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R E P O R T

of

THE CANADIAN DELEGATION

to

THE UNITED NATIONS CONFERENCE

on

FREEDOM OF INFORMATION

Geneva, Switzerland

March 23 to April 21, 1948

Dept. of External Affairs
Min. des Affaires extérieures

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P R E F A C E

The United Nations Conference on Freedom of Information was the first inter-governmental conference of its kind ever held. For the first time, as the President of the Conference, Ambassador Carlos O. Romulo, of the Philippines, pointed out in his closing address, press, government and peoples were joined in common counsel and united endeavour.

The Conference, in its effort to raise the concept of freedom to an international plane, explored new difficult territory. It was to be expected, therefore, that its results would lack finality. In the nature of things, the results could not be otherwise. Yet, as the Conference closed, the general opinion among delegates was that the Conference had accomplished more than had been expected. In the words of the chief delegate of the United States, it accomplished more than many had dared hope.

If the gap between the Soviet bloc and the Western democracies remained unbridged at the close, the results of the Conference at least gave some measure of hope that eventually common ground might be reached. "No one here, to my knowledge," said President Romulo, "has declared against freedom of information. Nor has anyone claimed a monopoly on truthful information. Some have advocated freedom with a minimum of restrictions; others freedom coupled with responsibility. Everyone agrees that no right is absolute, since the exercise of any right is necessarily limited by respect for the rights of others". And the President of the Conference added:

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"There are certain areas in the world where the lack of liberal political traditions resulting in the establishment of authoritarian political and economic systems has created the most formidable dictatorships of the human mind. These are the areas where the life-giving principles of freedom of information are most needed but where also they meet with the most bitter and stubborn opposition. And yet it is equally true to say that there is no single curtain which conveniently divides the world into areas of black and white; there are many patches of black or grey everywhere, and the curtains cut across all continents and run in all directions wherever men are held in bondage by prejudice and oppression, poverty and ignorance. If this conference has made one thing clear, it is that the cause of freedom of information needs to be advanced not only in one direction but in many directions, and not only across national frontiers but within the borders of every nation."

The present report endeavours to give, in brief form, the main issues before the Conference and the attitude of the Canadian delegation towards those issues. In the appendix to the report will be found the Final Act of the Conference, giving the texts of the draft conventions adopted and the resolutions passed.

I should like to express my gratitude to all members of the Canadian delegation, advisers, secretaries and secretarial staff for their unstinted devotion to the work of the Conference. The Canadian delegation worked as a team, meeting daily to exchange views and to decide attitudes on questions at issue. I should like also to pay my warm tribute to the work of Mr. George Ferguson, editor of the Montreal Star, on the United Nations Sub-commission on Freedom of Information and of the Press. During Conference deliberations, I heard many highly appreciative comments on Mr. Ferguson's work. To those appreciations, I gladly add my own.

Rome, May 5, 1948

JEAN DESY

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CHAPTER I

TASKS OF THE CONFERENCE

The United Nations Conference on Freedom of Information met in Geneva, Switzerland, from March 23 to April 21, 1948. Delegations representing fifty-four governments attended. Observers representing the Governments of Bolivia, Iran, Ireland were present, as were observers from the following organizations:

Inter-Governmental

International Labour Office
International Telecommunications Union
United Nations Educational, Scientific and Cultural Organization.

Non-Governmental

International Co-operative Alliance
International Organization of Industrial Employers
International Organization of Journalists.
Inter-Parliamentary Union.
World Federation of United Nations Associations.

(a) Canadian Representation

The Canadian delegation consisted of:

Delegates : Jean Désy, K.C., Canadian Minister to Italy,
Chief Delegate.
Arthur R. Ford, Editor, London Free Press
W. Arthur Irwin, Editor, Maclean's Magazine
Lorenzo Paré, Representative of L'Action
Catholique in the Parliamentary Press Gallery.
Andrew C. Cowan, Canadian Broadcasting
Corporation, London.

Advisers : Campbell L. Moodie, Office of Canadian High
Commissioner, London.
George Hambleton, Information Division,
Department of External Affairs.

Secretary of Delegation : L. A. D. Stephens, Canadian
Legation, Berne.

(The list of delegates issued in Ottawa before the Conference included the name of D. C. McArthur, Chief Editor of the C.B.C. News Service. Mr. McArthur accompanied the delegation to London but, owing to illness, was unable to proceed to Geneva. Mr. Cowan was appointed delegate to replace Mr. McArthur)

(b) Conference Origins :

The Conference had its origins in a resolution adopted unanimously at the sixty-fifth plenary meeting of the United Nations General Assembly on December 14, 1946. The operative clauses of this resolution read :

RESOLVES THEREFORE in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize holding a conference of all members of the United Nations on Freedom of Information;

Instructs the Economic and Social Council to undertake, pursuant to Article 60 and paragraph 4 of Article 62 of the Charter, the convocation of such a Conference in accordance with the following guiding principles :

- (1) The purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;
- (2) Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;
- (3) The Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the next regular session of the General Assembly.

The United Nations Economic and Social Council subsequently informed the General Assembly that it was not practicable to hold the Conference in 1947 and the Council decided that the Conference should be held in Geneva, commencing March 23, 1948.

(c) Conference Organization :

The Conference at its opening plenary session elected by ballot Ambassador Carlos P. Romulo (The Philippines) as President. Delegates representing the following countries were elected vice-presidents : Canada, China, Cuba, France, the U.S.S.R., the United Kingdom and the United States. The vote for President was :

Mr. Romulo (Philippines)	20
Sir R. Mudaliar (India)	16
Dr. Chang (China)	1
M. Letourneau (France)	1

Twenty votes were necessary to secure election as a vice-president. On the first ballot, the United States, the U.S.S.R., France, the United Kingdom and China were elected with over 20 votes each. Countries not receiving 20 votes were : Cuba, 14; Egypt, 13; Canada, 10; Argentina, 7. On the second ballot, Canada and Cuba received 20 votes each. Egypt received 18 and the Argentine, 11. Canada was therefore elected on the second ballot to one of the seven vice-presidencies of the Conference.

Election to the vice-presidency carried with it membership of the General Committee of the Conference (Bureau de la Conférence). The General Committee was the steering committee of the Conference.

The Conference adopted as its agenda the provisional agenda proposed by the Economic and Social Council with the addition of the two resolutions referred to the Conference by the General Assembly, on measures to be taken against propaganda and incitement to a new war and false or distorted reports; and two reports made by the International Organization of Journalists. As its rules of procedure, the Conference adopted the draft rules prepared by the Secretary-General at the request of the Economic and Social Council. When challenged, the decision of the Economic and Social Council that voting rights at the Conference be exercised only by members of the United Nations was reaffirmed.

The Conference set up the following Committees :

- (1) A General Committee (Bureau) comprising the President of the Conference, the vice-presidents and the chairmen of the four principal committees.
- (2) Four principal committees upon which each delegation was invited to be represented, viz.
Committee I, on the basic tasks of the press and other media of information, and the basic principles of freedom of information, as well as general problems common to other committees;
Committee II, on the gathering and international transmission of information;
Committee III, on the free publication and reception of information;
Committee IV, on law and continuing machinery.

(d) Conference decisions:

The Conference approved three draft conventions; draft articles for the proposed Declaration and Covenant on Human Rights and forty-three resolutions. The three conventions originated at the Geneva Conference. The first concerns the gathering and international transmission of news; the second, the institution of an international right of correction; the third, freedom of information. Further details of these draft conventions will be found in a later chapter of this report.

The articles for the Declaration and Covenant on Human Rights were based on recommendations from the United Nations Sub-commission on freedom of information and of the press.

From the beginning, Canada had taken an active part in the proceedings of this Sub-commission, with Mr. George V. Ferguson, editor of the Montreal Star, as rapporteur of the first session held at Lake Success from May 19 to June 4, 1947.

The first session of the Sub-commission performed two principal functions. It examined what rights, obligations and practices should be included in the concept of freedom of information and prepared a report of these for the Economic and Social Council. It also prepared a provisional, annotated agenda together with proposals concerning preparations for the United Nations Conference on Freedom of Information.

The second session of the Sub-commission held at Lake Success from January 19 to February 3, 1948, completed three main tasks:

- (1) The drafting of an article on freedom of information for inclusion in the draft international declaration on human rights, prepared by the Human Rights Commission.
- (2) The drafting of an article on freedom of information for inclusion in the draft international covenant on human rights, also prepared by the Human Rights Commission.
- (3) Formulation of the rights, obligations and practices to be included in the concept of freedom of information.

The statement of the rights, obligations and practices to be included in the concept of freedom of information, which was based on a submission by Mr. Ferguson, was formulated by the Sub-commission to provide general guidance for the discussions to be held at the Geneva Conference. The statement represented the composite opinions of the individuals who framed them rather than the agreed policies of the respective governments of the members who sat on the Sub-commission.

In the Final Act of the Conference, as submitted to plenary sessions, provision was made for signature by representatives of governments present. This, however, was changed at a plenary session of the Conference; and, in its amended form, the Final Act was signed only by the President and Executive Secretary of the Conference.

On subsequent procedure, the Conference resolved :

- (1) That all documents passed by the Conference (resolutions or draft conventions) be referred to the Economic and Social Council for study at its next session;
- (2) That all governments invited to the Conference be requested to forward to the Secretary-General of the United Nations before July 3, 1948, their comments on the draft conventions proposed by the Conference and proposals for other draft conventions based on the recommendations of this Conference;
- (3) That the Economic and Social Council be requested to examine at its seventh session the draft conventions referred to it by the Conference in the light of such comments and other proposed draft conventions as provided in paragraph (2) and to submit to the General Assembly at its third session draft conventions which may thereafter be opened for signature or accession by those states entitled and willing to become parties thereto, and remain open subsequently for additional accessions.

(e) An International Innovation:

In a very real sense, the Conference on Freedom of Information was an international innovation. It sought to raise the concept of freedom of information from the purely national to the international plane; and it was the first inter-governmental conference of its kind ever to be held. As such, in its attempt to lay down the basis of formal international agreements, it ventured over new ground. And, at first sight, the difficulties appeared insuperable. The tense international situation, the gap which lay between the Western democracies and the Soviet bloc, the danger that the Conference would degenerate into a platform for rival ideologies -- all these things seemed to prejudice the success of the Conference from the outset.

Nor did the Conference entirely overcome its major difficulties. The gap between the concept of freedom of information held by the Soviet bloc on the one hand and that held by the Western democracies on the other remained as broad at the end as at the beginning. It was a fundamental difference which ranged through the whole Conference proceedings, through the draft charter, through the discussions on human rights and through almost all of the resolutions. It colored attitudes towards censorship, towards access to information, towards facilities for the newspaper correspondent travelling abroad. It raised the basic issue: What do we mean by freedom of the press and where do responsibilities for that freedom lie? And since no country claimed that freedom is absolute, in what way and where should restrictions on freedom of the press be imposed?

(f) Fundamental Differences:

The difference put simply was this.

The Western democracies (stating their position generally) held that restrictions on press freedom should be kept to the minimum. They recognized that such restrictions as law of libel, incitement to crime and violence and so forth were necessary in the interests of the community, but these restrictions should be clearly defined by law and offences judged in open court before an independent tribunal. They took the ground that the best corrective of false information and inaccurate reports lay not in limitation of press freedom but in greater access to accurate information. One newspaper would thereby serve as check on another.

The Soviet bloc held, on the other hand, that the function of the press was not merely to inform but to instruct. They challenged the press freedoms of the Western democracies as illusory, asserting that in both the United States and the United Kingdom large groups of papers were in the hands of a few individuals who were in a position to close their columns to authentic news they did not wish their readers to see, imposing what, in effect, was a form of censorship.

The Western democracies countered that a government-controlled press which attempted to instruct rather than to inform became neither more nor less than an organ of government propaganda. Mr. Hector McNeil, United Kingdom Minister of State, put the position concretely before the First Committee. In London, Mr. McNeil said, when the Daily Mail went wrong it was corrected by the Daily Herald. When the Daily Herald went wrong, and sometimes when it was right, it was corrected by the Daily Worker. But when Pravda went wrong, who corrected Pravda?

Yet while the broad gap between the two fundamental positions remained unbridged, there was, as the Conference proceeded, an obvious slackening of tension. In the early days of the Conference, the First Committee was a battleground for the rival concepts of information. By April 10, when the Conference was rather more than two weeks old, the same Committee unanimously adopted, with amendments a joint resolution concerning slanderous information and propaganda inciting to war submitted by the delegations of Canada, China, Mexico, the Netherlands, Sweden, United States, United Kingdom and Uruguay. The main features of a resolution, on the same lines, moved separately by the Australian delegation, were incorporated in the joint resolution of the eight states. Amendments which would probably have given ground to long debate earlier in the Conference were either not pressed or were modified to meet objections.

(g) A United States Proposal:

Significant, in this regard, was a proposal by Mr. William Benton, Chairman of the United States delegation that all delegations to the Conference should recommend to their governments the holding of another United Nations Conference on Freedom of Information within the next five years.

Speaking at a plenary session of the Conference on April 20, Mr. Benton said:

"This seems a most fitting point to make one further and important proposal, not for formal action by the Conference, but as a suggestion to each delegation. We delegates here at Geneva have been pioneers. There has never been a Conference like this before. This Conference was long overdue. We have accomplished far more than many of us dared hope. But we could not be expected, as pioneers, to utter the last word on issues as crucial and as perennial as those we have been facing.

My own delegation has voted to recommend to the United States Government that it consider favorably the convening of another international conference in this field within the next five years, after we have had experience with the results that flow from this Conference. Such a follow-up conference need not cover all the ground we have covered, and might perhaps concentrate on more technical questions. My suggestion is that each delegation here present consider making a similar recommendation to its own government. Thus we recognize the perennial nature of our goals here at Geneva."

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CHAPTER II

COVENANT ON HUMAN RIGHTS

The United Nations Commission on Human Rights, in preparing a draft declaration and a draft covenant on human rights, decided not to elaborate a final text for articles 17 and 18 of the Declaration and for Article 17 of the draft covenant until it had before it the views of the Sub-commission on Freedom of Information and of the Press and of the International Conference on Freedom of Information.

The Sub-commission made recommendations in both cases.

For the Declaration on Human Rights, the Sub-commission recommended the following article:

"Everyone shall have the right to freedom of thought and expression: this shall include freedom to hold opinions without interference and to seek, receive and impart information and ideas by any means and regardless of frontiers."

With the draft Article for the Declaration on Human Rights, the Information Conference had little difficulty. At a plenary meeting of the Conference, the French delegation proposed to insert after the word "expression", the words "but shall be responsible for any misuse of this freedom in the cases defined by law". The French amendment was defeated by 8 for, 11 against and 14 abstentions. The Canadian delegation voted against. With a drafting change, the Conference adopted the Sub-commission's article by 29 to 6 against and no abstentions. The Canadian delegation voted in favor.

(a) Sub-commission's Article 17:

The Sub-commission's draft Article 17 for the Covenant on Human Rights was however amended. The article, as recommended by the Sub-commission on Freedom of Information and the Press, read:

1. Every person shall have the right to freedom of thought and expression without interference by governmental action; this right shall include freedom to hold opinions, to seek, receive and impart information and ideas, regardless of frontiers, either orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices.

2. The right to freedom of expression carries with it duties and responsibilities. Penalties, liabilities or restrictions limiting this right may therefore be imposed for causes which have been clearly defined by law, but only with regard to:

(a) matters which must remain secret in the vital interests of the State;

(b) expressions which incite persons to alter by violence the system of government;

- (c) expressions which directly incite persons to commit criminal acts;
- (d) expressions which are obscene;
- (e) expressions injurious to the fair conduct of legal proceedings;
- (f) expressions which infringe rights of literary and artistic property;
- (g) expressions about other persons which defame their reputations or are otherwise injurious to them without benefiting the public.

Nothing in this paragraph shall prevent a State from establishing on reasonable terms a right of reply or a similar corrective remedy.

3. Previous censorship of written and printed matter, the radio and newsreel shall not exist.

4. Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

(b) Article 17 as amended:

(1)

As Article 17 was approved by the Conference on Freedom of Information, amendments were made to three of the limiting clauses in paragraph 2; a new limiting clause was added; paragraph 3 prohibiting previous censorship was deleted. A new paragraph was added.

The three limiting clauses amended were:

Sub-commission's Text

- (a) Matters which must remain secret in the interests of the State.
- (f) Expressions which infringe rights of literary and artistic property.
- (g) Expressions about other persons which defame their reputations or are otherwise injurious to them without benefitting the public.

As Amended by Conference

- (a) Matters which must remain secret in the interests of national safety.
- (f) Infringement of literary or artistic rights.
- (g) Expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefitting the public.

The new limiting clause (known as the Indian amendment) reads:

- (h) The systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states.

The new paragraph added reads:

(1) For text of new Article 17 see Annex B of the Final Act.

- (4) Nothing in this article shall be deemed to affect the right of any state to control the entry of persons into its territory or the period of their residence therein.

(c) U.S.S.R. Amendment defeated:

When the new text came before the Information Conference at its final plenary sessions, the Soviet delegation proposed that the Draft Declaration and Draft Article 17 be replaced by the following:

"In the interests of democracy every person shall be guaranteed by law freedom to express his opinions, and in particular freedom of speech, of the press and, equally, of artistic representation. Freedom of speech and freedom of the press shall not be exploited to advocate fascism or aggression, or to spread false news, or with the object of provoking enmity between nations."

The Soviet amendment was defeated by 6 for, 23 against and 3 abstentions. The Canadian delegation voted against. The Polish delegation proposed that the Draft declaration and draft Article 17 be referred to the Sub-commission on Freedom of Information and of the Press. This was defeated by 6 for, 24 against and 2 abstentions. The Canadian delegation voted against.

(d) Polish Proposal Defeated:

When Article 17 was before the Conference Fourth Committee, the Polish delegation moved to add to the list of limitations, the following:

"Expressions which incite to war, to racial, national or religious hatred."

A Greek sub-amendment to add the words "class hatred and revolution" to the Polish amendment was defeated.

The Polish amendment was also rejected by 7 for, 10 against and 8 abstentions. A roll call showed the following division on the Polish amendment: FOR : Argentina, Byelorussia, Czechoslovakia, Poland, Ukraine, U.S.S.R., Yugoslavia, AGAINST : Australia, Canada, China, Denmark, France, Greece, Netherlands, New Zealand, United Kingdom, United States. ABSTENTIONS : Belgium, Egypt, India, Norway, Pakistan, Sweden, Turkey, South Africa.

(e) New Article Approved:

The new Article 17 was approved at a plenary session of the Conference by 26 for, 7 against and 2 abstentions. As indicated more fully in a later chapter of this report, the Canadian delegation voted in favor but with a reservation. The United States voted with the Soviet bloc against.

Mr. William Benton, chief United States delegate, announcing his delegation's decision to vote against, referred particularly to the new limiting clause (the Indian amendment). To enforce repression by law, Mr. Benton said, was a step the United States delegation could not take and could not support. Newspapers in the United States, Mr. Benton said, had attacked legislation of the kind as striking at the very basis of freedom. The United States delegation could not support a text which opened the way to repression even if repression were not imposed.

Sir Ramaswami Mudaliar, chief Indian delegate, said that under the clause the reports must be deliberately false, made time after time and must undermine friendly relations. He felt sure the opposition to the clause was based on misunderstanding. The Indian Government would however re-examine the matter to see whether a more acceptable wording could not be found.

