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COMMISSION ON HUMAN RIGHTS

Eighth Session

SUMMARY RECORD OF THE THREE HUNDRED AND TWENTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 4 June 1952, at 2.45 p.m.

CONTENTS:

Draft international covenants on human rights and measures of implementation (E/1992, E/CN.4/SR.322, E/CN.4/SR.323/Ann.1; E/CN.4/L.166, E/CN.4/L.165, E/CN.4/L.164/Rev.1, E/CN.4/L.156/Rev.1, E/CN.4/L.152, E/CN.4/L.153 (continued): article 14 (continued)

<u>Chairman:</u>	Mr. MALIK	(Lebanon)
<u>Reporteur:</u>	Mr. WINTHAM	Australia
<u>Members:</u>	Mr. NIJOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHANG PANG-KAN	China
	ALMI Bey	Egypt
	Mr. CASSIN	France
	Mr. KIROU	Greece
	Mrs. MENA	India
	Mr. ABDUL	Lebanon
	Mr. WAHED	Pakistan
	Mr. BORATYNSKI	Poland
	Mr. FÖRSTEL	Sweden

Members: (continued)

Mr. KOVALENKO	Ukrainian Soviet Socialist Republic
Mr. KOPOZOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. ROOSEVELT	United States of America
Mr. BRUCO	Uruguay
Mr. JAVRANOVIC	Yugoslavia

Representatives of non-governmental organizations:Category B and Related:

Mr. HOLLO	Commission of the Churches on International Affairs
Mr. HORNSTEIN	Consultative Council of Jewish Organizations
Mrs. CARTER) Mrs. FALCOIS)	International Council of Women
Mrs. ROSE	International Federation of University Women
Mr. BENT	International League for the Rights of Men
Mrs. CARTER	Union Committee of Women's International Organizations
Mrs. WALZER	Women's International League for Peace and Freedom
Mr. JACCOY	World Jewish Congress
Mr. PRINCE	World's Alliance of Young Men's Christian Associations
Mr. RONALDS) Mrs. POLSTEIN)	World Union for Progressive Judaism

Secretariat:

Mr. IJH	Division of Human Rights
Mr. DAS) Miss KITCHEN)	Secretariat of the Commission

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION
(E/1992; E/CN.4/52), E/CN.4/52/Add.1; E/CN.4/L.165, E/CN.4/L.125,
E/CN.4/L.144/Rev.1, E/CN.4/L.156/Rev.1, E/CN.4/L.192, E/CN.4/L.193) (continued)
Article 14 (continued)

Mr. BORATINSKI (Poland) wished, at that stage of the debate, to emphasize the discrepancy between the limitations on the freedom of the press set forth in article 14, paragraph 3, which had the approval of the United States delegation, and the guarantees provided for in the USSR amendment (E/CN.4/L.125) against the exploitation of that freedom for war propaganda, incitement of hatred among the peoples, racial discrimination and dissemination of slanderous rumors. The former limitations were a serious threat to the freedom of the press, while the latter merely precluded the possibility of the press being used for immoral purposes harmful to the welfare of mankind. The extremely vague terms used in article 14, paragraph 3, could be invoked by governments completely to suppress freedom of the press.

He was surprised that the United States representative had seen fit to reply to only one of the questions he had asked at the preceding meeting. It would be interesting to know why the United States delegation was prepared to accept the limitations of paragraph 3, but was opposed to the lesser limitations proposed by the USSR delegation. The logical conclusion from the statements made was that the United States Government favoured the widest possible limitations so that it could invoke article 14 to suppress freedom of the press. The United States Government was opposed only to such restrictions as were likely to hamper its policy or might interfere with the war propaganda of the United States press.

Since Governments undertook to implement the rights set forth in the covenant, they should also be held responsible in cases of abuse of them. The education of public opinion was particularly important in that respect.

Mr. KOVALYCH (Ukrainian Soviet Socialist Republic) would vote against the United Kingdom amendment (E/CN.4/L.144/Rev.1). It added new and unacceptable limitations to those already set forth in article 14. For example, governments could invoke prevention of disorder to take all sorts of restrictive measures.

