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Present:Chairman: Mr. HALIK (Lebanon)Members:

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| Australia | Mr. WILLIAMS |
| Chile | Mr. SANTA CRUZ |
| China | Mr. YU |
| Denmark | Mr. SØRENSEN |
| Egypt | AZHI Bey |
| France | Mr. LEROY-BEAULIEU |
| Greece | Mr. EUSTATHIDES |
| Guatemala | Mr. DUPONT-WILLENIN |
| India | Mrs. NEHTA |
| Pakistan | Mr. WAHEED |
| Sweden | Mrs. ROSSEL |
| Ukrainian Soviet Socialist Republic | Mr. KOVLENKO |
| Union of Soviet Socialist Republics | Mr. MOROSOV |
| United Kingdom of Great Britain and Northern Ireland | Miss BOWIE |
| United States of America | Mrs. ROOSEVELT |
| Uruguay | Mr. CLASULLO |
| Yugoslavia | Mr. JEVROVIC |

Representatives of specialized agencies:

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| International Labour Organisation | Mr. PICKFORD |
| United Nations Educational, Scientific and Cultural Organisation | Mr. SIB, Mr. ELVIN, Mr. BAJATE, Mr. LIVET |

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Representatives of non-governmental organizations:

Category A

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| International Confederation of Free Trade Unions | Miss SENDZIK |
| International Federation of Christian Trade Unions | Mr. GGERMANN |

Category B and Register

| | |
|---|--------------------------------|
| Carnegie Endowment for International Peace | Mrs. CARTER |
| Catholic International Union for Social Service | Miss de ROMER Mrs. SCHLUDER |
| International Federation of Business and Professional Women | Miss TOMLINSON |
| International League for the Rights of Man | Mr. de KILLY Mr. BALDWIN |
| International Union for Child Welfare | Mrs. SMALL |
| International Union of Catholic Women's Leagues | Miss de ROMER |
| World Jewish Congress | Mr. BIENENFELD |
| World's Young Women's Christian Association | Miss ROBERTS |

Secretariat:

| | |
|--------------|------------------------------------|
| Mr. Humphrey | Representing the Secretary-General |
| Mr. Das | 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/Rev.1,
E/CN.4/600, E/CN.4/602, E/CN.4/604, E/CN.4/605, E/CN.4/607, E/CN.4/608,
E/CN.4/C.14/2/Add.4) (continued)

The CHAIRMAN invited the Commission to continue its consideration
of the proposals concerning the right to education.

Mr. JEVREMOVIC (Yugoslavia) said that he would be prepared to withdraw
his proposal and to support that of the United Nations Educational, Scientific
and Cultural Organization (UNESCO), which had been sponsored by the Chilean
delegation, subject to the adoption of certain amendments to it.

He objected to the phrase "with due regard to its organization and
resources" used in the last paragraph of Article (a). If the implementation
of the rights set forth in the Covenant were to be made dependent on the
structure or organization of signatory States, it was doubtful whether they
would ever be implemented. He therefore proposed that the paragraph in
question be so amended as to obligate signatory States to undertake the measures
necessary for the attainment of the objectives of the Covenant irrespective of
their structure.

He welcomed the Chilean representative's proposal that Article 26 (2)
of the Universal Declaration of Human Rights should be substituted for point 5
in Article (a) of the UNESCO proposals provided that, as suggested by the French
representative, the word "racial" was replaced by the word "ethnic". Furthermore,
he was particularly anxious that some provision should be made for the direct use
of education as a means of abolishing racial hatred, and therefore proposed the
addition at the end of the first sentence of Article 26 (2) of the words "and
above all to the elimination of all incitement to racial and other hatred".

He saw no reason to include in the article on the right to education any reference to article 25 (3) of the Universal Declaration, concerning parents' right to choose what kind of education their children should receive. That point was already covered by article 13 of the draft Covenant, which stated that the right to freedom of thought, conscience and religion should include the freedom of everyone "to manifest his religion or belief in teaching...."

The UNESCO proposal also seemed to him unnecessarily long; it would gain by being re-drafted more concisely. He disagreed with those representatives who thought that a more succinct form of the proposal might make the non-implementation of the rights it conferred more likely. However that might be, the UNESCO proposal was realistic and his delegation was in favour of its adoption.

