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FREEDOM OF INFORMATION

Note by the Secretary-General

1. The item entitled "Freedom of information" concerns the draft Convention on Freedom of Information, which has been on the agenda of the General Assembly since its fourteenth session, and the draft Declaration on Freedom of Information, which has been on the Assembly's agenda since the fifteenth session.
2. At the 102nd plenary meeting of its thirty-first session, on 16 December 1976, the General Assembly, having been unable for lack of time to consider the item entitled "Freedom of information", decided, on the recommendation of the Third Committee, to include it in the provisional agenda of the thirty-second session and to consider it with appropriate priority (decision 31/415).
3. In a note submitted to the General Assembly at its twenty-sixth session (A/8340), the Secretary-General reported on the previous consideration of the item by United Nations organs. The following texts were annexed to that note: 1/
 - (a) Preamble and articles 1 to 4 of the draft Convention on Freedom of Information, as adopted by the Third Committee;
 - (b) Articles 5 to 19 of the draft Convention on Freedom of Information, not yet considered by the Third Committee;
 - (c) Comments and proposals on articles 5 to 19 of the draft Convention on Freedom of Information (A/3868 and Add.1, 2 and 8, A/4173 and Add.1 and 2);

1/ In compliance with the provisions of General Assembly resolution 2836 (XXVI) of 17 December 1971, on publications and documentation, the material annexed to document A/8340 is not reproduced in the present note. Copies of that document are available upon request.

- (d) Amendment to the draft Convention on Freedom of Information, submitted by Colombia, Ecuador and Venezuela (A/C.3/L.843);
- (e) Resolution adopted by the Economic and Social Council at its 1111th plenary meeting, on 21 April 1960;
- (f) Draft Declaration on Freedom of Information.

4. In Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965 as subsequently amended by Council resolution 1596 (L) of 21 May 1971, States Members of the United Nations or members of the specialized agencies are invited to submit periodic reports once every two years in a continuing cycle, on, respectively: civil and political rights; economic, social and cultural rights; and freedom of information. At its thirty-third session in 1977, the Commission on Human Rights had before it, inter alia, the reports on freedom of information for the period from 1 July 1970 to 30 June 1975 received from 46 Member States (E/CN.4/1214 and Add.1-20 and Add.1/Corr.1) and five specialized agencies (E/CN.4/1215 and Add.1-3 and Add.2/Corr.1), together with contributions on the subject-matter from non-governmental organizations in consultative status. The Commission also had before it an analytical summary prepared by the Secretary-General of the reports and other material received (E/CN.4/1224).

5. Under Council resolutions 1074 C (XXXIX) and 1596 (L), the Ad Hoc Committee on Periodic Reports is entrusted with the task of studying and evaluating the reports and other information received and to submit to the Commission on Human Rights its comments, conclusions and recommendations. At its 1977 session (31 January to 4 February 1977), the Ad Hoc Committee examined the above-mentioned reports and material on freedom of information. In its report to the Commission on Human Rights (E/CN.4/1226) the Ad Hoc Committee noted, inter alia, that certain delegations stressed the importance of regional agreements on freedom of information, particularly the Final Act of the Conference on Security and Co-operation in Europe, signed at Helsinki on 1 August 1975. The view was stressed by some members of the Ad Hoc Committee that especially in developing countries public information through the mass media could play a meaningful role in promoting economic and social development.

6. The Commission on Human Rights, owing to lack of time at its thirty-third session, postponed consideration of the report of the Ad Hoc Committee to its thirty-fourth session in 1978.

7. Certain developments have taken place in recent years which may be relevant to the Assembly's consideration of this item. There have been, for example, efforts to relate the question of freedom of information to present day conditions and needs, and the idea has been advanced that the international community should seek to establish a "new international information order" alongside the new international economic order.

8. Attention may be drawn to General Assembly resolution 31/139 of 16 December 1976 on co-operation and assistance in the application and improvement of national information and mass communication systems for social progress and

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development. The Assembly was convinced that the establishment and/or development of such systems would play an important role in the promotion of opportunities for the peoples of the developing nations to participate fully in national development and in the promotion of international co-operation, including the efforts to achieve the goals of the International Development Strategy for the Second United Nations Development Decade and the establishment of the new international economic order. The Assembly was also convinced that the establishment and/or improvement of national information and mass communication systems would greatly help preserve and enhance the cultural values of a country and would be one of the most efficient methods for transmitting scientific and technological knowledge and the cultural values of a country.

9. Reference may also be made to the co-operation among non-aligned countries in the field of information and mass media, in particular the decisions taken at the first meeting of the Co-ordinating Committee of the Press Agencies Pool of Non-Aligned Countries, held at Cairo from 10 to 12 January 1977, and the first meeting of the Inter-governmental Co-ordinating Council on Information and Mass Media of Non-Aligned Countries, held at Tunis from 28 February to 1 March 1977.

10. In recent years, the United Nations Educational, Scientific and Cultural Organization has organized, pursuant to its mandate, a number of international and regional meetings with a view to giving added emphasis to the wider scope of freedom of information falling within the Constitution of the organization. Of significance was the emphasis laid on the subject during the nineteenth session of the General Conference of UNESCO, held at Nairobi from 25 October to 30 November 1976. The General Conference considered and adopted a report ^{2/} on means of enabling active participation in the communication process and analysis of the right to communicate. The report analysed the concept of the right to communicate as well as its relationship to other human rights. It suggested areas of future research and a programme of action by UNESCO to encourage multicultural study of the concept, co-ordination and exchange of information and an expert meeting in 1978 to discuss issues raised in the report. The Conference further noted, in endorsing the programme of action that the appearance of new technologies justified a study of a new communication right, and that it was not a question of substituting the already recognized right to freedom of information but rather to enlarge on and reinforce the application of the existing rights.

^{2/} United Nations Educational, Scientific and Cultural Organization, document 19.C/93 of 16 August 1976.