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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SIX HUNDRED AND SEVENTY-FIFTH MEETING

Held at Headquarters, New York  
on Monday, 27 February 1961, at 10.50 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
<u>Rapporteur:</u>	Mr. BRILLANTES	Philippines
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. AMADEO	Argentina
	Mr. ERMACORA	Austria
	Mr. CHENG PAONAN )	China
	Mr. TSAO )	
	Mr. MADSEN	Denmark
	Mr. CASSIN	France
	Mr. BHADKAMKAR )	India
	Mr. VELLODI )	
	Miss KAMAL	Iraq
	Mr. BEAUFORT	Netherlands
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. WYZNER	Poland
	Mr. NEDBAILLO	Ukrainian Soviet Socialist Republic
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mr. KLUTZNICK	United States of America
	Mr. ARRAIZ	Venezuela

Also present: Mrs. LEFAUCHEUX Commission on the Status of Women

Observer from a Member State:

Mr. NAGASHIMA Japan

Representative of a specialized agency:

Mr. BEHRSTOCK United Nations Educational, Scientific  
and Cultural Organization

Secretariat: Mr. HUMPRHEY Director, Division of Human Rights  
Mr. SCHWELB Deputy Director, Division of Human  
Rights  
Mr. DAS Secretary of the Commission

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (E/CN.4/807; E/CN.4/NGO/92; E/CN.4/L.578 and L.578/Rev.1) (continued)

Mr. PAZHWAQ (Afghanistan) announced that a revised text (E/CN.4/L.578/Rev.1) of the draft resolution would be distributed shortly. The sponsors of the draft resolution had done their best to take into account, as far as possible, all the views expressed by members of the Commission.

Mr. BEAUFORT (Netherlands) said that he had listened to the statements made by members of the Commission with the greatest interest. He had felt that they were very much to the point and that they evidenced a desire to avoid propaganda. His delegation was convinced of the usefulness of advisory services and was satisfied with the results achieved, particularly in the case of seminars, but the importance of fellowships also must not be disregarded. He agreed with the Philippine representative that seminars established the United Nations presence in the countries where they were held and helped the people to understand that one of the aims of the Organization was to help them solve their problems in a manner consistent with their needs and interests.

He agreed with the United Kingdom representative that the regional seminars had been successful precisely because of their regional nature; that, however, did not preclude the possibility of organizing world seminars, although the latter seemed to raise certain difficulties which had not yet been solved. A certain number of regional seminars should therefore be organized first, in order to ensure the success of the world seminars.

He reserved the right to give his views on the revised draft resolution when it had been circulated.

At the request of the CHAIRMAN, Mr. PAZHWAQ (Afghanistan) read out the amendments<sup>1/</sup> to the three-Power draft resolution.

Mr. BRILLANTES (Philippines) asked whether operative paragraph 1 of the revised draft resolution meant that the Commission approved only the programme of seminars and not the rest of the programme of advisory services.

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<sup>1/</sup> The revised text of the draft resolution (E/CN.4/L.578/Rev.1) was distributed during the meeting.

In reply, Mr. PAZHWAQ (Afghanistan) said that, by inserting in operative paragraph 1 of the revised draft resolution a reference to the report by the Secretary-General on advisory services in the field of human rights (E/CN.4/807), the sponsors had intended to indicate that what the Commission approved was the plan set forth in that report.

Mr. BRILLANTES (Philippines) said that, in that case, the Secretary-General's report (E/CN.4/807) should be mentioned in the preamble, and operative paragraph 1 should state that the Commission approved the plan proposed by the Secretary-General in his report.

Mr. CHENG PAONAN (China) suggested that a way out of the difficulty would be for the Commission to take note of the programme of advisory services for the time being and wait until it took up agenda item 11 (Review of the human rights programme) before formally approving it. He therefore suggested that the word "Approves", in operative paragraph 1, should be replaced by the words "Takes note of".