CHAPTER III

THREE DRAFT CONVENTIONS (1)

The Conference approved three draft conventions. The first draft convention, on the Gathering and International Transmission of News originated with the United States delegation; the second, on the institution of an International Right of Correction originated with the French delegation and the third, on the Freedom of Information, originated with the United Kingdom delegation. All drafts, as submitted to the Conference, were amended in committee.

The question whether decisions of the Information Conference should go forward to the Economic and Social Council as resolutions or recommendations or should be embodied in formal draft convention or conventions was discussed at length in the Fourth (Legal) Committee of the Conference. The U.S.S.R. objected to action by convention, holding that Conference consideration of the various subjects had not developed to justify anything beyond recommendation or resolution. The United Kingdom urged procedure by convention.

Mr. Désy said the Canadian delegation was prepared to contemplate a draft convention but only on condition that it was a draft. The Canadian delegation was not convinced that the texts prepared in the various committees were in any sense, a final achievement. Delegates to the Conference were, in a sense, architects leaning over their plans. They were preparing for a structure which would finally emerge. Valuable work had however been done and that work might eventually find its place in a signed and ratified convention after governments had been given opportunity to study decisions of the conference.

The outcome of the discussion in the Fourth Committee was adoption of a compromise resolution which eventually became resolution No. 43 of the Final Act of the conference.

(a) The Foreign Correspondent:

Under the first draft convention, contracting States undertake to encourage the free-est possible movement of foreign correspondents in the performance of their functions and to expedite, in a manner consistent with their respective laws and procedures, administrative measures necessary for the entry, residence, movement of travel of foreign correspondents. Contracting States undertake to permit widest possible access to news for all foreign correspondents on the same basis as for national correspondents. The Canadian delegation voted for this draft convention but with a reservation on Article 4 which was construed as an acceptance of the principle of prior censorship in peacetime.

(b) The Right of Correction:

The second draft convention makes provision for an international right of correction. Under it, an attempt is made, on the international level, to check false or distorted reports, sent from one country to another, and likely to injure friendly relations between states. The contemplated procedure is this;

(1) For texts see Final Act

where a Contracting State alleges that false or distorted news reports, likely to injure its relations with other States, have been transmitted by foreign correspondents or news agencies and disseminated abroad, it may submit its version of the facts (called a communiqué) to the contracting states within whose territories the reports have been published. The Government of the contracting state where the reports have been published will then make this communiqué available to news enterprises functioning in its territory and within five clear days from date of receipt shall facilitate its dissemination through customary channels.

This draft convention was adopted by 33 for to 7 against and no abstentions. The Canadian delegation voted in favour of the draft convention.

(c) Freedom of Information

The United Kingdom draft convention lays down basic freedoms of information. One article of the U.K. draft convention provides that each contracting State shall encourage the establishment and functioning within its territory of one or more non-official organizations of persons employed in the dissemination of information to the public, in order to promote the observance by such persons of high standards of professional conduct and in particular:

- (a) to report facts without prejudice and in their proper context and to make comments without malicious intent;
- (b) to facilitate the solution of the economic, social and humanitarian problems of the world as a whole and the free interchange of information bearing on such problems;
- (c) to help promote respect for human rights and fundamental freedoms without discrimination;
- (d) to help maintain international peace and security;
- (e) to counteract the persistent spreading of false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction.

(d) Limiting Clauses:

The United Kingdom draft convention, after enunciating freedoms, enumerates, in Article 2, certain limitations. "The freedoms...", the preamble of the Article reads, "carry with them duties and responsibilities and may therefore be subject to necessary penalties, liabilities and restrictions defined by law, but only with regard to...." Then follows an enumerated list.

The preamble of this article in the United Kingdom draft convention gave rise to considerable discussion in the Fourth Committee. There were three proposals before the Committee: United Kingdom, United States and Soviet Union. The United Kingdom proposal was as given above. The proposed United States preamble referred to "penalties, liabilities or restrictions clearly defined by law, which are based on recognition of the rights of others, particularly with regard to etc." The Soviet Union proposal was in two parts, one to refer the whole matter to the United Nations Sub-Commission on Freedom of Information and of the Press: the other, to insert the provision "in conformity with the laws and regulations existing in those States."

During discussion in the Fourth Committee, Mr. Désy said the United Kingdom and United States proposals offered two roads out of the impasse. The Canadian delegation, in supporting the United Kingdom proposal, was taking the way which seemed the less perilous of the two and the less strewn with obstacles. The United States proposal seemed to the Canadian delegation to be too general in its terms. It opened the way to the widest interpretation and most arbitrary abuses. The Canadian delegation could not give its assent to a general clause. The enumerated clauses of the United Kingdom seemed to us more in conformity with the principles of freedom. The word "only" in the United Kingdom draft indicated that the restrictions were exceptions. We were therefore prepared to support the United Kingdom proposal, although it did not correspond entirely to our wishes, provided the list of restrictions could now be considered closed. Mr. Désy added that the Soviet Union proposal, if adopted, would be merely an avowal of our own incapacity to handle the problem.

Professor Dehousse, chief Belgian delegate, said the Belgian delegation had no enthusiasm for either the United Kingdom or the United States proposals. But he preferred the United Kingdom proposal because the word "only" in the United Kingdom proposal, indicated that the press restrictions enumerated were exceptional measures while the word "particularly" in the United States proposal indicated that the United States restrictions were examples which might be increased.

The United States proposal was defeated by 19 to 6 with 4 abstentions. Mr. Désy voted against.

The Soviet Union proposal was defeated by 20 to 7 with 1 abstention. Mr. Désy voted against.

The Indian delegation moved insertion of a new limiting clause, respecting systematic diffusion of false or distorted reports, in terms virtually identical with the Indian amendments to the draft Covenant on Human Rights. The Indian motion was carried by 15 to 3 with 8 abstentions. Mr. Désy voted against. The United Kingdom and the United States abstained.

The Indian amendment, with a drafting change, eventually became sub-paragraph (j) of Article 2 of the United Kingdom draft convention.

(e) U.S.S.R. Amendments Defeated:

The Soviet delegation proposed, at a plenary session of the Conference, that the following words be added to the first paragraph of the preamble of the United Kingdom draft convention:

"and that full freedom of the press and information can be assured only if the physical facilities indispensable for the publication of democratic organs of the press and for the functioning of other media of information are made available to wide classes of the people".

This was defeated by 6 for to 19 against and 9 abstentions. The Canadian delegation voted against.

A second Soviet amendment would have inserted a new clause reading:

"The Governments of contracting states shall, where organs of the press in their countries are directly dependent on private owners and their commercial interests, undertake to assure the adoption of the legislative measures necessary for the campaign against direct or indirect bribery of organs of the press and information or the exertion of pressure on those organs and their collaborators practised in the mercenary or anti-democratic interests of small groups."

This was defeated by 6 for, 19 against and 10 abstentions. The Canadian delegation voted against.

The Canadian delegation voted for the United Kingdom convention as a whole but with reservation on sub-paragraph (j) of Article 2.

CHAPTER IV

FORTY-THREE RESOLUTIONS (1)

The forty-three resolutions adopted by the Conference on Freedom of Information range over the broad fields of

- (a) general principles,
- (b) measures to facilitate the gathering and international transmission of information,
- (c) measures concerning the free publication and reception of information, and
- (d) continuing machinery to promote the free flow of information.

The first resolution on general principles originated with the United States delegation. Discussion of the resolution and of the numerous amendments and sub-amendments proposed ran over five sittings of the First Committee. Votes were frequent. In some cases, abstentions rose to an unusually high level. But on questions of substance generally the division was sharply drawn between the Western democracies on the one hand and the Soviet bloc on the other. To the preamble, the Soviet Union proposed an amendment calling inter alia for freedom of information to eradicate fascism and fascist ideology.

To the Soviet amendment to the preamble, Colombia proposed two sub-amendments. The first sub-amendment was adopted by 8 to 0 with 26 abstentions; the second sub-amendment by 10 to 6 with 20 abstentions. Then the Soviet amendment, as amended, was rejected in paragraph by paragraph voting which ranged from 20 to 4 to 27 to 8. A Canadian amendment extending the term "press" to include other agencies of information was adopted unanimously.

When the resolution came before the Conference in plenary session, the Soviet delegation moved to insert in the preamble the words:

"Freedom of Information is required to contribute to the development of friendly relations between nations on the basis of respect for the principles of the independence and sovereign equality of nations."

The Soviet motion was defeated by 24 to 7 with 9 abstentions. The Canadian delegation voted against the motion.

The Soviet delegation then moved to insert a paragraph which would have required Governments to

"adopt the necessary measures for interdicting propaganda, in any form for Fascist-Nazi 'theories' or for a new war, and propaganda promoting racial or national discrimination, hatred or contempt."

(1) For Text of Resolutions, see Annex C of the Final Act.

This was defeated by 30 to 6 with 3 abstentions. Canada voted against.

The United States resolution, as a whole, was carried by 34 to 6 with no abstentions. The Canadian delegation voted for the resolution.

(a) War Propaganda

The second resolution denouncing false reports and propaganda likely to provoke a threat to peace originated as a joint resolution moved by the delegations of Canada, China, Mexico, Netherlands, Sweden, United Kingdom, United States, and Uruguay. In the First Committee, the Australian delegation moved a resolution on the same lines. The main features of the Australian resolution were incorporated in the joint resolution of the eight States. The amended resolution was carried unanimously both in the First Committee and at a plenary session of the Conference.

Resolution No. 3, which also went through the plenary session of the Conference unanimously submits ways and means to carry out the Resolution No. 2. It recommends:

- (a) That all countries should promptly inform the Secretary-General of the United Nations of any measures taken by them to give effect to the resolution;
- (b) That appropriate national bodies should supplement the work of information agencies and associations of journalists and of others engaged in the collection, publication, dissemination of news, in ensuring the impartial presentation of news and opinion.
- (c) That the United Nations should give consideration to means by which they may be able to assist in implementing the resolution;
- (d) That the Sub-commission on Freedom of Information and of the Press....should consider appropriate means by which measures taken to give effect to the Resolution may be co-ordinated.

(b) Peacetime Censorship

The Canadian delegation voted against Resolution No. 12 on the application of peacetime censorship for a certain period of time. The resolution carried by 32 to 5 with 2 abstentions. Mr. Davis (United Kingdom) said the United Kingdom intended to vote for the resolution in a desire to reach a common ground. But that must not be interpreted to mean that the United Kingdom intended to establish peacetime censorship. It did not.

The Canadian delegation supported Resolution No. 13 which condemns peacetime censorship and invites governments to take the necessary steps to promote its progressive abolition. The resolution carried by 26 to 7 with one abstention.

(c) Continuing Machinery

The Conference approved by 30 to 7 with 2 abstentions Resolution 39 which proposes the creation of continuing machinery. The Canadian delegation voted for the resolution. The resolution recommends that the Economic and Social Council be requested to continue the Sub-commission on Freedom of Information and the Press for three years. In carrying out its terms of reference, the Sub-commission may study and report to the Economic and Social Council on:

- (a) Political, economic and other barriers to the free flow of information;
- (b) The extent to which freedom of information is accorded to the various peoples of the world;
- (c) The adequacy of the news available to them;
- (d) The development of high standards of professional conduct;
- (e) The persistent dissemination of information which is false, distorted or otherwise injurious to the principles of the Charter of the United Nations;
- (f) The operation of any inter-governmental agreements in the field of freedom of information.

Voting in plenary session on the various resolutions proceeded rapidly and with virtually no discussion.

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CHAPTER V

THE CANADIAN ATTITUDE

Before the First Committee of the Conference on March 27, Mr. Désy, chief Canadian delegate, outlined the position of Canada. (1) He held that criticism was a fundamental prerequisite of freedom of information. The Canadian delegation believed, therefore, that freedom was essential not only to the dignity of the person but to full exercise of all other liberties. In any true democracy, Mr. Désy continued, government policy derived from well-informed public opinion. For this policy, the people were ultimately responsible. Without a precise knowledge of the facts, without the facts which would permit a weighing of pro and con, without opportunity to examine differing or opposed opinions, the people could not intelligently exercise their powers of direction and control. There could be no free choice without free criticism and criticism would be distorted without full knowledge of the facts.

"We have reason to know," Mr. Désy added, "that if freedom is denied in any part of the world, freedom everywhere is endangered and that without collective freedom there cannot be full individual liberty... The purpose of this conference is to draw up an international code which will expand and universalize our national freedoms, a code to assure within and beyond our borders respect for principles having the force of international law. Our task is to define this concept of freedom and to draw up rules for its application..... For our part we are ready to consider certain concessions on the national level which will bear fruit at the international level. In this aim, we are prepared to give wholehearted co-operation. This is the spirit in which the Canadian delegation approaches the problems before this Conference. It will welcome projects designed to expand the concepts of freedom of information and to extend their application. But it will firmly oppose any project calculated to perpetuate restrictions of this freedom."

(a) Peacetime Censorship Opposed

The Canadian delegation, applying the foregoing general principles, early made clear its opposition to proposals which might open the way to peacetime censorship of news. The Second Committee on April 1 adopted a joint United States-French resolution which, among other things, proposed limiting conditions if the requirements of national military security should compel a Contracting State, in peace-time, to establish censorship for a certain period of time. Mr. Paré (Canada) opposed the resolution in so far as it contemplated the establishment of censorship in peace-time. The resolution was carried by 19 for to 6 against with 3 abstentions. Mr. Paré voted against. The resolution eventually became Article 4 of the Draft Convention on the Gathering and International Transmission of News (Annex A of Final Act). When this draft Convention came before a plenary session of the Conference on April 21, the Canadian delegation voted in favour, but Mr. Irwin made a reservation on Article 4. Mr. Irwin said:

(1) For text of Mr. Désy's speech see Appendix A to this report.

"I wish briefly to explain the vote of the Canadian delegation on the draft convention on the gathering and international transmission of news.

"The Canadian delegation voted in favour of this convention because we believe its primary purpose is the widening of the freedom of foreign correspondents to secure and transmit information and this objective we support.

"We reserve our position, however, on Article 4 which we construe as an acceptance of the principle of prior censorship in peacetime to which we are strongly opposed.

"We believe in letting in the light so that all men may see the facts. But we do not believe in permitting the arbitrary hand of previous censorship to pull down the blinds in time of peace."

(b) Covenant on Human Rights

The United Nations Sub-commission on Freedom of Information and of the Press had prepared a draft Article 17 for the proposed Covenant on Human Rights. Paragraph 3 of this article reads:

"Previous censorship of written and printed matter shall not exist."

In the Fourth Committee the United Kingdom proposed deletion of paragraph 3.

Mr. Désy strongly opposed deletion on the ground that previous censorship, which would not be prohibited if the paragraph were deleted, was one of the most arbitrary forms of restriction on the freedom of the press. Elimination of the paragraph, Mr. Désy said, would largely negate other clauses in Article 17 which guaranteed freedom of expression.

The Swedish and Belgian delegations proposed the following in substitution of paragraph 3:

"Previous censorship of written and printed matter and radio shall not exist. Previous control of films may be maintained, provided it is exercised solely in the interests of public morals."

Mr. Zachariah Chafee, Jr., United States delegate, speaking as a member of the Sub-commission which drafted Article 17, hoped that the Committee would retain the paragraph. If it were removed, Mr. Chafee said, "We take down the flag under which men like John Milton rallied." Mr. Chafee further intimated that on instructions from his government, he would abstain from voting.

The Swedish-Belgian amendment was defeated by 4 for, 14 against and 1 abstention (Mr. Chafee). Defeat of the amendment carried with it deletion of paragraph 3 of Article 17. Mr. Désy voted for the Swedish-Belgian amendment and therefore for retention of paragraph 3.

Mr. M.J.V. Evans (United Kingdom) proposed to replace subsection (b) of Article 17 by the following:

"Expressions which are intended or likely to alter by violence the system of government."

Sub-section (b) as recommended by the U.N. Sub-commission on Freedom of Information and of the Press, read:

"Expressions which incite persons to alter by violence the system of government."

Mr. Désy opposed the proposed new text on the ground that the indefiniteness of the term "likely" would open the way to great abuse and to new restrictions on freedom.

Mr. Fernand Terrou (France) said his delegation could never agree to such an arbitrary interpretation which would put the press at a disadvantage. It would be difficult, he held, to define what did constitute alteration by violence.

Mr. Evans, in reply, said the amendment was concerned only with seditious propaganda which incited people to violence. It was not reasonable, he argued, to give complete immunity to such propaganda until it had actually achieved its object.

The United Kingdom amendment was lost by 6 for, 14 against, and 5 abstentions. Mr. Désy voted against.

At another stage in Fourth Committee proceedings, Mr. Désy objected to the disproportion between the press freedoms enunciated in the opening paragraph of draft Article 17 and the restrictions on press freedom imposed in paragraph 2, Sub-paragraph (a) of paragraph 2 as submitted by the Sub-commission read:

"Matters which must remain secret in the vital interests of the State."

In the Fourth Committee's Drafting Committee, the wording was changed to:

"Matters which must remain secret in the interests of national safety".

Professor Dehousse, chief Belgian delegate, criticized the tendency in the Conference to limit press freedom by an increasing number of restrictions couched in vague and general terms. What, Professor Dehousse asked, did "in the interests of national safety" mean? Under such a provision, a Government could, if it wished, prohibit articles on the weather and even on fashions. Where did "national safety" begin and where did it end?

Mr. Désy supported this view. He took the ground that the limitations imposed in paragraph 2 were incompatible with the principles expressed in paragraph 1. This was all the more important since the Committee had already deleted paragraph 3 which prohibited previous censorship. With prohibition of previous censorship deleted from the draft covenant, there might be peacetime censorship for half a century.

The Committee adopted the changes in paragraph 2 by 13 for, 5 against, and 8 abstentions. Mr. Désy abstained. The United Kingdom supported the new wording. The United States abstained.

An Indian Amendment:

The Canadian delegation opposed an Indian amendment to the draft Article 17 of the Covenant on Human Rights which proposed to add as sub-paragraph (h) of paragraph 2 the following:

"The systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states."

When the Indian motion came before the Fourth Committee, Mr. Désy opposed it. The amendment was however carried by 13 for, 3 against, and 10 abstentions. Mr. Désy voted against.

The Conference, at a plenary session on April 20, approved by 26 for, 7 against, and 2 abstentions, the new wording of Article 17 as recommended by the Fourth Committee. This included the Indian amendment. In voting for the Article as a whole, Mr. Ford, on behalf of the Canadian delegation, made a reservation on the Indian amendment. Mr. Ford said:

"I want briefly to place on record the position of the Canadian delegation in regard to its vote on the convention.

"We voted for it because we believe its primary purpose is the maintenance of the principle of freedom of information as we understand it, and the extension of its application. However, we wish to reserve our position in respect to Article II of the Covenant and particularly to the section which reads:

'The systematic diffusion of false or distorted reports intended or likely to injure friendly relations between peoples and states.'

"We fully realize that freedom of information cannot be absolute but we believe restrictions should be of a character which cannot be used by any government as an excuse for suppressive measures.

"Worthy as are the objectives of this clause, we feel that it might open the door to abuses by governments and offer them opportunity to curtail the freedom of the press and of other media of information."

(d) United Kingdom Draft Convention

The same amendment also appeared as sub-paragraph j of Article 2 of the United Kingdom Draft Convention on Freedom of Information. While voting for the convention, Mr. Ford made a reservation on the sub-paragraph in the following letter, addressed to the Secretary of the Conference:

Geneva, April 22, 1948.

