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Reports on freedom of information, for the period  
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ISRAEL

[Original: English]

[15 July 1976]

I. General policies and significant developments with regard to the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers

No significant developments have occurred during the period under review with regard to the freedom to seek, receive and impart information and ideas. The "right to know" as such has not been a crucial constitutional or political problem requiring legislative or other action. For fairly obvious reasons, there has been more or less general accommodation on the part of the public, including journalists and others concerned, with the need to confine the dissemination of certain information for reasons of national security and defence, although to counter that a very natural desire "to be in the know" has grown up. The period under review is marked by a balancing between these two elements to achieve a kind of equilibrium.

II. Influence of United Nations instruments

No direct influence can be attributed to United Nations instruments upon legislation and court decisions. The principles which inspire these instruments have had and continue to have a pervasive effect on legislative and judicial attitudes and underlie the approach towards the question of recognizing, enjoying and protecting the freedom of information. This is a natural concomitant of the liberal parliamentary democracy which prevails in Israel.

Attention may, however, be drawn to the Bill of Basic Law: Human Rights, which was tabled in the Knesset in August 1973, and is now in the course of enactment. Section 11 of this Basic Law (which with a series of other Basic Laws, enacted or to be enacted, is intended eventually to form part of the Constitution of the State) provides that everyone shall have the right orally, in writing or by other media of communication to express his opinions and to publish and impart them to others. This is not to be restricted except in accordance with enacted law intended to ensure the existence of a democratic system of government, to safeguard national security and public order, to preserve moral values, to protect the rights of others or to assure due process of law.

III. Legislative and other measures adopted during the period

No legislative or other measures have been adopted in connexion with the development, operation or control of information media. The radio and television broadcasting system continues to be a state undertaking run by a wholly independent board on which the public interest is fully represented; educational television for schools is operated and controlled by a privately endowed organization. There are no government-controlled newspapers. The regulation and maintenance of standards and professional ethics of journalists lie entirely in the hands of the Press Council of Israel, composed of representatives of journalists, editors and management personnel and of the public.

IV. Limitations upon the exercise of freedom of information

Limitation upon the exercise of freedom of information is regulated on the one hand by ordinary civil and criminal law and on the other hand by the rules of professional ethics elaborated by the Press Council and implemented by its professional ethics committee in response to complaints from the public.

Press censorship rests on two enactments, indirectly the Press Ordinance of 1933 (as amended in 1936) and directly the Emergency Regulations of 1945. Under the former, the Minister of the Interior may, after due warning, suspend a newspaper in which matter appears likely to endanger the public peace or which contains false news or false rumours calculated to create alarm and despondency. In addition, a court trying the offence may suspend for a period not exceeding three years any newspaper which has published seditious libel and prohibit the person involved from publishing, editing or writing for any newspaper for a like period. Under the Emergency Regulations, the publication of matter which would be or be likely to be or become prejudicial to national defence, public safety or public order may generally or specifically be prohibited.

In 1949 and again in 1951, the government and the press concluded an agreement by exchange of letters, under which the government undertook to limit the exercise of its broad censorship powers to matters of security alone. It was further agreed that violations of censorship should be dealt with by a special committee, comprising an army representative, an editor and an independent chairman. This agreement was renewed in 1966 and subsequently certain matters, few in number, of particular sensitivity, largely in connexion with national security, were brought within the ambit of censorship. Journalists have indeed complained that apart from aggravated espionage which is regulated by section 23 of the State Security Law, 1957, none of these matters have been precisely defined in law and merely rest on the informal understanding contained in the said agreement. On the other hand, the present chairman of the Press Council (a leading lawyer) has stated that whilst he could not say whether in the last 25 years the censor has attempted to impose a prohibition on publication on political grounds - since 1967, he could not recall a case - he was certain that any such attempt would have been frustrated by the committee. The problem, as he saw it, was to reach some sort of equilibrium between the apprehension of the public that the press exploits its freedom excessively and the view of journalists that it was their function to report and comment as freely as possible.

