HUMAN RIGHTS
A Documentary on the United Nations Declaration of Human Rights

Featuring an Interview with
MRS. ELEANOR ROOSEVELT

Written and Produced by
Howard Langer
Human Rights - A Documentary on The Declaration of Human Rights featuring an interview with Mrs. Eleanor Roosevelt.

NARRATOR:
This is the story of the Universal Declaration of Human Rights, what it is, and why it is.

FRANKLIN ROOSEVELT:
"In the future days, which we seek to make secure, we look forward for a world founded upon four essential human freedoms".

"The first is freedom of speech and expression--everywhere in the world. The second is freedom of every person to worship God in his own way--everywhere in the world. The third is freedom from want--which, translated into world terms, means economic understandings which will secure to every nation a healthy, peaceful life for its inhabitants--everywhere in the world".

"The fourth is freedom from fear--which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of aggression against any neighbor--anywhere in the world".

NARRATOR:
That was Franklin D. Roosevelt, addressing Congress as President in January, 1941. The world was still a long way from peace. Bloody battles would be fought before any kind of universal human rights declaration could be made possible.

It would take nearly eight years before the nations of the world would come together to agree on a Universal Declaration of Human Rights....

It is close to midnight, December 10th, 1948. The place: the Palais de Chaillot, Paris. Speaking, Dr. Herbert Evatt, President of the United Nations General Assembly.

EVATT:
"The vote is now on the Declaration as a whole."

ROLL CALL:
"Afghanistan...Argentina...Australia..." (starts to fade out, then fades in for)

ROLL CALL:
United States through to Yugoslavia.

EVATT:
"In favor of adoption, 48; against adoption, none; abstentions, 8. So that we've reached the stage, gentlemen, at which an enormous vote, and without any direct opposition, this Assembly has adopted this very important Declaration."

The Universal Declaration of Human Rights... Thirty articles setting standards of freedom for all men: the right to freedom of worship, of Assembly, of speech; to own property, to hold public office, to social security, to work, to leisure, to education.

How did this document come about? And how has it fared since its adoption a decade ago? This is Howard Langer in New York. Directly across from the table to answer these questions is Mrs. Eleanor Roosevelt, widow of the late President, and first chairman of the United Nations Human Rights Commission.

MR. LANGER:
Mr. Roosevelt, let's start with the Human Rights Commission itself. When and why did the United Nations set up the Commission?

MRS. ROOSEVELT:
Well, the reason, of course, for setting it up was that in the Charter it speaks of human rights and freedoms, and there was a feeling that one needed to define more clearly what human rights and freedoms were to mean. It was generally said, of course, that individual countries had their own declarations, but never before had a group of countries coming together tried to agree on what should be a declaration which was an international declaration on human rights and freedoms.

So the Economic and Social Council set up as its very first commission, after the meeting in London in 1946, in January, a commission to create the Commission on Human Rights. It was a commission chosen by the Economic and Social Council of individuals representing different parts of the world, and they were asked how they would like to set up the Commission on Human Rights, to write the rules and decide on the composition of it, and on the vote, and that it was to do, and this first preparatory commission was to meet in New York at the temporary headquarters of Hunter College in the spring of 1946. I happened, for some unknown reason, to be one of the people the Economic and Social Council chose for that first preparatory commission and then, equally as a surprise, I was elected chairman of that first preparatory commission.

I knew very little about it, but I managed to preside.

MR. LANGER:
Who were some of the other members?

MRS. ROOSEVELT:
Some of the people who have been on it from the very beginning - Rene Cassin of France, who corresponds in France to our head of the Supreme Court - has been on since that very first meeting. Most of the others, as I remember, have changed. I don't think that any of them have remained the same. In the early days Charles Malik of Lebanon did come on, but in most of the other positions the people have changed.

MR. LANGER:
Why is that? I can't understand why you aren't still a member of the commission.

MRS. ROOSEVELT:
You see, we decided in that first meeting how to set up the commission. We decided it should be set up by people who represented their governments, and that their governments should choose them, and that there should be the same number as the Economic and Social Council, and that there should be due regard to distribution throughout the world, so that some one would represent each part of the world; there would be no part of the world whose interests would not be considered. My government, Mr. Truman was kind enough to appoint me, and I remained (Chairman) on the Human Rights Commission until we had written the declaration, and then I felt that a big government had held the chairmanship long enough, so I asked if I might nominate Charles Malik of Lebanon for the next session, and I did so. He was elected.

