

Monday, 14 October 1957,  
at 10.50 a. m.



**NEW YORK**

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**Chairman: Mrs. Aase LIONAES (Norway).**

**AGENDA ITEM 33**

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

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

1. Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization) recalled that UNESCO had participated in the drafting of article 14 of the draft Covenant on Economic, Social and Cultural Rights (E/2573, annex I A) and had already given its views on the text (E/CN.4/655/Add.4 and E/CN.4/692/Add.2), which it regarded as satisfactory in its existing form. Accordingly, UNESCO would like to see it adopted, although it fully appreciated that members of the Committee might wish to submit amendments to improve the text.

2. Referring to a question put by the Canadian representative at the previous meeting, he explained that the term "fundamental education" in paragraph 2 (d) now had a very precise technical meaning. At its ninth General Conference at New Delhi in 1956, UNESCO had adopted a definition, revised in the light of ten years' experience, which was published in the report of the Programme Commission of that Conference.<sup>1/</sup> It was also summarized in annex III to the twentieth report of the Administrative Committee on Co-ordination<sup>2/</sup> and had been approved by the Economic and Social Council at its twenty-fourth session. The two main features of the definition were, first, that fundamental education, being neither school nor "further" education, was not supplemental, but a complete programme of instruction; secondly, that education of that type was indispensable in underdeveloped countries where the educational system was inadequate or where illiterates, who were often very numerous, had no means of obtaining instruction.

<sup>1/</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Ninth Session, New Delhi 1956, Resolutions*, annex A, p. 90, para. 6.

<sup>2/</sup> *Official Records of the Economic and Social Council, Twenty-fourth Session, Annexes*, agenda item 4, document E/2931, annex III, para. 68.

3. In many countries compulsory and free primary education for all was still an objective and could not be attained overnight. Fundamental education had been instituted to provide illiterates with the education they had been unable to obtain at school. It was intended for adults and children, who were not merely taught to read and write, but were also given instruction in practical, technical and ethical matters.

4. He hoped that paragraph 2 (d) would be adopted as it stood, apart from drafting amendments.

5. Mr. D'SOUZA (India) said he was merely making a preliminary statement and reserved the right to speak again when all amendments to article 14 had been submitted. The provisions of that article had a close bearing on those other articles which had already been adopted, a point which should be borne in mind during the discussion of the amendments in order to ensure that the Covenant formed a consistent whole.

6. The Government of India could not but give its whole-hearted support to the principles embodied in article 14, because they were identical with those it itself had adopted ten years earlier and was trying to apply throughout the country. It hoped that in four or five years primary education would in fact be compulsory and available free to all children up to the age of fourteen years. The State had inalienable rights and duties in regard to education, but it must be recognized that the family and certain agencies could and should also play an important part. His delegation was in favour of the Irish representative's proposal (A/C.3/L.617) that the word "liberty" in paragraph 3 should be replaced by the word "right". A "liberty" might be recognized in theory but not in practice. If it was converted into a "right", the State would be obliged to ensure that it should be fully respected.

7. India had many private educational establishments which were recognized by, and received generous subsidies from, the Government. The rights of all racial, linguistic or religious minorities were thus safeguarded.

8. Various constructions might be placed on the word "merit" in paragraph 2 (c). His delegation considered that it should be interpreted in its widest sense. If it was interpreted in a purely scholastic sense (in terms of marks and examination results), pupils from the poor and backward classes of the population would be at a disadvantage compared with those with a more comfortable and cultured background. The Government of India was anxious to provide equal opportunities for all and had amended the Constitution to enable members of castes which had long been underprivileged, such as for example the untouchables, to overcome their relative backwardness.

9. He had listened with great interest to the definition of fundamental education given by the UNESCO representative. It must be remembered, however, that a

people might be educated even though it had not received any formal schooling. That was the case in India, where the population included a high percentage of illiterates but had a deeply-rooted traditional culture and took an active interest in the national life.

10. Mr. COX (Peru) agreed with the Canadian representative's remarks (779th meeting) on the drafting of article 14. In his view, it would be particularly desirable to replace the words "It is understood" in paragraph 2 by a phrase such as: "With a view to attaining this objective, it is laid down".

