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COMMISSION ON HUMAN RIGHTS

## SECOND SESSION

DRAFT ANNEX ADRAFT INTERNATIONAL DECLARATION ON HUMAN RIGHTS\*

(Numbering of Articles corresponds to numbering  
in Chapter III of the Report of the Working  
Group on a Declaration (Document E/CN.4/57)).

ARTICLE 1

All men are born free and equal in dignity and rights.  
They are endowed by nature with reason and conscience, and  
should act towards one another like brothers.

(Wherever the word "men" is used, the  
Commission implied both men and women).

ARTICLE 2

In the exercise of his rights everyone is limited by the  
rights of others and by the just requirements of the democratic  
State. The individual owes duties to society through which he  
is enabled to develop his spirit, mind and body in wider freedom.

1. The Representative of China suggested the following wording: "In the exercise of these rights everyone shall respect the rights of others and comply with the just requirements of the democratic State."
2. The Representative of the United Kingdom expressed the view that the State should not be regarded as limiting the rights of individuals but as promoting the rights of all. He proposed the following alternative text, which he requested should be placed on record: "In the exercise of these rights everyone must recognize the rights of others and his obligation to society so that all may develop their spirit, mind and body in wider freedom."

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\* The Soviet delegation feel that the draft "Declaration on Human Rights", as prepared by the Commission, is not sufficient for the protection of the essential human rights. Consequently, the Soviet delegation reserves its right to present, at a later stage of the work, a Soviet draft "Declaration of Human Rights."

3. The Representative of the United States preferred the following text, which she had suggested: "The full exercise of these rights requires recognition of the rights of others and protection by law of the freedom, general welfare and security of all."

### ARTICLE 3

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, which includes colour, sex, language, religion, political or other opinion, property status, or national or social origin.

All are equal before the law regardless of office or status and entitled to equal protection of the law against any arbitrary discrimination, or against any incitement to such discrimination, in violation of this Declaration.

### ARTICLE 7

Everyone has the right to life, to liberty and security of person.

### ARTICLE 8

No one shall be deprived of his personal liberty or kept in custody except in cases prescribed by law and after due process. Everyone placed under arrest or detention shall have the right to immediate judicial determination of the legality of any detention to which he may be subject and to trial within a reasonable time or to release.

(The Representative of Australia expressed the view that the language of this and other articles of the Declaration is confused in that it is both declaratory and mandatory.

As it has been agreed that the Declaration imposes no legal obligation and requires no measures for implementation, it should be drafted throughout in declaratory form only, or in present indicative tense. For this reason proposed Article 38 is quite out of place, and is applicable only to the Convention or Bill of Human Rights. Australia suggests that some such wording as "No one is to be deprived of..." or "Everyone has the right...." should be used in articles of the Declaration. Further, the wording of every article in the Convention should be in mandatory form.)

#### ARTICLE 9

Everyone shall have access to independent and impartial tribunals in the determination of any criminal charge against him, and of his rights and obligations. He shall be entitled to a fair hearing of his case and to have the aid of a qualified representative of his own choice, and if he appears 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.

#### ARTICLE 10

Any person is presumed to be innocent until proved guilty. No one shall be convicted or punished for crime or other offence except after fair public trial at which he has been given all guarantees necessary for his defence. No person shall be held guilty of any offence on account of any act or omission which did not constitute such an offence when it was committed, nor shall he be liable to any greater punishment than that prescribed for such offence by the law in force at the time when the offence was committed.

Nothing in this Article shall prejudice the trial and punishment of any person for the commission of any act which, at the time it was committed, was criminal according to the general principles of law recognized by civilized nations.

No one shall be subjected to torture, or to cruel or inhuman punishment or indignity.

#### ARTICLE 11

Slavery, in all its forms, being inconsistent with the dignity of man, shall be prohibited by law.

#### ARTICLE 12

Everyone shall be entitled to protection under law from unreasonable interference with his reputation, his privacy and his family. His home and correspondence shall be inviolable.

### ARTICLE 13

Subject to any general law not contrary to the purposes and principles of the United Nations Charter and adopted for specific reasons or security or in the general interest there shall be liberty of movement and free choice of residence within the borders of each State.

Individuals shall have the right to leave their own country and, if they so desire, to acquire the nationality of any country willing to grant it.