MR. LANGER:
Why was a charter on human rights thought to be necessary? Wasn't each country's bill of rights thought to be enough?
MRS. ROOSEVELT:  
Well, they felt - I think, the people who wrote the charter, that one of the bases of peace in the world was the recognition of human rights and freedoms, and therefore they felt it was going to be difficult, because there are many parts of the world that had not even the elementary understanding of what human rights really meant. But they felt a beginning must be made, and it must be as widely disseminated through all the countries who were member nations, and I think that was the motivation of both the inclusion in the Charter and the quick action on naming a commission to write a charter on human rights.

MR. LANGER:  
Do you think that your husband foresaw such a universal declaration? Not in those terms, exactly, but --

MRS. ROOSEVELT:  
Oh, I am quite sure he would have agreed. Now I don't know whether he foresaw that that would be the first commission that would be appointed. But I am sure he would have agreed that this was one of the basic elements of peace, and that if we were going to work towards peace this was something that had to become a common interest.

MR. LANGER:  
How does the Universal Declaration differ from, say, our own Bill of Rights?

MRS. ROOSEVELT:  
If you compare the two, you will see that our own Bill of Rights was very influential in the framing of the international declaration, at least. Of course, we had three documents to look at: the original Magna Carta of Great Britain and the French Les Droits de l'Hommes and our own Bill of Rights, and so it's not really strange that you find in this particular draft even some wording that is similar to our own. Sometimes, of course, that had to be changed because there would be special interests involved, but there is great similarity between our own Bill of Rights and the International Declaration.

MR. LANGER:  
I understand that in the original Declaration of Human Rights Article I read: "All men are created equal." But in the declaration as finally adopted it reads: "All human beings are born free and equal in dignity and rights." Now, why was this changed?

MRS. ROOSEVELT:  
That was done because there was a very long argument. You see "All men are created equal" implies that there is a Divine Creator and the Soviets do not adhere to any religion. And so the wording had to be acceptable to everyone, and finally these words that you have just quoted were agreed upon as acceptable to everyone.

MR. LANGER:  
I notice that the "all men" became "all human beings."

MRS. ROOSEVELT:  
All human beings, yes.

MR. LANGER:  
That's right. That was, I guess, to take care of the women, who thought they should be included.

MRS. ROOSEVELT:  
Yes, that was it. There was an inclusion. There was always a great deal of feeling in areas of world where women had not as yet acquired full rights, that women must not be left out. And I remember very well the discussion where one woman from - I've forgotten if it was a Near Eastern country or an Asiatic country. But she said, "If you say 'men', you tell us that 'men' includes men and women, but our government will say it means just men, so you must say something which can mean both men and women."

MR. LANGER:  
Well, what were some of the other arguments or differences of opinion that came up that were similar to this?

MRS. ROOSEVELT:  
Oh, there were many arguments. Writing the International Declaration was far easier than writing the Covenant has been for the simple reason that the Declaration was to be like our Declaration of Independence. It was a statement of hopes and aspirations, but it had no legally binding value, whereas the Covenant or Covenants which were to follow would be written as treaties and when ratified by countries under their constitutional provisions, they would be legally binding and you had to change your laws to meet whatever the provisions were. Whereas, with the Declaration nobody had to change a law. The only thing we did was to pass the resolution which said that we would strive to have our countries live up to the declarations made in that Declaration and we would strive to inform all our citizens of what was in the Declaration. But that was the only binding promise any government made. So, of course, there was no need to change a law. That was not understood in this country for some time and I had very funny letters asking me when this would come up for ratification before the Congress and so forth. But, like any Declaration, this was a pure putting down on paper what were the mutual aspirations of peoples in different parts of the world. I think it was quite a feat to get it on paper.

MR. LANGER:  
What were the mechanics involved? Did you all sit around a table, or did you set up a committee within your Commission?

MRS. ROOSEVELT:  
Oh, in the Human Rights Commission the full Commission always meets. But you appoint, if there are special difficulties, you would appoint a certain group to work out certain phrases. For instance, if you find it difficult to agree, you take the people who have particular difficulties, as you had for instance, both with the Soviets and with the Moslem countries and they would argue it out together and bring it back to the Commission. But the whole Commission always had to take the final vote.

