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PROTECTION OF MINORITIES

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SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 August 1989, at 4 p.m.

Chairman: Mr. YIMER

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been concerned (continued)

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The meeting was called to order at 4.10 p.m.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS IN WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued) (E/CN.4/Sub.2/1989/2, 3, 5, 6, 7 and 26; E/CN.4/1989/45)

1. Mr. HATANO said that he wished, first of all, to congratulate Mr. Türk, Mr. Varela Quiros and Mrs. Warzazi on their remarkable and persuasive introductions on the previous day to their respective studies.
2. He subscribed to the contents of the working paper prepared by Mr. Türk on the right to freedom of opinion and expression (E/CN.4/Sub.2/1989/26) with only two reservations. First, the right to freedom of expression not only gave rise to limitations that were permissible or not permissible and were applied by States through laws and regulations, but it was even infringed in daily life by various groups of citizens. For example, it was likely that a school teacher who considered that the children of AIDS victims should be able to attend school would be ostracized by the people in his community. Such cases should be taken into consideration when drafting a resolution or declaration.
3. His second reservation was related to Mr. Türk's suggestion, in paragraph 63 of his paper, to the effect that two members of the Sub-Commission should be appointed to carry out the study entitled "The right to freedom of opinion and expression: current problems of its realization and measures necessary for its strengthening and promotion". Since the right to freedom of opinion and expression, as Mr. Türk himself recognized, formed the core of many other human rights and since the concept and definition of various terms relating to that right varied considerably not only between Christian and Islamic civilizations but also between European and Anglo-American legal systems, it would seem better to appoint five, or at least four members of the Sub-Commission for the study and the possible drafting of the resolution or declaration, particularly since the paper did not refer to financial implications such as those that had concerned Mrs. Daes on the previous day.
4. He had no objection to the suggestion made by Mr. Eide and supported by Mr. Khalifa that Mr. Joinet should be included among the experts entrusted with the study, if four or five members were appointed. If, however, the study was entrusted to only two members of the Sub-Commission, he thought it would be better, in the general interest, to appoint two experts from backgrounds as different as possible and in any event not from the same continent. To have an Islamic member included in the group, as suggested by Mrs. Palley might be a good idea, but he did not regard it as essential.
5. In matters of terminology, the term "the right to freedom of expression" appeared to be used with two different meanings and without uniformity. For example, in paragraphs 5 (a), 11, 12, 13, 15 and 16 of the paper, it was clearly used as a synonym of "the right to freedom of opinion and expression" whereas in section I (3) and (4) of the report, dealing with limitations or restrictions, the words "opinion and" were deliberately omitted. It would seem more prudent to speak of "the right to freedom of opinion and expression" in talking about the right in general, respecting that order of words which was in conformity with the wording of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights,

although the reverse wording was occasionally found in various United Nations documents such as the title of Commission on Human Rights resolution 1988/37. When dealing with limitations to that right, it would be sufficient to speak of "the freedom of expression".

6. Similarly, Mr. Türk employed interchangeably the words "limitations" and "restrictions", whereas the text of paragraph 3 of article 19 of the International Covenant on Civil and Political Rights only employed the word "restrictions". Mr. Türk sometimes spoke of limitations or restrictions and in other cases of limitations and restrictions or yet again of "exceptions and limitations" (op. cit., para. 43). As Mr. Türk himself drew the Sub-Commission's attention to the need to decide on the interpretation of the concept of "limitations" and "restrictions" (op. cit., para. 52), it would seem that until a clear-cut definition of those two words was agreed upon, it would be better to employ only the term of "restrictions" which appeared in the Covenant. His comments, which in no way questioned the intrinsic value of the working paper, were made solely in the interests of consistency which was a perfectly understandable consideration on the part of the Rapporteur of the Sub-Commission.

