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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Third Session

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<u>Members:</u>	Mr. AZKOUL	Lebanon
	Mr. AZMI	Egypt
	Mr. BINDER	United States of America
	Mr. CHANG	China
	Mr. DEDIJER	Yugoslavia
	Mr. GANDHI	India
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	Mr. WILLIAMS	United Kingdom
	Mr. ZONOV	Union of Soviet Socialist Republics

Representative of a specialized agency:

Mr. FARR	United Nations Educational, Scientific and Cultural Organization (UNESCO)
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Secretariat:

Mr. HOGAN	Secretary of the Sub-Commission
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INTERPRETATION SERVICE

The CHAIRMAN explained that there would be no simultaneous interpretation into Russian and Spanish for the Sub-Commission at that day's meeting. However, in order to avoid the delay caused by consecutive interpretation, it had been possible to arrange for simultaneous interpretation into French and English, the two working languages. Such arrangements were strictly in accordance with rule 28 of the rules of procedure of functional commissions of the Council.

Mr. ZONOV pointed out that the interpretation into Russian of statements by other members was essential to him. It was important for the Sub-Commission always to have simultaneous interpretation into the five official languages.

He wished to know the reasons for the changes in the interpretation service.

Mr. HOGAN (Secretariat) explained that the Secretariat had only a fixed number of interpreters. Their services were distributed among the various organs of the United Nations according to a certain order of priority. There were many organs with priority over the Sub-Commission on Freedom of Information and of the Press. Some interpreters had had to be seconded to the Economic Commission for Latin America meeting in Havana while others had been detached to Geneva for the preparatory meetings of the forthcoming session of the Economic and Social Council; the rest had to be shared between the Commission on Human Rights and the Sub-Commission on Freedom of Information and of the Press.

Mr. GANDHI pointed out that the Sub-Commission should press for its rights. Otherwise it would risk always being treated as a secondary organ.

Mr. ZONOV doubted that the Secretariat was really unable to provide simultaneous interpretation in all the official languages. He knew how many persons there were on the staff capable of interpreting into Russian. The existing arrangement gave English and French speaking representatives a marked advantage over Russian, Spanish and Chinese speaking representatives.

/Mr. DEDIJER

Mr. DEDIJER said that there was in fact a difference of treatment which should be pointed out.

Mr. WILLIAMS formally proposed that the work of the Sub-Commission should continue in accordance with rule 28 of the rules of procedure.

Mr. ZONOV protested against a method of work which deprived Russian-speaking representatives of interpretation into Russian.

Mr. BINDER said that the work could not be held up because of the absence of interpretation into all the official languages. The conditions laid down in the rules of procedure had been complied with. However, he joined with Mr. Zonov in saying that it would be desirable for the Sub-Commission to have a complete system of simultaneous interpretation.

A short discussion enabled the Chairman to sound the views of the various members of the Sub-Commission.

The CHAIRMAN stated that he would not put Mr. Williams' proposal to the vote since Mr. Zonov was satisfied with his request to have his protest recorded.

He noted that the Sub-Commission was unanimous in requesting the re-establishment of a complete service of simultaneous interpretation.

Mr. AZMI wished to lay before the Sub-Commission certain conclusions he had been able to draw from his journalistic experience. As a journalist for thirty years, director of the Egyptian censorship during the Second World War and professor at the Institute of Journalism of the University of Cairo, he had been in a position to realize what political and legal obstacles could be put in the way of freedom of information and of the press.

He intended to examine consecutively the obstacles which a Government could put in the way of organs of the press, the various types of interference in press and news matters and, lastly, the hindrances to the free flow of information between the various countries.

Through the adoption of legislative measures or the use of coercion, a Government could prevent the publication of a newspaper or hinder the activities of an organ of the press. In many countries, in order to bring out a newspaper it was necessary to secure previous authorization from the

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competent authorities. Such authorization could be of two forms: either an explicit prior authorization granted by the Government, or a tacit authorization. In the latter case, the persons who had made the application had to wait thirty days before bringing out the new paper. The absence of any objection from the administration during that time amounted to an implicit authorization.

In order to obtain a prior authorization, the directors of an organ of the press had to enjoy a good reputation. That was an extremely vague conception which might be interpreted in various ways, according to what party had a majority in parliament. For example, it was obvious that a socialist government would be reluctant to grant an authorization to a paper which intended to defend the opinions of a conservative party and vice versa.

Such prior authorization was obviously an obstacle to freedom of information and of the press. No doubt, the applicant could sometimes appeal to justice; however, the courts could not give any verdict on the validity of the refusal to grant authorization; their judgment could only affect the compensation the applicant might receive. In certain countries, the Council of State sometimes decided on the validity of refusals to grant authorization; that system was, of course, a kind of guarantee, but it was only in force in a very small number of countries.

Moreover, very often the administration made a sharp distinction between different organs of the press. For example, an economic journal would not be entitled to express opinions on political problems. If it did so without the consent of the government, its very existence would be threatened.