11. For reasons of style, he also thought it would be preferable to recast the beginning of article 15 to read: "Any State which, on acceding to the Covenant, has not yet....".

12. He was satisfied with the UNESCO representative's explanation regarding the definition of "fundamental education". He reserved the right to speak again on any amendments which might be submitted later.

13. Mr. VELA (Guatemala) said that he was glad to find that the text of article 14 reflected the peoples' aspirations. The existing text, however, did not seem to him to be entirely satisfactory. Thus, in paragraph 1, it would be preferable to speak of "the right of everyone to a complete education which encourages the full development of personality". There was no need to mention "racial, ethnic or religious groups", since such distinctions virtually amounted to discrimination. It would be better simply to refer to "social groups". It would also be more logical to assert the need for the "strengthening of respect for human rights and fundamental freedoms" in the second sentence of paragraph 1, which dealt with understanding, tolerance and friendship. In his view, there was no need for a special recommendation concerning the "suppression of all incitement to racial and other hatred", neither could he see any reason for saying that education should further "the activities of the United Nations for the maintenance of peace", because it was for the United Nations itself to further those activities; the school could merely contribute to the creation of an atmosphere conducive to peace and understanding among peoples. Lastly, in the Spanish text of the last part of paragraph 1, he would like to see the word "efectivamente" replaced by the word "solidariamente".

14. He entirely agreed with the views expressed by the Canadian representative (779th meeting) on paragraph 2, and particularly with what she had said concerning the application of the Covenant in federal States. He also thought that the words "It is understood" should be replaced by the words "The States parties hereto agree to promote the achievement of the following objectives:". Lastly, in sub-paragraph (c), he thought it would be advisable to replace the words "on the basis of merit" by the words "without distinction other than the encouragement due to personal merit" and the words "made progressively free" by a phrase such as: "the aim shall be to make such education free".

15. In paragraph 3, it was sufficient to say that parents had the right to choose the school their children would attend, rather than to use the expression "to choose for their children schools other than those established by the public authorities". The words "which conform to such minimum educational standards as may be laid down or approved by the State" should be deleted, since it was obvious that private

schools were subject to the law and to governmental control in any country and that if they wished the certificates, diplomas or degrees they conferred to be valid they were obliged to follow the syllabi of State schools and to satisfy the requirements of those syllabi. Lastly, the adjective "own" at the end of the paragraph should be deleted, since the convictions were obviously their own and not anyone else's.

16. He recalled that Guatemala had proclaimed the principle of free compulsory primary education in its Education Act as early as 1879. Schools were undenominational, but Guatemalan parents were entitled to give their children the religious education they wished.

17. The United Nations Educational, Scientific and Cultural Organization had achieved remarkable results in fundamental education, which was indispensable for all those who had not enjoyed the benefits of primary schooling. Guatemala was carrying out a rural social and educational programme which was based largely on the work of UNESCO.

18. Sir Samuel HOARE (United Kingdom) stated that the amendments to article 14 proposed by the United Kingdom (A/C.3/L.621) were purely drafting amendments, consisting of the insertion of the word "and" before the word "racial" in the last sentence of paragraph 1, and the replacement of the words "It is understood", in paragraph 2, by the words "The States Parties to the Covenant recognize", and the word "professional" in sub-paragraph (b) by the word "vocational".

19. Article 14 was certainly too detailed, particularly by contrast with the articles on social security and a standard of living, but it was clearly too late to remedy the situation and the United Kingdom delegation would vote in favour of the article as it stood, subject to the minor amendments it had proposed.

20. Referring to the Irish amendment (A/C.3/L.617) replacing the word "liberty" in paragraph 3 by the word "right", he would only say, while not pronouncing upon the substance, that it was important to avoid any suggestion that the States must be responsible for the cost of providing such alternative education.

21. Unlike the representative of Guatemala, he thought it preferable, in the interest of children themselves, to retain the last part of paragraph 3, and to stipulate that schools other than those established by the public authorities should conform to such minimum educational standards as might be laid down or approved by the State.

