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COMMISSION ON HUMAN RIGHTS

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Present:Chairman:

Mr. KALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. SANTIAGO CRUZ
China	Mr. YU
Denmark	Mr. SØRENSEN
Egypt	AZIZ Bey
France	Mr. CASSIN Mr. LEBOY-BEAULIEU
Greece	Mr. EUSTATHIOU
Guatemala	Mr. DUPONT-WILLIAMS
India	Mrs. LEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. HOSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. NEDOSOV Mr. FOMIN
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE Mr. HOWARD
United States of America	Mr. SIMS-DIAN
Uruguay	Mr. CLASULLO
Yugoslavia	Mr. JEVRENOVIĆ

Representatives of specialized agencies:

International Labour Organisation	Mr. PICKFORD
United Nations Educational, Scientific and Cultural Organization	Mr. ZELVIN Mr. SABA Mr. HAVET

Representatives of non-governmental organizations:

Category A

World Federation of Trade Unions	Mr. FISCHER
International Confederation of Free Trade Unions	Miss SENDER Mr. PATTEY
International Federation of Christian Trade Unions	Mr. EGGEMAN

Category B and Register

All-Pakistan Women's Association	Mrs. WAHEED
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Miss de ROYER Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDS
Consultative Council of Jewish Organizations	Mr. MOWSKOWITZ
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Miss TULLIACON
International Federation of University Women	Mrs. BOBB
International League for the Rights of Man	Mr. BULLWIN
International Union for Child Welfare	Mrs. SHILL
International Union of Catholic Women's Leagues	Miss de ROYER Miss ARCHIBARD
Liaison Committee of Women's International Organizations	Mrs. BOBB
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIENENFELD

Secretariat

Mr. Humphrey
Mr. Das

Representing the Secretary-General
Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(item 3 of the agenda):

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights:

Special provisions on educational and cultural rights (E/CN.4/593 and Rev.1, E/CN.4/598, E/CN.4/C.14/2/Add.4) (continued)

The CHAIRMAN invited the Commission to continue its consideration of the proposals concerning educational and cultural rights.

Mr. SANTA CRUZ (Chile) shared the opinion of the Uruguayan representative about the freedom of education and the rôle of the family. The legislation of Chile permitted the establishment of private schools, which had the right to determine for themselves the type of education they provided, on condition that their curricula included certain subjects specified by the State and that they respected morality, public order and democracy.

His delegation was not opposed to the inclusion in the Covenant of a provision leaving parents free to choose the school to which they wished to send their children. Article 26 (3) of the Universal Declaration, however, was of far wider scope, and the inclusion of a provision of that nature in the Covenant would oblige signatory States to respect a decision by parents to send their children to any educational establishment, whatever its grade and whatever subjects it might teach.

It did not seem easy to reconcile such an obligation with the provision already adopted by the Commission to the effect that States should provide free and compulsory primary education. Furthermore, since it was the duty of the State to concern itself with the effect of education on the population, it should have the right to keep a watchful eye on the education provided in secondary or higher educational establishments to ensure that such education was not contrary to the fundamental principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.

In a totalitarian country such a problem did not arise; but under a democratic regime the individual and the State could not be regarded as two irreconcilable elements. He would therefore urge that the provision of Article 26 (3) of the Universal Declaration should not be re-affirmed in the Covenant.

Mr. SAB (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the CHAIRMAN, remarked that it would be inadvisable to combine the consideration of cultural rights with a discussion on the fundamental right to education. The representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO) were prepared to explain their attitude on cultural rights at a later stage, if the Commission so desired.

The CHAIRMAN thought that it would be desirable to have a general discussion at some time or another on the related rights covered by the UNESCO proposals. He did not altogether agree with the radical distinction made at the preceding meeting, by the representative of the World Jewish Congress between education and the other cultural fields, but in the general debate which he (the CHAIRMAN) envisaged the representatives of UNESCO would have an opportunity of dealing with science, the arts and other such higher manifestations of the human mind.

AZHI Bey (Egypt) said that he supported the suggestions now submitted by UNESCO and sponsored by the Chilean delegation, and would accordingly withdraw his amendment (E/CN.4/AC.14/2/Add.4, section I) based on original suggestions made by the Organisation. He thought that, as in the case of the right to health, there were grounds for specifying measures of implementation in the articles dealing with the right to education.

