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MEETING**

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**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.930/Rev.2, A/C.3/  
L.932) (continued)**

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

1. Mr. KASLIWAL (India) said that article 26 and the amendments submitted thereto were very important in the context of the existing world situation. A number of amendments to article 19 having been withdrawn on the understanding that a place would be found for them in article 26 he was surprised that the delegation of the United States and the United Kingdom now suggested the deletion of article 26 (1078th meeting). Any reservations concerning that article should have been expressed during the debate on article 19. In his view, resolutions adopted by the General Assembly and other United Nations organs clearly showed the need for such an article in the draft Covenants.

2. He was happy to note that, in both the nine-Power amendment (A/C.3/L.930/Rev.2) and the four-Power amendment (A/C.3/L.932), the question of war propaganda had been dissociated from the concept of "violence"; the possibility that article 26 could not be invoked before the outbreak of war was thus removed.

3. His delegation preferred the nine-Power amendment because, first, it retained the word "hostility". Second, in the four-Power amendment, the word "hatred" had been transposed in a peculiar manner, apparently to meet the objections raised by the United Kingdom delegation; since the latter had already said that the article should be deleted, there was no need for such a concession. Third, the nine-Power amendment introduced a very important word, "discrimination"; and last, the drafting as a separate sentence of the clause: "This prohibition shall be incorporated in the law of the State" forcefully indicated the intention of placing a categorical prohibition on the activities in question. His delegation would, therefore, support the nine-Power amendment.

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4. Mrs. ROUSSEAU (Mali) remarked that, as no convincing reasons had been produced for the deletion of article 26, her delegation considered that the basic principles it contained should be stated in the draft International Covenants on Human Rights.

5. The nine-Power amendment, of which Mali was a co-sponsor, rectified important omissions in article 26 by incorporating into it a prohibition of war propaganda and discrimination. The evils of racial discrimination were well established in history. She could cite many examples of discrimination, from segregation in matters such as transportation and schools, to the racist frenzy that led to "apartheid"—a crime against humanity as great as the crimes of the Hitlerite fascists.

6. Civilized countries must demand that all national legislations should include provisions prohibiting discrimination, which lay at the basis of irreconcilable dissensions prejudicial to friendship among men and the peace of the world.

7. Her country, which needed peace in order to consolidate its new national independence and to build up its economic structure, was also strongly opposed to war propaganda and believed that its prohibition in the laws of all States would be a decisive step towards the peaceful coexistence of peoples.

8. Mrs. NARDI (Israel) said that her delegation, in supporting the nine-Power amendment, felt that any threat to freedom implicit therein was far outweighed by the urgent need to adopt measures against war propaganda and national, racial or religious hostility. In a time of unprecedented technical capacity for propaganda, such sufferings as had recently befallen the Jews might be experienced by other groups unless advocacy of such hostility was nipped in the bud. The proposed ban on war propaganda had more than general significance, and with the adoption of a Covenant incorporating article 26, vituperation and enmity might be replaced by co-operation in that part of the world where Israel was situated.

9. Mr. CHAKCHOUK (Tunisia) regarded article 26 as a corollary to article 19 and as a wise and logical restriction of freedom of information. Every country had minorities which should be protected, and his delegation favoured the inclusion in the draft Covenants of an article laying down that any propaganda designed to set one race or religion against another should be prohibited by law. He would be glad to consider any amendment that might improve the text of article 26.

10. Mrs. LEFLEROVA (Czechoslovakia) remarked that the principles stated in article 26 were particularly important because of the continued manifestation of national, racial and religious hatred in many parts of the world. International concern at the situation had been demonstrated in recent resolutions adopted by the General Assembly, by the Commission on Human Rights and its Sub-Commission on Prevention of

Discrimination and Protection of Minorities, and by UNESCO. Events indicated, however, that the efforts of international bodies had not yet yielded the desired results: States had obviously not adopted sufficiently effective measures to remedy the situation.

11. Racial and national hatred was at present particularly evident in connexion with the growing national liberation movement of colonial peoples. The Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) must be speedily implemented not only in terms of abolishing colonialism as a system of exploitation, but also in terms of eliminating many other phenomena which directly contradicted the principles set forth in the Declaration, in the Charter of the United Nations and in the Universal Declaration of Human Rights (General Assembly resolution 217 (III)).