It must also be borne in mind, as the Minister of Justice has said, that no-one has ever stood trial in Israel for an infringement of the direct censorship laws (prosecution of an alleged offence under the Press Ordinance in 1953 failed) or been sent to prison for such an offence. The worst that has happened is that on three occasions the censorship committee has ordered the closure of a newspaper for a short period, in one instance a day, in another two days and in the third, which was extremely serious, a week. In addition, the committee has on a few occasions imposed fines.

V. Action with a view to ensuring that freedom of information and access to information are enjoyed by increasing numbers of the population without distinction of any kind

No positive action is necessary to ensure that freedom of information and access to information is enjoyed by the population as a whole and without any discriminatory distinction. Israel is, relative to its population, among those countries in which newspaper facilities are most abundant. At the end of 1975, there were nine daily and other newspapers in Hebrew, six in Arabic and 11 in a variety of foreign languages. None of the Hebrew or foreign languages newspapers are government subsidized - and between them they have a circulation of well over a million a day. Of the six Arabic newspapers, one is government subsidized; the others are privately or party owned and they reflect the widest range of political views, even those hostile to the authorities.

VI. Difficulties experienced in ensuring the enjoyment of freedom of information and access to information and methods and measures utilized to overcome these difficulties

Speaking generally, no special difficulties are experienced in ensuring the enjoyment of freedom of information and no special measures are necessary to overcome any difficulties which may arise. Freedom of the press exists in the country. Laws which offend against the principle of freedom of the press may in theory be a serious matter. The authorities in fact, however, do not utilize the laws available to them, although that is no guarantee they might not do so in the future should the circumstances require it. The existence of these laws or their implementation is not the main problem, but the manner in which the press conducts itself. The press acknowledges that it must look to keeping its own house clean by eradicating unethical and undesirable professional practices. The authorities on their side must set against the freedom of the press, which it certainly prizes, the equally important needs of secure and well-ordered government. In the nature of things, the equilibrium is always in the process of being established.

MALI

[Original: French]  
[14 July 1976]

The Constitution of the Republic of Mali, adopted on 2 June 1974, recognizes for all persons the right to work and to rest, the right to strike and freedom of association in co-operative or trade union organizations of their choice, for the protection of their professional interests.

The Constitution of the Republic of Mali also recognizes the inviolability of the home, the right to education, the right to social welfare and training, and equality in employment. It guarantees freedom of enterprise and safeguards freedom of belief. It states that: "The State shall ensure the protection of the free exercise of any religion or belief in accordance with custom, and subject to respect for public order."

Mali considers that the safeguarding of human rights and, above all, freedom of information are important preconditions for development.

This concept is not restrictive: development is the sum of the conditions which, when they all exist, enable a people to adapt to their times and to other peoples.

Development therefore gives a people the means of understanding other peoples and of maintaining constant relations with them.

Information and the information media play a very important role in this respect: and, accordingly, the Government of the Republic of Mali strives to ensure and guarantee to the people of Mali the right to information and freedom of information.

However, in proclaiming the inalienability of the right to information, it is essential to stress the relativity of the notion of freedom of information. It is as relative as the concept of democracy. As President Moussa Traore has stated, each social régime applies it in its own way.

Freedom of information cannot be an anarchic freedom. That is why the Government of Mali favours the establishment of social organizations representative of the different strata of society, within which each citizen may fully defend his rights.

These organizations include:

- the trade union organizations, members of the National Union of Workers of Mali (UNTM);
- the women's organizations, members of the National Union of Women of Mali (UNFM).

The National Union of Journalists of Mali (UNAJOM), a member of the International Organization of Journalists (IOJ), protects the professional interests of Malian journalists.

Moreover, since the Government of the Republic of Mali regards development of the mass media as a guarantee of the freedom of information, it is trying to develop existing infrastructures and to improve national coverage.

The Malian National Broadcasting Network has several medium-wave and short-wave transmitters.

It is considering the establishment of regional broadcasting stations to adapt its programmes to the tastes and requirements of listeners throughout the national territory.

The introduction of television is also under consideration.

The existing organs of the press are increasing their circulation and improving their presentation and content.

