

Third session

THIRD COMMITTEE

SUB-COMMITTEE 3

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Report of Sub-Committee 3 of the Third Committee submitted by
Dr. Guy Perez Cisneros (Cuba), Rapporteur

I. PREAMBLE

1. Recapitulation of events

In the course of its study of the text of article 21 of the Draft International Declaration of Human Rights prepared by the Commission on Human Rights of the United Nations, the Third Committee of the General Assembly adopted two amendments to the paragraphs of the basic text and a third amendment proposing the introduction of an additional paragraph.

The text of article 21 proposed by the Commission on Human Rights reads as follows:

- "1. Everyone has the right to work, to just and favourable conditions of work and pay and to protection against unemployment.
- "2. Everyone has the right to equal pay for equal work.
- "3. Everyone is free to form and to join trade unions for the protection of his interests."

The amendments to this text adopted by the Third Committee were the following:

(a) Soviet amendment worded as follows:

"Everyone, without distinction as to race, nationality or sex, has the right to equal pay for equal work"

which was adopted by 21 votes to 14, with 7 abstentions; 16 members were absent.

The following delegations voted in favour:

Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Guatemala, Haiti, Honduras, India, Mexico, Norway, Pakistan, Poland,

/Ukrainian Soviet Socialist Republic,

Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics
Venezuela, Yugoslavia.

The following delegations voted against:

Australia, Belgium, France, Greece, Lebanon, Netherlands, New Zealand,
Paraguay, Philippines, Sweden, Syria, United Kingdom, United States of
America, Uruguay.

The following delegations abstained:

Afghanistan, Bolivia, Brazil, Canada, China, Panama, Peru.

(b) Cuban amendment worded as follows:

"Every person who works has the right to receive such
remuneration as will, in proportion to his capacity and skill,
assure him a standard of living suitable for himself and his family
which was adopted by 18 votes to 17, with 7 abstentions; 16 members
were absent.

The following delegations voted in favour:

Argentina, Brazil, Byelorussian Soviet Socialist Republic, Chile,
Cuba, Czechoslovakia, Dominican Republic, Ethiopia, Haiti, Mexico,
Panama, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of
Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

The following delegations voted against:

Australia, Belgium, Bolivia, China, Denmark, France, Greece, India,
Netherlands, New Zealand, Norway, Pakistan, Philippines, Sweden,
United Kingdom, United States of America.

The following delegations abstained:

Afghanistan, Burma, Canada, Guatemala, Honduras, Lebanon, Paraguay.

Observation: Amendments (a) and (b), which had been adopted,
constituted a new text for Article 21 paragraph 2. At its 141st
meeting, the Third Committee by a vote on the paragraph as a whole
adopted it by 17 votes to 16, with 5 abstentions.

(c) Second Cuban amendment worded as follows:

"4. Every person has the right to follow his vocation freely
in so far as existing conditions of employment permit."
which was adopted by 22 votes to 16, with 3 abstentions.

The following delegations voted in favour:

Afghanistan, Argentina, Bolivia, Brazil, Byelorussian Soviet Socialist
Republic, Chile, Cuba, Czechoslovakia, Dominican Republic, Ethiopia,
Haiti, Honduras, Mexico, Panama, Paraguay, Philippines, Poland,
Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics
Uruguay, Venezuela, Yugoslavia.

/The following

The following delegations voted against:

Australia, Belgium, Canada, China, Denmark, France, Guatemala, India, Lebanon, New Zealand, Norway, Pakistan, Sweden, Syria, United Kingdom, United States of America.

The following delegations abstained:

Burma, Greece, Netherlands.

The Human Rights Commission's text of Article 21, as amended by the proposals of Cuba and the Soviet Union which had been adopted, constituted a new text (A/C.3/342), which was voted upon as a whole by the Third Committee at its 141st meeting.

This text, although adopted in all its parts, was nevertheless rejected as a whole by 17 votes to 17, with 6 abstentions.