Mr. EGGERMANN (International Federation of Christian Trade Unions), speaking at the invitation of the CHAIRMAN, said that he had followed with great interest the discussion on the articles concerning educational and cultural rights. He was grateful to the Egyptian representative, who had been right in saying that the child was a member of the community, for his explanations of the religious situation in Egypt. He (Mr. Eggermann) would, however, point out that the child was first and foremost a member of the family. The consideration was a vital one, for in the opinion of the International Federation of Christian Trade Unions the family was the very basis of society. He felt, therefore, that, as a general rule, the best judges of what was good for the child were its parents. It would be dangerous not to recognize that principle in the Covenant. Consequently, he welcomed with deep satisfaction the Danish amendment (E/CN.4/600) which sought to include in the Covenant the provisions of article 26 (3) of the Universal Declaration of Human Rights.

Religious instruction was a matter of constant concern to the Federation. But the choice of the child's school was not determined solely by denominational considerations. It was therefore best to leave that choice to the parents. The child's education began at birth, and its earliest education largely determined its future place in the community, a community which, he hoped, would

constantly grow better, broader and more peaceful.

AMR Bey (Egypt) wished to submit two amendments (E/CH.4/608) to article (b) of the UNESCO proposals.

The first related to the words "all territories", which clearly meant both the metropolitan territory and all dependent territories of the country in question. The statements made by the Soviet Union and French representatives at the last meeting, however, caused him to suspect that his interpretation of that point was not generally accepted. He therefore proposed that the text should be made clearer by substituting the words "its metropolitan territory or other" for the word "all" in the fifth line. He hoped that the UNESCO and Chilean representatives would accept that amendment.

The purpose of his second amendment was to give greater precision to the phrase "within a number of years". He felt that he was expressing more clearly what everyone had in mind by proposing the insertion of the word "reasonable" before the word "number".

Mr. WHITLAK (Australia) said that the Australian delegation had only one serious objection to the UNESCO proposals. Article (b), which introduced the concept of planning into the draft Covenant, was out of character with the general tenor of the articles so far adopted, being more in the nature of a prospectus for a programme of action. Hence it fell within the competence of the specialized agencies rather than within the sphere of activity of the Commission; his delegation therefore intended to vote against its adoption. He did not question the enthusiasm and sincerity which had prompted its submission, but the breadth of its terms adumbrated implications that would not always work out to the advantage of the territories in which it might be implemented, more particularly those inhabited by primitive tribes, to whom it would be unrealistic and dangerous to attempt to apply literacy tests within the foreseeable future. Literacy per se did not necessarily make for

the betterment of such peoples, and the article therefore required modification to make allowance for the case of primitive, illiterate tribes. He hoped that the UNESCO representative would be able to provide a definition of literacy which would cover the points he (Mr. Whitlam) had just made. He agreed, however, about the need to encourage the development of the modern system of education so far as possible, and so soon as it might be appropriate to do so.

His delegation could accept the United States proposal in its revised form (E/CH.4/593/Rev.1), subject to a few qualifications. First, he supported the United Kingdom amendment (L/Ch.4/602), which proposed that paragraph 2 of the United States text should be made to read: "that primary education should be compulsory and freely available to all." Secondly, he felt hesitant about paragraphs 3 and 4 at the present stage. Thirdly, he proposed that the order of the sentences in paragraph 6 be rearranged to make it read:

"that education should encourage the full development of the human personality, enable all persons to participate effectively in a free society, strengthen respect for human rights and fundamental freedoms,..."

The objective of enabling all persons to participate effectively in a free society was important enough to warrant its being placed earlier in the paragraph. His delegation conceived of education in its broadest sense, that was to say, as the means of enabling men and women to develop in full equality to the stage at which they could play their full part in a free society. The problem before the Commission was that of finding a precise definition of "education" which would present no possibility of misinterpretation.

The amendments to the United States proposal submitted by the representatives of Denmark (L/Ch.4/600) and Lebanon deserved serious consideration. He endorsed the view expressed in the Danish amendment, that parents should be free "to choose for their child a privately established systems of education...", although he found the phrase itself

...somewhat ambiguous. In countries which had adopted the British system of education, the word "private" by no means covered all educational establishments outside the State system. Moreover, the succeeding phrase, "which conform with the minimum standards laid down by the State", might lead to considerable restrictions being placed on the contact of private and public educational systems outside the State system. He agreed that it was necessary to lay down minimum standards for teachers in private educational establishments, but declined to admit that that process should take the form of mere standardisation of external qualifications, which, although they might make their holders eminently suitable to impart instruction, would not qualify them to give their pupils education in its broader sense. In many countries, as the representative of Egypt had pointed out, too much emphasis was laid on instruction, and not enough on education.

