

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

INTERNATIONAL BILL OF RIGHTS

FIRST SESSION

SUMMARY RECORD OF THE THIRTEENTH MEETING

Held at Lake Success, New York, on Friday, 20 June 1947, at 2:30 p.m.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States of America)
Vice-Chairman:	Dr. P. C. Chang	(China)
Rapporteur:	Dr. Charles Malik	(Lebanon)
Members:	Mr. Ralph L. Harry	(Australia)
	Mr. H. Santa Cruz	(Chile)
	Professor René Cassin	(France)
	Professor V. Koretsky	(Union of Soviet Socialist Republics)
	Mr. Geoffrey Wilson	(United Kingdom)

Non-Governmental Organizations:

	Miss Toni Sender	(American Federation of Labor)
Secretariat:	Professor J. P. Humphrey	(Secretary of the Committee)
	Mr. Edward Lawson	

I. Consideration of Revised Suggestions Submitted by the Representative of France for Articles of the International Declaration of Human Rights (Document E/CN.4/AC.1/W.2/Rev.2)

The CHAIRMAN suggested that the Committee should proceed with consideration of Article 11, pointing out that, although the discussion of Article 10 had not been completed, this Article would be included in the drafting undertaken by the Representative of China. Speaking as a Member of the Committee, Mrs. ROOSEVELT said she thought it desirable to add the provision on double jeopardy contained in Article 26 of the United States /proposal.

proposal.

Article 11

The CHAIRMAN read Article 11, and added that the United States suggested that the second sentence should be deleted.

Mr. WILSON (United Kingdom) supported this proposal, adding that the abolition of slavery was the main purpose of the Article: the subject of compulsory labour would be included in the Convention, and would then have to be very carefully examined. Dr. CHANG (China) agreed with this.

Professor CASSIN (France) said he thought the Article should be expanded rather than shortened, and proposed the addition: "Slavery is prohibited in all its forms." There were attenuated forms of slavery which were vigorous in practice; for instance the status of persons who were deported to Germany was certainly worse than that of ancient slaves. If the Committee wished to delete the second paragraph it might be necessary to add a footnote that this subject would have to be included in some kind of a Convention.

The CHAIRMAN suggested that the second sentence should be eliminated, so that the Article would read: "Slavery, which is inconsistent with the dignity of man, is prohibited under all its forms", with a footnote to the effect that the Article might be elaborated in a Convention. This was accepted.

Dr. CHANG (China) said he wondered whether Members should not clarify their thinking as to what was meant by a Convention. In this case it might not be possible to have it clarified in a Convention, but it might be possible to clarify it in a comment. Certain things could be clarified in a comment and others enforced in a Convention.

The CHAIRMAN said that in his use of the word "enforced", Dr. CHANG implied what was intended as something to be included in a Convention.

Article 12

The CHAIRMAN read Article 12.

/Mr. WILSON

Mr. WILSON (United Kingdom) said he agreed with the principle, but there were an enormous number of exceptions to be considered. He objected to the word "inviolable" and suggested the Article might state that the sanctity of the home and the privacy of correspondence, with a phrase added about reputation, "shall be respected".

Professor CASSIN (France) said that the word "inviolable" should be avoided; on the other hand, privacy, home, correspondence and reputation must be respected, and if it was not stated that such respect should be protected by law, it might be supposed that there were legitimate restrictions, which would not be authorized. He proposed the wording: "The inviolability of privacy, etc..... shall be respected and regulated by law."

Mr. WILSON (United Kingdom) said he preferred the phrase "shall be respected" to "protected by law".

Mr. HARRY (Australia) suggested wording the Article as follows: "The privacy of the home and correspondence, and respect for reputation, should be protected by law."

Mr. WILSON (United Kingdom) said he would not quibble about the words but had a mental reservation as to whether or not they were apt.

The CHAIRMAN, speaking as a Member of the Committee, said she would prefer the words "protected by law", but thought that that was the kind of wording which should be left to the Commission itself.

Professor CASSIN (France) observed that the word "secrecy" as a translation for "privacy" might apply to correspondence, but might not apply to the home. It was a question of right and of law as well as translation. That was why he thought that the words "inviolability of the home", which were accepted in all legislatures and all jurisprudence, should be kept. Deletion of the phrase "inviolability of the home" was a retrogression.

