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CONTENTS

Agenda item 35:

*Draft International Covenants on Human Rights
(continued)*

<i>Article 19 of the draft Covenant on Civil and Political Rights (concluded)</i>	93
<i>Article 26 of the draft Covenant on Civil and Political Rights</i>	93

Chairman: Mr. Salvador P. LOPEZ (Philippines).

AGENDA ITEM 35

Draft International Covenants on Human Rights (E/2573, annexes I-III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/4789 and Corr.1, A/C.3/L.903, A/C.3/L.921, A/C.3/L.923/Rev.2, A/C.3/L.929 and Add.1, A/C.3/L.930/Rev.1) (continued)

ARTICLE 19 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B) (concluded)

1. Mr. PANDO MONJE (Bolivia), explaining his vote on article 19, said that he had voted against the amendments submitted by the USSR (A/C.3/L.921) and by India and Indonesia (A/C.3/L.923/Rev.2) because the article, as originally drafted, was broad enough to safeguard freedom of opinion and freedom of expression, which were fully guaranteed under Bolivian law.

2. The reference to the prevention of war propaganda in the USSR amendment could be more appropriately included in article 26, which would follow article 19, and his delegation was therefore particularly interested in the Brazilian amendment (A/C.3/L.930/Rev.1) to that article.

3. Mr. FERREIRA ALDUNATE (Uruguay) remarked that the Latin American representatives had voted against the amendments, the rejection of which represented a victory for the cause of human freedom. The Uruguayan delegation had also, however, voted against the original text, because it could only be interpreted as permitting prior censorship. His delegation had not been prepared to vote for a juridical instrument which might be used for the suppression of freedom.

4. Mr. ASIROGLU (Turkey) explained that he had voted against all the amendments to article 19 because Turkey wanted no change in the original text. His vote should not be interpreted as meaning that his Government opposed the ideas underlying the amendments.

ARTICLE 26 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B)

5. The CHAIRMAN invited the Committee to consider article 26 of the draft Covenant on Civil and Political Rights which, as agreed (1073rd meeting), would be placed immediately after article 19.

6. Mrs. TILLET (United States of America) said that the article, in its present form, was not acceptable to her delegation; it was open to abuse, and its retention in the draft Convention might encourage the Governments of totalitarian States to impose limitations on freedom of speech and of the Press, thus undermining the rights set forth in article 19. Her Government had always maintained that it would be dangerous to permit such prohibitions, because any criticism of public or religious authorities could easily be described as "incitement to hatred", especially since the term did not lend itself to easy definition as a penal offence. The advocacy of national, racial, or religious hostility constituting an incitement to violence could be, and ought to be, forbidden, and she was therefore in sympathy with the spirit of the article but in its present wording it should be deleted from the Covenant.

7. Mr. DIAZ CASANUEVA (Chile) observed that whereas article 19 proclaimed the freedom of individuals to receive and impart information, article 20 proclaimed the right of society to protect itself against abuses of that freedom aimed at undermining the bases of national and international life. Thus the two articles related, respectively, to information and propaganda.

8. Some people denied that separate definitions could be established for propaganda and information, and even held that no such thing as objective information existed. He believed, however, that a distinction between the two could be drawn: propaganda began when a medium of communication surrendered its function of informing or instructing disinterestedly and started to serve a specific end.

9. Propaganda, which was inevitable in modern society, was one of the most powerful formative agents of public opinion. It would be absurd to denounce it as such, since it was in itself neither good nor evil. Like atomic energy, it could be put to good or bad use. Propaganda could bring about conciliation between religions, races and peoples, but it could also arouse hatred and violence and ultimately plunge nations into war.

10. Organized propaganda played a preponderant role in shaping public opinion even in the great democratic Powers of today, which exalted individualism and freedom of opinion. How much more was that the case in the totalitarian societies. Many sociologists had noted that young people throughout the world were being influenced to a greater extent by propaganda than by their studies—a situation which should cause

anxiety not only among educators and national leaders but also among those who, like the members of the Committee, were engaged in drafting texts to safeguard human freedoms and promote friendship among nations.

11. In discussing the questions of information and propaganda, it was essential to bear in mind that many countries possessed very limited media of information and consequently had to rely on the information systems of the highly advanced nations. Countries inhabited by 70 per cent of the world's population did not satisfy the minimum requirements for information media established by UNESCO. More than forty countries had no national information services at all. Thus a very heavy responsibility devolved upon the several great news agencies in the world.

12. Difficult as it was to define precisely, propaganda could in general be regarded as the art of influencing public opinion through the deliberate and systematic dissemination of information tending to affect the emotions. It often used modern technical means in order to reach great numbers of people. It also employed the resources of social psychology, especially the technique of suggestion, so as to implant an idea, achieve an aim or promote a certain kind of conduct. It did not proliferate opinions or stimulate the power of judgement but levelled out ideas and controlled the attitudes of individuals and groups. Paradoxically, propaganda often drew upon genuine information, but never in such a way as to provoke a clash of ideas.