Lastly, while he accepted the general principles underlying the texts before the Commission, he urged that governments should be given time to examine them and propose modifications to them. If the Commission decided to vote on them forthwith, he would be obliged to abstain.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) thought that it was imperative to include in the Covenant a provision prescribing that education should be free and accessible to all without distinction of race, sex, nationality or religious belief, and that that right should be implemented by a system of scholarships.

In the Ukrainian Soviet Socialist Republic, as, indeed, throughout the Soviet Union, a cultural revolution had been wrought since 1917, when 75 per cent of the population of the Ukrainian Republic had been illiterate. Today, illiteracy had been completely eradicated. The right to education free of charge was now guaranteed to all children and students.

He then described in some detail the development of education in the Ukraine since the Great October Revolution of 1917.

He went on to say that the Ukrainian delegation also believed that the Covenant should contain a provision ensuring the development of science along peaceful lines. Measures to that end had already been adopted in the Soviet Union, whereas it was well known that in the United States of America, on the contrary, education had been completely militarized; the writings of many eminent American experts on education provided ample proof of that terrible fact.

Referring to the French representative's suggestion that the word "racial" in Article 26 (2) of the Universal Declaration, which it was proposed to insert in the Covenant in connexion with the right to education, should be replaced by the word "ethnic", on the ground that racial doctrines were a thing of the past, he pointed out, quoting extensively from American sources, that the whole of the United States educational system was so permeated - he would even say saturated - with the doctrine of the racial superiority of white Americans and the inferiority of other races, particularly the negro races, that any American who expressed progressive ideas on racial issues was considered to have betrayed his country's ideals. His delegation therefore opposed the French suggestion, and unreservedly supported the Soviet Union text reproduced in the synoptic table (E/CN.4/AC.14/2/Add.4, Section IX).

Mr. HAVET (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the CHAIRMAN, and referring to the Organization's proposals for the inclusion in the Covenant of the rights to participate in cultural life and to enjoy the benefits of scientific progress and author's rights (pages 3 and 4 of document E/CN.4/AC.14/Add.4), said that the principles applicable in that field

were enunciated in Article 27 of the Universal Declaration of Human Rights. In addition, by its resolution 421 (V) the General Assembly had requested the Commission, in accordance with the spirit of the Universal Declaration, to include in the draft Covenant a clear expression of economic, social and cultural rights. It was for that reason that UNESCO had ventured to attempt to assist the Commission in the drafting of an article concerning participation in cultural life and the enjoyment of the benefits of scientific progress. The texts submitted were designed to serve as a guide in analyzing the aspects of any such rights as might be included in the Covenant.

UNESCO naturally desired that any clauses concerning science and culture inserted in the Covenant should be as precise as possible, although it fully appreciated the Commission's desire for the greatest possible brevity. At all events, he considered that a recognition in the Covenant of principles and aims in that field was a necessity.

The formulation of a clear expression in the Covenant of cultural and scientific rights was not unattended by difficulty. As had already been pointed out by the Director-General of UNESCO at the first meeting of the Working Group on Economic, Social and Cultural Rights,⁽¹⁾ intervention by the State in the cultural and scientific field gave rise to complex problems, and neither thinking nor legislative practice had attained the same degree of maturity in that sphere as in the sphere of education. It should be added that the development, and even the dissemination, of culture were very largely dependent on the activities of private individuals and groups. The participation of everyone in cultural life presupposed individual initiative. The enjoyment by everyone of the benefits of scientific progress presupposed the desire of every man to improve his way of life, and was largely dependent on the work done by bodies which, in certain countries, were not responsible to the public authorities.

(1) See summary record E/CN.4/AC.14/SR.1, pages 13-17.

However, as was stated in the Constitution of UNESCO, an effort was still required of the public authorities to promote such participation in cultural life and scientific progress, to encourage and co-ordinate activities to that end, to facilitate international exchanges, to relax the restrictions sometimes imposed by the State on cultural and scientific life, and, finally, to eradicate drastically all discrimination against individuals and groups.

