for each film by a government commission (Decree No. 1/1959/1.10 of the Minister of Culture).

38. Japan indicates that one of the two legal restrictions on freedom of opinion and expression is found in article 175 of the Penal Code dealing with the dissemination of obscene literature. (The other restriction concerns defamation, referred to below).

39. Romania states that the Penal Code prohibits the publication of false news (article 329) as well as the traffic in obscene literature (article 430).

40. Tunisia reports the abolition of restrictions on freedom of information, except for certain restrictions intended to protect the rights and reputation of others and to ensure national security, public order and public health and morals.

(ii) Protection by penal law of the honour and reputation of others

41. Argentina states that anyone who publishes or reproduces a defamatory statement made by another person is punishable as the author thereof (article 113 of the Penal Code). If a defamation is published by the press, the court shall order, on request of the injured party, that publishers insert in the press the judgement or a statement giving satisfaction at no expense to the injured party (Penal Code, article 114). Persons who merely lend publication materials to the author of a defamation do not thereby become a party to it (article 49 of the Penal Code). The right of privacy is respected by law in Argentina. The unjustified opening of private messages is punishable by imprisonment from two weeks to six months. Similar punishment is imposed for the unauthorized taking of possession or the misdirection or destruction of private papers. If their contents are improperly communicated to a third party the punishment is imprisonment from one month to one year (Penal Code, article 153). More severe punishment is imposed for postal employees who commit similar offences in abuse

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of their position (Penal Code, article 154). Confidential correspondence addressed to an individual may not be published, if injury is likely to occur to a third party, on penalty of a fine (Penal Code, article 155).

42. Japan says that one of the two legal restrictions on freedom of opinion and expression is contained in article 203 of the Penal Code which deals with defamation. (The other is mentioned above in connexion with obscene literature).

43. Tunisia reports the abolition of restrictions on freedom of information, except for certain restrictions intended to protect the rights and reputation of others and to ensure national security, public order and public health and morals.

#### ARTICLE 26

"(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 and higher education shall be equally accessible to all on the basis of merit.

"(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."

44. The following questions relating to article 26 were dealt with in the reports:

1. The right to education
2. Free education (particularly in the elementary and fundamental stages)
3. Compulsory elementary education
4. Technical and professional education
5. Higher education
6. Aims of education
7. Right of parents to choose their children's education

Other information furnished by Governments is included under the heading:

8. Other matters.

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Developments during 1957-1959

45. Thirty-eight Governments reported developments during the period under review: Afghanistan (see paras. 46, 73, 132); Argentina (see paras. 47, 74, 98, 121, 143, 170, 179); Australia (see paras. 48, 75, 99, 133, 144, 171); Austria (see para. 49); Bulgaria (see para. 145); Burma (see para. 76); Cambodia (see paras. 50, 77, 100, 122, 146); Ceylon (see para. 147); Chile (see paras. 78, 101); China (see paras. 51, 79, 102, 123, 134, 148); Colombia (see para. 149); Cuba (see paras. 80, 103, 150); Denmark (see paras. 52, 81, 124, 135); Federal Republic of Germany (see para. 152); Finland (see paras. 53, 82, 104, 125); France (see paras. 54, 126, 151); Honduras (see paras. 55, 83, 136, 153, 180); Hungary (see paras. 56, 84, 105, 127, 137, 154, 181); India (see paras. 57, 85, 106, 172, 182); Indonesia (see paras. 58, 107, 173, 183); Iran (see para. 155); Iraq (see paras. 59, 86, 108); Italy (see paras. 60, 87, 109, 156); Japan (see paras. 61, 88, 110, 157); Korea (see paras. 62, 89, 111, 128); Monaco (see para. 158); the Netherlands (see paras. 63, 90, 112, 138, 159, 174, 184); Norway (see paras. 64, 113, 185); Pakistan (see paras. 65, 160); Panama (see para. 161); Philippines (see para. 162); Romania (see paras. 66, 91, 114, 175); Spain (see para. 139); Switzerland (see paras. 92, 115, 176, 186); Thailand (see para. 163); Tunisia (see paras. 67, 164, 187); Turkey (see para. 165); United Arab Republic (see paras. 68, 93, 116, 166); United States of America (see paras. 69, 94, 117, 129, 140, 167, 188); Uruguay (see paras. 70, 95, 118, 168, 177); Viet-Nam (see paras. 72, 97, 120, 131, 142, 169, 189); Yugoslavia (see paras. 71, 96, 119, 130, 141, 178).

1. Right to education

46. Afghanistan reports that every citizen enjoys the same rights and privileges regarding opportunity to education. In spite of difficulties in education for girls, the Government considers that one of its main responsibilities is to awaken public opinion in this field. The progress already achieved has led the Government to search for a solution to the tremendous educational perspective thereby created.

47. Argentina indicates that the Constitution and laws permit no distinction among persons in educational opportunity. There is no distinction as to sex, religion or nationality.

48. Australia states that everyone has the right to education.
49. Austria notes that it has ratified the European Convention on Human Rights and Fundamental Freedoms (BGBl. No. 210/1958). Parliament is discussing an amendment to the Constitution providing for the application of the Convention within Austria.
50. Cambodia states that the Department of National Education continues to open new schools at all levels. Twenty-three per cent of the national budget is spent on education, resulting in significant increases in the numbers of teachers, students, classes and schools during the review period. Twenty new secondary schools were created and the Royale Khmère University was opened on 13 January 1960. The quality, however, as well as the quantity of education was improved.
51. China reports that all citizens have a clearly stated constitutional right to equal opportunity to receive education. There is absolutely no discrimination in sex, religion, race, class or party affiliation in the educational system.
52. Denmark indicates that a 1958 reform of its Education Act resulted in the equalization of the educational pattern in urban and rural areas, thereby facilitating entry into "examination schools" by children from "village schools".
53. Finland notes the enactment of the Public School Act No. 247 of 7 July 1957 governing the basis and aims of elementary school education. The new law takes account of such problems as the increasing number of pupils, the means of avoiding the teacher shortage and the methods of financing new schools.
54. France forwarded reports prepared by the Federation of Mali and Niger. Progress in education in Mali is described. The decree of 8 August 1959 organizing primary education in the Federation of Mali seeks to initiate measures to aid under-educated areas, to use local languages and to introduce class time for adult education. Niger reports that the Government has made progress in dealing with the difficult problem of raising the rate of school attendance.
55. Honduras refers to its new Constitution of 1957 which provides that education must extend its benefits throughout society without discrimination of any kind. The Constitution charges the parents with the duty of raising, assisting and educating their children under the inspection of the State.

