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UNITED NATIONS

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

REPORT OF THE FOURTH SESSION

(15 - 26 MAY 1950)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS

FIFTH YEAR: ELEVENTH SESSION

SUPPLEMENT No. 5A

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UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS
FIFTH YEAR, ELEVENTH SESSION

SUPPLEMENT NO. 5 A

SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS
Report of the Sub-Commission (fourth session) to the Economic and Social Council
Montevideo, 15-26 May 1950

I. — Organization of the fourth session of
the Sub-Commission

1. The fourth session of the Sub-Commission on Freedom of Information and of the Press opened on Monday, 15 May 1950, at the Parque Hotel, Montevideo. The Sub-Commission held nineteen plenary meetings and terminated its session on 26 May 1950.

2. The following members attended :

Lebanon : Mr. Karim Azkoul ;
Egypt : Mr. Mahmoud Azmi ;
United States of America : Mr. Carroll Binder ;
China : Mr. P. H. Chang ;
Yugoslavia : Mr. Stevan Dedijer ;
Uruguay : Mr. Roberto Fontaina ;
India : Mr. Devadas Gandhi ;
France : Mr. André Géraud ;
Chile : Mr. Alfredo Silva Carvallo.

3. Mr. Salvador P. López (Philippines), Mr. Francis Williams (United Kingdom of Great Britain and Northern Ireland) and Mr. Vasily M. Zonov (Union of Soviet Socialist Republics) were unable to attend and were represented by Mr. Melchor Aquino, Mr. Philip Jordan and Mr. Pavel K. Kotik, respectively.

4. Mr. William Farr, representing the United Nations Educational, Scientific and Cultural Organization, was present throughout the session.

5. The following consultants from non-governmental organizations were also present :

Category A : *World Federation of United Nations Associations* : Miss Castro, Miss Largaia, Mrs. E. Salmon.

Category B : *Commission of the Churches on International Affairs* : Mr. Gillardo.

6. Mr. John P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General and Mr. Charles A. Hogan was Secretary of the Sub-Commission.

7. At the opening meeting, Mr. Kotik (USSR) proposed the following draft resolution :

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

" Considering that the Government of the People's Republic of China regards as illegal the presence of the representatives of the Kuomintang Group in the organs of the United Nations and insists on their exclusion,

" Decides to exclude from its membership the expert recommended by the Kuomintang Group. "

Mr. Binder (United States), Acting-Chairman, ruled that the draft resolution was out of order since members were experts and not representatives of their governments. Mr. Dedijer (Yugoslavia) challenged the ruling of the Chairman which was upheld by a vote of 8 to 1. Without participating in the vote, Mr. Kotik then left the meeting, declaring that his Government would not consider itself bound by the decisions taken by the Sub-Commission at its fourth session.

8. In accordance with the rules of procedure of functional commissions of the Economic and Social Council (E/1653) ¹ the Sub-Commission proceeded to elect officers. Mr. Fontaina was elected Chairman ; Mr. Azmi, Vice-Chairman ; and Mr. Jordan, Rapporteur.

9. The Sub-Commission adopted as its agenda the provisional agenda for the fourth session (E/CN.4/Sub.1/103) which had previously been distributed to members.

10. The expression of views of members of the Sub-Commission is embodied in the summary records of the plenary meetings, E/CN.4/Sub.1/SR.68 to E/CN.4/Sub.1/SR.86.

II. The adequacy of the news available to the peoples
of the world and the obstacles to the free flow of
information to them

(Agenda item B, 1)

11. The Sub-Commission agreed that in discussing this item, the consideration of which had been begun at its third session, the memorandum prepared by the Secretary-General entitled " Survey of Obstacles to the Free Flow of Information " (E/CN.4/Sub.1/106) should be accepted as the basic working document.

¹ See *Official Records of the Economic and Social Council, Fifth Year, Tenth Session, Supplement No. 1, resolution 289 (X)*.