L'Essor, which had a circulation of only 3,000 in 1974, now has a circulation of 6,000 and may reach a circulation of 15,000 by the end of 1976.

Special efforts are being made to reach and interest the rural population.

For example, Kibaru, a newspaper designed to inform and educate the rural masses, was launched on 10 March 1972.

Mention should be made of the dominant role played by UNESCO in launching this newspaper, whose publication was made possible as the result of missions by UNESCO experts to Mali.

Most important was the mission by UNESCO experts from 21 to 27 May 1971. After their investigations, the experts came to the conclusion that the conditions for launching a rural newspaper in Mali were excellent, and that the existence of a functional literacy project in this country would facilitate the launching of a newspaper for rural dwellers who had recently learned to read.

This observation called for immediate action, and such action was taken. A working group was set up, consisting of representatives of the following ministries:

- the Ministry of Information;
- the Ministry of National Education;
- the Ministry of Rural Development.

The task of this group was to study the possibilities, and the conditions to be fulfilled, for launching a newspaper to be published in Bambara for the rural population. The essential requirements were:

- to determine the equipment necessary, the content, the frequency of publication and the areas in which the newspaper would be distributed;
- to establish distribution networks.

A few months later everything was ready for launching the newspaper. The first monthly issue of Kibaru was published in March 1972 and, four years later, the success of the paper is indisputable; its circulation increased from 5,000 in March 1972 to 8,000 in July of the same year. Its success is confirmed also by the prizes and other distinctions awarded to it. For instance, on 8 September 1972 UNESCO awarded Kibaru the Krouskaya Prize.

Also, the Kibaru head office has been the meeting place for many international symposia and seminars, including the first international symposium on the development of the rural press in French-speaking Africa (Bamako, 11 to 20 December 1972).

But the essential fact to be emphasized is that Kibaru's correspondents are peasants or rural leaders.

Through its columns, the paper tries to reflect the aspirations, tastes and concerns of the rural world. It responds to the desire of rural dwellers to express themselves and discover new horizons.

This picture of the mass media in Mali gives some idea of the concern displayed by the Government of the Republic of Mali for respect for human rights and freedom of information.

Unfortunately, the present world economic situation is characterized by inflation and recession, and the deterioration of terms of trade does not facilitate access to technology and is therefore an obstacle to the development of young nations. The establishment of a new economic order has consequently become a necessity.

Also, in the context of the struggle for human dignity and the safeguarding of human rights, the Government of the Republic of Mali once again denounces the retrograde and inhuman policy of apartheid practised by South Africa and the racist rebels of Rhodesia.

TUNISIA

[Original: French]  
[23 June 1976]

I. Concise introductory description of general policies and significant developments during the period from 1 July 1970 to 30 June 1975 with regard to the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers

Tunisian communications policy is aimed essentially at ensuring a wider participation by citizens in the country's political life and, above all, a greater awareness by the people of the problems of integral development. At the international level, Tunisia is collaborating actively in the establishment of interregional structures for the development of mass information media, and for improving the circulation of information between the Arab information agencies, the African press agencies, the Union of National Radio and Television Organizations of Africa and the Maghreb Radio and Television Union, through the conclusion of many bilateral agreements between the national public information bodies and foreign agencies.

II. Influence of United Nations instruments on constitutions and legislation adopted and court decisions rendered during the period for the recognition, enjoyment and protection of freedom of information

The new Press Code promulgated on 28 April 1975 was based to a large extent on the work of the specialized committees set up by the United Nations since its foundation and, in particular, on the work of the Committee on the Freedom of Information. This Code is also based on various United Nations and UNESCO recommendations concerning the freedom of information and the promotion of mass information media.

The position of professional journalists has greatly improved, and increasingly extensive facilities are being accorded to them by the authorities to enable them to perform their functions as well as possible.