12. Her delegation had had the opportunity at the fifteenth session of the General Assembly and at the eleventh General Conference of UNESCO to draw attention to a number of dangerous developments in the Federal Republic of Germany, where neo-fascist publications defended racial discrimination and justified colonialism as the natural domination of Europeans over the "less intelligent" Africans. Such statements, even if they did not lead immediately to violence, were extremely dangerous and demonstrated the futility of the so-called patient approach to the problem.

13. The draft Covenant clearly required provisions which would enjoin States to prohibit by law all attempts to spread racial, national and religious hatred. The legislation of many countries, including her own, contained provisions to that effect.

14. She could not understand the position of those delegations which had asked for the deletion of article 26 on the ground that it would violate freedom of expression or that it did not protect a fundamental human right. It seemed inconceivable that freedom of expression should be used as pretext for allowing the dissemination of views which insulted human dignity and led to physical violence and bloodshed. Furthermore, the spread of racial, national and religious hatred clearly violated the fundamental rights of those against whom the hatred was directed. Her delegation held that the right to defence against the denial of human rights was itself a right every human being should enjoy.

15. Article 26 as drafted, while expressing the correct idea, laid greater stress on the effects than on the causes of hatred and violence. The initial stages of the process of incitement should also be covered, and that could be achieved, as several speakers had mentioned, simply by stating that all propaganda inciting to national, racial or religious hatred should be prohibited by law.

16. She entirely supported the view of the sponsors of both amendments before the Committee, that article 26 should contain an unconditional prohibition of war propaganda. Her delegation had already stated its position on that matter during the discussion of article 19 of the draft Covenant (1072nd meeting), but she wished to stress once more the need for such a provision in the interests of peace and friendly relations among nations, which in turn were the

basic pre-conditions for the realization of the economic, civil and political rights proclaimed in the draft Covenants.

17. Lady TWEEDSMUIR (United Kingdom), replying to the Indian representative, recalled her earlier statement (1079th meeting) and stated that her delegation was not now pressing for the deletion of article 26. Its inability to vote for the article, however, remained unchanged.

18. Mrs. TILLET (United States of America) recalled her delegation's objections (1078th meeting) to article 26 as originally drafted, objections which had prompted it to propose the article's deletion.

19. Her delegation had nevertheless continued to be interested in an appropriate wording for article 26, that would effectively safeguard the freedoms guaranteed in article 19 and other articles of the draft Covenant. The four-Power amendment seemed to her to solve that problem. The phrase "inciting to violence" was the core of the amendment, which in a straightforward and lucid manner set out the principle her delegation supported while not leaving the way open for abuse. She would vote for that amendment and hoped others would too.

20. Mr. BAROODY (Saudi Arabia) welcomed the two preceding statements. A number of African and Asian delegations had expressed the fear that the phrase "inciting to violence" in the amendment he co-sponsored meant that there must be violence before the prohibition could be enforced. That was not the case. The phrase clearly referred to propaganda and advocacy which were of a nature to incite to violence and not which had incited to violence. Thus, if a law enforcement officer overheard someone inciting a group of people to attack a place of worship, he could immediately detain that person as an inciter to violence.

21. The sponsors had also been asked why their amendment made no reference to national, racial and religious discrimination. One reason was that the question of discrimination was fully covered in article 24. Another was that the expression "national discrimination" was not clear since it could refer either to domestic or to international situations; indeed, at either level the problem was extremely knotty.

22. He believed that the four-Power amendment was clearer than the nine-Power amendment, although both aimed at the same objective. Its sponsors had furthermore taken into account the views of a number of delegations, including those of Brazil and Chile. He hoped that, in the interests of a unanimous or nearly unanimous vote on the article, the sponsors of the nine-Power draft would be willing to reconsider their position. It seemed better to have a text which covered the basic issues and to which all States, including the great Powers, could subscribe, than to have a more detailed set of provisions which would not be acceptable to the very nations that had the most powerful means of propaganda at their disposal.

23. The CHAIRMAN expressed the hope that the sponsors of the two amendments would meet to work out an agreed text.

The meeting rose at 1.5 p.m.