12. At its 70th meeting, the Sub-Commission discussed a proposed definition of information (E/CN.4/Sub.1/117) submitted by Mr. Azmi (Egypt) and an amendment to this proposed by Mr. Géraud (France) (see E/CN.4/Sub.1/SR.70). The Sub-Commission decided by 6 votes to 2, with 3 abstentions, that it would not attempt to draft such a definition at its fourth session.

13. At its 71st meeting, the Sub-Commission considered a draft resolution (E/CN.4/Sub.1/115) proposed by Mr. Binder (United States) condemning the jamming of radio broadcasts and other interferences with the free flow of information across national boundaries. An amendment by Mr. Azkoul (Lebanon) to delete a paragraph referring to a provision of the International Telecommunication Convention, Atlantic City, 1947, was defeated by 2 votes to 7, with 2 abstentions. A further amendment by Mr. Azkoul to delete all specific references to the Union of Soviet Socialist Republics was defeated by 5 votes to 5, with 1 abstention. However, Mr. Binder accepted an amendment proposed by Mr. Azkoul to delete the following words: "in violation of the obligation undertaken by the USSR under the Atlantic City Convention". The draft resolution was voted on paragraph by paragraph and then adopted as a whole by 8 votes to none, with 3 abstentions. It reads as follows:

"Whereas the General Assembly in its resolution 59 (I) authorizing the holding of the United Nations Conference on Freedom of Information declared that freedom of information is a fundamental human right and is the touchstone of all freedoms to which the United Nations is consecrated,

"Whereas freedom to listen to radio broadcasts regardless of source is embodied in article 19 of the Universal Declaration of Human Rights, which reads: 'Everyone has the right to freedom of opinion and expression' and this right 'includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers',

"Whereas article 44 of the International Telecommunication Convention, Atlantic City, 1947, provides that '1. All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other members or associate members... Each member or associate member undertakes to require the private operating agencies which it recognizes, and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph',² and

"Considering that the duly authorized radio operating agencies in the USSR are deliberately interfering with the reception by the people of the USSR of certain radio signals originating beyond the territory of the USSR,

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

² See *Final Acts of the International Telecommunication and Radio Conferences*, International Telecommunication Union, Atlantic City, 1947, p. 29-E.

"1. *Declares* these types of interference to be a violation of the accepted principles of freedom of information ;

"2. *Condemns* all measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers ; and

"3. *Requests* the Economic and Social Council to transmit this resolution to the General Assembly with a recommendation that it call upon all Member Governments to refrain from such interference with the right of their peoples to freedom of information."

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

14. At its 72nd and 73rd meetings, the Sub-Commission discussed a draft resolution concerning the limitation of freedom of information in a state of emergency (E/CN.4/Sub.1/116) proposed by Mr. Azkoul (Lebanon). Amendments to this were submitted by Mr. Gandhi (India), and Mr. Jordan (United Kingdom). These three members met informally and agreed on a redraft of the proposal (E/CN.4/Sub.1/116/Rev.1) which, after further drafting changes, was accepted by 10 votes to none with 1 abstention. The resolution reads as follows:

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

"Recommends to the Economic and Social Council that it request the General Assembly to adopt the following resolution :

" ' *Considering* that freedom of information and of the Press is a fundamental human right and should be advanced and safeguarded in all circumstances ; and

" ' *Considering* that limitations have been placed on this right in emergencies or on the pretext of emergencies,

"The General Assembly

" ' *Recommends* to all Member States that when they are compelled to declare a state of emergency, measures to limit freedom of information and of the Press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation.' "

For the assistance of the Council, a draft resolution on this resolution is given in annex B of this report.

