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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION  
OF MINORITIES  
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Item 4 of the agenda

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION  
OF ALL FORMS OF RACIAL DISCRIMINATION

Statement submitted by the International League for the Rights  
of Man, a non-governmental organization in consultative status,  
category B

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In supporting the provisions of the Declaration on the Elimination of all Forms of Racial Discrimination, adopted by the General Assembly of the United Nations at its eighteenth session, and their incorporation into a binding legal Convention, the International League for the Rights of Man notes with concern the conflicting views expressed over the extent to which speech, publication and association may be legally suppressed.

Obviously an organization committed to human rights opposes all discrimination on grounds of race, among others, and supports all efforts to combat it. But in doing so we submit:

1. These efforts should not go so far as to violate articles 19 and 20 of the Universal Declaration of Human Rights. Freedom of expression and association guaranteed by those articles are too essential to society to warrant penalties on mere language or association;
2. But acts or specific incitements to them are proper subjects for the criminal law. Where incitements are penalized they should not be in general language but in specific language associated with an act of violence or other illegal action including discrimination, actually committed or attempted;

3. The Universal Declaration of Human Rights is as clear on penalizing incitements to discrimination (article 7) as it is on freedom of expression. Obviously that Declaration draws the line for restraints between incitement and freedom of expression;

4. In applying the principle to organizations found to incite racial violence, the criminal penalties should apply to their responsible officials. Organizations themselves should not be the object of the criminal law. Guilt, by the standards of the Universal Declaration of Human Rights, is personal, and not by association;

5. When the law departs from these principles and attempts to outlaw speech, publication and association in the absence of any acts whatever, it paves the way to grave abuses by authorities in deciding which opinions are punishable and which not. All experience in the outlawing of political and religious movements has led to the abuses. Whatever the dangers in allowing freedom of hateful opinions, far greater danger to all freedom of opinion lies in suppressing them;

Therefore, acts and incitements to them should alone be the concern of the criminal law;

6. Civil action for damages or for restraints against individuals or organizations practising discrimination, we suggest, should be covered in the Convention. They offer effective remedies and offer no such objections as criminal penalties.

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