Dear Sir:

In view of the appeal of the President to the delegates to place in writing any explanations on their vote on the Convention on Freedom of Information, we are formally placing on record the position of the Canadian Delegation.

We voted for the convention because it enunciates the principles in which we believe. However we make a reservation on Article II and particularly on the restrictive Clause J which reads as follows:

"The systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and States."

We feel that this clause could lead to abuses of censorship on the part of governments.

Yours sincerely,

"Arthur R. Ford"

Acting Head of Delegation.

John Humphrey, Esq.,
Secretary of the United Nations Conference
on Freedom of Information,
Palais des Nations,
Geneva."

A P P E N D I X A

A. - Opening Speech by the Chief Delegate from Canada

During the meetings which paved the way for this present conference, Canadian delegates on many occasions defined the policy of the Government of Canada in regard to freedom of information. I shall not recall their remarks and I shall confine myself to some reflections of a general nature about the character of the tasks which we are undertaking.

I do not think I should be out of order in stating that none of us is perfect, for if we were all perfect this conference would have no purpose. No, we are not perfect, but I venture to believe that we are perfectible. We are meeting to consult and to concert our efforts; to compare our experiences; to retain the useful and reject the harmful in the interest of the common welfare.

It is not so much the past which concerns us, with its heritage of abuses; it is not so much the present with its errors; it is rather the future which commands our attention. And that future demands all the good sense, altruism, mutual understanding and human sympathy we can bring to it.

Outworn concepts of national rights and sovereignty can never justify the constraints and oppressions of arbitrary power. National security under such concepts can become the merest pretext and give rise to bondage in the name of freedom. If humanity is to go forward we must not lay upon others' shoulders the weight of our own errors or clothe our faults with an air of virtue and seek to excuse ourselves by accusing others. On the contrary, we should profit by each other's experiences as we seek to establish salutary practices.

Above all, our criticism must be of a constructive nature; it must avoid the sterility of absolutes and negatives. It must strive to attain not only well being and advancement but also liberation from mischievous controls. Sane and conscientious criticism benefits both the critic and the person criticized. Without criticism, free thought is fettered. Criticism is a fundamental prerequisite of freedom of information.

We believe therefore that this freedom is not only essential to the dignity of the person but is necessary to full exercise of all other liberties. We believe that free access to sources of information and freedom of expression are indispensable to the democratic process. In any true democracy government policy derives from well informed public opinion. For this policy the people ultimately are responsible. Without a precise knowledge of the facts, without the facts which will permit a weighing of pro and con, without opportunity to examine differing or opposed opinions, the people cannot intelligently exercise their powers of direction and control. There can be no free choice without free criticism and criticism will be distorted without full knowledge of the facts.

We have cause to know that if freedom is denied in any part of the world, freedom everywhere is endangered and that without collective freedom there cannot be full individual liberty. The purpose of this conference is to draw up an international code which will expand and universalize our national freedoms; a code to assure within and beyond our borders respect for principles having the force of recognized law. Our task is to define this concept of freedom and to draw up rules for its application.

We are fully conscious of the danger of definitions which limit and are necessary if we are to extend the free exchange of information between the countries of the world. For our part, we are ready to consider certain concessions on the national, which will bear fruit at the international level. In this aim, we are prepared to give wholehearted co-operation. This is the spirit in which the Canadian delegation approaches the problems before this conference. It will welcome projects designed to expand the concepts of freedom of information and to extend their application, but it will firmly oppose any project calculated to perpetuate restrictions of this freedom.

Following this declaration of faith, the Canadian delegation would like to express its very real hope for the success of this Conference. We surely owe it to ourselves and to all those in this weary and anguished world who have placed their confidence in us, not to fail.

Geneva, March 31, 1948.

APPENDIX B

Plenary Session Votes on
the Final Act.

<u>Draft Conventions:</u>	<u>For</u>	<u>Against</u>	<u>Abst.</u>	<u>Canadian delegation</u>
(a) First Convention	28	6	2	For - with a reservation
(b) Second Convention	33	7	0	For
(c) Third Convention				
First USSR Amendment	6	19	9	Against
Second " "	6	19	10	Against
On whole convention	31	6	2	For - with a reservation

HUMAN RIGHTS

(a) Declaration				
French amendment	8	11	14	Against
On declaration	29	6	0	For
(b) Covenant				
USSR Amendment	6	23	3	Against
Polish Amendment	6	24	2	Against
On Article 17	26	7	2	For - with a reservation

RESOLUTIONS

(a) General principles				
No. 1				
First USSR Amendment	7	24	9	Against
Second " "	6	30	3	Against
On whole resolution	34	6	0	For
No. 2	Carried unanimously			
No. 3	Carried unanimously			
No. 4	36	0	2	For
(b) Measures to facilitate				
Gathering and International				
Transmission of Information				
No. 5	29	5	1	For
No. 6				
Canadian amendment to				
include "periodicals" in				
English text of				
paragraph 1	25	0	7	For
On resolution as amended	30	4	2	For
No. 7	35	0	1	For
No. 8	30	6	0	For
No. 9	32	0	3	For
No. 10	38	0	1	For
No. 11	34	0	6	For
No. 12	32	5	2	Against
No. 13	26	7	1	For
No. 14	24	0	10	For
No. 15	33	0	1	For
No. 16	28	0	6	For
No. 17	24	6	3	For
No. 18	28	6	0	For

<u>RESOLUTIONS</u>	<u>For</u>	<u>Against</u>	<u>Abst.</u>	<u>Canadian delegation</u>
No. 19	32	0	2	Abstained
No. 20	31	0	3	Abstained
No. 21	29	6	1	For
No. 22	36	0	1	For
No. 23	Carried unanimously			
No. 24	34	4	1	For

(c) Measures concerning Free Publication and Reception of Information

No. 25	31	0	4	For
No. 26	29	6	4	For
No. 27	27	0	8	For
No. 28	Carried unanimously			
No. 29	11	5	19	Against
No. 30	30	0	5	For
No. 31	Carried unanimously			
No. 32	32	0	5	For
No. 33	30	0	6	For
No. 34	29	7	1	For
No. 35	30	0	7	For
No. 36	29	6	1	For
No. 37	29	2	6	Abstained
No. 38	21	4	11	Against

(d) Continuing machinery to Promote Free Flow of Information

No. 39	30	7	2	For
No. 40	26	1	2	-----
No. 41				
Czechoslovak amendment to strike item from agenda	6	17	10	Against
On resolution	18	6	9	For
No. 42	28	6	0	For
No. 43	28	6	0	For

FINAL ACT

AS WHOLE	30	1	5	For
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FINAL ACT

OF

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

APPENDIX C

F I N A L A C T

of the

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

1. Pursuant to Resolution 74 of the Fifth Session of the Economic and Social Council, the United Nations Conference on Freedom of Information met at the European Headquarters of the United Nations, Geneva, Switzerland, during the period from March 23 to April 21, 1948.

2. Delegations representing the following Governments attended the Conference:

- | | |
|--|--|
| 1. Afghanistan | 29. Italy |
| 2. Albania | 30. Lebanon |
| 3. Argentina | 31. Luxembourg |
| 4. Australia | 32. Mexico |
| 5. Austria | 33. Netherlands |
| 6. Belgian | 34. New Zealand |
| 7. Brazil | 35. Nicaragua |
| 8. Bulgaria | 36. Norway |
| 9. Byelorussian Soviet
Socialist Republic | 37. Pakistan |
| 10. Canada | 38. Panama |
| 11. Chile | 39. Peru |
| 12. China | 40. Philippines |
| 13. Colombia | 41. Poland |
| 14. Costa Rica | 42. Portugal |
| 15. Cuba | 43. Roumania |
| 16. Czechoslovakia | 44. Sweden |
| 17. Denmark | 45. Switzerland |
| 18. Dominican Republic | 46. Turkey |
| 19. Ecuador | 47. Ukrainian Soviet Socialist
Republic |
| 20. Egypt | 48. Union of South Africa |
| 21. El Salvador | 49. Union of Soviet Socialist
Republics |
| 22. Ethiopia | 50. United Kingdom |
| 23. Finland | 51. United States of America |
| 24. France | 52. Uruguay |
| 25. Greece | 53. Venezuela |
| 26. Guatemala | 54. Yugoslavia |
| 27. Hungary | |
| 28. India | |

Observers representing the following governments attended:

BOLIVIA

IRAN

IRELAND

Observers and Consultants from the following Organizations attended:

Inter-Governmental:

International Labour Office.

International Telecommunications Union.

United Nations Educational, Scientific and Cultural Organization.

Non-Governmental:

International Co-operative Alliance.

International Organization of Industrial Employers.

International Organization of Journalists.

Inter-Parliamentary Union.

World Federation of United Nations Associations.

3. The Conference elected Ambassador Carlos P. ROMULO (The Philippines) as President. Delegates representing the following countries were elected Vice-Presidents: Canada, China, Cuba, France, the U.S.S.R., the United Kingdom and the United States of America.

4. The Conference adopted as its agenda the provisional agenda proposed by the Economic and Social Council with the addition of the two resolutions referred to the Conference by the General Assembly, on measures to be taken against propaganda and the inciters of a new war and false or distorted reports; and two proposals made by the International Organization of Journalists.

5. The Conference adopted as its rules of procedure the draft rules of procedure prepared by the Secretary-General at the request of the Economic and Social Council. When challenged, the decision of the Council that voting rights at the Conference be exercised only by Members of the United Nations was reaffirmed.

6. The Conference set up the following Committees:

(a) a General Committee (Bureau), comprising the President of the Conference, the Vice-Presidents, and the Chairmen of the four principal committees;

(b) four principal committees upon which each delegation was invited to be represented:

- (i) Committee I, on the basic tasks of the press and other media of information, and the basic principles of freedom of information, as well as general problems common to other committees.

This Committee held thirty-one meetings. Dr. G.J. van Heuven Goedhart (the Netherlands) was elected Chairman; Mr. Franco Rossi (Uruguay), Vice-Chairman; and Mr. Nihat Erim (Turkey), Rapporteur.

- (ii) Committee II, on the gathering and international transmission of information.

This Committee held twenty-two meetings. Dr. Vladislav Ribnikar (Yugoslavia) was elected Chairman; Mr. Jamil Mikaoui (Lebanon), Vice-Chairman; and Mr. Sven Dahlman (Sweden), Rapporteur.

- (iii) Committee III, on the free publication and reception of information.

This Committee held eighteen meetings. Dr. Raoul Noriega (Mexico) was elected Chairman; Mr. Christian Christensen (Norway), Vice-Chairman; and Mr. S.M. Ikram (Pakistan), Rapporteur.

- (iv) Committee IV, on law and continuing machinery.

This Committee held twenty-seven meetings. Sir Ramaswami Mudaliar (India) was elected Chairman; Mr. Alexei Romanov (Byelorussian S.S.R.), Vice-Chairman; and Professor Fernand Dehousse (Belgium), Rapporteur.

(c) A committee on credentials, comprising the representatives of Argentina, Australia, Belgium, the Byelorussian S.S.R., Czechoslovakia, Denmark, Egypt, Pakistan and Venezuela, of which Mr. Emilio D. Cipoletti (Argentina) was elected Chairman and Rapporteur. This Committee held three meetings, and reported to the Conference on the credentials of the representatives.

7. The Conference resolved:

(i) That all documents passed by the Conference, resolutions or draft conventions, be referred to the Economic and Social Council for study at its next session;

(ii) That all Governments invited to this Conference be requested to forward to the Secretary-General of the United Nations before July 5, 1948 their comments on the draft conventions proposed by the Conference and proposals for other draft conventions based on the recommendations of this Conference;

(iii) That the Economic and Social Council be requested to examine, at its seventh session, the draft conventions referred to it by the Conference, in the light of such comments and other proposed draft conventions as provided in paragraph 2; and to submit to the General Assembly, at its Third Session, draft conventions which may thereafter be opened at that session for signature or accession by those states entitled and willing to become parties thereto and remain open subsequently for additional accessions.

8. On the basis of the deliberations of the Conference and its committees, as recorded in the records and reports of the plenary meetings and the meetings of the respective committees, the Conference prepared and forwarded to the Economic and Social Council the draft conventions referred to above, which are appended to this Final Act as Annex A.

9. At the request of the Economic and Social Council, the Conference also prepared draft articles for the draft declaration on human rights and the draft covenant on human rights. These draft articles are appended to this Final Act as Annex B.

10. In addition, the Conference adopted the resolutions which are appended to this Final Act as Annex C.

11. The Conference authorized its Executive Secretary to bring this Final Act to the attention of the Economic and Social Council.

12. IN WITNESS WHEREOF the President and the Executive Secretary of the Conference have signed this Final Act in the English and French languages, in the City of Geneva, this 22nd day of April 1948, each text being equally authentic. Texts in the five official languages of the United Nations will be deposited with the Secretary-General of the United Nations who will send certified copies to each of the Governments invited to send representatives to the Conference.

The President of the Conference:

(SIGNED) CARLOS P. ROMULO

The Executive Secretary of the Conference:

(SIGNED) JOHN P. HUMPHREY

ANNEX A

DRAFT CONVENTIONS

I. DRAFT CONVENTION ON THE GATHERING AND INTERNATIONAL TRANSMISSION OF NEWS.

THE CONTRACTING STATES,

DESIRING to implement the right of their peoples to be fully informed,

DESIRING to improve understanding between their peoples through the free flow of information and opinion,

HAVING RESOLVED to conclude a Convention for this purpose,

HAVE AGREED as follows:

Article 1

For the purposes of the present Convention, the following expressions are to be understood in the sense hereinafter defined.

A. Information Agency

A press, radio or film organization, whether public or private, created or organized under the applicable laws and regulations within the territories of a Contracting State, regularly engaged in the collection and dissemination of news (including opinion) to the public, including press associations, news feature services, newspapers, periodicals, radio and television broadcasting organizations, and newsreel companies.

B. Foreign Correspondent

An individual employed by an information agency, or a national of a Contracting State, who in either case is regularly engaged in the collection and reporting of news (including opinion) to the general public, and who is the holder of a valid passport identifying him as a correspondent or of a similar document internationally accepted identifying him as such.

C. News Material

All news material, whether of information or opinion, and whether visual or auditory, for public dissemination.

Article 2

In order to encourage the free-est possible movement of foreign correspondents in the performance of their functions, the Contracting States shall expedite, in a manner consistent with their respective laws and procedures, the administrative measures necessary for the entry, residence, movement and travel of foreign correspondents, together with their

professional equipment, and shall impose no special, discriminatory or unusual restrictions on such ingress or egress, nor upon the transit through or residence in their territories of such correspondents.

Article 3

The Contracting States shall permit and encourage the widest possible access to news, official and non-official, for all foreign correspondents on the same basis as for national correspondents and shall not discriminate among foreign correspondents as regards such access.

Article 4

The Contracting States shall permit egress from their territory of all news material of foreign correspondents and foreign information agencies without censorship, editing or delay; provided that each of the Contracting States may make and enforce regulations relating directly to the maintenance of national military security. Such regulations must, however, be communicated to foreign correspondents and apply equally to all foreign correspondents and foreign information agencies.

If the requirements of national military security should compel a Contracting State, in peace-time, to establish censorship for a certain period of time, it shall:

- (1) establish in advance such categories of news material for the use of an information agency in another country as are subject to previous inspection and publish the directives of the censor announcing forbidden matters;
- (2) carry out censorship as far as possible in the presence of the foreign correspondent;
- (3) where censorship in the presence of the person concerned is not possible:
 - (a) fix the time-limit allowed the censors for the return of the news material;
 - (b) require the return of news material submitted for censorship direct to the foreign correspondent or foreign information agency so that they may know at once what has been censored in their text and what use they may make of the censored information;
 - (c) base the charge on the number of words composing a telegram after censorship;
 - (d) return the total telegraph charges for telegrams submitted for censorship, the transmission of which has been delayed more than six hours.

Article 5

The Contracting States, while recognizing that foreign correspondents must conform to the laws in force in the countries in which they are operating, agree that foreign correspondents legally admitted into their territories shall not be expelled on account of any lawful exercise of their right to seek, receive or impart information or opinion.

Article 6

The Contracting States agree that foreign correspondents shall have access to all facilities generally and publicly used for the international transmission of news material and may transmit news material from one country to another on the same basis and at the same rates applicable to all other users of such facilities for similar purposes.

Article 7

Each of the Contracting States agrees to permit all news material of foreign correspondents and information agencies of the other Contracting States to enter its territory and reach information agencies operating therein on the same conditions as are accorded to any other foreign information agencies.

Article 8

Nothing herein contained shall be construed as depriving any Contracting State of its right to make and enforce regulations prohibiting obscene news material.

Article 9

The present Convention shall not apply to foreign correspondents who, while not otherwise admissible under Article 2 into the territory of a Contracting State, are nevertheless admitted conditionally in accordance with an agreement between that Contracting State and the United Nations, or a specialized agency thereof, in order to cover its proceedings, or pursuant to a special arrangement made by the Contracting State in order to facilitate the entry of such correspondents.

Article 10

Nothing herein contained shall be interpreted as exempting foreign correspondents or foreign information agencies from public laws and regulations promulgated by any Contracting State for the protection of national security.

Article 11

The present Convention shall be ratified on behalf of the States signatory hereto in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify all signatory and acceding States of each such deposit.

Article 12

The present Convention shall remain open for accession of all States which are not signatories. Instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify all signatory and acceding States of each such deposit.

Article 13

The present Convention shall come into force as soon as two States have deposited their respective instruments of ratification or accession. The Convention thereafter shall come into force with respect to each other State on the date of the deposit of its instrument of ratification or accession.

Article 14

(a) A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after date of receipt by the Secretary-General of the United Nations of the notification.

The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

(b) A State which has made a declaration under paragraph (a) above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 15

The present Convention shall remain in force indefinitely, but may be denounced by any Contracting State, by means of six months' notice in writing given to the Secretary-General of the United Nations, who shall transmit a copy of the notice to each of the other Contracting States. After the expiration of this period of six months, the Convention shall cease in its effect as regards the State which denounces it, but shall remain in force for the remaining Contracting States.

IN WITNESS WHEREOF, the Plenipotentiaries of the respective States, being duly authorized thereto, have signed the present Convention.

DONE at _____ this _____ day of _____, 1948 in the _____ languages, each equally authentic, the original of which shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations shall transmit certified copies thereof to all the signatory and acceding States.

