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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON FREEDOM OF INFORMATION  
AND OF THE PRESS

Third session

## SUGGESTED PROGRAMME OF WORK AND PRIORITIES

## Note by the Secretary-General

At its seventh session the Economic and Social Council requested the Secretary-General (resolution 152(VII)): "To prepare a suggested programme of work and priorities for submission to the third session of the Sub-Commission on Freedom of Information and of the Press".

In implementation of this resolution, the Secretary-General prepared a "Suggested Programme of Work and Priorities" (E/CN.4/Sub.1/68). This memorandum, which was based on the recommendations of the United Nations Conference on Freedom of Information concerning new terms of reference for the Sub-Commission, as contained in resolution 39 of the Final Act of the Conference, (E/CONF.6/79) was circulated at the eighth session of the Council, under covering note (E/1118) for the information of members.

The "Suggested Programme of Work and Priorities" has now been revised in the light of the new terms of reference of the Sub-Commission which the Council adopted on 24 February 1949 (E/1193). For the convenience of the Sub-Commission the new terms of reference are reproduced herewith.

## I. TERMS OF REFERENCE OF THE SUB-COMMISSION

The Economic and Social Council,

Considering that the work of the United Nations Conference on Freedom of Information has shown the need to set up continuing international machinery to carry on the work undertaken by the Conference and, in particular, to study the problems involved in the application of the resolutions adopted by the Conference and the implementation of the draft conventions recommended by it, and

Considering that it is expedient, in order to avoid the multiplication of specialized agencies, to entrust this task to the Sub-Commission on Freedom of Information and of the Press,

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/Resolves:

Resolves:

1. That the Sub-Commission on Freedom of Information and of the Press be continued until 31 December 1952;
2. That the Sub-Commission shall continue to be composed of twelve members selected by the Commission on Human Rights, subject to the consent of their Governments, serving as experts in their personal capacities and not as official representatives, whose terms of office shall expire on 31 December 1952;
3. That the terms of office of the present members of the Sub-Commission are hereby terminated; and
4. That a special meeting of the Commission on Human Rights be held as early as possible during the second part of the third session of the General Assembly for the purpose of electing the new members of the Sub-Commission. This meeting shall not be considered the first meeting of the Commission on Human Rights for the purposes of rule 14 of the rules of procedure of functional commissions of the Economic and Social Council;

Requests the Secretary-General:

1. To invite all Member Governments to nominate, not later than 20 March 1949, not more than two persons, who may either be their own nationals or nationals of other states, to serve as members of the Sub-Commission, and to indicate briefly their qualifications as specialists in the field of freedom of information;
2. To notify those Governments which are members of the Commission on Human Rights of the special meeting to be held during the General Assembly in order that they may designate alternates in case their representatives on this Commission are not members of their delegations to the General Assembly; and
3. To take such steps as he deems appropriate to provide the additional staff required to enable the Sub-Commission to implement its programme of work;

Decides:

That the present terms of reference of the Sub-Commission, as set forth in Council resolution 46 (IV), are hereby cancelled and the following substituted therefor:

"The Sub-Commission on Freedom of Information and of the Press shall consider issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels, and shall perform any other functions which may be entrusted to it by the Council or by the Commission on Human Rights.

/"In accordance

"In accordance with such working priorities as the Sub-Commission may adopt, it may:

(a) Study and make reports as well as recommendations to the Council on:

- (i) Political, economic and other barriers to the free flow of information;
- (ii) The extent to which freedom of information is accorded to the various peoples of the world;
- (iii) The adequacy of the news available to them;
- (iv) The development of high standards of professional conduct;
- (v) The persistent dissemination of information which is false, distorted, or otherwise injurious to the principles of the Charter of the United Nations;
- (vi) The operation of any inter-governmental agreements in the field of freedom of information;
- (vii) The promotion of a wider degree of freedom of information and the reduction or elimination of obstacles thereto;
- (viii) The promotion of the dissemination of true information to counteract nazi, fascist or any other propaganda of aggression or of racial, national, religious or any other discrimination;
- (ix) The conclusion or improvement of inter-governmental agreements in the field of freedom of information; and
- (x) Measures to facilitate the work of foreign news personnel, and to assist them in disseminating true information on political, economic and other events in their countries of residence and in promoting friendly relations between States in such a way as to further the cause of strengthening international peace and security;

(b) Receive communications from any legally constituted national or international press, information, broadcasting or newsreel enterprise or association relating to the items enumerated in paragraph (a) above, with a view to assisting it in the formulation of general principles and proposals in the field of freedom of information;

/(c) Discharge,

(c) Discharge, with the approval of the Council, such other functions in the field of freedom of information as may be entrusted to the United Nations by inter-governmental agreements on information";

and

Decides:

1. That normally the Sub-Commission shall report to the Council, except that in matters relating to freedom of information as a fundamental human right it shall be bound in the first instance to report to the Commission on Human Rights; and
2. That in planning its programme of work, the Sub-Commission shall take into account section No. 7.2212 of the Programme of UNESCO as adopted by the Third General Conference of UNESCO,<sup>1/</sup> which the Council notes with approval, in order to utilize as fully as possible the assistance which UNESCO has agreed to make available.