Such efforts could only be fully effective if they included the exchange of information, activities on the international plane and the co-ordination of such activities. These were objectives, not measures of implementation; for the complicated, long-term task of ensuring the observance of such rights was primarily a job for a multitude of bodies, and for UNESCO as the responsible co-ordinating specialized agency.

Universally available culture represented the coping-stone of the edifice of human rights, and as such was essential, since it made possible the development and expression of human personality in relation to civilization. Science was of two-fold importance, first because, as a branch of knowledge, it was part of the vast edifice of culture in the broadest sense of that term, and secondly because scientific discoveries in the theoretical field might lead, especially in the present era, to practical applications of cardinal importance for the improvement of human welfare, more particularly in health, economics and the dissemination of culture itself. The right of everyone to enjoy his share of the benefits of science was to a great extent the determining factor for the exercise by mankind as a whole of many other rights. It should also be noted that the dissemination of scientific knowledge could contribute largely to the removal of certain prejudices, for example racial prejudices, which constituted a direct threat to the whole edifice of human rights.

Accordingly, as the Director-General of UNESCO had said, the omission of all reference to science and culture from the Covenant was scarcely conceivable. Under the Constitution of UNESCO the contribution to be made by States in that field was to maintain, increase and diffuse knowledge. In that connexion, the original text submitted by his Organization had included detailed provisions concerning access to manifestations of cultural life, the preservation of the cultural and scientific heritage, the safeguarding of the liberty and security of those who increased and developed the national heritage and, lastly, the cultural development of minorities.

The Commission having subsequently intimated its preference for short articles, the UNESCO delegation had submitted a new text limited to the enunciation of the general principles, more especially that regarding enjoyment of and participation in cultural life. Such participation, of course, represented an extension of education, especially insofar as it aimed at the full development of man's personality and at mutual understanding between individuals and groups, but it did so in a broader and less systematic manner than did educational processes. It was for the individual himself to respond to the offer made to him, but for all that an offer must first be made.

The technical aspects of the implementation of the right to enjoyment of and participation in cultural life were being studied by UNESCO and its 59 Member States. In certain cases, the UNESCO Secretariat was preparing draft conventions. Obviously, an International Covenant on Human Rights could not include very full technical provisions. But on the basis of the UNESCO programme and of UNESCO's experience he could list the following objectives of its basic programme: the dissemination of culture; the circulation of artistic, literary and scientific works both within national frontiers and at international level; the preservation of each country's national heritage and freedom of access to it for citizens of other countries; the need to create an atmosphere of mutual understanding excluding any narrowly nationalistic cultural policy; and the safeguarding of the individual's right to participate in cultural life and of any contribution he might be able to make to it.

Enjoyment of the benefits of scientific progress implied the dissemination of basic scientific knowledge, especially knowledge best calculated to enlighten man's minds and combat prejudices, co-ordinated efforts on the part of States, in conjunction with the competent specialized agencies, to raise standards of living, and a wider dissemination of culture through the processes and apparatus created by science.

With regard to the protection of the moral and material interests of authors and artists, UNESCO was proceeding with the task of harmonizing national and international legislation and practice in that field. It was hoped that a convention would be submitted to governments, for signature in 1952, relative to the interests of artists and writers, including scientific writers, but excluding the question of scientific discovery in the strict sense of the term, and of patents, in connexion with which special studies were being made by the UNESCO

The UNESCO delegation considered that recognition of authors' rights should find a place in the Covenant, since it had already been included in the Universal Declaration, and represented a safeguard and an encouragement for those who were constantly enriching the cultural heritage of mankind. Only by such means could international cultural exchanges be fully developed.

To sum up, the purpose of the text submitted to the Commission by UNESCO was simply to list the main points on which the Commission might wish to adopt decisions. He thanked the representatives of Chile, France and Uruguay for having consented to sponsor the UNESCO proposal or submit amendments to it. He would draw attention to the second, shorter text submitted by the Organisation; his delegation was at the Commission's entire disposal should the latter wish to evolve an even briefer text.

Mr. ELVIN (United Nations Educational, Scientific and Cultural Organisation), speaking at the invitation of the CHAIRMAN, asked leave to reply to certain questions raised during the debate, and to comment on the amendments moved to the UNESCO suggestions.

