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**SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS**  
**Report of the fifth session of the Sub-Commission to the Economic and Social Council,**  
**3 March to 21 March 1952**

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**Chapter I**

**ORGANIZATION OF THE FIFTH SESSION OF THE SUB-COMMISSION**

1. The fifth session of the Sub-Commission on Freedom of Information and of the Press opened on Monday, 3 March 1952, at the Headquarters of the United Nations, New York. The Sub-Commission held twenty-six meetings and terminated its work on 21 March 1952.

2. The following members attended:

Mr. Karim Azkoul (Lebanon)  
Mahmoud Azmi Bey (Egypt)  
Mr. Carroll Binder (United States of America)  
Mr. P. H. Chang (China)  
Mr. André Géraud (France)  
Mr. Salvador P. López (Philippines)  
Mr. Alfredo Silva Carvallo (Chile)  
Mr. Vasily M. Zonov (Union of Soviet Socialist Republics).

3. Mr. Steven Dedijer (Yugoslavia), Mr. Roberto Fontaina (Uruguay), Mr. Devadas Gandhi (India) and Mr. Francis Williams (United Kingdom of Great Britain and Northern Ireland) were unable to attend and in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council designated Mr. Ratko Pleić, Mr. Felix Polleri Carrio, Mr. Moni Moulik and Mr. Robert Waithman respectively as their alternates. Mr. Binder designated Mr. J. Cates as his alternate at the 94th, 107th and 110th meetings of the Sub-Commission.

4. At its 87th meeting the Sub-Commission elected the following officers:

*Chairman:* Mahmoud Azmi Bey  
*Vice-Chairman:* Mr. Salvador P. López  
*Rapporteur:* Mr. Karim Azkoul.

5. The following representatives of specialized agencies were present at the session:

Mr. Solomon Arnaldo, Mr. Gerald Carnes, *United Nations Educational, Scientific and Cultural Organization.*

A statement concerning the work of the United Nations Educational, Scientific and Cultural Organization in the field of freedom of information was made

by Mr. Carnes at the 102nd meeting of the Sub-Commission.

6. The following authorized representatives from non-governmental organizations were present as observers:

CATEGORY A

*International Confederation of Free Trade Unions:* Miss Toni Sender, Mr. James J. Leary

*World Federation of Trade Unions:* Miss Elinor Kahn;

CATEGORY B

*Agudas Israel World Organization:* Mr. Isaac Lewin

*International Council of Women:* Mrs. E. H. Carter

*International League for the Rights of Man:* Mr. Roger Baldwin, Mr. Max Beer

*World Jewish Congress:* Mr. Marcel Aubry, Mr. Gerhard Jacoby.

ON THE REGISTER OF THE SECRETARY-GENERAL

*International Federation of Free Journalists:* Mr. Q. Nagorski, Mr. R. Mossin.

A written statement concerning the work of the United Nations in the field of freedom of information was submitted in accordance with paragraphs 28-29 of Economic and Social Council resolution 288 B (X) by the following non-governmental organization in consultative status:

CATEGORY A

*World Federation of United Nations Associations* (text of resolution on freedom of information adopted by World Federation of United Nations Associations, E/CN.4/Sub.1/161).

In accordance with rule 75 of the rules of procedure of the functional commissions of the Economic and Social Council, the Sub-Commission granted hearings at various meetings to the following non-governmental organizations:

*International Confederation of Free Trade Unions:*  
Miss Toni Sender (E/CN.4/Sub.1/SR.90);

CATEGORY B

*Agudas Israel World Organization:* Mr. Isaac Lewin  
(E/CN.4/Sub.1/SR.102)

*International League for the Rights of Man:*  
Mr. Max Beer (E/CN.4/Sub.1/SR.88, 100)

*World Jewish Congress:* Mr. Gerhard Jacoby  
(E/CN.4/Sub.1/SR.102).

ON THE REGISTER OF THE SECRETARY-GENERAL

*International Federation of Free Journalists:* Mr. Q.  
Nagorski (E/CN.4/Sub.1/SR.103).

7. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. Hilding Eek acted as Secretary of the Sub-Commission.

8. The expression of the views of members of the Sub-Commission is contained in the Summary Records of its meetings (E/CN.4/Sub.1/SR.87 to 112).

**Chapter II**

**ADOPTION OF THE AGENDA**

(Item 3 of the agenda)

9. At its 87th meeting the Sub-Commission considered the provisional agenda prepared by the Secretary-General in consultation with the Chairman of its fourth session (E/CN.4/Sub.1/145/Rev.1). On the proposal of Mr. Azkoul it decided, by 7 votes to 1, that the agenda would consist of points A, B, G and H of document E/CN.4/Sub.1/145/Rev.1, to be followed by a "list of questions to be finished by the Sub-Commission", consisting of points F, C, D and E of the same document, in that order. As thus re-arranged, the agenda of the fifth session of the Sub-Commission was as follows (E/CN.4/Sub.1/159):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Draft International Code of Ethics (Economic and Social Council resolution 306 E (XI))
5. Suggestions concerning the future work of the United Nations in the field of freedom of information (Economic and Social Council resolution 414 B III (XIII))
6. Communications
7. Adoption of the report to the Economic and Social Council

LIST OF QUESTIONS TO BE FINISHED BY THE SUB-COMMISSION

I. The adequacy of the news available to the peoples of the world and the obstacles to the free flow of information to them (item 6 of the work programme).

II. Classification and analysis of existing agreements in the field of freedom of information (item 7 of the work programme).

III. Study of constitutional provisions, national legislation and administrative practices affecting the free dissemination of news (item 8 of the work programme).

IV. Promotion of the dissemination of true information to counteract nazi, fascist, and other propaganda of aggression or of racial, national, religious, and other forms of discrimination (item 9 of the work programme).

V. The International Institute of Press and Information (item 11 of the work programme).

VI. Report on the application of Economic and Social Council resolution 306 F (XI).

VII. Report on measures taken by Governments pursuant to resolutions No. 2 and No. 3 of the United Nations Conference on Freedom of Information and on the publicity given to these resolutions by the United Nations (paragraph 30 of the report of the fourth session of the Sub-Commission, document E/1672; Economic and Social Council resolution 241 B (IX)).

VIII. Report on the action taken pursuant to the resolution adopted by the Sub-Commission at its third session concerning the encouragement and development of independent domestic information agencies (paragraph 32 of the report of the third session of the Sub-Commission; document E/1369).

IX. Problems concerning news personnel (Economic and Social Council resolution 241 C (IX); item 10 of the work programme):

(a) Law and practice governing the status and work of foreign 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.

X. The establishment of an international court of honour for news personnel (Economic and Social Council resolution 241 E (IX); item 12 of the work programme).

XI. The "Day of Friendship" (Economic and Social Council resolution 241 F (IX); item 15 of the work programme).

XII. Consideration of the problems involved in the establishment of governmental and semi-governmental information services (Economic and Social Council resolution 241 D (IX)).

## Chapter III

### DRAFT INTERNATIONAL CODE OF ETHICS

(Item 4 of the agenda)

#### I. REVISION OF THE TEXT FORMULATED AT THE SUB-COMMISSION'S FOURTH SESSION

10. The Sub-Commission considered this item at its 88th to 102nd meetings inclusive. It had before it an "Analysis of comments of information enterprises and national and international professional associations on Draft International Code of Ethics" (E/CN.4/Sub.1/151 and Add.1) prepared by the Secretary-General in accordance with Economic and Social Council resolution 306 E (XI). A communication concerning the Draft Code was received from the Sindicato Nacional de Redactores de Prensa de México (E/CN.4/Sub.1/152/Add.1).