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<sup>1/</sup> Note: This Section reads as follows: "... The Director-General is instructed to offer the services of UNESCO to the United Nations in matters concerning freedom of information, and particularly by the publication of reports and the conduct of studies which will assist the work of the Sub-Commission on Freedom of Information".

## II. SUGGESTED PROGRAMME OF WORK

### Introductory Notes

1. The suggested programme of work is based on the terms of reference of the Sub-Commission and on the recommendations of the Conference, which have been analyzed and co-ordinated in order to present a systematic programme.
2. The tasks enumerated below include (a) recurring work and (b) specific studies, both of which may result in reports of recommendations to the Council.
3. The different tasks have been arranged according to topics. Questions of priority are dealt with in Section III.
4. The study of problems involved in the implementation of the draft conventions proposed by the Conference together with other tasks arising out of conventions on freedom of information constitute a series of homogeneous functions.
5. The Secretary-General wishes to call attention to the fact that many of these tasks are interrelated. This fact should be taken into account in considering the suggested programme and schedule of priorities.
  - A. Communications
    1. Establishment of procedure for handling communications.
    2. Consideration of communications.
  - B. Establishment of procedure for continuous liaison with information enterprises and professional organizations.
  - C. Consideration of means by which the Sub-Commission may regularly be kept informed regarding the application of the resolutions of the Conference.
  - D. 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.
  - E. Studies on the extent to which Freedom of Information is accorded to the various peoples of the world.
    1. Constitutional and legal principles applicable to the various media of information:
      - (a) Fundamental principles regarding freedom of information;
      - (b) The legal status of press, radio and newsreel enterprises;
      - (c) Legal privileges of information enterprises and personnel;
      - (d) Laws of libel; legal responsibility of information enterprises and personnel;
      - (e) The right of reply;
      - (f) Legal procedure in cases relating to media of information;
      - (g) Tax and customs legislation.

2. Legal barriers to the free flow of information:
  - (a) To the dissemination of information;
  - (b) To the reception of information;
  - (c) Censorship and consideration of methods for its progressive abolition.
3. Economic and political barriers to the free flow of information:
  - (a) The adequacy of physical facilities e.g., printing machinery, newsprint, radio equipment, radio receiving sets, film projectors and rapid transmission facilities, and services;
  - (b) Transmission rates;
  - (c) The establishment and operation of news agencies and information services, especially in countries whose information facilities are under-developed;
  - (d) Obstacles in the way of persons or groups wishing to express themselves through the means of mass communication;
  - (e) Discrimination in the use of media of information on political or personal grounds or on the basis of race, sex, language or religion;
  - (f) Monopolistic, restrictive or exclusive arrangements or practices concerning censorship and control of media of information.
4. The adequacy of the news available to the peoples of the world.
- F. Studies concerning the promotion of the dissemination of true information to counteract Nazi, Fascist and any other propaganda of aggression or of racial, national and religious discrimination:
  1. The persistent dissemination of information which is false, distorted or otherwise injurious to the principles of the Charter of the United Nations;
  2. Consideration of appropriate means for the co-ordination of measures against propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression and the spreading of false and distorted reports likely to injure friendly relations between States;
    - (a) Measures to increase the amount of domestic and international information;
    - (b) Measures for improving the quality of information;
    - (c) Measures to counteract false information.
- G. Studies on the development of high standards of professional conduct:
  1. The drafting of an international code of honour;
  2. Consideration of the possibility of establishing an International Court of Honour;
  3. The independence of news personnel:
    - (a) Social security;
    - (b) Economic conditions of news personnel.
  4. The

4. The interchange of news personnel;
  5. Schools of journalism and related problems.
- H. Special studies concerning the work of foreign news personnel:
1. Law and practice governing the status of such news personnel:
    - (a) Entry, residence, movement and travel of foreign news personnel;
    - (b) Expulsion of foreign news personnel;
    - (c) Taxation;
    - (d) Foreign exchange problems.
  2. Law and practice governing the work of foreign news personnel:
    - (a) Accessibility to news sources;
    - (b) Censorship of dispatches of foreign news personnel;
    - (c) Access to transmission, transport, and other facilities;
    - (d) Entry of news material of foreign correspondents and foreign information agencies.
  3. Measures to facilitate the work of foreign news personnel and to assist them in disseminating true information on political, economic and other events in their countries of residence and in promoting friendly relations between States in such a way as to further the cause of strengthening international peace and security;
  4. Status of professional foreign correspondents:
    - (a) Definition of such news personnel as are to be given the status of professional foreign correspondents;
    - (b) Identification of professional foreign correspondents and related problems.
- I. Studies on the operation of conventions:
1. Inter-governmental agreements in the field of freedom of information:
    - (a) Classification and analysis of existing agreements,
    - (b) Possible recommendations concerning the conclusion or improvement of inter-governmental agreements;
  2. Problems involved in the implementation of the conventions proposed by the Conference;
  3. The proposed Covenant on Human Rights.
- J. The discharge of such other functions as may be entrusted to the Sub-Commission by inter-governmental agreements.
- K. Other tasks:
1. The Day of Friendship.
  2. The International Institute of Press and Information.