### ARTICLE 14

Everyone shall have the right to seek and be granted asylum from persecution. This right will not be accorded to criminals nor to those whose acts are contrary to the principles and aims of the United Nations.

### ARTICLE 15

Everyone has the right everywhere in the world to recognition as a person before the law and to the enjoyment of fundamental civil rights.

### ARTICLE 15A

The family deriving from marriage is the natural and fundamental unit of society. Men and women shall have the same freedom to contract marriage in accordance with the law.

Marriage and the family shall be protected by the State and Society.

(The Representative of Lebanon made a motion to amend Article 15-A of the Declaration by substituting for the second sentence of the text the two sentences following: "The family deriving from marriage is the natural and fundamental group unit of society. It is endowed by the Creator with inalienable rights antecedent to all positive law and as such shall be protected by the State and society." Only the first of these substitute sentences was adopted. Consequently the Representative of Lebanon desires that the second sentence be further considered in the future.)

ARTICLE 17

Everyone has the right to own property in conformity with the laws of the State in which such property is located.

No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to a nationality.

All persons who do not enjoy the protection of any government shall be placed under the protection of the United Nations. This protection shall not be accorded to criminals nor to those whose acts are contrary to the principles and aims of the United Nations.

ARTICLE 20

Individual freedom of thought and conscience, to hold and change beliefs, is an absolute and sacred right. Every person has the right, either alone or in community with other persons of like mind and in public or private, to manifest his beliefs in worship, observance, teaching and practice.

ARTICLES 21 and 22

(The Commission decided not to elaborate a final text on these articles until it had before it the views of the Sub-Commission on Freedom of Information and of the Press and of the International Conference on Freedom of Information.)

ARTICLE 21

Everyone is free to express and impart opinions, or to receive and seek information and the opinion of others from sources wherever situated.

No person may be interfered with on account of his opinions.

ARTICLE 22

There shall be freedom of expression either by word, in writing, in the press, in books or by visual, auditative or other means. There shall be equal access to all channels of communication.

ARTICLE 23

"Everyone has the right to freedom of peaceful assembly and to participate in local, national and international associations for purposes of a political, economic, religious, social, cultural, trade union or any other character, not inconsistent with this Declaration."

Comment. It is understood that no individual or association that aims to destroy the fundamental rights and freedoms set forth in this Declaration can claim protection under this Article.

The Article is not intended to include international political associations forbidden by law.

ARTICLE 24

Everyone has the right, either individually, or in association with others, to petition or to communicate with the public authorities of the State of which he is a national or in which he resides, or with the United Nations.

ARTICLES 26 and 27

Everyone without discrimination has the right to take an effective part in the Government of his country. The State shall conform to the will of the people as manifested by elections which shall be periodic, free, fair and by secret ballot.

ARTICLE 28

Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen or a national.

Access to public employment shall not be a matter of privilege or favor.

ARTICLE 29

Everyone has the right to work.

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.

The State is bound to take all necessary steps to prevent unemployment.

ARTICLE 30

Everyone has the right to receive pay commensurate with his ability and skill, to work under just and favourable conditions, to join trade unions for the protection of his interests in securing a decent standard of living for himself and his family.

Women shall work with the same advantages as men and receive equal pay for equal work.

ARTICLE 33

Everyone without distinction as to economic and social conditions, has the right to the preservation of his health through the highest standard of food, clothing, housing and medical care which the resources of the State or community can provide. The responsibility of the State and community for the health and safety of its people can only be fulfilled by provision of adequate health and social measures.

ARTICLE 34

Everyone has the right to social security. The State has a duty to maintain or ensure the maintenance of comprehensive measures for the security of the individual against the consequences of unemployment, disability, old age and all

other loss of livelihood for reasons beyond his control.

Motherhood shall be granted special care and assistance.  
Children are similarly entitled to special care and assistance.

#### ARTICLE 31A

Education will be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups everywhere.

#### ARTICLE 32

Everyone has the right to rest and leisure.

Rest and leisure should be ensured to everyone by laws or contracts providing in particular for reasonable limitations on working hours and for periodic vacations with pay.

#### ARTICLE 35

Everyone has the right to participate in the cultural life of the community, to enjoy the arts, and to share in the benefits that result from scientific discoveries.

#### ARTICLE 31

Everyone has the right to education. Fundamental education shall be free and compulsory. There shall be equal access for higher education as can be provided by the State or community on the basis of merit and without distinction as to race, sex, language, religion, social standing, financial means, or political affiliation.