15. At its 81st and 82nd meetings, the Sub-Commission considered a draft proposal by Mr. Aquino (Philippines) concerning restrictions on the gathering, transmission and dissemination of information by means of newsreels (E/CN.4/Sub.1/126). After amendment the following resolution was adopted by 6 votes to 1, with 4 abstentions :

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

"Recommends to the Economic and Social Council that it adopt the following resolution :

" ' *The Economic and Social Council,*

" ' *Whereas* the free circulation of newsreels is one of the most important means of disseminating informa-

tion about other peoples and their culture and civilizations,

“ ‘ *Appeals to all Governments :*

“ ‘ 1. To permit movement within their territories of personnel engaged in the gathering, transmission and dissemination of information through the medium of newsreels ;

“ ‘ 2. Not to seize, impound or otherwise place restrictions or hindrances without justifiable legal cause on newsreel equipment used by them ; and

“ ‘ 3. Not to confiscate or censor newsreels or portions of newsreels unless absolutely required on grounds relating directly to public morals or national defence.’ ”

For the assistance of the Council, a draft resolution on this resolution is given in annex B of this report.

16. At its 83rd meeting, the Sub-Commission adopted by 7 votes to 1, with 3 abstentions, the following proposal (E/CN.4/Sub.1/129) of Mr. Azkoul (Lebanon) concerning access of families of accredited news personnel to countries where meetings of the United Nations and its specialized agencies are held :

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

“ *Whereas* certain agreements between the United Nations and Governments and between specialized agencies and Governments make specific reference to freedom of access for representatives of the Press, radio, film and other information agencies accredited to the United Nations and specialized agencies, and

“ *Whereas* the absence of any provisions aimed at facilitating the entry to such countries of wives and families of accredited news personnel can, especially in the event of long-term assignments, hinder the work of news personnel through hardship and the disruption of families,

“ *Draws* the attention of the Economic and Social Council to this situation with the recommendation that the Council take such action as it considers necessary in the circumstances.

No draft resolution has been prepared on this resolution since the Council is asked to decide what action it considers necessary in the circumstances.

17. At its 85th meeting, the Sub-Commission adopted by 7 votes to none, with 3 abstentions, the following resolution (E/CN.4/Sub.1/132) proposed by Mr. Azkoul, concerning the preparation of a model agreement on access for news personnel to meetings of the United Nations and the specialized agencies :

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

“ *Whereas* the General Assembly adopted resolution 314 (IV) of 21 October 1949 concerning access for news personnel to meetings of the United Nations and the specialized agencies, and

“ *Whereas* the Sub-Commission is of the opinion that a model agreement for future agreements on this subject between the United Nations and countries where meetings of the United Nations are held, and

between the specialized agencies and such countries, would more adequately protect the rights and privileges of news personnel,

“ *Recommends* to the Economic and Social Council that it request the Secretary-General to prepare a draft of such an agreement for consideration at the fifth session of the Sub-Commission with a view to its eventual approval by the General Assembly.”

For the assistance of the Council, a draft resolution on this resolution is given in annex B of this report.

18. At its 85th meeting, the Sub-Commission adopted by 10 votes to none, with 1 abstention, the following resolution (E/CN.4/Sub.1/133/Rev.1), proposed by Mr. Silva Carvallo (Chile), on governmental intervention in the sale and purchase of newsprint :

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

“ *Considering* that for economic reasons serious problems have arisen in various countries of the world with regard to the supply of newsprint,

“ *Considering* that this situation has caused certain Governments to intervene officially in the sale and purchase of newsprint, either by restricting the amount of foreign currency allocated for its importation or by rationing it among the various organs of the Press, or by confiscating it,

“ *Considering* that governmental interference in these matters may lead to arbitrary and discriminatory action, which it is desirable to avoid, and further

“ *Considering* that one of the functions of the Sub-Commission, as stated in paragraph (1) (a) of its terms of reference (resolution 197 (VIII)³) is to make recommendations to the Economic and Social Council with regard to the economic, political and other obstacles to freedom of the Press,

“ *Agrees to recommend* the cessation of these practices in so far as that is compatible with the economic situation and to request the Economic and Social Council to invite Member States to put an end to confiscatory measures and discriminatory actions as being contrary to freedom of the Press.”

For the assistance of the Council, a draft resolution on this resolution is given in annex B of this report.