III. Legislative and other measures adopted during the period, concerning in particular:

(a) The development of information media: There are strong prospects of attaining this objective as a result of the action taken during the period under consideration, which has three separate aspects as follows:

(1) First, there is a well-structured information service - the Secretariat d'Etat de l'Information - whose main task is to formulate a planned information policy integrated with the national development plans and to engage in many other types of activity both at the national level - to promote greater awareness of development objectives and wider participation by the people in the achievement of these objectives - and at the international level through sustained action to improve the circulation of information from Tunisia to the rest of the world and vice versa;

(2) Next, there is the national organization of the information media, along lines which make for better management of financial and human resources and rationalization of the budgetary and financial options likely to promote these information media and ensure that they reach the widest possible public in Tunisia and elsewhere;



(3) Lastly, there is a programme of vocational training for supervisory staff in press and graphic arts services, with a view to making better use of the technology available. This has called for constantly increasing expenditure by the press agencies; and the authorities have therefore decided to introduce a policy of aid to the press regardless of the political or religious views of the recipients. This aid consists essentially of tax and Customs exemptions in respect of equipment and other material needed for producing audio-visual information facilities.

(b) The operation of press and publications, radio, film, television and other media:

(1) Operation of press and publications: On 28 April 1975 a law concerning the new Press Code was enacted; article 1 of this law stipulates that the press, the printing industry and bookshops are free. The Press Code introduced innovations on three specific points. First, works produced in Tunisia or coming in from abroad must be legally deposited, with a view to preserving the national written heritage and also protecting the public against foreign publications which offend against morality or public order.

Secondly, with a view to safeguarding public order, the new Code restricts freedom of information by prohibiting propaganda for war, advocacy of racism and the incitement to racial or religious hatred.

The last innovation is that a sharp dividing line is drawn between the national press (managed and conceived exclusively by Tunisian nationals) and the foreign press (entering from abroad or owned by non-nationals), not for reasons of discrimination but to prevent foreign capital from taking over national press organs.

(2) Other information media: From 1963 onwards, commercial publicity - as a means of mass communication making use of the information media - was a monopoly of an agency known as the Tunisian Advertising Agency. On 25 May 1972, the monopoly was abolished and the advertising profession was reorganized by a law based on professional ethics adapted to development requirements. The main beneficiary of this new law is undoubtedly the press, which is now permitted to canvass the advertising market directly.

(c) The participation of journalists and the public in the ownership and control of the media: Since 1971, one of the five daily newspapers has been owned by a company, in which the staff hold some of the capital. In December 1973, a Supreme Council on Information was set up for the purpose inter alia of proposing to the competent authorities the basic elements of a general information policy. The Council consists of representatives of the Administration, national organizations, trade unions and journalists' associations as well as newspaper editors and users of the information media grouped together in legally recognized organizations.

Finally, an Advisory Committee on Radio and Television Programmes was set up in 1974. This Committee gives advice on the running of the radio and television network, and aims to improve programmes and to determine their impact by opinion polls. It consists of representatives of the Administration, users and national organizations and professionals.

(d) The professional training of information personnel

(1) Fellowships are awarded to professionals and students by the Tunisian Government for courses of study either in Tunisia itself or in foreign institutions or the institutions of countries linked to Tunisia by international, cultural, scientific and technical co-operation agreements.

(2) The Press and Information Institute (IPSI), which forms part of the University of Tunis, has, since the 1972-1973 academic year, been issuing a diploma in information sciences. Its students are given Government fellowships for the purposes of effecting third year studies abroad. These studies may qualify them in turn to teach at the institute.

Besides senior press personnel, IPSI trains a wider spectrum of professionals from written, audio-visual, cinematographic and radio information services, as well as from advertising agents.

(3) In 1974, the Training Centre for Graphic Arts Personnel was set up jointly by a national enterprise (SACEP) and a German foundation. The purpose of the centre is to train senior technical staff for the press, particularly since all the daily newspapers and most periodicals have adopted offset printing techniques.

(4) All audio-visual technicians are trained by the National Telecommunications School under the auspices of the Ministry of Transport and Communication.