7. He thought that in the precise note by Mr. Varela Quiros containing proposals for a possible study on AIDS and human rights (E/CN.4/Sub.2/1989/5), that the list of means of transmitting AIDS appearing in paragraph 13 should be completed by stating that it was also possible to be infected by shaking the hand of an AIDS victim on which there was a tiny scratch. That form of contamination was causing a serious problem in Japan, his own country, where children now had to be told not to touch their friends when they had been hurt and were bleeding. It would therefore be advisable for Mr. Varela Quiros to study the concrete measures which parents and teachers could take to prevent the disease being transmitted in that way.

8. On a point of drafting, the word "obligations" in paragraph 17 seemed a little strong, in that there was no consensus concerning the binding character of the Universal Declaration of Human Rights quoted by Mr. Varela Quiros. The argument had even been put forward that the Universal Declaration had been able to be adopted without objections because it was considered to be non-binding. It was clearly demonstrated by the fact that article 14 of the Declaration which guaranteed everyone "the right to seek and to enjoy in other countries asylum from persecution" had not been retained in the 1966 Covenants. Further, the international instruments mentioned in paragraph 18 (b) to (i) of the paper applied only to States that were parties to them. It would therefore be better to replace "obligations" by a term that was less strong. In paragraph 16 of the English text "the right to education" appeared twice in (f) and (j). Finally, in the interests of consistency vis-à-vis paragraphs 22 and 23, paragraph 21 (a) should be recast to read:

"22. With the Ministries that deal with national education:

"(a) Holding of workshops whose purpose would be ..."

with the subsequent paragraph renumbered accordingly.

9. Mr. DESPOUY said that he wished, first of all, to congratulate Mr. Varela Quiros, who had submitted a very interesting note, Mrs. Warzazi who had introduced the Sub-Commission in an original way to an old and all too

frequently neglected subject, and Mr. Türk who had successfully placed a highly sensitive issue in a perspective of continuity. He also wished to pay a tribute to Brazil which, on the occasion of the Sub-Commission's session, was presenting a display of children's drawings that were of unquestionable educational interest.

10. The agenda item under consideration had been subdivided but he would prefer merely to review developments since the Sub-Commission's preceding session.

11. In Latin America, and first of all in Argentina, his own country, a constitutionally-elected President had, for the first time in 61 years, handed over power to another President also constitutionally elected. Such a process, which would be banal in many countries, was unprecedented in Argentina, where it had been made possible by the victory of political pluralism and the defence of individual freedoms, despite all the difficulties inherent in a democratic transition. As a result, Argentine democracy had been consolidated.

12. In Paraguay, the Stroessner dictatorship had been replaced by a democratic régime and decisive progress had already been achieved in the areas of political pluralism and defence of individual freedoms. For example, Paraguay, which had not been a party to any of the international instruments relating to human rights, had now ratified the Inter-American Convention on Human Rights. Further, the Inter-American Commission on Human Rights, which for 10 years had been denied the right to visit that country, had at last been authorized to do so. In accordance with the frequently expressed desire of the Commission and Sub-Commission in respect of the return of refugees, freedom of the press and respect for freedom and expression, Acts No. 209 and 294, which were remembered with fear and horror, had been repealed and certain persons in exile for more than 30 years were returning to Paraguay. Reference should also be made to the introduction of freedom of the press, the existence of two political parties, the reorganization of the trade unions and the organization of investigations to locate and try persons guilty of human rights violations. Thus, the chief of security services and the police chief of the former régime were currently in prison and awaiting trial. Both houses of parliament had a commission on human rights. Thus, Paraguay was no longer the isolated State it had been during the dictatorship. The Commission should show its appreciation of that positive trend and support, in a constructive way, Paraguay's efforts to build a democracy. He therefore intended to submit a draft resolution reflecting the progress achieved and assuring the Paraguayan authorities of the co-operation of the appropriate United Nations bodies, particularly through the advisory services on human rights.

13. A positive trend could also be discerned in Chile, where there was a possibility of democratization. Finally, the resolution by the Organization of American States concerning the restoration of democracy in Panama, the International Conference on Central American Refugees and the recent Tela accords constituted significant progress towards peace in that region of the world.