The CHAIRMAN pointed out that it was the usual practice for the Commission to approve the programme of advisory services when it took up the programme of advisory services in the field of human rights (agenda item 3) and merely to take note of it when it took up the review of the human rights programme (agenda item 11).

Mr. ERMACORA (Austria) said that, as the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted, at its eighth session, a resolution (resolution F) stressing the desirability of holding seminars on the prevention of discrimination and protection of minorities, it would be desirable to organize a seminar in that field. He also felt that the Commission itself should analyse the results of the seminars and fix the criteria for the choice of participants.

Mr. CASSIN (France) said that he was ready to vote on the revised draft resolution. He recalled that he had not specifically asked for world seminars to be mentioned in the draft resolution, but he would like it to include a reference to scholarships and fellowships.

Mr. BEAUFORT (Netherlands) said that he saw no need for a study of "other effective measures", as provided in operative paragraph 2, sub-paragraph (a). Before seeking other forms of advisory services, full advantage should be taken of the existing programme.

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Mr. AMADEO (Argentina) said that he would vote for the revised draft resolution.

Sir Samuel HOARE (United Kingdom) welcomed the fact that the sponsors of the draft resolution had been able to put right certain defects in the original text. However, not all the misgivings he had voiced at the preceding meeting had been allayed.

With regard to paragraph 2, sub-paragraph (a), he shared the views expressed by the representative of the Netherlands. Although the interpretation placed on that sub-paragraph by the French representative at the preceding meeting had apparently been confirmed by the sponsors, it would be better if the text itself were perfectly clear; accordingly, he suggested that the words "through advisory services" should be inserted between the words "measures" and "for the purpose of ...".

Sub-paragraph (b) in its present wording might be thought to imply that the selection of subjects was faulty. In fact, all the seminars held thus far had dealt with precise subjects. Such questions as the protection of human rights in the administration of criminal justice or the participation of women in public life were certainly precise subjects. Furthermore, since in operative paragraph 1 the Commission approved the plan presented for holding seminars, it ought not to suggest in the following paragraph that the selection of subjects must be reconsidered.

Lastly, as paragraph 1, sub-paragraph (c) of the original text had become paragraph 3 of the revised draft resolution, the results of the study requested in paragraph 3 apparently would no longer have to be submitted for the consideration of the Commission on Human Rights. In any event, he still had doubts about the meaning of that paragraph. Was the Secretary-General simply to study the question and submit a report on his study to the Commission? Would he have to study not only the desirability of offering fellowships and scholarships, but also the desirability of appropriate publicity being given to fellowship and scholarship programmes? And was the question of publicity not covered by the conception of the offer of fellowships and scholarships? He would be satisfied with some oral clarification of sub-paragraph (c), but felt that sub-paragraphs (a) and (b) should be redrafted.

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Mr. ERMACORA (Austria) had the same objections to sub-paragraph (a) as the representatives of the Netherlands and the United Kingdom. General Assembly resolution 926 (X) provided for three forms of assistance only; it was therefore impossible, "in the light of resolution 926 (X)", to envisage other measures than those already incorporated in the present programme of advisory services.

Mr. CASSIN (France) thought that there was a real need for the word "precise", although it might perhaps be replaced by a less forceful adjective such as "well-defined".

At the start there had been a period of uncertainty and inquiry, as there normally was when a new programme was put into operation. While the selection of subjects was now entirely satisfactory, several seminars held in past years had dealt with subjects that were too vague and it would be unfortunate if that error was repeated. For instance, a subject such as the eradication of discrimination and the protection of minorities was much too vast for any fruitful study at a seminar.

Mr. PAZHWAK (Afghanistan) assured the United Kingdom representative that the sponsors of the revised draft resolution, in amending operative paragraph 2 and sub-paragraph (b) in particular, had given as much consideration as had seemed to them possible to the suggestions submitted by the members of the Commission.