The Chilean amendment (E/CN.4/604) was acceptable. With regard to the objections raised concerning the use of the word "racial" he would point out that the Department of Social Sciences of UNESCO had recently published a statement on the subject of race, in which it was indicated that that word was often mis-applied, and that it frequently happened that certain characteristics were attributed to so-called "races" without any scientific justification therefor. He suggested that all possibility of misunderstanding would be avoided if, instead of the word "racial" alone, the term was expanded to read "racial and ethnic".

He had been surprised by the Soviet Union representative's interpretation of the words "in all territories within its jurisdiction", as used in the last paragraph of Article (a) of the UNESCO proposal. He thought it was clear that that phrase meant "metropolitan and non-metropolitan" territories, but his delegation would be pleased to accept the Egyptian amendment (E/CN.4/606) to clear the matter up.

His delegation also welcomed the United Kingdom amendment (E/CN.4/602) to the United States revised proposal (E/CN.4/595/rev.1); that amendment represented an improvement on the original wording.

With regard to the United Kingdom representative's inquiry as to the meaning of the expressions "generally available" and "on the basis of merit" in points 3 and 4 of article (a) in the UNESCO proposal, he would point out that that wording had been borrowed from the Universal Declaration. He agreed that in English the expression "generally available" was not very satisfactory; what was meant was that facilities should be "widely available". As to the expression "on the basis of merit", his Organization had meant to convey that opportunities for higher education should be based on the ability of the child to benefit from such education, irrespective of whether its parents could afford to pay the fees or not. He did not think that either of those two expressions would be misunderstood.

He recognized that there was some force in the United States representative's argument that the proper place for article (3) was in a general provision, and was prepared to agree that that article should be transferred, if necessary.

The phrase "with due regard to its organization and resources" in the last paragraph of article (3), about which the Yugoslav representative had expressed concern, had been inserted as a recognition of the need for taking into account the diversities of structure existing in the various countries; it had been found that certain recommendations made by the League of Nations with regard to educational programmes had been vitiated by the failure to do so.

The Australian representative had expressed, in terms which did less than justice to the close concern of the Australian Government for educational progress, some legitimate doubts regarding the methods of implementing the principles enunciated in article (4). It was true that plans were inevitably fallible and that, as the Australian representative had suggested, regard must be paid to a people's existing cultural level in considering educational measures. For example, UNESCO had found it necessary to carry out an anthropological survey before it could initiate its educational programme in Haiti. In drawing

up educational programmes it was necessary to give close attention to the state of a country's technical development. But all those considerations merely served to illustrate the real need for careful planning.

Certain objections had been raised to article (b) on the ground that its provisions were not suitable for inclusion in the draft Covenant. The word "implementation", which was a comparatively new acquisition of the English language, often gave rise to confusion. The formulation and adoption of a detailed plan of action, as suggested in article (b), was a very different type of implementation from that contemplated in the creation of the Human Rights Committee which was to receive complaints of violations of the Covenant. As Article (b) related to implementation in the specific field of primary schooling, he did not feel that, as some representatives had suggested, it should be incorporated in a general provision on implementation. It did no more than require governments to undertake to draw up a plan; its adoption would give legal recognition to the close relation of the work of UNESCO with the protection of human rights generally.

As some representatives had expressed their general support for article (b), and had voiced doubts only as to where it should be placed in the Covenant, he would suggest that it be nevertheless put to the vote, on the understanding that the Commission might, at a later stage, decide to translate it to some other part of the draft Covenant.

Mr. CIASULLO (Uruguay) again declared his support for the UNESCO proposal, subject to the amendments (E/CN.4/605) he had submitted to it. He felt that the articles on the right to education and cultural rights ought not to be too short. It was most important that the text should be sufficiently full. That was why he preferred the UNESCO text to all the other proposals before the Commission.

With regard to the right of parents to a say in their children's education, the interpretation placed on article 26 (3) of the Universal Declaration by the Chilean representative caused him to feel that it was unnecessary to include that text in the Covenant. The provisions of articles (a), (b) and (c) of the UNESCO text would give an adequate guarantee of the rights in question.

He considered that the Danish amendment merely repeated the provisions of article 13 of the draft Convention, and ought therefore to be withdrawn. The first Uruguayan amendment, on the other hand, clarified the UNESCO text and supplemented the provisions of article 13 of the draft Convention without repeating them.