With regard to the question of the right of parents to choose the kind of education to be given to their children, the Constitution of Egypt established the freedom of education, on condition that public order and morality were

respected, and stipulated that public education should be regulated by law, and that primary education should be compulsory and free for children of both sexes.

Side by side with public schools, there were also free schools in Egypt, comprising foreign educational institutions, such as the Italian, Greek, English and American schools and the establishments of the French secular mission on the one hand, and Christian and Jewish denominational schools on the other.

Fundamentally, in speaking of the different "kinds" of education that could be given, it was the religious aspect that was chiefly in people's minds. In that connexion, he would mention that religious instruction was compulsory in Egypt's primary and secondary schools. As a rule, it was the Moslem religion that was taught in those establishments, but whenever a school had a sufficient number of Christian or Jewish pupils a teacher of the faith concerned was provided to give religious instruction to the pupils of his confession. Although they did not themselves teach religion, the schools of the French Secular mission set a fine example of tolerance, as they took care that each pupil practised the rites of his own religion.

In such circumstances, it might be said that the question of the right of parents to choose the kind of education that should be given to their children did not arise. He felt, in fact, that such a right was only understandable in the case of religious instruction. The child was a member of society, and when a democratic society decided to adopt a certain political, social or economic outlook, it could not readily be admitted that parents had the right to follow another course, for instance, to teach their children Nazi doctrines. It would therefore seem to be going too far to insert in the Covenant so broad a provision as that of article 26 (3) of the Universal Declaration. He would prefer a more restricted formula, for instance:

"Parents have the right to choose the kind of religious education that shall be given to their children",

Miss de ROMER (International Union of Catholic Women's Leagues), speaking at the invitation of the CHAIRMAN, said that the term "education" involved a much wider concept than the term "instruction". There might be a certain amount of confusion in that connexion, owing to the different meanings of the word "education" in English and French.

When one turned to the educational aspect of the problem one touched upon a point of extreme delicacy, which enabled the real meaning of liberty in the various countries to be assessed. In endeavouring to reconcile authority with freedom, education was faced with a very complex task, which it could only accomplish in the sympathetic surroundings of the home. For that reason it was important to safeguard the essential rights and freedom of choice of parents in respect of the education of their children by maintaining the principle laid down in article 26 (3) of the Universal Declaration. In a free society, the State's rôle was to promote the welfare of the family and the individual without trying to absorb them.

The proposals originally submitted to the Commission had been very felicitously modified by the amendments submitted by the Uruguayan and Greek delegations. It was true that teaching was of primary importance, but science could not by itself make the child a real human being; indeed experience had shown that, in the hands of totalitarian States, it might well turn the child into a mechanism devoid of all conscience. For that reason it was absolutely necessary that the Covenant should formally recognize the importance of the part played by parents in the education of the child.

In conclusion, she would ask the Commission to include in the draft Covenant all the three concepts contained in article 26 of the Universal Declaration, namely: the concept of education as such; the concept of education directed towards the full development of the human personality; and, finally, the concept of the prior right of parents to choose the kind of education that their children should have. The omission of those provisions from the Covenant would constitute a most deplorable and retrograde step, not only in respect of article 26, but also in respect of Articles 18 and 19, dealing with freedom of thought, religion and opinion, of the Universal Declaration.

Mr. SØRENSEN (Denmark) drew attention to his delegation's proposal, reproduced in section IX of the synoptic table (E/CN.4/AC.14/2/Add.4), which had been based on the suggestions put forward earlier by UNESCO representatives. Since then, the UNESCO suggestions had been drafted in more positive and precise terms. He therefore wished to withdraw his own proposals, which in most respects coincided with the now UNESCO text. There might be one or two points of minor importance on which he could not fully support the revised UNESCO proposals, but he thought that allowance could be made for that fact by taking a separate vote on those parts of the proposals.

The United States proposal (E/CN.4/593) appeared in effect to re-state the provisions of point (1) of Article (a) of the UNESCO proposals, and as such he could support it; he would, however, like to suggest that additional paragraphs, relating to the planning of primary education and to adult education, be included.

Turning to the substance of the matter under discussion - a matter which should be of vital importance to a commission on human rights - he thought that the debate had already revealed that, although the fundamental problem was universal, there were, speaking generally, radical differences in the manner in which it presented itself in the various countries. He had consequently come to the tentative conclusion that it would be impossible to include in the draft Covenant a statement of fundamental principle which allowed for all possible local variations. Hence, it would seem necessary to proceed as in the case of economic and social rights, that was to enunciate no more than a broad principle, leaving its detailed application to the specialized agency concerned.