11. Amendments were submitted to the preamble and four articles of the Draft Code, as formulated at the fourth session of the Sub-Commission, by the following members:

- Mr. Azkoul (E/CN.4/Sub.1/L.7);
- Mr. Binder (E/CN.4/Sub.1/L.6);
- Mr. Chang (E/CN.4/Sub.1/L.8);
- Mr. Géraud (E/CN.4/Sub.1/L.3 and Corr.1 and E/CN.4/Sub.1/L.9);
- Mr. López (E/CN.4/Sub.1/L.4);
- Mr. Moulik (E/CN.4/Sub.1/L.5);
- Mr. Pleić (E/CN.4/Sub.1/L.2 and Rev.1);
- Mr. Waithman (E/CN.4/Sub.1/L.1);
- Mr. Zonov (E/CN.4/Sub.1/160 and Corr.1).

12. A record of the discussions and votes on the above amendments together with the record of discussions and votes on oral and drafting amendments submitted to the Draft Code will be found in the relevant summary records (E/CN.4/Sub.1/SR.88 to 102).

13. The Sub-Commission voted on the preamble and articles of the Draft Code, as revised, as follows:

- Preamble: for 6, against 0, abstentions 3;*
- Article I: for 6, against 0, abstentions 5;*
- Article II: for 7, against 0, abstentions 4;*
- Article III: for 6, against 0, abstentions 3;*
- Article IV: for 5, against 0, abstentions 2;*
- Article V: for 7, against 1, abstention 1.*

14. At its 100th meeting, the Sub-Commission set up a Drafting Committee to review the text of the Draft Code from the point of view of style, language and conformity of the English and French texts. The Committee comprised the following members: Mr. Azkoul; Mr. Géraud; Mr. López; Mr. Waithman.

The Drafting Committee elected Mr. Azkoul as its Chairman and Rapporteur and completed its work at two meetings held on Thursday, 13 March 1952.

15. The Draft Code as recommended by the Drafting Committee (E/CN.4/Sub.1/165) was adopted by the Sub-Commission at its 102nd meeting by 7 votes to none, with 3 abstentions. The text of the Draft International Code of Ethics as adopted is reproduced in

annex A of this report, the English and French texts being equally authentic.

16. During the debate on the Draft Code discussion centred mainly on:

- (a) The usefulness of an International Code of Ethics;
- (b) The role of the profession as distinct from that of governments in relation to the Code; and
- (c) The content of the Code.

(a) *The usefulness of an International Code of Ethics*

17. Mr. AZKOUL noted that the majority of organizations which had submitted comments and suggestions had agreed that the Draft Code would serve a useful purpose. As for the reservation expressed by a number of organizations, he thought it perfectly natural that some journalists, while adhering strictly to the rules of their profession, preferred to maintain absolute independence and be accountable for their actions to their associations or to public opinion in their own country, and not to members of the profession in a foreign country or to any international body. This suggested yet another argument, however, in favour of the adoption of a code. One of the reasons invoked by governments to restrict the freedom of the Press was the fear of the abuses which might result from that freedom. Removal of that alibi by raising standards would mean distinct progress. Mr. Azkoul also maintained that if American and British professional organizations, which enjoyed complete independence, were to endorse the Code, they would contribute to the creation or promotion of the moral solidarity of the profession and at the same time render a great service to freedom of information in helping to remove obstacles to freedom of the Press in other countries. Another important reason for believing that the Code would serve a useful purpose was that, despite its deficiencies, the text was clear and unequivocal on one essential point. All its provisions were based on the principle that the essential duty of news personnel is to seek and disseminate the truth. If this Code were adopted by an international moral authority representing the majority of the profession in the world that principle would check the spread of the totalitarian theory that respect for the truth should be subordinated to certain primary social and political functions of the Press.

18. AZMI BEY noted that many British organizations had, in fact, spoken in favour of the Draft Code in the comments and suggestions which they had forwarded to the Secretary-General. He described the Draft Code as a moral discipline to be freely accepted by a profession which was the traditional guardian of freedom of information.

19. Mr. BINDER recalled that, at the fourth session of the Sub-Commission, he had expressed serious

doubts, because of the profound divergence of views in the contemporary world, about the possibility of drafting an international code. While his doubts persisted, he felt that, since the Sub-Commission was committed to the task of drafting the Code, it should be simple, concise and non-controversial. He had observed that the comments forwarded by many professional organizations indicated that the Code was opposed by those it was intended to help. Other organizations were of the opinion that the Code was inadequate, and that its scope should be widened.

20. Mr. CHANG, in explaining his position regarding the usefulness of an International Code of Ethics, stated that from the outset he had had no doubt that the Code would serve a useful purpose as a means of removing some obstacles, within the profession, to freedom of information.

21. Mr. GERAUD recalled that he had consistently expressed doubts as to the utility of drafting such a code, though since it had reached its present stage, the Sub-Commission had no alternative but to proceed with the task. In stating his opinion of the function of the Code, he observed that it would not serve as a rule of conduct which could be invoked by journalists to settle their manifold problems. In the final analysis, a code of ethics constituted an appeal to professional conscience. The goal of developing moral responsibility, while laudable, could be obtained only if an inspired and inspiring text could be elaborated. The Sub-Commission did not possess such a text. It had been stated that the Code would serve the practical purpose of protecting journalists against restrictions and interference from governments and other authorities; he was familiar, however, with the tremendous forces of intimidation and pressure to which most of his fellow journalists were subject. One of the principal difficulties in drafting a useful code was that standards were subject to tremendous variation.

22. Mr. LOPEZ concluded, from the comments received by the Secretary-General, that the large majority of information enterprises and professional associations recognized the usefulness of an international code of ethics, though a member of influential organizations did not. However, he thought that the objections raised—that the Code represented nothing new, that it might give governments an opportunity to impose rules of behaviour and that it would be difficult to draft a universally acceptable code—were not convincing. He recalled that similar objections had been raised during the drafting of the Universal Declaration of Human Rights. Yet the task was undertaken and completed, a final text of the Declaration was adopted virtually unanimously, and its moral value was now recognized by all. He was convinced that the same would be true of the Code of Ethics.

23. Mr. MOULIK observed that the greater number of comments received on the Draft Code, and the experience of a number of countries, suggested that such a code was necessary. For example, five years previously, when tension had developed between India and Pakistan following achievement of their independence, the journalists of these countries had voluntarily agreed to place certain restrictions upon themselves and to abstain from any aggressive propaganda. This voluntary agree-

ment had not, in any way, interfered with freedom of expression in either country, and had definitely contributed to a lessening of tension. There were also other examples of codes resulting from the free initiative of the parties concerned.

24. Mr. PLEIC said that, in the view of Yugoslav journalists, the Code should not be lightly rejected. It was to be noted that the under-developed countries, where media of information were still small, were more in favour of the Code because they saw in it a way of protecting themselves from interference by the foreign Press. It was his personal view that the Code could contribute to strengthening freedom of information provided that it was not simply a collection of abstract principles. The Code could not alter the existing situation, but it would at least be a step toward the desired goal.

25. Mr. WAITHMAN was inclined to share the doubts expressed by the Canadian Association of Broadcasters that there was any real justification for the promulgation of the International Code of Ethics. In the first place, a good, honest and experienced journalist hardly required to be told what correct professional conduct was. In the second place, the existing dangers to freedom of information, as the body he had cited had observed, came not from journalists but rather from governments themselves and from organized minority groups within certain communities.

26. Mr. ZONOV stated that there were serious gaps in the Draft Code which threatened to make it worthless and to prevent it from achieving its purpose. It made no mention, for example, of the basic obligations of every journalist to fight for the maintenance of international peace and security, to promote friendly relations among peoples, to fight against the instigators of wars, to combat the spread of nazism and fascism and to oppose all types of discrimination on grounds of race, religion and sex. It also referred timidly and incompletely to the campaign against slanderous information.