56. Hungary reports particular efforts to encourage children whose parents' education was foreclosed prior to 1945 and the children of labourers and farmers to accept the possibilities of education accorded them through the second degree. The parents of such children are given like opportunities in secondary schools. All children of fourteen years having satisfactory study records are assured the possibility of pursuing secondary studies. Gratuitous "retraining" schools have been created to raise the cultural level of children who have finished primary school but do not continue their studies (Decree No. 36/1959/VII.19/KORM).
57. India submits that its Constitution has provided that no citizen shall be denied admission to any educational institution maintained by the State or receiving aid out of State funds on account of religion, race, caste, language or any of them. The Kerala Education Act 1958 (Act 6 of 1959) contains important provisions implementing the right of education.
58. In Indonesia it is reported that the Constitution guarantees that men, women and all cultural and racial groups have the same rights in the field of education, science and culture. Access of women to educational, scientific and cultural institutions is not affected by governmental regulations, but governmental activities tend to stimulate rather than retard new opportunities for women.
59. Iraq notes that the Government has guaranteed the right of education for every individual.
60. Italy reports that the right to education is guaranteed to all citizens in Italy without regard to race, religion, political opinion or sex.
61. Japan notes the constitutional protection of the right to education. Article 26 of the Constitution provides, in part, that "All people shall have the right to receive an equal education correspondent to their ability, as provided by law." Under this constitutional provision there have been enacted the "Fundamental Law of Education", the "School Education Law", the "Social Education Law" as well as other measures designed to guarantee the right to education.
62. The Korea Constitution is reported to provide that "All citizens shall be entitled to equal opportunities of education." (article 16).
63. The Netherlands reports for the Netherlands New Guinea that no distinction according to race is made in education; every type of school is open to anyone who meets the qualifications for entry.

64. In Norway the Primary Education Act of 10 April 1959 is reported to contain fundamental provisions concerning the aims and organization of elementary schools, compulsory attendance, and administrative matters.

65. Pakistan notes that article 26 (1) of the Universal Declaration found full expression in the recommendations of the Education Commission's report of 26 August 1959.

66. Romania states that the opportunity to receive education is a right guaranteed by the Constitution.

67. Tunisia says that it is endeavouring by every possible means to increase the percentage of school attendance in primary, technical, secondary and higher educational institutions, without distinction of sex, origin, social condition, political convictions or membership of a rural, ethnic, linguistic, religious or other group. Less favoured geographical areas were visited by a fundamental education team with a cinema truck in 1956 and 1957.

68. The United Arab Republic submits that its educational policy provides equal opportunity for all citizens in all stages of education.

69. The United States of America says that the Supreme Court has continued to clarify constitutional protection of citizens. Because local authorities control the public school systems, the Court has placed responsibility in the local communities for responding to the ruling holding racial segregation unconstitutional in public schools. The Federal Courts have consistently upheld the principle of desegregation, but racial integration in public schools progressed slowly during 1958 and 1959.

70. In Uruguay freedom of education is said to be guaranteed under article 68 of the Constitution. The law may provide for State intervention only to maintain health, morality, security and public order.

71. Yugoslavia reports the promulgation of a new General School Regulation Law in 1958. All citizens regardless of nationality, sex, social origin or religion, in otherwise equal conditions, have equal right to education. Members of national minorities possess the same rights as other citizens. Teaching is conducted in ten minority languages. Textbooks publish literary works in the minority languages. The right to education is contained in articles 6 and 7 of the law of 1958.

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72. Viet-Nam states that in order to assure full rights to education it has embarked upon a huge programme for new schools, preparation of teaching personnel and the equipment of each school with adequate materials. Higher education is open to all children of Viet-Nameese nationality without distinction as to social condition, origin, appearance, ethnic or religious group. Secondary education is available to all persons equally on the basis of aptitude.

2. Free education (particularly in the elementary and fundamental stages)

73. In Afghanistan considerable efforts are reported to have been exerted to make free and compulsory primary education available in remote villages by establishing more "one-teacher schools in mosques". The "Five-Year Educational Development Plan" contains a programme for extending primary education capabilities. A large number of merit scholarships have been granted to bright children under fourteen years of age, with preference given to children from areas where no secondary schools exist.

74. Argentina reports that education is completely free at all levels: primary, secondary, vocational, technical and higher education. Various funds are available for the assistance of students directly and indirectly. A special fund of the National Council of Education is used for construction work in schools, installation expenses, purchase of materials and equipment for providing needy students with food, medicines and clothing (articles 3 and 4 of Decree No. 7977/56). In secondary education certain scholarships are available for board, lodging and travel on the basis of examination. A large number of scholarships are available for students of national universities and other schools. Where free education is provided in private schools, the State subsidizes the full salaries of teachers and administrators in the same amounts as their public school colleagues. Where free education is not provided, the State may pay up to 75 per cent of the salary (see Law 13343). The State pays no part of costs of constructing, equipping and supplying private schools. But public primary school funds cover construction costs, staff salaries, furniture and supplies.

75. Australia notes that education is free at the elementary and junior secondary levels.

76. Burma states that the Government offers a free primary education which is being implemented as rapidly as the country's economic conditions permit. Real progress is reported to have been made during the period under review.

77. Cambodia reports that education is free. There have been significant increases in certain types of scholarships available to students and decreases in others.

78. Chile indicates that the law providing for free and compulsory education is being carried out as quickly as possible under existing economic conditions.

Genuine progress is reported in this sphere for recent years.

79. China reports its Constitution requires all children between the ages of six and twelve to receive free primary education, and that children from poor families shall be supplied textbooks at Government expense. At the present time, all textbooks are supplied at the expense of the Government.

80. Cuba reports that the revolutionary Government's education reform law provides: "School education for the Cuban child shall be obligatory until age 12 and to the 6th grade of primary school and shall be gratuitous when given by the state, province or municipality. The policy of the Ministry of Education shall be to create the necessary means to extend the school obligation until the end of the secondary basic teaching." (article 5 of Law 680 of the Revolutionary Government).

81. Denmark notes a 1958 amendment to its "Act on the administration and activities of the Youth Education Fund" by which the annual appropriation for study grants and loans to students was more than doubled. The funds are made available to needy bright students seeking education at officially recognized institutions of higher education and vocational schools.

82. Finland refers to the Public School Act No. 247 of 1 July 1957 which provides for free schooling for all children between ages seven and fifteen in public schools. Government subsidies are paid to municipal or rural communities maintaining public schools. Study loans for university students may be guaranteed by the Government under Act No. 13 of 16 January 1959.

