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## COMMISSION ON HUMAN RIGHTS

## SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

## Third Session

## SUMMARY RECORD OF THE FIFTY-FOURTH MEETING

Held at Lake Success, New York,  
on Monday, 6 June 1949, at 10.30 a.m.

**CONTENTS:** Adoption of the agenda (E/CN.4/Sub.1/75) (continued).  
Date of closure of the current session and date of opening  
of the next session.  
Consideration of means by which the Sub-Commission may  
receive from governmental and other sources information  
concerning current legislation and practices in the  
field of its competence (Item 1 of the agenda,  
E/CN.4/Sub.1/79).

<u>Chairman:</u>	Mr. LOPEZ	Philippines
<u>Rapporteur:</u>	Mr. FONTAINA	Uruguay
<u>Members:</u>	Mr. AZKOUL	Lebanon
	Mr. AZMI	Egypt
	Mr. BINDER	United States of America
	Mr. CHANG	China
	Mr. DEDJER	Yugoslavia
	Mr. GANDHI	India
	Mr. GERAUD	France
	Mr. SILVA CARVALLO	Chile
	Mr. WILLIAMS	United Kingdom
	Mr. ZONOV	Union of Soviet Socialist Republics

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Representative of a Specialized Agency:

Mr. FARR

United Nations Educational,  
Scientific and Cultural  
Organization (UNESCO)

Consultant from Non-Governmental Organization:

Category B:

Mr. LEWIN

Agudas Israel World Organization

Secretariat:

Mr. HOGAN

Secretary of the Sub-Commission

ADOPTION OF THE AGENDA (E/CN.4/Sub.1/75) (continued)

Before proceeding to the discussion of the agenda, the CHAIRMAN reminded the members that they had to decide not only their future programme of work but also the number and place of the sessions to be held each year by the Sub-Commission.

Item 10

The CHAIRMAN recalled that Mr. Azkoul had proposed that item 15 of the draft agenda (E/CN.4/Sub.1/75) should become item 10 of the agenda.

Mr. AZMI supported that proposal.

It was decided by 10 votes to none, with one abstention, to adopt item 15 of the draft agenda as item 10 of the agenda.

Item 11

The CHAIRMAN suggested combining items 13 and 14 of the draft agenda, to form item 11.

Mr. FONTAINA proposed that item 16 of the draft agenda should become item 11. He admitted that it would be useful to combine items 13 and 14, and he suggested that the item they formed should become item 12 of the agenda.

It was decided by 7 votes to none, with 2 abstentions, to adopt item 16 of the draft agenda as item 11 of the agenda.

Item 12

Mr. WILLIAMS realized how necessary it was to make every effort to increase the sense of responsibility of those who worked in the field

code of honour would be the best method of obtaining that end. It would be well to consider the problem from a broader point of view and to study every possible method by which that delicate problem could be solved.

He therefore proposed the following text for item 13 of the agenda: "Examination of what measures are necessary to improve the professional standards and to define the obligations and responsibilities of journalists or news and information personnel, including the possibility of drafting an international code of honour and of establishing an international court of honour."

Mr. ZONOV reminded the Commission that he had proposed that items 13 and 14 of the draft agenda should simply be deleted, since they concerned questions which were outside the Sub-Commission's competence, but which should be discussed and studied by professional associations. If the Sub-Commission were to study those questions, it would be bringing pressure to bear on journalists' associations.

Mr. BINDER proposed that the words "and desirable" should be added after the words "measures are necessary" in the text proposed by Mr. Williams.

Mr. WILLIAMS accepted that amendment.

Mr. SILVA CARVALLO disagreed with Mr. Zonov: he did not think that a decision of the Sub-Commission could constitute pressure on journalists' associations. The Sub-Commission was itself composed of journalists and was not, therefore, a foreign body whose decisions might disregard the interests and wishes of journalists.