ARTICLE 36

(The Commission did not take a decision on the two texts reproduced below, but submits both for consideration.)

Text Proposed by the Drafting Committee

"In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right, as far as compatible with public order, 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."

Text Proposed by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities:

"In States inhabited by well-defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population, and which want to be accorded differential treatment, persons belonging to such groups shall have the right, as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose."

NEW ARTICLE No. 1

All laws in any State shall be in conformity with the purposes and principles of the United Nations as embodied in the Charter, insofar as they deal with human rights.

NEW ARTICLE No. 2

Nothing in this Declaration shall be considered to recognize the right of any State or person to engage in any activity aimed at the destruction of any of the rights and freedoms prescribed herein."

COMMENTS

COMMENT No. 1.

The Representative of France proposed that the following article, which appears as Article 38 in the Report of the Working Group on the Declaration, be considered for inclusion;

"The States Members of the United Nations shall ensure that their Law (statutes, regulations and all administrative acts) is brought into, and maintained in, conformity with the principles of the present Declaration.

"A system of effective judicial and administrative appeal shall be organised by each State for the purpose of penalising violations of these principles."

COMMENT No. 2.

The Representative of France proposed that the following additional article be considered for inclusion in the Declaration:

"The United Nations shall recommend all the international conventions and shall take, with the assistance of the Member States, all necessary measures to give full effect to the provisions of the Charter and of this Declaration, in order to safeguard those rights and freedoms throughout the world."

COMMENT No. 3.

The following Article, which appears as Article 25 in the Report of the Working Group on the Declaration, is suggested for consideration in connection with the formulation of a preamble to the Draft Declaration:

"When a government, group or individual seriously or systematically tramples the fundamental human rights and freedoms, individuals and peoples have the right to resist oppression and tyranny."

COMMENT No. 4.

The Representative of Lebanon proposed the addition of the following Article at the end of the Declaration:

"In construing the Articles of this Declaration, the several articles shall be regarded in their relation to each other."

This proposal was lost by 7 votes for to seven against. The Representative of Lebanon wishes this Article to be further considered in the future.

COMMENT No. 5.

The Representative of the Philippines proposed the following comment on Article 13 in the Report of the Working Group on the Declaration:

"It was recognized that the right of emigration, affirmed above, would not be effective without facilities for immigration into and transit through other countries. The Working Group recommends that these corollaries be treated as a matter of international concern and that members of the United Nations cooperate in providing such facilities."

COMMENT No. 6.

The Representative of the Philippines requested that the following comment on Article 31 be inserted in the Report of the Commission:

"The right of private education will be respected and in such places or countries as desire it, religious education shall be permitted in the schools."

COMMENT No. 7.

The Representative of Australia suggested that all Articles of the Declaration be put in declarative form, for which the indicative mood is alone appropriate. The imperative mood is more proper for the Convention. The Commission agreed to pass this suggestion on to the Drafting Committee.

COMMENT No. 8.

The Representative of France requested that the following comment be inserted in the Report of the Commission:

"La délégation française a retiré les propositions d'amendement déposées par elle et rédigées comme suit:

Art. 38 "Un système de recours efficace tant judiciaire qu'administratif sera organisé par chaque Etat pour sanctionner les violations de ces principes."

Art.39 Les Nations Unies recommande toutes les Conventions internationales et prendrait avec l'assistance des Etats membres toutes les mesures nécessaires pour donner plein effet aux dispositions de la Charte et de la présente déclaration afin de sauvegarder dans le monde entier ces droits et libertés.

Ce retrait a été commandé uniquement par le souci de réserver pour le moment opportun toutes les discussions concernant la "mise en oeuvre" des Droits de l'Homme tant dans la Déclaration internationale que dans les conventions plurilatérales qui se succéderont.

The French Delegation withdrew the two following amendments which it had proposed:

Art.38. "A system of effective judicial and administrative appeal shall be organized by each State for the purpose of penalising violations of these principles."

Art.39. "The United Nations recommends .... all the International Conventions and would take, with the assistance of Member States, all necessary steps to give full effect to the provisions of the Charter and of the present Declaration, in order to safeguard these rights and freedoms throughout the world."

This withdrawal was dictated solely by the desire to reserve for a suitable stage all discussions concerning the "implementation" of human rights both in the International Declaration and in the multilateral Conventions to follow.