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Reports on freedom of information, for the period
1 July 1970-30 June 1975, received from Governments
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IRELAND

[Original: English]

[6 May 1976]

1. Concise introductory description of general policies and significant developments during the period 1 July 1970 to 30 June 1975

Radio Telefis Eireann, the national broadcasting service, operates under the provisions of the Broadcasting Authority Act, 1960. A Bill entitled "Broadcasting Authority (Amendment) Bill, 1975" was introduced in the Irish Senate in February 1975 designed to (i) clarify and expand the duties of the RTE Authority in fulfilling their task of providing a national broadcasting service in the light of developments, experience and new insight since 1960 and (ii) to provide greater autonomy and freedom for the broadcasting service within clearly defined statutory restraints and obligations while at the same time improving control in certain areas. The Bill was passed by the Senate in June 1975 and is before the Dail at present.

Copies of the 1960 Act and the 1975 Bill as passed by the Senate are attached.^{1/}

The Offences against the State (Amendment) Act 1972 Section 4 contain certain provisions concerning statements and demonstrations that would constitute an interference with the course of justice. A copy of section 4 of the Offences Against the State (Amendment) Act 1972 is attached.

2. Influence of United Nations instruments on legislation

No comment.

3. Legislative and other measures adopted during the period

(a) Production of programmes by local communities for relay on cable television systems serving their areas has been encouraged. Three separate Associations in the Dublin area are now providing their own TV programmes weekly on their local cable television systems. Many others have provided such programmes on an experimental basis in connexion with local events of special interest. The new broadcasting Bill referred to at 1 above provides enabling power for regulation of local programme origination.

(b) See 1 above re new Broadcasting Bill.

(c) (i) Members of the public and of the staff of RTE were appointed to the Radio Telefis Eireann Authority on 1 June 1973;

(ii) A member of the staff of Radio na Gaeltachta was elected by the staff of that service to Comhairle Radio na Gaeltachta, the radio service in the Irish language which serves, in particular, areas where Irish is the language of the home. Comhairle Radio na Gaeltachta is an advisory committee set up by the Minister for Posts and Telegraphs under Section 21 of the Broadcasting Authority Act, 1960, to exercise control over the general policy and operation of the service;

^{1/} This material is available for consultation in the Division of Human Rights.

(iii) A Complaints Advisory Committee consisting of three members of the public was appointed over two years ago, to consider complaints by members of the public that e.g. specific TV and radio programmes did not comply with the requirements as regards objectivity and impartiality. The new Bill provides for the setting up of a Broadcasting Complaints Commission with wider functions which would replace the Advisory Committee.

- (d) Professional training of information personnel: No comment.
- (e) Standards and professional ethics for journalists, etc. No comment.

4. Limitations upon the exercise of freedom of information

(a) Section 3 of the 1975 Bill when enacted will place a statutory obligation on RTE to ensure that in its programmes and in the means employed to make such programmes, they shall not unreasonably encroach on the privacy of an individual.

(b) Section 3 of the 1975 Bill will place a statutory obligation on RTE to refrain from including in any of its broadcasts or publications anything which may reasonably be regarded as being likely to promote or incite to crime or as tending to undermine the authority of the State.

Section 17 of the 1975 Bill which will replace the existing section 31 (1) of the 1960 Act narrows the statutory power of the Minister to prohibit broadcasts. Under the new Bill the Minister for Posts and Telegraphs may prohibit only the broadcasting of any matter which in his opinion would be likely to promote or incite to crime or would tend to undermine the authority of the State. This power must be exercised by statutory order which can be annulled by resolution passed by either House of Parliament within 21 sitting days of its being laid before each House.

Paragraphs (c), (d) and (e): No comment.

(f) See section 4 of the Offences Against the State (Amendment) Act 1972.

5. Action with a view to ensuring that freedom of information and access to information is enjoyed by increasing numbers of the population

A new high power transmitter has been brought into service to secure better reception of national radio programmes throughout the State, and television coverage is being improved by means of a special four to five year programme which is being financed by State loans.

6. Difficulties experienced in ensuring the enjoyment of freedom of information and access to information and methods and measures utilised to overcome these difficulties

No comment.

