

UNITED NATIONS  
GENERAL  
ASSEMBLY



GENERAL

A/AC.42/3  
19 December 1950

ORIGINAL: ENGLISH

COMMITTEE ON THE DRAFT CONVENTION ON FREEDOM OF INFORMATION

History of the Draft Convention on Freedom of Information

Note by the Secretary-General

1. In its resolution of 14 December 1950 (document A/1748), the General Assembly requested the Committee on the Draft Convention on Freedom of Information to take into consideration, in the performance of its task, a number of points, details of which are given in the note by the Secretary-General on the terms of reference of the Committee (A/AC.42/2). The Secretary-General presents the following background notes concerning these points in the hope that they will prove of assistance to the Committee.

A. Draft approved by the United Nations Conference on Freedom of Information

2. The draft convention on freedom of information originated in a proposal made by the delegation of the United Kingdom to the United Nations Conference on Freedom of Information (see document E/CONF.6/C.1/3) and after discussion an amendment was adopted by the Conference by 31 votes to 6, with 2 abstentions. The text of the draft convention as approved by the Conference is contained in the Final Act of the Conference (document E/CONF.6/79). An account of discussions on the draft convention at the Conference will be found in the summary records of the First and Fourth Committees of the Conference and in the summary records of the eleventh, twelfth and thirteenth plenary meetings (documents E/CONF.6/SR.11-13).
3. The Conference requested Governments which had been invited to attend it to forward to the Secretary-General their comments on the draft conventions proposed by the Conference. The comments thus forwarded were reproduced in document E/856 and addenda. An index to these comments is contained in document E/AC.27/W.19, pages 3-4.
4. The Economic and Social Council, to which the Conference referred the results of its work for study did not have time to discuss the draft convention on freedom

/of information,  
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of information, and transmitted it to the General Assembly in the form proposed by the Conference.<sup>1/</sup>

B. Text voted during the second part of the third session of the General Assembly

5. The General Assembly considered the draft convention at the second part of its third session, the Third Committee redrafting articles 1-4. The text of the redrafted articles is given in document A/C.3/518. It will be noted that:

- (a) the preamble to the draft convention was not considered by the Third Committee;
- (b) a new article was added concerning a right of reply or a similar corrective remedy; and
- (c) the Committee voted favourably on the separate paragraphs of the new article 5 (corresponding to article 4 of the original text) but rejected the article as a whole.

6. The Third Committee having come to the conclusion that it was unable to proceed further at that session with the redrafting of the draft convention, the Assembly decided (in resolution 277 (III) of 13 May 1949) to refer the draft convention to its fourth regular session together with the records of the debates on this subject in the Third Committee and other organs of the United Nations, and also to invite the Assembly at that session to give high priority to the item and "to take into full consideration all the substantive amendments to the draft convention already adopted by the Third Committee in order to reconcile divergent views". The Assembly also resolved that the Convention on the International Transmission of News and the Right of Correction, which the Assembly approved at the second part of its third session, should not be opened for signature until definite action had been taken on the draft convention on freedom of information.

7. At its fourth session, the General Assembly adopted resolution 313 (IV) of 20 October 1949, the operative part of which reads as follows:

"The General Assembly,

- 1. Recommends to the Economic and Social Council that it request the Commission on Human Rights to include adequate provisions on freedom of information in the draft International Covenant on Human Rights, taking into account the work done on the draft Convention on Freedom of Information

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<sup>1/</sup> Resolution 152 B (VII) of 28 August 1948.

at the United Nations Conference on Freedom of Information and at the third and fourth regular sessions of the General Assembly;

Decides to postpone further action on the draft Convention on Freedom of Information to the fifth regular session of the General Assembly and pending receipt of the draft International Covenant on Human Rights or a progress report thereon."

8. At its tenth session, the Economic and Social Council, by resolution 278 (X) of 13 February 1950, transmitted Assembly resolution 313 (IV) to the Commission on Human Rights for the action contemplated therein.

C. Article 14 of the provisional text of the  
draft first International Covenant on Human Rights

9. At its sixth session, the Commission on Human Rights proposed the following text of an article relating to freedom of information for inclusion in the draft first International Covenant on Human Rights:<sup>1/</sup>

Article 14

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others.

10. At its eleventh session, the Economic and Social Council, in resolution 303 I (XI) of 9 August 1950 transmitted the draft covenant on human rights, together with relevant documentation and records of the discussions in the Council, to the General Assembly at its fifth session for consideration with a view to reaching

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<sup>1/</sup> Report of the sixth session of the Commission on Human Rights E/1681, annex I (see Official Records of the Economic and Social Council, fifth year, eleventh session, Supplement No. 5).

policy decisions on four questions, including the general adequacy of the first eighteen articles.

11. Among the relevant documentation and records which the Council decided to transmit to the General Assembly there was also a memorandum by the Secretary-General on the draft first International Covenant on Human Rights (document E/L.68) which in paragraphs 83 and 87 to 91 reproduces comments by members of the Commission on Human Rights and observations by the Secretary-General on the provisions of article 14 of the draft Covenant. The Secretary-General also respectfully draws attention to document A/C.3/534, paragraph 15 of which is also concerned with article 14 of the draft Covenant.

12. At its fifth session the General Assembly decided, in its resolution of 4 December 1950,<sup>1/</sup> on the future work of the Commission on Human Rights, to call upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft international covenant on human rights and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this covenant. The Assembly expressed the opinion that the present wording of some of the first eighteen articles of the draft covenant should be improved in order to protect more effectively the rights to which they refer. The Assembly further called upon the Economic and Social Council to request the Commission on Human Rights to take into consideration in its work of revision of the draft covenant, the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council including those relating to article 14, and also to take into consideration the view, expressed during these discussions that it is desirable to define the rights set forth in the covenant and the limitations thereto with the greatest possible precision.

13. Views expressed on the subject of article 14 of the draft covenant at the eleventh session of the Economic and Social Council are to be found in E/AC.7/SR.147-148, while the views of representatives in the Third Committee of the fifth session of the General Assembly on this article are contained in A/C.3/SR.288-291 and A/C.3/SR.305-306.

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<sup>1/</sup> Document A/1620.

D. Observations on the draft Convention on Freedom of Information  
contained in summary records of the Third Committee

14. The observations of representatives of the Third Committee of the second part of the third session of the General Assembly on the subject of the draft convention on freedom of information are contained in the Official Records of the Third Session of the General Assembly, Part II, Third Committee, Summary Records, pages 265-348.

15. The observations of representatives in the Third Committee of the fourth session of the General Assembly on the subject of the draft convention are contained in the Official Records of the Fourth Session of the General Assembly, Third Committee, Summary Records, pages 2-11.

16. The observations of representatives in the Third Committee of the fifth session of the General Assembly concerning the draft convention are contained in documents A/C.3/SR.316 and A/C.3/SR.320-324.

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