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**Chairman:** Mrs. Georgette CISELET (Belgium).

**AGENDA ITEM 64**

**Draft Declaration of the Rights of the Child (A/4185, E/3229, chap. VII, A/4143, chap. VII, sect. V, A/C.3/L.712 and Corr.1-2, A/C.3/L.716, A/C.3/L.719, A/C.3/L.722, A/C.3/L.726-733, A/C.3/L.737, A/C.3/L.743, A/C.3/L.745-746) (continued)**

**PRINCIPLE 7 (continued)**

1. Begum Aziz AHMED (Pakistan) said that her Government had been unable to accept the Social Commission's text (E/3229, para. 197, resolution 5 (XV)) of the principle currently under discussion. It had objected, in particular, to the inclusion of the words "general culture", which were too vague, and to the provision that "such education shall be free", as that would cover even post-graduate studies. Pakistan had been able to accept the text of principle 7 as adopted by the Commission on Human Rights (E/3229, para. 197, resolution 5 (XV)), because it omitted the reference to general culture and specified that education should be free in the elementary stages only. Unfortunately, that text was somewhat wordy and lacking in precision. She therefore welcomed the five-Power amendment (A/C.3/L.743), which proposed a new wording for principle 7, but she regretted that the reference to general culture had been reinstated. In any event, she did not think that the categorical formulation of the first part of the second sentence was suitable. If the sponsors wished to maintain that wording she would ask for a separate vote on it. A slight change would, however, make it acceptable to her delegation; she proposed that the first part of the second sentence should be reworded to read, "He shall be given an education aimed at bestowing on him general culture."

2. She could not support the USSR amendments (A/C.3/L.712 and Corr.1-2), consisting of two additions to principle 7. The first amendment would place too heavy a financial burden on the Governments of underdeveloped countries such as her own. The second amendment was covered by principle 11 and was therefore unnecessary. She objected to the Uruguayan amendment (A/C.3/L.729) because it contained the same reference to general culture as the five-Power text. She noted that the Afghan amendment (A/C.3/L.716), calling for the deletion of the reference to the principles and purposes of the United Nations, would

fall if the five-Power amendment was adopted. Although she sympathized with the intentions of the Italian delegation, she was unable to accept its amendment (A/C.3/L.732) concerning the maladjusted child, because she thought that it was unnecessary to include so much detail in a declaration of general principles. She also had considerable sympathy with the Cuban representative's attempt to ensure that a child should be given instruction in his mother tongue (A/C.3/L.745), but found it impractical. Many families lived in foreign countries and could not claim education for their children in their own tongue. Moreover, in some countries, such as Pakistan, where more than one language was spoken, it was often difficult to provide education in the language spoken in the child's home, although an effort was being made in that direction. Lastly, it seemed unnecessary to state specifically that the child's vocational aptitudes should be respected, as that was a point of detail.

3. Miss MacENTEE (Ireland) had some misgivings about the existing text of principle 7, which, while seeking to ensure the development of the child's personality, neglected his intellectual growth. That was a dangerous trend which should be checked.

4. She was grateful to the Cuban representative for having raised the question of the difference between instruction and education. She also sympathized with the motives which had prompted the Cuban delegation to submit the first part of its amendment (A/C.3/L.745), regarding instruction in the child's mother tongue, but she could not support it. There might well be dangers in bilingualism, as the Cuban representative had maintained, but they were offset by other factors. In Ireland, many children attended schools where the teaching was given in a language other than that spoken in their own homes without ill effect.

5. She endorsed the Pakistan representative's remarks regarding the expression "general culture" in the five-Power amendment. It was not possible to "bestow" general culture on anyone. She suggested that the clause "which will bestow upon him general culture" should be reworded to read "which will promote his general culture".

6. Mr. RIBEIRO DA CUNHA (Portugal) said that he could support the five-Power amendment on the understanding that the provision that education should be free and compulsory did not exclude private education for which fees were paid and that the phrase "to develop his abilities" covered vocational and other training. The Italian amendment was acceptable but he felt that it would be more appropriately placed in principle 9. He supported the three-Power proposal (A/C.3/L.730) and the Uruguayan amendment (A/C.3/L.729) in principle but felt that they could be combined with the five-Power amendment in a single text.