Attachment: Section 4 of the Offences Against
the State (Amendment) Act 1972

4. (1) (a) Any public statement made orally, in writing or otherwise, or any meeting, procession or demonstration in public, that constitutes an interference with the course of justice shall be unlawful.
- (b) A statement, meeting, procession or demonstration shall be deemed to constitute an interference with the course of justice if it is intended, or is of such a character as to be likely, directly or indirectly to influence any court, person or authority concerned with the institution, conduct or defence of any civil or criminal proceedings (including a party or witness) as to whether or how the proceedings should be instituted, conducted, continued or defended, or as to what should be their outcome.
- (2) A person who makes any statement, or who organises, holds or takes part in any meeting, procession or demonstration, that is unlawful under this section shall be guilty of an offence and shall be liable:
- (a) on summary conviction, to a fine not exceeding £200 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment;
- (b) on conviction on indictment, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding five years or to both such fine and such imprisonment.
- (3) Nothing in this section shall affect the law as to contempt of court.

LUXEMBOURG

[Original: French]

[7 May 1976]

In Luxembourg, freedom of and restrictions on information are defined in the Press and Publications Act of 20 July 1869, as supplemented by the act of 1 May 1914 and the Grand Ducal orders of 23 July 1945 and 12 September 1945.

There is no major legislative change to report for the period 1970-1975.

For information purposes, however, mention should be made of the act of 11 March 1976 providing for direct State aid to the press. 1/

1/ The text of this law is available for consultation in the Division of Human Rights.

NORWAY

[Original: English]
[6 May 1976]

Legislative and other measures
adopted during the period

In the period 1 July 1970 - 30 June 1975, through a series of new support schemes, the Government has played a more active role directed towards maintaining a differentiated daily press in Norway.

On the part of both the press organizations and the Government, the assumption has all along been that the support measures mentioned below are not to encroach on the position of freedom and independence enjoyed by the press.

In the period in question, the following government support measures for the daily press may be mentioned:

1. Paper subsidies and production grants

Paper subsidies - later superseded by production grants - have been of direct assistance to newspapers which have not been the leading papers in their respective localities and which, it was feared, might have to close down unless they received government support. In higher circulation categories, however, these newspapers have not received such support, while newspapers whose circulation is under 10,000 have received government support even if they are the leading - or only - newspapers in the locality.

The first appropriation - for 1969 - amounted to Nkr 5.4 million, rising progressively in subsequent years to Nkr 7.8 million in 1973. Due to the serious deterioration in the newspapers' economy in the subsequent two years, the appropriation for 1974 was set at Nkr 22.2 million, while for 1975 Nkr 32.55 million was used for production grants

2. Newspapers may take up loans

The Loan Fund for Newspapers was established in 1972 with a basic capital of Nkr 10 million, allowing for loan facilities up to a total of ten times that amount and, moreover guarantee facilities for loans up to a maximum of Nkr 50 million. In the years 1972, 1973 and 1974 loans amounting to almost Nkr 30 million were granted to 44 newspapers, and guarantees were extended for loans amounting to Nkr 8.5 million to 10 newspapers.

3. Grants towards telecommunications

Telecommunications are extremely important to the press. Like the postal services, they belong to the province of the Ministry of Communications, but they have also been assessed together with other measures which concern the press. From 1969, as part of the ordinary press support measures, grants were made for telecommunications via the budget of the Ministry of Wages and Prices (now the Ministry of Consumer Affairs and Government Administration), mainly towards cost equalization for the newspapers' news agency subscription. Since last year a cost equalization scheme has also been established to reduce the costs of the tele-service from the political press offices and the press office of the alternate official language of Norway (Nynorsk pressekontor). The total appropriation for telecommunication has increased from Nkr 750,000 in 1969 to Nkr 1.5 million for 1975.

4. Government announcements - both press support and important information

The general understanding has been that the Government's practice of publishing announcements, etc., is not primarily to be regarded as support to the newspapers. On the contrary, the purpose has been to meet the Government's need for and the provision of information. Nevertheless, it is clear that these announcements are also of great economic significance for the newspapers. In 1968, the appropriation for this purpose amounted to Nkr 400,000, and in 1969 and 1970, respectively, Nkr 2.3 million and Nkr 7.5 million. Thereafter, these appropriations increased progressively to Nkr 10.2 million in 1973 with a still further marked increase in 1974 to Nkr 20.4 million and then to Nkr 32,689,000 in 1975.