II. DRAFT CONVENTION CONCERNING THE INSTITUTION OF AN INTERNATIONAL RIGHT OF CORRECTION.

THE GOVERNMENTS PARTIES to the present Convention,

CONSIDERING the danger to the maintenance of friendly relations between peoples and to the preservation of peace, presented by the publication of inaccurate reports;

CONSIDERING that at its Second Session, the General Assembly of the United Nations recommended the adoption of measures designed to promote friendly relations among nations and to combat the dissemination of false or distorted reports likely to injure the friendly relations between States;

CONSIDERING, however, that it does not at present appear possible or desirable to envisage the institution on the international level of a procedure for verifying the accuracy of a report such as might lead to the imposition of penalties for the publication of false or distorted reports;

CONSIDERING, moreover, that to prevent the publication of false or distorted news or to reduce its pernicious effects, it is above all necessary to sharpen the sense of responsibility of the various media of information and to promote the wide circulation of news;

That an effective means to this end is to give all those directly affected by a report which they consider false or distorted and which is spread by an organ of information the possibility of ensuring commensurate publicity for their corrections or replies; that the right of reply or correction had been embodied in the legislation of a large number of States and that its legitimacy is recognised in the draft of Article 17 of the Covenant on Human Rights which the Sub-commission on Freedom of Information and of the Press decided, at its second session, to recommend to the Commission on Human Rights; that failing the adoption, by all States, in their own legislation, of a like right available to foreign nationals under the same conditions as to their own nationals, it is particularly desirable to institute on the international level a right of correction; that it is necessary, however, in order to prevent any abuse, strictly to define the extent of the right of correction, and clearly to specify the conditions for its exercise;

HAVE ADOPTED the following Articles:

Article 1

In cases where a Contracting State alleges that news reports likely to injure its relations with other States transmitted from one country to another country by foreign correspondents or by news agencies and disseminated abroad, are false or distorted, it may submit its version of the facts (hereinafter called "communiqué") to the Contracting States within whose territories such reports have been published in one or more newspapers or periodicals or disseminated by radio. Such communiqué may be issued only with respect to news reports and must be without comment or expression of opinion. As far as possible the communiqué should not contain a larger number of words than the news report objected to, and in no case more than double the number of words in the news report to be corrected. The communiqué must be accompanied by a verbatim text of the report as published or disseminated, and by evidence that the report objected to has been transmitted from one country to another by a foreign correspondent or by a news agency.

Article 2

1. Any Government of a Contracting State receiving such a communiqué shall, whatever be its opinion concerning the facts in question, make available to the news enterprises functioning in the territory where it exercises its authority the communiqué of the Government exercising the right of correction and, within five clear days from the date of receiving this communiqué, shall facilitate its dissemination through customary channels in accordance with its procedure for releasing news concerning international affairs.

2. In the event of the failure of any Contracting State to discharge its obligation under this article with respect to the communiqués of another Contracting State, the latter may discharge on the basis of reciprocity its obligation with respect to any communiqués thereafter submitted to it by the defaulting State.

Article 3

If any of the Contracting States to which this communiqué has been transmitted fails to fulfil, within the prescribed time-limit, the obligation laid down in the preceding article, the Government exercising the right of correction may submit the said communiqué to the Secretary-General of the United Nations who shall, within five clear days from the receipt thereof, give it appropriate publicity. This paragraph shall come into force as soon as the General Assembly of the United Nations has instructed its Secretary-General to perform this duty.

Article 4

Every Contracting State may, to the extent strictly limited by the exigencies of the situation, derogate from its obligations under the present Convention.

a) as long as a state of war or public emergency prevails in its own territory,

b) as long as such a state prevails in the territory of one or other Contracting States, but only with regard to those States.

Article 5

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article 6

The present Convention shall be open for accession to every State invited to the United Nations Conference on Freedom of Information held at Geneva in March and April, 1948, and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.

Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 7

When any two of the States mentioned in Article 6 have deposited their instruments of accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the second instrument of accession. It shall come into force for each State which accedes after that date on the thirtieth day after the deposit of its instrument of accession.

Article 8

Any Contracting State may denounce the present Convention by notification of denunciation to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

Article 9

1. A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

2. A State which has made a declaration under paragraph 1 above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 10

The Secretary-General of the United Nations shall notify each of the States referred to in Article 6 of the date of the deposit of every instrument of accession and of the date on which this Convention comes into force and of any information received by him in accordance with the provisions of Article 5 and of every notification received by him in accordance with the provisions of Articles 7 or 8.

III. DRAFT CONVENTION ON FREEDOM OF INFORMATION.

THE STATES PARTIES TO THIS CONVENTION,

CONSIDERING that the free interchange of information and opinions, both in the national and in the international sphere, is a fundamental human right and essential in the cause of peace and for the achievement of political, social and economic progress,

and

DESIRING to co-operate fully with one another to promote the peace and welfare of mankind by this means,

HAVE ACCEPTED the following provisions:

Article 1

Subject to the provisions of Articles 2, 4, 5 and 6 of this Convention,

- a) each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State lawfully within its territory freedom to impart and receive information and opinions, orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices without governmental interference;
- b) no Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph, in any manner discriminating against any of its own nationals or of the nationals of any other Contracting State on political or personal grounds or on the basis of race, sex, language or religion;
- c) each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State, freedom to transmit and listen to information and opinions within its territories and across its frontiers by any legally operated means without governmental interference;
- d) each Contracting State shall permit the nationals of other Contracting States as much freedom to seek information as it grants to its own nationals;
- e) the Contracting States shall encourage and facilitate the interchange between their territories of those of their nationals engaged in the gathering of information and opinions for dissemination to the public and shall deal expeditiously with applications by such persons to enter their territories.

Article 2

1. The freedoms referred to in Paragraphs (a), (c) and (d) of Article 1 carry with them duties and responsibilities and may therefore be subject to necessary penalties, liabilities and restrictions clearly defined by law, but only with regard to:

- (a) matters which must remain secret in the interest of national safety;
- (b) expressions which incite persons to alter by violence the system of government or which promote disorder;
- (c) expressions which incite persons to commit criminal acts;
- (d) expressions which are obscene or which are dangerous for youth and expressed in publications intended for them;
- (e) expressions which are injurious to the fair conduct of legal proceedings;
- (f) expressions which infringe literary or artistic rights;
- (g) expressions about other persons, natural or legal, which defame their reputations or are otherwise injurious to them without benefiting the public;
- (h) legal obligations resulting from professional, contractual or other legal relationships including disclosure of information received in confidence in a professional or official capacity;
- (i) the prevention of fraud;
- (j) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples or States.

2. A Contracting State may establish on reasonable terms a right of reply or a similar corrective remedy.

Article 3

Each Contracting State shall encourage the establishment and functioning within its territory of one or more non-official organizations of persons employed in the dissemination of information to the public, in order to promote the observance by such persons of high standards of professional conduct, and in particular:

- (a) to report facts without prejudice and in their proper context and to make comments without malicious intent;
- (b) to facilitate the solution of the economic, social and humanitarian problems of the world as a whole and the free interchange of information bearing on such problems;
- (c) to help promote respect for human rights and fundamental freedoms without discrimination;
- (d) to help maintain international peace and security;

(e) to counteract the persistent spreading of false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction.

Article 4

Nothing in the present Convention shall affect the right of any Contracting State to take measures which it deems necessary in order:

- (a) to bring its balance of payments into equilibrium;
- (b) to develop its national news enterprises until such time as such news enterprises are fully developed;
- (c) to prevent agreements in restraint of the free flow of information or the cartelization in regard to information;

provided that such measures may not be used as a means of preventing the entry of nationals of other Contracting States who are engaged in the gathering of information and opinions for dissemination to the public.

Article 5

Nothing in the present Convention shall prevent a Contracting State from reserving under its legislation to its own nationals the right to edit newspapers or news periodicals produced within its territory.

Article 6

Nothing in the present Convention shall limit the discretion of any Contracting State to refuse entry into its territory to any particular person, or to restrict the period of his residence thereon.

Article 7

As between the Contracting States which become parties to any general agreement on Human Rights sponsored by the United Nations and containing provisions relating to freedom of information, the present Convention shall be superseded by such agreement to the extent that the two instruments are inconsistent.

Article 8

In time of war or other public emergency a Contracting State may take measures derogating from its obligations under the present Convention to the extent strictly limited by the exigencies of the situation.

Any Contracting State availing itself of this right of derogation shall promptly inform the Secretary-General of the United Nations of the Measures which it has thus adopted and of the reasons therefor. It shall also inform him as and when the measures cease to operate.

Article 9

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article 10

1. The present Convention shall be open for accession to every State invited to the United Nations Conference on Freedom of Information held at Geneva in March and April, 1948, and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 11

When any two of the States mentioned in Article 10 have deposited their instruments of accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the second instrument of accession. It shall come into force for each State which accedes after that date on the thirtieth day after the deposit of its instrument of accession.

Article 12

Any Contracting State may denounce the present Convention by notification of denunciation to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the Secretary-General of the United Nations of the notification of denunciation.

Article 13

(a) A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

(b) A State which has made a declaration under paragraph (a) above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 14

The Secretary-General of the United Nations shall notify each of the States referred to in Article 10 of the date of the deposit of every instrument of accession and of the date on which this Convention comes into force and of any information received by him in accordance with the provisions of Article 11 and of every notification received by him in accordance with the provisions of Articles 12 or 13.

ANNEX B

DRAFT DECLARATION AND DRAFT COVENANT
ON HUMAN RIGHTS

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION,

HAVING CONSIDERED the resolution of the Economic and Social Council of March 3, 1948 referring to the Conference for its consideration and report Articles 17 and 18 of the Draft Declaration on Human Rights and Article 17 of the Draft Covenant on Human Rights with the recommendations of the Sub-commission on Freedom of Information and of the Press,

IS OF THE OPINION that:

I. Articles 17 and 18 of the Declaration may be embodied in one Article as follows:

Everyone shall have the right to freedom of thought and expression; this right shall include freedom to hold opinions without interference and to seek, receive and impart information and ideas by any means and regardless of frontiers.

II. Article 17 of the Draft Covenant on Human Rights may be as follows:

1) Every person shall have the right to freedom of thought and the right to freedom of expression without interference by governmental action; these rights shall include freedom to hold opinions, to seek, receive and impart information and ideas, regardless of frontiers, either orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices.

2) The right to freedom of expression carries with it duties and responsibilities and may, therefore, be subject to penalties, liabilities or restrictions clearly defined by law, but only with regard to:

- (a) matters which must remain secret in the interests of national safety;
- (b) expressions which incite persons to alter by violence the system of Government;
- (c) expressions which directly incite persons to commit criminal acts;
- (d) expressions which are obscene;
- (e) expressions injurious to the fair conduct of legal proceedings;
- (f) infringements of literary or artistic rights;
- (g) expressions about other persons natural or legal which defame their reputations or are otherwise injurious to them without benefiting the public;
- (h) the systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples and states;

A state may establish on reasonable terms a right of reply or a similar corrective remedy.

3) Measures shall be taken to promote the freedom of information through the elimination of political, economic, technical and other obstacles which are likely to hinder the free flow of information.

4) Nothing in this Article shall be deemed to affect the right of any State to control the entry of persons into its territory or the period of their residence therein.

III. THE CONFERENCE, having considered the above Articles of the Declaration and the Covenant, and the Second Report of the Sub-Commission,

IS OF THE OPINION that Article 17 of the Covenant is intended to apply to the freedom of expression of individuals as well as to the freedom of media of information and, considering there are particular provisions in many sources of law which restrict the freedom of expression and information other than those permitted by the Draft Article 17 suggested above,

RESOLVES, that the problem created by the omission of such provisions be called to the attention of the Commission on Human Rights.

ANNEX C
RESOLUTIONS
CHAPTER I
GENERAL PRINCIPLES

Resolution No. 1

WHEREAS

Freedom of Information is a fundamental right of the peoples, and is the touchstone of all the freedoms to which the United Nations is dedicated, without which world peace cannot well be preserved; and

Freedom of information carries the right to gather, transmit, and disseminate news anywhere and everywhere without fetters; and

Freedom of information depends for its validity upon the availability to the people of a diversity of sources of news and of opinion; and

Freedom of information further depends upon the willingness of the press and other agencies of information to employ the privileges derived from the people without abuse, and to accept and comply with the obligation to seek the facts without prejudice and to spread knowledge without malicious intent; and

Freedom of information further depends upon the effective enforcement of recognized responsibilities,
THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION
RESOLVES, THEREFORE,

1. That everyone shall have the right to freedom of thought and expression: this shall include freedom to hold opinions without interference; and to seek, receive and impart information and ideas by any means and regardless of frontiers;
2. That the right of news personnel to have the widest possible access to the sources of information, to travel unhampered in pursuit thereof, and to transmit copy without unreasonable or discriminatory limitations, should be guaranteed by action on the national and international plane;
3. That the exercise of these rights should be limited only by recognition of and respect for the rights of others, and the protection afforded by law to the freedom, welfare, and security of all;
4. That in order to prevent abuses of freedom of information, governments in so far as they are able should support measures which will help to improve the quality of information and to make a diversity of news and opinion available to the people;

5. That it is the moral obligation of the press and other agencies of information to seek the truth and report the facts, thereby contributing to the solution of the world's problems through the free interchange of information bearing on them, promoting respect for human rights and fundamental freedoms without discrimination, fostering understanding and co-operation between peoples, and helping maintain international peace and security;

6. That this moral obligation, under the spur of public opinion, can be advanced through organizations and associations of journalists and through individual news personnel;

7. That encouragement should be given to the establishment and to the functioning within the territory of a State of one or more non-official organizations of persons employed in the collection and dissemination of information to the public, and that such organization or organizations should encourage the fulfilment inter alia of the following obligations by all individuals or organizations engaged in the collection and dissemination of information;

- (a) To report facts without prejudice and in their proper context and to make comments without malicious intent;
- (b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems;
- (c) To help promote respect for human rights and fundamental freedoms without discrimination;
- (d) To help maintain international peace and security;
- (e) To counteract the spreading of intentionally false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction;

8. That observance of the obligations of the press and other agencies of information, except those of a recognized legal nature, can also be effectively advanced by the people served by these instrumentalities, provided that news and opinion reach them through a diversity of sources and that the people have adequate means of obtaining and promoting a better performance from the press and other agencies of information.

Resolution No. 2

WHEREAS the peoples of the world have embodied in the United Nations their determination to protect mankind from the scourge of war and to prevent the recurrence of aggression from Nazi, Fascist, or any other sources;

WHEREAS the attainment of a just and lasting peace depends in great degree upon the free flow of true and honest information to all peoples and upon the spirit of responsibility with which all personnel of the press and other agencies of information seek the truth and report the fact;

and WHEREAS, by inaccurate reports, by defective or distorted presentation and deliberate or malicious misinterpretation of facts in various parts of the world, peoples have been misled and their mutual understanding has been seriously endangered;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

ENDORSES the resolutions of the second General Assembly on propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and on the spreading of false and distorted reports;

DECLARES that all such propaganda and such reports:

- (a) are contrary to the purposes of the United Nations as defined in the Charter;
- (b) constitute a problem of the first importance calling for urgent corrective action on the national and international planes;

CONDEMNNS solemnly all propaganda either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and all distortion and falsification of news through whatever channels, private or governmental, since such activities can only promote misunderstanding and mistrust between the peoples of the world and thereby endanger the lasting peace which the United Nations is consecrated to maintain;

APPEALS vigorously to the personnel of the press and other agencies of information of all the countries of the world, and to those responsible for their activities, to serve the aims of friendship, understanding and peace by accomplishing their task in a spirit of accuracy, fairness and responsibility;

EXPRESSES its profound conviction that only organs of information in all countries of the world that are free to seek and to disseminate the truth, and thus to carry out their responsibility to the people, can greatly contribute to the counteracting of Nazi, Fascist or any other propaganda of aggression or of racial, national and religious discrimination and to the prevention of recurrence of Nazi, Fascist, or any other aggression;

AND THEREFORE RECOMMENDS that all countries take within their respective territories the measures which they consider necessary to give effect to this Resolution.

Resolution No. 3

WHEREAS the first Committee of the United Nations Conference on Freedom of Information on April 9, 1948 unanimously adopted a resolution declaring that all propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and also the spreading of false and distorted reports likely to injure friendly relations between States, constitute a problem of the first importance calling for urgent corrective action on the national and international planes, and

WHEREAS in the said resolution the first Committee expressed its profound conviction that only organs of information in all countries of the world which are free to seek and to disseminate the truth, and thus to carry out their responsibility to the people, can greatly contribute to the counteracting of Nazi, Fascist or any other propaganda of aggression or of racial, national and religious discrimination and to the prevention of recurrence of Nazi, Fascist, or any other aggression, and

WHEREAS, the said resolution having been adopted by this Conference, it is desirable that all appropriate steps should be taken to implement this resolution,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

TRANSMITS the said resolution to the Economic and Social Council, and

RECOMMENDS that all countries should promptly inform the Secretary-General of the United Nations of any measures taken by them to give effect to the resolution;

RECOMMENDS that appropriate national bodies should supplement the work of information agencies and associations of journalists and of others engaged in the collection, publication and dissemination of news, in ensuring the impartial presentation of news and opinion;

RECOMMENDS that the United Nations should give consideration to means by which they may be able to assist in implementing the resolution; and further

RECOMMENDS that the Sub-commission on Freedom of Information and of the Press in carrying out the functions which may be assigned to it in accordance with the recommendations of the Conference should consider appropriate means by which measures taken to give effect to the resolution may be co-ordinated.

Resolution No. 4

CONSIDERING that there are in some countries media of information which disseminate racial and national hatred,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that the governments of such countries should:

- (a) Encourage the widest possible dissemination of free information through a diversity of sources as the best safeguard against the creation of racial and national hatred and prejudice;
- (b) Encourage, in consultation with organizations of journalists, suitable and effective non-legislative measures against the dissemination of such hatred and prejudice; and
- (c) Take, within their constitutional limits, appropriate measures to encourage the dissemination of information promoting friendly relations between races and nations based upon the purposes and principles of the United Nations Charter.

CHAPTER II

MEASURES TO FACILITATE THE GATHERING AND INTERNATIONAL TRANSMISSION OF INFORMATION

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Resolution No. 5

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RESOLVES THAT:

1. Governments should encourage the freest possible movement of foreign correspondents in the performance of their functions; and that
2. Governments should expedite in a manner consistent with their respective laws and procedures the administrative measures necessary for the entry, residence, movement and travel of foreign correspondents, together with their professional equipment, and should impose no special, discriminatory or unusual restrictions on such ingress or egress, or upon the transit through or residence in their territories of such correspondents.

Resolution No. 6

CONSIDERING that a clear definition of which news personnel are to be regarded as professional foreign correspondents of newspapers, news agencies, periodicals, broadcasting enterprises and newsreel enterprises has not been established; and

CONSIDERING that the various recommendations adopted by this Conference are of particular importance in securing free and unhampered working conditions for foreign correspondents; and

CONSIDERING that the establishment of adequate means of identifying the professional foreign correspondents will facilitate for governments the realisation of their commitments for furthering the free flow of information;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS to the Economic and Social Council that the Sub-commission on Freedom of Information and of the Press be requested to:

- (1) Study the possibility of obtaining a clear and practically applicable definition of such news personnel as are to be given the status of professional foreign correspondents;
- (2) Consider whether measures should be taken with a view to providing foreign correspondents with appropriate documents of identification as to their professional capacity;
- (3) Consider additional administrative and technical facilities might be granted to foreign correspondents holding such documents of identification;

(4) Conduct this work in close collaboration with international and national professional organizations of the press, radio and newsreel, especially by drawing upon the experience of news personnel actively engaged in the gathering and transmission of news; and

(5) Consider whether the task of handling any practical measures to be taken could be entirely or partially entrusted to a permanent organisation collaborating with professional bodies of the press, radio and newsreel, or to such professional bodies.

Resolution No. 7

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION WHILE RECOGNIZING that all foreign news personnel must conform to the laws in force in the countries in which they are operating,

DECLARES that no such person legally admitted to a foreign territory should be expelled on account of any lawful exercise by him of his right to seek, receive and impart information or opinion.

Resolution No. 8

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION RESOLVES

That Governments should permit and encourage the widest possible access to news, official and non-official, for all foreign correspondents on the same basis as for national correspondents;

AND FURTHER RESOLVES

That Governments should make no discrimination between foreign correspondents as regards access to news provided for in the above paragraph.