14. In other parts of the world, he welcomed the positive development in the situation in Eastern Europe, particularly the elections that had taken place in Poland and in Hungary and the changes that had occurred in the USSR. Also, dynamic negotiations had produced an agreement on the situation in

New Caledonia, an international conference had been held on the question of Cambodia and, in Pakistan, after 11 years of military rule, there was a democratic Government and, for the first time in an Islamic country, a woman Prime Minister. In conclusion, the United Nations was continuing to play an important role in resolving the conflicts in Namibia, South Africa, Western Sahara and Sri Lanka.

15. However, external factors, particularly the problems of external indebtedness, hunger, abductions and blackmail still impeded the full exercise of human rights. In the case of Mr. Mazilu in particular, everyone was aware of the dangers involved in challenging the legitimacy and credibility of the Sub-Commission.

16. Finally, with regard to the political situation in China, he trusted in the wisdom of the Chinese people and Government and continued to be optimistic but, in view of the recent series of executions, thought it would be justified to appeal for leniency in a humanitarian spirit.

17. Mrs. ATTIAH recalled, first of all, that the Sub-Commission, in resolution 1988/26, had called upon the Commission on Human Rights to adopt a resolution on the movement and dumping of toxic and dangerous products and wastes. The Commission had subsequently adopted resolution 1989/42, in which it had called upon the United Nations Environment Programme to expedite action on the elaboration of the global convention on the control of transboundary movements of hazardous wastes. UNDP had subsequently elaborated a convention which, however, was merely a first step towards the resolution of the problem, since the countries that produced toxic or dangerous wastes should be required to dispose of them on their own territory. Thus, in Nigeria, it was unlawful to import hazardous wastes. The illegal dumping of hazardous and toxic wastes in countries lacking the technology for environmentally-sound waste disposal was a serious violation of the right to life of their citizens and the Sub-Commission should ensure that States complied with their obligations and their responsibilities under the Convention. Consequently, she intended to submit a draft resolution on the subject, which was of vital importance for the population of the whole world.

18. With regard to the right to freedom of opinion and expression, which was discussed in a first-class working paper submitted by Mr. Türk (E/CN.4/Sub.2/1989/26), she did not fully agree with the opinions put forward by Mrs. Palley and thought that Governments ought to combat as far as possible any infringements of the freedom of worship and religion committed under the guise of freedom of expression and opinion. The Nigerian Government had accordingly banned the importation of any materials offensive to the followers of any religion. It would seem that the Prime Minister of Pakistan, Ms. Bhutto, had also promulgated a law to discourage any disrespect for Islam.

19. As far as the most interesting paper submitted by Mr. Varela Quiros on a possible study on AIDS and human rights (E/CN.4/Sub.2/1989/5) was concerned, she would wish the study to focus primarily on the origin of AIDS. The African countries rejected any attempt to blame them for the spread of the disease and would prefer attention to be paid to education, in rural areas as well as in high density urban areas in developing countries.

20. She thanked Mrs. Warzazi for her presentation of the study on traditional practices affecting the health of women and children. Customs and traditions, of course, died hard, but the practice of female circumcision must be totally banned in all countries. It was not surprising, however, that Governments were hesitant to take action in that regard, despite the commitments made by them to promote the status of women. Mrs. Warzazi's recommendations, when completed, would doubtless encourage Governments to implement them.

21. Mr. van BOVEN said that various bodies set up under international instruments which sought to pursue a constructive dialogue with Governments were encountering serious difficulties due to their heavy workload but above all due to their financial situation. Some were unable to hold all the meetings that were scheduled since States Parties were failing to pay their contributions in time. To be sure, the United Nations as a whole was bedevilled by financial difficulties, but the situation was especially serious as far as human rights activities were concerned. He therefore considered that the activities of those bodies should be financed under the United Nations regular budget and not under separate arrangements. Moreover, the Centre for Human Rights would find it extremely difficult to discharge all its responsibilities if the resources of the human rights programme continued to account for less than 1 per cent of the budget of the United Nations.