So far as sub-paragraph (a) was concerned, they had not considered it necessary to repeat that advisory services were involved, since the first preambular paragraph of the draft resolution already mentioned that resolution 926 (X) dealt with those services. If the point were mentioned again in sub-paragraph (a), the reference might be interpreted to mean that the remainder of the draft resolution did not deal with advisory services.

The sponsors had added the word "precise" in paragraph 2, sub-paragraph (b) simply to comply with the request of the French representative. He felt sure that the Indian and Panamanian delegations would not object to the substitution of the word "well-defined", if the French representative so desired.

Former sub-paragraph (c) had been made into operative paragraph 3 in order to overcome the difficulty concerning the date, to which the Secretariat had drawn attention, but the purpose of the provision remained the same.

Mr. AMADEO (Argentina) suggested that, in order to avoid giving the impression in paragraph 2, sub-paragraph (b) that more stress was being laid on the preciseness of the subjects to be studied than on their number and variety, the wording should read: "... covering the widest possible range of precise subjects within the field of human rights ...". That wording ought to satisfy both the French and the United Kingdom representatives.

Sir Samuel HOARE (United Kingdom) believed that the meaning of paragraph 2, sub-paragraph (a) had to be clarified; he accordingly proposed that the words "through advisory services" should be added after the words "effective measures". He would not object to the retention of the phrase "in the light of resolution 926 (X)" as well, if the sponsors of the draft resolution so wished, although those words would be superfluous.

With regard to paragraph 2, sub-paragraph (b), he hoped that the sponsors of the draft resolution would accept the wording suggested by the Argentine representative, which he found entirely satisfactory.

Mr. PAZHWAQ (Afghanistan) stated, on behalf of the sponsors of the draft resolution, that they would accept the Argentine representative's amendment to paragraph 2, sub-paragraph (b).

Mr. BHADKAMKAR (India) drew the United Kingdom representative's attention to the fact that the sponsors had referred to General Assembly resolution 926 (X) in paragraph 2, sub-paragraph (a) of the revised draft resolution precisely in order to place the measures that were to be studied within a more exact and limited framework than that of "advisory services", which was too general. They therefore thought it would be best to retain the phrase "in the light of resolution 926 (X)", even if the words suggested by the United Kingdom representative were added. In any case, the preamble indicated clearly that the draft resolution dealt only with advisory services.

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He also stressed the desirability of appropriate prior publicity being given to the availability of services in the field of human rights, as paragraph 3 of the revised draft resolution provided. Too many countries still lacked adequate information on that subject.

Mr. KLUTZNICK (United States of America) hoped that the revised draft resolution would be approved by the Commission unanimously; he, therefore, urged the sponsors, while retaining the words "in the light of resolution 926 (X)", to accept the amendment to paragraph 2, sub-paragraph (a) proposed by the United Kingdom representative.

The CHAIRMAN invited the Secretary of the Commission to report on the financial implications of the revised draft resolution.

Mr. DAS (Secretary of the Commission) said that the Secretariat had prepared a statement of financial implications which would be distributed to members of the Commission immediately (E/CN.4/L.578/Rev.1/Add.1).

The three seminars already planned for 1962 would call for an expenditure of, say, between \$90,000 and \$95,000. The average cost of a fellowship being \$4,000, the annual appropriation of \$100,000 would normally permit the granting of one or two fellowships or scholarships, assuming that no experts were requested by Governments. For every additional fellowship or scholarship an additional appropriation of \$4,000 would be required.

The CHAIRMAN proposed that, as the text of the revised draft resolution had not yet been distributed, the meeting should be suspended.

It was so decided.

The meeting was suspended at 12.5 p.m. and resumed at 12.30 p.m.

The CHAIRMAN put to the vote the United Kingdom oral amendment whereby the words "through advisory services" would be inserted after the words "other effective measures", in operative paragraph 2 (a) of the revised draft resolution (E/CN.4/L.578/Rev.1).

The United Kingdom amendment was adopted by 11 votes to none, with 6 abstentions.



