

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

SECOND SESSION

REVISED STATEMENT CONCERNING THE RIGHTS, OBLIGATIONS AND PRACTICES  
TO BE INCLUDED IN THE CONCEPT OF FREEDOM OF INFORMATION

(Documents E/CN.4/Sub.1/61 and E/CN.4/Sub.1/61/Rev.1)

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 science and 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 think and to hold opinions without interference, to seek, receive and impart information and ideas by any means without fetters and regardless of frontiers.
5. For news personnel above all, but also for everyone so far as practical considerations permit, this freedom includes the right to have the widest possible access 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 justifies:

(a) certain legal 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

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agreements within the framework of the United Nations, and,  
(b) certain moral obligations of equal importance.

7. The restrictions, penalties or liabilities referred to under sub-head (a) of the preceding paragraph should, however, 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, except in cases of resistance to oppression; 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. Previous censorship of written and printed matter, the radio and newsreels shall not exist.

Within the limits thus broadly described the right to freedom of communication should be considered legally absolute. Any abridgment of it, as, for instance, by previous censorship, should be considered inimical to freedom.

(The legal form of ownership of the mass media of information is an element which counts as much as the spirit animating the owners.)

8. The right to freedom of expression also confers upon all who enjoy it the moral obligation to tell the truth without prejudice and to spread knowledge without malicious intent, to facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems, to help promote respect for human rights and fundamental freedoms without any arbitrary discrimination, to help maintain international peace and security and to counteract the persistent spreading of false or distorted reports which provoke hatred or prejudice against states, persons or groups of different race, language, religion or philosophical conviction, 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.

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