Resolution No. 9

CONSIDERING that the United Nations, in accordance with the aims and purposes of its Charter, should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course of its work and that of Conferences called by it and its specialized agencies

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that the United Nations General Assembly adopt a resolution urging that accredited news personnel or all countries should have free access

- (a) to countries where meetings of the United Nations or its specialized agencies or any Conferences convened by them take place, in accordance with the terms and conditions of agreements made by the United Nations or its specialized agencies with the governments of such countries; and
- (b) to all sources of information connected with such meetings except in cases where, in accordance with the rules of procedure, meetings are held in private.

Resolution No. 10

CONSIDERING that one of the purposes and principles of the United Nations as enunciated in the United Nations Charter is the encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race:

BELIEVING that any racial discrimination is incompatible with freedom of information and that the latter can be facilitated by the unconditional application of the principle of racial equality; and

CONSIDERING that it is imperative that access to all sources of information and to public utilities should be available to foreign correspondents, within the framework of existing laws and regulations without distinction as to race;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

DECLARES that in order to ensure the application of this principle, it is essential that governments and public utilities should not deny to foreign correspondents on racial grounds:

- (a) access to any sources of information within the framework of existing laws and regulations;
- (b) access to press conferences, legislative bodies, public meetings and demonstrations, theatres, concerts, exhibitions, public lectures, and educational institutions, etc.;
- (c) access to communication facilities;
- (d) access to means of transport; and
- (e) access to facilities relative to accommodation and supplies.

Resolution No. 11

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

INVITES governments to conclude bilateral or multilateral agreements with a view to eliminating unreasonable or discriminatory taxes affecting the operations of foreign information agencies and news personnel, being guided, in particular, by the results of the work of the Fiscal Commission of the Economic and Social Council concerning double taxation.

Resolution No. 12

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RESOLVES

That governments should permit egress from their territory of all news material of foreign correspondents and foreign information agencies, whether of information or opinion, and whether visual or auditory, without censorship, editing or delay; provided that governments may make and enforce regulations relating directly to the maintenance of national military security; and

That such regulations should, however, be communicated to foreign correspondents and should apply equally to all foreign correspondents and foreign information agencies.

FURTHER RESOLVES

That if the requirements of national military security should compel governments, in peace-time, to establish censorship for a certain period of time, they should:

(1) establish in advance such categories of information or photographs for the use of a newspaper, news agency, broadcasting station or newsreel enterprise in another country, as are subject to previous inspection and publish the directives of the censor announcing forbidden matters;

(2) carry out censorship as far as possible in the presence of the journalists; and

(3) where censorship in the presence of the person concerned has not been possible:

(a) fix the time-limit allowed the censors for the return of the copy or photograph;

(b) require the return of copy submitted for censorship direct to the reporters or news agencies so that journalists may know at once what has been censored in their text and what use they may make of the censored information;

(c) base the charge on the number of words composing a telegram after censorship; and

(d) return the total telegraph charges for telegrams submitted for censorship, the transmission of which has been delayed more than six hours.

Resolution No. 13

STRONGLY CONVINCED that freedom of information should be assured to everyone,

HOLDING that any form of censorship constitutes a curtailment of this freedom,

CONSIDERING that censorship deprives the information which it passes of its credibility and often gives information from unspecified sources an unwarranted value;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

SOLEMNLY CONDEMNS the use in peace-time of censorship which restricts or controls freedom of information, and

INVITES governments to take the necessary steps to promote its progressive abolition;

AND CONSIDERS THAT

Nothing in this resolution shall, however, prevent governments from maintaining regulation of newsreels provided their release may only be prohibited on grounds of public morality.

Resolution No. 14

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION RECOMMENDS to the Economic and Social Council for suggestion to the INTERNATIONAL TELECOMMUNICATIONS UNION that where teleprinter lines have been installed on long-term lease between two or more news agencies, not only may the agencies bound by contract exchange news over these lines, but correspondents of the affiliated agencies may also use them without extra charge for transmitting news to the agencies nor which they work.

Resolution No. 15

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION RESOLVES that foreign correspondents should have access to all facilities generally and publicly used for the international transmission of news material and should be enabled to transmit news material from one country to another on the same basis and at the same rates applicable to all other users of such facilities for similar purposes.

Resolution No. 16

BELIEVING that the widest possible publication, circulation, movement and interchange of news, newspapers, news periodicals, newsreels, and other media of a distinct news character are a necessary part of freedom of information, and

RECOGNIZING that governments should, to the extent of their abilities and within the limits of their currency positions, facilitate the securing of raw materials and equipment needed for the development of their domestic information agencies and organizations,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that, as hard currencies and foreign exchange become increasingly available and more free, governments should encourage and, as far as practicable, facilitate the necessary action which will ease quantitative, exchange and tariff restrictions on the importation of news, news publications and productions, and raw materials and equipment therefor, and

FURTHER RECOMMENDS that the governments of countries which possess hard currencies encourage by appropriate steps the above-mentioned action.

Resolution No. 17

CONSIDERING that it is advisable to adopt measures relating to the free reception and exhibition of newsreels,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that all States should take steps to foster the interchange of newsreels in proportion to each nation's productive capacity, and should at the same time study the disparities in the development of the production enterprises in the different countries and deal with the problem of the development of national enterprises by means of provisional measures; and

FURTHER RECOMMENDS that monopolistic practices, in all their forms, open or concealed, in relation to the showing of such films, be eliminated, in order to avoid any kind of restriction, exclusion or privilege.

Resolution No. 18

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION CONSIDERS that governments should permit all news material of foreign correspondents and foreign information agencies to enter their territories and reach information agencies operating therein on the same conditions as are accorded to any other foreign information agencies.

Resolution No. 19

WITH A VIEW to encourage wider and freer flow of information through the development of national news agencies in countries where such agencies are under-developed,
THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION RECOMMENDS that any foreign news agency operating within the territory of a country where national news agencies are under-developed, while it should enjoy full freedom as regards the international transmission of news, should refrain from releasing, at the locality of its operation, news concerning the country's domestic affairs, and further refrain from transmitting such news to any other locality in that country for publication, except by mutual arrangement with the national news agencies or with local newspapers.

Resolution No. 20

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

WHILE AFFIRMING its conviction

THAT effective news agencies are a natural outgrowth of the vigour and co-operation of the organs of publication which they serve, and

THAT the dependence of news agencies on those organs themselves is an important factor in ensuring the objectivity of the information which they supply,

IS HOWEVER of opinion that in countries where national news agencies are not sufficiently developed provisional measures may appropriately be taken by governments to encourage their development as independent news agencies, and is further of opinion that at no time should the development of foreign news agencies by unfair or abnormal means be allowed to prejudice the normal development of national agencies.

Resolution No. 21

CONSIDERING that the increase in the amount of information should apply without exception and in equal measure to all countries with a view to obtaining an everwider and more accurate knowledge of their problems, achievements and contributions to international co-operation and world peace; and

CONSIDERING that this aim has not been fully realised in the case of all nations, about some of which information is scanty and in many cases distorted or biased, and that as a result there is too often ignorance as to the true character of their civilizations and their importance in material progress, intellectual achievements and contribution to social justice, the defence of freedom and world harmony;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that press enterprises and agencies for the publication and dissemination of news be encouraged to establish an efficient information service dealing with all countries, and especially with their achievements and concern for human progress, for their own political, economic and social independence and for the closest friendship and harmony among peoples; and

FURTHER RECOMMENDS that stress be laid on the desirability of all governments making permanently available to such enterprises and agencies all information material likely to contribute to the above aim, and to the elucidation or rectification of news and comments which tend to hamper or prevent its realisation.

Resolution No. 22

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION,
CONSIDERING the desirability for the full realization of freedom of information in all countries,

RESOLVES that all countries should co-operate in the procurement and advancement of the facilities for the transmission and dissemination of information.

Resolution No. 23

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION
TAKES NOTE of the Secretariat Document on International Communications and the Freedom of Information (E/CONF. 6/29), and

RECOMMENDS that, in view of the highly technical nature of the matter, the Economic and Social Council refer it to the International Telecommunications Union for its consideration.

Resolution No. 24

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

HAVING GIVEN CONSIDERATION to the problems involved in the establishment of governmental and semi-governmental information services in order to make information available in countries other than their own.

REQUESTS the Economic and Social Council to refer consideration of this matter to the Sub-commission on Freedom of Information and of the Press, and to draw its attention to the views expressed at this Conference and to the proposal of the United Kingdom delegation on the subject.

CHAPTER III

MEASURES CONCERNING THE FREE PUBLICATION AND RECEPTION
OF INFORMATION

Resolution No. 25

CONSIDERING that governments should put no obstacles in the way of persons and groups wishing to express themselves through the means of mass communication,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that all governments should, to the extent that they make available materials and facilities for the mass media, undertake not to discriminate on political or personal grounds or on the basis of race, nationality, sex, language or religion, or against minorities.

Resolution No. 26

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

CONSIDERING that, in view of the diversity of the laws of libel in force in different countries, and the diversity of legal systems and conditions with reference to which laws are made, this Conference is not in a position to make a close study of such laws for the purpose of recommending specific improvements; and

RECOGNIZING that all branches of law must be kept in accord with public opinion and that this is especially true of the laws relating to the liberty of discussion,

RECOMMENDS that States should from time to time review their laws of libel, taking into consideration the general conclusions of this Conference, in order to remove anomalies, and to secure to all persons the maximum freedom of expression compatible with the maintenance of order and with due regard to the rights of others; and

CONSIDERING it necessary to determine the fundamental principles in this matter which may serve as a uniform basis for the laws of the various countries,

FURTHER RECOMMENDS:

- (1) that the Economic and Social Council invite a committee of jurists or an international organization (such as the International Association of Criminal Law) to:
 - (a) study the laws of libel of the various countries in order to note their defects and anomalies; and
 - (b) formulate a body of fundamental rules and principles regarding libel, taking into account the role played by the press in a democratic State; and
- (2) that the Economic and Social Council draw the attention of the various Governments to this body of rules with a view to their being taken into consideration in the formulation of national laws of libel.

Resolution No. 27

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOGNIZING that there is a diversity in different countries in the ownership and control of media of information and that freedom can flourish under widely different systems;

RECOMMENDS that governments should undertake to put no obstacles in the way of persons or groups wishing to express themselves through the means of mass communication, and should ensure insofar as they are able that persons do not suffer discrimination in the use of the media on political or personal grounds or on the basis of race, sex, language or religion, and

FURTHER RECOMMENDS the investigation by each country in its own way of public and private monopoly, in ownership and control of the media of information, where such monopoly exists.

Resolution No. 28

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

CONSIDERING that the free interchange of information and opinions promotes the welfare of all nations and is indispensable to the peace of the world,

RECOMMENDS that governments grant the right to all nationals of their States to possess and operate radio receiving sets covering all the bands used for domestic and international broadcasts, free from intimidation or pressure and subject only to the accepted rules governing licensing and copyright.

Resolution No. 29

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION IS OF THE OPINION:

1. THAT the tax on the sale of receiving sets, valves and spare parts should be reduced to the maximum extent;
2. THAT the possession of receiving sets is necessary to assure a really free flow of information and is in no way a luxury;
3. THAT the annual, or monthly, charge payable by the possessors of such sets should be allocated exclusively to meet the operating costs of national radio organizations; and
4. THAT receiving sets installed in the schools of all countries should be exempt from all taxes and charges.

Resolution No. 30

CONSIDERING that in many countries the price of radio receiving sets is unduly high; and

CONSIDERING that one of the aims of the Conference is to recommend means to increase the amount of domestic and international information available to all peoples;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS to the Economic and Social Council that a study be made of all appropriate measures so that the general public can obtain radio receiving sets at low prices.

Resolution No. 31

WHEREAS one of the means of expanding interchange of information is by the reception of press transmissions by radio addressed to multiple destinations, and

WHEREAS thirty-seven nations now permit private reception of multiple-address newscasts;

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

TAKES NOTE of the practice of private reception of multiple-address newscasts, and

SUGGESTS to the Economic and Social Council that the problem be referred for further study to the International Telecommunications Union or any other competent body.

Resolution No. 32

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

HAVING CONSIDERED the investigations of UNESCO into the technical needs of war-devastated countries,

1. EXPRESSES the hope that UNESCO will proceed with the utmost speed to carry out the programmes it has prepared in this connection;
2. NOTES with satisfaction that UNESCO is taking expeditious steps for ascertaining the requirements of other countries, whose detailed wants have not been investigated so far but which are handicapped, on account of material inadequacies, in making satisfactory arrangements for the provision of domestic and international information;
3. RECOMMENDS that the Economic and Social Council instruct its regional economic commissions and request the competent specialised agencies to assist UNESCO in its task of reducing the inequalities in information facilities caused by the devastations due to war, or other handicaps, and
4. FURTHER RECOMMENDS that very early arrangements may be made by UNESCO, with the help of other specialised agencies concerned in the matter, for dealing with the requirements of these countries.

Resolution No. 33

TAKING COGNIZANCE of the conclusions concerning newsprint reached by UNESCO as the outcome of its enquiry carried out in 1947, in twelve war-devastated countries of Europe and the Far East, and of the decision of UNESCO to continue its enquiry in 1948 in other parts of the world,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

DRAWS the attention of the Economic and Social Council to the harm and dangers which inadequate production of newsprint, and unequal distribution thereof, have on the exercise of freedom of information;

RECOMMENDS that the Economic and Social Council consider as soon as possible, in the light of the enquiries carried out by the Council and by UNESCO, practical measures to remedy the situation; and

RECOMMENDS that governments give their support to the UNESCO plan for aid to war-devastated countries; and

INVITES UNESCO to extend such aid to other countries suffering from an acute shortage of newsprint.

Resolution No. 34

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

TAKING NOTE of the proposal submitted directly by UNESCO to establish under the auspices of that agency an International Institute of Press and Information, and

CONSIDERING that such an Institute could be conducive to the improvement of the quality of information,

REQUESTS the Economic and Social Council to invite governments and professional organisations, national and international, to examine together the possibility of implementing this proposal and, if it is found practicable, to co-operate in carrying it out.

Resolution No. 35

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION,

DESIRING to improve the quality of information,

RECOMMENDS

- (1) THAT the curricula of schools of journalism, governmental and private, include
 - (a) intensive study of the history and culture of other peoples as a background for correct interpretation of international news and events;
 - (b) inculcation in future journalists of a keen sense of the moral and social responsibility of their profession, stressing the undesirability of commercialism, sensationalism and racial and religious intolerance; and
 - (c) training in the habit of objectivity, accuracy and comprehensiveness in reporting and writing;
- (2) THAT journalistic organizations exchange views concerning the desirable qualifications, technical requirements, and the working conditions of foreign correspondents;
- (3) THAT systems of awards be established for news personnel for conspicuous service in upholding high journalistic ideals and for excellence in writing, especially in the field of international news and its interpretation, and in promoting the ideals of the United Nations, thereby strengthening friendship between peoples.

Resolution No. 36

CONSIDERING that the task of drafting and enforcing an international code of honour for journalists and other information personnel requires as a principal condition the discussion in advance by the professional organizations active in this field; and

CONSIDERING also that any such code of honour should be sufficiently wide to include all media of information and to cover the activities of all information enterprises, including the activities of journalists, editors, managers, directors and publishers of such enterprises,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION,

RECOMMENDS:

1. THAT the question of drafting an international code of honour and of the possibility of establishing an international court of honour be referred to the Sub-commission on Freedom of Information and of the Press;
2. THAT the Sub-commission should also examine in this connection the Draft Convention concerning an International Court of Honour proposed by the delegations of Columbia and Peru, which the Conference has taken note of without pronouncing an opinion on its substance, and any other draft conventions on the subject referred to in paragraph 1 which may be proposed;
3. THAT national and international professional organizations be invited to contribute such material as they may consider to be of value to the Sub-commission in its deliberations; and
4. THAT the Sub-commission be requested to present the results of its investigations to the Economic and Social Council for consideration by any international conference of journalists, editors, managers, directors and publishers which may be convened by the United Nations to consider these specific matters.

Resolution No. 37

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

CONSIDERING the desirability of encouraging the adoption of measures guaranteeing the independence of news personnel and consequently the freedom of information; and

CONSIDERING that to attain this end all those who derive their main livelihood from the practice of the profession should be assured freedom from want in their old age, or in the case of disability, sickness or unemployment, or for their families in the event of death,

RECOMMENDS:

THAT the Economic and Social Council invite governments to include in their legislation a system of social security guaranteeing apart from the rights conferred on news personnel by their contracts of employment,

- (a) payment (pension or lump sum) during their old age and in the event of disability;
- (b) compensation for a certain period in the event of unemployment or sickness including an adequate notice of discharge; and
- (c) payment (pension or lump sum) to the widow and dependent children; and

FURTHER RECOMMENDS that social benefits be financed by contributions made on the one hand by employers and on the other by news personnel themselves, and, possibly, by contributions from the State.

Resolution No. 38

CONSIDERING

That the problem of freedom of information, in relation to the reception and transmission of true and objective news, is intimately bound up with the economic conditions under which professional news personnel work,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RECOMMENDS that in all Member States of the United Nations and Non-Member States the advisability be considered of assuring, by free negotiation between employers and employees, or, where necessary, by law, the protection of news personnel whose main source of livelihood is the gathering or dissemination of news or opinion, whether they work for daily newspapers, news periodicals, news agencies, or news departments of broadcasting or motion picture organizations; and

FURTHER RECOMMENDS that such provisions should cover the following points without exclusion of other benefits:

1. The initial emoluments of the professional journalist;
2. Automatic system of increase in salaries for seniority, taking into account previous experience;
3. Stability of employment and compensation in case of wrongful dismissal;
4. Superannuation and retirement;
5. Payment of salaries during vacations;
6. System of compensation for accidents at work and occupational diseases; and
7. Settlement of professional disputes.

CHAPTER IV

CONTINUING MACHINERY TO PROMOTE THE FREE FLOW
OF INFORMATION

Resolution No. 39

CONSIDERING

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

CONSIDERING

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

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RESOLVES

1. That the Economic and Social Council be requested to continue the Sub-commission on Freedom of Information and of the Press for a period of three years;
2. That the Sub-commission's terms of reference include the consideration of issues and problems involved in the dissemination of information by newspapers and news periodicals, radio broadcasts and newsreels;
3. That, to carry out these terms of reference, the Sub-commission may:
 - (a) Study and report to the Economic and Social Council on:
 - (1) Political, economic and other barriers to the free flow of information;
 - (2) The extent to which freedom of information is accorded to the various peoples of the world;
 - (3) The adequacy of the news available to them;
 - (4) The development of high standards of professional conduct;
 - (5) The persistent dissemination of information which is false, distorted or otherwise injurious to the principles of the Charter of the United Nations;
 - (6) The operation of any inter-governmental agreements in the field of freedom of information;

- (b) Receive for its own information communications from any legally constituted national or international press, information, broadcasting or newsreel enterprise or association relating to the items enumerated in paragraph 3 (a) above with a view to assisting it in the formulation of general principles and proposals in the field of freedom of information;
 - (c) Discharge with the approval of the General Assembly and the Economic and Social Council such other functions as may be entrusted to it by inter-governmental agreements on information; and
 - (d) Initiate studies and make recommendations to the Economic and Social Council concerning:
 - (1) The promotion of a wider degree of freedom of information and the reduction or elimination of obstacles thereto;
 - (2) The promotion of the dissemination of true information to counteract nazi, fascist or any other propaganda of aggression or of racial, national and religious discrimination;
 - (3) The conclusion or improvement of inter-governmental agreements in the field of freedom of information; and
 - (4) Measures to facilitate the work of foreign news personnel.
4. That the General Assembly be requested to make adequate funds available for the work of the Sub-commission and in particular, funds for providing the Sub-commission with the full-time expert staff, within the Secretariat of the United Nations, necessary for the discharge of its important functions.