19. At its 86th meeting, the Sub-Commission considered a proposal (E/CN.4/Sub.1/135) of Mr. Chang (China) condemning discriminatory treatment or mistreatment of foreign information personnel. After minor amendments, the Sub-Commission adopted by 9 votes to 1, with no abstentions, the following resolution :

“ *Considering* that the practice of discriminating against or mistreating foreign information personnel exists in certain countries, therefore

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

“ 1. *Declares* this practice to be a serious interference with the right of the peoples to freedom of information ; and

³ See *Official Records of the Economic and Social Council, Eighth Session, Supplement No. 1*, page 12.

"2. *Condemns* it as a violation of the accepted fundamental human right of all persons to be fully informed."

III. Draft international code of ethics

20. Under item B, 1, of its agenda, the Sub-Commission discussed a draft of an international code of ethics (E/CN.4/Sub.1/114) submitted jointly by Messrs. Azkoul (Lebanon), Azmi (Egypt) and Chang (China). The Sub-Commission considered this proposal during its 72nd to 80th meetings inclusive.

21. At its 77th meeting the Sub-Commission decided by 5 votes to 3, with 1 abstention, to delete from the draft code the fourth and fifth sections of the joint proposal reading as follows :

"To work for the solution of economic, social and humanitarian problems and to help promote respect for fundamental human rights"

"In the exercise of their professional duties, it is the obligation of everyone engaged in the gathering, transmission and dissemination of information to work for the peaceful solution of all disputes and problems, whether international or national and whether political, social, economic, racial or cultural.

"They shall promote respect for fundamental human rights, for the dignity and worth of the human person, for the equal rights of men and women, for social progress and better standards of life in larger freedom, and for all the rights set forth in the Universal Declaration of Human Rights.

"Freedom of information is a vital right of mankind, and shall therefore be safeguarded and extended."

"To help maintain international peace and security"

"Everyone engaged in the gathering, transmission and dissemination of information shall foster understanding and co-operation between peoples, and help maintain international peace and security. They shall discourage the view that there may be disputes between States which can be solved only by violent means. They shall not disseminate information which is likely to cause prejudice, mistrust, hatred or contempt for other peoples or States, or convey a false impression concerning their civilization or culture. Information of this nature which has inadvertently been disseminated shall be corrected voluntarily."

22. During the second reading of the draft code, Mr. Azkoul (Lebanon) proposed, as a result of the foregoing decision, that the following should be included in the preamble :

"The attainment of a just and lasting peace largely depends both on freedom of information and upon the spirit of responsibility of the personnel of the Press and other media of information."

This proposal was discussed at the 79th meeting of the Sub-Commission and was rejected on a roll-call vote by 7 votes to 3, with 1 abstention.

23. At its 80th meeting, the Sub-Commission considered a proposal (E/CN.4/Sub.1/123) of Mr. Dedijer (Yugo-

slavia) to add the following as a fourth article of the amended draft code :

"In the exercise of their professional duties all engaged in the gathering, transmission and dissemination of information or commenting thereon shall not, within the limits of the truth, advocate the infringement of the rights set forth in the Universal Declaration of Human Rights, or the purposes of the United Nations to strengthen universal peace and to develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples."

This proposal was rejected by 7 votes to 4.

24. The majority of members expressed the opinion that the above proposals would impose obligations on information personnel beyond what the majority considered to be their duties, namely, to report and comment on facts as they see them, and to do so without malicious intent.

25. A minority of members, on the other hand, believed that the furtherance of the purposes of the United Nations, as expressed in the Charter and in resolutions of United Nations organs, should be stated as obligations or at least as standards in any international code of ethics for information personnel. However, a proposal by Mr. Gandhi (India) to add the words "to the peace of humanity" after "Whereas freedom of information is vital" in the preamble was accepted by 8 votes to none, with 3 abstentions.

26. After discussion and amendment during two readings the Sub-Commission approved by 8 votes to 1, with 2 abstentions, the draft code given in annex A.