He recalled that, when a newspaper was established, the director was obliged to choose his staff; that choice was sometimes rendered difficult by the fact that, in certain countries, only persons who joined the journalists' trade union were considered to be journalists. In Egypt, for example, any one wishing to join that union had to apply to a committee which was presided over by the President of the Court of Appeal but the other two members of which were the public prosecutor and a representative of the Press Bureau maintaining close relations with the national security police services. He considered that such arrangements constituted unwarrantable interference which might well be the cause of many abuses inspired by political considerations. Pressure exercised on a journalist to become a member of a trade union was an attack on individual liberty.

Even in the course of its publication a newspaper might encounter many obstacles raised by a country's administrative authorities.

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He was thinking in particular of censorship. The establishment of censorship in time of war for reasons of security was generally accepted; but such censorship was frequently abused in an extraordinary manner by the authorities. He gave as an example the case of his own country, where censorship had been applied during the war in Palestine. When hostilities were over, Parliament, supported by public opinion, had requested that censorship should cease. The government had put a stop to the censorship but had immediately decided that, two hours before distribution, all newspapers must remit six copies of the current issue to the administration; if the latter did not approve of any particular article, it prohibited the distribution of the newspaper. That was still an obstacle to the freedom of the press; such steps might well be regarded as a form of indirect censorship.

He added that in time of peace there was another kind of censorship: censorship applied in accordance with certain legislative provisions or legal regulations. The criminal code of a country could authorize the public prosecutor to prohibit any reporting of an investigation being carried out by the public prosecutor's department. It sometimes happened that the press was interested in an investigation of an offence touching on political, social or economic matters; nevertheless, at the order of the public prosecutor, it was obliged to refrain from publishing any information on such an investigation. That was yet another obstacle to the free flow of information.

Another obstacle to freedom of information was the seizure of newspapers by administrative or judicial decisions. When an issue was confiscated in pursuance of an administrative decision, the paper had no defence, because there was no right of appeal against such decisions. The situation was better in countries where seizure had to be ordered by a court of law. The paper was entitled to appeal to a court which was competent to confirm or cancel a seizure ordered by some executive body. But, whatever the verdict, such a procedure involved loss of time, and even financial loss for the paper.

He then referred to a practice which was becoming more and more frequent, namely, the establishment of press services attached to various government departments and measures taken to prevent journalists from having direct access to public services, from interviewing high-ranking officials and so on. Thus the press received only condensed news reports and information published became simply official or, what was even worse, unofficial communiques. It went without saying that such a practice was a serious obstacle to freedom of the press and

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that a journalist who wished to exercise his profession honourably was often obliged to obtain information by roundabout methods.

He then turned to interference by diplomatic bodies, advertising agencies or religious organizations seeking to bring pressure to bear on organs of the press and prevent them from publishing information which they disliked.

In that connexion, he quoted as an example the case of three foreign ambassadors who had approached him when he was director of censorship to ask him to prohibit the showing of certain films in Egypt. Such interference seemed to him to contravene the elementary principle of freedom of information.

The pressure brought to bear on organs of the press by advertising agencies had come to light in his country in a particularly striking fashion during the war in Abyssinia and similarly during the conflict in Palestine. In 1935 and 1936 certain agencies maintaining close relations with the Italian Embassy had refused to distribute the advertisements of Italian firms to newspapers which had taken a stand against the Italian aggression in Abyssinia. Similarly, it was well known that commercial advertising in Egypt was controlled by groups intimately connected with the Zionist movement. Thus, during the fighting in Palestine those agencies had allowed themselves to be guided by political rather than commercial considerations in distributing advertising material among the various papers.

Lastly, he referred to religious organizations which sometimes intervened in press matters to prevent the publication of news which, in their opinion, might affect the religious convictions of readers.

In that connexion he recalled the right of correction which had been the topic of such lengthy discussion in the Third Committee of the General Assembly. That right was perfectly legitimate, but it should be exercised after, and not before, the publication of news material.

He finally came to obstacles to the free flow of information in the international field.

In several countries, the Council of Ministers, the Minister of the Interior or some administrative organ was entitled to prohibit the entry of any given foreign newspaper, without being obliged to give its reasons for such a step and without parties affected having the right of appeal.

In some countries, the government had a monopoly of radio reception

/and prohibited

and prohibited newspapers from establishing their own receiving stations, distributing to them only carefully screened and selected information.

In conclusion, he asked the Secretariat to take steps to ensure that the Sub-Commission was supplied with adequate documentation regarding the questions he had just raised.

The CHAIRMAN thanked Mr. Azmi for his brilliant statement and invited the other members of the Sub-Commission to approach the problem empirically as Mr. Azmi had done.

While keeping to the broad outline of the plan proposed by Mr. Williams in document E/CN.4/Sub.1/91, Mr. Azmi had also brought out those aspects of the problem which seemed to him to merit the Sub-Commission's attention. The other members could follow that method without being afraid to illustrate their statements with examples drawn from their own experience, in order to show how current practice was hindering the free flow of information.