The right of parents to choose the kind of education which their children should receive was, in his view, quite definitely a typical example of a fundamental right which assumed different forms in the different countries. The Chairman had said that freedom of choice should be accorded to parents as a matter of principle, but obviously that could only be done where a choice existed. Such a choice might well exist in some countries, but in others, particularly those with a homogeneous or quasi-homogeneous population, a

government could not be expected to establish widely different systems of education in order to meet the wishes of every tiny minority. That was an argument in favour of drafting only a general, universally-acceptable formula, which could be applied by the various countries according to their respective circumstances.

In general, he agreed with the Egyptian and Chilean representatives, more especially with the latter's observations on the dangers of the mis-direction of education, a danger which might easily be increased by the grant to parents of the unrestricted right to choose the kind of education their children should have. That danger, as had been rightly pointed out, could best be avoided by establishing the fundamental objectives of education in accordance with the principles of justice and democracy, which would automatically preclude the possibility of inexperienced administrations taking the wrong turning.

He thought that those objectives would be approached if the Commission adopted the proposals, based on Article 26 (2) of the Universal Declaration, submitted by UNESCO in point (1) of article (a) of its text, and in the United States text as amended by the Yugoslav proposal (E/CN.4/598).

It might be possible to go a step further in the matter of religious instruction, as suggested by the Egyptian representative; as the latter had said, many people, when speaking of the right of parents to direct their children's education, had precisely the religious factor in mind. Therefore he (Mr. Sørensen) would agree to a provision guaranteeing complete freedom of religious instruction. That was, he would stress, the only aspect of the question on which unlimited freedom could be granted.

Point (d) of Article (d) of the UNESCO proposals, which sought to guarantee free cultural development to racial and linguistic minorities, dealt with another of those special aspects of the subject that were liable to arise in certain areas. Although he could understand the reasons which had moved the Uruguayan and Chilean representatives to oppose the provision in question, it nevertheless remained a fact that there were countries in which human rights could

not be effectually guaranteed without attendant guarantees for racial and linguistic minorities. Still, he would not press for an immediate decision on that item, since the Sub-Commission on Prevention of Discrimination and Protection of Minorities was about to study the question, and would possibly submit appropriate recommendations to the Commission. However, he wished it to be placed on record that whatever decision might be taken by the Commission with regard to point (d) of Article (d), he reserved his right to raise the question in another context on a narrower basis, that was to say, with reference not to the world at large, but to conditions obtaining in certain specific countries.

To sum up, he would support the United States proposal, as amended by the Yugoslav proposal, and the UNESCO clauses regarding plans and adult education. The non-discrimination clause should be placed elsewhere in the Covenant, but that was simply a question of drafting. But he would regretfully have to vote against a general clause giving parents the right to determine what kind of education their children should receive, although he would be able to vote for a more limited clause applying only to the religious field.

The CHAIRMAN said that if he had grasped the Chilean and United States representatives' statements correctly, neither was fundamentally opposed to the adoption of a clearly enunciated formula regarding the right of parents to choose the kind of education they desired for their children. Perhaps the difficulties they were encountering in the matter might be got over by using a formula which gave parents the right to select a particular kind of school, rather than one which gave them full rights of selection over education; however, he feared that such a formula might not be acceptable to the Danish and French representatives.

Mr. WAHEED (Pakistan) commented on the wide support which the UNESCO proposals commanded; they stood not only in their own right, but also at the basis of a number of the other variants suggested. All that reflected the serious desire of the Commission to make proper provision for educational and cultural rights.

His delegation also supported the UNESCO text, but it seemed to him that the sense of clauses (2) and (3) of Article 26 of the Universal Declaration of Human Rights should be more directly reproduced in the Covenant. The aims of education were precisely those laid down in the two clauses in question, particularly in respect of the promotion of international understanding, tolerance and friendship. In Pakistan, the fundamental desideratum for education was that it should be inspired by the noble ideal of the brotherhood of man. The whole educational system in Pakistan, from primary to university standard, was thoroughly imbued with the spirit of the two clauses. There was also a very full awareness there of how international understanding could be jeopardized by the mis-direction of education.