CHAPTER V

MISCELLANEOUS

Resolution No. 40

HAVING CONSIDERED the proposal of the International Organization of Journalists regarding a Day of Friendship and Mutual Understanding in the Press,

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUESTS the Economic and Social Council to refer the proposal of the International Organization of Journalists to the Sub-commission on Freedom of Information and of the Press for consideration and such action as may be considered desirable.

Resolution No. 41

The Conference requests the Secretary-General of the United Nations to convey to Dr. Lev Sychrava its appreciation of his memorandum on The Principles of Free Exchange of Information (Document E/CN.4/Sub.1/50) and the regret of the Conference that he could not be present at its meetings.

CHAPTER VI

POSSIBLE MODES OF ACTION BY MEANS OF WHICH THE
RECOMMENDATIONS OF THE CONFERENCE CAN BEST BE
PUT INTO EFFECT

Resolution No. 42

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RESOLVES that some of the recommendations of the Conference can best be put into effect in the form of Conventions.

Resolution No. 43

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

RESOLVES:

1. THAT all documents passed by the Conference, Resolutions or Draft Conventions, be referred to the Economic and Social Council for study at its next session;

2. THAT all Governments invited to this Conference be requested to forward to the Secretary-General of the United Nations before July 5, 1948 their comments on the draft conventions proposed by the Conference and proposals for other draft conventions based on the recommendations of this Conference;

3. THAT the Economic and Social Council be requested to examine at its seventh session the Draft Conventions referred to it by the Conference in the light of such comments and other proposed draft conventions as provided in paragraph 2, and to submit to the General Assembly at its Third Session draft conventions which may thereafter be opened at that session for signature or accession by those States entitled and willing to become parties thereto, and remain open subsequently for additional accessions.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

ANSWERS SUBMITTED BY CANADA

MARCH 1948

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

LECTURE 1

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

1

General Discussion on the Principles of Freedom of Information
and the Consideration of Certain Fundamental Principles*

1. Governments are invited to supply the Secretary-General with
- (a) A concise statement of the constitutional and legal principles applicable to the various media of information in their countries;

Canada has a democratic parliamentary system of government. Its written constitution is the British North America Act with a great part of its parliamentary practices stemming from old unwritten custom. Canada is a democracy which cannot be maintained without a foundation of free public opinion and free discussion within the limits set by the civil and criminal laws of Canada.

Freedom of information, therefore, exists, within certain limits; those based upon considerations of decency and common order and others conceived for the protection of various private and public interests with which, for example, the laws of defamation and sedition are concerned.

- (b) The relevant texts of their constitutions, legislative enactments and regulations;

a. Freedom of Information is inherent to the Canadian constitution, the British North America Act, but is not specifically enacted.

b. Before citing the Federal law of libel found in the Criminal Code; it should be mentioned that the nine provinces of Canada also have their respective civil legislation on libel, which is uniform and similar to Federal statute.

c. For restrictions found in the Criminal Code of Canada see Appendix 1.

Please refer to Question 8 (c) of Part 11 hereof for the law of libel and to Appendix 11.

- (c) The relevant texts of principal judicial decisions;

(see Appendix 111).

- (d) Any relevant treaties, conventions or other international instruments to which they are parties;

(see Appendix 1V).

* "By information, for the purposes of the Conference, is meant the following means of bringing current situations, events and opinions thereon to the knowledge of the public: newspapers, news periodicals, radio broadcasts and newsreels." (E/CONF. 6/1, page 5)

(e) Any relevant official papers, explanatory memoranda, circulars and statements of policy.

(see Appendix V).

2. Governments are invited to provide answers to the following questions:

(a) What is the legal status of press, radio and newsreel enterprises.

Are they -

- (i) governmental organs;
- (ii) public corporations;
- (iii) private enterprises controlled by the State;
- (iv) co-operatives;
- (v) private enterprises.

The press of Canada are either co-operative or private enterprises.

The Government of Canada in no way interferes with press enterprises. Publishing firms have the same rights and obligations as other private businesses or corporations.

Broadcasting in Canada may be divided into two classes
(a) a public corporation and (b) private corporations.

The public system is known as the Canadian Broadcasting Corporation, a body established to act independently of the government, but subject to the overall jurisdiction of parliament. The Canadian Broadcasting Act, 1936, as amended by Chapter 33, 1944, designates the public system as a body corporate having capacity to contract and to sue and be sued in the name of the corporation.

There are also some 130 private commercial broadcasting stations in Canada which are licensed annually by the licensing authority, on recommendation by the Corporation. The licensee of a private station, while required to comply with regulations under both the Radio Act and the Canadian Broadcasting Act (insofar as they affect his station) is responsible for programs originated and broadcast by his station and cannot, through contract or in any other manner, divest himself of this responsibility. He is a trustee of the frequency allotted to him, for the benefit of the listener.

Radio enterprises therefore fall into two classes:

- (a) Public corporation
- (b) Private enterprises.

The National Film Board produces and distributes news films under provisions of the National Film Act, 1939.

(see Appendix VI, National Film Act).

Private newsreels companies produce newsreels for commercial use.

(b) Does your government -

- (i) maintain an information service which makes regular releases or provides information and documentation of any kind either free or for sale;

(see Appendix VII for a description of Canadian Government Information Services).

- (ii) maintain any news agencies:
No. (see Appendix VII)
- (iii) subsidize or in any way assist any news agencies or other enterprises in the field of information;

The Government of Canada does not subsidize or in any way financially assist any news agencies. Government news releases are made available to news agencies without charge or discrimination.

The C.B.C. International Service, broadcasts news for foreign listeners.

The National Film Board, a governmental agency, produces newsreels for public exhibition.

- (iv) own shares in or lend funds to private enterprises in the field of information;

No.

- (v) publish newspapers;

No.

- (vi) make official broadcasts;

Members of Federal and Provincial Governments from time to time are permitted to use the facilities of the Canadian Broadcasting Corporation for the purpose of making official statements. These are confined to matters which, in the opinion of the Corporation, are of sufficient importance to warrant their being carried over national networks and are non-political in nature. No charge is made by the Corporation for such broadcasts. In the event federal or Provincial parties wish to make political broadcasts, the provisions of the Corporation's "Handbook on Political and Controversial Broadcasting" applies. The policies laid down in this booklet provide for network time free of charge to recognized political parties during and between Federal and Provincial elections.

- (vii) produce newsreels for public exhibition;

The National Film Board produces and distributes documentary films and newsreels under provision of the National Film Act. (see Appendix IV).

- (viii) make its information services available only to domestic users, to foreign users, or to both on equal terms.

The Government of Canada makes its information services available to domestic and foreign users on equal terms.

- (c) Governments are invited to provide answers to the following questions:

- (i) What conditions govern the establishment of a newspaper, news periodical, radio broadcasting station or newsreel enterprise.

Newspapers and news periodicals are not subject to any special conditions of establishment. They are expected to conform to the laws of the country governing the establishment of any type of business, corporation or partnership.

A Minister of the Crown under The Radio Act, 1938, is the licensing authority and has control over the technical operation of broadcasting stations. Regulation 2 of

Part 11 of the Regulations made under the Act provides for the issuance of licences for radio stations, other than private receiving stations, only to British subjects or to companies or corporations created or incorporated under the laws of Canada or any country of the British Commonwealth. Regulations Nos. 31 to 48 of Part 11 of the said Regulations govern the licensing, equipment and operation of broadcasting stations. Each applicant for a privately owned broadcasting station must complete an application in the form of a sworn declaration and must satisfy the Department of Transport as to his financial ability to operate successfully a station, state the service to be provided by the proposed station and submit a technical brief proving that the proposed station will conform in all technical aspects to Regional Treaties and Departmental requirements. When the application is satisfactory to the Department it is referred to the Canadian Broadcasting Corporation.

In accordance with the requirements of Section 24 (1) of The Canadian Broadcasting Act, 1936, the Board of Governors of the Corporation consider such application in open session and makes a recommendation on it to the Minister for his decision. If the decision is favourable to the applicant, the Governor in Council grants the necessary approval.

There are no restrictions on establishment of news-reel companies in Canada except those that would govern any industry.

(ii) What form of control, if any, exists covering the investment of capital in information enterprises, such as enquiry into the source of capital, publication of the source of capital, prohibition or limitation of foreign capital, or limitation of the proportion of capital invested which may be held by any individual or group.

Federal and provincial legislation on Companies are liberal in this connection. Aliens, as such, are not under any disability as regards holding shares under the Canadian Companies Act. There is no requirement that any of the share-holders must be citizens, or even residents of Canada.

(iii) What regulations, if any, exist concerning the ownership, control and administration of public or private enterprises in the field of information.

There are no regulations governing the ownership, control and administration of press or news periodical enterprises in Canada except those restrictions which would apply to any other private enterprise.

In the field of broadcasting the Canadian Broadcasting Act and regulations contain provisions concerning the ownership, control and administration of both public and private stations. The Radio Act also contains provisions affecting ownership and control of such stations.

(for further details on radio see Radio Act).

There are no regulations, except those restrictions which would apply to any other enterprises, for example: compliance with labour laws, fire regulations, etc.

The only public enterprises in information through the medium of film are subject to the provisions of the National Film Act.

(d) Governments are invited to provide answers to the following questions:

(i) To what extent, if any, and on what grounds, does the law of your country provide for the suspension or suppression of media of information.

There is no provision under the laws of Canada for the suppression or suspension of newspapers and news periodicals except specific issues in cases of violation of the criminal laws. It is an indictable offence however for a newspaper or news periodical to publish obscene or immoral material.

The media of information are subject to the provisions of the Criminal Code on corruption or bribery.

Programs broadcast over public and private stations alike are required to comply with the Corporation's Regulations for Broadcasting Stations.-No. 7 of which states that no one shall broadcast anything contrary to law; abusive comment on any race, religion or creed; obscene, indecent or profane language; malicious, scandalous or defamatory matter; false or misleading news.

(see Section 11 of the Radio Act, 1938, and Section XLV of the Canadian Broadcasting Act, 1936.)

Films may be censored on moral grounds at the discretion of Censorship Boards which exist in all provinces, except Prince Edward Island.

(ii) What body or authority is competent to suspend or suppress.

There is no specific authority competent to suppress or suspend newspapers or news periodicals.

In the case of radio the authority competent to suspend or suppress is the Minister of the Crown having jurisdiction over the administration of the Radio Act, 1938.

Each province has a censorship board, non-political in character, which may delete portions of a film on moral grounds.

(iii) What is the procedure followed by this authority.

The procedure in the case of radio broadcasting is by notice in writing to the Licensee as provided for in Regulation 28 of the radio regulations issued under the Radio Act - 1938.

Films are viewed by the Provincial Censorship Boards and if they are considered detrimental to public morals their exhibition may be prohibited. In most provinces, films considered unsuitable for children under 16 are classified by the Censorship Board as "Adult", and theatres exhibiting such films are required to advertise them as "Adult Entertainment". Children under 16 are not

permitted to attend such films unless accompanied by an adult.

(iv) What provisions, if any, exist for administrative and judicial review.

There are no provisions for judicial review in Canada, but for administrative review according to Provincial laws.

(e) Governments are requested to state the law of their country concerning the corruption of media of information.

It is an indictable offence to publish any obscene or immoral books. A person whose business is to supply information is also subject to the provisions of the Criminal Code on corruption or bribery.

The Dominion Elections Act, R.S.C. 1927, c. 53, and amendments, makes it unlawful for any person to make or publish any false statement of fact in relation to the personal character or conduct of a candidate, before or during any election, for the purpose of affecting the return of such candidate at such election.

(f) Governments are requested to state the composition of tribunals which adjudicate upon offences relating to media of information and the procedure followed before such tribunals;

Offences relating to media of information are tried and punished by the ordinary Courts of the country. (see Appendix 11).

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Measures to Facilitate the Gathering of Information

3. Governments are invited to provide information about:

(a) Their law and practice governing the entry, residence, movement and travel of news personnel;

There are no restrictions on the entry, residence, movement and travel of news personnel in Canada providing ordinary immigration and customs regulations, applicable to all citizens of a foreign country entering Canada for any purpose, can be complied with.

(b) Their experience, if any, in the use of international professional cards for news personnel;

The Government of Canada has had no experience in the use of international professional cards for news personnel.

(c) Their law and practice, if any, governing the expulsion of news personnel;

There is no law in Canada governing the expulsion of news personnel. News personnel are subject to the ordinary immigration and customs regulations, applicable to all citizens of a foreign country entering Canada.

(d) Any special laws, regulations or practices, applying to or affecting foreign news personnel;

There are no special laws, regulations or practices in Canada, applying to or affecting foreign news personnel.

(e) The accessibility of news sources, private and official, and any existing distinctions in the degree of accessibility to such sources as between their own nationals and foreign news personnel;

News sources, private and official, are available to foreign news personnel on the same basis as they are to Canadian nationals.

(f) Their rules and practices governing the taxation of foreign and domestic news agencies and personnel.

There are no special rules and practices governing the taxation of foreign and domestic news agencies and personnel. (see Appendix VIII).

Measures to Facilitate the International Transmission of Information

4. Governments are invited to provide information concerning:

(a) The law and practice of any existing censorship;

There is no existing censorship in Canada which applies to newspapers or news periodicals. (see Appendix IX).

Newsreels are subject to censorship by provincial film censorship boards, and may be censored on moral grounds only. No political censorship of newsreels exists.

(b) To what extent there has been relaxation of censorship since the termination of hostilities in World War II, and how the present situation compares with pre-war peacetime censorship;

There was no pre-war censorship in Canada and there is none now. (see Appendix IX).

(c) And to state -

- (i) Whether censorship is based upon directives available in advance to news personnel;
- (ii) Whether censorship occurs before transmission, and if not, to what extent news personnel are accountable for the contents of their dispatches;
- (iii) Whether censorship is carried out at the place of dispatch and in the presence of the sender, and if not.
- (iv) The way in which telegraph charges are fixed on censored material;

This question is not applicable to any conditions existing in Canada.

(d) Difference, if any, between transmission rates and services available to domestic and foreign news agencies and personnel;

There is no law in Canada governing transmission rates and services.

(e) Current tariffs, quotas or exchange controls which apply to the import of (1) news, and (2) news materials used by the media of information.

The Customs Division of the Department of National Revenue at present administers tariff item 1201 which prohibits the importation of books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable, or seditious, or of an immoral or indecent character, but is not in a position to maintain any form of censorship.

35 MM. projectors may be freely imported from the United States and the United Kingdom until February 1st 1948, when they come under import controls and will be admitted under a quota. 16 MM. projectors may not be imported at all during the present exchange emergency. At other times they are subject to ordinary customs charges.

(f) Any legislation, regulations, inter-governmental agreements, commercial agreements (e.g. cartels) or practices, including those which involve the use of specially favoured channels, or establish priorities of a restrictive or monopolistic nature which affect the import or export of (1) news, and (2) news materials.

There are no regulations, inter-governmental agreements, legislation, commercial agreements (e.g. cartels) or practices in Canada which affect the import or export of news or news materials.

Measures Concerning the Free Publication and Reception of Information

5. Governments are invited to describe any legal or administrative restrictions imposed on, and any economic conditions affecting, persons or groups wishing to receive and disseminate information, ideas and opinions by:

(a) Measures which discriminate in the provision or allocation of equipment, materials and facilities:

There are no government measures in Canada which discriminate in the provision or allocation of equipment, materials and facilities.

(b) (Questions concerning censorship have been included above under paragraph 4);

(c) Limitation or regulation of the right to possess and operate radio receiving sets covering all bands used for domestic and international broadcasts;

There are no legal or administrative restrictions, limitations or regulations of the right to possess and operate radio receiving sets covering all bands used for domestic and international broadcasts. The Government of Canada requires that each private receiving set be licenced but there is no discrimination practised in the issuing of such licences. The funds received from the licences are used to assist in defraying the operational cost of the Canadian Broadcasting Corporation.

(d) Requirements of national security and public order;

A seditious intention shall be presumed of everyone who publishes, or circulates any writing, printing or document in which it is advocated, or who teaches or advocates, the use, without the authority of law, of force, as a means of accomplishing any governmental change within Canada.

Everyone is guilty of an indictable offence and liable to imprisonment for a term of not more than two years, who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy.

(see also Question 5 (e) below).

(e) Demands of public decency;

In respect of imported material, public decency is safeguarded by:

Item 1201, Schedule C of the Customs Tariff classifies as prohibited goods:- "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character."

Section 13 of the Customs Tariff Act reads as follows; "The importation into Canada of any goods enumerated, described, or referred to in Schedule C to this Act is prohibited; and any such goods imported shall thereby become forfeited to the Crown and shall be destroyed or otherwise dealt with as the Minister directs; and any persons importing any such prohibited goods, or causing or permitting them to be imported, shall for each offence incur a penalty not exceeding two hundred dollars."

The Department of National Revenue deals only with imported publications, films, recordings, calendars, photographs, novelties, etc. Any prosecutions in regard to such material printed or manufactured in Canada would come under the provisions of the Criminal Code, which is administered by the various provinces.

The only prohibition affecting persons or groups wishing to receive and disseminate information, ideas and opinions, is that covered by the above-quoted Item 1201, Schedule C, and Section 13 of the Customs Tariff. Material of a treasonable or seditious, or of an immoral or indecent character is prohibited entry, but there is no restriction against groups as such.

Provincial censorship on moral grounds includes suppression of films in the interest of public decency.

CBC regulation 7 prohibits the broadcasting of anything contrary to law; obscene, indecent or profane language; malicious, scandalous or defamatory matter; upon the subject of birth control; upon the subject of venereal disease, or other subjects relating to public health which the Corporation may from time to time designate, unless such subjects are presented in a manner and at a time approved by the General Manager of the Corporation as appropriate to the medium of broadcasting.

Addresses on venereal disease and other subjects relating to public health warrant special attention for presentation by radio. Regulation 7 (i) is designed to insure that these topics will be presented under responsible auspices and in a manner suitable to such an intimate medium.

The procedure for the clearance of manuscripts for such broadcasts has been approved by the Department of National Health and Welfare in Ottawa, and Provincial Medical Health Officers. Such scripts are required to be submitted to the Corporation for clearance.

Offences against public decency in Canada are prosecuted under the Criminal Code of Canada.

(f) Laws of libel;

The nine provinces of Canada have their respective civil legislation on libel, which is uniform and similar to Federal statute.

As far as criminal or defamatory libel is concerned, this pertains to a matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person of or concerning whom it is published. Such matter may be expressed either directly or by insinuation or irony. It shall be a defence, however, to an indictment or information for a defamatory libel that the publishing of it was for the public benefit and that it was true. Everyone is guilty of an indictable offence and liable to one year's imprisonment, or to a fine not exceeding two hundred dollars, or to both, who publishes any defamatory libel.

(g) (A question relating to the ownership, control and administration of enterprises in the field of information has been included above in paragraph 2 (c) (iii));

(h) Governments are further invited to outline any legal provisions, and to describe any understandings and practices which make available to groups and individuals media of information which are not owned or controlled by them and enable them to give public expression to their views through these media;

Political groups in Canada are assured an opportunity to express their views publicly through the facilities of broadcasting. Section 22 of The Canadian Broadcasting Act states that the Corporation

may make regulations "to prescribe the proportion of time which may be devoted to political broadcasts by the stations of the Corporation and by private stations, and to assign such time on an equitable basis to all parties and rival candidates."

The Corporation assumes this responsibility as a function of public service broadcasting. In accordance with its general policy of encouraging fair and adequate presentation of controversial questions of public interest and concern, the Corporation instituted a general plan for party political broadcasting. This plan, contained in its "Handbook on Political and Controversial Broadcasting", includes the provision of network time free of charge to recognized political parties during dominion and provincial elections, thus giving all parties the opportunity of speaking to a wide public irrespective of their capacity to buy time; and a limited amount of free network time to recognized party leaders or their representatives in the periods between elections.

In addition to free network time, provision is made for the purchase of time on privately-owned stations under such control as will ensure an equitable division of such purchased time, and secure the public against an excessive amount of political broadcasting to the exclusion of entertainment and other normal program material. Regulation 8 (2) under the Act provides, for example, that "Each station shall allocate time for political broadcasts as fairly as possible between the different parties of candidates desiring to purchase or obtain time for such broadcasts." Stations owned or operated by the Canadian Broadcasting Corporation are not available for purchase for political broadcasting by groups or individuals.

As for controversial broadcasting - the broadcasting of opinions, the Corporation has set forth its views in the above-mentioned Handbook. These views are based on the following principles:

1. The air belongs to the people, who are entitled to hear the principal points of view on all questions of importance.
2. The air must not fall under the control of any individuals or groups influential by reason of their wealth or special position.
3. The right to answer is inherent in the democratic doctrine of free speech.
4. Freedom of speech and the full interchange of opinion are among the principal safeguards of free institutions.

In the view of the Corporation, these principles are not promoted by the sale of network time to individuals or commercial concerns for broadcasts of opinion or propaganda. The principles can be furthered by the provision of free time to competent speakers to present, without let or hindrance, varying points of view on questions of the day. The best safeguard of freedom of discussion is a policy which permits opportunity for the expression of varying points of view.

The National Film Board has encouraged the establishment of approximately 200 regional film libraries in centres throughout the country through which the public may buy or rent documentary films, shorts, and newsreels produced by both native and foreign film makers. Through the work of the National Film Board in co-operation with the National Film Society, Federation of Agriculture, Canadian Scientific Film Association, Labour Unions, Public Libraries, Provincial Education Departments, Colleges, Universities, Women's Institutes, Workers' Educational Association, Boards of Trade, Chambers of Commerce, Y.M.C.A.'s and many other organizations in the Dominion, documentary and information films are easily available to a large proportion of the Canadian public for screening at very low cost. The films cover a vast range of subjects, and no film is excluded from circulation

through the libraries as long as it complies with provincial censorship in not offending public morals. The 170 mobile circuits operated by the Board and co-operating organizations in rural areas offer a wide opportunity for participation by Federations of Agriculture, Co-operatives, Women's Institutes, etc.

In the case of newspapers and news periodicals any group is free to make use of advertising facilities. The publishers of newspapers and news periodicals control the policy of their own publications. It is customary in Canada for newspapers to devote some space to all viewpoints.

(i) (Questions relating to distinctions between the rights of correspondents, information agents, etc. working in their own countries and those of foreign correspondents have been included above under paragraphs 3 (d-e-f-) and 4(d).)

6. Governments are invited to describe any steps they have taken, either alone or in co-operation with other governments, or any steps they have announced they intend to take, which have increased or would increase the amount of domestic and international information available by:

(a) Such means as improving and increasing the supply of physical facilities, for example: printing presses, newsprint, radio equipment, film projectors and rapid transmission facilities and services;

(See question 6 (b) for tariff regulations).

(b) Removing or alleviating existing tariffs, quotas, regulations and exchange controls affecting the supply of such physical facilities;

A statement of the existing tariff rates on physical facilities is as follows:

Presses for use in the printing of newspapers, of not less value by retail than fifteen hundred dollars each; mechanical deliveries or conveyors for use with newspaper printing presses.....			
		British	Most-Favoured-
		Preferential	Nation
Tariff Item 412	-	Free	Free
<hr/>			
Printing presses, n.o.p.			
Tariff Item 412d	-	Free	10%
<hr/>			
Radio apparatus, including Wirephoto transmitters which transmit photo- graphs by radiotelegraph			
Tariff Item 445d	-	Free	20%
<hr/>			

Electric telegraph apparatus			
Tariff Item 445c(i) -	Free		20%

Electric telephone apparatus			
Tariff Item 445c (ii) -	10%		22 $\frac{1}{2}$ %

Electric transmission apparatus, other than radio, telephone or telegraph apparatus, including Wire- photo machines which transmit and receive news pictures over existing telephone circuits			
Tariff Item 445K -	15%		22 $\frac{1}{2}$ %

Motion picture projectors			
Tariff Item 427h -	Free		15%

Motion picture projectors, for use with film less than 1-1/8 inch in width, with or without sound equipment, are prohibited importation, being included in Schedule VII of the Foreign Exchange Control Regulations.

Under the Foreign Exchange Control Regulations, effective 1st February, 1948, motion picture projectors, for use with film 1-1/8 inch in width and over, are not permitted importation unless covered by a specific permit issued by the Department of Reconstruction and Supply.

Radio receiving sets, and combination radio sets for transmitting and receiving, classified under tariff item 445d, are also prohibited importation in accordance with Schedule VII of the Foreign Exchange Control Regulations. Radio sets which transmit only are not prohibited.

The machines specified in tariff items 412 and 412d are included in Schedule III of Bill 3, now before Parliament, and, at some future date, may require a permit to cover their importation.

Electric apparatus, n.o.p., as classified under tariff item 445k, of a total invoice value exceeding \$25.00, is also included in Schedule III of Bill 3.

The following is a statement of Customs duty applicable to the following tariff items:

Newspapers, unbound, are free of duty under tariff item 184, from all countries.

Periodical publications, unbound or paper bound, printed and issued at regular intervals not less frequently than four times a year, and bearing dates of issue, are free of duty under Item EX 169 et.al. of the General Agreement on Tariffs and Trade, from countries entitled to Most Favoured Nation treatment.

Magazines, unbound, are free of duty under tariff item 184a, from British preferential Tariff and Intermediate Tariff countries.

Magazines in which the advertising matter does not exceed 20% of the total space and magazines maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labour or fraternal organizations not organized for profit and none of the net

income of which insures to the benefit of any private individual, are free of duty under tariff item 184c, from General Tariff countries.

Other periodicals which do not consist largely of fiction are dutiable at 10% ad valorem when in the English language, and free of duty under tariff item 170 when in any other than the English language, from General Tariff countries.

Photographs for use only as news illustrations are free of duty under tariff item 180d, from all countries.

Printed or typewritten matter of a non-advertising nature, intended for publication and consigned to newspapers or periodical publications in Canada, is admitted free of duty as manuscript under tariff item 172, from all countries.

News printing paper and all printing paper, in sheets or rolls, valued at not more than two and one-quarter cents per pound - under tariff item 196, at 10% British Preferential Tariff, $22\frac{1}{2}$ % Intermediate Tariff, or 15% General Tariff.

Paper of all kinds, n.o.p. - under tariff item 197, at 15% British Preferential Tariff, $22\frac{1}{2}$ % Intermediate Tariff, or 25% General Tariff.

Super-calendared or machine finish grades of book paper, not coated, when used exclusively in the production of magazines, newspapers and periodicals, printed, published or issued regularly - under tariff item 197a, at $12\frac{1}{2}$ % British Preferential Tariff, $22\frac{1}{2}$ % Intermediate Tariff, or 25% General Tariff.

Coated papers, when used exclusively in the production of magazines, newspapers and periodicals printed, published and issued regularly - under tariff item 198a; at $17\frac{1}{2}$ % less a discount of 10% British Preferential Tariff, $32\frac{1}{2}$ % Intermediate Tariff, or 35% General Tariff.

(c) Reducing the disproportion in mass media facilities now at the disposal of various countries;

(see Canada's answers to Economic and Social Council's Questionnaire on Shortage of Newsprint).

(d) Solving foreign exchange problems of news personnel coming from weak currency countries;

None.

(e) Provisional measures designed to develop national (domestic) news agencies until such time as these news agencies are capable of meeting international competition;

None.

(f) Eliminating monopolistic, restrictive or exclusive arrangements or practices limiting the import and dissemination of information for domestic publication.

Monopolistic, restrictive or exclusive arrangements or practices are dealt with in the Combines Investigation Act, c. 26 R.S.C. (1927). - This Act aims at operations likely to be against or detrimental to the interest of the public, and national economy.

The Criminal Code (Section 498), also contains prohibitive provisions in this connection.

Publishing companies combining to fix a common price, for the sale of newspapers or magazines, which can be considered objects of trade and commerce, would be liable under the Combines Investigation Act and section 498 of the Criminal Code.

7. Governments are requested to describe their experience, either alone or in co-operation with other governments, and their findings, concerning any measures for improving the quality of information in the direction of greater accuracy, objectivity, comprehensiveness, and representative character by:

(a) Arranging for the interchange of news personnel on the basis of reciprocal agreements;

There are no Government arrangements for the interchange of news personnel in Canada.

The National Film Board has in the past sent personnel to foreign countries to study techniques and to assist foreign governments in the establishment of film units. Film personnel from foreign governments have also been employed by the National Film Board for observation and study, and to assist Film Board technicians with the solution of technical problems.

Scholarships in journalism are awarded by the Kemsley newspapers through the Canadian section of the Empire Press Union.

Candidates must be permanent members of Canadian newspapers, under thirty years of age and with five years' newspaper experience. A successful candidate is entitled to first-class passage to and from Britain, pay allowances and a year's training and experience at Kemsley newspaper offices throughout Britain. This training and experience includes tours of the Continent and the provinces, visits to points of interest and full opportunities to study all phases of British life.

Four such scholarships are awarded annually, one each to Canada, Australia, New Zealand and South Africa.

The Empire Press Union, Canadian Section, has arranged, from time to time, for young Canadian journalists to secure positions on British newspapers. This is not precisely an exchange plan as the movement has been almost entirely from Canada to Britain. Under the plan a number of young Canadian newspapermen have gained valuable experience working on English papers.

(b) The training of news personnel in professional competence and standards of accuracy and fairness, and in knowledge and understanding of the countries where they will work;

(c) The training of technicians in the operation of modern facilities.

With the exceptions noted hereunder the Government of Canada takes no part in the training of news personnel or technicians.

Under the rehabilitation scheme, for veterans of the armed services, of the Department of Veterans Affairs financial assistance is given to war veterans "Training on the Job". The training is supervised by the firm which agrees to employ the veteran. When the veteran is considered competent to earn his own way assistance is stopped.

Two Canadian universities train news personnel in professional competence. They are the University of Western Ontario at London and Carleton College at Ottawa, both offering courses in journalism with degrees on graduation. In addition, many universities and colleges in Canada hold lectures in journalism and related subjects.

Generally speaking, the normal training for a newspaperman is through his own newspaper under the guidance of his editors.

The National Film Board has trained its own technicians in all branches of film and graphics work. During the war, it trained and supplied technicians for film units of the armed forces. It has made a practice, whenever possible, of sending technicians to other countries for specialized training on various aspects of film production. Much of this training has been directed towards developing technicians competent to present news in film for information purposes.

8. Governments are invited to state their experience, either alone or in co-operation with other governments, and their findings concerning any measures taken to counteract false information by:

(a) The study of measures for counteracting the spreading of demonstrably false or tendentious reports which confuse the peoples of the world, aggravate relations between nations or otherwise interfere with the growth of international understanding, peace and security against a recurrence of Nazi, Fascist or Japanese aggressions.

(b) The study of measures, specially legislative, designed to establish the responsibility of the owners of newspapers which spread false and tendentious reports of a nature which worsen relations between peoples, provoke conflicts and incite to war.

The Government of Canada, through its delegation to the General Assembly of the United Nations, has supported the resolutions of the General Assembly on the points raised in Questions 8 (a) and (b).

(c) Laws of libel -

(i) Please supply the texts of all laws and regulations governing libel in your country as well as extracts from important relevant decisions of the courts.

In addition to the Federal law of libel found in the Criminal Code, the nine provinces of Canada also have their respective civil legislation on libel, which is uniform and similar to the Federal statute.

In the Provinces of Quebec and Manitoba, it is necessary, prior to publishing any newspaper, to file a declaration under oath with the clerk of the peace or prothonotary for the district in which such newspaper will be published.

The Federal law of libel is found in the Criminal Code, c. 36 R.S.C., 1927, sections 317 to 334, inclusive.
(Please refer to Appendix)

(For decisions of courts see Appendix X).

(ii) In the opinion of jurists, or other competent authorities, does the law of libel in your country contain anomalies, and, if so, are appropriate reforms contemplated.

The law of libel contains no serious anomalies.

(iii) Please state whether responsibility is civil, criminal, or both.

A party libelled may proceed, at the same time, both civilly for damages and criminally by indictment.

Under the common law, in actions for libel, and in actions for slander in which it is not necessary to prove special damage, the damages are not limited to the amount of pecuniary loss which the plaintiff is able to prove.

In the Province of Quebec, an action in damages for defamatory libel can be instituted under article 1053 of the Civil Code, which reads:-

"Every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, negligence or want of skill."

Under both systems, however, it is necessary, before taking any action for libel, against the publisher, editor or other person connected with a newspaper, to notify either in writing; this, to allow the newspaper to publish a retraction.

(iv) Please describe the degree of legal responsibility of the editor, owner, publisher, printer, distributor, writer, reporter, or person giving information.

For an answer to this question, please refer to sections 318 (general) and 329 (proprietor of newspaper) of the Criminal Code. (See Appendix II).

(v) Please state whether news personnel are protected from civil or criminal liability incurred in the course of their employment.

News personnel benefit from the general principle of freedom of information subject to the restrictions imposed by statute.

(vi) Is there a right to trial by jury. Please give details concerning the composition of the tribunal and of the procedure followed.

A person accused of libel can elect to be committed to a speedy trial, i.e. before the judge alone, or to trial by jury, the competent court in the latter case being a superior court of criminal jurisdiction, meaning, in accordance with subsection 38 of section 2 of the Criminal Code:-

- (a) in the Province of Ontario, the Supreme Court of Ontario;
- (b) in the Province of Quebec, the Court of King's Bench;
- (c) in the Provinces of Nova Scotia, New Brunswick and Alberta, the Supreme Courts of the said Provinces, respectively;
- (d) in the Province of British Columbia, the Supreme Court and the Court of Appeal of that Province;
- (e) in the Province of Prince Edward Island, the Supreme Court of Judicature;
- (f) in the Provinces of Manitoba and Saskatchewan, the Court of Appeal or the Court of King's Bench; and
- (g) in the Yukon Territory, the Territorial Court.

These are all ordinary Courts of the Country.

It should be pointed out, here, that every proprietor, publisher, editor or other person charged with the publication in a newspaper of any defamatory libel, shall be dealt with, indicted, tried and punished in the province in which he resides, or in which such newspaper is printed.

Twelve men, or in the province of Alberta six men, drawn from a panel and duly sworn, form the jury to try the issues of the indictment.

The accused, or if defended by counsel, such counsel shall at the end of the case for the prosecution, declare whether he intends to adduce evidence or not on behalf of the accused person for whom he appears; and if he does not thereupon announce his intention to adduce evidence, the counsel for the prosecution may address the jury by way of summing up.

The accused, or if defended by counsel, such counsel shall be allowed, if he thinks fit, to open the case for the defence, and after the conclusion of such opening to examine such witnesses as he thinks fit and when all evidence is concluded, to sum up the evidence. If no witnesses are examined by the defence, the counsel for the accused shall have the privilege of addressing the jury last, otherwise such right shall belong to the counsel for the prosecution; provided, that the right of reply shall be always allowed to the Attorney General or Solicitor General, or to any counsel acting on behalf of either of them.

When the prosecution and the defence have adduced their evidence, the judge addresses to the jury his charge or summing up, to explain the law of the case, to point out the essentials to be proved on the one side and on the other, and to bring to view the relations of the evidence adduced to the issues involved.

The jury, upon retiring, if necessary, to consider their verdict, shall be kept under the charge of an officer of the Court in some private place.

If the accused is found guilty, the judge passes sentence.

The accused can appeal against conviction and sentence; the Supreme Court of Canada has final authority in criminal cases.

(vii) To what extent is the reporting of parliamentary and judicial proceedings, and the proceedings and activities of public bodies, privileged and to what extent is comment on judicial proceedings pending decision restricted.

Please refer to sections 320, 321, 322, and 323 of Appendix II.

In respect of judicial proceedings, a newspaper reporter may report everything that occurs publicly in open court, without fear of any action, provided only that his reports are fair and accurate, and not interspersed with comments of his own.

The Court may itself prohibit the publication of reports of judicial proceedings, although fair and accurate, pending litigation; such a prohibition, however, is very rare nowadays.

If the subject matter of the trial is an obscene or blasphemous libel or if, for any reason, the proceedings are unfit for publication, the Court may prohibit publication, and such a report is indictable as a criminal libel.

In this connection, the Criminal Code, section 180, provides that everyone is guilty of an indictable offence and liable to two years' imprisonment who

"(d) wilfully attempts in any other way to obstruct, pervert or defeat the course of justice."

Newspaper personnel (or of other media of information) can be prosecuted under this section, if, during the course of a trial, articles (or other media of information used) are published affecting the conduct and character of the persons under trial, which would have been inadmissible in evidence against them.

There is jurisprudence to the effect that comments made on a criminal trial or other proceedings when pending, in an offence against the administration of justice, and a contempt of authority of the Court.

In *R.V. Charlier*, 6 C.C.C. 486, it was held that to state or insinuate at a public meeting or elsewhere publicly that the defendant is not guilty, coupled with the affirmation that there was a conspiracy against him and that he could not or would not have a fair trial, is a gross contempt of Court.

(d) The exercise of the right of reply. Please supply the texts of all laws and regulations governing this right, as well as extracts from important relevant decisions of the courts. Please describe any special machinery for protecting this right.

The right of reply is subordinate to freedom of discussion and the comments under in Question 1 would apply here. This right can be exercised subject to legal restrictions in respect of public decency, sedition and libel.

It should be pointed out, that without the recognition of freedom of discussion, which includes the right of reply, it would be impossible for our parliamentary system to function.

(e) The dissemination through domestic news channels of official denials, particularly with respect to matters of concern to another nation.

Official denials are issued to the press, usually in the form of news releases or letters. There is no compulsion for the news publication to print denials except where there is a court order as a result of a libel suit. The Government has the right to purchase advertising space, if so desired, to print a denial.

9. Governments are invited to outline the experience of professional news bodies within their jurisdiction in any efforts the latter may have made to lay down for themselves standards of professional conduct and competence.

(a) Please supply the texts of any codes of honour or similar instruments.

Professional news bodies in Canada are not under the jurisdiction of the Government. They are subject to the laws of the country in the same manner as a private citizen or any other business or professional body.

The professional news bodies of Canada follow certain codes of ethics which may or may not be defined. There is no Governmental authority which enforces any standards or codes of ethics. The ethical standards of news personnel are established on professional lines. An example of such a code of ethics governing the standards of its own members is that of the Canadian Association of Broadcasters.

(see Appendix XI).

(b) Please describe any organizations of foreign news personnel within your jurisdiction with special reference to self-disciplinary powers exercised by them.

There are no organizations of foreign news personnel in Canada.