And then, of course, we also had the advantage of being able to consult with, for instance, on the article on universal education we consulted with UNESCO. And we consulted with a number of the specialized agencies on particular articles that affected their interests. For instance, the World Health Organization helped us on that article. There were a great many agencies that we could call upon for assistance.

MR. LANGER:  
Did you have any special instructions from the United States Government on the kind of declaration that we would favor?

MRS. ROOSEVELT:  
You mean from the United States Government?
Mr. Langer: That's right.

Mrs. Roosevelt: You see, when you work on something of this kind as a Government representative, you have to receive instructions from your Government on each point as it comes up. I was given a great deal of freedom, I think, I was given very good advisors. I had the benefit of a very valuable advisor, Marjorie Whiteman, who had been for a long time in the Legal Department of our State Department, and who has written the only work there on American treaties. It's Whiteman on Treaties. And she had had her training chiefly on constitutional law, so it was very valuable to us that she was always there to tell us whether we were doing on the international front would be, when presented to our Government for ratification, constitutional as far as we could tell, you see. And I learned more constitutional law by listening to the arguments of my legal advisors because not only was she an authority on the Constitution, but I had another young man who was a legal advisor from the State Department, who was a lawyer. And I had - of course a number who changed and came - but I had someone when it came to dealing with labor articles from the Labor Department, I had someone from the Welfare Department. I had someone constantly from the Department of Justice. So I would listen to the arguments behind my back. I was chairman, as you know, for quite a long while. And I would hear them argue, but in the long run I had to decide. So that's how I learned a good deal of law in that time.

Mr. Langer: When mentioning advisors to me before, you also spoke very highly of James Simsmarian. How long did it take to make the final draft before it was presented to the General Assembly?

Mrs. Roosevelt: Well, we presented the final draft to the General Assembly in September of 1945, in Paris. And it was passed. We thought we were presenting such a good draft that there would be very little discussion. We found we were mistaken. In the big committee they argued every word just as we had argued it beforehand. It did help us that we'd had a very good Commission and we had all our arguments, but we had to justify every single thing and we found that we had forgotten certain things. For instance, we had completely forgotten that certain things might not be agreeable to the Moslems. Now, Charles Malik of Lebanon does not happen to be a Moslem and therefore, while he represented a Moslem area of the world, he had forgotten to see that everything that was said on freedom of conscience and religion would be acceptable. And so we had some terrible times in Paris. And, actually, in the committee practically every Moslem nation voted against the Declaration. But when it came to the General Assembly, Sir Zafrulla Kahn of Pakistan, which is the biggest Moslem nation, said he felt his delegate in the Assembly, we'd be agreeable but as I thought of whether there should be one Covenant or two. And for a long time we went along with the idea that there should be only one Covenant and then as we got to the drafting, we discovered that to put into and agree in legal form to certain of the economic and social rights was going to be extremely difficult, and to have it acceptable to nations, for instance like India and ourselves, was going to be (even more) difficult. I'll give you the example.

When the discussion came on the article which says everyone is entitled to education, primary, secondary and higher education, free and compulsory, India explained that they had only just begun in their new freedom to give primary education to their children and it was taking them a great number of years to do that. But the Covenant was written as a treaty and, when ratified, was legally binding on any nation that ratified it. And there was the question, of course, that came up as to whether there should be one Covenant or two. And for a long time we went along with the idea that there should be only one Covenant and then as we got to the drafting, we discovered that to put into and agree in legal form to certain of the economic and social rights was going to be extremely difficult, and to have it acceptable to nations, for instance like India and ourselves, was going to be (even more) difficult. I'll give you the example.

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Now, from my common sense point of view that would be agreeable but as I thought of what our senators would say, I knew quite well that I couldn't agree to it because in our Senate we do not ratify a Covenant unless we are going to put it into practice immediately. Therefore, I would be faced with the request, 'What do you mean by 'gradually' Five Years, ten years, twenty-five years, a hundred years? And what do you mean by 'division of the economy of the country'?' How are we to tell when a country is ready to do this or not to do it?' And I saw the difficulties ahead and therefore India and ourselves could not agree on the form of this wording. Legally binding wording is very much more difficult and particularly in economic and social rights. And so, finally, I came to the conclusion that it would be better to have two Covenants. That one was more accustomed to legally phrasing in more countries certain of the political and civil rights. They were older rights, people understood them better. And in some countries you could probably get an agreement. And the others would probably take longer.