The following delegations voted in favour:

Argentina, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Haiti, Honduras, Mexico, Poland, Ukrainian Soviet Socialist Republic, Uruguay, Venezuela, Yugoslavia.

The following delegations voted against:

Australia, Belgium, Brazil, China, France, Greece, India, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Sweden, Turkey, United Kingdom, United States of America.

The following delegations abstained:

Afghanistan, Arabia, Burma, Canada, Guatemala, Peru, Saudi Arabia.

The Third Committee then found itself in a very difficult situation, for after the rejection of the amended text of Article 21 as a whole, the Declaration on Human Rights which it was now in process of drawing up would necessarily have a grave deficiency owing to the absence of an article on the rights of man as a worker.

2. Establishment and terms of reference of Sub-Committee 3

In order to find a solution for this serious problem, the representative of Peru proposed that the Committee should re-examine this article on the basis of Rule 112 of the rules of procedure. This proposal was discussed at the 142nd meeting, and the Committee decided by 39 votes to 0 and 1 abstention, to re-examine Article 21 on the basis of Rule 112 mentioned above.

At the next meeting held on 17 November 1948, the Committee decided to set up a Drafting Sub-Committee to study the question and, if possible, prepare a text likely to meet with general approval. On the Chairman's proposal, the Committee decided that the Sub-Committee should consist of the representatives of the following 12 States Members:

/Argentina

Argentina
Belgium
Cuba
Ecuador
France
Greece
Lebanon
New Zealand
Poland
Union of Soviet Socialist Republics
United Kingdom
United States of America

This Sub-Committee's terms of reference were laid down by the Committee as follows:

"The Drafting Committee shall prepare a fresh text for Article 1, taking into account all the proposals on and amendments to this Article which have been submitted to the Committee."

3. Membership of the Sub-Committee

The following is a list of the representatives of Members of the United Nations who took part in the proceedings of the Sub-Committee

Argentina	Mr. Corominas
Belgium	Mr. Van Bladel
Cuba	Dr. Guy Pérez Cisneros
Ecuador	Mr. Carrera-Andrade
France	Professor Cassin
Greece	Mr. Contoumas
Lebanon	Mr. Azkoul
New Zealand	Mr. Aikman
Poland	Mr. Altman
Union of Soviet Socialist Republics	Mr. Pavlov
United Kingdom	Mrs. Corbet
	Mr. G.C. Veysey
United States of America	Mr. Sandifer

Officers of the Sub-Committee

its first meeting, held on 18 November 1948 with Mr. Humphreys, of the Human Rights Division of the United Nations Secretariat, in New York, the Sub-Committee elected the following officers:

Chairman: Professor Cassin (France)
Rapporteur: Dr. Guy Pérez Cisneros (Cuba)

Mr. Hessel acted as Secretary of the Sub-Committee.

5. Documents considered

The Sub-Committee considered the following documents:

- (1) Human Rights Commission Document
E/800 - Draft International Declaration of Human Rights.
- (ii) General Assembly Document
A/632 - Report of the Economic and Social Council.
- (iii) Third Committee Documents
A/C.3/232/Corr.1 - Cuban Amendment
A/C.3/267/Corr.1 - New Zealand Amendment
A/C.3/298/Rev.1 - Recapitulation of amendments to Article 21 of the Draft Declaration (E/800)

This document contains:

the text of the article as adopted by the Commission on Human Rights
the USSR amendment (E/800)

the United States amendment (A/C.3/223)

the Cuban amendment (A/C.3/232)

the Argentine amendment (A/C.3/251)

the Swedish amendment (A/C.3/252)

the Lebanese amendment (A/C.3/260)

the New Zealand amendment (A/C.3/267)

the Uruguayan amendment (A/C.3/268)

A/C.3/342 - Article 21, all paragraphs of which have been adopted separately by the Third Committee and which has been rejected as a whole.