The CHAIRMAN recalled that the sponsors of the revised draft resolution had accepted the amendment to paragraph 2 (b) proposed by the representative of Argentina.

The revised draft resolution (E/CN.4/L.578/Rev.1) as a whole, as amended, was adopted by 14 votes to none, with 3 abstentions.

FREEDOM OF INFORMATION (E/CN.4/814 and Add.1) (continued)

Mr. AMADEO (Argentina) associated himself with previous speakers in praising UNESCO for the quality of its well-documented and objective report. Some members of the Commission had said that the report contained a description of the situation with regard to information media in the under-developed countries, rather than suggestions as to how it could be improved. That was not his view. UNESCO had formulated a whole series of recommendations which, taken together, constituted an effective programme for the development of information media. His delegation enthusiastically subscribed to that programme, and would support any draft resolution approving UNESCO's recommendations.

Various members of the Commission, including the United Kingdom representative, had observed that the Commission, as an organ, was not competent to express a view on the technical problems posed by the development of information media. Certainly the Commission on Human Rights was not a technical commission; but it was its duty to make a general evaluation of the reports submitted to it by sub-commissions or committees and by the specialized agencies, and to express itself in their regard, without however going into technical details. The Commission was particularly competent to consider UNESCO's report on the development of information media, which posed serious human problems. It was also competent to consider the study concerning the right of everyone to be free from arbitrary arrest, detention and exile, which was likewise a study of a technical nature.

UNESCO had very rightly emphasized that the development of information media was only a part of a much greater task - the economic development of under-developed countries. There was no doubt that the expansion of information media was closely linked with economic progress. In his view, one should go further and say that in many countries the position with regard to information media had been

(Mr. Amadeo, Argentina)

aggravated as a result of unfavourable trends in the terms of trade. The countries producing primary commodities - in other words, the under-developed countries - were suffering as a result of the fall in the prices of their export products on the international market in relation to those of manufactured products. A decrease in the purchasing power of the under-developed countries resulted, and that had repercussions in many fields, including the field of information media. Taking an example from his own country, he explained that twenty-five years ago, in Argentina, the export price fetched by 3,000 sacks of wheat allowed of the purchase of a printing press. At the present time, if the same machine were to be bought, 6,000 to 7,000 sacks of wheat had to be sold. Many countries were in a similar situation.

He then observed that the UNESCO report was addressed primarily to the Governments of under-developed countries. While it was true that those Governments had the responsibility of taking steps for the development of information media, it must not be forgotten that in many countries those media were owned by private undertakings, their management not being controlled by the State. In those circumstances, the principal effort to develop information media had to be made by the private sector.

It was certainly the social aspect of the question of the development of information media which was the most important. In its report, UNESCO had stressed the educational value of information media. In his view, that value existed, but in a latent state; and it depended entirely on the use made of the information media, since they could be used either for good or for evil. It was necessary, however, to note the profound influence which could be exerted through information media on a country's population. They played a real part in moulding the mind of the public. Hence the legitimate anxiety shown by the under-developed countries, which feared that the development of information media might lead to the disappearance of their cultural heritage. Those countries were in that respect particularly vulnerable as a result of their state of under-development, for the private individuals controlling the information media in their territories generally lacked the training and culture required and were not always conscious of their duties and their responsibility. Although that aspect of the question was discussed in the report, it was not, in his opinion, sufficiently developed.

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Under General Assembly resolution 1313 (XIII), the under-developed countries must be assisted to build up adequate information media "which could facilitate the free flow of accurate and undistorted news and information"; that must be done not only with a view to the proper informing of the public, but also in the interests of peace. There again, information media were simply an instrument which could be used either in the service of peace and understanding between peoples, or for the sowing of hatred and incitement to war.

In the draft resolution to be adopted on the question of freedom of information, the Commission should urge the developed countries to help the other countries to develop their information media in the spirit required for the maintenance of peace and the safeguarding of the cultural heritage of the under-developed countries.

The meeting rose at 1 p.m.