Mrs. Roosevelt: Now let's see. When the vote was taken finally on the Declaration and the Covenant, all abstinence. No one voted against it. And those that abstained were Russia, the Ukraine, Ryeo Russia, Poland, Czechoslovakia, Yugoslavia, Saudi Arabia, and South Africa. Now, why did they abstain?

Mr. Langer: Well, the whole Russian bloc abstained because they said that not enough consideration had been given to the economic and social rights. They did not feel that any of the other rights - political and legal, and so forth - had any value at all. They were, from their point of view, unimportant. And therefore, they couldn't vote for the Covenant. But they abstained, they didn't vote against it. Now, Saudi Arabia's delegate was not a Moslem but he felt he directly represented the King of Saudi Arabia and he said he was quite sure that the King of Saudi Arabia would not accept Sir Zafrulla Kahn's interpretation of the Koran and therefore he felt very keenly that, as representing the King, he must abstain in the vote. He did not vote against, but he abstained. And South Africa, and to say, said that they hoped to give their people fundamental human rights but this went much too far. It was much too advanced a document and therefore they had to abstain because they could not hope to live up to it.
Now, the argument against dividing the Covenants was a potent argument. The Soviet Union, for instance, said that if we divided it it meant that we would ratify the civil and political rights much sooner and that the others that they considered more important, would not be ratified for a much longer time, and I am afraid I had to agree that that was possible. But I have also gone on the theory that it was better to go as far as you could go and not stand still, because the minute you stand still you go backwards. And so, I argued that we should make it possible to move at least in one area, and the division of the Covenants was only passed by four votes in the General Assembly. But we did pass it, and so there are two Covenants, one on civil and political rights and one on economic and social rights. And now, these Covenants have been written and are before the General Assembly. I grieve to say that I think they are very poor documents, badly drawn, and I don't know what will happen in the General Assembly but so far they've never been taken up.

MR. LANGER:

How long did it take to write them, to draft them?

MRS. ROOSEVELT:

Well, I presented the Declaration and it was passed in December of '48. And we began immediately to work on the Covenants and on measures of implementation. Now these are the enforcement machinery in case anybody did not live up to their undertakings. And we found it very difficult to write and it moved slowly. Of course, I'm no longer on the Human Rights Commission and probably on the more recent work you would get more information in talking to Mrs. Lord, who's been the representative ever since I left when the new Administration came in in '53. But I think they finished the Covenants in '57, if I am correct, and nothing has happened on them as yet in the General Assembly.

MR. LANGER:

You said that you felt these were badly drawn documents. What changes would you make if it were up to you?

MRS. ROOSEVELT:

If you read them through you will find (these flaws). You see, great harm was actually done to the drawing of these (Covenants) by the fact that on account of a domestic situation at home - possible submission of an amendment which would have taken away from the President certain rights and the (power to make) certain Executive arrangements that he could make without consultation with the Senate, and made obligatory consultation with the Senate at every step (of treaty negotiations). The fear on the part of the State Department that this might possibly pass made them, I think, make the announcement which they made that we would not present any Covenant for ratification to our Senate, and it was done immediately the very first session that Mrs. Lord sat in. We proposed a plan that every government would have to come to and keep track of what different countries have done and they edit a book on human rights of course the very areas of the world where one needed to know most what was going on were not going to be believed. So it just died a natural death and, of course, it has died a natural death all over again now. It never came to anything. So actually nothing was done very much because it (the Commission) had no leadership from us. We had always been very much the leaders in everything that was done and once we said, "well, we're never going to present this for ratification," nobody paid any attention to us. Why should they? And so, that meant that the United Nations tried to lead, Canada a little, but actually you take out the strongest nation and you don't get very far.

MR. LANGER:

Now, is my understanding correct that the United States Government position today is that the Covenant of the Declaration of Human Rights will never be presented?

MRS. ROOSEVELT:

The Government still has never rescinded its original statement by Mr. Dulles that it would not present any treaty for ratification to the Senate. And even, we were in a funny position a few years ago when the International Labor Organization asked us if we would cooperate in revising a treaty on slavery to which we were already signatories. And we said No, we couldn't do that because we couldn't present the new one for ratification.

MR. LANGER:

I'd like to ask you if you could summarize some of the gains that have been made in the field of human rights since the adoption of the Declaration.