/Mrs. MENYA

Mrs. MEHTA (India) was not satisfied with the United Kingdom representative's reply about the right to impart information, as it did not apply to cases of information which, though accurate, was abusive and therefore subject to prosecution.

Article 14 should deal only with freedom of expression and not of opinion. The latter belonged in article 13, which dealt with freedom of thought. She did not therefore agree with the French representative's view that article 14, paragraph 1, should be retained and would vote for paragraph 1 of the United Kingdom amendment. On the other hand, she would support the French amendment to paragraph 3 (E/CN.4/L.156/Rev.1); she did not, however, think paragraph 2 of the United Kingdom amendment satisfactory.

Mr. NISOT (Belgium) pointed out that the English text of article 14, paragraph 1, did not correspond to the French and merely stated a truism.

The CHAIRMAN said that the matter was of some importance and had already been dealt with by the Secretariat, as could be seen from paragraph 203 of document E/CN.4/522. He hoped that members of the Commission would have some useful suggestions to make on the subject.

Mrs. ROOSEVELT (United States of America) asked, before replying to the questions posed by the USSR representative at the preceding meeting, to know whether minorities enjoyed freedom of expression in his country.

Mr. MOROZOV (Union of Soviet Socialist Republics) answered the United States representative by quoting the Constitution of the Union of Soviet Socialist Republics. In addition to guaranteeing freedom of speech, freedom of the press, freedom of meeting and freedom of public manifestation, it provided for the implementation of those rights by placing at the disposal of the workers and their organizations printing presses, newsprint, meeting rooms, means of communication and all the other necessary technical media. The Constitution forbade war propaganda and incitement to racial hatred.

He would like to know in his turn whether the United States representative was prepared to pass moral condemnation on the war propaganda which had appeared in October 1951 in Collier's magazine, on the appeals for the destruction of the capital of Poland and on the propaganda for bacteriological warfare.

Mrs. ROOSEVELT (United States of America) said it was obvious from the USSR representative's reply that minorities in his country had no opportunity of expressing their opinion since the Government could refuse them the means of doing so. In the United States it was felt that there was no true freedom when the State controlled the means of expression. Governments which controlled the press were not necessarily totalitarian, but it was better that the press should enjoy complete independence.

She did not approve of the particular issue of Collier's. She pointed out, however, that it was an imaginary picture, intended to show what might happen. It was regrettable, but it did not have the same importance as it would have had if it had appeared in a country where the press was government-controlled. The same was true with regard to the appeals for the bombing of Moscow or Warsaw. All countries were currently studying the question of methods of bacteriological warfare. The fact that some United States generals had declared that studies of the subject were being made did not imply that the United States intended to use bacteriological weapons; such studies were part of the national defence programme of every country.

At the previous meeting, the USSR representative had referred to a statement by the President of the United Press, Mr. Baillie. He had remarked that from a purely military point of view the atomic bomb might be considered more humane than other weapons because it made it possible to destroy only the targets aimed at and to spare the civilian population.

The CHAIRMAN wished, in view of the importance of the question, to grant the USSR representative the right he requested to reply to the United States representative. He hoped the Commission would raise no objection.

/Mr. VALENZUELA

Mr. VALENZUELA (Chile) thought the Commission had shown great forbearance in agreeing to hear statements of a political nature which were not related to the item. It should now continue its work. He asked for closure of the debate.

Mr. NILOT (Belgium) associated himself with the Chilean representative's remarks.

Mr. MEROZOV (Union of Soviet Socialist Republics) said the remarks he intended to make were directly connected with the question before the Commission.

The CHILIAN pointed out that he must take account of the Chilean representative's objection and consult the Commission.

Mr. VALENZUELA (Chile) did not maintain his objection, but, on behalf of his country and of the small Powers, he wished to protest against the waste of the Commission's time by the great Powers.