Mr. SANTA CRUZ (Chile) agreed with the Representative of France that this phrase should be retained.

/The CHAIRMAN

The CHAIRMAN asked whether the wording "The right to inviolability of privacy of the home, of correspondence and respect for reputation are protected by law" would meet the approval of Members.

Mr. WILSON (United Kingdom) repeated that these things were not inviolable; in his home there were all types of people who had every right to enter and see what was going on, as, for example, officials of public utilities. What the Article was aiming at was the privacy of the home, and not its inviolability. He added that he was content with the wording suggested by the Representative of Australia: "The privacy of the home, of correspondence and respect for reputation shall be protected by law."

The CHAIRMAN stated that there were two alternatives. It had been proposed that the word "inviolability" should be retained, to read: "The inviolability of privacy of the home, of correspondence, and respect for reputation shall be protected by law." The wording proposed by the Representative of Australia, and this wording might therefore be offered as alternatives.

No objection to this proposal was indicated.

Articles 1, 2, 3, and 4

The CHAIRMAN asked the Representative of Australia to read his proposals regarding Articles 1, 2, 3, and 4.

Mr. HARRY (Australia) remarked that his suggestions were neither original nor new, but combined the various ideas which had been made regarding the keynote opening of the Declaration, and also contained echoes from past Declarations. If it were thought that the phrase in parenthesis in the first line were clumsy and not concise enough, a third sentence could be added to bring in the non-discrimination aspect. His proposal read as follows: "All men (without distinction as to race, sex, language or religion) are born free and equal and have certain inalienable rights fundamental to their life as reasonable beings, brothers within the family of mankind. These rights are limited only by the equal rights of others as individuals, and by the

/duties

duties man owes to society through which he is enabled to develop his spirit, mind and body in wider freedom."

Mr. WILSON (United Kingdom) suggested the words "to their life as beings endowed with reason and conscience" in place of "to their life as reasonable beings."

Dr. MALIK (Lebanon) said that even if the proposal of the Representative of Australia accomplished the purpose of combining the ideas of Articles 1, 2, and 3, he preferred short, simple sentences at the beginning of the Declaration. He thought it preferable to start with the words "All men are brothers", followed by a short sentence as in Article 1. He supported the proposal of the Representative of the United Kingdom defining man as a being "endowed with reason and conscience." He preferred Articles 1, 2, 3, and 4 as they stood, with certain modifications.

Professor CASSIN (France) pointed out the omission, in the Australian proposal, of any reference to the dignity of man. He suggested that, allowing for drafting changes, two alternative texts should be submitted to the Commission on Human Rights; the first would contain the four separate Articles, and the second the draft proposed by the Representative of Australia.

Dr. CHANG (China) said he was in agreement with the Representative of the Lebanon that short, pithy sentences were needed for the first few articles, but he felt the Australian suggestions were interesting and significant. He agreed with the Representative of the United Kingdom that the word "conscience" should be added, but there should also be some word indicating, aside from "reason", something of a moral significance. He suggested that Article 1 should read as it stands: "All men are brothers. Being endowed with reason and conscience, members of one family, they are free and possess equal dignity and rights." Articles 2, 3, and 4 should be combined and become Article 2 (taken from the Australian proposal) as follows: "These rights are limited only by the equal rights of others. Man also owes duties
/to society,

to society, through which he is enabled to develop his spirit, mind and body in wider freedom."

Professor CASSIN (France) said that the terms adopted for Articles 2, 3, and 4 were on the practical level, but it would be necessary for the Commission itself to settle the question of whether it should limit itself to finding such a practical text or whether it ought to affirm and proclaim ideas per se. He agreed with the Representative of China that the original draft for Article 1 should be submitted, and one of the alternatives under Article 3, deleted; only one alternative would then be presented to the Commission, that of combining Articles 2, 3, and 4 according to the Australian proposal or leaving them separate as in the document before the Committee.

Professor KORETSKY (Union of Soviet Socialist Republics) said there was no need to deal with a more exact wording, since all the formulas now being adopted were conditional. He pointed out, however, that the first draft had been worded "Men have the right to life as being endowed with reason", which might have resulted in misunderstanding and have been interpreted as justification of the fascist destruction of feeble-minded people on the grounds that they were not reasonable human beings. He also pointed out that members seemed to have accepted the expression "all men", on the understanding that all persons were included. However, he thought that this implied an historical reflection on the mastery of men over women, and that the phrase should be modified in some way to make it clear that all human beings were included. He was opposed to such historical atavisms which precluded from an understanding that men were only one half of the human species and not the whole human species.