MRS. ROOSEVELT:

I think the greatest gain is, curiously enough, many of the Declaration have been incorporated in the constitutions of countries that have gained their freedom since the Declaration was written. And this suddenly has made sections of the Declaration legally binding in many countries of the world, for instance India, Japan, where we wrote the constitution. We incorporated large parts of the Declaration of Human Rights. And many other countries that have gained their freedom have taken sections right out of the Declaration and that has made them legally binding.

The United Nations has translated the Covenant into over forty languages and it has been taught in schools in many areas of the world through the efforts of UNESCO and of other educational agencies. And for the first time many, many people have gained the knowledge that they had certain rights and freedoms and aspirations that they really could strive to achieve. And I think these two things are perhaps the greatest successes that we have from the Declaration.

MR. LANGER:

What are the future plans of the Human Rights Commission? Any other special projects ...?

MRS. ROOSEVELT:

Well, I think they have a hope that they will pass their actual charters some day and they will become legally binding and then they will have to come to an agreement on measures to enforce these, (the Covenants), and I hope they will use more and more the Court at the Hague, the International Court, because it should be used much more than it is. And this is a good field in which to ask that court to function. There are many plans, of course, that they talk about. I don't think until the Covenants are really passed that they will (put into action) any particular plans. They have, of course, at the Secretariat, a permanent group that are always keeping track of what different countries are doing and they edit a book on human rights
and freedoms. And I think there are a good many plans but they're all in the planning stage, nothing very definite has been worked out.

MR. LANGER:

What are your own hopes about the Covenants? Do you feel that they will eventually be adopted, either in this form or in some similar...

MRS. ROOSEVELT:

I think it will be a long time before we can formulate acceptable Covenants on economic and social gains. But I would feel personally, if I could do what I wanted to do I would scrap the Covenants and keep the Declaration for its moral impact. It's had tremendous moral impact in the world. And I would start in with the simplest kind of a Covenant covering the things that everybody might agree to, perhaps only two or three things to start with, with a provision, an article saying that as we progressed and found wider areas of agreement we would immediately add them. And then I would keep right on working to find those areas of agreement through education, through - I suppose you'd call it propaganda, but I think it's legitimate propaganda - to tell people what they might aspire to. And I would never stop. I would keep right on going until that document grew and covered an adequate amount of human freedoms.

MR. LANGER:

Finally, Mrs. Roosevelt, is there any way that students can help make the Declaration of Human Rights a living document?

MRS. ROOSEVELT:

Well, I really think that the area in which students should function is, first of all they should know the Declaration, which we agreed that we would strive to implement in our own country. And then, students should try to analyze themselves and their own communities and see whether they are living up to the principles of the Declaration. We are the showcase today for democratic procedures against the Soviet's communist procedures, and I think one of the things our students can do is to show what can be accomplished under democratic procedures in this area of human rights and freedoms. If every one of us in our communities studied the question and lived up to it, I think we'd do an enormous amount towards the winning of the uncommitted areas of the world to a belief that democracy offers certain things that communism cannot offer.

MR. LANGER:

Thank you very much, Mrs. Eleanor Roosevelt.

ON DECEMBER 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries 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.”

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 realisation 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 Everyone has the right to freedom of movement and residence within the borders of each state.

ARTICLE 2 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 3 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 4 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 5 Everyone has the right to freedom of peaceful assembly and association.

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

ARTICLE 6 Everyone has the right to freedom of thought, conscience and religion; 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.

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ARTICLE 31 Everyone has the right to freedom of thought, conscience and religion; 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 27  (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 28  Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE 29  (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 30  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.

Draft International Covenants on Human Rights

The Human Rights Commission, in the summer of 1954, completed the articles for two draft covenants defining, in one, civil and political rights and in the other, economic, social and cultural rights.

The two draft covenants were in preparation since 1948. They will be considered article by article on a priority basis at the tenth session of the General Assembly in 1955. At its ninth session the Assembly, for the first time, embarked on a first reading of the draft covenants. The reading consisted of a general discussion and the submission of amendments and proposals, none of which was discussed in detail.

The resolution eventually adopted by the Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee, invites governments of Member states and non-Members to communicate to the Secretary-General, within six months after the end of the ninth session (before July 1, 1955), any amendments or additions to the drafts or any observations on them. The specialized agencies are invited to communicate observations to the Secretary-General within the same time limit.

The non-governmental organizations concerned with the promotion of human rights, including those in the trust and trust territories, are invited to stimulate public interest in the draft covenants by all possible means in their respective countries.