Mr. MEROZOV (Union of Soviet Socialist Republics) explained that the purpose of his questions to the United States delegation was to show that that delegation's opposition to the USSR amendment was due to the fact that the United States Government approved of and encouraged war propaganda. The United States representative's reply had proved that that was true. She accepted the monstrous thesis of the President of the United States with regard to the atomic weapon. She had not condemned the work which was being carried on in United States laboratories in preparation for bacteriological warfare. She did not approve of the articles which had appeared in Collier's, but she showed some indulgence towards its authors and said that they were making use of the freedom granted them; it might therefore be said that she supported their cause. Her declarations were therefore a proof that the United States delegation did not oppose substantial restrictions on the freedom of the press, but objected solely to provisions to prohibit war propaganda, which would be contrary to the current United States policy of preparation for a third World War and in accordance with the

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desires of the monopolies which drew scandalous profits from that situation. He protested against the United States representative's interpretation of the position of the press in the USSR.

He hoped his remarks would have convinced members of the Commission that an end must be put to war propaganda by supporting the USSR amendment.

Mr. KYROU (Greece) hoped that members of the Commission would in future refrain from introducing into the discussion questions which were obviously extraneous.

The CHAIRMAN put the USSR amendment (E/CN.4/L.125) to the vote in parts.

A vote was taken by roll-call on the words "in the interests of democracy".

In favour: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Chile, China, Egypt, France, Greece, Lebanon, Pakistan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: India, Yugoslavia.

The words were rejected by 13 votes to 5, with 2 abstentions.

A vote was taken by roll-call on the words "everyone must be guaranteed by law the right to the free expression of opinion".

In favour: Egypt, Lebanon, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Against: Australia, Belgium, Chile, China, France, Greece, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: India, Yugoslavia.

The phrase was rejected by 9 votes to 7, with 2 abstentions.

A vote was taken by roll-call on the remainder of the amendment, beginning with the words "everyone must be guaranteed by law the right to freedom of speech, of the Press..."

In favour: Egypt, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Chile, China, France, Greece, Lebanon, Pakistan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: India, Yugoslavia.

The remainder of the amendment was rejected by 12 votes to 4, with 2 abstentions.

Mr. HOARE (United Kingdom) said he would like to reintroduce in the last version of his amendment (E/CN.4/L.144/Rev.1) the words "the exercise of these freedoms" which had appeared in his original text (E/CN.4/L.144). He added that in order to correspond to the English text, the end of paragraph 1 of the French text should read "ou par tout autre moyen licite". The English text meant that if the law made no provision with regard to a particular medium of expression, its use would be completely unimpeded; if, on the other hand, the law regulated such a medium, its use must conform to the law.

Mr. CASSIN (France) shared the United Kingdom representative's view.

The CHAIRMAN put to the vote point 1 of the United States amendment (E/CN.4/L.193) relating to paragraph 1 of the United Kingdom amendment (E/CN.4/L.144/Rev.1).

Point 1 of the United States amendment was rejected by 6 votes to 5, with 7 abstentions.

The CHAIRMAN put to the vote paragraph 1 of the United Kingdom amendment (E/CN.4/L.144/Rev.1).

The paragraph was rejected by 9 votes to 8, with 1 abstention.

/The CHAIRMAN

The CHAIRMAN said that the Commission must now come to a decision on paragraphs 1 and 2 of the original text of article 14 of the draft covenant.

Mr. AZKUL (Lebanon) proposed that the Commission should vote on the French text of paragraph 1, since several representatives felt that the English text did not completely render the meaning of the word "inquieté".

Mr. HICARE (United Kingdom) wondered why the French text should take precedence over the English text, which was equally authoritative and was based on the Universal Declaration of Human Rights, article 19 of which contained the words "without interference".

The CHAIRMAN noted that the French text of that article also used the word "inquieté".

Mr. NISOT (Belgium) said that he could not vote on a text which did not have a precise meaning.

AMRI Bey (Egypt) thought that the meaning of the French and English texts of paragraph 1 was absolutely the same.

Mr. AZKUL (Lebanon) said that there was no question of giving precedence to the French text, but of voting on it because it was better. That would also give the Secretariat time to find the exact English equivalent of the word "inquieté".

Mr. HICARE (United Kingdom) denied that the French version was better than the English. The French text might be excellent in itself and might be acceptable in French law, but it involved a concept which was quite unacceptable in English law.