*(b) The role of the profession as distinct from that of governments in relation to the Code*

27. Mr. AZKOUL observed that the history of the Draft Code should be sufficient to allay fears that governments might avail themselves of the Code to restrict freedom of information and to attempt to make moral obligations legally binding. Governments had taken no initiative in the matter; the proposal had originated in a group of experts; and the Economic and Social Council had seen to it that comments and suggestions concerning the Code were sought only from information enterprises and professional organizations. It was obvious, moreover, that the next stage should be transmission of the Code to an international, non-governmental, professional conference, and, if adopted, the Code would become the property of the professionals, not of the United Nations or of governments. He felt that inclusion of a provision making it clear that the journalist was responsible solely to his professional conscience, and had no account to render to his government, would allay the anxiety of those who feared governmental interference.

28. AZMI BEY shared the fear of undue governmental interference in the field of freedom of informa-

tion, but said there was no reason to believe that such influence would be exerted through the Sub-Commission, which was composed of experts each answerable only to his own conscience and which sought only to render a service to the profession. The Draft Code had been proposed with no thought of interference. For his part, he found it impossible to place any curbs on the freedom of expression; only abuses of that freedom could and should be suppressed.

29. Mr. BINDER emphasized that the Draft Code should not be transmitted to governments, but to information enterprises and national and international professional associations, which would apply it. He himself rejected the principle of government indoctrination of journalists, and pointed out that it was the predominating opinion of the organizations which had submitted comments that it was for journalists, and not for governments, to work out such a code. Even government agencies were of the opinion that it would be useful to consult journalists directly in the matter, and at the eleventh session of the Economic and Social Council the representatives of Brazil, Denmark, France, Mexico and the United States of America had recognized that it would be better for governments not to intervene in the preparation of the Code.

30. Mr. GERAUD did not think that the Code would serve the practical purpose of protecting journalists against restrictions and interference from governments and other authorities. Nevertheless he could not agree that the Code would be an important or determining factor in facilitating governmental interference in freedom of information, admittedly a very real and serious danger.

31. Mr. LOPEZ noted that some of the professional organizations forwarding comments thought there was a danger that the Code would give governments an opportunity to intervene and to impose rules of behaviour on the press. He thought that the only penalties against violations should be those which journalists might apply themselves. Implementation of the Code should therefore be left to journalists and he would object to any other method of enforcement. He thought that the problem of implementation might be suggested as one of the tasks of the proposed international professional conference.

32. Mr. MOULIK remarked that there seemed to be a unanimous opinion that an international code of ethics should not be imposed by government authorities.

33. Mr. PLEIC was of the opinion that the Code should emphasize moral sanctions, not from a desire to give governments an opportunity to intervene, but because press personnel had a very great influence on society and must use that influence in the interest of mankind.

*(c) The content of the Code*

34. Discussion regarding the content of the Code as drawn up by the Sub-Commission at its fourth session followed a number of main trends. These were made clear in the general discussion, in discussion of the various amendments, and in the texts of the amendments themselves. They are illustrated by the statements of the following members:

35. Mr. BINDER felt that the Code should be simple and concise, avoiding ambiguous and vague terms, expressions with legal implications and such loosely conceived ideas as "tasks incompatible with dignity", "veracity open to doubt" and "dignity". Ethical principles and punishable offences, he added, should not be mixed together in the same code. Above all, he was against any code which had as its aim the indoctrination of news personnel or would compel them to conform to principles laid down by governmental or other authorities. The Code should emphasize that the first duty of the Press was to publish accurate information, whatever the consequences.

36. Mr. ZONOV maintained that the Code should impose, as the most important duties of the journalist, certain positive obligations, such as that to publish true news aimed at implementing the General Assembly resolution on measures to be taken against propaganda and the inciters of a new war. The journalist should also co-operate in developing friendly relations among people and in combating nazism, facism and all forms of discrimination. In addition, Press personnel should be kept independent of private monopolies, trusts and syndicates. He proposed, to that end, the inclusion in the Draft Code of a new article and certain provisions in the preamble (E/CN.4/Sub.1/160 and Corr.1). Mr. Zonov's proposals were not accepted by the Sub-Commission.

37. Mr. AZKOUL maintained that the two opposing ideas propounded by Mr. Binder and by Mr. Zonov were to some extent complementary. The basic mission of the Press was, in fact, to seek and proclaim the truth. On another plane, however, the action of the Press was social and collective in character and it therefore assumed considerable responsibility. This did not justify the imposition of positive obligations, but rather the negative obligation to refrain from propaganda aimed at impairing friendly relations between peoples, favouring war and aggression and hindering the attainment of the Purposes and Principles of the Charter. Mr. Azkoul proposed accordingly the addition of a new article and of certain provisions in the preamble to this effect (E/CN.4/Sub.1/L.7). These proposals were not accepted by the Sub-Commission.

38. Mr. MOULIK agreed with Mr. Binder that freedom of the Press was a sacred asset to be preserved at any cost, and shared Mr. Zonov's concern regarding hate propaganda and Press monopolies. He pointed out, however, the danger of adding controversial provisions to the Draft Code, and found it difficult to give exact definitions to such terms as "war-mongering" and "fascism". He agreed that the Code should request Press personnel to avoid the incitement of national hatreds, violence or any form of discrimination, and proposed that a provision to this effect be included in the Draft Code (E/CN.4/Sub.1/L.5). The Sub-Commission did not accept this provision.

39. Mr. GERAUD felt that the Code should recognize the difficulties of the working journalist, for example in properly verifying items of information and maintaining professional integrity where policy required him to take a specific position. It seemed essential that the Code should foster independence and good faith

among journalists, who should look upon themselves as historians of the contemporary scene.

40. Mr. PLEIC felt that the Code should at the same time be definitely professional in character and recognize the role of the Press to strengthen peace between countries. The Code should invite Press personnel and their organizations to collaborate at the international level in the interests of peaceful relations.

41. Mr. LOPEZ maintained that the Code should take account both of the right of the journalist to write as he pleases and of the right of the people to receive truthful information. There was a considerable distinction between freedom of the Press which pertains to practising journalists, and the broader field of freedom of information which is a right of all the people, and the Code should strike a fair balance between the two. At the same time, since the Code merely sets forth a standard of professional conduct, he did not believe that it should contain a list of duties for the journalist, or tell him what to think on any subject whatever.

## II. THE CALLING OF AN INTERNATIONAL PROFESSIONAL CONFERENCE

42. At its 101st meeting, the Sub-Commission considered a draft proposal submitted jointly by Messrs. Azkoul, López, and Silva Carvallo concerning the calling of an international professional conference for the purpose of completing work on the Draft International Code of Ethics (E/CN.4/Sub.1/163).

43. In presenting the views of the sponsors of the draft proposal, Mr. AZKOUL recalled that the Sub-Commission had already, at its previous session, endorsed the idea of calling an international professional conference to prepare and accept a final draft of the Code. This was in line with the wishes of a large number of professional organizations, which felt strongly that further work on the Draft Code should be done by the profession, without governmental interference. Mr. SILVA CARVALLO said that two basic principles should guide the future development of the Draft Code — non-interference on the part of governments and other public authorities and a realization that it was fitting to make the rights and duties of journalists the subject of an international document. The conference would give the journalists themselves the opportunity of meeting together, and, in the light of these two principles, drawing up a code to guide their professional activities. Mr. MOULIK agreed that while many difficulties would be encountered, including that of arriving at any large degree of accord on the content of the Code, the conference would serve a useful purpose.

44. On the other hand, Mr. BINDER referred to the many practical difficulties, including the cost, and the impossibility of ensuring adequate representation, involved in calling such a conference. He thought it would be preferable to give wide distribution to the Draft Code and leave it to professional associations to endorse it if they saw fit. The divided opinions of members of the Sub-Commission concerning many provisions of the Draft Code was another argument against calling a conference. Mr. ZONOV also opposed calling a conference. In its present form the Draft Code was such an imperfect document that a conference was not justified. Mr. WAITHMAN doubted the wisdom of submitting

the Draft Code to a new body, and thought that the *ad hoc* committee mentioned in the draft resolution might be charged with disseminating the Code to the profession.