Mr. HARRY (Australia) said he believed the problem insoluble; he could find no other word to replace "men". He added that in the Charter itself reference was made to "mankind" and not to "mankind and womankind". There was also the difficulty of expressing the whole sentence "All men are

/brothers"

brothers" in a general way.

Professor KOREMSKY (Union of Soviet Socialist Republics) added that in Russian, the term for "all human beings" included both men and women.

The CHAIRMAN pointed out that it had become customary to say "mankind" and mean both men and women without differentiation. She herself had no objection to the use of the word in this manner.

Professor CASSIN (France) said that he understood that Article 21 had been accepted. This could be followed by alternatives, the whole Australian text in one column, and in another column, Article 2 of the original draft followed by the second version of Article 3 and then Article 4.

After discussion, the CHAIRMAN stated that Articles 1, 2, 3, and 4 would be presented in the following manner: Article 1 would read, "All men are brothers. Being endowed with reason and conscience they are members of one family. They are free and possess equal dignity and rights". Continuing, there would be a sub-division; on one side Articles 2, 3, and 4, Article 2 reading, "The object of society is to afford each of its members equal opportunity for the full development of his spirit, mind and body", followed by Article 3, "As human beings cannot live and develop themselves without the help and support of society, each one owes to society fundamental duties which are: obedience to law, exercise of a useful activity, willing acceptance of obligations and sacrifices demanded for the common good", and Article 4, "In the exercise of his rights everyone is limited by the rights of others". On the opposite side would come, as Article 2, "These rights are limited only by the equal rights of others. Man also owes duties to society through which he is enabled to develop his spirit, mind and body in wider freedom". No objection being indicated, the CHAIRMAN stated that this method of presentation had been accepted. Speaking as a Member of the Committee, the CHAIRMAN observed that the proposals of the United States submitted at the twelfth meeting probably would not be put in as Articles. However, she reserved the right to add a footnote, a right which should be reserved to
/everyone.

everyone.

Article 13

The CHAIRMAN read Article 13 and asked for comments.

Mr. WILSON (United Kingdom) observed that this was another matter which should be considered by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, since the main implication was the prevention of discrimination, on grounds of race, colour, where people might live and how they might move from place to place. He pointed out that this Article was also subject to the rights of private property.

Dr. CHANG (China) said he reserved his position, since he, too, realized the difficulties in qualification. He suggested as a drafting change that instead of the words "Subject to", the sentence should begin "There shall be liberty.....".

The CHAIRMAN, speaking as a Member of the Committee, said that the United States might also reserve the right to put in a qualifying footnote.

Dr. MALIK (Lebanon) remarked that the intent of the Article was to guarantee freedom of movement within a country subject to the conditions mentioned by the Representative of the United Kingdom and also the liberty of emigrating from a country and changing nationality. He wondered, however, if "emigration" covered the case of mere travel, which ought also to be included.

The CHAIRMAN asked whether the wording "There shall be liberty of movement and free choice of residence within the borders of each State; individuals may also freely travel, emigrate or expatriate themselves", would be acceptable.

Professor CASSIN (France) said he thought it would be wise to transfer the reservation to the end of the Article. He recognized the justness of the comments of the Representative of the United Kingdom regarding certain indispensable restrictions. Texts which proclaimed unconditional liberties might be dangerous to certain states which might, for instance, find

/themselves

themselves invaded by five hundred thousand persons in one day. He thought there should be a reservation at the end of the Article to the effect that it was subject to any general law which might regulate the freedom of movement. He would even add a footnote saying that this was a subject susceptible of inclusion in a Convention.

The CHAIRMAN said that, following the Representative of France, the Article would read: "There shall be liberty of movement and free choice of residence within the borders of each State; individuals may also freely travel, emigrate or expatriate themselves subject to any general law adopted in the interest of national welfare and security."

Mr. SANTA CRUZ (Chile) suggested that the words "emigrate or expatriate themselves" be changed to "the right to leave the territory".

Mr. WILSON (United Kingdom) suggested the words "be free to leave any country including his own", the wording of the United Kingdom draft.