(e) Standards and professional ethics for journalists, and bodies concerned with the implementation of such standards

(1) Journalists have a professional identity card which entitles them to various fiscal, administrative and professional advantages and facilities. This card is assigned to them by a commission consisting of representatives of journalists and representatives of employers in equal numbers. This Commission meets under the chairmanship of an official from the Administration whose main task is to preside over the debates and act as arbitrator in the first instance in the case of disputes. The membership and the powers and duties of this joint commission were established by a regulation issued on 15 November 1973.

During the meeting of the Supreme Council on Information in June 1975 the Association of Tunisian Journalists presented a draft charter for journalists which is, in fact, a code of professional ethics. This draft is to be submitted shortly to all Tunisian journalists with a view to its eventual adoption.

Lastly, on the proposal of the Supreme Council on Information the national advertising agencies have agreed to set up a National Advertising Council whose main task will be to formulate a code of professional ethics based on the International Code of Advertising Practice.

IV. Limitations upon the exercise of freedom of information, particularly those pertaining to:

- (a) The protection of the reputation, rights and freedoms of others, including protection against interference with privacy

See III (b) above, chapter IV of the Press Code of 28 April 1975 and also articles 26 to 34 of that Code on the right of rectification and the right of reply.

- (b) The protection of national security or of public order, or of public health or morals, including suspension of freedom of information in situations of emergency

See above and also chapter IV, with the reservation that the suppression of information in situations of emergency is not mentioned in Tunisian positive law.

- (c) Advocacy of and propaganda for national, racial or religious hatred or racial and religious discrimination

(As above).

- (d) Propaganda for war

(As above).

- (e) Coverage by the press and other media of court proceedings

(As above).

- (f) Other considerations

(None).

V. Action with a view to ensuring that freedom of information and access to information are enjoyed by increasing numbers of the population and without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status

This is one of the objectives of the national information policy, whose main purpose is to provide the information media with the instruments they need for sound management of their undertakings. This is a precondition for the democratization of the media, so that they can reach all sections of the public and particularly the rural masses, among whom a large-scale campaign is being conducted in the context of the struggle against under-development.

This information strategy is aimed essentially at integrating the press in school curricula. Experiments are already being carried out at various schools with the support of the public authorities and with first-class qualified teachers.

In order to achieve this objective, the Government has made large-scale investments to enable television to cover over 90 per cent of the national territory. The Government has also made great financial sacrifices to bring television receivers within the financial reach of everyone, as it has already done in the case of radio receivers. Considerable aid is being given to the press to ensure its financial balance and enable it to distribute papers throughout the national territory and even abroad.

Lastly, the Tunisian Government is a party to all the international conventions on the free circulation of information and free access to sources of information.

VI. Difficulties experienced in ensuring the enjoyment of freedom of information and access to information and methods and measures utilized to overcome these difficulties

The obstacles in this regard are of two kinds:

(1) Financial: press costs are increasingly high and the technological revolution has brought with it many new requirements. Tunisia, which is anxious to keep the information media financially independent of pressure groups of all kinds, gives the press indirect aid consisting essentially of tax exemptions and many Customs concessions.

(2) Professional: the journalist's career, long shunned by Tunisians because it had little to offer, has been rehabilitated. The situation has been completely changed by a national collective wage agreement for the press (signed on 24 July 1975), which was preceded by the promulgation on 6 March 1973 of staff regulations for the radio and television networks, and the promulgation in 1974 of staff regulations for the national Press agency (TAP). Journalists' earnings are now far higher than those in other public and private sectors. For instance, at the start of his career, a journalist is paid 3.5 times the national guaranteed minimum wage, not to mention the various allowances and fees he may receive.

It should also be noted that the highest national wage is 5.6 times the guaranteed minimum wage. In addition to these advantageous financial provisions, some statutory provisions outside the scope of ordinary law - such as the "conscience clause" whereby a press professional may be considered to have been wrongfully dismissed by his employer when the political line of the newspaper changes - enable a journalist to leave the enterprise and at the same time to obtain substantial compensation.

Also, the institution of a diploma in information sciences has, since 1972, led to an unprecedented enthusiasm among young graduates for a press career. This is bound to inject new blood into the information media, in which most of the professionals have hitherto been trained on the job.