45. After further discussion, the draft resolution submitted by Messrs. Azkoul, López and Silva Carvallo was voted on in parts and, without amendment, was adopted as a whole by 6 votes to 2 with 4 abstentions.

46. The Sub-Commission did not consider the implications of rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council in regard to this recommendation, since it did not involve any direct expenditure at this stage.

47. The resolution thus adopted by the Sub-Commission reads as follows:

### *"The Sub-Commission on Freedom of Information and of the Press,*

*"Having re-examined, in accordance with Economic and Social Council resolution 306 E (XI), the draft International Code of Ethics in the light of comments received from information enterprises and national and international associations, and having prepared a second draft of the Code,*

*"Noting that the majority of organizations which submitted comments and suggestions are of opinion that the Code will serve a useful purpose,*

*"Noting also the strongly expressed opinion of many organizations that further work on the draft Code is a matter which should be undertaken by professional workers in the media of information without governmental interference, national or international,*

*"Forwards the text of the draft International Code of Ethics as prepared at its fifth session to the Economic and Social Council for transmittal to the profession, with the recommendation that the Council:*

*"(a) Request the Secretary-General to set up an ad hoc committee, consisting of not more than five persons, representative on the broadest possible basis of professional workers in all media of information, charged with the preparation in accordance with General Assembly resolution 479 (V) of an international professional conference to be held not later than 31 December 1953 for the purpose of:*

*"(i) Preparing and accepting a final text of an international code of ethics; and*

*"(ii) Taking such further steps concerning the implementation of the Code as the professional conference may deem advisable;*

*"(b) Recommend to the General Assembly that, at its seventh session, it make available such funds as may be necessary for the successful conclusion of such a professional conference; and*

*"(c) Further request the Secretary-General to communicate the report of the fifth session of the Sub-Commission, together with other relevant documents concerning the preparation of the draft International Code of Ethics, to national and international professional associations, informing them at the same time of the opinion of those organs of the United Nations which have been associated with the drafting of the Code that its further development is entirely a profes-*

sional matter, to be carried out without governmental interference on either the national or the international plane."

48. For the assistance of the Council, a draft resolution based on the above resolution has been included in annex B of this report.

## Chapter IV

### SUGGESTIONS CONCERNING THE FUTURE WORK OF THE UNITED NATIONS IN THE FIELD OF FREEDOM OF INFORMATION

(Item 5 of the agenda)

49. The Sub-Commission considered this item, whose inclusion resulted from the adoption of Economic and Social Council resolution 414 B III (XIII), at its 102nd to 111th meetings inclusive. Under the common heading "The future work of the United Nations in the field of freedom of information", the Sub-Commission had before it the following basic documents prepared by the Secretary-General:

(a) "The work programme of the Sub-Commission on Freedom of Information and of the Press" ("unfinished business") (E/CN.4/Sub.1/157); and

(b) "Suggestions concerning a future programme" (E/CN.4/Sub.1/158).

50. During the general discussion on this item, held during the 102nd to 105th meetings inclusive, special attention was paid by some members to the problem of obstacles to the free flow of information, which figured on the agenda as the first of a "List of questions to be finished by the Sub-Commission". Statements were made during the discussion by Mr. Binder (E/CN.4/Sub.1/SR.102), Mr. Chang (E/CN.4/Sub.1/SR.104), Mr. López (E/CN.4/Sub.1/103) and Mr. Zonov (E/CN.4/Sub.1/105).

51. The following proposals were submitted by members.

#### PROPOSALS RELATING TO MACHINERY

AZMI BEY: Proposal to establish a standing committee of investigation and surveillance (E/CN.4/Sub.1/172).

Messrs. AZKOUL, LÓPEZ and MOULIK: Draft resolution concerning the continuation of the Sub-Commission (E/CN.4/Sub.1/173).

Mr. GÉRAUD: Proposal to establish an advisory and fact-finding body (E/CN.4/Sub.1/174).

Mr. WAITHMAN: Proposal to establish a temporary commission of investigation into the state of freedom of information (E/CN.4/Sub.1/168 and Corr.1).

Mr. PLEIC: Amendment to Mr. Moulik's proposal (E/CN.4/Sub.1/L.15).

#### PROPOSALS RELATING TO THE LIST OF ITEMS TO BE RECOMMENDED FOR INCLUSION IN THE AGENDA OF THE ECONOMIC AND SOCIAL COUNCIL

Mr. MOULIK: (E/CN.4/Sub.1/164).

Mr. BINDER: (E/CN.4/Sub.1/167).

Mr. ZONOV: Amendment to Mr. Moulik's proposal (E/CN.4/Sub.1/L.12).

Mr. PLEIC: Amendment to Mr. Moulik's proposal (E/CN.4/Sub.1/L.14).

52. In accordance with a ruling made by the Chairman at the 100th meeting, the text of a "Semi-Annual World Survey of Censorship", compiled by the Associated Press (United States of America) in July 1951 was transmitted to members (E/CN.4/Sub.1/143/Add.3).

53. The Sub-Commission heard statements on the future work of the United Nations in the field of freedom of information from representatives of the following non-governmental organizations:

#### CATEGORY B

Agudas Israel World Organization  
International League for the Rights of Man  
World Jewish Congress

#### ON THE REGISTER OF THE SECRETARY-GENERAL

International Federation of Free Journalists

All of these representatives referred to the importance of the United Nations continuing to work actively in this field.

54. At its 107th meeting, the Sub-Commission requested its Rapporteur, Mr. Azkoul, to examine the various proposals submitted with a view to recommending the most practicable voting procedure. The Rapporteur duly presented an "Ad hoc report relating to the way of disposing of the various proposals and amendments under item 5 of the agenda" (E/CN.4/Sub.1/175).

55. At the suggestion of the Chairman, it was agreed first of all to decide on a number of questions of principle. The first to be considered was formulated by the Chairman as follows:

A. *Does the Sub-Commission wish to recommend that a special organ of the United Nations should deal with questions of freedom of information?*

56. A general exchange of views took place, the opinions of members on this principle being stated as follows:

Mr. BINDER said that the journalists of the United States were not persuaded that it would be wise at this stage to continue the Sub-Commission on Freedom of Information and of the Press or to set up new United Nations organs to deal with the subject. These were also his personal views and they happened to coincide with those of his government. This did not mean that the United States would not continue to participate in any discussions on freedom of information in various organs of the United Nations such as the Economic and Social Council and the General Assembly. Such discussions were necessary and desirable.

Mr. LOPEZ was in favour of a special organ of the United Nations continuing to work in the field and thought that the life of the Sub-Commission itself should be extended, with members selected according to a rather different procedure. Freedom of information was of fundamental importance as a human right, and the full ventilation of differences which some, in a sort of intellectual isolationism, apparently wished to avoid, served in itself a useful purpose.

Mr. CHANG agreed with Mr. López that the Sub-Commission should be continued and associated himself with the joint proposal to that effect (E/CN.4/Sub.1/173) submitted by Messrs. Azkoul, López and Moulik. The Sub-Commission had in fact done some useful work.

Mr. WAITHMAN was against continuing the Sub-Commission. If that were done the Sub-Commission would not be entrusted with anything which could not be done by another, existing, organ of the United Nations. When specific tasks needed to be undertaken, specific machinery should be set up to deal with them.

Mr. SILVA CARVALLO favoured the principle of the United Nations dealing with freedom of information through a special organ. If it were such a fundamental and important human right, surely its safeguarding should be entrusted to a special body. The Economic and Social Council could not be expected to provide room for full examination of the problem. In principle therefore he supported the joint proposal of Messrs. Azkoul, López and Moulik.

