

ECONOMIC
AND
SOCIAL COUNCILCONSEIL
ECONOMIQUE
ET SOCIAL

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

SECOND SESSION

SUGGESTIONS OF MR. LEV SYCHRAVA (CZECHOSLOVAKIA) FOR DRAFT ARTICLE OF THE
INTERNATIONAL COVENANT ON HUMAN RIGHTS AND STATEMENT
CONCERNING THE RIGHTS, OBLIGATIONS
AND PRACTICES INVOLVED IN THE CONCEPT OF
FREEDOM OF INFORMATIONI. Article 17 of Draft International Covenant on Human Rights.

The free flow of information shall not be limited or restricted unless such limitation or restriction is in the common welfare and is made without arbitrary discrimination, by public regulations establishing as clearly and effectively the limits of free discretion of the authorities, with a view:

(a) To assure to everybody the largest possible access to the material means of information;

(b) To protect effectively the enjoyment of the advantages of free and just competition and freedom against discussion of the dangers of cartelization and monopolization, both private and public, in the field of information;

(c) To protect the public against false and malicious information unlawfully endangering life, personal freedom, property or honour; or

(1) Threatening the security of the state in the event of unlawful attack;

(2) Inciting to the use of violence in disputes in which peaceful and democratic means of just settlement have not yet been exhausted;

(3) Provoking hatred or prejudice on the basis of race, language, religion or philosophical conviction which may result in an unjust war or other criminal actions;

(4) Undermining respect for decency, morality, the independent,

RECEIVED

JAN 29 1948

UNITED NATIONS
ARCHIVE

and free course of justice, and for other fundamental civil liberties and human rights which represent the basis of free democracy.

/II. Rights,

II. Rights, Obligations and Practices involved in the Concept of Freedom of Information (Note regarding practices)

The Fight Against False and Malicious Information

A. Censorship:

Information which from its character or possible effect offers any of the reasons for restricting it enumerated above in the proposed Article 17 of the Draft International Covenant of Human Rights, must - regardless of possible legal action against the author - be excluded from the free flow of information. This exclusion must be made as a rule only after publication but if necessary on account of danger of war or other similar catastrophe it may also be made previous to publication.

B. Elimination of undesirable persons from information media:

Effective precautions against false and malicious information may justify the exclusion, temporarily or permanently, from the service of information media, both national and international, of persons who

- (1) have been found guilty of crimes against the common law or the law of nations which entail loss of civic honour;
- (2) have been found guilty by an officially recognized court of honour of having disseminated, for profit or other dishonest motive, untrue and harmful information, or scandalous opinions in time of exceptional public danger which requires more than normal self-discipline and sacrifices;
- (3) have on more than two occasions been found guilty by a public court or an officially recognized court of honour of having caused harm to individuals or to the public interests by spreading:
 - (a) proved falsehood;
 - (b) distorted or inaccurate information;
 - (c) inexact judgment based on such false information;
 - (d) judgment inaccurately generalized from single cases or having no factual basis at all;
 - (e) true but maliciously misused or misinterpreted information.

(Persons found guilty of disseminating such malicious information must at any rate be forced to publish in a prescribed way the sentence promulgated by the competent organ.)