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13 June 1947

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

FIRST SESSION

SUMMARY RECORD OF TWENTIETH MEETING

Held at Lake Success, on Tuesday, 3 June 1947 at 11:00 a.m.

Chairman: Mr. G.J. van Heuven Goedhart (Netherlands)
Vice-Chairman: Mr. Lev Sychrava (Czechoslovakia)
Rapporteur: Mr. Geo. V. Ferguson (Canada)
Members Present:
Mr. P. H. Chang (China)
Mr. A. Geraud (France)
Mr. C. Christensen (Norway)
Mr. S. Lopez (Philippine Republic)
Mr. J. Iomakin (Union of Soviet Socialist Republics)
Mr. A.R.K. Mackenzie (United Kingdom)
Mr. Z. Chafee (United States)

Representatives of Specialized Agencies:

Mr. W. Farr (UNESCO)
Mr. A. Mercey (World Health Organization)

Consultants of Non-Governmental Organizations:

Miss T. Sender (American Federation of Labor)

Secretariat: Prof. J. P. Humphrey
Mr. John Male (Acting Secretary of Sub-Commission)

1. Consideration of the Draft Report of the Sub-Commission on Freedom of Information and of the Press to the Economic and Social Council and to the Commission on Human Rights (continued). (Document E/CN.4/Sub.1/29)

The CHAIRMAN called the attention of members to document

E/CN.4/Sub.1/29/Add.1 and document E/CN.4/Sub.1/29/Add.3 which contained the texts of paragraphs 19 ("Structure of Committees") and 20 ("Request

for Information") as previously agreed upon by the Sub-Commission. These

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/texts

texts were unanimously adopted.

2. Original Paragraph 3 - New Paragraph 4 - Measures to Facilitate the International Transmission of News and Information (E/CN.4/Sub.1/29)

The joint proposal of Mr. GERAUD (France) and Mr. CHAFEE (United States) to amend item 4 (a) was read as follows:

"In document E/CN.4/Sub.1/29, page 10, paragraph 4 (a), as renumbered after laws of libel, in line 4, insert a semi-colon.

Then substitute for the rest of the paragraph these words:

'; and, insofar as it appears impossible to obtain the abolition of all peacetime censorship, facilitating agreements which will reduce a number of the inconveniences of censorship through such means as the following:

- (i) By establishing in advance the categories of information subject to previous inspection, and by publishing the directives of the censor announcing forbidden matters.
- (ii) By carrying out the censorship at the place of despatch and in the presence of the correspondent concerned so that he may immediately know which portion of his text has been censored.
- (iii) By fixing the charge on the number of words composing a telegram after censorship."

Mr. MACKENZIE (United Kingdom) said he thought point (iii) would be made clearer by adding after the word censorship "has taken place" but said he would not press this point.

Mr. IOMAKIN (Union of Soviet Socialist Republics) said he saw no necessity for point (iii) inasmuch as he believed that no charge was made for words which had been deleted from a despatch.

Mr. GERAUD (France) pointed out that frequently, due to the long interval between the first and final drafts of despatches, charges were made for words which were eventually dropped.

/DECISION:

DECISION: The proposal as read was adopted by seven votes.

Item (b)

Item (b) was unanimously adopted.

Items (c) and (d)

Mr. MACKENZIE (United Kingdom) suggested the word "recommending" to replace "providing" in item (c) and "recommending means for alleviating" in item (d). Inasmuch as issues were raised which were within the province of certain specialized agencies, it would not be within the competence of the Sub-Commission to do more than make recommendations. Tariffs and exchange controls were broader issues than those raised by freedom of information, and economic and financial considerations would have to be discussed by the specialized agencies.

DECISION: Item (c) was unanimously adopted, with these amendments.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that the word "private" should be inserted before "monopolistic commercial practices" in point (ii) of item (d). Private concerns frequently interfered with the work of the press.

Mr. CHAFEE (United States) stated that all monopolistic practices, whether on the part of government or private bodies, were harmful.

Mr. FERGUSON (Canada) suggested eliminating the words "or monopolistic". In his opinion, the term "restrictive" was wide enough to include monopolies.

Mr. LOMAKIN (Union of Soviet Socialist Republics) remarked that, inasmuch as governments were usually elected by the people, government monopolies, unlike private monopolies, were conformed to the public interest.