83. Honduras says that its new Constitution of 1957 provides that public education is free and laic. The State has the duty to assure primary education in the towns by creating technical bodies necessary for that purpose, directly dependent upon the Ministry of Public Education. The State is required to

maintain and develop various levels of educational facilities. Financial grants are afforded to professional, arts and industrial craft students.

84. Hungary submits that education is free in the general schools. Industrial and agricultural enterprises extend financial aid for the placement of gifted and meritorious secondary students in higher educational centres. "Social scholarships" are available for certain institutions to grant to excelling workers or worthy children of workers (Decree No. 19/1959/IV.12/KORM).

85. India reports new measures to implement a constitutional directive to the states to provide free and compulsory education up to the age of fourteen years. The Government has decided that the introduction of universal free and compulsory education should be reached by 1965-1966. A comprehensive programme has been planned in this connexion. Section 23 of the Kerala Education Act, 1958 (Act 6 of 1959), provides that education shall be free throughout the state within a period of ten years from the commencement of the Act. The Government must see that noon-day meals, clothing, books and writing materials are also provided cost-free to needy pupils (article 30).

86. Iraq notes that the Government has made education free for citizens in almost all its stages.

87. Italy states that education is free for a period of eight years. All pupils may go on with secondary and higher studies if they have the capacity, even if they lack financial means.

88. Japan says the Constitution provides for free education (article 26). In addition, the Government offers educational grants through the Japan Scholarship Society to assist financially under-privileged students.

89. Korea reports a constitutional provision that "The attainment of at least an elementary education shall be compulsory and free of cost." (article 16). In order to make elementary education completely free of cost, the Ministry of Education continued its studies for an appropriate new law.

90. The Netherlands indicates that in the Netherlands New Guinea education is free, subject to supervision (Section 170, Subsection 2 of the BNG). Government grants fully cover the costs of education in the Protestant and Catholic missions which provide the greater part of the teaching services in New Guinea. The sums made available for interest-free loans and scholarships to needy students nearly

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doubled between 1957 and 1960. In Surinam teaching is free, subject to certain controls. Private schools are partly or wholly subsidized by the Government; beginning in 1957-1958, no school fees are required for elementary education in Surinam.

91. Romania states that general elementary education is free of cost. Grants are given to students and pupils. Free professional education is available to workers in industrial enterprises, State farms, agricultural co-operatives and other places. All teaching in Romania is conducted by the State. In order to assist children of workers in and out of the cities, it is expected that all school handbooks, beginning in 1960, will be free of cost.

92. Switzerland reports that education is free in the State schools during the period of compulsory education. The age varies from canton to canton: seven, eight or nine years.

93. The United Arab Republic states that its educational policy envisages the extension of free primary education.

94. The United States of America reports that free primary and secondary education is provided in all States of the Union.

95. Uruguay reports that the State is responsible for affording primary education (Constitution, article 70). Certain benefits are available to assist parents of large families in educating their children (Constitution, article 41). The social desirability of free primary, secondary, higher, technical, artistic and physical education is recognized in article 71 of the Constitution, which also notes the social desirability of advanced scholarships, cultural, scientific and labour specialization and the establishment of popular libraries.

96. Yugoslavia states that the right to free education is set forth in article 10 of the General School Regulation Law of 1958. The law ensures free education in all types of schools.

97. Viet-Nam reports that secondary education in public schools is free at all levels. State scholarships are available to secondary school pupils attending both the public and private schools.

3. Compulsory Elementary Education

98. In Argentina education is reported to be compulsory under Law 1420 which provides that attendance may be attested by examinations and certificates. School attendance may be enforced by means of admonitions and an ascending scale of fines. In extreme cases police may be used to escort children to school (article 4 of Law 1420). The policy of compulsory education is furthered by school construction programmes, convenient location of schools, private schools and home facilities, the institution of adult schools, and the fact that education is completely free.

99. Australia reports that education is compulsory at the elementary and junior secondary levels.

100. Cambodia states that education is obligatory.

101. Chile states that the law providing for free and compulsory education is being carried out as quickly as possible under existing economic conditions. Genuine progress is reported in this sphere for recent years.

102. China reports that all children between six and twelve years of age receive compulsory primary education. The number of pupils receiving primary education increased from 92.33 per cent in 1956 to 93.82 per cent in 1957.

103. Cuba reports that education is free until age twelve and the sixth grade when given by the State, province or municipality (article 5 of Law 680 of the Revolutionary Government).

104. The Finland Public School Act, No. 247 of 1 July 1957 is reported to require compulsory education of all children from seven to fifteen years of age in public schools.

105. Hungary says that attendance at general schools is compulsory for eight years, starting from age six.

106. India reports new measures to implement a constitutional directive to the states to provide free and compulsory education up to the age of fourteen years. The Government has decided that universal free and compulsory education should be introduced by 1965-1966. A comprehensive programme has been planned in this connexion. Model legislation on compulsory education is being finalized by the Government to submit to the state governments for guidance. Section 23 of the Kerala Education Act, 1958 (Act 6 of 1959) requires the Government to provide

compulsory education of children throughout the state within a period of ten years. Guardians must cause their wards to attend either a public or a private school through the primary phase or until age 14 (article 26), subject to certain exceptions (article 27). Any person who employs a child in a manner that interferes with his school attendance after a warning is subject to certain criminal penalties (article 29).

107. In Indonesia it is noted that the general trend is toward the promulgation of a compulsory education law for all Indonesian citizens without exception.

108. Iraq states that the Ministry of Education has declared education compulsory in a decision to come into force at the beginning of the next scholastic year.

109. Italy submits that education is compulsory for a period of eight years.

110. Japan notes that article 26 of its Constitution provides, inter alia, that "All people shall be obliged to have all boys and girls under their protection receive ordinary education as provided by law". The ages of compulsory school attendance range from six to fourteen years.

111. Korea reports a constitutional provision that "The attainment of at least an elementary education shall be compulsory and free of cost." (article 16)

112. The Netherlands states that in New Guinea the great interest of the population in education makes the introduction of compulsory education superfluous.

113. Norway indicates that the Primary Education Act of 10 April 1959 contains provisions dealing with compulsory education. The statutory school age has been lengthened to allow municipal councils to introduce a nine-year Unity School. (Under certain other Acts the statutory public elementary school age is limited to seven years).

114. Romania notes that the Constitution guarantees the right of compulsory general elementary education. Certain decisions by the Central Committee of the Romanian Workers Party and the Council of Ministers assure continuous development of all kinds and levels of education. By 1962 it is expected that all young people will have at least seven years of schooling. Gradually the period of general education will be increased to eight years and later to an average of twelve years (See Decree 175/1948, Decisions No. 1434/1956, No. 1380/1957).

