

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

FIRST SESSION

SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held at Lake Success, New York, on Tuesday, 3 June 1947, at 2:30 p.m.

Present:

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

Representatives of Specialized Agencies:

Mr. W. Farr	(UNESCO)
Mr. A. Mercey	(WHO)

Consultant of Non-Governmental Organization:

Miss T. Sender	(AF of L)
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Secretariat:	Prof. J. P. Humphrey	
	Mr. John Male	(Acting Secretary of Sub-Commission)

1. Examination of Concept of Freedom of Information

Mr. MACKENZIE (United Kingdom) stated that according to its terms of reference the Sub-Commission had two tasks to fulfill. One, the preparation of the Conference which was entrusted to it by the Economic and Social Council, and the other, an examination of the concept of freedom of information, a

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task entrusted by the Commission on Human Rights. With regard to the latter task, he was of the opinion that it was divided into two parts: firstly to draft an article on freedom of information for inclusion in the International Bill of Rights; secondly, consideration of what could be done in this field in the light of present international conditions and forms of government. The first part of Mr. Cruikshank's paper, drafted in the form of a report from the Sub-Commission to the Commission on Human Rights covered these tasks. Mr. Cruikshank had also drafted a provision which the Sub-Commission might want to submit to the Commission on Human Rights. Mr. Cruikshank was concerned, furthermore, with the establishment of machinery to implement the draft provisions, and he pointed out the advantages of inviting Member States to submit proposals to this effect.

Mr. Mackenzie suggested first that Mr. Cruikshank's paper should be taken as a basis for future discussion; secondly, that Member States be asked to give their ideas on how the concept of freedom of information could be implemented; and thirdly, that reference be made in the Sub-Commission's report to progress made in this work and to future plans.

Mr. SYCHRAVA (Czechoslovakia) referred to his "Declaration on Principles of Freedom of Information" (document E/CN.4/Sub.1/31. With regard to Mr. Mackenzie's suggestions, he felt that the Sub-Commission should discuss general principles without going into concrete proposals stated in Mr. Cruikshank's paper. After quoting relevant parts of his paper, Mr. Sychrava stated that the Sub-Commission should make serious efforts to find a common and exact definition of fascism. This evil still existed, and he was anxious to reach unanimity in the matter. There were certain principles which should be promoted, such as love for truth, mutual relations based upon equality, the abandoning of physical weapons except against aggression, non-intervention in the sphere of self-determination, mutual respect for people's self-administration, international co-operation in solving social and economic problems, protection for nations against

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lies, information services on a non-profit basis, and counteraction of abuses of freedom.

Mr. CHRISTENSEN (Norway) stated that political tension between East and West, in his opinion, was caused by mutual mistrust due to lack of information. The basic task of the press was to tell the truth. This idea was endangered from two sides, firstly by censorship, and secondly by abuses of freedom, such as malicious distortion of facts. The Conference had to consider both if it was to fulfill the task assigned to it. Under censorship, all kinds of rumours grew, and often emerged in a harmful form. On the other hand, it was not a human right to disseminate obscenities and advocate violence, and he felt that the best way to fight this would be through the organizations of the press, i.e. an International Court of Honour for Journalists sponsored by the United Nations might prove useful.

Mr. GERAUD (France) said that the problem of freedom of information could not be solved by considering it exclusively as a human right. Existing realities should also be taken into account. According to his definition, freedom of information was first of all the right of a person to express and publish his ideas; secondly the right to describe events of public interest with complete moral and material independence. The press, especially in the western countries where it was free, had not played its role in the interest of peace. International co-operation might provide the press with material opportunities, but it could not provide journalists with political intelligence if they did not already possess it. As to the action of the state in the field of information, he felt that this should be restricted. The press should carry out a critical function with regard to government, a function which government should accept.