5. Other measures

Appropriations have also been granted for education and research, for press offices and for certain other purposes, and although the amounts involved are smaller than those mentioned here, this support is far from being insignificant.

It should also be mentioned that when the Act relating to Value-Added Tax (20 per cent) entered into force on 1 January 1970, the daily press and certain periodicals were granted dispensation. This policy has clearly helped to avert the demise of some newspapers.

Limitations upon the exercise of
freedom of information

1. Protection of the reputation, rights and freedoms of others

Act. No. 17 of 23 March 1973 amending the General Penal Civil Code, etc.

The Act regulates the liability of the press and broadcasting service to punishment and compensation, particularly in respect of defamatory acts and invasion of privacy, in such a manner that the mass media are now in all main respects subject to the same rules in regard to liability.

One innovation is a provision to the effect that a person who has only participated in the technical presentation or distribution processes cannot be held liable. The legal basis here is partly that personnel of this category should not be able to exercise a de facto censorship by refusing to assist with printing or distribution on the grounds that they might otherwise become liable to punishment.

The Penal Code already contained a rule making the editor of a newspaper or periodical liable to punishment if the newspaper or periodical publishes something which would have incurred liability on the part of the editor pursuant to some other statutory provision, provided that he had been cognizant of the content. The new Act places a corresponding liability on the Director-General of the Norwegian Broadcasting Corporation, the Programme Directors and the Heads of the Programme Departments in both radio and television. It also includes provisions making the liability for compensation and redress for defamation in print correspondingly applicable to broadcasting. The special provisions in legislation relating to the press are also made applicable, for example as regards the right to members of the press in certain circumstances to refuse to answer questions as to the identity of

the author of an article or of an announcement in the publication or the source of information in the publication. Under the Act, these rules now apply likewise to the Director-General of the Norwegian Broadcasting Corporation and his subordinates in the radio and television services, insofar as the information included in any broadcast is concerned.

By virtue of the same Act, amendments were also made to the legislation on blasphemy and pornography, in that prosecution pursuant to these penal provisions were made contingent on the assumption of public interest.

2. Protection of public health

(a) Act No. 4 of 9 March on Restrictive Measures for the Marketing of Tobacco Products etc. (The Tobacco Act).

The Act aims at limiting the health damage resulting from the use of tobacco. The Act prohibits tobacco advertising, but empowers the King to grant dispensation.

It is also made compulsory to mark certain tobacco products with a symbol and a text pointing out the health hazards inherent in cigarette smoking.

The Act also contains certain rules concerning the National Council on Smoking and Health, whose functions include investigating the practical impact of the Act.

Infringements of the prohibitions or orders in the Act or pursuant to the Act are punishable by fines.

(b) Act No. 63 of 16 June 1972 introduced a prohibition against, except with the Ministry's permission, advertising in newspapers, etc., for equipment which may be used for the production of alcoholic beverages, etc. The Act furthermore prohibits "encouragement being given through books, publications, notices in the press or any other means to the illegal production", etc. of such beverages, etc., or to instructions being given which in their form appear to be designed to promote production, etc., among a larger section of the public.

Infringements of this provision are punishable by fines or imprisonment up to six months.

(c) Act No. 55 of 8 June 1973 introduced a prohibition against advertising "spirits, wine, domestic wine, mead and beer containing over 2.5 per cent alcohol by volume". The prohibition extends to the inclusion of such products in advertisements for other goods or services.

Infringements of this provision are punishable by fines or imprisonment up to six months.

OMAN

[Original: English]

[6 May 1976]

I. Concise introductory description of general policies and significant developments during the period from 1 July 1970 to 30 June 1975 with regard to the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers

Following the accession of His Majesty Sultan Caboos bin Said as Head of the Sultanate of Oman on 23 July 1970, considerable development has taken place under his guidance in the information field. Before his accession, the Sultanate of Oman possessed no modern media; neither was any provision made for the receipt or dissemination of ideas and information either within the Sultanate or abroad.

In the five years which have followed His Majesty's accession, the Government of the Sultanate of Oman has set up a modern Ministry of Information and Culture which has developed journalistic links with all the major free countries of the world. In Muscat, and Salalah the capital of the Sultanate's southern province, powerful radio transmitters have been installed to provide the Omani people with accurate and objective news of world and national events, education programmes designed to improve the minds and capabilities of the young, and entertainment programmes in conformity with the tenets of the Islamic religion. In November 1974, a colour television service was inaugurated in Muscat, which broadcasts for four hours each night, and in November 1975 a similar modern station commenced transmissions in Salalah for the Dhofari people.