115. Switzerland reports that the fundamental principles of compulsory education are laid down in articles 27 and 27 bis of the Federal Constitution. Compulsory school attendance varies from a period of seven, eight or nine years from one

canton to another. However, the principle of compulsory education does not require enforced attendance at a public school.

116. The United Arab Republic notes that its educational policy envisages the extension of compulsory primary education.

117. The United States of America reports that forty-five states in the Union have legislation requiring attendance at various ages from six to eighteen years.

118. In Uruguay compulsory primary education is said to be required by the Constitution (article 70).

119. Yugoslavia states that the General School Regulation Law deals with compulsory elementary schooling (articles 6 and 7). Compulsory education is effective for a period of eight years for all citizens from age seven to age fifteen. Moreover, state agencies, economic organizations and social institutions are careful to assure that pupils have the opportunity to attend schools and take other measures for their benefit.

120. Viet-Nam reports that primary education is compulsory (Decree No. 6-GD of 20 January 1952). Boys and girls between the ages of six and fourteen years must be enrolled in either a public or private primary school. Decree No. 7-GD sets a time limit of two years in which all citizens from thirteen to fifty years of age must know how to read and write "QUOC-NGU".

#### 4. Technical and Professional Education

121. Argentina reports a policy of publicizing technical education in order to arouse interest. Special courses have been inaugurated or planned in such subjects as: automobile industry, aeronautics, oil technology, iron metallurgy, precision engineering, television and shipyard engineering. Modernization of teaching materials for mechanics, textile and metallurgical courses is noted. A new plan has been devised for creating accelerated vocational Training Schools wherever the need arises. Various technical and vocational schools are operated by state departments.

122. In Cambodia it is reported that an education reform envisages the orientation of young people toward technical studies which are considered the keystone of economic progress in an independent State.

123. China states that technical and professional education at the secondary level has been made available to those who are willing to receive it.

124. Denmark notes an amendment in 1958 to its Act on the Administration and Activities of the Youth Education Fund more than doubling the appropriation for grants and loans to needy bright students seeking education at officially recognized institutions of higher education and vocational schools.

125. Finland says that public secondary schools aim to give technical and professional education to students who do not intend to enter the University. Various measures have been taken to make technical and professional education available to all persons irrespective of financial means.

126. In Niger, as stated in the report transmitted by France, the Government has decided to associate organizations from the private sector to assist the common effort in the field of technical and professional education. An apprenticeship tax is thus imposed to finance the creation of new professional educational centres (Law No. 59-13, of 4 December 1959).

127. Hungary reports new technical school sections dealing with the industries of non-ferrous metals, optics, precise mechanics, and typography. Young workers between fourteen and sixteen years of age who do not take secondary studies and who have time available are offered a group of improvement courses, of which the Government expected to have a complete series in five years. The waiting time for students to enter night and correspondence courses after the completion of the students' general studies has been reduced from five years to one. Hungary also notes three new measures to increase library offerings to workers. Ordinance No. 103/1958 M.K.2 of the Cultural Minister provides a new regulation of co-operation among specialized technical libraries of industrial enterprises. A new agreement between the Minister of Culture and the Central Council of Labour Unions provides for the creation of unified libraries in small villages and other means of co-operation between State and labour union libraries (Ordinance No. 35/1959/M.K.14 of the Minister of Culture). Another measure permits a better view of all the depositories of scientific and specialized technical materials by defining the specialization of diverse scientific libraries (Ordinance No. 164/1958/M.K.15 of the Minister of Culture).



128. Korea refers to the establishment of a five-year plan for reconstruction of destroyed technical and professional education facilities. Approximately 85 per cent of these facilities had been destroyed during the war. The five-year reconstruction plan commenced with foreign assistance in 1958.

129. The United States of America notes that certain technical education is generally provided in all public schools, and special vocational classes are supported by federal, state and local funds.

130. Yugoslavia states that the question of professional and technical education is considered in the General School Regulation Law of 1958 (article 40).

131. Viet-Nam reports that in order to prepare young people for professional life, technical schools have been created in Saigon and in various provinces, including a Radio-Telegraphy school and a naval school in Saigon, and a Technical Secondary school in Hue. Professional courses in typing, engine repair, radio and woodcraft have been established in secondary and primary schools. After three years of apprenticeship in a private or public professional school, the examination for Diploma of Professional Aptitude is open to assemblers, lathemen, blacksmiths and joiners.

## 5. Higher Education

132. Afghanistan reports an increase in scholarships enabling students to study abroad in the field of nuclear physics and the employment of qualified foreign professors in the same field at the Faculty of Science of Kabul University.

133. In Australia during 1958 and 1959 the Government greatly expanded its scale of assistance to Australian universities following the acceptance of the recommendations of the Report of the Committee on Australian Universities. In 1958 approximately 23.3 per cent of the 41,770 students pursuing courses in Australian universities received payment of all compulsory fees. Additional allowances were also available in certain cases.

134. China states that higher education is available to all students who have successfully passed the unified entrance examination.

135. Denmark notes an amendment in 1958 to its Act on the Administration and Activities of the Youth Education Fund more than doubling the appropriation for grants and loans to needy bright students seeking education at officially recognized institutions of higher education and vocational schools.

136. Honduras reports that the new Constitution of 1957 provides that the National University enjoys the exclusive right to organize, direct and develop higher and professional education.

137. Hungary refers to a new decree completing the provisions concerning instruction of scientists and scientific development. The decree regulates graduate students' instruction and research, the elaboration of scientific papers, and the qualifications and duties of institutions teaching science. Scientific scholarships are increased and employed students are given thirty-six days' paid annual leave and one day's pay weekly for research (Decree No. 41/1959/X.3/KORM).

138. The Netherlands reports that in Surinam higher education is accessible to all. The school fee is fixed in proportion to the income of parents, guardians or providers.

139. Spain states that programmes have been undertaken for the education of the working classes, including the opening of more workers' universities.

140. The United States of America reports that equal access to higher and professional education on the basis of merit was increasingly promoted by means of scholarships and grants by federal and local governments as well as other financial sources. In 1958 Congress passed the Federal Student Loan Act providing money for college and graduate student loans. More than one billion dollars were appropriated in the form of federal aid to education. Special educational facilities, scholarships, adult programmes and educational television were provided by laws enacted in twenty-nine states.

141. In Yugoslavia the questions of higher education and its purposes are reported to be considered in the General School Regulation Law of 1958 (articles 10, 52 and 61).

142. Viet-Nam notes that access to higher education is available to all children of Vietnamese nationality without discrimination as to social condition, origin, appearance or ethnic and religious origin.