(iv) Sub-Committee Documents

A/C.3/SC.3/1 - Soviet amendment

A/C.3/SC.3/W.1. Present state of discussion on Article 21 of the draft declaration (E/800)

A/C.3/SC.3/W.2. Present state of discussion on Article 21 of the draft declaration (E/800)

A/C.3/SC.3/W.3. Present state of discussion on Article 21 of the draft declaration (E/800)

II. GENERAL DISCUSSION

At the Sub-Committee's first meeting, the Chairman, Professor René Cassin (France), reminded the delegations present of the terms of reference given them by the Third Committee. He took the view that the Sub-Committee should be concerned with three main points:

(a) the right of everyone to follow his vocation freely (question raised by one of the Cuban amendments);

/(b) non-discriminat.

- (b) non-discrimination (question raised by the Soviet amendment);
- (c) resources which the worker ought to receive (question raised by the second Cuban amendment);

The majority of the Sub-Committee agreed with the Chairman, and after some representatives, including those of Poland and Cuba, had pointed out that the discussion on these three points would be facilitated if the text to be discussed was that appearing in document A/C.3/342 (see Annex I), which contained them all, it decided to treat that document as the basic text on the clear understanding that this would not preclude the study of all the other documents referred to it by the Third Committee.

At this point in the discussion the United States delegate submitted a draft compromise text for Article 21 which read as follows:

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and pay and to protection against unemployment.

2. Everyone, without discrimination, has the right to equal pay for equal work.

3. Everyone is free to form and to join trade unions for the protection of his interests.

a. Discussion on the question of the right of everyone to follow his vocation freely

The Cuban delegate said that whilst the wording of paragraph 1 as submitted by the United States delegation was an amendment to paragraph 1 of Document A/C.3/342 involving the addition of the words "to free choice of employment", it expressed clearly enough the idea that everyone was entitled to follow his vocation freely. If this amendment were adopted by the Sub-Committee he would be prepared to refrain from pressing for the adoption of paragraph 4 of Document A/C.3/342, particularly as he felt that the second part of the said paragraph 4 ("in so far as existing conditions of employment permit") expressed an idea which might be regarded as covered by Article 27 of the Declaration.

After hearing this statement the Sub-Committee decided to adopt the first paragraph of the text proposed by the United States delegation in lieu of first paragraph as contained in Document A/C.3/342. As a corollary of the same decision paragraph 4 of that document was deleted.

b. Discussion on the question of non-discrimination

The delegate of the Union of Soviet Socialist Republics explained why he thought that the Soviet amendment to Article 21 paragraph 2 should stand. He knew of only three kinds of discrimination as regards work;

/discrimination

discrimination on the grounds of race, nationality and sex. In a spirit of conciliation, however, he said he would agree to broaden the reference to discrimination by changing the text of his amendment as follows:

"Without distinction as to race, nationality, sex or religion."

He trusted that this addition would satisfy those who feared lest there might be discrimination on religious or other grounds in connection with work and wages.

The Ecuadorian representative proposed that the fresh Soviet proposal should be further amended by the addition of the word "age".

The United States representative said that he could not regard the new Soviet amendment as a compromise. He considered the new wording as open to the same dangers as the original text of the amendment as it still contained a restrictive enumeration: it did not, for example, mention political discrimination. Wishing to compromise he proposed to add the words "without discrimination" in paragraph 2 although he thought that the paragraph was clearer without them.

The Belgian representative proposed the addition of the words "without any discrimination". The United States delegation accepted this amendment and withdrew its own.

Although not submitting it as a formal proposal, the Greek delegate suggested that "distinction" should be substituted for "discrimination". He thought, however, that Article 21, paragraph 2, did not require amendment as the articles of the Declaration had to be regarded as interdependent, and that being so, Article 2 of the Declaration adequately expressed the idea that there could be no discrimination in work.

The Lebanese representative proposed any reference to discrimination should be omitted from Article 21. Article 2 of the Declaration expressed a condemnation of all discrimination which held good for all the articles. Hence, if that idea were expressly referred to in any one article, the impression might be conveyed that the other articles permitted certain discriminations.