His delegation also proposed the addition of the words "and should be made progressively free" at the end of point 4 of article (a) in the UNESCO proposal. He regretted that it was not possible to follow the more drastic course of providing that education should be free at all stages, as a clause to that effect could not command universal support. He emphasized, however, that it was in the interest of States themselves to make a freely chosen and gratuitous education, especially vocational education, available to the lowest classes of society. The scholarship system could never quite replace free education.

He would ask that separate votes be taken on certain parts of the UNESCO text, so that he could oppose the adoption of provisions he thought unnecessary and dangerous. For instance, he would vote against the phrase "with due regard to its organization" in the last paragraph of article (a): he agreed with the Yugoslav representative that no explicit reservation in that sense was called for. If the signatory States worked out detailed plans, in accordance with the provisions of article (b), they would obviously take their structure and organization into account in doing so.

The same considerations applied to the provisions regarding racial and linguistic minorities, in paragraph (a) of article (d). He had stated at the 226th meeting that he believed that mankind should strive to do away with the distinctive characteristics of minorities, not accentuate them. Once a group of individuals became part of a community it should try to identify itself with that community, and not persist as a minority surrounded by artificial barriers, and hence giving rise to unnecessary problems.

He was not entirely satisfied with the explanations given by the UNESCO representative in connexion with the use of the word "racial". For his part, he would not be able to agree to the word being retained, since he objected to

a text which re-affirmed the existence of ethnic, and above all of racial, groups. The chief objective was to promote understanding, toleration and friendship, with a view to abolishing racial prejudices.

Mr. SORENSEN (Denmark), introducing his amendment (E/CN.4/600) to the United States and UNESCO proposals, said that the discussion reflected the difficulty of transcribing into legal terms the principle enunciated in Article 26 (3) of the Universal Declaration. His amendment attempted to express recognition of the right of parents to choose a system of education other than that provided by the State for their children, it being understood that private schools must conform to minimum standards laid down by the government of the country concerned. That amount of State interference was inevitable, if the right to primary education was to be real and not illusory. It had been suggested that a provision enabling the State to prescribe minimum standards for the staff and curricula of private schools might be more precise, but he did not believe such a course to be possible at the present stage. The Australian representative had referred to the difficulty of distinguishing between public and private education. He (Mr. Sorensen) was aware that terminological difficulties were involved, and would be grateful for the help of the Australian representative, as an English speaking member of the Commission, in the matter.

Paragraph 2 of the Danish amendment referred to the necessity for giving parents enough freedom of choice to ensure that the religious education of their children conformed with their own convictions. He believed that such a provision would still be needed, even if the principle stated in paragraph 1 of his amendment was accepted and included in the draft Covenant. With a system of State schools it was necessary to ensure that children should not be compelled to undergo the particular form of religious instruction which those schools offered. The Uruguayan representative had suggested that that issue was already adequately covered by paragraph 1 of the Uruguayan amendment, and by article 13 of the draft Covenant. Paragraph 2 of the Danish amendment would indeed be superfluous were those other provisions sufficiently precise. But he

could not agree that they were, and therefore advocated the insertion in the draft Covenant of a specific provision designed to ensure that freedom of choice to parents.

The CHAIRMAN, speaking as representative of Lebanon, stated that as the result of a close comparison of the English and French texts of the Universal Declaration, he had found some twenty-seven discrepancies between them, not all of which were of equal importance. There were, however, six serious divergencies, among them the use of the word "racial" in the English text and of the word "ethnique" in the French text. The difference in meaning between those two words had been debated at great length in connexion with the Convention on Genocide, and it had finally been decided to use both in Article II of that instrument.

With regard to the problem of the rights of parents, he had little to add to the statement he had made at the previous meeting, but, speaking as CHAIRMAN, he wished to recall that, when the substance of Article 26 (3) of the Universal Declaration had been under discussion by the Commission, the text had been rejected. Later it had been adopted by the Third Committee of the General Assembly, on which occasion representatives of the following States Members of the Commission now present had voted in favour: Australia, Chile, India, Pakistan and Sweden. Conversely, France, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, Uruguay and Yugoslavia had voted against Article 26 (3). But he had been heartened by the indirect suggestion that the United States Government might reconsider its position if an appropriate text could be evolved. It was interesting and significant that the representatives of three religious non-governmental organizations representing the Protestant, Jewish and Roman Catholic faiths should have come out strongly in favour of a clause recognizing the right of parents to choose the kind of religious education that their children should receive.