## 6. Aims of Education

143. Argentina reports that the education policy of promoting the full development of the personality, education for democracy and respect for human rights and the

United Nations Charter permeates all levels of Argentine schools. Primary instruction includes consideration of the Bogota Declaration of 1948 and the Universal Declaration of Human Rights. United Nations Day is observed in all schools administered by the National Council of Education. Directives require that the child be given a feeling of mutual solidarity, co-operation and respect. In secondary schools, study of the Universal Declaration of Human Rights and the United Nations Charter is included in the syllabuses on "Education in Democracy." The United Nations Charter is studied at all levels of education in Argentina. On Human Rights Day in 1958 a hundred thousand copies of the Universal Declaration were printed and distributed in all schools and institutions.

144. Australia notes that during each of the years under review the Australian National Advisory Committee for UNESCO promoted the observance of United Nations Day and Human Rights Day by disseminating material to governmental and non-governmental schools.

145. Bulgaria reports that in all of its educational institutions the young people are taught in the spirit of valuing the regard for human dignity and in opposition to discrimination of a racial or other character.

146. Cambodia relates that the Department of National Education has particularly noted in the primary and secondary schools such human rights as: the right to life, liberty and personal security, the right to assurance against arbitrary arrest, the right to be judged equally, the right of privacy, freedom of movement and choice of residence, the right to social security, labour, education and nationality, the liberty of belief, expression and peaceful assembly, the right to take part in public affairs, the right to seek and give asylum and the right to property.

147. Ceylon reports that it has distributed copies of the Universal Declaration of Human Rights in English, Singhalese and Tamil to all schools. In January 1957 a special Human Rights Week was organized in the schools by the Education Department with a view to teaching children the principles of human rights. Radio talks for both the public and the schools were arranged.

148. China reports that its National Commission has urged various schools to bring the importance of the Universal Declaration to the attention of the children. Each school was asked to hold a student essay competition on Human Rights.

149. Colombia relates that the National Commission suggested to all public and private schools that Human Rights Day should be celebrated. A brochure was distributed at that time containing the text of the Universal Declaration and a short explanation. At the University of America a special Mass was celebrated for Human Rights Day.

150. Cuba reports that the aims of teaching are both individual and social in so far as they imply the individual progress and the place of the child within society. Primary teaching aims at the following objectives: Full development of the personality through the main cultural media, formation of a national conscience, realization of the democratic ideal, formation of an American conscience and international understanding.

151. France states that the National Commission for UNESCO asked the National Pedagogical Institute to publish for the primary schools a brochure on Human Rights and the specialized agencies of the United Nations. This brochure was published in October 1958 in the series entitled "Documents for the Class".

152. The Federal Republic of Germany states that the subject of human rights is dealt with in the schools, especially the associated schools of UNESCO. The German Commission for UNESCO compiled a bibliography for teachers on the subject of Human Rights.

153. Honduras reports that its new Constitution of 1957 provides that education is an essential state function for the safeguard, development and distribution of culture. The Constitution also provides that everyone has the right to an education which assures the full development of his personality and support for human rights. In under-developed areas primary schools sought to reduce the high illiteracy rate, to raise the standard of living by improving conditions of family life, social relations, health, family and group economics, leisure and good use of spare time, and family and community culture. United Nations and Human Rights Days were celebrated in educational establishments in 1958 and 1959.

154. Hungary reports that the development of the personality is the aim permeating the entire educational system. The idea of humanism, internationalism and patriotism is the nucleus of education. The education system in the lycées seeks to provide basic education co-ordinated with production work and generally to impart rights and notions of morals, civic rights and the rights of man.

155. Iran refers to numerous educational activities undertaken by the Government during 1958 in connexion with the Tenth Anniversary of the Universal Declaration. Ten thousand copies of the Declaration were distributed in the Persian language in the lycées and faculties in and out of Teheran. Brochures of the United Nations Information Office were distributed to teachers and students. In the Universities and lycées there were special programmes and conferences. There were also educational activities in connexion with Human Rights Day in 1959. These included conferences in the lycées and faculties in which teachers explained certain provisions of the Human Rights Declaration to the students.

156. Italy states that in December 1957 the Italian National Commission for UNESCO distributed in the schools an issue of the UNESCO Courrier devoted to the rights of children, as well as a brochure in Italian on the Declaration of the Rights of the Child. In both 1958 and 1959 the Universal Declaration of Human Rights was celebrated in Italian schools. During the period under review thousands of copies of the Universal Declaration were distributed with commentary in the schools for study in all classes. Several chapters of the UNESCO publication "Education for International Understanding" were reproduced and distributed. The participation of the National Commission in Human Rights activities is now well established as a permanent factor with teachers and students.

157. Japan states that education for promoting understanding and friendship among all nations is conducted under the law concerning UNESCO activities.

158. Monaco indicates that there were a number of educational activities celebrating the anniversary of the Universal Declaration, including the distribution to schools of 100 UNESCO poster sets and publications entitled "Ten Years of Service to Peace". A large part of the school lessons on that day were spent on Human Rights commentaries.

159. The Netherlands reports that each year the Minister of Education, Arts and Sciences sends a circular letter to secondary and grammar schools, teaching training colleges and technical schools on the occasion of United Nations Day. School boards are thereby asked to include in their lessons the work of the United Nations and its specialized agencies. In Surinam the teaching of history, geography and biology are indirectly but systematically used to promote understanding, tolerance and friendship among nations, and racial and religious groups. This is an aspect of the Government's policy of integrating the heterogeneous population of Surinam. Religious instruction in Surinam is available

in the Secondary School, the Training College for Teachers and the Technical School during hours reserved for teaching by ministers of diverse denominations.

160. Pakistan reports that the National Commission for UNESCO has encouraged, particularly on Human Rights Day, the wide-spread dissemination of an understanding of Human Rights by lectures in schools and colleges, the showing of films and use of other channels of general publicity.

161. Panama refers to the celebration of United Nations Day and Human Rights Day in the schools. Speeches were made to secondary school students and Human Rights literature was made available to them in libraries. Information was transmitted to children of all levels at their request in connexion with their school work on United Nations Day and Human Rights Day.

162. The Philippines states that Human Rights Day was observed in the nation's schools. In 1957 both the Bureau of Public Schools and the Bureau of Private Schools circulated suggestions for the celebration of Human Rights Day. The Government states that basic human rights are taught and given significance not only on Human Rights Day but throughout the school year. During the period under review an elementary school principal's league translated the National Commission's publication "Understanding and Observing Human Rights" into Ilocano (vernacular) and distributed it to the school children and adults.