The resolution requests the Secretary-General to prepare and distribute to governments, as early as possible, a concise annotation of the texts of the drafts, taking account of the observations made before and during the ninth session of the Assembly and those made in the Fourth (Social and Cultural) Committee of the Commission on Human Rights; to distribute to governments, as soon as they are received, the communications which may be made by governments and by the specialized agencies; and to prepare as a working paper a compilation of all the amendments and proposed new articles.

The two covenants taken together deal with virtually every aspect of man's individual's life in society. Examples include the right to work, under good conditions and at fair wages, and to join trade unions; the right of mothers and children to special care; the right to educational and cultural development; the right to privacy, to freedom of thought, conscience and religion, to freedom of association. The family is recognized as the natural and fundamental group unit of society.

Many differing legal systems, social philosophies, cultural traditions and economic concepts must be reconciled before these rights can be defined, codified and organized into documents of international responsibility having binding legal effect.

When that responsibility is assumed it will be on the broadest scale of international legal protection for the individual yet achieved.


A

DRAFT COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The States Parties hereto,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Recognizing that these rights derive from the inherent dignity of the human person,

Respecting that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under responsibility to strive for the promotion and observance of the rights recognized in this Covenant,

Agree upon the following articles:

PART I

ARTICLE 1

1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status.

2. All states, including those having responsibility for the administration of Non-Self-Governing and Trust Territories and those controlling in whatsoever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other States, in conformity with the provisions of the United Nations Charter.

3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence or be made to depend on the grounds of any rights that may be claimed by other states.

PART II

ARTICLE 2

1. Each State Party hereto undertakes to take steps, individually and through international cooperation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in this Covenant by legislative as well as by other means.

2. The States Parties hereto undertake to guarantee that the rights enshrined in this Covenant will be exercised without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

PART III

ARTICLE 3

The States Parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in this Covenant.

ARTICLE 4

The States Parties to this Covenant recognize that in the enjoyment of these rights provided for by the state, conformity with this Covenant, the State may subject such rights only to such limitations as are determined by law only as so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

ARTICLE 5

1. Nothing in this Covenant 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 or freedoms recognized herein, or at their limitation to a greater extent than is provided for in this Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or customs shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

ARTICLE 6

1. Work being at the basis of all human endeavor, the States Parties to the Covenant recognize the right to work, that is to say, the fundamental right of everyone to the opportunity, if he so desires, to gain his living by work which he freely accepts.

2. The steps to be taken by a State Party to this Covenant to achieve the full realization of this right shall include programs, policies and techniques to achieve economic development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

ARTICLE 7

The States Parties to the Covenant recognize the right of everyone to just and favorable conditions of work, including:

(a) Safe and healthy working conditions;

(b) Equal pay for equal work and equal remuneration for work of equal value without distinction of any kind, in particular, women being paid no lower wages than men for work of equal value and inferior to those enjoyed by men, with equal pay for equal work; and

(c) Adequate living for themselves and their families and reasonable limitation of working hours and periodic holidays with pay.
Part I

Article 1

The States Parties to the Covenant recognize the right of everyone to education. States Parties shall ensure that primary schooling is free and compulsory. They shall make teaching a profession worthy of respect and attached to public interest. No one shall be denied the right to education by reason of their race, color, sex, language, religion or political opinion. The States Parties undertake to take steps for the complete eradication of all forms of discrimination in this field.

Article 2

The States Parties to the Covenant recognize the right of everyone to enjoyment of the benefits of scientific progress and their applications. They shall take steps, individually or through international cooperation, to secure that the benefits of scientific progress and their applications are made widely available for the improvement of the living conditions of all.

Article 3

The States Parties to the Covenant recognize the importance of the role of the family in the education of the child. They shall take appropriate steps to ensure that the family is the natural school of the child, and shall promote the ideal of the family being the natural social institution for the education of children. The education of the child shall be directed to the development of his personality, physical and mental abilities, in the light of his德育, in conformity with the purposes of the United Nations, in accordance with the dictates of his parents or legal guardians. Any step by the whole or any part of the community or by the State to deprive the child of the exercise of his rights to which he is entitled by this Covenant shall be considered a breach of the obligations of the States Parties to the Covenant.

Article 4

The States Parties to the Covenant recognize the right of everyone to freedom of opinion and expression. Everyone has the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, without distinction of any kind, such as race, color, sex, language, religion or political opinion, whether oral, visual, written or in other forms.