22. Some people asserted that the movement and dumping of toxic dangerous products and wastes was not an issue which came within the purview of human rights, but he personally considered that the Commission could and should take up the subject and draw up recommendations.

23. The right to freedom of opinion and expression, discussed in the working paper of high quality prepared Mr. Türk (E/CN.4/Sub.2/1989/26), had been at the centre of the concerns of United Nations bodies since their inception, and detailed studies had been undertaken very early on with a view to drafting a declaration on the freedom of information. However, in the 1960s the international community had found itself in a deadlock due to ideological differences between the West and the East. However, as Mr. Türk indicated, it was now perfectly possible to resume consideration of the question in a broader perspective. It would be appropriate, in that regard, to bear in mind the interdependence of all human rights and the close link between freedom of thought and freedom of opinion in human rights, in politics and elsewhere.

24. In paragraph 48 of his working paper, Mr. Türk stated that in defining its approach the Sub-Commission "might consider - as a matter of priority - the political dimension of the right to freedom of opinion and expression and that it should be considered in close connection with the notion of political participation". It was true that the political aspect and role of society were of significance but freedom of opinion and expression ought to be considered not just as a social value but also as a factor essential for the fulfilment of each individual.

25. The proposals by Mr. Varela Quiros for a possible study on AIDS and human rights were most interesting, but the exact scope of any study which the Sub-Commission might undertake still needed to be defined. In paragraph 4 of its resolution 1989/11, the Commission had invited the Sub-Commission to examine the possibility "of extending the scope of such a study to other kinds of discrimination against sick or disabled persons". The members of the Sub-Commission should therefore indicate their views on that point.

26. He did not believe that the Sub-Commission was in a position to take the steps proposed in paragraph 24 (a) and (b) of the note by Mr. Varela Quiros (E/CN.4/Sub.2/1989/5) and which, in his opinion, were questions for WHO. It should take up the study referred to in paragraph 24 (c) at the first three levels indicated, in addition to the question of the measures to be taken to settle the conflict between individual rights and collective rights. However, it was not for the Sub-Commission to organize a world campaign to highlight the dangers represented by discriminatory measures directed at AIDS sufferers.

27. He agreed with Mr. Bhandare and Mr. Despouy about the status of special rapporteurs. All members of the Sub-Commission were impatiently awaiting the advisory opinion of the International Court of Justice on the question and were hoping the Romanian authorities would adopt a different attitude and that Mr. Mazilu would finally be able to introduce the study he had made.

28. Finally, he associated himself with the comments made by Mrs. Daes on compensation for victims of gross violations of human rights. However, to the extent that the international instruments relating to human rights contained provisions in that regard and judgements had been handed down on the question, the issue, which was somewhat complex, should be studied in greater detail. On the basis of such a study, thought could then be given to formulating basic principles and guidelines. He would support any initiative along those lines.

29. Mrs. BAUTISTA congratulated Mr. Türk on his exhaustive study on the right to freedom of opinion and expression, which was a fundamental right linked to all the other rights on whose exercise the dignity of the human person depended. Those rights were not separate and distinct from each other but closely interrelated and they involved certain obligations such as ensuring that each individual enjoyed freedom from hunger and fear, violence and terrorism as well as freedom to live in peace. In the contemporary world, which was characterized by the violence of those who operated, rightly or wrongly, under the guise of nationalism, self-determination and other causes, it was essential to encourage the exercise of the right to freedom of opinion and expression; that right should be utilized less to criticize than to inform about the reforms that were needed and to encourage the use of peaceful methods in order to carry them out and thus help Governments to establish suitable structures to protect, preserve and promote human rights.