7. He could not support the first USSR amendment, as it made no provision for private education. The

second USSR amendment was covered by principle 11 and was therefore unnecessary. Although he sympathized with the Cuban representative's aim, he was unable to accept the principle that instruction should always be given in the child's mother tongue. In countries such as Switzerland, for instance, that was impossible. Furthermore, such a provision would run counter to ILO Convention No. 107,<sup>1</sup> which prescribed education in the national tongue as a means of integrating indigenous and tribal peoples into the national community. He would be glad to have the UNESCO representative's views on the distinction made by the Cuban representative between instruction and education.

8. Mr. GORIS (Belgium) was opposed to the first sentence of the Cuban amendment (A/C.3/L.745). It was contradictory to say that the child was entitled to something which was compulsory; and the provision of instruction in the child's mother tongue raised great difficulties. The Belgian authorities had been faced with the problem of teaching children who spoke different languages, both in Belgium and in the Belgian Congo, and they had reached the conclusion that it was best for the child to receive instruction in the language of the region in which he lived. If the Cuban representative's proposal was adopted, it would be necessary to provide schools for small groups of children speaking languages different from the one generally in use in the area, and countries like the United States of America, which received immigrants from many lands, would be faced with an enormous practical problem. The proposal raised other difficulties also. It stirred deep feelings, which might preclude an objective approach to the matter, and there might be a conflict between a language in international use and a local language. The problem had arisen in the Belgian Congo, where instruction was given in some of the local languages, but not necessarily in the children's mother tongue. He was in sympathy with the Cuban representative's aim and would be able to vote for her amendment if she replaced the words "in his mother tongue" by the words "in a language of his region".

9. Mrs. KUKHARENKO (Ukrainian Soviet Socialist Republic) said that principle 7 was particularly important because education was one of the fundamental conditions for scientific achievement and human progress. Her delegation had been able to accept the text drafted by the Commission on Human Rights, although with some reservations. For instance, it would have preferred the first sentence to specify that education should be free at all stages but, realizing the difficulties that would entail for some countries, it had accepted the existing formulation. However, States should make every effort to provide free secondary as well as elementary education. She therefore supported the first USSR amendment (A/C.3/L.712 and Corr.1-2). She welcomed the fact that it specified the measures by which the right to education should be ensured. That was particularly important at a time when more than 200 million of the world's children were illiterate and therefore underprivileged.

10. The five Powers had tried to produce a concise text (A/C.3/L.743) and had successfully condensed the first two sentences of the first paragraph of principle 7.

It was regrettable that they had omitted the last sentence of that paragraph, which was of great importance. She therefore supported the Cuban sub-amendment (A/C.3/L.745) reinstating that sentence. It was vital that education should not be used as a means of promoting racial hatred or spreading war propaganda. If war was to be avoided, children must be brought up to hate it. Her country, realizing that fact, had enacted legislation prohibiting war propaganda and laying down severe penalties for offenders. The second USSR amendment was fully in harmony with that legislation and she therefore supported it.

11. As the Uruguayan amendment omitted the principle of free and compulsory education and was therefore even weaker than that of the five Powers, she was unable to accept it, and she could see no reason for amalgamating it with the five-Power text. The ideas it contained were already to be found in the second sentence of the text of principle 7, submitted by the Commission on Human Rights.

12. She welcomed the new principle proposed by Mexico, Peru and Romania (A/C.3/L.730). It filled a gap in the draft Declaration and the idea expressed in it was in harmony with practice in her country, where all children had the right to organized recreation.

13. Mr. LIMA (Brazil) said he preferred the text of the Commission on Human Rights to the five-Power text, since the latter omitted certain points which he considered indispensable, as, for instance, the reference to the United Nations. A number of new ideas had been introduced in other amendments, but the only text he would vote for was that in the three-Power amendment. The others deviated too much from the original text, with which he was satisfied, and he would accordingly abstain in the vote thereon. As regards the Cuban proposal that instruction should be given in the mother tongue, he agreed with those representatives who had pointed out the difficulties to which it would give rise and drew attention to the fact that countries with large immigrant populations sought to assimilate them, *inter alia*, by using the language of the country as a medium of education. In such cases, instruction in the mother tongue would be definitely harmful to the immigrant himself.