Dr. MALIK (Lebanon) suggested the words "are also free" instead of "may also be free". He also suggested in accordance with the United Kingdom comments the inclusion of some such phrase as "subject to private property regulations".

The CHAIRMAN said she thought that the general clause "subject to any general law adopted in the interest of national welfare and security" would cover this point.

Mr. WILSON (United Kingdom) said that the inclusion of this qualification would reduce the clause to one of non-discrimination. If more than that was desired, it would be necessary to go into far more detail. He had mentioned private property in order to point out a flaw in the Article. He thought it should be looked at first from the point of view of discrimination.

The CHAIRMAN suggested that, to comply with the point raised by the Representative of the United Kingdom the Article should be presented to the Commission on Human Rights reading: "There shall be liberty of movement and free choice of residence within the borders of each State, with the

/r reservation

observation that the text was not final since it should be referred to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and should include the freedom of the individual to travel to or to leave any country including his own, the right to expatriate himself and other matters. Speaking as a Member, she added that the United States would like to retain the phrase "right of expatriation".

Dr. CHANG (China) said that it would not be wise at the present stage to go any further. He added that his attention had been drawn to a possible form of presenting a Declaration which included a comment for each Article. In this case, there was no necessity to include a comment to every Article, but he thought that the Articles themselves should be short, and if they were not clear, should then be followed by a comment. For this particular Article, he felt an explanatory comment would be useful.

The CHAIRMAN observed that the suggestion was to delete the first sentence and begin the Article with "There shall be liberty of movement...." and let it stand from there on as it was, with comments below.

Mr. WILSON (United Kingdom) said he preferred the phrase "divest themselves of their nationality" to "expatriate themselves".

Professor CASSIN (France) observed that in a proclamation of rights which might also involve the drawing up of Conventions, no promises should be made which could not be kept. Members knew that sometimes governments must prevent mass movements of populations for possible economic reasons, such as lack of food in a certain region. If the text were drafted without reservations and without a commentary, there might be deception.

Professor KORETSKY (Union of Soviet Socialist Republics) referred to the fact that the population of the United States was based on expatriation, and said that the present draft did not take into account historical circumstances such as this. He would make a more complete statement regarding the substance of the Article later.

/Professor CASSIN

Professor CASSIN (France) felt that instead of "subject to any general law etc." the words "this freedom may perhaps be regulated" should be used.

The CHAIRMAN stated that since there were no objections, the following wording would be considered as accepted: "There shall be liberty of movement and free choice of residence within the borders of each State; individuals may also freely emigrate or expatriate themselves. This freedom may be regulated by any general law adopted in the interest of national welfare and security".

Professor KORETSKY (Union of Soviet Socialist Republics) pointed out that when the CHAIRMAN stated that there had been no objections, that was not quite the same thing as saying that an Article had been accepted. He would prefer her to state simply that Members were proceeding to the next Article. Unless that were done he would have to state each time that he reserved his position.

The CHAIRMAN said that she had meant that the Committee was allowing that wording to go forward to the Commission, which did not mean that it might not be changed later.

Article 14

The CHAIRMAN read Article 14 and asked for comments.

Professor KORETSKY (Union of Soviet Socialist Republics) said that in this general form the Article seemed to neglect the contents of the Moscow Declaration on war criminals, and asked whether there would be some sort of reservation to that effect.

Professor CASSIN (France) admitted that the word "persecution" might not have been made sufficiently clear; he had intended persecution for political, religious or other ideas. He wished to reserve the question of criminals in general and of the obligations of extradition, incumbent on States which might also apply to war criminals. He suggested it might be indicated that the provision referred to persecution for ideas or opinions or beliefs.

The CHAIRMAN suggested the wording "Everyone has the right to escape persecution for his religious or political beliefs by seeking refuge...etc."

/Professor CASSIN

Professor CASSIN (France) suggested the wording "..... for political, religious or racial reasons....."

Mr. HARRY (Australia) said that certain exceptions in most of the extradition clauses might in reverse, provide suitable wording. He also suggested, instead of "seeking refuge", "the right to take refuge on the territory of any State willing to grant him asylum". The Article would then read: "Everyone has the right to escape persecution on grounds of political or other beliefs or on grounds of racial prejudice by taking refuge on the territory of any State willing to grant him asylum".

