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DRAFT INTERNATIONAL DECLARATION OF HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mr. E. ST. LOT (Haiti)

1. The Economic and Social Council, acting under Articles 62 and 63 of the Charter of the United Nations, established a Commission of eighteen members under the name of Commission on Human Rights; its main task was to prepare a draft international declaration of fundamental human rights and freedoms and a draft international covenant for the application of such rights and freedoms, as well as to study measures of implementing both these documents.
2. The Commission on Human Rights, after devoting three sessions and close on two years to this work partly at Lake Success and partly at Geneva, submitted to the Economic and Social Council a draft declaration and some advance drafts of an international convention.
3. The General Assembly, at its 142nd meeting held on 24 September 1948, referred to the Third Committee item 13 of the supplementary list of agenda items for the third regular session; this item concerned the draft declaration and related documents.
4. The Third Committee, at its 94th meeting, decided to consider only the draft declaration, as the other two documents (the covenant and measures of implementation) were not yet in a state suitable for consideration.
5. The Third Committee spent eighty four meetings in considering and discussing the draft prepared by the Commission on Human Rights. Most of the articles were adopted by unanimous votes. Representatives exercised their rights to explain their votes to a large extent and thus were able either to enter reservations or to indicate the meaning of their votes or the meaning which they attached to certain expressions. The summary records of these meetings (given in documents A/C.3/SR.88 to 116, A/C.3/SR.119 to 170 and A/C.3/SR.174 to 178) mention all these statements and reservations.
6. In view of the fact that a considerable number of amendments were adopted and having regard to the difficulty of making the resulting texts correspond exactly in the official languages and to the wish

to introduce a logical order, the Third Committee set up a Sub-Committee to consider the Declaration of Human Rights as a whole, including the twenty-nine articles and the preamble, solely from the point of view of arrangement, consistency, uniformity and style.

7. The report of the Sub-Committee was considered, discussed and adopted in the course of the 174th to 178th meetings of the Third Committee, resulting in the adoption of the following draft Universal Declaration of Human Rights (see text under A) which is recommended by the Third Committee to the General Assembly for adoption.

8. A draft resolution (resolution B) on the right of petition was adopted by the Third Committee at its 160th meeting.

9. A draft resolution (resolution C) concerning the fate of minorities was adopted at the 163rd meeting.

10. A draft resolution (resolution D) concerning publicity to be given to the Universal Declaration of Human Rights was adopted at the 178th meeting.

11. A draft resolution (resolution E) concerning the early consideration by the Economic and Social Council of the draft Covenant and measures of implementation was adopted at the 178th meeting.

12. The Third Committee therefore recommends for adoption by the General Assembly the following five texts:

INTERNATIONAL BILL OF HUMAN RIGHTS

A

Draft universal declaration of human rights

Preamble

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and

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have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

NOW THEREFORE

THE GENERAL ASSEMBLY,

PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

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

Article 3

The rights set forth in this Declaration apply equally to all inhabitants of Trust and Non-Self-Governing Territories.

Article 4

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

Article 5

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 6

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

Article 7

Everyone has the right to recognition everywhere as a person before the law.

Article 8

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against

any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 9

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 10

No one shall be subjected to arbitrary arrest, detention or exile.

Article 11

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 12

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 13

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 14

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 15

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 16

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

/Article 17

Article 17

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 18

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 19

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 20

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 21

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 22

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 23

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 24

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 25

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 26

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 27

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 28

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific literary or artistic production of which he is the author.

Article 29

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 30

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 31

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

B

Resolution relating to the right of petition

THE GENERAL ASSEMBLY,

CONSIDERING that the right of petition is an essential human right as is recognized in the constitution of a great number of countries,

HAVING CONSIDERED the draft article on petitions in document A/C.3/306 and the amendments offered thereto by Cuba and France,

DECIDES not to take any action on this matter at the present session;

REQUESTS the Economic and Social Council to ask the Commission on Human Rights to give further examination to the problem of petitions when studying the draft Covenant on Human Rights and measures of implementation, in order to enable the General Assembly to consider what further action, if any, should be taken at its next regular session regarding the problem of petitions.

C

Resolution relating to the fate of minorities

THE GENERAL ASSEMBLY,

CONSIDERING that the United Nations cannot remain indifferent to the fate of minorities,

CONSIDERING that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises,

CONSIDERING the universal character of the Declaration of Human Rights,

DECIDES not to deal in a specific provision with the question of minorities in the text of this Declaration;

REFERS to the Economic and Social Council the texts submitted by the delegations of the Union of Soviet Socialist Republics, Yugoslavia and Denmark on this subject contained in document A/C.3/307/Rev.2 and requests the Council to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities.

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Resolution relating to publicity to be given to the Universal
Declaration of Human Rights

THE GENERAL ASSEMBLY,

CONSIDERING that the adoption of the Universal Declaration of Human Rights is an historic act destined to consolidate world peace through the contribution of the United Nations towards the liberation of individuals from the unjustified oppression and constraint to which they are too often subjected,

CONSIDERING that the text of the Declaration should be disseminated among all peoples throughout the world;

1. RECOMMENDS Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories;

2. REQUESTS the Secretary-General to have this Declaration widely disseminated and, to that end, to publish and distribute texts, not only in the official languages, but also, using every means at his disposal, in all languages possible;

3. INVITES the specialized agencies and non-governmental organizations of the world to do their utmost to bring this Declaration to the attention of their members.

E

Resolution relating to the preparation of a draft Covenant and
draft measures of implementation

THE GENERAL ASSEMBLY,

CONSIDERING that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant on Human Rights and measures of implementation,

REQUESTS the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation.