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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS  
Fifth Session  
SUMMARY RECORD OF THE HUNDRED AND FOURTH MEETING  
Held at Headquarters, New York,  
on Monday, 17 March 1952, at 10.30 a.m.

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<u>Chairman:</u>	AZMI Bey	(Egypt)
<u>Rapporteur:</u>	Mr. AZKOUL	(Lebanon)
<u>Members:</u>	Mr. BINDER	(United States of America)
	Mr. P.H. CHANG	(China)
	Mr. GERAUD	(France)

Members (continued):

Mr. LOPEZ	(Philippines)
Mr. MOULIK	(India)
Mr. SILVA CARVALLO	(Chile)
Mr. WAITHEMAN	(United Kingdom of Great Britain and Northern Ireland)
Mr. ZONOV	(Union of Soviet Socialist Republics)

Representative of a specialized agency:

Mr. CARNES	United Nations Educational, Scientific and Cultural Organization (UNESCO)
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Representatives of non-governmental organizations:

Category B:

Mr. BEER	International League for the Rights of Man
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On Register

Mr. NAGORSKI	International Federation of Free Journalists
Mr. MOSSIN	

Secretariat:

Mr. HUMPHREY	Representative of the Secretary-General
Mr. BEK	Secretary of the Sub-Commission

SUGGESTIONS CONCERNING THE FUTURE WORK OF THE UNITED NATIONS IN THE FIELD OF FREEDOM OF INFORMATION (E/CN.4/Sub.1/143, E/CN.4/Sub.1/143/Add.1, E/CN.4/Sub.1/143 Add.2, E/CN.4/Sub.1/143/Add.3, E/CN.4/Sub.1/157, E/CN.4/Sub.1/158, E/CN.4/Sub.1/164, E/CN.4/Sub.1/166, E/CN.4/Sub.1/167, E/CN.4/Sub.1/169, E/CN.4/Sub.1/L.12)  
(continued)

Mr. AZKOUL, Rapporteur, suggested that any corrections or insertions to the section of the Sub-Commission's report dealing with the draft international code of ethics should be submitted to him before the evening of 18 March 1952. He had not reproduced all the minor discussions on drafting, but had concentrated on the three main points which had emerged from the debate: the question of the utility of the code of ethics, the fact that it was intended only for the profession and that governments could not concern themselves with it, and the content of the draft code itself.

The CHAIRMAN said that that section of the report should be circulated as soon as possible. He called for resumption of the general debate on item 5 of the agenda.

Mr. ZONOV formally protested against some of the phraseology in the Semi-Annual World Survey of Censorship compiled by the Associated Press (E/CN.4/Sub.1/143/Add.3), and in particular to the expression "iron curtain countries". The

Secretariat should in future refrain from incorporating such phrases in documents circulated by the United Nations. The phrase had been coined by Goebbels; it bore no relation to the facts. The survey compiled by the Associated Press, moreover, failed to mention any of the restrictions on the freedom of information in the United States of America. Yet such an incomplete document was being sponsored by the United Nations.

Mr. MOULIK objected to the statements regarding the situation in India in the third paragraph on page 2 of the survey (E/CN.4/Sub.1/143/Add.3); they were not a true account of what had occurred. The constitutional amendment mentioned had been adopted, not to curb freedom of speech, but rather to prevent abuse of it. It had been adopted because there were no provisions in the penal code to deal with irresponsible newspapers which vilified foreign countries, and it had been aimed only against newspapers which had scurrilously attacked such countries, in particular the United States of America. The amendment was not a restriction on the right of free speech, but a safeguard.

The CHAIRMAN said that no blame could be attached to the Secretariat for reproducing the complete text of a document transmitted as a result of a ruling made at a meeting of the Sub-Commission.

Mr. BINDER said that it was unfortunate that the only survey submitted was that of the Associated Press. He would be glad to see a similar survey compiled by Tass, Reuters, or any other agency. The discussion of the survey by the Sub-Commission was undoubtedly of some value. It should be understood that it had been compiled by an independent information agency and did not reflect the views either of the United States Government or of the United Nations. The phrasing was that of the Associated Press itself; the document would be of no value if the Secretariat had taken it upon itself to expurgate it. The Sub-Commission needed all the information it could get. It was to be hoped that the International Press Institute, an independent organization in Zurich, would make a valuable contribution to the study of the adequacy of the news available to the peoples of the world.

Mr. ZONOV was surprised that Mr. Binder should have deemed fit to defend the propagation of fabrications by Goebbels through the United Nations.

/Mr. GERAUD

Mr. GERAUD observed that the Sub-Commission, having organized the international Conference at Geneva, had ended its original task after the Conference's draft conventions had been left pending. It had, however, been continued in existence because the problem of freedom of information still existed. After 1947 it had studied a number of topics in detail, but it had never defined its own functions. It might seem to have accomplished nothing, while the problem was being steadily aggravated. But it could still set out a programme of work, make the beginnings of a permanent organization and define methods. For the moment, no large plans were feasible, but the Sub-Commission should, in accordance with Council resolution 414 B III (XIII), lay the groundwork for action to be taken when circumstances became more propitious.

The first need was for some sort of organization. The Secretary-General had made several alternative proposals in his memorandum (E/CN.4/Sub.1/158). The replies of the governments he had consulted had varied in form rather than in substance, and a combination of the various suggestions might be the most appropriate solution. The advisory committee and the commission of inquiry suggested by the Secretary-General should be a single body, comprising a few individuals qualified by their journalistic and political experience to gather all the facts on the existing state of freedom of information, to supply the Secretariat -- which would continue its own studies -- with additional information, to receive complaints of alleged violations and, if need be, to make investigations. Thus, the state of freedom of information throughout the world would be recorded periodically. It would be a long-term project.

The body would have to examine the political, economic and social conditions to which freedom of information was subjected. It would draw upon the specialized agencies, UNESCO in particular, and on experts in case of need. It would seize every opportunity for action, however small. Everything possible would be done to put into practice, even if only piecemeal, the draft conventions still pending, in order to make press and information personnel as efficient as possible. Among the many questions involved were the status of foreign correspondents; regulations concerning the grant of passports and visas; administrative, technical and taxation facilities; an internationally valid correspondent's pass; an international clearing fund enabling countries short of hard currency to maintain more foreign correspondents; better

/distribution of

distribution of newsprint and book paper. The most complete list of desirable activities appeared in document E/CN.4/Sub.1/140. Such a programme could be achieved only by inter-governmental agreement through international negotiation.

The professional associations might be of assistance in the international interchange of news personnel, preparation of a technical assistance programme, supply of equipment, protection of sources, regional co-ordination of national information enterprises and better use of their services. That list was by no means exhaustive.

Mr. BINDER said the Sub-Commission's main work was to see how more news might be made available on more subjects of general interest to more people. That involved study of the adequacy of news -- including a definition of the term "adequacy", of the availability of unrestricted news sources, of the unhampered movement of reporters and of the removal of such obstacles as censorship. A satisfactory preliminary survey of obstacles to the free flow of information (E/CN.4/Sub.1/106) had been submitted to the fourth session. The Sub-Commission's approach should be based upon the democratic idea that the people, if they obtained all the facts, would be able to decide what was in their own best interests. The press should not be propagandist, but should simply purvey the raw material, the good with the bad.

For the present little good could come of the draft conventions related to freedom of information; international conditions were not ripe for their enforcement. It would be more practical to draw the attention of the Economic and Social Council to document E/CN.4/Sub.1/106 and to the Associated Press survey (E/CN.4/Sub.1/143/Add.3) as examples of the type of surveys that it should continue in order to keep before the peoples of the world the alarming facts of the existence of real barriers to the free flow of information. The Sub-Commission's recommendations might specifically mention, for inclusion in any survey, studies of the adequacy of the news reaching all peoples, with emphasis on the amount of the coverage, the existing state of censorship and other governmental restrictions, and the extent of the coverage given to information on United Nations activities and the work of the specialized agencies. Such reports, made periodically, would enable an appraisal of the world situation and practical measures to improve it could thus be decided.

/The Sub-Commission

The Sub-Commission might also suggest ways by which the flow of information could be improved, such as the increased production and better use of new raw material for newsprint, a subject on which UNESCO, FAO, the Economic and Social Council and the General Assembly had taken action within the past year. UNESCO might be encouraged to co-operate with the United Nations in developing non-governmental professional organizations representing the free journalists of the world. Periodic reports on constitutional provisions, national legislation and practices affecting the free dissemination of information might be continued, possibly through the United Nations Yearbook on Human Rights and, so far as practices were concerned, with the aid of non-governmental organizations and professional associations. A recommendation might be made to UNESCO that it should revise its consideration of technical and economic obstacles to place equal emphasis on the free dissemination of news itself and should report to the Council in that connexion on its activities in the field of freedom of information. The Sub-Commission might also commend the International Press Institute's research programme drawn up by its Executive Board in Paris in 1951; it included thorough studies of the situation in Argentina and in the USSR. Modest though those proposals might seem, they would certainly provide sufficient work for the present.

Of the matters discussed in document E/CN.4/Sub.1/157 the most suitable for action by the Economic and Social Council were those embodied in paragraphs 9, sub-paragraph (a) (i) and 10, sub-paragraph (h), the latter taken in conjunction with paragraphs 48 and 49 of document E/CN.4/Sub.1/142. He had already expressed his views on the distribution of the unfinished business to various bodies. Of the alternative suggestions put forward in document E/CN.4/Sub.1/158, alternative I seemed the most practical. The collection of information described in paragraph (i) and the studies and reports described in paragraph (ii) would be the basis for the Council's action. It was not so much machinery that was needed, as stated in paragraph 15, as information. The Secretariat, the Commission on Human Rights and the Council already provided adequate machinery. The other alternatives suggested would all require the establishment of a new body. The investigation of violations of fundamental principles of freedom of information or dealing with complaints as received presupposed some universally accepted standard; yet no agreement had so far been reached.

The comments of the Commission on Human Rights about dealing with complaints (E/CN.4/Sub.1/158, paragraph 10) should be borne in mind; the United Nations could always set up the appropriate ad hoc or permanent bodies when the time was ripe.

The United Nations should concentrate on getting more and better information. With that, and such advice as might be required from experts, it could make the necessary recommendations to governments. For responsibility for the existing obstacles to the free flow of information to the peoples of the world rested on the governments.

Mr. MOULIK introduced a draft resolution on information concerning United Nations activities (E/CN.4/Sub.1/166). One of the best means of ensuring peace and countering aggressive propaganda was information about the activities of the United Nations itself. Such information was not always given the publicity it deserved. The restrictions were usually not deliberate but were rather due to material causes such as the shortage of newsprint. The substance of the draft resolution had been derived from resolutions No. 2 and No. 3 of the Geneva Conference (E/CONF.6/79).

Mr. CHANG remarked that the code of ethics adopted by the Sub-Commission should help to remove such obstacles to the free flow of information as arose within the profession. Further action was needed to counteract restrictions imposed by governments, however. He therefore wished to make what he considered a daring proposal: that the Sub-Commission should recommend, through the Economic and Social Council, that the General Assembly at its next regular session should pass a resolution condemning, and calling for the abolition of malpractices in the USSR, Communist China, and the communist-controlled countries of Central Europe which had led to the total suppression of freedom of the press, thought and expression.

Mr. ZONOV asked the Chairman to call the Kuomintang representative to order; he was utterly ignorant of the real conditions in the countries he had mentioned. In China today media of information were used for the benefit of the entire people and not exclusively of the Kuomintang group.

/The CHAIRMAN

The CHAIRMAN remarked that, like the rest of the experts who were members of the Sub-Commission, Mr. Chang did not represent any government, past or present. Mr. Chang had said that freedom of information did not exist in certain countries; he would be inclined to go further and say that full freedom of information was not to be found anywhere in the world today.

Mr. CHANG said that, in the countries he had mentioned, newspapermen had become the tools of governments; journalists who had opposed the advent of the Communist régime in China had been turned over to a blood-thirsty mob. In all the communist-controlled states all channels of outside information had been blocked, there was stringent censorship, and some foreign correspondents had been arrested and sentenced to imprisonment. Last but not least, a network of jamming stations had been erected around the USSR and its Western neighbours. He wished to ask the expert from the USSR what purpose those jamming stations could possibly serve if there were indeed freedom of information in the vast area in question. The sad truth was that the USSR had initiated a campaign of hatred, made possible by the fact that its population was kept ignorant of the true conditions in the outside world, and that campaign might lead to another war.

He had been warned that the General Assembly might not wish to pass a resolution condemning certain countries by name; but whatever action the higher organs might take, it was surely the duty of the Sub-Commission to speak plainly and to do all that lay in its power to right a serious wrong.

The CHAIRMAN recalled that the resolution on jamming adopted by the Sub-Commission at its Montevideo session had mentioned a country by name; that wording had been eliminated by the General Assembly which, in adopting the resolution, had merely called on all Members of the United Nations to refrain from jamming.

Mr. CHANG deplored the use of such face-saving devices. It was in the same spirit that the General Assembly in a resolution adopted at its sixth session with regard to China's complaint of violation of certain treaties by the USSR had merely said that the USSR had failed to live up to the terms of those treaties.

/Mr. ZONOV

Mr. ZONOV, speaking on a point of order, asked the Chairman to stop Mr. Chang from introducing irrelevant matters. Furthermore, he would not answer any questions by the Kuomintang representative.

The CHAIRMAN replied that any member was free to ask questions and that no member was obliged to answer them. He asked all speakers to confine their remarks to the subject under discussion.

Mr. CHANG said that the Sub-Commission did not have to follow the practices of other organs, but should obey the dictates of its own conscience. He therefore hoped that his proposal, calling things by their proper names, would meet with the Sub-Commission's approval.

Mr. BINDER observed that, as the author of the resolution on jamming, he had been delighted by the fact that the General Assembly had adopted it; he felt that such contribution as he had made towards that result alone sufficed to make his participation in the Sub-Commission's work worth while. He did not object to the form in which the General Assembly had cast the resolution; it was the practices which mattered, rather than the governments which were guilty of them. If his own country should ever indulge in such practices, he would welcome condemnation of them by the United Nations.

Mr. MOULIK suggested that the time-limit for the submission of proposals should be extended in order to allow members to consult with one another.

The CHAIRMAN proposed an extension of the time-limit until 6 p.m. that afternoon.

It was so agreed.

Mr. GERAUD asked that his statement to the Sub-Commission should be distributed in the form of a memorandum and considered together with other suggestions for future work of the United Nations in the field of freedom of information.

/Mr. BINDER

Mr. BINDER asked that the statement he had made at that meeting, and a further statement he intended to make when he introduced his draft proposals, should be circulated to the Sub-Commission and transmitted to the Economic and Social Council.

The CHAIRMAN noted that the distribution of statements as separate documents had financial implications. While such distribution had been possible at past sessions, the Secretariat might find itself unable under the present budget to accede to the requests which had just been made. He hoped, however, that it would be possible to circulate the statements.

He stated that in deciding on the form in which it would present its recommendations for future work to the Economic and Social Council, the Sub-Commission might wish to consider the possibility of combining the various proposals it made in a single document rather than transmitting a series of separate draft resolutions.

The meeting rose at 12.45 p.m.