Mr. CHAFEE (United States of America) spoke on the value of having a provision on freedom of information in the International Bill of Rights. It would have both a legal and an emotional effect. For instance, the United States Constitution had a provision on freedom of speech, which had considerable emotional effect. Officials were sensitive about appearing

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publicly to infringe upon free speech and a free press. He pointed out that freedom was a positive quality. Freedom from something was not enough. It should be freedom for something. Freedom was not safety, but opportunity.

The CHAIRMAN, speaking as a member, remarked that in the nineteenth and twentieth centuries so-called human rights and basic principles of freedom had been little more than a dead letter for millions of people. The work of the Sub-Commission in this respect could be divided into two parts: first, the phrasing of an item for the Bill of Rights, and secondly, the task of laying down the rights and obligations involved in the general phrasing. It should be kept in mind that freedom of information was a conception of a spiritual nature. Furthermore, it was not a weapon but a human right, and while it was reasonable to pay attention to obligations there should be no restrictions on freedom of information which went beyond the borders of the United Nations Charter, and no stepping into the political field by mentioning "fascism" or other ideologies. Finally, he emphasized that many countries were suffering from lack of newsprint and, therefore, freedom of information was completely frustrated.

Mr. SYCHRAVA (Czechoslovakia) said he was opposed at this stage to consideration of Mr. Cruikshank's paper as had been proposed by Mr. Mackenzie. He would prefer to continue discussing general principles.

Mr. MACKENZIE (United Kingdom) pointed out that the Sub-Commission had been asked by the Commission on Human Rights to make suggestions as to the article of the Bill of Rights relating to freedom of information, and the Sub-Commission was obliged to draft some universal rules.

Mr. GERAUD (France) said that it was late to start this work. While Mr. Cruikshank's paper might incorporate many useful ideas, he did not think it should be taken as a basis for the discussions.

The CHAIRMAN, speaking as a member, said he would not object to a postponement of this point. Further documents would probably be submitted.

/Mr. CHAFEE

Mr. CHAFEE (United States of America) said that the task could be divided into three parts: the drafting of the provision, the definition of the principles, and also proposals for implementation. The Sub-Commission could formulate alternative provisions, and for that purpose he felt that Mr. Cruikshank's paper should be taken as a basis.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said there was no point in discussing the problem at this stage, since the Sub-Commission would have to start all over again at its next session. He thought that Mr. Cruikshank's paper was too abstract, and that the proper thing to do in the Sub-Commission's report was merely to mention the documents submitted.

The CHAIRMAN, speaking as a member, said he was in agreement with this point of view. With reference to the other proposal of Mr. Mackenzie to ask governments for views concerning implementation, he was in favour of mentioning this in the report.

Mr. CHAFEE (United States of America) suggested combining this with the questionnaire.

The CHAIRMAN said he could not agree as the questionnaire dealt with prevailing conditions.

Mr. LOMAKIN (Union of Soviet Socialist Republics) said that this decision also should be postponed.

Mr. CHAFEE (United States of America) said he thought that some research by the Secretariat would accomplish the same result.

Mr. MACKENZIE (United Kingdom) said he was prepared to postpone decision on this point, because he felt that the principles of freedom of information should be discussed before methods of implementation.

It was decided to ask the Secretariat to circulate, as documents, the statements made by Members on the concept of freedom of information.

2. Consideration of Point 5 (a) of the Provisional Draft Agenda

Mr. MACKENZIE (United Kingdom) proposed to delete the words: "traditions and" which he maintained were unduly vague.

/Mr. LOPEZ

Mr. LOPEZ (Philippine Republic) suggested changing the phrase: "Member States of the United Nations" to "various countries."

Mr. SYCHRAVA (Czechoslovakia) said that the provision was unclearly drafted, and he would like to amend it.

Mr. CHAFEE (United States of America) suggested proceeding to the detailed items, and returning to this matter later.

The CHAIRMAN asked Mr. Sychrava to draft his amendment for consideration the following day. In the meantime, the Sub-Commission could discuss Point 5 (b).

3. Consideration of Point 5 (b) of the Provisional Draft Agenda
"Recommending Means to Increase the Amount of Domestic and
International News by All Media Available to All Peoples, by..."