Mr. PLEIC stated that, in general, he agreed that the matter was important and should continue to be discussed by the United Nations. However, he would abstain from voting on details of any proposed machinery because he considered that the tasks to be entrusted to that machinery should be enumerated beforehand.

Mr. ZONOV said that he was against creation of any special organ of the United Nations to deal with freedom of information, not because he opposed freedom of information, but because freedom of information was a question which came rather within the competence of the Commission on Human Rights, the Economic and Social Council and the General Assembly. The Sub-Commission, moreover, had not proved an effective body, its approach to the problem having been biased and inadequate.

#### *Decision*

*By 9 votes to 2 the Sub-Commission decided to recommend to the Economic and Social Council that a special organ of the United Nations should deal with questions of freedom of information.*

57. The second principle to be considered by members was formulated by the Chairman as follows:

B. *Should this special organ of the United Nations be permanent or temporary?*

#### *Decision*

*By 7 votes to 3, with 1 abstention, the Sub-Commission decided to recommend that the special organ should be permanent in character.*

58. The third principle to be considered was formulated by the Chairman as follows:

C. *Does the Sub-Commission wish to make recommendations itself concerning the composition of the special organ, or does it wish to recommend that this should be done by the Economic and Social Council or be referred to some other body?*

#### *Decision*

*By 9 votes to none, with 2 abstentions, the Sub-Commission decided that it wished to make recommendations itself in this matter.*

59. The fourth principle to be considered was formulated by the Chairman as follows:

D. *Should an active investigation into the degree of freedom of information existing in the world be conducted under the auspices of the United Nations?*

#### *Decision*

*By 4 votes to 2, with 4 abstentions, the Sub-Commission decided that such an active investigation should be so conducted.*

60. The fifth principle to be considered was formulated by the Chairman as follows:

E. *Should such active investigations be entrusted to the permanent special organ of the United Nations recommended by the Sub-Commission under the decisions recorded in paragraphs 56 and 57 above?*

#### *Decision*

*By 5 votes to 1, with 4 abstentions, the Sub-Commission decided to recommend that these investigations should be entrusted to the permanent special organ.*

61. The Sub-Commission then, in the light of its decisions of principle, proceeded to examine the various proposals which had been submitted.

#### PROPOSALS RELATING TO MACHINERY

62. Mr. WAITHMAN stated that in view of the decision to recommend that active investigations in the field of freedom of information be entrusted to the permanent special organ of the United Nations, he would withdraw his proposal to establish a temporary commission of investigation (E/CN.4/Sub.1/168/Corr.1).

63. AZMI BEY stated that, in view of the decisions of principle which had been taken, only the third and fifth points of his draft resolution concerning the future work of the United Nations in the field of the Press and of information (E/CN.4/Sub.1/172) would remain, and these would be dealt with later as separate recommendations to the Economic and Social Council.

64. The Sub-Commission agreed to take the joint proposal of Messrs. Azkoul, López and Moulik (E/CN.4/Sub.1/173) as a basic text. This was revised by its sponsors to take into account the decisions of principle and a number of suggestions made by members concerning the composition of the proposed organ and was re-introduced as a "Draft resolution concerning the setting-up of an expert committee on freedom of information and of the Press" (E/CN.4/Sub.1/173/Rev.1).



65. It was agreed that a number of suggestions made in Mr. Géraud's draft proposal (E/CN.4/Sub.1/174) should be regarded as amendments to the basic text, and these, together with oral amendments submitted by members, were voted on as follows:

(a) Amendments of Mr. Géraud that the body should consist of five experts. Rejected by 7 votes to 1, with 2 abstentions.

(b) Amendment of Mr. Géraud to delete reference to the selection of members with regard to geographical distribution and varying Press and information concepts and practices. Rejected by 7 votes to 1, with 1 abstention.

(c) Amendment of Mr. Géraud related to complaints concerning violations of freedom of information. Rejected by 5 votes to 3, with 1 abstention.

(d) Oral amendment of Mr. Moulík, to the effect that the proposed body be entrusted with carrying out surveys and inquiries rather than an "active inquiry and investigation". Rejected by 5 votes to 3.

In support of his amendments Mr. Géraud introduced a memorandum (E/CN.4/Sub.1/SR.104) which elaborated his conception of the whole question of freedom of information as well as of details on which his views were appreciably opposed to the policy adopted by the majority of members.

66. The sponsors of the draft resolution accepted an oral amendment proposed by Mr. Azkoul making it clear that the new body would carry out active inquiry and investigation only when requested to do so by the Economic and Social Council.

67. The joint proposal was then voted on in parts and adopted as a whole by 7 votes to 2, with 2 abstentions. The Sub-Commission accordingly adopted the following resolution:

*"Recalling* that the General Assembly has proclaimed that freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated,

*"Bearing in mind* that this freedom has frequently proved to be the most vulnerable of the fundamental freedoms embodied in the Charter and in the Universal Declaration of Human Rights,

*"Considering* that the media of information constitute powerful instruments for the moulding of public opinion and can thereby exercise a great influence on relations between peoples and on the future of mankind,

*"Noting* the continuing need for study, inquiry and investigation in the general field of this problem together with the number of practical tasks, including those relating to obstacles to the free flow of information, which remain to be undertaken,

*"The Sub-Commission on Freedom of Information and of the Press*

*"Expresses* its conviction that a permanent and independent body of experts in the field of information, functioning within the framework of the United Nations, should be entrusted with the study and investigation of these problems; and therefore

*"Recommends* to the Economic and Social Council:

"1. That an expert committee on freedom of information and of the Press be created, consisting

of twelve experts serving in their individual capacities, selected as follows:

"(a) Each government of a State Member of the United Nations shall be invited to submit to the Secretary-General the names of not less than three or more than five outstanding experts in the field of information, nominated to their government by Press and information enterprises and/or national professional associations;

"(b) The Secretary-General shall be requested to select from the names forwarded to him twelve persons, not more than one of whom shall come from any one country, due consideration being given to geographical distribution and to the varying Press and information concepts and practices in the world;

"(c) The persons thus selected shall be confirmed by the Economic and Social Council as members of the Expert Committee on Freedom of Information and of the Press, with terms of office concluding on 31 December 1955, at which time nomination of experts and the selection of twelve from among their number shall again be made in conformity with the procedure described above;

"(d) When, in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, a member of the Expert Committee is compelled to appoint an alternate to act for him at a session of the Expert Committee, he shall nominate such alternate from among those other experts proposed by his government at the time the Expert Committee was selected;

"2. That, in addition to the terms of reference of the Sub-Commission on Freedom of Information and of the Press as set forth in Economic and Social Council resolution 197 (VIII), the Expert Committee on Freedom of Information and of the Press shall when requested by the Council carry out an active inquiry and investigation into the degree of freedom of information existing in the world; and

"3. That the Expert Committee shall meet at least once a year and shall report directly to the Council."

68. For the assistance of the Council a draft resolution based on the above resolution is included in annex B of this report.

69. The Sub-Commission did not consider the implications of rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council in regard to this resolution, since it did not involve any direct expenditure at this stage.

70. Parts of the draft resolution (E/CN.4/Sub.1/172) submitted by Azmi Bey were considered later as separate recommendations to the Council (see chapter V, paragraphs 88-89).

#### PROPOSALS RELATING TO THE LIST OF ITEMS TO BE RECOMMENDED FOR INCLUSION IN THE AGENDA OF THE ECONOMIC AND SOCIAL COUNCIL

71. The Sub-Commission first considered Mr. Binder's proposed list of items (E/CN.4/Sub.1/167). Mr. Binder accepted a suggestion of Mr. López that section 2 of his list include a reference to radio and newsreel equipment and of Azmi Bey that point 4 should read

“Activities of organizations representing the journalists of the world in this field”. The list of items proposed by Mr. Binder, as revised, was then voted on in parts and accepted as a whole by 8 votes to 1.

