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DRAFTING COMMITTEE

SECOND SESSION

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UNION OF SOVIET SOCIALIST REPUBLICS IN THE  
DRAFTING COMMITTEE OF THE  
COMMISSION ON HUMAN RIGHTS

4 May 1948 - Lake Success, New York

You have seen fit to reject the Soviet delegation's proposal for a general discussion in this Committee on the question of fundamental human rights. Such a discussion might have provided a firm basis for the subsequent elaboration of a draft of the basic provisions of a "Declaration on Human Rights", and also, later of the "Declaration" itself.

Without even trying to obtain general agreement on the basic principles of such a "Declaration" and other documents connected with it, you prefer to proceed immediately to a consideration article by article of the draft Declaration and not only of that, of the draft International Covenant on Human Rights submitted to the Drafting Committee as the result of the work of the Second Session of the Commission on Human Rights held in Geneva in December 1947.

Such a course of procedure may, of course, be logical. But such logic has nothing in common with the logic of sincere and loyal international co-operation which is essential for the satisfactory discharge by the Committee of the tasks before it.

In connection with the Committee's acceptance of the working procedure referred to, I have already had occasion to state that such a working procedure reminds one most of all of the actions of people who, having decided to build a house, begin not by laying a firm foundation (as the Soviet delegation proposed) or even by setting up the walls, but begin straightaway to build the roof, and even to quarrel about how high above the ground this roof should be placed and how it should best be decorated.

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You may blame yourselves, Gentlemen, if in the end the building you have constructed collapses, or turns out to be built on sand and unfit for habitation.

/So far as

So far as concerns the Soviet delegation, it cannot of course assume responsibility for the construction of such houses of cards, which are bound in advance to dissolve into dust at the first contact with reality.

Let us now consider what value can be attached to the "Declaration on Human Rights" which was drawn up at Geneva in December 1947 and is now submitted here for our attention. I am empowered to state that the draft "Declaration" submitted to the Drafting Committee is unsatisfactory and unsuitable even as a basis for discussion. As a matter of fact, if this draft were converted into a "Declaration on Human Rights", such a "Declaration" would not properly guarantee human rights.

In this connection the Soviet delegation reserves the right to submit its own draft "Declaration" in place of this one at a later stage in the work of the Committee.

What requirements should a "Declaration on Human Rights" in fact satisfy?

1. A "Declaration on Human Rights" should first of all guarantee respect for human rights and fundamental freedoms for all, without distinction of race, nationality, class, religion, language or sex, in accordance with the principles of democracy, State sovereignty, and the political independence of States.
2. A "Declaration on Human Rights" must not only proclaim rights but guarantee their realization, regard being had, of course, to the economic, social, national and other peculiarities of each country.
3. A "Declaration on Human Rights" must not only define the rights but also the obligations of citizens towards their country, people and State.

The draft "Declaration" before us does not satisfy a single one of these requirements.

Take the question, for instance, of how far the contents of the "Declaration" are consistent with the basic principles of democracy. Surely a true democracy must, especially in present-day conditions, imply the necessity of combating Fascism and Nazism as manifestations of imperialist aggression and reaction which are most repulsive, bloody and dangerous to humanity and democracy itself! Can any genuine democrat in our day be other than an anti-Fascist, an anti-Nazi? Can we consider anyone a democrat who, in spite of the experience of the Second World War, which was an anti-Fascist war of liberation, wants now to stand aside from the fight with the remnants of Fascism and Nazism and the danger of their revival?

/What can

What can be said in this connection of the draft "Declaration on Human Rights", in which there is a most solemn reference to the "just requirements of the democratic State" (Article 2 of the draft "Declaration"), but not a single word about such basic requirements of democracy as the obligation to fight against Fascism and Nazism, the prohibition of Fascist propaganda, the inadmissibility of propaganda in favour of nationalist and racial enmities, which undermine the very foundations of democracy!

In this connection one might point not only to Article 2 of the draft Declaration but also to Articles 3, 17 and 18 on the fundamental human rights and freedoms. In all these articles, which talk about the freedom of political convictions, of the expression and transmission of thought and the dissemination of views, there is nothing which could prevent the open and secret enemies of democracy of all kinds, Fascist and Nazi, from using, or rather abusing, these rights and freedoms, and from exposing democracy and human rights to deadly danger once again.