Mr. GERAUD (France) announced that he wished to make an amendment which might refer to Point 5 (b) (i). It dealt with the disproportion existing between mass media in "strong currency" and "weak currency" countries, and with the exchange difficulties of foreign correspondents.

DECISION: It was decided to retain the point on the agenda in a redrafted form and Mr. Christensen, Mr. Ferguson, Mr. Geraud and Mr. Sychrava were appointed a committee to decide its wording and place.

4. Submission of Further Amendments

At the suggestion of Mr. Chafee, it was agreed that only brief amendments should be considered the following day, unless they were submitted to the Secretary in writing before the meeting.

5. Consideration of Point 5 (b) (i) of the Provisional Draft Agenda

Mr. LOMAKIN (Union of Soviet Socialist Republics) suggested that the last sentence of Point (b) (i) should be changed to read: "due consideration being taken of the economic possibilities existing in the various countries."

DECISION: Mr. Lomakin's proposal was defeated, and the item adopted as it stood.

6. Consideration of Point 5 (b) (ii) of the Provisional Draft Agenda

Mr. LOPEZ (Philippine Republic) pointed out that the sentence was unclearly drafted. For instance, quotas should not be reduced, but increased.

/Mr. CHAFEE (United

Mr. CHAFEE (United States of America) suggested changing "reducing" to "alleviating."

Mr. LOMAKIN (Union of Soviet Socialist Republics) said he considered that the item should be deleted, and the problem be left to fiscal experts.

DECISION: Mr. Lomakin's proposal was defeated, and the item adopted as amended by Mr. Chafee.

7. Consideration of Point 5 (b) (iii) of the Provisional Draft Agenda

Mr. LOMAKIN (Union of Soviet Socialist Republics) proposed to delete the item, since nothing could be done at present to better conditions as far as monopolistic practices were concerned.

Mr. LOPEZ (Philippine Republic) suggested changing "restrictive" to "limiting", and that the provision should read: "Eliminating monopolistic, limiting and exclusive practices restricting the importation and dissemination of news for domestic publication."

DECISION: Mr. Lomakin's proposal was defeated and the item adopted as amended by Mr. Lopez.

8. Consideration of Point 5 (c) (i) of the Provisional Draft Agenda

Mr. SYCHRAVA (Czechoslovakia) said that he would like to have reference in this paragraph to reliable sources of information. He had in mind the creation of centres of documentation, such as archives.

Mr. MACKENZIE (United Kingdom) said he felt that this was an impractical suggestion, and would prefer to leave the text as it was.

The CHAIRMAN, speaking as a member, said he did not see how such a plan could be realized.

Mr. SYCHRAVA (Czechoslovakia) said he would not insist upon this point, but reserved the right to return to it later.

Mr. LOMAKIN (Union of Soviet Socialist Republics) proposed the addition of the phrase "on the basis of reciprocal agreements" to be inserted after the word "correspondents" so that the sentence would read: "Promoting within the limits of national possibilities the widest possible interchange of correspondents on the basis of reciprocal agreements."

DECISION: Mr. Lomakin's proposal and the item as amended were accepted unanimously.

9. Consideration of Point 5 (a) (vi) of the Provisional Draft Agenda

Mr. SYCHRAVA (Czechoslovakia) suggested that Point 5 (a) (vi) should become Point 5 (c) (ii).

DECISION: Mr. Sychrava's proposal was accepted.

10. Consideration of Point 5 (a) (vii) of the Provisional Draft Agenda

Mr. Sychrava (Czechoslovakia) proposed amending this point to read:

"Promoting of provisions designed to assure to peoples the largest possible access to and control of all modern technical means of information; in particular, the co-operative and corporative form of ownership and administration of enterprises in the field of information." He also suggested that this become Point 5 (c) (iii).

The CHAIRMAN, speaking as a member, said he could not favour the proposal.

The discussion of Mr. Sychrava's amendment was postponed until the following meeting and the meeting adjourned at 6:15 p.m.