72. Mr. Moulik agreed that the first, second, fourth and sixth points of his proposed list of items (E/CN.4/Sub.1/164) were covered by Mr. Binder’s list.

73. Point 3 of Mr. Moulik’s list, with verbal amendments proposed by Mr. Waithman and accepted by Mr. Moulik, was accepted by the Sub-Commission by 8 votes to none, with 1 abstention, and appears as point 5 of the adopted text.

74. Mr. Moulik accepted an amendment of Mr. Zonov (E/CN.4/Sub.1/L.12) to the fifth item of his list. The amalgamated text of this item was then voted on in parts, and, after the words “to expose fascism and fascist ideology in all its forms” had been deleted by 5 votes to 4, was accepted as a whole by 5 votes to 3, with 1 abstention, and appears as point 6 of the adopted text.

75. Point 7 of Mr. Moulik’s list was accepted, with a drafting amendment, by 8 votes to none, with 1 abstention, and appears as point 7 of the adopted text.

76. The whole of Mr. Moulik’s list, comprising three items, was then adopted by the Sub-Commission by 7 votes to none with 2 abstentions.

77. As a result of the above decisions, the Sub-Commission therefore adopted the following resolution:

*“The Sub-Commission on Freedom of Information and of the Press*

*“Recommends that the following items relating to freedom of information and of the Press be placed on the agenda of forthcoming sessions of the Economic and Social Council of the United Nations:*

“1. Annual survey on freedom of information;

“(a) Adequacy of international news available to the peoples of the world,

“(b) Censorship and other governmental restrictions of the free international flow of news,

“(c) Extent of coverage of United Nations activities, including dissemination of United Nations and specialized agency publications,

“(d) Implementation of relevant Economic and Social Council resolutions;

“2. Annual survey of information facilities;

“(a) Newsprint, radio transmitters and receivers, newsreels: availability and progress under relevant Economic and Social Council and specialized agency resolutions,

“(b) Availability and extent of coverage of major international news,

“(c) Communications: radio and cable tariffs and their effects on the volume of international news transmitted;

“3. Specialized agencies’ activities in the field of freedom of information;

“(a) The United Nations Educational, Scientific and Cultural Organization,

“(i) Report on technical and economic obstacles to the free flow of information with particular emphasis on the dissemination of news,

“(ii) Other activities in the field of freedom of information,

“(b) Other agencies with related programmes or activities;

“4. Non-governmental organizations activities in the field of freedom of information;

“Activities of organizations representing the journalists of the world in this field;

“5. Elaboration of a technical assistance programme, helping countries to acquire and operate information facilities which would afford them media of information for the use of their own nationals and national machinery for disseminating domestic information within and from their own territories;

“6. Further consideration of effective measures to combat false and distorted news, to combat any kind of propaganda which may produce or accentuate a threat to the peace, a breach of the peace or an act of aggression, and to develop friendly relations between nations.

“7. Organization and promotion of the exchange of members of the Press and of other information media between the various countries.”

78. For the assistance of the Council, a draft resolution based on the above resolution has been included in annex B of this report.

79. Mr. Pleić revised the amendments (E/CN.4/Sub.1/L.14) which he had submitted to Mr. Moulik’s list of items, and resubmitted them in the form of a draft resolution containing separate recommendations to the Council (see chapter V, paragraph 90 below).

## Chapter V

### OTHER DECISIONS TAKEN BY THE SUB-COMMISSION

(Items 5 and 6 of the agenda)

80. During consideration of item 5 of the Sub-Commission’s agenda a number of proposals were received from members which, while they related in varying degree to the future work of the United Nations in the field of freedom of information, the Sub-Commission decided should be brought to the attention of the Economic and Social Council in a different section of the report.

#### INFORMATION CONCERNING UNITED NATIONS ACTIVITIES

81. At its 106th meeting the Sub-Commission considered a draft resolution on information concerning United Nations activities (E/CN.4/Sub.1/166) submitted by Mr. Moulik. Mr. Moulik accepted an amendment (E/CN.4/Sub.1/L.13) proposed by Mr. Azkoul

to the effect that a sixth paragraph be added dealing with the dissemination by governments of United Nations resolutions. The Sub-Commission then adopted, by 8 votes to none, with 3 abstentions, the amended resolution reading as follows:

*"The Sub-Commission on Freedom of Information and of the Press*

"1. Notes the Secretary-General's report (E/CN.4/Sub.1/153) on publicity given by the United Nations to resolutions 2 and 3 of the United Nations Conference on Freedom of Information;

"2. Endorses paragraph 5 of resolution 424 (V) of the General Assembly, inviting Member States 'to give every possible facility so that their peoples may know objectively the activities of the United Nations in promoting peace...';

"3 Emphasizes that, in a period of international tension, one of the most valuable correctives to propaganda of violence and war is the promotion of authoritative information on the discussions, conclusions and activities of the United Nations;

"4 Draws the attention of the Economic and Social Council to the fact that the success of the United Nations in many social, cultural, humanitarian and other fields depends mainly on full, accurate and objective United Nations information being made available to national and professional media and to the largest number of people in all countries;

"5 Recommends that this vital role of providing information by the United Nations be borne in mind by the Economic and Social Council in all decisions which depend for their successful implementation on public understanding and support and, in particular, in its decisions concerning the future work of the United Nations in the field of freedom of information;

"6. Recommends to the Economic and Social Council that it recommend to the General Assembly that, at its seventh regular session, it urge governments, upon receipt of any resolution of any organ of the United Nations communicated to them by the Secretary-General, to give the widest possible dissemination to those resolutions through customary channels in accordance with their procedures for releasing news concerning international affairs."

82. For the assistance of the Council, a draft resolution based on the above resolution is included in annex B of this report.

ENCOURAGEMENT AND DEVELOPMENT OF INDEPENDENT, DOMESTIC INFORMATION AGENCIES

83. At its 106th meeting, the Sub-Commission considered a draft resolution on the encouragement and development of independent, domestic information agencies (E/CN.4/Sub.1/169) submitted by Mr. Azkoul. This was accepted without amendment, the Sub-Commission adopting, by 10 votes to none, with 1 abstention, the following resolution:

*"The Sub-Commission on Freedom of Information and of the Press*

"Notes that it has not been possible for the Sub-Commission at its present session to examine the question of the encouragement and development of independent domestic information agencies;

"Recommends that the Economic and Social Council request:

"(i) The United Nations Educational, Scientific and Cultural Organization to continue its studies and to pursue its work on technical assistance for the purpose of the encouragement and development of independent domestic information agencies; and

"(ii) The Secretary-General in conjunction with the Technical Assistance Committee and the United Nations Educational, Scientific and Cultural Organization, to make a report upon the question as a whole to the Council at its fifteenth session."

84. For the assistance of the Council a draft resolution based on the above resolution is included in annex B of this report.

CLOSING DOWN OF *La Prensa*

85. At its 106th meeting the Sub-Commission considered a draft resolution concerning the closing down of the newspaper *La Prensa* of Buenos Aires (E/CN.4/Sub.1/170) submitted by Mr. Silva Carvallo and, without amendment, adopted by 10 votes to 1 the following resolution:

*"Whereas*

"On 1 March 1951 the newspaper *La Prensa* of Buenos Aires was closed by the Argentine police authorities, against the will of its lawful owners and staff,

"This act called for the protests from many newspapers in various countries throughout the world,

"Similar protests were also made by numerous professional associations of journalists of various countries,

"The closing down of *La Prensa* of Buenos Aires constitutes an infraction of freedom of the Press as conceived, defined and protected by the basic instruments of the United Nations,

*"The Sub-Commission on Freedom of Information and of the Press resolves:*

"To condemn this infraction of freedom of information and of the Press and to communicate of its resolution to the Commission on Human Rights and the Economic and Social Council of the United Nations, with a recommendation that the Council, in considering future work on freedom of information, should consider measures to prevent future infractions of this kind."