163. Thailand reports the celebration of Human Rights Day in 1957 and 1958 in the schools. The Thailand National Commission for UNESCO urged various schools to direct attention to the Universal Declaration of Human Rights. In 1957 the schools were requested to organize a competition for essays on the rights of children. Special educational radio and television programmes by the Government and UNESCO publications and posters were distributed to the schools.

164. Tunisia indicates that its liberal teaching method is open to international co-operation and to all currents of civilization made accessible by its two teaching languages, Arabic and French.

165. Turkey reports that the celebration of Human Rights Day in 1958 and 1959 included the following items of interest in the educational field: The devotion of study time in all schools to the Universal Declaration and fundamental liberties, following instruction from the Minister of National Education; the translation of the Declaration and relevant pamphlets into the Turkish language for distribution purposes, and publication of the text of the Universal Declaration by the Turkish National Commission for UNESCO.

166. The United Arab Republic relates that the civics curricula in its schools include subjects relating to the Universal Declaration of Human Rights and the objects and activities of the United Nations and the specialized agencies. In the educational sphere, the celebration of Human Rights Day included lessons in schools and lectures in universities on Human Rights, publication of articles and radio. The Ministry of Education issued telegraphic instructions to school administrators in the provinces to arrange for teachers to explain the basic liberties provided for in the Universal Declaration.

167. The United States of America notes that in 1959 the United States Office of Education officially promoted observance of Human Rights Day in schools and the National Education Association, in response to popular requests, prepared extensive new publications on teaching about the United Nations and the specialized agencies.

168. Uruguay reports that in order to effect the full physical, intellectual and social development of children, their education and care is a duty and right of the parents (Constitution, article 41). Special care is directed to the formation of moral and civic character in pupils in all educational institutions.

169. Viet-Nam states that the programme of secondary education was carefully conceived in order to favour the full development of the human personality.

#### 7. Rights of Parents to Choose their Children's Education

170. Argentina reports that parents are completely free to choose the kind of schooling they want given their children. Parents who wish to educate their children in religious institutes or foreign community schools may do so under regulations governing the operation of such schools. Private schools which give free education are eligible for economic assistance under the compulsory education budget. Private universities may be established under National Law No. 14.557, approved by the Congress in 1958. Private universities may operate under certain regulations, fixing the conditions of their operation.

171. Australia states that parents have a prior right to choose the kind of education to be provided their children in that both governmental and non-governmental systems of education are available. In 1958 approximately 25 per cent of the pupils were enrolled in non-governmental schools.

172. In India the Constitution is said to grant parents the freedom to exercise the right to choose the kind of education which shall be given their children.

173. Indonesia states that the minority of its citizens opposed to co-education are absolutely free to place boys and girls separately in private schools. These schools have the same rights as other private schools and they are entitled to receive a Government subsidy. Moreover, foreign residents are allowed to have private schools conforming to the curriculum of their own educational systems. The only restriction upon these "Foreign Schools" in 1958 was that they should refrain from attracting Indonesian nationals as students.

174. The Netherlands states that in Surinam parents are free in the choice of education for their children in the sense that parents may choose private elementary schools according to their creed.

175. In Romania parents are reported to be responsible for the guidance of their children's education (article 101 of the Family Code). The parents' duty in all cases is to take account solely of the child's interest (article 99).

176. Switzerland notes that parents are entirely free to select the type of education their children shall receive.

177. Uruguay indicates that the father or guardian has the right to choose such instructors and teachers as he desires for the child (Constitution, article 68).

178. Yugoslavia reports complete liberty of choice of both the kind and level of education. No legal or administrative restrictions interfere with that right.

#### 8. Other matters

179. Argentina reports progress in fundamental education for adults as well as training for crafts, trades, commercial work, languages and technical education. The State is constantly concerned with reducing the illiteracy rate which is now estimated at approximately 12 per cent.

180. Honduras relates that progress in the field of illiteracy was hampered by lack of funds in 1958, but materials were developed and a substantial plan was put into operation to combat illiteracy. In 1959 there were created ninety new teaching centres where 2,127 pupils were in attendance for the purpose of overcoming illiteracy.



181. Hungary reports important progress in the field of adult education in evening and correspondence courses. In the Government's efforts to diffuse education as broadly as possible, it has afforded certain study rights by law to adults, and study vacations for students in workers' schools are guaranteed. Special schools have been created in factories, co-operatives and other places of work where school hours are adapted to working hours. For workers released from their job to follow full-time technical studies, regular salaries are paid in the form of grants. Adult women also share in the increased educational possibilities; housewives are given the same advantages as production workers. Hungary also reports that important efforts have been made to end the cultural backwardness of the gypsy population. Special classes have been instituted for young gypsies for that purpose.

182. In India the Kerala Education Act, 1958 (Act 6 of 1959) is reported to announce regulations concerning the establishment and recognition of private schools, (Section 3) concerning teachers' salaries, grants to publicly-aided schools (Section 9), concerning qualifications and appointment of teachers (articles 10 and 11), absorption of teachers upon retrenchment (article 13), government assumption of school management (Section 14), and seizure of aided schools (Section 15), as well as other matters. The Act provides that the obligation of compulsory education may be satisfied by attendance at either a private or a public school (article 26). In 1958 the Kerala Education Bill was before the Supreme Court for an advisory opinion. The Court advised that various sections of the Bill were unconstitutional, including clauses dealing with school seizure and tuition fees in private primary schools. The tuition section was held to be an infringement of the rights of minority communities under the Constitution (In re Kerala Education Bill, AIR, 1958, S.C. 956). The system for encouraging the placement of persons from backward classes in the competition of university seats was considered by the High Court of Andhra Pradesh in Raghuramulu vs. State of Andhra Pradesh (A.I.R. 1958 and. P. 129) and also by the court in Sudarsan vs. State of Andhra Pradesh. Some university seats are reserved for students from socially or educationally backward classes under article 15 (4) of the Constitution.

183. Indonesia states that co-education is practised in all public educational institutions. The small minorities who oppose co-education on religious grounds are absolutely free to place their children in private schools separating boys and girls. These schools have the same rights as other private schools and are entitled to receive a government subsidy. Moreover, foreign residents are allowed to have private schools conforming to the curriculum of their own educational systems. The only restriction upon these "Foreign Schools" in 1958 was that they should refrain from attracting Indonesian nationals as students.

184. The Netherlands reports that private schools in Surinam wholly or partially subsidized by the Government are regulated by ordinance. The soundness of private elementary education is guaranteed in the same way as the soundness of education in the public schools. Private schools have free choice of teaching personnel and educational appliances. The Government investigates the competence and moral standards of elementary and secondary school teachers.