It is impossible not to acknowledge that such a "Declaration", which provides full scope for the activity of Fascist and Nazi elements and organizations and complete freedom for propaganda in support of Nazi and Fascist "theories" and views has nothing at all to do with the principles of true democracy.

The authors of the draft "Declaration" invite us, as it were, to close our eyes to the self-evident fact that, in spite of the defeat of Fascism and Nazism in the war that ended victoriously three years ago, peace is again threatened by the revival of that reactionary force which is attempting to stop and turn back the wheel of history, by the advent of a regime of open, terrorist dictatorship exercised by the most reactionary, aggressive and imperialistic elements. But after the frightful experience of the past, when Fascism not only trampled on human rights and freedoms and spread inequality and oppression by dividing people into "higher" and "lower" races, but actually destroyed millions of innocent people in the Maidaneks, Oswiecims and other death camps in the countries ruled by them and in the occupied territories and subjugated whole peoples to the horrors of terror, slavery and ruin, - after all this we cannot and will not forget the Fascist danger and look on complacently while people who deem themselves democrats are preparing to set the Fascist beast at liberty.

/There is

There is a Russian proverb which says: "If you let the fire burn too long, you won't be able to put it out". I think we could hardly do better than remember that proverb in the present circumstances.

The Soviet delegation therefore disapproves of the draft "Declaration" submitted, and thinks it should be disapproved by all members of the Drafting Committee, if only because, as has been said above, it does not warn peoples and Governments of the danger of the revival and growth of Fascism and Nazism in various forms, if only because it does not call upon them not to permit the establishment and operation of all kinds of Fascist organizations and associations, if only because it does not outlaw Fascist and pro-Fascist propaganda, the propaganda of racial, national and religious hostility and exclusiveness. A "Declaration on Human Rights", based on such a draft, could not seriously hinder imperialist reaction in its attempts to revive Fascism and Nazism and with their help to deal a fresh blow to human rights, the freedom of peoples, and democracy.

Let us now take another question, that of respect for human rights and basic freedoms for all without distinction of race, nationality, class, religion and sex, and see how the draft "Declaration" proposes to guarantee these.

In Article 3 of the draft are to be found the relevant words about everyone being entitled to all the rights and freedoms without distinction of any kind on racial, national or any other grounds. There is also a reference to the effect that "all are equal before the law", and entitled to protection against "arbitrary discrimination".

However, if the text of this article is closely examined, it will easily be seen that it is quite abstract and has no practical significance.

In fact the "Declaration" does not contain the slightest criticism, or call for the elimination either of incitement to discrimination or of discrimination itself on grounds of race, sex, language, etc. In this respect it should be particularly noted that the Article talks only of "arbitrary discrimination" and incitement thereto, whereas discrimination in general is not mentioned. This constitutes a direct justification of the so-called "non-arbitrary" discrimination, i.e., discrimination based on the law. But one need only recall the mass discrimination, most disgraceful and offensive to human dignity, which is embodied in the laws against Negroes in the United States of America or against Indians in the Union of South Africa to understand how wretched, incomplete and consequently hypocritical and false is Article 3 of the draft "Declaration" in its present form.

/It is obvious

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It is obvious that such an Article does not and cannot guarantee a real respect for human rights and fundamental freedoms for all without distinction of race, nationality, class, religion, sex, etc.

The bare statement in Article 3 about the desirability of equality, without at least, an accompanying expression of censure and the characterization as criminal (with all the ensuing consequences) of both discrimination itself, whether racial, national or of any other kind, and in all its aspects without exception, and of propaganda in favour of such discrimination, - is of little value and can only lead honest men astray as to the "Declaration's" real significance.

As a contrast to the hybrid and misleading article which it is proposed to include in the "Declaration" on the question of discrimination, whether racial, national, or other, I would like to read here the text of Article 123 of the Fundamental Law of my country, the Stalin Constitution, which condemns and punishes any kind of discrimination, not only "arbitrary" discrimination, and any propaganda in favour of discrimination in any form.

Our Constitution reads as follows: "Equality of rights of citizens of the Union of Soviet Socialist Republics, irrespective of their nationality or race, in all spheres of economic, State, cultural, social and political life, is an inderfeasible law."

"Any direct or indirect restriction of the rights of, or, conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of regional or national exclusiveness or hatred and contempt, is punishable by law."