The CHAIRMAN recalled the fourth paragraph of the Sub-Commission's terms of reference (E/CN.4/Sub.1/68/Rev.1), under which the Sub-Commission was explicitly authorized to study the questions contained in items 13 and 14 of the draft agenda. It was the duty of the Sub-Commission to make recommendations to the Economic and Social Council on the best methods of raising the standards of the professional ethics of journalists. Moreover the United Nations Conference on Freedom of Information had adopted a series of resolutions on that very problem.

The text proposed by Mr. Williams for item 12 of the final agenda was adopted by 8 votes to one, with 2 abstentions.

Items 13, 14 and 15

The CHAIRMAN suggested that items 9, 10 and 18 of the draft agenda should be adopted as items 13, 14 and 15 of the agenda. It was true that the Council had not yet examined item 18 of the draft agenda, but it would nevertheless be useful to place it on the agenda so that the Sub-Commission would be able to consider it once the Council had taken its decision.

Mr. ZONOV asked that three separate votes should be taken on the Chairman's proposal.

It was decided, by 8 votes to 2, with 1 abstention to adopt item 9 of the draft agenda as item 13 of the agenda.

It was decided, by 8 votes to 2, with 1 abstention, to adopt item 10 of the draft agenda as item 14 of the agenda.

It was decided, by 8 votes to 1, with 1 abstention, to adopt item 18 of the draft agenda as item 15 of the agenda.

The CHAIRMAN stated that he had left out item 17 of the draft agenda, since the Economic and Social Council could entrust the Sub-Commission with any new functions which it deemed advisable.

Items 1 to 15 of the agenda were adopted by 8 votes to none, with 3 abstentions.

Mr. ZONOV understood that the agenda that had been adopted was for the whole duration of the Sub-Commission's existence. He asked if it would be possible, at a later session, for the members of the Sub-Commission to propose the inclusion of further items on the agenda. He also asked which items of the agenda the Sub-Commission intended to consider at the current session.

The CHAIRMAN explained that normally all the organs of the United Nations adopted, at the beginning of each of their sessions, an agenda for that session. They were not in any way bound by the decisions taken on that matter during a previous session and could change their provisional agenda as they pleased.

Moreover, in regard to the Sub-Commission's current agenda, it had been decided to deal first with items 1 to 5 and, if the Sub-Commission had time, the following items in the order in which they appeared.

Mr. BINDER remarked that the agenda adopted by the Sub-Commission was in reality a programme of work.

/The CHAIRMAN

The CHAIRMAN agreed with Mr. Binder.

Mr. AZMI proposed that the date on which the Sub-Commission would adjourn the current session should be set. When that decision was taken, it would be possible to decide which items of the agenda would be considered during that session.

Mr. FONTAINA thought that it was important to decide, at the end of each session, the provisional agenda for the following session, so that the Secretariat could prepare the necessary working papers. That would not prevent the Sub-Commission from changing its provisional agenda as it wished at the beginning of each session.

DATE OF CLOSURE OF THE CURRENT SESSION AND DATE OF OPENING OF THE NEXT SESSION

Mr. WILLIAMS thought that it would be advisable to close the current session on 14 June; if the date of closure were set for 10 June, the Sub-Commission would probably not have made sufficient progress in its work before that date.

Mr. BINDER shared Mr. Williams' view and said that the Sub-Commission must give the Secretariat definite instructions concerning the work which it was to accomplish before the next session.

The date of closure of the current session was set for 14 June 1949.

Mr. AZKOUL thought that the Sub-Commission should decide upon the number of sessions which it would hold each year. In his opinion, the Sub-Commission should hold one session a year, rather longer, perhaps, than those it had held hitherto.

The CHAIRMAN pointed out that according to rule 56 of the rules of procedure of functional Commissions of the Economic and Social Council the Sub-Commission held one session a year in principle. The preceding Sub-Commission had, however, held two sessions, one in June 1947 and the other in January 1948. In view of the agenda which it had just adopted, he thought the Sub-Commission should hold two sessions a year.