30. In that connection, she thanked the Centre for Human Rights for the technical assistance it had furnished to the Filipino Government at a three-day seminar on international humanitarian law and the administration of justice, held in December 1988, and a five-day workshop on training and education in human rights, held from 31 July to 4 August 1989, and designed to ensure a wider dissemination of information on human rights and the availability of remedies against human rights violations. She suggested that all non-governmental organizations should encourage Governments to take advantage of the technical and advisory services of the Centre for Human Rights in order to use information and education to end human rights violations.

31. The task entrusted to Mrs. Warzazi was highly complex and the Sub-Commission should extend her mandate and give her all support needed to enable her to complete her work, with a view to removing any obstacles that prevented women and children from exercising their right to health and proper medical care.

32. She also congratulated Mr. Varela Quiros on his preliminary note on AIDS in human rights. A balance needed to be struck between the human rights of the victims of the disease and the human rights of those who would become victims unless States took the requisite action. The mandate of Mr. Varela Quiros should also be extended and his study should also include the validity and acceptability of rules and regulations concerning the treatment and prevention of the disease.

33. Further, she was in entire agreement with the proposals made by Mrs. Daes on compensation for victims of gross violations of human rights, even though nothing could replace the loss of a dear one. Finally, to the extent that it might have very serious and lasting consequences for human life and health, environmental pollution caused by toxic or radioactive wastes also constituted a violation of the human rights of those who were its victims. The question fully warranted the Sub-Commission's attention and she reserved the right to revert to it at a later stage.

34. Mr. CHERNICHENKO thanked Mrs. Warzazi, Mr. Varela Quiros and Mr. Türk for their outstanding work. The documents they had prepared were a good starting point for the Sub-Commission's future work in those spheres. The studies focused on extremely specific problems which deserved consideration, and he would therefore refrain from commenting on them at length especially as they would be under consideration for some time to come.

35. The question of terminology raised by Mr. Hatano in respect of the working paper prepared by Mr. Türk (E/CN.4/Sub.2/1989/26) was most interesting. It would indeed be preferable to retain the terminology used in the Universal Declaration of Human Rights and the International Covenants on Human Rights, as one could not depart from them with impunity. Certain terms were difficult to translate into all languages. That was so in the case of the English words "limitations" and "restrictions" which were translated by one and the same word in Russian and which corresponded to the word "limitations". Similarly, the English word "opinions" appearing in article 19 of the International Covenant on Civil and Political Rights was rendered by the word "ubezhdenie," whose counterpart in English and French was "conviction". However, the word "conviction" did not appear to be held in high esteem. Apart from that, he fully endorsed the views expressed by Mr. Türk concerning the links between the right to freedom of thought, conscience, religion, the right to freedom of assembly and association and the right to freedom of expression. Any restriction on the freedom of association invariably had repercussions on freedom of expression. The proposed study was very important for the legislators in his own country where laws on that question were in the process of being drawn up.

36. He drew the attention of the Sub-Commission to a difficult problem raised in paragraph 46 of document E/CN.4/Sub.2/1989/SR.26 concerning the compatibility of the legal systems of those States which were constitutionally committed to a certain public philosophy with the universally accepted standards of human rights. He noted that when the philosophy in question was religious in character, it was accepted without any problem whereas if it was ideological, it gave rise to much criticism on the part of experts, in the Sub-Commission as well as in other United Nations bodies. He would like the same approach to be adopted in both cases, since a philosophy reflected the level of development of a society.

37. He noted that everyone agreed that ideological consideration should be put on one side in the relationship among States. However, one might well ask whether it was possible to do the same thing at the level of the individual State. That question, which had been raised very frequently not only at the governmental level but also at the non-governmental one, was of considerable importance. He personally was not able to provide an answer but thought it desirable to draw attention to it.