You may, of course, say that in the countries that you represent and also the other capitalist countries it is not possible to ensure equal rights to people irrespective of their race or nationality as effectively and as fully as this has been done in our country. However, it would be wrong to think that in these countries too it is not possible at present to make some progress in the direction indicated in the Article of our Constitution which I have quoted, but first these countries must at least rid themselves of those survivals of the past which most vividly remind one of slavery, the Middle Ages or the Fascist and Nazi regimes which were defeated in the recent war.

The Soviet delegation would suggest that Article 3 of the draft Declaration be redrafted to this effect.

/In this

In this connection special consideration should be given to Articles 6 and 31 of the draft Declaration establishing the right of every individual "if he appears (in court) in person to have the procedure explained to him in a manner in which he can understand it and to use a language which he can speak" and stating the right of persons belonging to "ethnic, linguistic or religious minorities to establish and maintain schools and cultural or religious institutions, and to use their own language in the Press, in public assembly and before the courts and other authorities of the State".

It is noteworthy that in both versions of Article 31 of the Declaration, on which the Commission on Human Rights failed to reach a final decision, a substantial reservation is attached to this list, namely, "as far as compatible with public order" (the second version even adds ".... and security"). How and in what circumstances the use of their own language by national minorities and the instruction in schools of children in the language of these minorities could be considered as incompatible with public order and still more as a threat to security remains the secret of the authors of the draft. Apparently they are so terrified of granting national minorities equal rights with the majority of the population in the use of their language in schools and courts that they attach to the relevant articles of the Declaration reservations that can easily nullify even the emasculated and formal rights of national minorities which are laid down in Articles 6 and 31 of the draft. And this despite the fact that the Declaration after all is not dealing with the actual establishment or development of national schools, with the conduct of court proceedings in the language of national minorities, or any similar questions.

This definition of the rights of national minorities which is so perverted and so unsatisfactory from the standpoint of democratic principles should be compared with the solution of similar questions given in the Constitution of the Union of Soviet Socialist Republics.

In our country the State ensures all citizens, whether they belong to a national majority or minority, instruction in their own language in the schools, whereas under the draft Declaration the establishment of schools using minority languages is only permitted with many reservations and, at the best, depends on the existence among the national minority of wealthy individuals able and willing to undertake the establishment and maintenance of such schools.

/With regard

With regard to the poorer classes of national minorities, they are in fact offered and guaranteed nothing but a formal and limited right "to establish and maintain schools" of which they will certainly not be able to take advantage.

The same applies to judicial proceedings in the language of national minorities.

In our country "Judicial proceedings are conducted in the language of the Union Republic, Autonomous Republic or Autonomous Region, persons not knowing this language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court" (Article 110 of the Constitution).

In contrast to this, Articles 6 and 31 of the draft Declaration state merely that the representative of a national minority has the very meagre right to have the proceedings which are therefore conducted in the language of the ruling nationality - a language which he does not know, explained to him; and may use his own language.

Is it not clear that all these emasculated, hypothetical clauses in the Declaration, which are not guaranteed in practice, are permeated with the blatant, panic-stricken and shameful fear which the great "civilized" colonial Powers feel towards the growth of the culture and consciousness of the indigenous colonial peoples and oppressed national minorities which have no civil rights? In any case, these feeble articles in the Declaration have nothing in common with a real guarantee of actual national equality and the respect for human rights without distinction as to race, language or nationality.

Let us now consider whether the Declaration as a whole guarantees the realization of the fundamental human rights.

Take, for example, the right to work, as embodied in Article 23 of the Declaration, which is of extreme importance for all members of the wage-earning class.

What does the Declaration say about that right?

"(1) Every one has the right to work.

(2) The State has a duty to take such measures as may be within its power to ensure that all persons ordinarily resident in its territory have an opportunity for useful work.

(3) The State is bound to take all necessary steps to prevent unemployment."

It is easy to understand that this article does not really give the working man any real guarantee against unemployment.

This article in fact says that the State must take "such measures as may be within its power" and "all necessary steps" to guarantee work to everyone and prevent unemployment.

But there is not a single concrete reference to these measures or their content. We do not know whether these necessary measures within the States power will be sufficient for the purpose, i.e., for guaranteeing work to everyone and abolishing unemployment or at least remedying to some extent the situation in this respect. Furthermore, it follows from the indefinite, vague and ambiguous nature of all these formulas that this article is not intended to do anything really significant to help unemployed persons, not to mention the fact that the impossibility of dealing with the problem of unemployment is admitted in advance.