Mr. SILVA CARVALLO stated that it was necessary to hold two sessions a year, otherwise the members of the Sub-Commission would be liable to be out of touch with world problems of the Press. It was of course necessary to consider the personal difficulties that such a solution would involve for the members of the Sub-Commission, but the importance of the Sub-Commission and the responsibilities which it assumed must also be borne in mind.

Mr. GERAUD remarked that if the Sub-Commission regarded itself merely as a study group, it would have to hold two or three sessions a year, and the results would probably be very disappointing. That was the solution the Sub-Commission appeared to have chosen in adopting its agenda, and it was for that reason that he had abstained from voting on the new agenda. If, on the other hand, the Sub-Commission decided to be an active body, it should only meet when it had work to accomplish. Its sessions in that case could not be fixed.

The Secretariat had been wrong to convene the Sub-Commission at that time; it would have been better to hold the session after the conventions on freedom of information and of the Press had been signed.

Mr. ZONOV proposed that any decision on the number of sessions of the Sub-Commission should be deferred until the end of the current session.

It was so decided.

The CHAIRMAN pointed out that the Sub-Commission must set the date for its next session without further delay, so that its decision could be communicated to the Interim Committee on Programme of Meetings, which was then meeting.

Mr. BINDER proposed that the Sub-Commission should hold its next session in January 1950.

Mr. FONTAINA supported Mr. Binder's proposal. It was possible that the fourth session of the General Assembly might continue in April 1950: hence the Sub-Commission would scarcely be able to meet at that time. Moreover, the Sub-Commission had not yet decided upon the number of its sessions. If it decided to hold its next session in January 1950, that would not rule out the possibility of a second session, which could be held in the month of June.

/Mr. AZKOUL

Mr. AZKOUL approved the foregoing statements; he thought that the Sub-Commission should meet at the beginning of January so that its session would not coincide with that of the Economic and Social Council, which was to open at the beginning of February.

Mr. WILLIAMS thought that the Sub-Commission should hold a session in April. That would be the only session that it would hold in 1950.

Mr. ZONOV pointed out that the General Assembly might not have completed its work by January 1950. Moreover, the session of the Economic and Social Council would be held in February and March. The Sub-Commission should therefore hold a session early in 1950, but not later than the month of April.

Mr. Binder's proposal to set the date of the opening of the next session for January 1950 was rejected by 6 votes to 5.

It was decided to recommend to the Interim Committee on Programme of Meetings that the Sub-Commission should hold its next session at the beginning of April 1950.

CONSIDERATION OF MEANS BY WHICH THE SUB-COMMISSION MAY RECEIVE FROM GOVERNMENTAL AND OTHER SOURCES INFORMATION CONCERNING CURRENT LEGISLATION AND PRACTICES IN THE FIELD OF ITS COMPETENCE (Item 1 of the agenda, E/CN.4/Sub.1/79)

The CHAIRMAN opened discussion on item 1 of the agenda.

In reply to questions by Mr. ZONOV and Mr. GERAUD concerning what was to be done about document E/CN.4/Sub.1/68/Rev.1, the CHAIRMAN, supported by Mr. FONTAINA and Mr. WILLIAMS, said that the agenda as it had just been adopted did not in any way replace the terms of reference of the Sub-Commission as set forth in that document. As for the suggestions in the second and third parts of document E/CN.4/Sub.1/68/Rev.1, the Sub-Commission would take them into account in the course of its work.

He proceeded to ask Mr. Hogan to give the Sub-Commission some information about the procedure it should follow in order to obtain information concerning current legislation and practices in the field of its competence and to state what information was already available.

/Mr. HOGAN

Mr. HOGAN (Secretary) said that the Secretary-General could not request information from a Government, or a non-governmental organization, unless he had been authorized to do so by the Sub-Commission and the Economic and Social Council. If the Sub-Commission wished to receive information concerning current legislation and practices in the field of its competence, it must make a recommendation to that effect to the Economic and Social Council.