185. Norway states that Primary Education Act of 10 April 1959 contains a separate chapter dealing with the Ministry's approval of textbooks and curriculum and ecclesiastical control of religious instruction. Another law, the Act of 24 April 1957 (No. 1), provides that persons who have passed examinations abroad equivalent to the Artium Examination (Matriculation) may be admitted as students in Norwegian training colleges.

186. In Switzerland private education is reported to be available under legislation specifying standards at least equivalent to public education throughout the period of compulsory education. The State (Confederation, cantons, municipalities) has no financial obligations in regard to private education. Some cantons subsidize private schools for reasons of language or religion.

187. Tunisia notes progress in literacy courses for men and women. Educational gatherings with films are open equally to men and women. Moreover, the Government is responsible for all primary, technical, secondary, higher and out-of-school education except for a large number of French primary and secondary schools and schools belonging to Catholic missions.

188. The United States of America notes that all states in the Union have laws providing for public schools and all permit students to attend at various ages ranging from two years to adulthood.

189. Viet-Nam reports that the Department of National Education, in collaboration with governmental services and non-governmental institutions, has concerned itself with adult education in opening evening courses, creating libraries and museums and organizing conferences and lectures on literary and scientific subjects. Evening courses, particularly at the Popular Polytechnic University of Saigon (Bach-Khoa Binh-Dan), teach adults to read and write Vietnamese as well as French, English and other subjects.

#### Article 27

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

190. The following questions were dealt with in the reports:

1. The right to participate in cultural life, to enjoy the arts and to share in scientific advancement.
2. Protection of moral and material interests of inventors and authors.

#### Developments during 1957-1959

191. Twenty-one Governments reported developments during the period under review: Afghanistan (see para. 192); Argentina (see paras. 193, 210); Brazil (see para. 211); Bulgaria (see para. 194); Burma (see para. 195); Cuba (see para. 196); Honduras (see paras. 197, 212); Hungary (see para. 198); India (see para. 199); Indonesia (see para. 200); Israel (see para. 201); Japan (see paras. 202, 213); Korea (see paras. 203, 214); The Netherlands (see paras. 204, 215); Norway (see para. 216); Romania (see para. 205); Switzerland (see paras. 206, 217); Tunisia (see para. 207); United States of America (see para. 208); Uruguay (see para. 218); Viet-Nam (see para. 209).

1. Right to participate in cultural life, to enjoy arts and to share in scientific advancement

192. Afghanistan reports that provision has been made to encourage and facilitate the participation of women in public life.

193. Argentina states that basic rights promoting cultural freedom are set forth in the National Constitution (articles 14, 16, 17 and 20). Article 16 provides that all inhabitants are equal before the law. Freedom to enjoy literary culture is promoted by article 161 of the Penal Code, making it a punishable offence to prevent or obstruct the free circulation of a book or periodical. All theatrical productions are entirely free; no censorship may be imposed except in accord with specific laws protecting morals or good behaviour. Theatres are protected from legal requirements of maintaining unnecessary personnel (Decree Law 1251, articles 2 and 3, 1958). Motion picture productions enjoy the same freedom as the press, subject to the exclusion of minors from objectional films. Otherwise films may be banned or cut only by a judicial decision of a competent court in a criminal proceeding. Film producers need hire no fixed number of staff except as may be set by collective bargaining agreements. Film workers are not required to join in any professional societies (articles 4 and 5, Decree Law 62/957). Theatre productions in all forms are encouraged. Theatre owners must replace any demolished theatre (Law of January 1959). Certain theatrical productions in the national language are exempt from all national or local taxation (see Decree 6.066/958). The State provides economic assistance to theatrical productions as a factor in the distribution of culture (article 1, Decree Law 1251/58). Aid may take the form of credits, acquisition of buildings and theatres, reduction of transportation costs (articles 4 and 6, Decree Law 1251) and direct subsidies, with preferences for theatrical groups performing national works. Theatrical competitions are also encouraged by the State, together with prizes, scholarships, festivals, conferences and seminars (Decree Law 1251-958). An elaborate plan has been devised for compulsory showing of certain national films with special benefits to promote their exposition for the purpose of general education. Additional encouragement is afforded national films classified as suitable for children (articles 15, 17 and 18, Decree Law 62/957). Loans for the production of full-length Argentine films may be granted by the National Film Institute (article 1, Law 16.384/957). The exhibition of Argentine newsreels is compulsory in all cinemas (articles 9 and 100, Law 62/957). Working conditions of musicians are regulated by Law No. 14.597 of 29 October 1958).

194. Bulgaria relates that it has exerted considerable effort to raise the cultural level of its citizens. There is no discrimination in the exercise of civil rights and liberties.

195. Burma states that every citizen is entitled to participate in the cultural life of the country regardless of religion, race, caste, sex or place of birth. Cultural protection of minorities is given by the Constitution. The Government has recognized the importance of films as a medium of culture, education and healthy entertainment. The Government maintains a Film and Stage Department for the production of documentaries and newsreels.

196. Cuba reports the multiplication of cultural bodies of all kinds since 1 January 1959.

197. Honduras indicates that the new Constitution of 1957 provides that all inhabitants have the right to be protected without discrimination in the enjoyment of their life, security, honour, liberty, work and property. During the period under review, the Government was instrumental in organizing many kinds of cultural events. In 1958, Honduras adhered to the "Centro Internacional de Estudios de los Problemas Tecnicas de la Conservacion y restauracion de los bienes culturales". Bilateral cultural exchange agreements were signed with El Salvador, Chile and Argentina.

198. Hungary refers to a new system of regulation to protect cultural establishments. Because of the importance of such establishments, the Government has made regulations concerning their creation, administration, inspection and orientation. Such matters as the misuse of cultural establishments, their best organization, utilization, financing and closing are covered by the regulations (Governmental Decree No. 2/1960, I.6). The Government has instituted a system of premium payments to actors in order to encourage the performance of theatrical productions in small towns and rural areas for the purpose of bringing the benefits of the theatre to larger groups of people (Ordinance No. 106/1958/M.K.2 of the Minister of Culture). Hungary reports new technical school sections dealing with the industries of non-ferrous metals, optics, precise mechanics, and typography. Young workers between fourteen and sixteen years of age who do not take secondary studies and who have time available are offered a group of improvement courses, of which the Government expected to have a complete series in five years. The waiting time for students to enter night and correspondence courses after the completion of the students' general studies has been reduced from five years to

one. Hungary also notes three new measures to increase library offerings to workers. Ordinance No. 103/1958 M.K.2 of the Cultural Minister provides a new regulation of co-operation among specialized technical libraries of industrial enterprises. A new agreement between the Minister of Culture and the Central Council of Labour Unions provides for the creation of unified libraries in small villages and other means of co-operation between state and labour union libraries (Ordinance No. 35/1959/M.K.14 of the Minister of Culture). Another measure permits a better view of all the depositories of scientific and specialized technical materials by defining the specialization of diverse scientific libraries (Ordinance No. 164/1958/M.K.15 of the Minister of Culture).