14. Miss ADDISON (Ghana) found it hard to reconcile the different amendments. Principle 7 was intended to establish the child's right to an education which would enable him to develop along the lines described in principle 2 as adopted by the Committee (917th meeting). If that were so, the text should be brief and in broad terms, the responsibility for working out the essential details being left to individual States. The text proposed by the five Powers was concise, but she found the expression "general culture" rather vague and hoped that it could be improved. In her view, the Uruguayan amendment made a very important point and she would like to see it incorporated in the five-Power text. Her delegation approved in principle of the idea that education should be free and compulsory at least in the elementary stages, but the day when legislation to that effect could be introduced in Ghana was still far distant. Neither the financial resources nor the qualified teachers were available. It would be interesting to see to what extent the colonial Powers found it possible to implement the principle in their dependent territories. As Ghana was not at present in a position to introduce free and compulsory education,

<sup>1</sup> International Labour Office, *Official Bulletin*, vol. XL (1957), No. 1, Convention (No. 107) concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries.

she might abstain in the vote on principle 7, unless a separate vote were taken on the first sentence.

15. The first USSR amendment was concerned with the implementation of the principle rather than the principle itself and was therefore out of place in the Declaration. Her remarks regarding free and compulsory elementary education applied even more forcefully to secondary schools.

16. She sympathized with the Cuban representative's desire to see instruction given in the vernacular but pointed out that Ghana, when faced with the difficult problem of deciding on the medium of instruction, had, for a variety of reasons, decided to use English. That, however, did not rule out completely the use of local languages as a means of instruction at certain levels.

17. She found the Italian amendment (A/C.3/L.732) too specific. The matter was one which should be left to individual States. As regards the three-Power proposal, the general trend in modern education was to recognize the importance of play and recreation and the new principle which it sought to introduce would be followed even if it did not appear in the Declaration.

18. Mr. MAQUIEIRA (Chile) remarked that the five-Power amendment was logical, reasonable and well-balanced and he would vote for it and for the three-Power amendment, which was also worth while. He was not sure, however, whether it ought not to form part of principle 7 rather than become a separate principle. It would be improved if the words "be under an obligation" were replaced by the word "endeavour". He likewise supported the Italian amendment, which made an essential point, but thought it might be better placed in principle 9.

19. Mr. MEHTA (India) observed that unsound education and the lack of education had been responsible for many of the ills and evils from which the world had suffered in the past. The purpose of principle 7 was to remedy that situation.

20. His delegation had not been fully satisfied with the text submitted by the Commission on Human Rights but recognized that it was the maximum on which its members had been able to agree. The five-Power amendment (A/C.3/L.743) was on the whole satisfactory but there were two omissions which he regretted. There was no reference to the development of the child's personality. He recognized that that point had probably been omitted since mention of the development of the child's personality was made in principle 6 but he submitted that the full and harmonious development of the child's personality referred to there was something different from the full development of the personality which came from the right education. The words "strengthening of respect for human rights and fundamental freedoms" had also been omitted. He was less concerned about that omission, however, since principle 11 made the same point in somewhat different terms.

21. The Uruguayan amendment (A/C.3/L.729) was superfluous. While the development of a sense of moral and social responsibility was of course very desirable, a sound system of education would naturally develop it.

22. He recognized that the first USSR amendment (A/C.3/L.712 and Corr.1-2) was intended to make principle 7 much more useful and effective. He felt, however, that it overburdened the text with details and was in reality a plan of action rather than a

declaration of principle. The second sentence, moreover, if adopted, would cause difficulties for many States. India, for instance, aspired to a system of free and compulsory education but it would be many years before it could achieve such a system. More than two million teachers would be needed if secondary education was made compulsory in India.

23. He would have no objection to the deletion proposed by the Afghan representative (A/C.3/L.716) since the idea contained in the words to be deleted found expression again in principle 11.