The aims laid down by His Majesty the Sultan for the television service are the same as those for the radio, namely: the dissemination of true and objective news and educational and entertainment material designed to promote the intellectual and physical well-being of the Omani people and to afford them recreation.

Since His Majesty's accession, bona fide journalists of all nationalities have been welcomed to the Sultanate and freely allowed to report upon it without censorship or other restriction.

II. Influence of United Nations instruments on constitutions and legislation adopted and court decisions rendered during the period for the recognition, enjoyment and protection of freedom of information

United Nations instruments on constitution and legislation concerning the recognition, enjoyment and protection of freedom of information have provided valuable guidance in the development of the Sultanate's Information Services and policies during the period under review.

III. Legislative and other measures adopted during the period, concerning in particular:

- (a) the development of information media;
- (b) the operation of press and publications, radio, film, television and other media;

- (c) the participation of journalists and the public in the ownership or control of the media;
- (d) the professional training of information personnel;
- (e) standards and professional ethics for journalists, and bodies concerned with the implementation of such standards.

Legislation codifying the law relating to publications and other information media was published as a "Law of Publications No. 3" in 1975.

This law sets out the method of application for newspaper licences; bona fides required in respect of visiting press correspondents (to ensure they are persons of integrity and good standing in their profession); applications to operate printing presses within the Sultanate; regulations regarding the importation of publications from abroad (these embody religious and moral safeguards); regulations setting out the required observances in respect of defamatory publications; and the duties of the Publications Committee which ensures the observance of the law. The Committee has a special responsibility to ensure that "Reports and statements of those who are members of the (Omani) Press do not damage the honour and integrity of the Press."

IV. Limitations upon the exercise of freedom of information, particularly those pertaining to:

- (a) the protection of the reputation, rights and freedoms of others, including protection against interference with privacy;
- (b) the protection of national security or of public order, or of public health or morals, including suspension of freedom of information in situations of emergency;
- (c) advocacy of and propaganda for national, racial or religious hatred or racial and religious discrimination;
- (d) propaganda for war;
- (e) coverage by the press and other media of court proceedings;
- (f) other considerations.

(a) No limitations are placed upon freedom of information. There are, of course, reasonable safeguards under the law which protect the privacy, rights and freedom of all residents in the Sultanate in relation to the operations of journalists.

(b) Although a State of Emergency has existed in the Sultanate for the past 10 years due to externally fomented unrest in the Western part of the Sultanate, no restrictions have been placed upon the freedom of information, with the exception of military and other matters directly relating to the security of the country. The Ministry of Information and Culture maintains a vigilant watch to ensure that media within the Sultanate observe appropriate standards in relation to public health and morals.

(c) It is His Majesty the Sultan's policy to work for world peace and equality between nations and races, and to oppose, wherever it may be found, racial and religious intolerance and discrimination.

(d) Reporting by Omani media on the late war has, as will be readily seen from the record, been objective and truthful.

(e) Court proceedings can be freely attended by the press and other media should they so wish.

(f) Nil.

V. Action with a view to ensure that freedom of information and access to information is enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status

The principal action taken under this section has been in the field of television. Public-viewing sets have been installed at suitable points in the capital, Mustat, and Salalah, the provincial capital of the Southern Region, to enable the widest possible audience of the general public to view television programmes. It is planned that this service shall be extended to other areas of the Sultanate capable of receiving the Muscat and Salalah television transmissions.

With the ending of the war in the Southern Region, it has now been possible to make arrangements for the dissemination of news by means of news sheets and the widened circulation of newspapers in this area. With the advent of settled conditions, the independent private-venture newspapers published both within and without the Sultanate are now increasing their distribution throughout Oman.

VI. Difficulties experienced in ensuring the enjoyment of freedoms of information and access to information and measures utilized to overcome these difficulties

With the ending of the war, the difficulties that were experienced during the period of hostilities, to which this section relates, have now been largely dissipated.

Omani citizens throughout the country are now freely able to listen to radio programmes from home and abroad and are also increasingly able to receive foreign and domestic newspapers. During the war, some areas of the country were denied these amenities due to restrictions placed upon the people by the terrorists operating in those areas.