27. At its 80th and 81st meetings the Sub-Commission discussed a draft resolution on the calling of an international professional conference (E/CN.4/Sub.1/120) proposed by Mr. Aquino (Philippines). After amendment the Sub-Commission adopted unanimously the following resolution :

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

"Recommends to the Economic and Social Council that it request the Secretary-General :

"1. To transmit to all Governments the draft international code of ethics formulated by the Sub-Commission at its fourth session together with available texts of existing codes of ethics and other relevant information ;

"2. To request Governments to refer such working material to information enterprises and professional associations in their respective territories for comment and suggestions to be returned to the Secretary-General ; and

"3. To analyse the comments received and to submit them to the fifth session of the Sub-Commission in order that it may re-examine the draft in the light of these comments and adopt a text to be presented to an international professional conference which could be convoked at a later date pursuant to resolu-

tion No. 36 of the United Nations Conference on Freedom of Information.”⁴

For the assistance of the Council a draft resolution on this resolution is given in annex B of this report.

28. It was understood by members that “relevant information” in paragraph 1 of the above resolution should include the summary records of discussions of the Sub-Commission on the subject of the draft code.

29. At its 83rd meeting the Sub-Commission considered a proposal (E/CN.4/Sub.1/128/Rev.1) by Mr. Gandhi (India) concerning an eight-clause creed drafted by the late Mr. Walter Williams, founder of the University of Missouri School of Journalism. Mr. Gandhi suggested that the document should be commended to the attention of all concerned as a succinct and graphic presentation of the duties, responsibilities and privileges of journalists, without committing the Sub-Commission to its detailed wording and without prejudice to the Sub-Commission’s intention to deal similarly with other documents at a later stage. He added that the creed did not take the place of the draft international code of ethics for journalists and other information personnel such as that adopted by the Sub-Commission, but it was in his opinion, nevertheless, worthy of notice by journalists. The Sub-Commission accepted Mr. Gandhi’s proposal by a vote of 5 to 1, with 5 abstentions. The creed reads as follows :

“ 1. I believe in the profession of journalism.

“ 2. I believe that the public journal is a public trust ; that all connected with it are, to the full measure of their responsibility, trustees for the public ; that acceptance of a lesser service than the public service is betrayal of this trust.

“ 3. I believe that clear thinking and clear statement, accuracy and fairness, are fundamental to good journalism.

“ 4. I believe that a journalist should write only what he holds in his heart to be true.

“ 5. I believe that suppression of the news, for any consideration other than the welfare of society, is indefensible.

“ 6. I believe that no one should write as a journalist what he would not say as a gentleman ; that bribery by one’s own pocketbook is as much to be avoided as bribery by the pocketbook of another ; that individual responsibility may not be escaped by pleading another’s instructions or another’s dividends.

“ 7. I believe that advertising, news and editorial columns should alike serve the best interests of readers ; that a single standard of helpful truth and cleanness should prevail for all ; that the supreme test of good journalism is the measure of its public service.

“ 8. I believe that the journalism which succeeds best and best deserves success—fears God and honours man, is stoutly independent, unmoved by pride of opinion or greed of power, constructive, tolerant, but never careless, self-controlled, patient, always respectful of its readers, but always unafraid ; is quickly

indignant at injustice ; is unswayed by the appeal of privilege or the clamour of the mob ; seeks to give every man a chance, and, as far as law and honest wage and recognition of human brotherhood can make it so, an equal chance ; is profoundly patriotic while sincerely promoting international goodwill and cementing world comradeship ; is a journalism of humanity of and for today’s world.”