Article 5

The States Parties to the Covenant recognize the right of everyone to freedom of association and combination, including the right to form and join trade unions for the protection of his interests.

Article 6

The States Parties to the Covenant recognize the right of everyone to the protection of his family. The State shall ensure that marriage shall be entered into only with the free consent of the intending spouses. The family is the natural and fundamental unit of society, and is the right of marriage and the protection of the family are recognized as social rights. In this article: "family" means marriage and the nuclear family unit. The State shall take steps to ensure effective protection against violence and exploitation to which the family may be subjected or by which it may be endangered. The State shall take steps to protect the family from the exploitation of the market economy and of customary practice. The State shall ensure that any attempt to force the family to give up its membership or any part of its property shall be illegal and that the law shall prohibit the collection of any contribution from the family for public purposes without the consent of the family. The State shall ensure that the family is given adequate protection against the dangers of social and economic instability to which it may be exposed. The State shall take steps to ensure that all individuals have the right to marry, regardless of their race, color, sex, language, religion or political opinion. The State shall take steps to ensure that all individuals have the right to remain with their families, regardless of their race, color, sex, language, religion or political opinion.

Article 7

The States Parties to the Covenant recognize the right of everyone to seek and receive asylum from persecution. The State shall not expel or return ("refouler") a refugee in any case where there is a well-founded fear of him being persecuted for reasons of race, religion, nationality, membership of a national ethnic, racial or social group, or political opinion, to any country where he would be likely to be persecuted. The States Parties to the Covenant shall take steps for the complete eradication of all forms of discrimination in this field and shall promote cooperation in this field with the United Nations and other international and regional organizations and agencies. Article 8

The States Parties to the Covenant undertake that the free exercise of the right to freedom of thought, conscience and religion shall be recognized in law. The States Parties to the Covenant shall respect the right of everyone to change his religion or believe in a religion of his choice. They shall be free, in law or in practice, to manifest his religion, belief, or conscience and to associate freely with persons having the same aims, and shall be equally entitled to the exercise of the preceding rights under the present Covenant. The States Parties to the Covenant undertake to respect the rights and freedoms recognized in the present Covenant and not to deny any person rights and freedoms because of race, color, sex, language, religion, political or social opinion, national or social origin, property, birth or other status. The States Parties to the Covenant shall take steps to ensure the gradual abolition of the何必 discrimination in all their activities and to make separate legal systems applicable to a two-thirds majority of the States Parties to the Covenant in accordance with their respective constitutional processes. The States Parties to the Covenant shall take steps to ensure the gradual abolition of any legal or other measures as may be necessary to give effect to the rights recognized in the Covenant.

Article 9

The States Parties to the Covenant recognize the economic, social and cultural rights of all. The States Parties to the Covenant recognize the right of everyone to social security. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications.

Article 10

The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications. The States Parties to the Covenant recognize the right of everyone to the enjoyment of the benefits of scientific progress and their applications.
freedoms recognized herein or at these limitations to the extent that is provided for in that Covenant.

The expression "a person who is under detention or who has been deprived of his liberty shall have an enforceable right to compensation.

§2. The penitentiary system shall comprise treatment directed to the fullest possible extent towards the reformation and social rehabilitation of prisoners.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of this Covenant.

Article 32
1. If, in the unanimous opinion of the members of the Committee, the office of the Secretary-General of the United Nations has not expired, the Secretary-General shall continue to act, unless the quorum provided in accordance with articles 29 and 30 is not attained.

2. If the quorum is not attained, the Committee shall elect another high official of the United Nations to fill the vacancy for the unexpired term.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the personnel of the General Assembly and the United Nations specialized agencies, and submit it to the Secretary-General of the United Nations in the case of the vacancy of the Secretary-General.

4. No election shall be held to fill that vacancy.

Article 34
1. Subject to the provisions of article 32, a member of the Committee shall not be allowed to act in a matter in which he has been elected but, in case the Committee has, prior to the election of his successor, begun to consider a case, he shall continue to act in that capacity until the new member is elected.

2. No member of the Committee shall be allowed to act in a matter in which he has been elected but, in case the Committee has, prior to the election of his successor, begun to consider a case, he shall continue to act in that capacity until the new member is elected.