86. Owing to the form of the above resolution no draft resolution has been prepared for the Council.

PROPOSAL TO CONDEMN MALPRACTICES IN COMMUNIST-CONTROLLED COUNTRIES

87. At its 106th meeting the Sub-Commission considered a draft resolution (E/CN.4/Sub.1/171) submitted by Mr. Chang concerning malpractices leading to the "total suppression of freedom of Press, thoughts and expressions" in certain areas of the world which were enumerated in the proposal. Mr. Chang cited examples of malpractices in the countries referred to, such as confiscation of opposition newspapers and the arrest and imprisonment of independent-minded journalists. Those members supporting the proposal agreed with Mr. Chang that the countries where such

malpractices occurred should be enumerated. Other members said they would vote against the proposal, or would abstain, either because they felt that mention of countries by name was unwise because the Sub-Commission had not been able fully to explore the accusations made by Mr. Chang, or because they felt that a general condemnation of malpractices would not be of assistance to the Council. Azmi Bey submitted an amendment (E/CN.4/Sub.1/L.16) which would replace the enumeration of countries by the words "a large number of countries". This amendment was defeated by 5 votes to 4, with 3 abstentions. A verbal amendment proposed by Mr. López linking the draft proposal to the future work of the United Nations in the field of freedom of information was accepted by Mr. Chang. After further verbal drafting amendments the proposal was then put to the vote, receiving 4 votes to 4, with 4 abstentions, and therefore being rejected.

#### OTHER RECOMMENDATIONS TO THE COUNCIL

88. At its 110th meeting the Sub-Commission considered the third and fifth paragraphs of the draft resolution of Azmi Bey concerning the future work of the United Nations in the field of Press and information (E/CN.4/Sub.1/172) in the form of two separate proposals to the Economic and Social Council. The first was adopted by 3 votes to none, with 4 abstentions. After voting on the second proposal in parts, the Sub-Commission adopted it as a whole by 6 votes to 2, with 2 abstentions, the combined resolution reading:

*"The Sub-Commission on Freedom of Information and of the Press*

*"Recommends the Economic and Social Council*

"1. To urge the United Nations Educational, Scientific and Cultural Organization to expedite the establishment on a universal basis of the International Institute of Press and Information; and

"2. To appeal to the General Assembly of the United Nations to take the necessary action at its seventh session to open for signature the Convention on the International Transmission of News and the Right of Correction and the Convention on Freedom of Information."

89. For the assistance of the Council a draft resolution based on the above resolution has been included in annex B of this report.

90. At its 111th meeting, the Sub-Commission considered Mr. Pleić's draft resolution concerning the future work of the United Nations in the field of freedom

of information (E/CN.4/Sub.1/L.14/Rev.1) originally submitted in the form of amendments to Mr. Moulik's proposed list of items for the agenda of the Council (see chapter IV, paragraphs 51 and 79 above). This proposal, which was based on the realization that studies and research having been carried out in the field of freedom of information, and the necessary data and factual material assembled, urgent action of a concrete nature is now needed, contained four parts.

Part A, dealing with the newsprint shortage, was accepted, as amended orally by Mr. Azkoul, by 7 votes to none, with 3 abstentions.

Part B, dealing with the correction of false and distorted news, was rejected by 5 votes to 3, with 2 abstentions.

Part C, dealing with economic and financial obstacles, was rejected by 4 votes to 1, with 4 abstentions.

Part D, dealing with obstacles to the gathering and transmission of news, was rejected by 2 votes to 1, with 5 abstentions.

91. The proposal as amended was then adopted by 6 votes to 1, with 1 abstention, reading as follows:

*"The Sub-Commission on Freedom of Information and of the Press,*

*"Considering the necessity to remedy the shortage of newsprint and paper for the publishing trade,*

*"Recommends that the Economic and Social Council consider the advisability of convening an international conference with the participation of government representatives as well as of representatives of producers and consumers for the purpose of working out multilateral arrangements:*

"1. With a view to a more equitable distribution of newsprint and paper;

"2. With a view to increasing the production of newsprint and paper in the under-developed countries where the necessary raw materials are available."

92. In view of the wording of this resolution, no draft resolution has been included for the Council.

#### COMMUNICATIONS

(Item 6 of the agenda)

93. The Sub-Commission took note of the "Report on communications relating to principles and practices in the field of freedom of information" (E/CN.4/Sub.1/152) submitted by the Secretary-General under the terms of Economic and Social Council resolution 240 C (IX).

## Chapter VI

### ADOPTION OF THE REPORT OF THE SUB-COMMISSION TO THE ECONOMIC AND SOCIAL COUNCIL

(Item 7 of the agenda)

94. For the convenience of the Economic and Social Council the Sub-Commission decided to append to its report, as annex B, draft resolutions based on decisions taken during its fifth session.

95. At its 112th meeting the Sub-Commission adopted

this report of its fifth session by 7 votes to 1, with 1 abstention. Messrs. Polleri Carrio, Moulik and Waithman were not present when this vote was taken and Messrs. Moulik and Waithman stated that they would have voted in favour of the report had they been able to be present.

## ANNEXES

### A.—Draft International Code of Ethics adopted at the fifth session of the Sub-Commission on Freedom of Information and of the Press

The following is the text of the Draft International Code of Ethics as adopted by the Sub-Commission at its fifth session after re-examination of the text drawn up at the Sub-Commission's fourth session in the light of comments and suggestions received from information enterprises and national and international professional associations:

#### PREAMBLE

Freedom of information and of the Press is a fundamental human right and is the touchstone of all the freedoms consecrated in the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights; and it is essential to the promotion and to the preservation of peace.

That freedom will be the better safeguarded when the personnel of the Press and of all other media of information constantly and voluntarily strive to maintain the highest sense of responsibility, being deeply imbued with the moral obligation to be truthful and to search for the truth in reporting, in explaining and in interpreting facts.

This International Code of Ethics is therefore proclaimed as a standard of professional conduct for all engaged in gathering, transmitting, disseminating and commenting on news and information and in describing contemporary events by the written word, by word of mouth or by any other means of expression.

#### ARTICLE I

The personnel of the Press and of all other media of information should do all in their power to ensure that the information the public receives is factually accurate. They should check all items of information to the best of their ability. No fact should be wilfully distorted and no essential fact should be deliberately suppressed.

#### ARTICLE II

A high standard of professional conduct requires devotion to the public interest. The seeking of personal advantage and the promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with such professional conduct.

Wilful calumny, slander, libel and unfounded accusations are serious professional offences; so also is plagiarism.

Good faith with the public is the foundation of good journalism. Any published information which is found to be harmfully inaccurate should be spontaneously and immediately rectified. Rumour and unconfirmed news should be identified and treated as such.

#### ARTICLE III

Only such tasks as are compatible with the integrity and dignity of the profession should be assigned or accepted by personnel of the Press and other media of information, as also by those participating in the economic and commercial activities of information enterprises.

Those who make public any information or comment should assume full responsibility for what is published unless such responsibility is explicitly disclaimed at the time.

The reputation of individuals should be respected and information and comment on their private lives likely to harm their reputation should not be published unless it serves the public interest, as distinguished from public curiosity. If charges against reputation or moral character are made, opportunity should be given for reply.

Discretion should be observed concerning sources of information. Professional secrecy should be observed in matters

revealed in confidence; and this privilege may always be invoked to the furthest limits of law.

#### ARTICLE IV

It is the duty of those who describe and comment upon events relating to a foreign country to acquire the necessary knowledge of such country which will enable them to report and comment accurately and fairly thereon.

#### ARTICLE V

This Code is based on the principle that the responsibility for ensuring the faithful observance of professional ethics rests upon those who are engaged in the profession, and not upon any government. Nothing herein may therefore be interpreted as implying any justification for intervention by a government in any manner whatsoever to enforce observance of the moral obligations set forth in this Code.