24. Turning to the Cuban proposal that instruction should be given in the child's mother tongue (A/C.3/L.745), he said he had been much moved by the Cuban representative's statement and shared her view that education through the medium of a foreign language, while it might bring many advantages, as it had in the case of India, also resulted in the disintegration of the human personality. In India that system was already in force in elementary education. He would fully agree with her that instruction should be given in the mother tongue whenever possible, but if the Declaration laid it down and made it obligatory, innumerable practical difficulties would arise. The words "in his mother tongue" should not therefore be included in the Declaration. He agreed with her too that vocational education was most important, but did not feel that it had a place in the Declaration, which, if it were to be kept to reasonable proportions, should not go into details. Regarding her proposal that the word "instruction" should be replaced by the word "education", he felt that the two words were in no sense synonymous. He preferred the word "education", the purpose of which was to develop a child's inner faculties, to either "instruction" or "teaching", both of which were generally used in a narrower sense.

25. He agreed with the Italian representative that the problems of the maladjusted child were very serious and had grave social implications, but once again he felt that the nature of the Declaration was such that there was no room in it for the Italian amendment (A/C.3/L.732).

26. The three-Power proposal (A/C.3/L.730) raised a very important point. Children frequently became delinquents because both parents were out working and no one guided their play and recreation. Recreation was necessary to the child's full development and he would therefore like to see the three-Power proposal adopted. There was, however, one difficulty. The right to "recreation" had already been recognized in principle 5, though not as a means of education. The second sentence of the amendment brought in the provision of implementation which, he felt, should not be repeated in the article under consideration.

27. Mr. FARHADI (Afghanistan) said he appreciated the human and democratic spirit which had moved the Cuban representative to plead for education in the mother tongue. Educationists were generally agreed that instruction should be given in the mother tongue, provided that that was feasible. Unfortunately, it often was not. Many children would be deprived of access to world culture and even to the culture of their own country if they were instructed in their mother tongue, when it was spoken by small groups of people and was moreover inadequate as a medium of instruction. Even where such considerations did not apply it was sometimes impossible to ensure that a child should receive



instruction in his mother tongue. Afghanistan had two main languages and instruction was imparted in the majority language of each region. Many other countries had made similar compromises.

28. Turning to the second USSR amendment (A/C.3/L.712 and Corr.1-2), he pointed out that the wording of the English and Spanish texts differed from that of the French, in which the word "State" did not appear. He would be prepared to support the USSR amendments if the reference to the "extensive network of schools" was deleted; the under-developed countries were not in a position to create such a network.

29. He supported the Italian amendment (A/C.3/L.732) but pointed out that in many countries there were no special courts of the type envisaged; the wording should therefore be altered.

30. He was prepared to support the Uruguayan amendment (A/C.3/L.729) in so far as the words "and his sense of moral and social responsibility" were concerned but in other respects he preferred the phrasing of the five-Power amendment, for which he would vote.

31. Mrs. CASUSO (Cuba) noted with regret the difficulties that had been mentioned by the various speakers in connexion with the words "in his mother tongue" proposed in the Cuban amendment (A/C.3/L.745). Although the problem of instruction in the mother tongue was not insoluble, she had decided, in order to avoid a protracted discussion, to withdraw those words. She would continue to press for the addition of the words "and with absolute respect for his vocational aptitudes", which touched on a matter of basic importance for the child's future life.

32. Lady PETRIE (United Kingdom) said that the sponsors of the five-Power amendment (A/C.3/L.743) had decided, after consultation, that it would be possible to incorporate the Uruguayan amendment (A/C.3/L.729) in theirs. They were also prepared to replace the words "bestow upon him general culture" by the words "promote his general culture", as suggested by the Irish representative. They could not, however, accept any of the other amendments. She assured the Portuguese representative that the wording of the first sentence of the five-Power amendment was in no way intended to eliminate the possibility of education on a fee-paying basis.

33. Mrs. DIEMER (Netherlands) felt that the version of principle 7 given in the five-Power amendment was a more logical formulation than the text of the Commission on Human Rights. While she fully sympathized with the ideas expressed in the three-Power text (A/C.3/L.730), she believed that in giving effect to principle 2, already adopted by the Committee, States could hardly fail to provide the opportunity for play and recreation referred to in that amendment. She therefore urged its sponsors to be content with the provisions of principle 2.