Mr. SANTA CRUZ (Chile) recalled that it was his delegation that had sponsored the UNLSOU proposal; its amendments (E/CN.4/604) should therefore.

be regarded as incorporated in the proposal before the Commission. There were, however, two corrections which should be made to those amendments. The purpose of the first was similar to that of the second paragraph of the Soviet Union proposal contained in document E/CN.4/C.14/2/Add.4; it should be amended to state that educational facilities should be accessible to all, in accordance with the principle of non-discrimination laid down in article 1, paragraph 1, of the Covenant. Secondly, he reminded the Commission that he had agreed to the substitution of paragraph 6 of the United States proposal for the second Chilean amendment.

As to the Yugoslav amendment (E/CN.4/607), his views concerning the word "racial" were well known. At the Commission's sixth session he had proposed that it be replaced by the word "ethnic" since it had been abundantly proved that the word "racial" was devoid of all scientific basis. Moreover, the Spanish text of article 20 (2) of the Universal Declaration referred, not to "racial", but to "ethnic" groups, and was of equal authenticity with the English and French texts. The UNHCR representative had produced new arguments which further confirmed his (Mr. Santa Cruz') views.

He realized, however, that it might be advisable not to omit all mention of the word "racial", which was current in many countries. The wording of the Yugoslav amendment was, therefore, particularly felicitous, since it began by substituting the words "ethnic and religious groups" for the words "racial or religious groups", and went on to specify that education ought to be directed above all to the suppression of all incitement to "racial" and other hatred. He therefore accepted that amendment with pleasure; it should not be understood, however, as meaning that the suppression of all incitement to racial hatred should take precedence over the strengthening of respect for fundamental human rights and freedoms, and the word "including" should therefore be substituted for the words "and above all to".

He also accepted the two Egyptian amendments (E/CN.4/608). With regard to the first, although the UNHCR text seemed clear enough, there could be no objection to its being made still clearer. The second Egyptian amendment emphasized the importance of introducing some criterion of the time within which

States would seek to implement their plans for the introduction of compulsory education in the territories under its jurisdiction.

As to the Danish and Uruguayan amendments, his delegation had always opposed the adoption of Article 26 (3) of the Universal Declaration. The Uruguayan delegation, however, had proposed a form of words which he would be prepared to vote for, although he could not embody them in his own proposal lest that cause some members of the Commission to reject it as a whole. He accepted the Danish amendment, which reflected both his own views and those of the Chilean legislation.

He then turned to another, more general aspect of the Commission's work. Generally speaking, its deliberations were conducted in an atmosphere of understanding and co-operation. Certain members, however, especially the Ukrainian representative at the present meeting, had seen fit to criticize some other countries for their failure to respect certain human rights. Naturally, all members of the Commission had the right to support their views with facts they believed to be true, but he would remind the Commission that the United Nations had thought it necessary to adopt a Universal Declaration of Human Rights and to instruct the Commission to draft an International Covenant in that field because it was aware that all human rights were not invariably accorded sufficient respect. More particularly, had there been no totalitarian governments in the world which denied fundamental human rights and liberties, the members of the Commission would not have met to draft a text to secure respect for them.

Each member of the Commission should feel humbled by the defects and inadequacies of his native country. It was by drafting the Covenant that they could help to remedy those defects and inadequacies. It was regrettable, therefore, that certain members of the Commission should think it necessary to expose the inadequacies of other countries during the examination of each separate article, and he urgently implored members of the Commission to refrain from doing so in the future. Such observations would be more suitably made before those organs of the United Nations set up to deal with complaints about the non-observance of human rights.

Mrs. BOSSEL (Sweden) said that the attitude adopted by each member to the provision dealing with the right to education must inevitably be dictated by the situation obtaining in his or her country. If all countries had a social structure similar to that of her own, where for the past hundred years there had been compulsory, free education for all for seven years, she would have been in favour of the simplest possible text. The UNESCO proposals appeared, moreover, to have won considerable support. What she feared was that the adoption of so detailed a provision would upset the balance of the rest of the Covenant. She would refer, for example, to the extremely laconic statement of principle in the provision relating to the right to social security. For the provision dealing with education she would have preferred a far briefer text, such as the United States revised draft, which resembled Article (a) of the UNESCO proposal, as amended by the United Kingdom proposal (E/CN.4/602).