IV. Other decisions taken by the Sub-Commission

30. At its 84th meeting, the Sub-Commission considered a draft proposal by Mr. Azkoul (Lebanon) concerning the implementation of the principles contained in resolutions No. 2 and No. 3 of the United Nations Conference on Freedom of Information (E/CN.4/Sub.1/131). An amendment by Mr. Binder (United States), substantially modifying the operative portion of this draft resolution, was accepted by 7 votes to 2, with 2 abstentions, and the Sub-Commission then adopted by 6 votes to none, with 5 abstentions, the following resolution :

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

“ Taking note of resolution No. 2 of the United Nations Conference on Freedom of Information condemning war propaganda and the spreading of false or distorted reports, and of resolution No. 3 which deals with the implementation of resolution No. 2, both of these resolutions having been referred to the Sub-Commission by the Economic and Social Council in resolution 241 B (IX) of 22 July 1949,

“ Recalling that the terms of reference of the Sub-Commission refer to the need to study the problems involved in the application of the resolutions adopted by the Conference,

“ Requests the Secretary-General to submit to the fifth session of the Sub-Commission a full report on the measures or actions taken by Governments pursuant to the above resolutions on the basis of the information which Governments have supplied him on this matter, as well as on the publicity already given these resolutions by the United Nations.”

31. At its 84th and 85th meetings the Sub-Commission considered a proposal on documentation (E/CN.4/Sub.1/130/Rev.1) prepared jointly by Messrs. Azkoul (Lebanon), Azmi (Egypt) and Géraud (France) and after amendment (E/CN.4/Sub.1/136) the Sub-Commission adopted by 8 votes to none, with 2 abstentions, the following resolution :

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

“ Considering that in the present circumstances defence of freedom of information implies efforts not only to broaden its scope and to improve its functioning but also to prevent it from being further restricted and trampled upon.

“ Considering that, subject to the legitimate interests of national defence and public security, freedom of information is a force working for the peoples able to safeguard it, even in the midst of international rivalry,

⁴ See *United Nations Conference on Freedom of Information, Final Act* (E/CONF.6/79), UN publications, Sales No. : 1948.XIV.2.

" *Considering* that, in a recent resolution addressed to the Economic and Social Council and to the General Assembly, the Sub-Commission on Freedom of Information and of the Press requested that Governments should be cautioned against placing undue restrictions on freedom of information and of the Press in cases of public emergency, and

" *Considering* that Governments are less likely to impose undue restrictions and to err on the side of arbitrary action if these do not pass unnoticed,

" *Recommends* to the Economic and Social Council that it request the Secretary-General to include a special section in the *Yearbook on Human Rights* containing excerpts from, or summaries of, new national legislation concerning freedom of information, to be furnished to him by the correspondents appointed by Governments, and further

" *Recommends* that the Council request the Secretary-General to :

" (a) Continue to approach Governments with a view to obtaining regularly from them the new legislative and administrative measures which they may deem it necessary to take with regard to freedom of information and of the Press ;

" (b) In accordance with paragraphs 2 and 3 of resolution 240 B (IX) of the Economic and Social Council, obtain from the enterprises or associations mentioned therein any reports or surveys that they may compile concerning the current status of freedom of information in any part of the world ; and

" (c) Compile all pertinent data, analyse all information received, conduct appropriate research and prepare studies thereon for submission to the Sub-Commission at each session.

For the assistance of the Council a draft resolution on this resolution is given in annex B.

32. At its 85th meeting the Sub-Commission discussed a proposal (E/CN.4/Sub.1/134) by Mr. Gandhi (India) concerning a method of completing the draft convention on freedom of information. Mr. Azkoul (Lebanon) proposed an amendment to the effect that the General Assembly should proceed at its next session with the preparation of a special convention on freedom of information. This amendment was accepted by Mr. Gandhi. His proposal was then put to the vote in parts, each being accepted. The whole resolution was rejected, however, by 5 votes to 4, with 2 abstentions.

33. The Sub-Commission received a communication on the role of radio as a medium of information from the Difusoras del Uruguay and a summary of it was distributed to members in accordance with resolution 240 C (IX) of the Economic and Social Council. The circulation of this communication in full was requested by Mr. Azkoul.

34. At the suggestion of Mr. Azkoul, it was agreed to request the Secretary-General to provide documentation, without giving it special priority, for item C, 2, of the agenda dealing with problems involved in the establishment of governmental and semi-governmental information services in accordance with resolution No. 24 of the United Nations Conference on Freedom of Information.

V. Adoption of the report of the Sub-Commission to the Economic and Social Council

35. At its 86th meeting, by a vote of 10 to none, with 1 abstention, the Sub-Commission adopted its report.

ANNEXES

A. Draft of an international code of ethics

Whereas freedom of information and of the Press is vital to the peace of humanity and to the fundamental freedoms consecrated by the Charter of the United Nations and the Universal Declaration of Human Rights,

Whereas that freedom can best be safeguarded by the personnel of the Press and of other media of information constantly maintaining and promoting, through their voluntary action, the spirit of responsibility in which they seek the truth, and report facts or comment on them,

Therefore the following Code of Ethics is proclaimed as a standard of practice and professional conduct for all engaged in the gathering, transmission and dissemination of news and in commenting thereon.

Article I

All engaged in the gathering, transmission and dissemination of news and in commenting thereon shall make the utmost endeavour to ensure that the information the public receives is factually accurate and objective. They

shall check all items of information whose veracity is open to doubt. No fact shall be distorted or essential fact suppressed. They shall never publish, or in any way be party to the publishing of, information known to be false.

Article II

1. Personal interest shall not influence professional conduct. Whether for publication or suppression the acceptance of an inducement or bribe is one of the gravest professional offences.

2. Calumny, slander, libel, unfounded accusations and plagiarism are also serious professional offences.

3. Any published information which is found to be inaccurate shall be voluntarily and immediately rectified.

4. Rumour and unconfirmed news shall be identified and treated as such.

Article III

1. All engaged in the gathering, transmission and dissemination of news and in commenting thereon shall seek to maintain full public confidence in the integrity and dignity of their profession. They shall assign and

accept only such tasks as are compatible with this integrity and dignity, and they shall guard against exploitation of their status.

2. Full responsibility shall be assumed for all information and comments published. If responsibility is disclaimed, this shall be explicitly stated in advance.

3. The reputation of individuals shall be respected, and news regarding their private lives likely to harm their reputation shall not be published unless it is in the public interest, as distinguished from public curiosity, to do so. Charges against reputation or moral character shall not be made without opportunity for reply.

4. Discretion shall be observed about sources of information and matters revealed in confidence. Professional secrecy must be observed ; and this privilege may always be invoked, taking the law of the country into account.

Article IV

All engaged in the gathering of information about countries other than their own, or in commenting on them, shall make the utmost endeavour to acquire the necessary background-knowledge conducive to accurate and objective reporting and comment concerning such countries.

Draft resolution for the Economic and Social Council based on recommendations contained in the report of the fourth session of the Sub-Commission on Freedom of Information and of the Press

The Economic and Social Council

takes note of the report of the fourth session of the Sub-Commission on Freedom of Information and of the Press, and of the recommendations contained therein, and

Decides as follows :

A⁵

The Economic and Social Council

Transmits to the General Assembly the resolution adopted by the Sub-Commission on Freedom of Information and of the Press at its fourth session concerning the jamming of radio broadcasts which interfere with the free flow of information across national boundaries ; and

Recommends to the General Assembly that it call on all Member Governments to refrain from such interference with the right of their peoples to freedom of information.

B⁵

The Economic and Social Council

Recommends to the General Assembly that it adopt the following resolution :

“ *Considering* that freedom of information and of the Press is a fundamental human right and should be advanced and safeguarded in all circumstances, and,

“ *Considering* that limitations have been placed on this right in emergencies or on the pretext of emergencies,

⁵ See chapter II.

“ The General Assembly

“ Recommends to all Member States that, when they are compelled to declare a state of emergency, measures to limit freedom of information and of the Press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation.”

C⁵

The Economic and Social Council,

Whereas the free circulation of newsreels is one of the most important means of disseminating information about other peoples and their culture and civilizations,

Appeals to all Governments :

1. To permit movement within their territories of personnel engaged in the gathering, transmission and dissemination of information through the medium of newsreels ;

2. Not to seize, impound or otherwise place restrictions or hindrances without justifiable legal cause on newsreel equipment used by them ; and

3. Not to confiscate or censor newsreels or portions of newsreels unless absolutely required on grounds relating directly to public morals or national defence.

D⁵

The Economic and Social Council,

Whereas the General Assembly adopted resolution 314 (IV) of 21 October 1949 concerning access for news personnel to meetings of the United Nations and the specialized agencies, and

Whereas a model agreement for future agreements on this subject between the United Nations and countries where meetings of the United Nations are held, and between the specialized agencies and such countries, would more adequately protect the rights and privileges of news personnel,

Requests the Secretary-General to prepare a draft of such an agreement for consideration at the fifth session of the Sub-Commission on Freedom of Information and of the Press with a view to eventual approval of such an agreement by the General Assembly.

E⁵

The Economic and Social Council,

Considering that for economic reasons serious problems have arisen in various countries of the world with regard to the supply of newsprint,

Considering that this situation has caused certain Governments to intervene officially in the sale and purchase of newsprint, either by restricting the amount of foreign currency allocated for its importation or by rationing it among the various organs of the Press, or by confiscating it,

Considering that governmental interference in these matters may lead to arbitrary and discriminatory action, which it is desirable to avoid,

Recommends the cessation of these practices in so far as it is compatible with the economic situation, and

Invites all Member States to put an end to confiscatory measures and discriminatory actions as being contrary to freedom of the Press.

F ⁶

The Economic and Social Council

Requests the Secretary-General :

1. To transmit to all Governments the draft international code of ethics formulated by the Sub-Commission on Freedom of Information and of the Press at its fourth session together with available texts of existing codes of ethics and other relevant information ;

2. To request Governments to refer such working material to information enterprises and professional associations in their respective territories for comment and suggestions to be returned to the Secretary-General ; and

3. To analyse the comments received and to submit them to the fifth session of the Sub-Commission on Freedom of Information and of the Press in order that it may re-examine the draft in the light of these comments and adopt a text to be presented to an international professional conference which could be convoked at a later date pursuant to resolution No. 36 of the United Nations Conference on Freedom of Information.

G ⁷

The Economic and Social Council,

Considering that in the present circumstances defence of freedom of information implies efforts not only to broaden its scope and to improve its functioning but also to prevent it from being further restricted and trampled upon,

Considering that, subject to the legitimate interests of national defence and public security, freedom of information is a force working for the peoples able to safeguard it, even in the midst of international rivalry,

⁶ See chapter III.

⁷ See chapter IV.

Considering that, in a recent resolution addressed to the Economic and Social Council and to the General Assembly, the Sub-Commission on Freedom of Information and of the Press requested that Governments should be cautioned against placing undue restrictions on freedom of information and of the Press in cases of public emergency, and

Considering that Governments are less likely to impose undue restrictions and to err on the side of arbitrary action if these do not pass unnoticed,

Requests the Secretary-General to include a special section in the *Yearbook on Human Rights* containing excerpts from, or summaries of, new national legislation concerning freedom of information, to be furnished to him by the correspondents appointed by Governments, and further

Requests the Secretary-General :

1. To continue to approach Governments with a view to obtaining regularly from them the new legislative and administrative measures which they may deem it necessary to take with regard to freedom of information and of the Press ;

2. In accordance with paragraphs 2 and 3 of resolution 240 B (IX) of the Council, to obtain from the enterprises or associations mentioned therein any reports or surveys that they may compile concerning the current status of freedom of information in any part of the world ; and

3. To compile all pertinent data, analyse all information received, conduct appropriate research and prepare studies thereon for submission to the Sub-Commission on Freedom of Information and of the Press at its session.

* * *

Note : The attention of the Council is drawn to the fact that the Sub-Commission has not prepared a draft resolution relating to the resolution contained in paragraph 16 of the report, in which the Council is asked to take " such action as it considers necessary in the circumstances ".