He assured Mr. Azmi that, in preparing its documentation, the Secretariat would follow his instructions.

Mr. AZKOUK wished to know how the Secretariat would prepare its reports, and what questions it would give priority.

The CHAIRMAN pointed out that in view of the broad scope of the subject the Secretariat would certainly not be able to obtain on every country all the details Mr. Azmi had given about his own, but its work would be greatly facilitated if every member of the Sub-Commission made a statement on his experience in his own country. The Secretariat would be able to make a summary of those statements.

Mr. FONTAINE thought that Mr. Azmi's statement was a good example of the way in which each expert should give his account of the current situation inside his own country. If each member of the Sub-Commission did as Mr. Azmi had done, the others would have an opportunity of supplementing their own personal experience.

It would thus be easier to discern the obstacles which stood in the way of the free flow of information, and to proceed to the adoption of the necessary recommendations.

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He then drew attention to the proposal made by Mr. Williams who had emphasized that it was advisable to begin the consideration of item 6 of the agenda taking note of the data already available to the Secretariat or UNESCO.

During the first session of the Sub-Commission, the Secretariat had prepared a very interesting document on the constitutional provisions regarding freedom of information in each country. It would be interesting to see to what extent governmental decrees promulgated since that time were based on those constitutional provisions, and how the law was applied. He thought that UNESCO possessed some interesting documentation in that respect and that it would be advisable to study it at the earliest opportunity.

Mr. HOGAN explained that the document on the constitutions of various countries prepared by the Secretariat for the first session of the Sub-Commission was no longer up to date, since some countries had amended their constitutions since then. The new constitutions and all amendments made since that date in the existing constitutions were published in the Yearbook on Human Rights. The replies of Governments to the request for information included many paragraphs on legislations and practices in the field of information. The Secretariat was currently collating those documents.

Furthermore, the Secretariat had received replies from several Governments regarding action taken against the spreading of false or distorted news.

Mr. FARR (United Nations Educational, Scientific and Cultural Organization) summarized the documentation gathered by the specialized agency he represented. First of all, he referred the Sub-Commission to the reports of the Commission on Technical Needs of UNESCO. Those reports did not represent the only documentation available to UNESCO on freedom of information and of the press, but the beginning of each section contained a short summary of the existing legislation regarding the press, together with a survey of the structure of the press in each country.

He emphasized that UNESCO had devoted particular attention to the study of technical obstacles to the free flow of information. It could even be said that the specialized agency had become expert in the matter, so that he felt he had the right to emphasize that commercial and technical obstacles were no less important than the political and legal ones, although so far, attention had been almost exclusively

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focussed on the latter category.

He also pointed out that economic obstacles and the shortage of adequately trained personnel (items 3 and 4 in Mr. Williams' plan -- E/CN.4/Sub.1/91) were as important as the others.

The surveys carried out by UNESCO would enable everyone to see how the ratio of newspapers to the population varied from one country to another.

Some countries had no publications in the language spoken by the majority of the populations and it could be doubted, therefore, whether the population was well informed. The difficulty was all the greater as in some territories no newspapers could be published in the language of the majority because there was no written language.

Attention should also be drawn to the role of broadcasting and the cinema. Some countries lacked facilities for establishing news broadcasts, and the population often possessed a ridiculously small number of receivers. To quote an example of a different kind, since the partition of the Indian peninsula, the State of Pakistan had had no broadcasting station sufficiently powerful to provide a normal service for the population.

With regard to the press, the shortage of adequately trained personnel and lack of equipment were barriers often more difficult to overcome than others.

He hoped that his statement would enable members of the Sub-Commission to form a clearer opinion of the information it would be useful for the Secretariat to collect. Needless to say, UNESCO would be ready to place all the documentation it had at the disposal of the Sub-Commission and of its Secretariat.

The CHAIRMAN said that the Sub-Commission would certainly need all that documentation during the three years of its existence and perhaps even immediately.

Mr. FONTAINA asked whether UNESCO had studied the press system from the point of view of the law and of its implementation.

Mr. FARR (United Nations Educational, Scientific and Cultural Organization) replied that UNESCO had not studied systematically the implementation of legislation relating to freedom of information and of the press, in other words the relationship existing between

information organs and the government on the one hand and information agencies on the other. It had however surveyed the legislations themselves.

Mr. WILLIAMS said he would shortly make a statement on the experience he had acquired as editor of a newspaper, Controller of Censorship, adviser to his Government and as a special and independent newspaper correspondent.

He hoped that all would be able to follow the example set by Mr. Azmi and present facts with the same frankness. That would lend undeniable value to the debates of the Sub-Commission. Its twelve members had acquired experience both inside their countries and outside, as most of them, if not all, had worked abroad. To follow Mr. Azmi's example would make it easier for them to find and define the obstacles to the free flow of information.

The meeting rose at 12.45 p.m.