With regard to the freedom of religious instruction, it was a corner-stone of Pakistani principles of citizenship that a person attending an educational institution of any kind should enjoy complete religious freedom, and should not be obliged to attend any religious ceremonies or instruction against his conscience.

For that reason, he (Mr. Waheed) would urge not only that clauses (2) and (3) of Article 26 should be given more prominence in the text finally adopted, but also that a specific guarantee of religious freedom should be included.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that 37 years previously three-quarters of the population of the Soviet Union had been illiterate; now the population was entirely literate. The State provided free compulsory education not only in primary schools, but also for seven years in higher-grade schools. Eloquent testimony of the progress realized in recent years was provided by the fact that, by comparison with the pre-war period, the numbers of persons receiving primary and secondary education had increased by more than 8 millions to a total of over 30 millions, and that there were now more than 1,240,000 persons receiving higher education, as compared with 820,000 ten years previously.

He recalled that the representative of UNESCO had stated at the previous meeting that at least one half of the world's adult population was illiterate. In view of that appalling fact, the Commission must ask itself seriously whether the proposals which it was now considering were adequate for the enormous problem which they were intended to solve.

He must point out that above all these proposals represented a departure from the instructions given to the Commission on Human Rights in General Assembly resolution 422 (V). That resolution clearly indicated that the Covenant should include an article reading:

"The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan State".

Article (a) of the proposal submitted by UNESCO contained the following passage, which clearly introduced a reservation in respect of those instructions:

"Each signatory State pledges itself to undertake progressively, with due regard to its organization and resources, and in accordance with the principle of non-discrimination enunciated in paragraph 1 of article 1 of this Covenant, all measures necessary to attain these objectives in all the territories within its jurisdiction".

Similarly, article (b) abounded in phrases which would enable governments to evade the responsibilities clearly laid upon them in the General Assembly resolution in question. There was no reference to the date by which the plan mentioned in that article was to be implemented, and a government, if it so desired, could delay implementation indefinitely.

In place of a pious, if eloquent, statement of principles, of the implementation of which there was no guarantee, the Soviet Union delegation had submitted a definite precise formula which went straight to the heart of the matter and would ensure, as it stated bluntly, that science and education were developed in the interests of progress and democracy.

There was no greater danger to civilization than the abuse of scientific achievement; in that connexion he would quote the opinion of a member of the Association of Scientific Workers in the United Kingdom who, in an article published in 1950, had declared that nothing could be more evil than the abuse of science, including, of course, the application of nuclear physics to the manufacture of atom bombs.

In the United States of America, as everyone was aware, the cold war was being waged with unabated fury, and documentary evidence was not lacking that the maintenance of that state of affairs was a deliberate act of policy on the part of the great American monopolies. Another aspect of the conscious and continuous stirring-up of international ill-will was the progressive militarization of education, which was contributing powerfully to the spread of war hysteria.

It was thus of vital importance to ensure that science and education developed along lines which would diminish the threat of war and guarantee the maintenance of peace, democracy and international co-operation. That formed the basis of the first paragraph of the Soviet Union proposal.

Turning to the second paragraph of the proposal, he drew attention to the fact that it proclaimed the right to education without any discrimination, laid certain obligations upon governments and specified the ways in which those obligations must be fulfilled. One method by which the State could discharge its obligation to provide free education was by offering scholarships. It was, however, also essential to have enough schools. He would not dwell on the unsatisfactory conditions obtaining in a number of countries where there was a shortage of schools and teachers, and where certain subjects were inadequately taught.

Last but not least, his proposal had the merit of brevity. It confined itself to the essential and decisive elements of the problem, and admitted no complicated formulas which would enable governments to obviate their commitments. Its adoption by the Commission would lead to a great and world-wide improvement in education.

Mr. SIMSILLON (United States of America) said that his delegation was prepared to accept the Yugoslav and Greek amendments to point 5 of the revised United States proposal (E/CN.4/593), but as the Chilean representative had gone further, and had proposed the inclusion of Article 26 (2) of the Universal Declaration of Human Rights - a proposal which was also acceptable to his delegation - he assumed that the Greek and Yugoslav representatives would be satisfied with such amplification.

Furthermore, his delegation was prepared to accept the suggestion that reference be made to fundamental education, and would therefore take over the text of Article (c) of the UNESCO proposals.

The introductory sentence of the United States proposal, would, of course, be made to conform with the formula used in all preceding articles, namely: "The States Parties to this Covenant".