38. Paragraph 58 of Mr. Türk's report raised the important question of political prisoners. That issue had often been discussed in the Commission on Human Rights and he would not dwell on it. He recognized that a genuine problem was involved, but did think that the pessimistic view given in paragraph 59 of the report to the effect that political crime defied definition was justified. A political prisoner was a person who was detained for opposing the constitutional order proclaimed by the State. Such persons could be divided into two categories in the first of which were placed people arrested because of their active opposition. They were not necessarily charged, and they might be detained on a temporary basis on suspicion of committing an offence, or imprisoned for committing specific acts punishable by criminal penalties, for instance, engaging in acts that were not peaceful although, there again, sometimes such acts were tolerated on the part of freedom fighters, including people who were combating apartheid. However, in a normal political order, such acts were not tolerated and the international human rights standards were clear on that point. Conscientious objectors who were arrested for their convictions could be placed in the second category of political prisoner. Needless to say, such a definition of political prisoner was only approximate, but it could be used as a basis for further thought on the problem.

39. Although he endorsed the general trends of the study proposed by Mr. Türk, he thought that the Sub-Commission should not be hasty in appointing a second member to carry out the study. He thought that it should reflect and hold consultations. There might be volunteers among the experts of the Sub-Commission. In any case, he hoped that the study could be carried out within a fairly short period of time, although without any undue haste which might affect its quality.

40. Mrs. KSENTINI drew attention to the very useful note submitted on the agenda item by the Secretary-General (E/CN.4/Sub.2/1989/2). She asked whether it would not be possible to have a summary of the main findings of and comments by the Human Rights Committee, as well as its interpretation of the various articles in the Covenant, which would provide some indication of the way in which the Committee intended to secure their implementation.

41. She also wished to draw attention to the quality of the documents submitted by the ILO and by UNESCO. She expressed her satisfaction at the work undertaken by the ILO in the context of the campaign against apartheid, the situation of workers in the occupied Arab territories and the situation of migrant workers. The UNESCO report described its activities to combat racism and all forms of racial discrimination, as well as apartheid. Those papers were very useful and it was to be hoped that the Sub-Commission would continue to be kept abreast of the activities of United Nations agencies that came within its sphere of competence.

42. She expressed appreciation to Mrs. Attah, as a result of whose efforts the Sub-Commission had begun to interest itself in the question of the movement and dumping of toxic and dangerous products and wastes; that question concerned mainly the developing countries and more especially the African countries. The movement and dumping of such products and wastes endangered not only human lives but also the environment, and infringed a whole series of fundamental human rights. Further, the countries most affected had not produced those wastes and did not have the resources to protect themselves from them. The Sub-Commission should therefore continue to deal with the problem and follow up and encourage the combined efforts being deployed regionally and internationally to combat that form of violation of human rights.

43. She congratulated Mrs. Warzazi on her remarks on traditional practices, and noted that she had rightly stressed the social and cultural aspects of the problem, while drawing attention to the social constraints that impeded rapid evolution in that field. Mrs. Warzazi had also pinpointed the fact that the retention of certain traditional practices often went hand in hand with the quest for a national identity and for values ridiculed during the colonial era. It had to be stressed that those traditional practices could not, however, be equated with violations of human rights since they did not involve any criminal intention. Although some certainly had harmful effects on the life and health of certain groups of the population, it should be pointed out that they continued in general to take place due to ignorance about their effects and were often bound up with the prevailing economic and social conditions in the countries concerned. Their elimination would take time and effective national and international co-operation in the social, economic and other spheres.

44. She also shared Mrs. Warzazi's concern that two European countries were reported to tolerate female circumcision if carried out in hospital. Mr. Joinet appeared to have misgivings about the limits of a total ban on the practice, which would encourage recourse to illegal operations in dangerous conditions. Such a possibility existed of course, but she wondered why the Sub-Commission should concern itself with that question in the case of other countries where the practice existed. To be sure, the problems raised were complex, since the practices involved were firmly established in certain societies, and Governments were confronted with the dilemma of whether to adopt legislation banning such practices once and for all, with the risk that they would continue illegally and in more dangerous conditions or whether to tolerate those practices but with as many guarantees as possible at the level of health. She personally thought that Governments should be urged to take the requisite legislative measures but not to react harshly in the event that the practices continued, emphasizing the need to educate the groups concerned.