In reply to a question by the Chairman, Mr. LOMAKIN (Union of Soviet Socialist Republics) said he did not wish to limit the conference to the discussion of private monopolies only, but he felt the insertion of the word "private" would clarify the point.

Mr. CHAFEE (United States) observed that the election of a government

/by the people

by the people did not imply that the people were not critical of government policies and practices. He was not in favour of the amendment of Mr. Lomakin.

DECISIONS: The amendment of Mr. Lomakin to insert the word "private" was defeated.

The amendment of Mr. Mackenzie was carried, with the abstention of Mr. Lomakin noted.

3. Consideration of Original Paragraph 4 - Measures to Implement the Right of All Persons and Peoples to Receive Accurate, Objective, Comprehensive and Representative Information and the Obligations of the Workers of the Press in this Connection.
(Document E/CN.4/Sub.1/29)

Mr. LOMAKIN (Union of Soviet Socialist Republics) suggested a change in sequence to make paragraph 5 become paragraph 4.

DECISIONS: This suggestion was put to the vote and was lost.

The proposal of Mr. Lopez to mention all three media, namely press, radio and films, in the title was accepted.

Mr. SYCHRAVA (Czechoslovakia) read two suggestions he wished to make regarding this paragraph. The first was as follows:

"(a) Measures designed to promote the greatest possible flow of true, objective, and useful information;

(b) Measures designed to counteract false and malicious information which may confuse the peoples and interfere with the struggle against the remnants of Fascism and with the strengthening of confidence, mutual understanding and the establishment of lasting peace;

(c) Measures to ensure that restrictions imposed by the requirements and necessities of public decency, order and national security, as well as counteracting false and malicious information, shall not impede useful and free interchange of true and bona fide information about events, ideas and opinions."

The second read:

"Before any permanent machinery for the control of and counteracting

/of false

of false information and of tendentious campaigns is created:

It is suggested that the Commission on Human Rights

1. accept documented complaints on false news and tendentious or defamatory campaigns;
2. submit these complaints to governments of the countries concerned;
3. compare and study documents from all sides;
4. submit a report to the Economic and Social Council."

Mr. Sychrava said he wished first to enumerate the positive measures and then mention the negative ones.

Mr. CHAFEE (United States) believed these points would best be examined under original paragraph 5 on page 12.

The CHAIRMAN agreed to raise the point when original paragraph 5, new paragraph 6, was under discussion.

The CHAIRMAN then asked for consideration of the proposal of Mr. Geraud (France), which read as follows:

"It will be for the Conference to establish a distinction between the rights of correspondents, information agents, etc., working in their own country and those of foreign correspondents."

Mr. GERAUD (France) said he was of the opinion that the conference should bear in mind the distinction between domestic and foreign correspondents. National or domestic correspondents might be given a scope wider than that granted to foreign correspondents. For example, national correspondents might campaign for change of government whereas foreign correspondents could not be permitted to do so. Foreign correspondents had to work within the limits of the sovereignty of the country in which they were working. He agreed they should have, as much as possible, the same rights as national correspondents but, in reality, a difference did exist.

Mr. MACKENZIE (United Kingdom) said that this proposal might be a separate item after paragraph 6 and suggested the following modification

/of wording:

of wording:

"Consideration of any distinctions to be drawn between the rights of correspondents, etc....."

Mr. CHAFFEE (United States) said he did not like to stress too much the distinction between national and foreign correspondents as far as the ultimate receipt of information by the people was concerned.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that the proposal of Mr. Geraud (France) should be included as item (b).

DECISION: It was agreed to eliminate the phrase "consideration of any", and Mr. Geraud's proposal was unanimously adopted as point (viii) under paragraph 5 (a).

Mr. SYCHRAVA (Czechoslovakia) suggested a rearrangement of the items in paragraph 5.

The CHAIRMAN said that this would require the appointment of a sub-committee.

Mr. MACKENZIE (United Kingdom) said he regretted that the proposal had come at a late date. He was in favour of the Sub-Commission approving the proposals and leaving rearrangement of items either for the Economic and Social Council or for the next session of the Sub-Commission.

Mr. SYCHRAVA (Czechoslovakia) said he agreed with Mr. Mackenzie.

The meeting adjourned at 1:10 p.m.