Mr. CASLIN (France) said that when the French spoke about a person's right to hold opinions without interference, they did not necessarily mean that he was exempt from legal prosecution. He suggested that the Commission should vote on both texts.

Mr. CHENG PAONAH

Mr. CHENG FACHAN (China) drew the Commission's attention to paragraph 203 of document E/CN.4/520, in which the Secretary-General suggested that the English and French texts of article 14, paragraph 1, should be harmonized, and proposed an English and a French version to that end.

AZOU Bey (Egypt) remarked that the wording proposed by the Secretary-General retained the word "interference" in English and "inquieté" in French.

Mr. AZUDU (Lebanon) stated his delegation's interpretation of article 14, paragraph 1. The purpose of the paragraph was to ensure that no person would be interfered with for his opinions, and not to prohibit any criticism or free discussion of the views of one person or any action designed to change those views. It was with that understanding that he would vote for paragraph 1 of the article.

The CHAIRMAN put to the vote paragraph 1 of the original text of article 14 (E/1972).

The paragraph was adopted by 12 votes to none, with 5 abstentions.

The CHAIRMAN put to the vote paragraph 2 of the original text of article 14 (E/1972).

The paragraph was adopted by 14 votes to 3, with 1 abstention.

At the request of the Uruguayan representative, the CHAIRMAN put to the vote the first part of the Yugoslav amendment to paragraph 3 of article 14 (E/1992, Annex III, section A), beginning with the words "The right to seek..." and ending with "Universal Declaration of Human Rights".

A vote was taken by roll-call.

In favour: Chile, Egypt, Uruguay, Yugoslavia.

Against: Australia, Belgium, China, Greece, Lebanon, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, India, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

The first part of the Yugoslav amendment was rejected by 8 votes to 4, with 6 abstentions.

/The CHAIRMAN

The CHAIRMAN put to the vote the Egyptian amendment (E/1992, Annex III, section A, page 32) to paragraph 2 of the United Kingdom amendment (E/CH.4/L.144/Rev.1).

A vote was taken by roll-call.

In favour: China, Egypt, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Lebanon, Pakistan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Chile, France, Greece, India.

The Egyptian amendment was rejected by 8 votes to 6, with 4 abstentions.

Mrs. ROOSEVELT (United States of America) asked that a separate vote should be taken on the words "conditions and" and "or crime" in paragraph 2 of the United Kingdom amendment (E/CH.4/L.144/Rev.1).

The words "conditions and" were rejected by 6 votes to 4, with 8 abstentions.

The words "or crime" were rejected by 7 votes to 2, with 8 abstentions.

AZMI Bey (Egypt) asked that a separate vote should be taken on the words "for the prevention of disorder" in paragraph 2 of the United Kingdom amendment (E/CH.4/L.144/Rev.1).

The words were rejected by 9 votes to 5, with 4 abstentions.

Mr. WAJED (Pakistan) asked that a separate vote should be taken on the last phrase of paragraph 2 of the United Kingdom amendment (E/CH.4/L.144/Rev.1) beginning with the words "for the prevention".

The phrase was rejected by 8 votes to 3, with 7 abstentions.

The CHAIRMAN put to the vote the rest of paragraph 2 of the United Kingdom amendment (E/CH.4/L.144/Rev.1).

The rest of the paragraph was rejected by 11 votes to 5, with 1 abstention.

/The CHAIRMAN

The CHAIRMAN put to the vote the United States amendment (E/CH.4/L.192) to the French amendment (E/CH.4/L.156/Pov.1).

The United States amendment was rejected by 7 votes to 6, with 5 abstentions.

Mrs. ROOSEVELT (United States of America) asked that a separate vote should be taken on the words "in a democratic society" in the French amendment. Those words were rejected by 8 votes to 8, with 2 abstentions.

Mr. CASSIN (France), at the request of the United States representative, agreed to the deletion of the word "strictement" from the French text of his amendment, to replace the word "and" by "or" in points (1) and (2) and to insert the word "or" before point (2).

The CHAIRMAN asked the representative of Egypt where he wished to insert his sub-amendment (E/1992, Annex III, section A) in the French amendment.