With regard to the use of the word "racial", she suggested that other groups might also be mentioned, with the idea of indicating that the right to education should be ensured without distinction of any kind, in accordance with the provisions of article 1 of the draft Covenant. On that point she did not regard the Chilean proposal as entirely satisfactory; it might indeed have the effect of weakening that article. She noted that the Soviet Union proposal made no mention of the fact that educational facilities should be accessible to all without any religious discrimination.

She would support the Danish amendment, which was consonant with practice in her own country.

The CHAIRMAN, speaking as representative of Lebanon, said that if, in connection with the principle of non-discrimination, the Swedish representative wished to move a formal amendment involving the inclusion of a reference, to article 1 of the Covenant, he would support it.

Mr. MOROSOV (Union of Soviet Socialist Republics) recalled his statement, made at the previous meeting, that the UNESCO proposal was not acceptable to his Government, because it constituted a veiled attempt to legalize the appalling situation of colonial and non-self-governing peoples in

respect of educational facilities. In the light of the statement made at the present meeting by the Australian representative, which had been endorsed by the representative of UNESCO, there could be no further doubt of the real intention of that text. He had been profoundly shocked by the shameful turn the discussion had taken concerning the education of the coloured peoples.

In that discussion, two arguments had been advanced which called for a reply. The Australian representative had said that literacy might be harmful, and had suggested that even the kind of plan contemplated in Article (b) of the UNESCO suggestion would be going much too far. He (Mr. Morozov) could not agree with the Chilean representative that members of the Commission should refrain from drawing attention to the situation in countries other than their own. There could be no objection to their drawing attention to a state of affairs which demanded rectification. He could not subscribe to the theory that the Commission should ignore the real facts of any situation, provided they were well substantiated, and take refuge in an ivory tower of pure theory. He therefore felt it incumbent upon him to state that the supremely reactionary attitude of the Australian representative reflected only too faithfully the Australian Government's policy with regard to the aboriginal population. In support of that contention, he would refer to a report in the Sydney Sun Pictorial of 12 February 1949, which stated that some aboriginal children had been debarred from attending school on the instructions of the Administrator of the Northern Territory, who had said that the presence of aboriginal children in State schools was contrary to the Australian Government's policy. In the Report on the Administration of the Northern Territory for 1946-47, published in Canberra in 1949, it was stated that native children needed special education which could only be given by missionary or State schools for natives under the control of the Director for the Department for Native Affairs. The same line of argument had been voiced even more explicitly by Dr. Malan, who had said that the education of natives would weaken the position of the white population in the Union of South Africa. It should be noted that in that country very much smaller sums were spent on native education than on education for whites.

The examples he had quoted were nothing less than manifestations of unashamed racial discrimination, based on the theory of the superiority of the white peoples. Thus the Commission did not have to look far for instances of racial discrimination.

The representative of a specialized agency which claimed to play a leading rôle in educational matters had expressed his full agreement with the Australian representative's statement that literacy could be harmful. He must congratulate the representative of UNESCO on the extremely original discovery that educational experiments must be preceded by anthropological surveys. That reminded him of the Italian criminologist Lombroso who, during the latter half of the nineteenth century, had evolved the theory that certain people had an innate disposition to commit crime, and that potential criminals could be detected by certain anthropological tests, such as measuring the skull. The exposition of such monstrous theories seemed to him to be hardly in keeping with the Commission's dignity.

Some representatives had supported in principle his opposition to the UNESCO proposals, but their amendments to that text failed to effect any real improvement. They would not, for example, eliminate the element of vagueness or remove the admission that the introduction of educational measures in various territories would have to be progressive. There would thus be nothing to prevent countries with a bad record from persisting in their past policy. Nor did the Chilean amendment (E/CN.4/604) eradicate the substantial defects of the UNESCO suggestions; indeed, it would be impossible to rectify a provision of which the whole conception was fundamentally erroneous, in that it failed to lay any obligation on States to introduce immediate and effective measures for the provision and improvement of satisfactory educational facilities for everybody within their territory, irrespective of race, sex, language, means or social origin. He could not support the UNESCO proposal, which, if embodied in a provision in the draft Covenant, would delude the public opinion of the world into thinking that something effective had been achieved.

Mr. EUSTATHIADES (Greece) proposed the adjournment of the discussion.

The Greek proposal that the meeting rise was adopted by 11 votes to none with 5 abstentions.

The meeting rose at 1.15 p.m.