### B.—Draft resolution for the Economic and Social Council based on recommendations contained in the report of the fifth session of the Sub-Commission on Freedom of Information and of the Press

#### I

##### *The Economic and Social Council*

Takes note of the report of the fifth session of the Sub-Commission on Freedom of Information and of the Press (E/2190-E/CN.4/Sub.1/176) and of the recommendations contained therein.

#### II<sup>1</sup>

##### *The Economic and Social Council,*

Having received the revised text of the Draft International Code of Ethics drawn up by the Sub-Commission on Freedom of Information and of the Press at its fifth session,

Noting that the majority of information enterprises and national and international professional associations which submitted comments and suggestions on the text of the draft Code as drawn up by the Sub-Commission at its fourth session are of opinion that the Code will serve a useful purpose, and

Noting also the strongly expressed opinion of many organizations that further work on the draft Code is a matter which should be undertaken by professional workers in the media of information without governmental interference, national or international,

1. Requests the Secretary-General to set up an *ad hoc* committee, consisting of not more than five persons representative, on the broadest possible basis, of professional workers in all media of information, charged with the preparation in accordance with General Assembly resolution 479 (V) of an international professional conference to be held not later than 31 December 1953 for the purpose of

(a) Preparing and accepting a final text of an international code of ethics; and

(b) Taking such further steps concerning the implementation of the Code as the professional conference may deem advisable;

2. Recommends to the General Assembly that, at its seventh session, it make available such funds as may be necessary for the successful conclusion of such a professional conference; and

3. Further requests the Secretary-General to communicate that section of the report of the fifth session of the Sub-Commission, dealing with the Draft International Code of Ethics, together with other relevant documents concerning its preparation to national and international professional associations, informing them at the same time of the opinion of those organs of the United Nations which have been associated with the

<sup>1</sup> See chapter III.

drafting of the Code that its further development is entirely a professional matter, to be carried out without governmental interference on either the national or the international plane.

### III<sup>2</sup>

#### *The Economic and Social Council,*

*Recalling* that the General Assembly has proclaimed that freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated,

*Bearing in mind* that this freedom has frequently proved to be the most vulnerable of the fundamental freedoms embodied in the Charter and in the Universal Declaration of Human Rights,

*Considering* that the media of information constitute powerful instruments for the moulding of public opinion and can thereby exercise a great influence on relations between peoples and on the future of mankind,

*Noting* the continuing need for study, inquiry and investigation in the general field of this problem together with the number of practical tasks, including those relating to obstacles to the free flow of information, which remain to be undertaken,

*Endorsing* the conviction of the Sub-Commission that a permanent and independent body of experts in the field of information, functioning within the framework of the United Nations, should be entrusted with the study and investigation of these problems,

*Decides* as follows:

1. That an expert committee on Freedom of Information and of the Press be created, consisting of twelve experts serving in their individual capacities, selected as follows:

(a) Each government of a State Member of the United Nations shall be invited to submit to the Secretary-General the names of not less than three or more than five outstanding experts in the field of information, nominated to their government by Press and information enterprises and/or national professional associations;

(b) The Secretary-General shall be requested to select from the names forwarded to him twelve persons, not more than one of whom shall come from any one country, due consideration being given to geographical distribution and to the varying Press and information concepts and practices in the world;

(c) The persons thus selected shall be confirmed by the Economic and Social Council as members of the Expert Committee on Freedom of Information and of the Press, with terms of office concluding on 31 December 1955, at which time nomination of experts and the selection of twelve from among their number shall again be made in conformity with the procedure described above;

(d) When, in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, a member of the Expert Committee is compelled to appoint an alternate to act for him at a session of the Expert Committee, he shall nominate such alternate from among those other experts proposed by his government at the time the Expert Committee was selected;

2. That, in addition to the terms of reference of the Sub-Commission on Freedom of Information and of the Press as set forth in Economic and Social Council resolution 197 (VIII), the Expert Committee on Freedom of Information and of the Press shall, when requested by the Council, carry out an active inquiry and investigation into the degree of freedom of information existing in the world; and

3. That the Expert Committee shall meet at least once a year and shall report directly to the Council.

### IV<sup>3</sup>

#### *The Economic and Social Council*

*Decides* that the following items relating to freedom of

<sup>2</sup> See chapter IV.

<sup>3</sup> See chapter IV.

information and of the Press shall be placed on the agenda of forthcoming sessions:

1. Annual survey on freedom of information;

(a) Adequacy of international news available to the peoples of the world,

(b) Censorship and other governmental restrictions of the free international flow of news,

(c) Extent of coverage of United Nations activities, including dissemination of United Nations and specialized agency publications,

(d) Implementation of relevant Economic and Social Council resolutions;

2. Annual survey of information facilities;

(a) Newsprint, radio transmitters and receivers, newsreels: availability and progress under relevant Economic and Social Council and specialized agency resolutions,

(b) Availability and extent of coverage of major international news,

(c) Communications: radio and cable tariffs and their effect on the volume of international news transmitted;

3. Specialized agencies' activities in the field of freedom of information;

(a) United Nations Educational, Scientific and Cultural Organization,

(i) Report on technical and economic obstacles to the free flow of information with particular emphasis on the dissemination of news,

(ii) Other activities in the field of freedom of information,

(b) Other agencies with related programmes or activities;

4. Non-governmental organizations activities in the field of freedom of information;

Activities of organizations representing the journalists of the world in this field;

5. Elaboration of a technical assistance programme, helping countries to acquire and operate information facilities which would afford them media of information for the use of their own nationals and national machinery for disseminating domestic information within and from their own territories;

6. Further consideration of effective measures to combat false and distorted news, to combat any kind of propaganda which may produce or accentuate a threat to the peace, a breach of the peace or an act of aggression and to develop friendly relations between nations;

7. Organization and promotion of the exchange of members of the Press and of other information media between the various countries.

### V<sup>4</sup>

#### *The Economic and Social Council*

1. *Takes note* of the considerations and recommendations contained in the resolution adopted by the Sub-Commission on Freedom of Information and of the Press at its fifth session on information concerning United Nations activities; and

2. *Recommends* to the General Assembly that, at its seventh regular session, it urge governments, upon receipt of any resolution of any organ of the United Nations communicated to them by the Secretary-General, to give the widest possible dissemination to those resolutions through customary channels in accordance with their procedures for releasing news concerning international affairs.

### VI<sup>4</sup>

#### *The Economic and Social Council,*

*Noting* that it was not possible for the Sub-Commission on Freedom of Information and of the Press to examine at its fifth session the question of the encouragement and development of independent, domestic information agencies,

<sup>4</sup> See chapter V.

*Requests*

(i) The United Nations Educational, Scientific and Cultural Organization to continue its studies and to pursue its work on technical assistance for the purpose of the encouragement and development of independent domestic information agencies; and

(ii) The Secretary-General in conjunction with the Technical Assistance Committee and the United Nations Educational, Scientific and Cultural Organization to make a report upon the question as a whole to the Council at its fifteenth session.

VII <sup>5</sup>

*The Economic and Social Council*

1. *Urges* the United Nations Educational Scientific and

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<sup>5</sup> See chapter V.

Cultural Organization to expedite the establishment on a universal basis of the International Institute of Press and Information;

2. *Appeals* to the General Assembly of the United Nations to take the necessary action at its seventh session to open for signature the Convention on the International Transmission of News and the Right of Correction and the Convention on Freedom of Information.

[*Note:* The attention of the Council is drawn to the resolutions which the Sub-Commission adopted on the subject of the closing down of the newspaper *La Prensa* of Buenos Aires (see chapter V, paragraphs 85-86) and recommending that the Council convene an international conference on the shortage of newsprint (see also chapter V, paragraphs 90-92). Draft resolutions have not been prepared on these resolutions owing to their special form and to the fact that it was left to the Council to decide what type of action, if any, it wishes to take on them.]