AZMI Fay (Egypt) said that it would be added to the end of the French amendment and would read: "(3) for the maintenance of peace and good relations between States".

The CHAIRMAN thought that the word "or" should be inserted after the figure "(3)".

Mr. AZKOUK (Lebanon) thought that it was better to say "or" instead of "and".

The CHAIRMAN remarked that the ambiguity resulted from the vagueness of the English word "or".

Mr. NISOT (Belgium) suggested replacing the figures by the word "either" and deleting the word "or".

The CHAIRMAN put to the vote the Egyptian sub-amendment without the word "or".

The sub-amendment was rejected by 8 votes to 6, with 4 abstentions.

/Mrs. ROOSEVELT

Mrs. ROOSEVELT (United States of America) asked for a separate vote on each of the words "conditions", "obligations" and "penalties" in the French amendment.

"Conditions" was rejected by 7 votes to 5, with 6 abstentions.

"Obligations" was rejected by 9 votes to 5, with 4 abstentions.

"Penalties" was rejected by 5 votes to 4, with 8 abstentions.

Mr. AZEDUL (Lebanon) noted that the English text of the French delegation's amendment contained the words "public order" while the French text said "ordre".

Mr. CASSIN (France) pointed out that his delegation had used the word "ordre" so as to avoid the difficulties which the term "ordre public" would have occasioned the English-speaking delegations. It was regrettable that the English text was now using the words "public order". He therefore asked that the word "public" should be deleted from the English text.

Mr. AZEDUL (Lebanon) asked for a separate vote on the word "order".
The word "order" was adopted by 7 votes to 5, with 6 abstentions.

Mrs. MEHTA (India) proposed that the word "public" be inserted before "order".

The word "public" was adopted by 6 votes to 1, with 10 abstentions.

Mr. AZEDUL (Lebanon) observed that, as a result of the last vote, the Commission had done nothing to solve the problem arising from the difference in meaning between the French expression "ordre public" and the English "public order".

The French amendment to article 14, paragraph 3, as amended, was adopted by 6 votes to 6, with 3 abstentions.

Article 14 as a whole, as amended, was adopted by 12 votes to 3, with 3 abstentions.

Mr. NISOT (Belgium) said that he had abstained from the vote on paragraph 1 because he did not agree with the interpretation placed upon it, according to which the text referred to all interference, and not, as he would have wished, to interference with public powers.

/Mr. HOARE

Mr. EDAMS (United Kingdom) explained that he had voted against his delegation's amendment in its truncated form because it had been completely distorted by the previous votes.

He had abstained from all the votes on the words "order" and "public order" because the meaning of those expressions was completely obscure to him. He had abstained from the vote on the French amendment and on the article as a whole because paragraph 2, as adopted, was not acceptable to his delegation.

Mr. WHELAN (Australia) said that he had voted for article 14 as a whole because the article was generally acceptable to his delegation, but he thought that the expression "public order" should be reconsidered.

AMR El GAY (Egypt) said that he had abstained because his delegation's proposal had been rejected. As it had been rejected by a small majority, he hoped that it would be adopted in the General Assembly.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that he had voted against article 14 because it had become unsatisfactory as a result of the rejection of the USSR amendment. In particular, he regretted that the limitations on freedom of speech and the press aimed at preventing warmongering, hatred among peoples, racial discrimination and the spreading of slanderous rumours had been rejected, along with the Egyptian proposal which, while inadequate, would have improved the article. The vote to reject the words "in a democratic society" was unprecedented and showed that the Commission had not been able to arrive at a satisfactory text because of its present composition.

Mr. BORATYNSKI (Poland) said that his delegation had voted against article 14 for the reasons he had stated during the discussion. He regretted the rejection of the USSR amendment.

The CHAIRMAN said that as the Commission had completed consideration of article 14, it should now go back to article 10. He intended strictly to apply the Commission's decision to limit speakers henceforward to ten minutes

/for their

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for their first intervention and five minutes for subsequent statements.

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed the adjournment.

The proposal was adopted by 7 votes to 1, with 5 abstentions.

The meeting rose at 5.35 p.m.