Thus the Declaration does not contain any really effective, even partial, let alone complete, guarantee of employment, or any guarantee against unemployment or even of the right to receive assistance in the event of unemployment; there is no point in cherishing any illusions on this subject.

Actually, it is a matter of entire indifference, after all, to an unemployed man who is starving and poverty-stricken whether or not the State considers that it had already done for him everything necessary and essential, if in reality he is in any case receiving no assistance. And in the face of such flexible definition what person can, when he is unemployed, claim any help at all from the State?

In contrast to the purely formal, ambiguous, and emasculated article in the Declaration which does not grant or guarantee anything to anybody, may I quote the text of Article 118 of the Constitution of the Soviet Union which deals with the same question in our country in the following terms: "Citizens of the Union of Soviet Socialist Republics have the right to work, that is, are guaranteed the right to employment and payment for their work in accordance with its quantity and quality.

"The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of the Soviet system, the elimination of the possibility of economic crises, and the abolition of unemployment."

In the Soviet Union the right to work is a complete reality; we settled the problem of unemployment completely and decisively about twenty years ago; in our country unemployment not only has not  
/existed

existed during those years and does not now exist, but it cannot exist. Since the victory of the socialist system of economy a generation of young people has grown up in our country which has no personal experience of unemployment and has never seen its fathers and mothers and the older generation in general unemployed. That is a great source of happiness for the people of our country.

The achievements of the Soviet Union in this field should be contrasted with the situation, for example, in the United States of America and other capitalist countries. We can say with pride that even such a technically and economically advanced capitalist country as the United States of America seems, from the point of view of the right to work, incredibly savage and backward in the eyes of the Soviet people.

May I remind you that in the United States in 1939, the year before the war, there were approximately nine million unemployed; in the year following the end of the war, that is to say in 1946, the number of unemployed according to the monthly official figures did not once fall below rather more than two millions (the New York Times for 17 June 1947, incidentally, gave another figure - three millions). Moreover, millions of workers do not have a full working week, that is to say they are partially unemployed.

What right to work and what real freedom can one speak of in the case of a man who is poor and hungry and does not know where to go or what to do, particularly when even the trade unions which could help him to find suitable employment meet with serious obstacles and difficulties in their development? It is sufficient in this connection to point to the Taft-Hartley Law of 15 May 1947 in the United States, which was greeted with righteous indignation by the working classes in America and throughout the world.

I cannot see how the Declaration, if it is adopted in the form at present before the Drafting Committee, can help the twenty or thirty million needy and half-starved, or starving, people who for decades have formed the permanent army of the unemployed in the capitalist countries, not to mention India, China and the other countries of the East.

The same sad state of affairs, as or even worse than that applying to the right to work, exists in the Declaration with regard to the right to the preservation of health (Article 25) the right to social security (Article 26), the right to education (Article 27), the right to rest and leisure (Article 29), etc.

/At a later date

At a later date when the Declaration is considered paragraph by paragraph, I may return to this subject and give some concrete examples to prove how worthless the drafts before us are. Meanwhile I shall restrict myself in this connection to what has been said about the right to work.

This example alone throws sufficient light on the draft Declaration's most serious shortcoming; namely, that while it proclaims democratic principles it restricts itself to defining the formal rights of citizens and disregards the conditions needed to put these rights into effect and the ways and means of implementing them.

It may be objected that the authors had every good intention in expressing all these pious hopes in the draft Declaration. I doubt that; but even if it were true it would not improve matters. There is a well-known old proverb which says that the road to hell is paved with good intentions.

Let us take, in conclusion, the question of those duties which are indissolubly linked with the basic human rights. In actual life the duties of citizens to their country, their people and their State exist side by side with their rights. There should be no-one who enjoys every right but bears no responsibilities; just as there should be no persons having only obligations and enjoying no rights.

But how is this problem dealt with in the draft Declaration?

Not only does the Declaration fail to mention the above-mentioned duties of citizens to their country, their State and their people, but, on the contrary, it contains articles which openly declare that people should be completely free from such obligations.

For example, let me refer particularly to Article 10 (2) of the draft Declaration, which provides that individuals shall have the right to leave their own country and to acquire the nationality of any other country, regardless of the laws and interests of their homeland. This sub-paragraph contains not the slightest reference to the duties of citizens to their homeland, their State and their Country.