## III. SUGGESTED PRIORITIES

Introductory Notes

1. In suggesting a list of priorities the Secretary-General was guided first of all by the possible bearing of each task on the development of a wider degree of freedom of information. He has taken into account the fact that the Council has extended the life of the Sub-Commission for a period of three years, until 31 December 1952.
2. Other considerations have included:
  - (1) The possibility of achieving practical results;
  - (2) The resources of the Secretariat;
  - (3) Opinions expressed at the Conference and at meetings of the General Assembly, the Economic and Social Council, the Commission of Human Rights and the Sub-Commission on Freedom of Information and of the Press.
  - (4) The fact that tasks in connection with the initiation of recurring work demand a high priority. However, the Secretary-General suggests that a high priority also be given to certain specific studies which the Sub-Commission may request as a basis for discussion and report or recommendation.

SUGGESTED PRIORITY	NOTES
1. Establishment of procedure for handling communications. (See programme of work, A,1).	(1-4) The Secretary-General suggests that Items 1-4 be given a first priority since they involve recurring
2. Establishment of procedure for continuous liaison with information enterprises and professional organizations. (See programme of work, B).	and constant tasks for the Sub-Commission and the Secretary-General and concern matters which will doubtless appear on the agenda of all sessions of the Sub-Commission.
3. Consideration of means by which the Sub-Commission may regularly be kept informed regarding the application of the resolutions of the Conference. (See programme of work, C).	It is therefore suggested that the Sub-Commission make its first order of business the establishment of procedures concerning them.
4. 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. (See programme of work, D).	

/5. Consideration

/(5) This is



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5. Consideration of communications. (5) This is an item which will doubtless appear regularly on the agenda of the Sub-Commission.  
(See programme of work, A,2).
6. Studies concerning the promotion of the dissemination of true information to counteract Nazi, Fascist and any other propaganda of aggression or of racial, national and religious discrimination. (6) Both the General Assembly (resolutions 110(II) and 127(II)) and the Conference (resolutions 2 and 3) adopted resolutions on this subject.  
(See programme of work, F).
7. Studies on the adequacy of the news available to the peoples of the world. (7 and 8) The records of the Conference show clearly that it considered the adequacy of news and the elimination of barriers to be of primary importance.  
(See programme of work, E,4).
8. Legal, economic and political barriers to the free flow of information. (9) In order to consider any issues arising from the operation of existing agreements and the formulation of recommendations concerning agreements, studies must be prepared by the Secretary-General for submission to the Sub-Commission. Decisions concerning these studies should be made at an early date.  
(See programme of work, E, 2 and 3).
9. Classification and analysis of existing agreements in the field of freedom of information. (10) These are tasks on which practical work can be started at an early date.  
(See programme of work, I,1).
10. (a) The drafting of an international code of honour.  
(b) Consideration of the possibility of establishing an International Court of Honour. (11) Stress was laid at the Conference upon problems of a practical nature, though sub-headings given a low priority under item 11 may have a  
(See programme of work, G, 1 and 2).  
/news /priority
11. Problems concerning news personnel.  
(a) Law and practice governing the status and work of foreign

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- news personnel;
- (b) Measures to facilitate the work of foreign news personnel.
- (c) Definition and identification of professional foreign correspondents;
- (d) Independence of news personnel;
- (e) Interchange of news personnel;
- (f) Schools of journalism and related problems.
- (See programme of work, H, 1, 2, 3 and 4 and G, 3, 4 and 5).
12. The International Institute of Press and Information.  
(See programme of work, K, 2).
13. Constitutional and legal principles applicable to the various media of information.  
(See programme of work, E, 1).
14. Studies on the implementation of the Conventions proposed by the Conference.  
(See programme of work, 1, 2).
15. Studies on the operation of provisions in the proposed Covenant on Human Rights concerning freedom of information.  
(See programme of work, 1, 3).
- /16. The discharge
- priority below other items which follow. These problems, however, form a homogeneous series and are listed in a suggested order of priority.
- (12) This subject is related to 11 above and is therefore placed here.
- (13) Since the collation of the replies from governments to the Request for Information will doubtless serve as a basis for studies of these matters, and in view of their long-range implications, the Secretary-General suggests that the Sub-Commission defer consideration of them until it has had an opportunity of reviewing the collation.
- (14) The Secretary-General suggests that consideration of problems involved in the implementation of these Conventions be deferred until they have entered into force.
- (15) The Secretary-General suggests that these studies be deferred until the Covenant has entered into force.

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16. The discharge of such other functions as may be entrusted to the Sub-Commission by inter-governmental agreements. (See programme of work, G).

Additional Task

The Day of Friendship.

(See programme of work, K, 1).

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