199. In India the Constitution is said to prohibit discrimination in the right to participate in cultural life on the basis of religion, race, caste, sex or place of birth. Cultural protection is also afforded to minorities, including linguistic minorities.

200. In Indonesia the Constitution guarantees that men, women and all cultural and racial groups have the same rights in the field of education, science and culture. Access of women to educational, scientific and cultural institutions is not affected by governmental regulations, but governmental activities tend to stimulate rather than retard new opportunities for women.

201. Israel reports a new development in the recognition of separate religious communities. In addition to the communities which are recognized by law in Israel (Religious Communities [Organizations] Ordinance, 1926), the Druze Community was officially recognized, in April 1957, as a separate religious community having its own religious institutions.

202. Japan notes that the Government is implementing the right to participate in cultural life by various measures. These include the selection of recommendable films, the annual organization of a Festival of Arts, the sponsorship of cultural lectures and classes for various social groups, the granting of cultural subsidies and the allowance of certain tax exemptions on admission fees to theatres, motion pictures, art exhibitions, etc.

203. Korea refers to various governmental efforts for the wide diffusion of culture. Among other measures, the Ministry of Education proclaimed Ministerial Ordinance No. 58 covering a nation-wide science exhibition in 1957. The Ministry of

Education, Office of Public Information, Ministry of Foreign Affairs and other institutions provided financial and other assistance to artists, musicians, authors and groups in the field of art and culture.

204. The Netherlands reports that in Surinam participation in the cultural life of the community is free to all. The "Cultural Centre Surinam" has been active in creating cultural instruction. In 1958 a council of "Cultural Cooperation" was founded. A foundation was established for the propagation of popular art reading matter and another for the furtherance of popular art and handiwork in Surinam.

205. Romania relates that the permanent care of the people's right to culture is indicated by the increase in cultural institutions, theatres, cinemas, libraries etc.

206. Switzerland states that access to culture is unimpeded by any legal restriction, whether social, ethnical or religious (Constitution, Article 4).

207. Tunisia reports that equal access to culture, art, information and science is assured to all sections of the population, without distinction of sex, origin and social position, political convictions or membership of a special rural, ethnic, linguistic, religious or other group. State aids to culture include subsidies to cultural institutions (theatrical, musical, literary and cinematographic, art exhibits, scientific, radio, post-school educational bodies and institutions). Films of all countries may be shown in Tunisia. The cultural life of the Jewish minority finds free expression. There is a French University and cultural mission with wide privileges. Other minorities have access to their national or religious culture through the importation of printed matter, films, records, etc. Lectures and other cultural activities are entirely free.

208. The United States of America notes that Federal, State and local authorities promoted the participation in cultural life and the sharing in scientific advances, including the provision of public facilities such as museums and libraries. In 1958, the Congress authorized the establishment of a Cultural Centre in Washington D.C. and the City of New York co-operated in providing a centre for the performing arts in New York. Governmental agencies have aided scientific research activities in various ways.

209. Viet-Nam indicates that the Department of National Education, in collaboration with various governmental services and non-governmental institutions, has assisted

the instruction of adults in evening courses, in creating libraries and museums, organizing conferences and lectures on literary and scientific subjects.

2. Protection of moral and material interests of inventors and authors.

210. Argentina reports that article 17 of the National Constitution provides that all authors or inventors are exclusive owners of their work, invention or discovery for the term granted them by law. Under the Argentine Copyright Law (Law No. 11.725), copyright protection is afforded during the life of the author and thirty years thereafter (article 5). However, anyone may publish for educational or scientific reasons a brief commentary or criticism of an intellectual work (article 10). Political speeches and lectures or intellectual topics may not be published without permission nor may parliamentary speeches be published for profit in the absence of the author's consent, with the exception of news items (article 27). The writers of letters have the sole right to publish them (article 32). Translations of theatrical works are protected by a body of rules regulating the competence of translators (article 83). The Copyright Law contains detailed rules for the protection of intellectual property rights, including deposit, registry, official announcements, grant of copyright title and other rules. After expiration of the copyright term additional protection prevents mutilation of intellectual property.

211. Brazil notes the amendment of Civil Code Article 649 by Act No. 3447 of 23 October 1958. The revised article grants the exclusive right to reproduce any literary, scientific or artistic work to the author during his lifetime, and to his heirs for sixty years after his death. The successor, child, parent or spouse has exclusive rights until his death. When the author dies without heirs or successors, the work falls into the public domain. The Government particularly indicates the new law's added protection to children of the author.

212. Honduras states that the new Constitution of 1957 provides that every author, inventor, producer or merchant shall enjoy a temporary exclusive property right in his work, invention or trademark in accordance with law.

213. Japan reports that its Copyright Law is being re-examined to meet the recent developments in copyright conceptions. Copyright is protected in Japan by the Copyright Law, the Universal Copyright Convention, the Berne Convention and other relevant laws and regulations.



214. Korea reports a new copyright law (Law No. 432 proclaimed 28 January 1957). This measure is designed to protect the economic and moral interests of authors in accordance with Article 14 of the Constitution. Article 14 provides that "All citizens shall have freedom of learning and the right to practice the sciences and arts. Rights of authors, inventors and artists shall be protected by law".

215. The Netherlands states that the protection of the moral and material interests of authors of literary or artistic productions in Surinam is guaranteed by legal provisions based upon international conventions concerning industrial property.

216. Norway relates that the Court of Final Appeal has ordered a royalty to be paid to legal successors of the last of two French authors of a comedy from which "Die Fledermaus" was adapted by Johann Strauss. The operetta was performed in Oslo in 1953 and the Court's Judgment was passed on 12 March 1957 (Norwegian Legal Gazette 1957, pp. 275-282). Despite the fact that the libretto and music had fallen into the public domain, the comedy was still considered protected until fifty years after the death of the last surviving author (see section 1, (2, 3) of Copyright Act of 6 June 1930).

217. Switzerland reports that it is a member of the International Union for the Protection of Literary and Artistic Works and has also ratified the Universal Copyright Convention.

218. Uruguay refers to Article 33 of the Constitution which provides that intellectual work, copyright, inventors and artists will be protected by law.

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