3. If, during the consideration of a case, the Committee finds that the rules of this Covenant have not been complied with, it may, by written communication, bring the case to the attention of the General Assembly, the Secretary-General, or the Committee.

4. After the expiry of the term of office of the Secretary-General, no election shall be held to fill that vacancy.

Article 35
1. The Committee shall elect a Chairman and Vice-Chairman for the period of one year. They may be re-elected.

2. The Secretary-General shall notify each of these officers when elected.

3. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Seven members shall constitute a quorum.

(b) Decisions of the Committee shall be taken by a majority vote of the members present, if the votes are equally divided the Chairman shall have the deciding vote.

(c) If a state refers a matter to the Committee under article 49, paragraph 2, the Committee shall continue to act in that matter in accordance with the provisions of this Covenant.

(d) The Committee shall hold hearings and other meetings in closed session.

Article 40
1. If a State Party to the Covenant considers that another State Party is not giving effect to a provision of the Covenant, it may, by written communication, bring the matter to the attention of the Committee. Within three months after the receipt of the communication, the Committee shall afford the complaining state an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both Parties within six months after the receipt by the receiving state of the initial communication, either state shall have the right to refer the matter to the Committee, by notice given to the Secretary of the Committee, and to the other state.

3. Subject to the provisions of article 41, in serious and urgent cases, the Committee may, at the request of the complaining state, deal expeditiously with the matter on receipt of a request in accordance with the powers conferred on it by this part of the Covenant, and after notifying the states concerned.

Article 41
1. Normally, the Committee shall deal with a matter referred to it only if available domestic remedies have been invoked and exhausted in the case. This shall not be the rule where the application of the remedies is unreasonably protracted.

2. In any matter referred to it the Committee may call upon the states concerned to supply any relevant information.

3. Subject to the provisions of article 41, the Committee shall ascertain the facts and make available its good offices to the states concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in this Covenant.

4. The Committee shall in every case, and no later than six months after the receipt of the notice under article 41, draw up a report which shall be sent to the states concerned and then communicated to the Secretary-General of the United Nations for transmission.

5. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall condone its report to a brief statement of the facts and of the solution reached. If such a solution is not reached the Committee shall draw up a report on the facts and state its opinion as to whether the facts found disclose a breach by the state concerned of its obligations under the Covenant. If the report does not represent in whole or in part a unanimous opinion of the members of the Committee, any member of the Committee may be entitled to attach to it a separate opinion. The written submission made by the author of that opinion shall be made available to the Committee, and the Committee may consider it.

6. The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question concerning the matter of which the Committee is in possession.

Article 42
1. The Committee shall submit to the General Assembly, through the Secretary-General of the United Nations, an annual report on its activities.

2. The States Parties to this Covenant shall extend to all federal states without any limitations or exceptions.

Article 43
1. The Committee shall report to the Committee any violations of the right to education.

2. Any State Party to the Covenant or any Member state of the United Nations or of any non-member state to which an invitation has been extended by the General Assembly.

3. The Committee may, at the request of the General Assembly, through the Secretary-General of the United Nations, request the International Court of Justice to give an advisory opinion on any legal question concerning the matter of which the Committee is in possession.

4. The Committee shall submit to the General Assembly, through the Secretary-General of the United Nations, an annual report on its activities.

5. The States Parties to this Covenant shall extend to all federal states without any limitations or exceptions.

Article 44
1. The States Parties to this Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendments to the States Parties to the Covenant with a request that they notify him whether they favor a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States Parties favor such a conference the Secretary-General shall convene the conference under the auspices of the United Nations.

2. Any amendment adopted by a majority of states present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

3. Such amendments come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the Covenant in accordance with their respective constitutional processes.

4. When such amendments come into force they shall be binding on those Parties which have accepted them, other Parties being still bound by the provisions of the Covenant and any earlier amendment which they have accepted.

PART VI

Article 51
1. The Covenant shall be open for signature and ratification or accession on behalf of any Member state of the United Nations or of any non-member state to which an invitation has been extended by the General Assembly.

2. Ratification or accession to this Covenant shall be effected by the deposit of an instrument of ratification or accession with the Secretary-General of the United Nations, and as soon as two or more states have deposited such instruments, the Covenant shall come into force for all states among them. As regards any state which is a successor or which succeeds thereby the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.

3. The Secretary-General of the United Nations shall inform all Members of the United Nations, and the specialized agencies, of any ratification or accession which may be made.
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