Consideration of Article (b) of the UNESCO proposals, which referred to territories under the jurisdiction of Contracting States and to the adoption of a detailed plan of action in respect of them, should be deferred until the Commission had decided on the exact nature of the blanket clause covering economic, social and cultural rights. It would be more appropriate to discuss implementation in connexion with the similar measures envisaged for other rights.

He must also record his delegation's preference for the alternative draft for Article (d), on cultural rights, suggested by the Director-General of UNESCO. For one thing, he did not feel that any reference should be made to minorities, as was done in sub-paragraph (d) of Article (d) as originally drafted by UNESCO. As the Danish representative had already pointed out, the Commission should wait for recommendations from the Sub-Commission on Prevention of Discrimination and Protection of Minorities. On the other hand, if the Commission took as its basis the alternative text for Article (d), he would have a number of points to make on the question of copyright, which was referred

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to in sub-paragraph 3, since it doubted the wisdom of touching on that difficult problem in the Covenant.

Mr. NOLDE (Commission of the Churches on International Affairs), speaking at the invitation of the CHAIRMAN, stressed the importance of a reference to parental responsibility in the article dealing with the right to education. His organization had held world-wide consultations with responsible authorities, and could state with conviction that insistent requests had been received from many quarters urging that the responsibilities of parents should be safeguarded, especially where religion was concerned. Requests from areas where no such consideration was enjoyed were particularly eloquent. It was of the utmost importance that parents should be able to exercise those responsibilities within a certain framework. The State should prescribe educational standards and look after the best interests of children, but the rights of parents must also be protected; they must be enabled to give their children an alternative type of education if they (the parents) wanted to. Specific reference to that point was made in clause (3) of article 26 of the Universal Declaration of Human Rights, and serious consequences would ensue if it was excluded from the Covenant. It might be that a different form of drafting would be better suited for inclusion in a legal document, but the Commission must at all costs seriously consider the risks of jeopardising the principle by omitting all reference to it.

Mr. YU (China) emphasized that education should be directed towards good, not evil, and that history had abundantly demonstrated how it could be mis-used. The acquisition of knowledge must be accompanied by the development of a sense of justice, tolerance and morality. It should not be the privilege of the few, nor should it be used as a vehicle for false propaganda. Those

were the main concepts which his delegation would like to see expressed in the Covenant. His country's past experience showed the importance of achieving the harmonious co-development of science and ethics. Therein lay the challenge to the present time.

One subject which he would like to see emphasized was that of freedom in research. The exchange of scholars and professors was one of the best means of cultivating that tolerance and understanding to which article 26 referred. His country, like many others, had profited from that system, and he would advocate the inclusion of a reference thereto in the article on education.

While supporting the general principles formulated by UNESCO, he would urge that the text be shortened. He was also prepared to support the amplified United States proposal (E/CN.4/593/Rev.1).

Mr. DUVERT-WILLEMIN (Guatemala) approved the text submitted by UNESCO, including the revisions relating to exploitation, the deletion of which had been urged by the United States representative; he would like to hear the views of the representatives of UNESCO on that point.

He also supported the Chilean proposal that paragraph 5 of article (c) of the UNESCO draft should be replaced by article 26 (2) of the Universal Declaration of Human Rights.

With regard to the comments made by certain delegations and by the representatives of some non-governmental organizations concerning the right of parents as set out in article 26 (3) of the Universal Declaration, he thought that the difficulty might be solved by incorporating in the Covenant the following amended version of the provision concerned:

"Parents have a prior right to choose the kind of education that shall be given to their children, provided that their choice does not contravene the principles contained in the Covenant."

Miss BOWIE (United Kingdom) said that a large part of the UNESCO suggestions were really tantamount to a statement of objectives and a plan of campaign, which was both interesting and valuable, but which concerned the work of that specialized agency and was unsuitable for inclusion in the Covenant. She did not doubt that the UNESCO Secretariat intended to submit its plan of work to its own General Conference for the consideration and approval of Governments, but until that had been done it could not be accepted as the final and authoritative view of UNESCO. In her view, the United States proposal, with the amplifications suggested by the Indian representative, fully sufficed for a concise article affirming the right to education.

She would, however, make some comments on points 2, 3 and 4 of Article (a) of the UNESCO suggestions.

She would prefer that paragraph 2 should be amended to read:"education should be compulsory and freely available to all". That wording made it clear that although a parent must educate his child, he need not necessarily do so in a State school, and conversely, that the State was under no obligation to finance any private or denominational schools. She queried the use of the phrase "should be generally available" in paragraph 3, since it might be impracticable, in view of other demands on the economy of States, to make secondary or technical education available to everyone. Similar difficulties arose about the phrase "all on the basis of merit" in paragraph 4. The Education Act brought in in the United Kingdom in 1944 had made the most liberal provision for higher education, but education must fit in with the planned economy of her country, and it was impossible to go beyond practical possibilities in providing all the buildings, all the teachers and all the facilities that might ideally be desirable. Higher education should be available without discrimination for the greatest number of persons possible with a planned economy. The amplification of paragraph 5 of Article (c),

leaving the words of Article 26(2) of the Universal Declaration, was acceptable. But the proposals which had been made relating to Clause (3) of Article 26 of the Declaration were not. That clause had given rise to much acrimonious discussion at the third session of the General Assembly. It was for the community to decide on the kind of education that should be given to children. She had been deeply shocked when, on a visit which she had paid a few months previously to Germany, she had found that in the schools, where the teaching had in any case to be done in shifts because of the shortage of teachers and buildings, the schools were divided into three parts on a strictly denominational basis. That was equivalent to the co-existence of three schools, catholic, protestant and non-denominational, all of which taught the full curriculum, but which deprived the children of common association purely on an allegedly religious basis. When she had enquired into the reasons for such rigid separation, one teacher had replied that a child could not be contaminated by the influence of a religion alien to him for a single moment during his school-day. How could such an attitude be reconciled with Clause (2) of Article 26 of the Universal Declaration, which spoke of understanding, tolerance and friendship?

In the State schools in the United Kingdom there were simple non-denominational prayers, and religious teaching which was based on the Gospels. Children whose parents objected might absent themselves from those prayers and instruction. It was for the home to form the child's religious outlook and to provide him with such opportunities for religious knowledge and practice as the parents might desire. The Danish representative had already referred to the difficulties caused by a similar clause in the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950, under the auspices of the Council of Europe (E/CN.4/544), despite the fact that that instrument had been negotiated by a small number of States with a common background and traditions. She failed to see how such a concept, if included in the Covenant, could be made acceptable to the General Assembly. She would be unable to vote in favour of its inclusion.

She appreciated the point made by the Indian representative on fundamental education, and believed that UNESCO would agree that the United Kingdom had not been dilatory in drawing up educational plans for her colonies - plans intended to make up for time lost in the past. The proposals of UNESCO which related to plans did not rightly belong in the Covenant, but related to implementation of rights and should be referred back to that specialized agency, especially since it was of the utmost importance to avoid duplication of work.

Turning to the first paragraph of the Soviet Union proposal, she expressed the belief that freedom of opinion was the measuring-rod of success in any country. The Soviet Union representative had referred to a statement made by one United Kingdom scientist. But what mattered was that in the United Kingdom all opinions could be freely discussed, and that non-conformity was accepted without censure. That, and that alone, was the basis of true education and of scientific thought. In their education and in their thought alike, all countries should strive towards liberality.

Mr. CASSIN (France) was gratified to note that in the main the United States delegation favoured the UNESCO proposals.

He supported the United States proposal that paragraph 5 of Article a) of the UNESCO draft should be replaced by the text of Article 26(2) of the Universal Declaration. He thought, however, that it was wrong to speak of racial groups, and that the term "ethnic group" was preferable.

With regard to culture, he was essentially in favour of the principle that science should remain free. Therefore, no matter how attractive the proposal made by the Soviet Union on that point he could not, for his part, accept the idea of a culture biased in one direction or another.

As to implementation, it was necessary to make a distinction. The French delegation could see no objection to deferring for the time being the discussion of a provision covering implementation of the right to education, which must ultimately be brought into line with the other general undertakings covering the implementation of economic, social and cultural rights as a whole. He did most

strongly urge, however, that there should be included among the general provisions a clause dealing with the implementation of the special plan to combat ignorance, which was the purpose of the UNESCO proposal.

The substantive objections to the UNESCO plan raised by the Soviet Union representative seemed unfair. It was not possible to conjure up schools or to train teachers by waving a magic wand, and it was quite certain that the provisions of the Covenant could be applied only gradually to every territory. There was no question in that connexion of reviving the colonial clause; France could be proud of the educational work which she had done in the territories placed under her jurisdiction, especially in Algeria.