With regard to the information already available to the Secretariat, 33 Governments had so far replied to the request for information which had been sent to them in accordance with a recommendation made by the first Sub-Commission on Freedom of Information and of the Press, and the Government of Pakistan had stated that its reply would be sent shortly. The request for information had been drafted on the basis of the agenda of the Geneva Conference and the replies sent by the various Governments would shortly be published. Moreover, the Secretariat intended to publish a collection of international agreements concerning freedom of information and of the Press the following year. Finally, the Secretariat could make available to the Sub-Commission the proposals that had been made by various Governments with a view to eliminating the dissemination of false news.

Mr. AZMI asked which non-governmental organizations had replied to the request for information.

Mr. HOGAN (Secretary) said that the American Federation of Labor and the International Organization of Journalists were the only non-governmental organizations to have sent replies to the questionnaire.

Mr. SILVA CARVALLO said that he had received a letter from the International Federation of Free Journalists concerning the state of the Press in Central and Eastern Europe, in the Balkans and the Baltic countries.

In view of the fact that the Sub-Commission had been set up to study the state of the Press throughout the world, he thought it might be advisable for it to study that document and then to incorporate it in the Sub-Commission's report.

/Mr. HOGAN



Mr. HOGAN (Secretary) said that the Secretary-General had also received the document in question. Since, however, the Sub-Commission had not given him any instructions with regard to communications of that kind, he had not thought proper to submit it to the Sub-Commission. Mr. Hogan pointed out, furthermore, that the International Federation of Free Journalists did not possess the consultative status that the Economic and Social Council had granted to certain non-governmental organizations.

The CHAIRMAN proposed that the question raised by Mr. Silva Carvalho should be discussed when item 4 of the agenda was considered.

Mr. ~~DEOLFER~~ considered that the question raised by Mr. Silva Carvalho had nothing to do with item 1 of the agenda. Furthermore, the communication in question had come from a completely unknown organization and there was no reason to examine it.

Mr. SILVA CARVALLO explained that the Sub-Commission had been set up to carry out investigations on the question of freedom of information in general. Moreover, item 1 of the agenda stated that it should consider the means by which it could receive information from governmental "and other" sources. The Sub-Commission was therefore perfectly entitled to consider a communication of that nature.

He agreed with the Chairman, however, that the question should be studied when item 4 of the agenda was considered.

The CHAIRMAN invited members to decide whether a new questionnaire should be drafted or whether it would suffice to ask the Governments and non-governmental organizations which had not yet replied to the first request for information to do so as soon as possible.

Mr. AZMI was in favour of the latter proposal. He thought, however, that the non-governmental organizations in each country should also be asked for information on current legislation and practices in their respective countries.

Mr. ZONOV was opposed to Mr. Azmi's suggestion. The most important question to be studied under item 1 of the agenda was that of current legislation and only Governments could supply the necessary

information on that subject. He felt, moreover, that the Secretariat should include only communications from Governments in its official publications.

As for non-governmental organizations, the Sub-Commission did not even know which ones it should approach, since there were so many of them.

Mr. BINDER supported Mr. Azmi's proposal. If the Sub-Commission was to succeed in its work, it would have to have a comprehensive idea of the state of affairs in all the Member States of the United Nations. The information to be solicited from Governments which had not yet replied to the first questionnaire should deal chiefly with current legislation and practices.

He therefore proposed that the Sub-Commission should recommend the Economic and Social Council to instruct the Secretary-General to ask those Governments which had not yet replied to the request for information to do so as soon as possible, and those which had sent in incomplete replies to supplement that information.

Mr. AZMI supported Mr. Binder's suggestion, but wished to make it clear that the reason why it was important to obtain information on current practices was that those practices often ran counter to existing legislation. It was **not, therefore**, the Governments that should be approached for information of that kind. The Sub-Commission should approach non-governmental organizations, associations of journalists, syndicates, etc.

The recommendation that Mr. Binder had suggested should therefore include an instruction that the Secretary-General should also get in touch with the non-governmental organizations in each Member State.

The meeting rose at 1.20 p.m.