The CHAIRMAN said that she thought the Article should appear with this wording, which was acceptable to members, together with any substantive comments. She herself did not think any other comment was needed.

Article 15

The CHAIRMAN read Article 15, and speaking as a Member, said she would like to delete the word "eventually", since a person should have the right to be represented by counsel any time he desired representation.

Professor CASSIN (France) observed that there are countries where, in civil proceedings, counsel can be secured, but not in criminal trials. He pointed out that the entire Article was the result of a combination of three other articles, because it had been rightly observed that the phrase "legal personality" was rather abstract, and it was better to mention the contracting of marriage and access to impartial tribunals.

Mr. WILSON (United Kingdom) said he agreed with the CHAIRMAN concerning the word "eventually", and thought that the whole of the sentence containing this word was more appropriate to a Convention than to this document. He objected also to the clause concerning the right to contract marriage: if the abuse aimed at was the denial of the right of aliens to marriage through the use of all types of technicalities, it should be dealt with on the basis of discrimination. This principle applied equally to many other matters, it was the right to enter into any contract. He did not see the reason for singling

out one specific instance, however important.

Professor KORETSKY (Union of Soviet Socialist Republics) agreed with the Representative of the United Kingdom that this question should be dealt with on the basis of non-discrimination. It was inappropriate to speak about the right to contract marriage as a specific right to be expressed in the Declaration. However, he could not agree that marriage was a contract like any other contract.

The CHAIRMAN, speaking as a Member of the Committee, said that while the phrase "legal personality" might mean something to lawyers, it would mean little to the layman.

Dr. CHANG (China) said he thought that the first sentence of the third paragraph of Article 15 might be combined with some of the concepts implied in Articles 8, 9, and 10, which were being redrafted. He felt that paragraph 1 required classification.

Dr. MALIK (Lebanon) pointed out that in many Eastern countries the State has no laws regulating marriage, which is a purely religious matter. He felt that the clause would be highly ambiguous for those countries.

The CHAIRMAN observed that most Members would be willing to omit the second paragraph and perhaps submit it to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Professor CASSIN (France) said that the phrase "of the State" should be deleted from the paragraph dealing with marriage. But he would stress the importance of the fundamental right of a human being to found a family; it would not leave a good impression if after having raised the question before the public, it were then deleted for technical reasons. The Committee could request that the Commission on Human Rights should restudy the problem. Finally he agreed that the term "legal personality" should be clarified, though it was appropriate to state that every human being normally possesses rights and obligations and, therefore, has "legal personality". Perhaps some words could be added to clarify it. He suggested adding after "legal

personality"

personality", "in other words to be able to be a bearer of rights, obligations and responsibilities".

The CHAIRMAN observed that perhaps it was better to leave the phrase simply as "legal personality".

Professor KORETSKY (Union of Soviet Socialist Republics) said that the question of the right to contract marriage, was a question of discrimination against women, and if this instance were quoted, it would be necessary also to mention all the other fields in which women did not have equal rights, listing all those aspects of social life in which women were still factually and juridically unequal. He thought that the term "legal personality" might be superfluous because it introduced a complicated juridical concept, and also in view of the statement in Article 1 that everyone is free and has equal rights and dignity. It was a general formula which has outlived its utility. He would support the deletion of the first and second sentences of Article 15, though perhaps the Article on non-discrimination was in need of further development. Discrimination was still an historical phenomenon of importance in many countries, and had to be fought.

The CHAIRMAN said the wording "Everyone has the right to a status in law and the enjoyment of fundamental civil rights" had been suggested to her. She pointed out that the question of marriage had been discussed in the Commission on the Status of Women and she felt that that Commission's recommendations should be reviewed by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and a note added to that effect in the Article. She felt that sentence 3 might be retained but the word "eventually" in the sentence relating to representation by counsel, should be changed.

Professor CASSIN (France) said he associated himself with what the CHAIRMAN had said, with the reservation that the words "civil rights" be translated as "droits civils" in French. He disagreed, however, with the Representative of China's suggestion that this be added to Articles 8, 9, and 10, pointing out that these Articles refer to penal law, liberty, and security

/cf man

of man, whereas the present Article refers to family rights, the right to patrimony and a profession, and such matters which might be brought before certain tribunals.