Nothing could be more reasonable than to request nations, some of whose territories were backward, to draw up in two years a plan, the implementation of which would be under international control. Such a provision should make it possible to achieve both the national effort and the international co-operation mentioned in Article 22 of the Universal Declaration.

In connexion with the rights of parents and the duties of States, four different opinions had been voiced, or had become manifest, in the Commission. The first was that nothing at all should be said, because agreement on the matter would be too difficult to achieve. The second was the idea put forward by the Egyptian representative, who had proposed that States should recognise the freedom of parents to choose the type of religious instruction their children should receive.

The third view, advanced by the Danish representative and the Chairman, was that it was possible for public schooling organized by the State to co-exist with private institutions, thus allowing parents a wider field of choice. France was prepared to go that far, because that arrangement corresponded to the situation obtaining in her own territory.

Finally, one representative held the view that the State should be obliged, in organizing education, at all times to respect the preferences of parents, which was tantamount to saying that parents would give the orders but the State

would pay. In view of the existing state of his country's legislation, he could not vote for such a proposal.

A text which struck the happy medium might have a chance of commanding a majority. Such a text might state that each State party to the Covenant recognised that, in exercising the functions undertaken by it in the field of education and instruction, it should take due account of the freedom of parents to ensure that religious instruction was imparted to their children in accordance with their personal convictions. France herself, however, was willing to go farther in the direction of freedom.

The CHAIRMAN said that he was not aware that the fourth opinion mentioned by the French representative had in fact been advanced by any representative. No one had said that parents should be empowered to force the State to set up schools in accordance with their desires.

Mr. SANTA CRUZ (Chile) was anxious to reply to the criticisms of the UNESCO proposal, which he had formally sponsored. The United Kingdom representative had sought to belittle the proposal by pointing out that it emanated only from the UNESCO Secretariat. That criticism seemed unfounded, in face of the fact that the United Nations, in inviting the co-operation of the various specialized agencies, called upon the services of the entire body of participants in the work of those agencies, who were, in any case, responsible to their governing bodies.

The Soviet Union representative had described the guarantees stipulated in the UNESCO proposal as inadequate. The French representative could be said to have made an apposite reply to that criticism. In addition, there appeared to be no justification for the Soviet Union representative's charge that the UNESCO proposal was not precise enough on the subject of instruction in democratic principles. The reverse was rather the case. The Soviet Union formula to the effect that "The State shall ensure the development of science and education in the interests of progress and democracy" was far less precise than the stipulation in Article 26(2) of the Declaration that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms".

On the other hand, the Soviet Union representative had been correct in saying that it would be wrong to rely on progressive action by States in the application of the principle of non-discrimination in education. The general principle of non-discrimination was already expressly laid down in Article 2 of the Universal Declaration and article 1 of the draft Covenant. Nevertheless, it would be as well to make a further reference to it by inserting the following words after point 1 of Article (a) of the UNESCO text: "that education should be accessible to all in accordance with the principle of non-discrimination proclaimed in paragraph 1 of article 2 of the Covenant".

Turning to the question of implementation, he submitted, contrary to the position taken by the United States delegation, that it was essential, in dealing with the right to education, to make provision for a special implementation clause, just as the Commission had agreed to do in the case of the right to health.

Lastly, he pointed out, in reply to an observation by the United Kingdom representative criticising the alleged vagueness of the provisions set forth in points 3 and 4 of Article (a) in the UNESCO proposal, relating to secondary and higher education, that the provisions simply repeated the expressions already used in Article 26(1) of the Universal Declaration, the meaning of which was very clearly understood by every member of the Commission.

The CHAIRMAN said that he had intended to ask the Commission to vote separately on the first part of the second paragraph of the Soviet Union proposal. The Chilean representative had now in effect proposed that that sentence be inserted in the UNESCO text. Speaking as Lebanese representative, he supported the Chilean representative in that respect.

Still speaking as Lebanese representative, he could not agree with the representative of France that the word "ethnic" should be substituted for the word "racial". It was wrong for people to close their eyes to the existence of racial discrimination; indeed, the rejection of a word which figured in the Universal Declaration might give rise to doubts and misgivings. He would therefore propose that the clause in question read: "... tolerance and friendship among all nations and racial, ethnic or religious groups ..".