22. Mrs. AFNAN (Iraq) was in complete agreement with the amendments proposed by the United Kingdom. She shared the concern of the representative of India with regard to the words "on the basis of merit" in paragraph 2 (c), but would return to that point at a later stage. Paragraph 2 (d) struck her as superfluous. Although she represented an under-developed country with a high percentage of illiterates, whose Government was carrying out fundamental education programmes, she believed that the Committee would be mistaken to stress that type of education since the Covenants were being drafted primarily for the benefit of future generations. Paragraph 2 (a) provided that primary education should be compulsory and available free to all, and it could thus be hoped that in a few years' time that right would have become an established fact in all countries.

23. Mrs. SHOHAM-SHARON (Israel) asked the representative of UNESCO if he could give his organization's views on the amendment proposed by Ireland (A/C.3/L.617) on the right of the educator.

24. Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization) said that although he would prefer to wait until all the amendments to article 14 had been discussed before commenting upon them, he would try to reply to the Israeli representative's question at the next meeting.

25. Mr. BRILLANTES (Philippines) pointed out that paragraph 1 of article 14 stated that education should "encourage" the full development of the human personality, whereas the corresponding article of the Universal Declaration of Human Rights (article 26) stated that education should "be directed to" the full development of the human personality. As UNESCO had taken an active part in drafting the text of article 14, he wondered if the representative of that organization could explain the reasons for the change in wording. If the term used in the Declaration were stronger and more specific, it might perhaps be advisable to consider reverting to it.

26. Miss FUJITA (Japan) agreed with the Saudi Arabian representative's suggestion (779th meeting) that it was essential to fix a time limit for the submission of amendments in order to speed up the adoption of the Covenants. She trusted, however, that the representatives of countries which had never been members of the Commission on Human Rights and had not even taken part in the discussion of the Covenants in the General Assembly would be given time to become acquainted with the different aspects of the question.

27. She hoped that it would be possible to include a federal clause in the Covenants so as to meet the position of countries such as Canada. She agreed with the Canadian representative that it was unadvisable to specify in too much detail the methods to be pursued in achieving a particular aim, but believed that the progressive implementation clause in the draft Covenant on Economic, Social and Cultural Rights should make it easier for States to accept the different articles.

28. She was happy to say that the aims of education as set forth in article 14 were in complete conformity with the educational objectives laid down in article 1 of the Japanese Fundamental Law on Education. It was essential that education should, as laid down in paragraph 1, promote understanding, tolerance and

friendship among all nations and, in that connexion, she paid a tribute to the truly international spirit which the experimental school set up by UNESCO in Japan was helping to foster among young people.

29. The Japanese delegation readily agreed that in view of the wide variety of educational systems, the interpretation of the terms "primary education", "secondary education" and "higher education" should be left to each country.

30. While expressing sympathy with it, Miss Fujita reserved her position with regard to the Irish representative's proposal (A/C.3/L.617) that the word "liberty" in paragraph 3 should be replaced by the word "right".

31. Mr. COLOMA (Ecuador) recalled that article 14 of the draft Covenant on Economic, Social and Cultural Rights was based largely on article 26 of the Universal Declaration of Human Rights. Both articles proclaimed the right to receive and the obligation to give an adequate and effective education. The wording of paragraph 1 seemed defective, because it combined both positive and negative recommendations. There should be no reference to "suppression of all incitement to racial and other hatred", particularly as the second sentence of the same paragraph stated that education should "promote understanding, tolerance and friendship among all nations, racial, ethnic or religious groups...".

32. With regard to paragraph 2, it should be borne in mind that the words "primary", "secondary" and "higher" did not necessarily have the same meaning in all countries. Furthermore, the right to educate should be recognized as being no less important than the right to an education.

33. Paragraph 3 stated that schools should "conform to such minimum educational standards as may be laid down or approved by the State". It would be as well to make it clear that standards laid down by States should not conflict with the traditions and convictions of the community concerned.

34. He reserved the right to speak again before the amendments were put to the vote in their final form.

35. The CHAIRMAN proposed that the time limit for submitting amendments to article 14 should be 12 noon on Tuesday, 15 October.

It was so decided.

The meeting rose at 12.30 p.m.