Mr. SANTA CRUZ (Chile) supported Professor CASSIN (France) and said that nearly all legislations provided that tribunals should determine civil and political rights and the civic or legal rights of the person: Other rights arise from the relation between the State and the public administration, that is, "administrative law"; some legislations set up administrative tribunals to determine the rights of individuals in this respect, and in other legislations the state itself determines these rights. Mr. SANTA CRUZ requested that his observation be recorded so that the question he had raised might be taken up by the Commission on Human Rights.

Professor KORETSKY (Union of Soviet Socialist Republics) felt that if the remarks concerning civil rights were not sufficiently covered by Article 1, the terms of that Article might be developed. He considered the phrase "in accordance with the laws of the State", inappropriate as it might imply approval of polygamy which still exists in certain States.

The CHAIRMAN explained the procedure which had been suggested regarding the Article.

Dr. CHANG (China) said that the third paragraph was still a little too technical for the common man, who wanted equality, consideration, and wished to know his relationship with the courts. He had already suggested that inasmuch as the first Article might appear too technical, and if a clarification of the relation of the individual to the tribunals was concerned, it might be considered as a part of the consideration of the tribunal relationship with the individual.

The CHAIRMAN recalled that in the discussion it had been held important to have an Article stressing the right to what was called a "legal personality", and the Representative of France had accepted her simpler wording. That being accepted, she thought Members would agree that paragraph 3 should go in.

/Dr. CHANG

Dr. CHANG (China) said that the last sentence might still be a comment rather than a part of the Article. He would like to reserve his position with regard to retaining this Article.

Professor CASSIN (France) maintained that this was one of the most important texts of the Declaration, on a national as well as an international level. On the national level it meant that every citizen had the right of access to justice. On the international level it meant improving the position of foreigners in this respect.

The CHAIRMAN stated that the feeling of the majority of Members was that the Article should be included. The first paragraph would read: "Everyone has the right to a status in law and to the enjoyment of fundamental civil rights". Then would come a note that the right to contract marriage had been discussed, but Members felt that the recommendations of the Commission on the Status of Women should be reviewed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; the final paragraph would read "Everyone shall have access to independent and impartial tribunals for the determination of his rights, liabilities and obligations under the law". The United States would add the note that they wished to include "He shall have the right to consult with and be represented by counsel" changing the translation of the word "eventually". There being no comments, the CHAIRMAN stated that the Article had been adopted.

Article 16

The CHAIRMAN read Article 16.

Mr. HARRY (Australia) suggested the wording "There shall be equal opportunity to engage in all vocations and professions not having a public character".

Mr. WILSON (United Kingdom) said he thought it would be possible to combine this Article with the one concerning non-discrimination for public employment.

Professor CASSIN (France) said it might be wise not to confuse Article 16

/with political

with political and public occupations, and that a note might be added here stating that this could be the subject of a Convention.

The CHAIRMAN suggested that the Article should read "There shall be equal opportunity to engage in all vocations or professions not having a public character", with a footnote stating that the rights of foreigners in relation to this Article should be the subject of a Convention.

Dr. MALIK (Lebanon) suggested adding the words "for all" after "opportunity".

The CHAIRMAN suggested the combination of two ideas and proposed the wording: "There shall be equal opportunity for all to engage in all vocations and professions not constituting public employment". There were no objections and the Article was adopted in this form.

Article 17

The CHAIRMAN read Article 17 and recalled that there had been a long discussion on this Article. Speaking as a Member of the Committee she said she still felt it was sufficient to say "Everyone has a right to own property".

Mr. SANTA CRUZ (Chile) recalled that he had referred to the necessity of clarifying the social functions of property. He considered that the last paragraph should come in the second paragraph and the final paragraph should read "No one shall be deprived of his property except for public welfare and with just compensation".

Mr. WILSON (United Kingdom) said he was still of the opinion that this Article should not be included, partly for the reasons given by the Representative of Chile regarding the social functions of property and also because the right to property is subject to such a mass of control in every country, that it seems rather unreal to talk about it. He referred to the qualifications which had been enumerated in the United States suggestion for this Article (document E/CN.4/AC.1/8/Rev.1), and said that these were sufficient to show that in fact little remained of the absolute right to

/property

property. He suggested that a note should accompany the Article to the effect that the opinion had been expressed that it should be omitted altogether, and, if included, it should be in some very limited form, stating that everyone has a right to own such property as is necessary in order to enable him to live a decent life.