Apart from every other consideration it does not even mention the requirement that individuals should obtain the consent of their national authorities to their emigration.

It might be objected that Article 2 of the draft Declaration does in fact mention in a general way that there are limitations to human rights, deriving from the requirements of the democratic State and from the individual's "duties to society".

/What value

What value have these abstract, dry-as-dust formulas in Article 2, however, when in practice the Declaration ignores, in a matter of so great importance, the interests of States and nations and frees the individual emigrant from any restrictions and obligations whatsoever to the State and society of which he is a member?

In this instance the authors of the draft in effect directly encourage people to disregard their civil obligations and to ignore their State. The democratic peoples of the United Nations have learnt the value of true patriotism and of the loyal discharge of national obligations from their experience of the way in which individuals and groups basely betrayed the national interests of their own countries during the anti-Fascist war - whether as Quislings or followers of Petain. Surely it ill befits the Drafting Committee of the United Nations Commission on Human Rights to retain Article 10 (2), and similar provisions which oppose the interests of individuals to those of their countries and give preference to the former, in their draft Declaration. The disgraceful facts of collaboration, lack of civic loyalty and all the other forms of treachery are still too fresh in the minds of humanity; and such treachery derives from the fact that some individuals and groups prefer their own selfish interests to the interests of their peoples and disregard their duties and obligations to their homeland.

Nor, as has already been made clear, can the draft Declaration be approved from the standpoint of consistency with the principles of State sovereignty and the political independence of States.

Not only, indeed, have the authors of the draft Declaration failed to mention certain elementary duties of citizens, but they have disregarded the corresponding rights of States.

The draft Declaration directly violates the principle of State sovereignty by failing in many instances to give proper consideration to national, domestic legislation. More than that, it openly assumes (Article 20) that any national may lodge with the United Nations a complaint against his own nation, his own State!

If such an article is embodied in the Declaration it may become a direct incitement to, and encouragement of, the anti-patriotic activities of people who have broken with their own people and homeland.

Apart from the consideration that this is at variance with Article 2 (7) of the United Nations Charter, which forbids the United Nations to intervene in matters which are essentially within the democratic jurisdiction of any State, all this is a direct violation of the principle of State sovereignty.

/Let me

Let me summarize what I have said about this unfortunate draft Declaration on Human Rights, which is about to be discussed article by article in the Drafting Committee.

In the opinion of the Soviet delegation the draft Declaration should not be used as a basis for discussion; it should be rejected and in its place a new draft prepared which would provide a basis for a future declaration.

The Declaration on Human Rights will have to satisfy the basic demands of which I have already spoken. In particular, its orientation should be clearly anti-Fascist and it should not merely state empty formulas on equality and the rejection of discrimination, but declare outright that every Member of the United Nations must extirpate discrimination based on race, religion, nationality, sex, or any other motive, and suppress and punish incitement to discrimination.

With regard to the most important human rights, namely the right to work, rest, education, housing, social security, etc., the Declaration should not content itself with pious hopes and empty definitions but should indicate ways and means of really ensuring and giving effect to these rights comparable at least to some extent with what has been done in those progressive countries which have carried out a profound and consistent democratization of their social and State system. I say nothing of the most advanced country of all, where real and complete democracy - that is, socialist democracy - exists: the Soviet Union.

The Declaration should include, together with the fundamental human rights, also the most important human duties - at least those owed to one's country, people and State.

It should contain no provision directly or indirectly undermining the sovereignty and independence of nations and States. Only in these circumstances can the Declaration help to further the progress of democracy and effectively secure the human rights and the interests of all peace-loving peoples.

A great deal of what I have said on the draft Declaration applies equally to the draft Covenant on Human Rights which has been submitted by the Drafting Committee. Until we have reached agreement in principle on the fundamental human rights and their implementation, however, there is no point in discussing a draft Covenant.

As for the third document submitted to the Committee, namely, the Report on Implementation (methods for implementing the principles on human rights), it would be still more premature to discuss means of applying appropriate standards and to examine the draft plan in substance before agreement in principle has been reached on the definition of the fundamental human rights.

/I consider that

I consider that the Drafting Committee will be making a serious mistake and testifying to its own shortcomings if it fails to give due consideration to these observations and suggestions of the Soviet delegation.

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