13. While it was difficult to make propaganda subject to the law, it was not impossible, for the term had already entered into national laws and constitutions and was mentioned in various international agreements. The lack of an accepted legal definition did not mean that the issue could be by-passed, for the need for legislation on it had become increasingly apparent. The draft Covenants had for a long time been considered by some as too vague and diffuse to be useful, but in recent years there had been a profound change in thinking and many States were now willing to discuss specific obligations in the field of human rights.

14. The need for legal provisions concerning propaganda could hardly be questioned after the world had experienced the horrors of Hitlerism, which had conditioned people to commit the most atrocious crimes. Indeed, such legal provisions had many precedents to rely upon, such as: the action of the League of Nations; the judgements of the Nuremberg Tribunal, some of which had been rendered in cases involving solely the dissemination of Nazi propaganda; the two historic decisions of the General Assembly contained in resolution 110 (II), entitled "Measures to be taken against propaganda and the inciters of a new war" and resolution 381 (V) entitled "Condemnation of propaganda against peace"; the draft Convention on Freedom of Information,^{1/} which dealt with the question of propaganda in some detail; and, the provisions on propaganda contained in the laws and constitutions of many States.

15. The Committee must nevertheless bear in mind the fears expressed by some delegations that article 26 might constitute a restriction on the freedom of expression proclaimed in article 19 of the draft Covenant and that it might draw an impracticable

dividing line between reasonable expressions of opinion and harmful propaganda. He regretted that the United States representative opposed the article despite her statement that such advocacy as led to violence could and should be forbidden. His delegation was prepared to consider any formulation which met the viewpoints of Governments that had reservations about the article. It agreed with the Brazilian amendment and would support any other amendments in that vein. It wished furthermore to suggest that the article should end with the words "shall be prohibited by law", rather than "shall be prohibited by the law of the State", for in that way the matter of implementation would be placed firmly in the hands of the legislatures and the courts.

16. Despite the misgivings of some Governments, it seemed evident that the draft Covenant must have a clear and explicit article which would take account of the grievous experiences of the century and offer to coming generations a surer path towards peace.

17. Lady TWEEDSMUIR (United Kingdom) said that, although impressed by the sincerity of the Chilean representative's arguments, her delegation had not been convinced by them. It believed, like the delegation of the United States, that the text of article 26 was open to abuse because it dealt in concepts which defied precise legal definition. The expression "incitement to hatred", in particular, could be used by unscrupulous Governments to suppress the very freedoms and rights which the draft Covenant set out to preserve. Moreover, an article which did not proclaim a specific right was out of place in that instrument, the object of which was to define certain basic human rights and provide safeguards for them. Thus, while recognizing the reality and importance of the evils against which article 26 was directed, propaganda not least among them, her delegation would not be able to support it.

18. Mr. BAROODY (Saudi Arabia) did not think that article 26 could be swept aside simply because certain delegations were radically opposed to it. The article had a purpose, and a very real one, in the conditions of the world today. It might provide a partial remedy for the cold war, in which propaganda was in fact the principal weapon. Perhaps that was why those using it were afraid of being deprived of it. It was for the smaller countries to try to persuade them to give it up. If individuals could be restrained from advocating the overthrow of Governments, so ought States to be restrained by law from advocating the overthrow of the Governments of other countries through hostile propaganda. The smaller countries believed that they had a say in that matter because the cold war, which went on over their heads, threatened them too. Moreover, they feared contamination from the diseased information media of the large countries when they acquired their own means for mass communication. They saw article 26 as, to some extent, their safeguard.

19. There was also, in all parts of the world, incitement to racial and religious hostility; there was ideological provocation. The world could not continue to live with such tensions. It was time that something was done to put a stop to the whole process. Article 26 of the draft Covenant represented such an attempt. The representatives of the United States and the United Kingdom had failed to explain in what way they considered that text open to abuse. That the term "incitement to hatred" was not susceptible of precise definition might well be true—violence was certainly

^{1/} Official Records of the General Assembly, Seventh Session, Annexes, agenda item 29, document A/AC.42/7 and Corr.1, annex.

always visible but hatred not necessarily so. The text of the article had been very carefully drafted, but it might perhaps be modified slightly in certain respects. He would urge those who had objections to it to put forward amendments and not simply reject it out of hand.

20. Mr. DENNIS (Liberia) commended the Chilean representative for his creative and constructive exposition of the meaning of article 26 and of the Brazilian amendment, but would like to know exactly what the term "war propaganda" covered. While his delegation felt that the text of the article might be incompatible with the rights protected by article 19, it retained an open mind until further views had been heard. Hatred should certainly be dealt with when it became overt, and to delete the article might imply

that the Committee approved of hatred and of national, racial or religious hostility. A more constructive formulation might be found if the article was viewed in the light of its humanitarian purpose.

21. Mr. WAN MUSTAPHA (Federation of Malaya) pointed out that the Chilean representative had spoken of war propaganda which constituted an incitement to hatred and violence; if that was the construction intended by the Brazilian representative, the words "including war propaganda", should be inserted after the word "hostility", rather than after the word "violence". He hoped that the Brazilian representative would clarify the point.

The meeting rose at 5.45 p.m.