34. Mrs. DE ARENAS (Guatemala) said that although, generally speaking, the text submitted by the Commission on Human Rights was acceptable to her delegation, the five-Power amendment (A/C.3/L.743) represented a satisfactory synthesis of the basic ideas of that text, and she would accordingly vote for it. She welcomed the incorporation in it of the Uruguayan amendment. Despite its prolixity, the USSR amendment pursued a most laudable aim, one towards which all States were striving. However, as many factors—economic and

others—were involved, the attainment of the aim was not always feasible. She would therefore abstain from voting on that amendment. She welcomed the Cuban representative's withdrawal of the part of her amendment referring to instruction in the mother tongue, as such a provision would have given rise to great difficulties in her own country. Although Guatemala attached great importance to its Mayan past, its system of education was, for obvious reasons, based on the use of the Spanish language. The remainder of the Cuban amendment was acceptable. The idea embodied in the three-Power text had already been expressed in principle 2 and she would therefore abstain from voting on that amendment.

35. Mr. OSEGUEA (El Salvador) remarked that the discussion in the Committee and the large number of amendments submitted in connexion with principle 7 showed that the question of education was one of the world's most serious problems. The first and second of the amendments submitted by the USSR coincided, in several respects, with the provisions of the Constitution of El Salvador and therefore deserved support. He understood the reasons for the Cuban proposal concerning the replacement of the word "education" by the word "instruction", but he feared that no agreement was possible on the subject as the meaning given to those words varied widely, even within a single language area.

36. He supported the ideas expressed in the three-Power amendment but did not consider it necessary to burden the Declaration with such a new principle.

37. The five-Power amendment appeared to meet the desires of all the delegations represented in the Committee and his delegation would therefore support it.

38. Mr. BRILLANTES (Philippines) said that his delegation took the view that principle 7 was concerned with elementary education. He would comment on the various amendments on that assumption. The first of the USSR amendments dealt mainly with implementation and he would be unable to support it. In the second amendment, which referred to the prohibition of propaganda, the phrase "in schools" was too broad and went beyond the primary education level. He saw no reason for the deletion of the reference to the United Nations, as proposed in the Afghan amendment. He agreed with the principle behind the three-Power amendment, but would request that the second part of the text should be put to the vote separately. The subject-matter of the Italian amendment belonged more properly to principle 6, which had been adopted earlier.

39. He welcomed the statement of the United Kingdom representative that the Uruguayan amendment would be incorporated in the five-Power text.

40. In connexion with the Cuban amendment, he had been impressed by the Indian representative's remarks on the subject of "instruction" as opposed to "education". The Committee's work would be facilitated if it could have the opinion of the representative of UNESCO on the subject. With respect to the proposal in the Cuban amendment concerning the child's vocational aptitudes, he felt that the term "absolute respect" was too categorical. In certain circumstances the child's physical condition might not permit the development of his aptitudes. Moreover, there was no reason to limit responsibility in respect of aptitudes to vocational aptitudes only.

41. Mr. SALSAMENDI (United Nations Educational, Scientific and Cultural Organization) said that technical terms did not always have exactly the same meaning even in countries which spoke the same language. In certain Spanish-speaking areas the word "instrucción" was used in a narrower sense than the word "education"; in some areas it meant vocational training, while in others it was synonymous with education. In French and English, also, the word "instruction" was rather restrictive in meaning. He did not think it useful to make such distinctions in documents based on a compromise and he therefore favoured the use of the word "education", which appeared in article 26 of the Universal Declaration of Human Rights. It was also the

term which enjoyed the widest acceptance and therefore the one used in all UNESCO documents.

42. He wished to assure the Cuban representative that the problem of education in the mother tongue was one to which UNESCO devoted much attention. Its documentation on the subject used the term "vernacular tongues".

43. Mr. PENADES (Uruguay) withdrew his amendment (A/C.3/L.729), as its provisions had been incorporated in the five-Power amendment.

The meeting rose at 1 p.m.