45. With regard to the question of a possible study on AIDS and human rights, she unreservedly supported the concise note by Mr. Varela Quiros in which he gave a very good introduction to the problem and offered excellent suggestions. However, the complexity of the subject, its technical nature and its relative newness led her to think that the Sub-Commission should give further consideration to the feasibility of the proposed study. It would be worth while to make inquiries beforehand about ongoing activities on the question in other United Nations agencies in order to have a better definition of the scope of the study to be undertaken.

46. She congratulated Mr. Türk on the quality of his work on the right to freedom of opinion and expression and on his introduction. Not only had he explored the conceptual problems stemming from that right but he also tried to identify the different aspects. He had underscored the close relationship between the right to freedom of opinion and expression and the other human rights by stressing the interdependence and indivisibility of all rights. She considered the concept of the indivisibility, interdependence and complementarity of all human rights, many examples of which could be given, to be absolutely fundamental. Thus, in respect of the linkage between the right to freedom of opinion and expression and the right to self-determination, it could hardly be supposed that there could be freedom of expression in a relationship of dependence or a situation of occupation and domination such as existed in Palestine and in South Africa.

47. Moreover, the notions of public order, higher interest of the State and security were usually employed to justify the limitations placed on the right to freedom of expression and opinion. They therefore needed to be explored and better defined in order to be able to determine the limitations that could be placed on that right without fundamentally impeding its exercise. It would also be worth while to study the limits that could be placed on the notion of public order at the international as well as the national level. The result would be a sort of international public order which would include all the rules of jus cogens of international law, and from which no considerations, even those of internal public order, might derogate. That would be the case, for example, in respect of freedom of expression in the exercise of the right to self-determination, since the latter had become a rule of jus cogens.

48. She also wished to draw attention to the relationship between power, money and the right to freedom of expression, as well as to that between money and the means of expression. Even in pluralist societies, the possibilities conferred by financial power on certain groups for placing limits on the freedom of expression could not be denied. Some thought should also be given on the question of the freedom of opinion and belief and its public expression. That freedom must indeed be total. If that opinion or belief was an idea which one wanted to spread or inculcate, it could, however, come into the category of freedoms that might be restricted. One then came up against the problem of the distinction between lawful limitations and unlawful limitations.

49. In that connection, the problems posed by the new communications media should be discussed, since the right to freedom of expression and opinion also included the right to inform and to be informed. If the communications media were in the hands of a single group of countries, the flow of information was in one direction only. That was currently the case since there was only a North-South flow of information. The new forms of communication could be intrinsically a good thing in that they upset certain taboos and prohibitions, they could even, indirectly, help to improve national information media and methods.

50. However, the near monopoly enjoyed in that field by the prosperous nations gave rise to complex problems and it was desirable to elucidate the repercussions of such a situation on the right to freedom of opinion and expression. At a time when a substantive debate was taking place in many countries and some of them were reacting by adopting an open approach while others rejected what they regarded as cultural aggression, it would be helpful

to have a discussion at the international level in order to work out a series of standards that accommodated the interest of all in respect for universally acknowledged principles.

51. Mr. DIACONU noted that the agenda item under discussion did not embrace all the problems that arose in the area of human rights nor all the developments that had occurred since the preceding session. He personally thought that the Sub-Commission should confine itself to considering the recent activities of the United Nations in the areas pertaining to the questions dealt with by the Sub-Commission. The debate under the present agenda item might otherwise be continued under other items.

52. Moreover, the question of the status of the special rapporteurs was a new area of study which the Sub-Commission had decided to take up. He had not subscribed to that decision. The Commission on Human Rights had also agreed to consider the question, which it had submitted to the Economic and Social Council. The latter had requested an advisory opinion on the question from the International Court of Justice. It was therefore appropriate to await the Court's opinion.

The meeting rose at 6.15 p.m.