Vote;

The Chairman proposed that the various amendments submitted should be put to the vote in the order of their remoteness from the basic text (paragraph 2 of Document A/C.3/342) i.e.: the Lebanese amendment first, then the Belgian, United States and USSR amendments.

The Lebanese amendment, i.e. to delete the words "without distinction as to race, nationality or sex", was rejected by 5 votes to 3 with 3 abstentions.

The Belgian amendment, seconded by the United States, under which the words "without any discrimination" were to be included, was adopted by 6 votes to 4 with 1 abstention.

The following was therefore the text finally adopted by the Sub-Committee:

"Everyone, without any discrimination, has the right to equal pay for equal work."

The USSR and Ecuadorian representatives stated that they reserved their delegations' right to re-submit the following amendment to paragraph 2 in the Third Committee:

"Everyone, without distinction as to race, nationality, sex, age, religion, etc... has the right to equal pay for equal work."

c. Debate on the question of the resources to be received by a worker

The second part of Article 21, paragraph 2, which had been adopted in sections by the Third Committee but rejected as a whole, was long debated in the Sub-Committee. Some delegations, including those of the United Kingdom and the United States, were against including the text approved by the Third Committee; they said a compromise text was not absolutely necessary as Article 21, paragraph 1, and the text of Article 22 of the Declaration covered, between them, all the ideas contained in the debated clause.

Other delegations, such as the Belgian and Cuban delegations, were in favour of a text containing the idea that every worker should, as such, be guaranteed not only a just remuneration for his work, but also, where necessary for the needs of his family, other resources to assure him a decent standard of living in all circumstances. The USSR delegate maintained that the idea of a minimum salary should be expressed in the text.

After a long and complex debate, during which many draft texts were submitted, the Committee adopted the following text:

"Everyone who works has the right to just and favourable remuneration supplemented if necessary by such other means of social protection as may be required to meet the needs of his family."

The expression "of social protection" was an additional amendment proposed by Ecuador, which was adopted by 5 votes to 2 with 4 abstentions. The above text was adopted by 6 votes to 2 with 3 abstentions. The voting was as follows: in favour: Belgium, Cuba, Ecuador, France, Poland and the Soviet Union; against: the United Kingdom and the United States of America; abstentions: Argentina, Greece and New Zealand.

Considering that the idea of just and favourable remuneration which figured in the last text adopted was a repetition of the same idea as was

/already

already contained in Article 21, paragraph 1, and considering also that it was better to devote one paragraph to everything concerning pay, the Sub-Committee decided to delete from paragraph 1 the words "and pay", which were redundant. This deletion was agreed by 7 votes to 0 with 4 abstentions.

d. Discussion on Paragraph 3

The Sub-Committee also examined the New Zealand delegation's observations on the wording of Article 21, paragraph 3. It was agreed, by 10 votes and 1 abstention that paragraph 3 should be worded as follows:

"Everyone has the right to form and to join trade unions for the protection of his interests."

Document A/C.3/342 and the text adopted by the Sub-Committee are annexed to the present report (Annexes I and II),

ANNEX I

Third session
THIRD COMMITTEE

DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Article 21

All paragraphs of which have been adopted separately by the Third Committee and which has been rejected as a whole

1. Everyone has the right to work, to just and favourable conditions of work and pay and to protection against unemployment.
2. Everyone, without distinction as to race, nationality or sex, has the right to equal pay for equal work.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a decent standard of living for himself and his family.

3. Everyone is free to form and to join trade unions for the protection of his interests.
4. Every person has the right to follow his vocation freely, in so far as existing conditions of employment permit.

ANNEX II

DRAFT TEXT FOR ARTICLE 21 SUBMITTED BY SUB-COMMITTEE 3
TO THE THIRD COMMITTEE

Article 21

1. Everyone has the right to work, to free choice of employment, to and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration supplemented, if necessary, by such other means of social protection as may be required to meet the needs of his family.

3. Everyone has the right to form and to join trade unions for the protection of his interests.
