

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

SECOND SESSION

REVISED STATEMENT OF THE RIGHTS, OBLIGATIONS AND PRACTICES
INVOLVED IN THE CONCEPT OF FREEDOM
OF INFORMATION

(Submitted by Mr. G.V.Ferguson, Canada)

1. The Sub-Commission on Freedom of Information and of the Press presents herewith a short, interim report on the rights, obligations and practices which should be included in the concept of "freedom of information." Its phrasing should not be taken to imply any binding, legal or restricted interpretation of its content. It is intended only as a broad statement of principles and its provisional character should be emphasized, though it is hoped that even so short and general a statement may serve to focus future discussions and to present an introduction to the subject which will prove acceptable.
2. Freedom of information is a fundamental right and is the touchstone of all the freedoms to which the United Nations are dedicated.
3. Its establishment is essential to the maintenance, increase and diffusion of knowledge, and the strengthening of it will give fresh impetus to popular education and the spread of culture.
4. Freedom of information implies the right to gather, transmit and publish information anywhere and everywhere without fetters.
5. Everyone should have the right to freedom of thought, expression and communication. This should include freedom to hold opinions without interference; to seek, receive and impart information and ideas by any means and regardless of frontiers. For news personnel above all, but also for everyone so far as practical considerations permit, this implies the right to have full access at all times to the sources of information and to travel unhampered in pursuit thereof, and also to safeguard all sources of information honourably used.
6. The right to freedom of information and expression carries with it duties and responsibilities. These are so closely joined that their union

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justifies certain restrictions, the definition of which, together with the definition of the right itself, should be incorporated in an international covenant or other multilateral or bilateral agreements within the framework of the United Nations.

7. These restrictions, penalties or liabilities, however, should be imposed only for causes clearly defined by law. They should be confined to matters which must remain secret in the vital interests of the state; expressions which incite persons to alter by violence a system of government; expressions which directly incite persons to commit criminal acts; expressions which are obscene; expressions injurious to the fair conduct of legal proceedings; expressions which infringe rights of literary and artistic property; and expressions about other persons which defame their reputation or are otherwise injurious to them without benefiting the public.

Within the limits thus broadly described the right to freedom of communication should be considered absolute. Any abridgment of it, as, for instance, by previous censorship, should be considered inimical to freedom. Nevertheless, since every freedom has its correlate responsibilities, this right confers upon all who enjoy it the moral obligation to tell the truth without prejudice and to spread knowledge without malicious intent, to help promote respect for human rights and fundamental freedoms without distinction or discrimination as to race, sex, language and religion, to help maintain international peace and security and to counteract the persistent spreading of false and tendentious reports which confuse the peoples of the world, aggravate relations between nations or otherwise threaten and destroy the fruits of the common victorious struggle of nations against the Nazi, Fascist and Japanese aggressions during the last world war.