Mr. HARRY (Australia) said he would hesitate to subscribe to the present form of the Article, and felt it should be omitted.

Professor CASSIN (France) said he had no objection to the interchange of paragraphs 2 and 3, but thought the wisest course would be to send the text forward as it stood, with a note that the Committee had not fully agreed on the subject, and wished also to submit the suggestions of the Representatives of the United Kingdom and the United States, adding a note that it was only a provisional text.

The CHAIRMAN stated that if the Committee was agreeable the text would be sent forward as it was, with the comments made by the Representatives of the United Kingdom and the United States. No objection was indicated.

Article 18

The CHAIRMAN read Article 18.

Professor CASSIN (France) stated that there had been a mistake regarding this text, which should read "Every one has the right to a nationality". He thought that a footnote should be included to the effect that this was a subject suitable for a Convention.

The CHAIRMAN suggested that the text should be sent forward in that form with a note that it should be expanded or taken into further consideration. No objection was indicated by Members.

Article 19

The CHAIRMAN read Article 19.

Mr. WILSON (United Kingdom) said he feared that as it stood the Article was meaningless, and provided no protection for anybody. The subject of aliens constituted a most complicated and difficult problem, and he suggested that the Article be omitted, as it seemed incapable of revision into an

/acceptable

acceptable form.

The CHAIRMAN suggested the wording "No alien legally admitted to the territory of a State may be expelled therefrom without having had a fair hearing".

Professor CASSIN (France) said that naturally there would have to be certain Conventions in order to study the question more profoundly, but he did not think the Article should be deleted.

The CHAIRMAN suggested that the Committee send forward the wording she had proposed, with a note explaining that this was a difficult problem which some Members of the Committee felt should have careful consideration. No objection was indicated by Members.

Article 20

The CHAIRMAN read Article 20, and pointed out that a number of communications had been received in connection with this Article. She suggested that these communications might be attached to the Report.

Professor HUMPHREY (Secretariat) explained that all communications would, in any event be forwarded to the next session of the Commission.

The CHAIRMAN speaking as a Member of the Committee, said that the phrase "manifestations of opposite convictions" had no particular meaning and she would like to see it deleted. It was clear from the first sentence that persons had complete freedom of conscience and belief.

Professor CASSIN (France) said that there was an error in the wording, and that the phrase should read "manifestations of different or varying convictions". He added that the Article was trying to take into account the fact that manifestations of worship were not the only manifestations of opinion; there were for instance, manifestations of philosophical opinions.

The CHAIRMAN suggested the words "differing convictions".

Mr. MALIK (Lebanon) said that the fundamental freedom to change one's opinions and beliefs must be included here, and suggested the wording "Individual freedom of thought and conscience, to hold or change beliefs, is

/an absolute

an absolute and sacred right".

Mr. WILSON (United Kingdom) thought it would be useful to use a shortened version of the relevant Article from the United Kingdom proposal for the Convention, which covers all the points raised.

Dr. MALIK (Lebanon) suggested that the Committee adopt the phraseology of the Representative of France and add the United Kingdom proposal in a footnote as an alternative.

Dr. CHANG (China) agreed that it would be useful to include the two forms, but thought that the phrase offered by the Representative of France was not clear.

The CHAIRMAN agreed that "freedom of conscience and belief" implied that one could change one's beliefs.

Dr. MALIK (Lebanon) explained that he wished, as alternatives, the phrasing of the Representative of France with the changes suggested by the Representative of France and by himself, and the phrasing suggested by the Representative of the United Kingdom.

Dr. CHANG (China) suggested adding the original wording of the Representative of France as a third alternative.

Professor CASSIN (France) said he would accept the amendment proposed by the Representative of Lebanon, but he would not object if the Committee wished to present alternatives.

Mr. WILSON (United Kingdom) stressed the importance of the right of every person to give and receive every form of religious teaching, which was included in the United Kingdom text and not in that proposed by the Representative of France.

The CHAIRMAN stated that three alternatives would be submitted, the text of the Representative of France in its original form, that text as modified by the Representatives of Australia and the Lebanon, and the text of the Representative of the United Kingdom. The CHAIRMAN added that the Committee would meet the following afternoon at Hyde Park and at Lake Success on Monday morning 23 June.

The meeting adjourned at 5:25 p.m.