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COMMISSION ON HUMAN RIGHTS

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DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

Recapitulation of amendments to articles 16, 17 and 18

Article 16

Original text in document E/800:

1. No one shall be denied freedom of thought, belief, conscience and religion, including freedom to hold any religious or other belief, and to change his belief.
2. No one shall be denied freedom, either alone or in association, to manifest his belief in practice, and in worship and observance, and no one shall be required to do any act which is contrary to such worship and observance.
3. No one shall be denied freedom, either alone or in association, to give and receive any form of religious teaching, and to endeavour to persuade other persons of the truth of his beliefs.
4. The above rights and freedoms shall be subject only to such limitations as are prescribed by law and are necessary to protect public order and health, morals and the fundamental rights and freedoms of others.

(Note: The representative of the Soviet Union proposed to replace Article 16 by the following text (unofficial translation):

"Every person shall have the right to freedom of thought and freedom to practice religious observances in accordance with the laws of the country and the dictates of public morality.")

United States of America, (E/CN.4/170/Add.4)

1. No one shall be denied freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
2. The above provision shall be subject only to such limitations as are pursuant to law and reasonably necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.*

* Omit underlined words if Article 4 is revised along lines of United States proposal.

Lebanon (E/CN.4/226)

1. "No one shall be denied freedom of thought, conscience and religion, including freedom to change his religion or belief".
2. Add: "and in public or private" after "in association" and add "religion or" between "his" and "belief".
3. Add: "and in public or private" after "in association" and add the following sentence at the end of this paragraph:
"In case of children, their parents shall not be denied freedom to determine what form of religious teaching they shall receive".
4. Modify the first line to read as follows: "the rights and freedoms mentioned in paragraphs 2 and 3 shall be subject"

France (E/CN.4/229)

Replace paragraphs 1, 2 and 3 by article 18 of the Declaration.
Paragraph 4 to remain unchanged.

Egypt (E/CN.4/233)

In paragraph 1, delete the words "and to change his belief".
In paragraph 3, delete the words "and to endeavour to persuade other persons of the truth of his beliefs".

Article 17

Original text in document E/800:

(The Drafting Committee did not decide which of the following texts it preferred).

A. Text submitted by the Representative of France

1. Speech is free. Every person shall be free to express and publish his ideas in any way he chooses.
2. Every person shall be free to receive and disseminate information of all kinds, including facts, critical comment and ideas, by the medium of books, newspapers, oral instructions or in any other manner.
3. The freedoms referred to in the preceding paragraphs may be subject only to the restrictions, penalties or liabilities provided by law for the protection of public order, national security, good morals, respect for law and the reputation or rights of other persons.

B. Text submitted by the Representative of the Soviet Union

1. In accordance with the principles of democracy and in the interests of strengthening international co-operation and world peace, every person shall be guaranteed by law the right to the free expression of his opinions and, in particular, to freedom of speech and of the press, freedom of assembly and freedom of artistic representation. The use of freedom of speech and of the press for the purposes of propagating Fascism and aggression or of inciting war between nations shall not be tolerated.

2. In order to ensure the right of the free expression of opinion for large sections of the peoples and for their organizations, State assistance and co-operation shall be given in providing the material resources (premises, printing presses, paper, and the like) necessary for the publication of democratic organs of the press.

C. Text submitted by the United Nations Conference on Freedom of Information

1. Every person shall have the right to freedom of thought and the right to freedom of expression without interference by governmental action; these rights shall include freedom to hold opinions, to seek, receive and impart information and ideas, regardless of frontiers, either orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices.

2. The right to freedom of expression carries with it duties and responsibilities and may, therefore, be subject to penalties, liabilities or restrictions clearly defined by law, but only with regard to:

- (a) matters which must remain secret in the interests of national safety;
- (b) expressions which incite persons to alter by violence the system of Government;
- (c) expressions which directly incite persons to commit criminal acts;
- (d) expressions which are obscene;
- (e) expressions injurious to the fair conduct of legal proceedings;
- (f) infringements of literary or artistic rights;
- (g) expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefiting the public;
- (h) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states.

A State may establish on reasonable terms a right to reply or a similar corrective remedy.

3. Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

4. Nothing in this Article shall be deemed to affect the right of any State to control the entry of persons into its territory or the period of their residence therein.

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Union of Soviet Socialist Republics (E/CN.4/220)

In the interests of democracy, everyone shall be guaranteed by law the right of free expression of opinion, and in particular freedom of speech, of the press and of artistic expression, provided that freedom of speech and of the press is not used for war propaganda, for inciting ~~enmity~~ among nations, racial discrimination and the dissemination of slanderous rumours.

Article 18Original text in document E/800:

All persons shall have the right to assemble peaceably for any lawful purpose including the discussion of any matter on which, under Article 17, any person has the right to express and publish his ideas. No restrictions shall be placed on the exercise of this right other than those prescribed by law and necessary to assure:

- (a) national security;
- (b) the protection of persons or property;
- (c) the prevention of the obstruction of traffic or the free movement of others; or
- (d) the protection of health or morals.

(Note: 1. An additional restriction was suggested as follows:

The prevention of foreign political interference. (Netherlands)

Note: 2. The Government of the Netherlands also suggested:

- (a) That a clause be added making public meetings subject to official authorization; and
- (b) That it should be understood that the right to assemble does not include the right to hold pageants or processions in the streets.

Note: 3. The Government of the Union of South Africa pointed out that the exceptions did not cover prohibition of a public gathering where the Minister of Justice had reason to apprehend that the gathering would engender feelings of hostility between different sections of the population of the Union of South Africa.)

United States of America (E/CN.4/170/Add.4)

No one shall be denied freedom to assemble peaceably with others. No restrictions shall be placed on the exercise of this right other than those pursuant to law and reasonably necessary to assure:

- (a) national security;
- (b) public safety: (the phrase "public safety" is proposed as a substitute for paragraphs (b) and (c) of the Commission draft to provide a general limitation rather than a specific one);

/ (c) (delete -

(c) (delete - see note above concerning "public safety");

(d) the protection of health or morals.*

United Kingdom (E/CN.4/188)

The text of Article 18 as given in document E/800 is acceptable to the United Kingdom subject to the addition of the words "or the prevention of disorder" at the end of sub-paragraph (a) and the words "or any similar nuisance" after the word "others" in sub-paragraph (c).

Union of Soviet Socialist Republics (E/CN.4/222)

Substitute the following for Articles 18 and 19:

"In the interests of democracy freedom to hold assemblies, meetings, street processions and demonstrations, and to organize voluntary societies and unions shall be guaranteed by law.

"All societies, unions and other organizations of a Fascist or anti-democratic nature and their activity in whatever form shall be forbidden by law on pain of punishment."

* Omit underlined words if Article 4 is revised along lines of United States proposal.