10. Governments are invited

(a) To supply any relevant published material and to furnish any comments they may wish to make concerning the drafting of a Charter covering rights and obligations of the media of information;

The Government of Canada has no comment concerning the drafting of a Charter covering the rights and obligations of the media of information pending the deliberations of the Conference.

(b) To express their views concerning the establishment of machinery for the issue of international professional cards for news personnel.

Pending the deliberations of the Conference on the issue of international professional cards for news personnel, the Government of Canada has no comment to make at this time.

11. Governments are invited to comment upon the constitution and functions of any continuing international machinery for promoting the free flow of true information, the creation of which, in their opinion, the Conference might recommend.

Pending the findings of the Conference in these matters the Government of Canada has no comment.

12. Governments are invited (a) to supply information concerning, and (b) to comment on, the operation within their jurisdiction of foreign governmental or semi-governmental information services. Please supply the texts of any laws or regulations governing such services, and the texts of any relevant international agreements. Governments are also requested to describe the activities of any governmental or semi-governmental information services maintained by them abroad.

Fifty countries, foreign and commonwealth, maintain diplomatic missions in Canada and many of these operate information services. Foreign governmental or semi-governmental information services in Canada are in no way restricted in their operations by the Canadian Government. However, in so far as such services are part of, or attached to diplomatic missions, they are expected to adhere to normal diplomatic procedure. Foreign governmental information services in Canada are expected to comply with the laws of the country and of the various provinces. There are in existence in Canada no laws or regulations specifically designed to govern such foreign information services.

Canada is not an adherent to any relevant international agreements in the sphere of governmental information services.

A description of Canadian governmental information services abroad is contained in Appendix VII.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX I

"133. Seditious words are words expressive of a seditious intention.

2. A seditious libel is a libel expressive of a seditious intention.

3. A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention.

4. Without limiting the generality of the meaning of the expression 'seditious intention' everyone shall be presumed to have a seditious intention who publishes, or circulates any writing, printing or document in which it is advocated, or who teaches or advocates, the use, without the authority of law, of force, as a means of accomplishing any governmental change within Canada."

"133A. No one shall be deemed to have a seditious intention only because he intends in good faith, --

(a) to show that His Majesty has been misled or mistaken in his measures; or

(b) to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or,

(c) to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of His Majesty's subjects."

"134. Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than two years, who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy."

"135. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without, lawful justification, publishes any libel tending to degrade, revile or expose to hatred and contempt in the estimation of the people of any foreign state, any prince or person exercising sovereign authority over such state."

"136. Every one is guilty of an indictable offence and liable to one year's imprisonment who wilfully and knowingly publishes any false news or tale whereby injury or mischief is or is likely to be occasioned to any public interest."

"198. Every one is guilty of an indictable offence and liable to one year's imprisonment who publishes any blasphemous libel.

2. Whether any particular published matter is a blasphemous libel or not is a question of fact: Provided that no one is guilty of a blasphemous libel for expressing in good faith and in decent language, or attempting to establish by arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject."

"207. Everyone is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse.

(a) makes, manufactures, or sells, or exposes for sale or to public view, or distributes or circulates, or causes to be distributed or circulated, or has in his possession for sale, distribution or circulation, or assists in such making, manufacture, sale, exposure, having in possession, distribution or circulation, any obscene book or other printed, typewritten or otherwise written matter, or any picture, photograph, model or other object tending to corrupt morals, or any plate for the reproduction of any such picture or photograph;"

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX II

DEFAMATORY LIBEL

(Criminal Code, c. 36 R.S.C. 1927, sections 317 to 334)

"317. A defamatory libel is matter published, without legal justification or excuse, likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or designed to insult the person of or concerning whom it is published.

2. Such matter may be expressed either in words legibly marked upon any substance whatever, or by any object signifying such matter otherwise than by words, and may be expressed either directly or by insinuation or irony.

318. Publishing a libel is exhibiting it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with a view to its being read or seen by the person defamed or by any other person.

319. No one commits an offence by publishing defamatory matter on the invitation or challenge of the person defamed thereby, nor if it is necessary to publish such defamatory matter in order to refute some other defamatory statement published by that person concerning the alleged offender, if such defamatory matter is believed to be true, and is relevant to the invitation, challenge or required refutation, and the publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

320. No one commits an offence by publishing any defamatory matter, in any proceeding held before or under the authority of any court exercising judicial authority, or in any inquiry made under the authority of any statute or by order of His Majesty, or of any of the departments of government, Dominion or provincial.

321. No one commits an offence by publishing to either the Senate, or House of Commons, or to any Legislative Council, Legislative Assembly or House of Assembly, defamatory matter contained in a petition to the Senate, or House of Commons, or to any such Council or Assembly, or by publishing by order or under the authority of the Senate, or House of Commons, or to any such Council or Assembly, any paper containing defamatory matter or by publishing, in good faith and without ill-will to the person defamed, any extract from or abstract of any such paper.

322. No one commits an offence by publishing in good faith, for the information of the public, a fair report of the proceedings of the Senate or House of Commons, or any committee thereof, or of any council or assembly aforesaid, or any committee thereof, or of the public proceedings preliminary or final heard before any court exercising judicial authority, nor by publishing, in good faith, any fair comment upon any such proceedings.

2. Nothing in this section shall make it lawful to publish a report of any evidence taken or offered in any proceeding had before the Senate or the House of Commons, or any committee of the Senate or the House of Commons, upon any petition or bill relating to any matter of marriage or divorce, if the report is published without authority from or leave of the House in which the proceeding was had or contrary to any rule, order or practice of that House.

323. No one commits an offence by publishing in good faith, in a newspaper, a fair report of the proceedings of any public meeting if the meeting is lawfully convened for a lawful purpose and open to the public, and if such report is fair and accurate, and if the publication of the matter complained of is for the public benefit, and if the defendant does not refuse to insert in a conspicuous place in the newspaper in which the report appeared a reasonable letter or document of explanation or contradiction by or on behalf of the prosecutor.

324. No one commits an offence by publishing any defamatory matter which he, on reasonable grounds, believes to be true, and which is relevant to any subject of public interest, the public discussion of which is for the public benefit.

325. No one commits an offence by publishing fair comments upon the public conduct of a person who takes part in public affairs.

2. No one commits an offence by publishing fair comments on any published book or other literary production, or on any composition or work of art or performance publicly exhibited, or on any other communication made to the public on any subject, if such comments are confined to criticism of such book or literary production, composition, work of art, performance or communication.

326. No one commits an offence by publishing defamatory matter for the purpose, in good faith, of seeking remedy or redress for any private or public wrong or grievance from a person who has, or is reasonably believed by the person publishing to have, the right or to be under obligation to remedy or redress such wrong or grievance, if the defamatory matter is believed by the person publishing the same to be true, and is relevant to the remedy or redress sought, and such publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

327. No one commits an offence by publishing in answer to inquiries made of him, defamatory matter relating to some subject as to which the person by whom, or on whose behalf, the inquiry is made has, or on reasonable grounds is believed by the person publishing to have, an interest in knowing the truth, if such matter is published for the purpose, in good faith, of giving information in respect thereof to that person, and if such defamatory matter is believed to be true, and is relevant to the inquiries made, and also if such publishing does not in manner or extent exceed what is reasonably sufficient for the occasion.

328. No one commits an offence by publishing to another person defamatory matter for the purpose of giving information to that person with respect to some subject as to what he has, or is, on reasonable grounds, believed to have, such an interest in knowing the truth as to make the conduct of the person giving the information reasonable under the circumstances, if such defamatory matter is relevant to such subject, and is either true, or is made without ill-will to the person defamed, and in the belief, or reasonable grounds, that it is true.

329. Every proprietor of any newspaper is presumed to be criminally responsible for defamatory matter inserted and published therein, but such presumption may be rebutted by proof that the particular defamatory matter was inserted in such newspaper without such proprietor's cognizance, and without negligence on his part.

2. General authority given to the person actually inserting such defamatory matter to manage or conduct, as editor or otherwise, such newspapers, and to insert therein what he in his discretion thinks fit, shall not be negligence within his section unless it be proved that the proprietor, when originally giving such general authority, meant that it should extend to inserting and publishing defamatory matter, or continued such general authority knowing that it had exercised by inserting defamatory matter in any number or part of such newspaper.

3. No one is guilty of an offence by selling any number or part of such a newspaper, unless he knew either that such number or part contained defamatory matter, or that defamatory matter was habitually contained in such newspaper.

330. No one commits an offence by selling any book, magazine, pamphlet or other thing, whether forming part of any periodical or not, although the same contains defamatory matter, if, at the time of such sale, he did not know that such defamatory matter was contained in such book, magazine, pamphlet, or other thing.

2. The sale by a servant of any book, magazine, pamphlet or other thing, whether periodical or not, shall not make his employer criminally responsible in respect of defamatory matter contained therein, unless it be proved that such employer authorized such sale knowing that such book, magazine, pamphlet or other thing contained defamatory matter, or, in case of a number or part of a periodical, that defamatory matter was habitually contained in such periodical.

331. It shall be a defence to an indictment or information for a defamatory libel that the publishing of the defamatory matter in the manner in which it was published was for the public benefit at the time when it was published, and that the matter itself was true.

332. Everyone is guilty of an indictable offence and liable to two years' imprisonment, or to a fine not exceeding six hundred dollars, or to both, who publishes or threatens to publish, or offers to abstain from publishing, or offers to prevent the publishing of, a defamatory libel with intent to extort any money, or to induce any person to confer upon or procure for any person any appointment or office of profit or trust, or in consequence of any person having been refused any such money, appointment or office.

333. Everyone is guilty of an indictable offence and liable to two years' imprisonment, or to a fine not exceeding four hundred dollars, or to both, who publishes any defamatory libel knowing the same to be false.

334. Everyone is guilty of an indictable offence and liable to one year's imprisonment, or to a fine not exceeding two hundred dollars, or to both, who publishes any defamatory libel.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

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APPENDIX III

The following decision, in (1938) S.C.R. 100, expresses the views of the Supreme Court of Canada in respect of freedom of information. The title of the case is "In the matter of three Bills passed by the Legislative Assembly "of the Province of Alberta at the 1937 (Third Session) "thereof, entitled respectively:

- 1) 'An Act Respecting the Taxation of Banks'
- 2) 'An Act to Amend and Consolidate the Credit of Alberta Regulations Act' and
- 3) 'An Act to Ensure the Publication of Accurate News and Information'."

This last Act provided that it was expedient and in the public interest that the newspapers published in the Province of Alberta should furnish to the people of the Province statements made by the authority of the Government of the Province as to the true and exact objects of the policy of the Government and as to the hindrances to or difficulties in achieving such objects to the end that the people may be informed with respect thereto.

In one word, such Act was restrictive in respect of freedom of information and it was held by the Court: "Under the constitution established by "the British North America Act, legislative power for Canada is vested in "one Parliament and that statute contemplates a parliament working under "the influence of public opinion and public discussion. The Parliament of "Canada possesses authority to legislate for the protection of that right; "and any attempt to abrogate that right of public debate or to suppress "the traditional forms of the exercise of such right (in public meetings "or through the press) would be incompetent to the legislatures of the "provinces. Moreover, the law by which the right of public discussion is "protected existed at the time of the enactment of the British North "America Act and the legislature of Alberta has not the capacity under "section 129 of that Act to alter that law by legislation obnoxious to the "principle stated."

Judgment by Judge Cannon -

"The mandatory and prohibitory provisions of the 'Alberta Accurate "News and Information Act' interfere with the free working of the political "organization of the Dominion. They have a tendency to nullify the "political rights of the inhabitants of Alberta and of the citizens outside "the province, as citizens of Canada, and cannot be considered as dealing "with matters purely private and local in that province. The federal "parliament is the sole authority to curtail, if deemed expedient and in "the public interest, the freedom of the press in discussing public affairs "and the equal rights in that respect of all citizens throughout the "Dominion. These subjects were matters of criminal law before Confederation, "and have been recognized by Parliament as criminal matters and have been "expressly dealt with by the Criminal Code. Such an Act is an attempt by "the legislature to amend the Criminal Code in this respect and to deny the "advantage of Section 133 (a) of that Code to newspaper publishers."

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APPENDIX IV

Relevant Treaties, Conventions or other International instruments

to which Canada is a party.

RADIO AND TELECOMMUNICATIONS

1. International Radio Telegraphic Convention. Signed at Berlin, November 3, 1906. Accession of Canada, 1st July, 1908. Text: Treaties and Agreements affecting Canada in force between Great Britain and the United States, page 196.
2. International Radio Telegraph Convention. Signed at London, July 5, 1912. Ratification deposited, June 2, 1913. Text: Treaties affecting Canada, page 419.
3. International Telecommunication Convention. Signed at Madrid, December 9, 1932. Ratification deposited, March 6, 1934. (Supersedes International Radiotelegraphic Convention with General Regulations, signed at Washington, November 25, 1927. Reference: CTS 1929/1). Text: CTS 1934/3.
4. North American Regional Broadcasting Agreement, signed at Havana, December 13, 1937. Ratification deposited, December 22, 1938. In force March 29, 1941. Text: CTS 1941/3.
5. General Radiocommunication Regulations. Signed at Cairo, April 8, 1939. Approved by PC 2467 of August 31, 1939. Text: US/TS/948.
6. Inter-American Radio Agreement. Signed at Santiago-de-Chile, June 26, 1940. Accession of Canada, May 8, 1943. (Supersedes Inter-American Arrangement Concerning Radiocommunications. Signed at Havana, December 13, 1937. Text: CTS 1938/17). Text: CTS 1943/5.
7. Recommendations (Supplementary to the North American Regional Broadcasting Agreement, signed at Havana, December 13, 1937). Signed at Washington, January 30, 1941. Accepted by Canada February 4, 1941. In force March 29, 1941. Text: CTS 1941/3.
8. Inter-American Telecommunication Convention, signed at Rio de Janeiro September 27, 1945. Not yet ratified. (Will supersede Inter-American Radio Communications Convention. Signed at Havana, December 13, 1937. Text: CTS 1938/18). Text: CTS 1947/29.
9. Agreement on Telecommunication Questions. Signed at Bermuda, December 4, 1945. Text: CTS 1945/14.
10. Interim Agreement to Regulate the Use of the Standard Broadcast Band in the North American Region. Signed at Washington, February 25, 1946. In force, March 29, 1946. Text: CTS 1946/8, File: 28-FS-40C.

11. International Telecommunication Convention. Signed at Atlantic City, October 2, 1947. Not yet ratified.
Text: CTS 1947/33.

SUBMARINE CABLES

1. Convention for the Protection of Submarine Cables, signed at Paris, March 14, 1884. Accession of Canada, September 23, 1887.
Text: Treaties affecting Canada, page 68.

STATISTICS

1. Inter-American Statistical Institute. Accession of Canada, February 15, 1946.

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1. Convention for the Creation of an International Union for the Protection of Literary and Artistic Works. Signed at Berne, September 9, 1886. Accession of Canada, September 9, 1887.
Text: Herslets, Vol. 17, p. 569.
2. International Convention relative to the Protection of Literary and Artistic Works. Signed at Berlin, November 13, 1908. Ratification deposited, January 7, 1924.
Reference: BTS 1912/19.
3. International Convention for the Protection of Literary and Artistic Works. Signed at Rome, June 2, 1926. Ratification deposited June 27, 1931.
Text: CTS 1931/3.

OBSCENE PUBLICATIONS

1. International Agreement for the Suppression of Obscene Publications, signed at Paris, May 4, 1910. Ratification deposited, September 9, 1911.
Text: BTS 1911/11.
2. International Agreement for the Suppression of the Circulation and Traffic in Obscene Publications. Open for signature at Geneva from September 12, 1923 to March 21, 1924. Accession of Canada, May 23, 1924.
Text: LNTS Vol. 27, p. 213.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX V

OFFICE OF THE PRIME MINISTER

Ottawa, December 15, 1944.

Dear Mr. McNeil:

I duly received your letter of December 4th, suggesting that you might make public the position of the Canadian Government on the protection of the world wide right of interchange of news by international compact.

As you fully appreciate, this matter is one of great importance and, as I said in my letter to you of October 10th, is receiving careful attention from the Government. It is also under examination by the other allied Governments and has received considerable notice in the Press.

I believe that freedom of exchange of international news is essential for informed opinion on international affairs and that this is indispensable to the maintenance of peace. I hope that the controls of wartime censorship may be removed as soon as they are no longer necessary and trust that in the post-war world no government will attempt to insulate its people against the free flow of news into and from its national boundaries. I believe too, that all who are interested in the freedom of news should give careful consideration to the importance of equal transmission facilities.

I am happy to say that you are free to make these views public if you wish to do so.

With kind regards,

Sincerely yours,

(Signed) W. L. Mackenzie King.

J. A. McNeil, Esq.,
General Manager,
The Canadian Press,
44 Victoria St.,
Toronto, Ont.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

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APPENDIX VI

NATIONAL FILM ACT

3 GEORGE VI.

CHAP. 20.

An Act to create a National Film Board.

(Assented to 2nd May, 1939).

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The National Film Act, 1939.

2. In this Act, unless the context otherwise requires,

(a) "Board" means the National Film Board;

(b) "Minister" means the Minister of Trade and Commerce,

(c) "Commissioner" means the Government Film Commissioner appointed under this Act;

(d) "Director" means the Director of the Government Motion Picture Bureau;

(e) "Bureau" means the Government Motion Picture Bureau;

(f) "Film" means Motion Picture and "Film Activity" means activity in relation to the production, distribution or exhibition of motion pictures.

3. (1) There shall be a National Film Board consisting of the Minister, who shall be Chairman, another Member of the King's Privy Council for Canada, and six other members, to be appointed by the Governor in Council, three of whom shall be selected from persons outside the Civil Service of Canada and three from officials of the permanent Civil Service or of the Civil or Defence Services of Canada.

(2) Of the members of the Board, the Chairman and the other member of the King's Privy Council for Canada, shall hold office during pleasure; the other members of the Board, subject to the provisions of subsection four of this section, shall hold office for three years, provided that of those first appointed, one-third shall be appointed to retire in one year, one-third in two years and one-third in three years.

(3) Retiring members shall be eligible for re-appointment.

(4) Each member, except the Chairman and the other member of the King's Privy Council for Canada, shall hold office for the period of his appointment, but may be removed for cause at any time by the Governor in Council.

(5) In the event of a casual vacancy occurring on the Board, the Governor in Council shall appoint a person to fill such vacancy for the balance of the term of the member replaced.

4. No fees or emoluments of any kind shall be payable to or received by any member of the Board in connection with services rendered as such member, but members shall be paid actual travelling and living expenses necessarily incurred in connection with the business of the Board.

5. No one shall be eligible for appointment to the Board as one of the three members from outside the Public Service of Canada, who has any pecuniary interest, direct or indirect, individually or as a shareholder or partner, or otherwise, in the production, distribution, or exhibition of photographs or motion pictures, or in the manufacture of distribution of photographic or motion picture apparatus.

6. The Board shall discharge such duties as the Governor in Council may request it to undertake, and particularly, without limiting the generality of the foregoing, review Government film activities and advise the Governor in Council in connection therewith.

7. The Board shall administer such sums of money as may be annually appropriated by Parliament for the work of the Board.

8. (1) There shall be a Government Film Commissioner who shall be the chief executive officer of the Board, and responsible to it, who shall be appointed by the Governor in Council on the recommendation of the Board and paid such salary as the Governor in Council may determine.

(2) The Commissioner may hold office for a period not exceeding three years, but shall be eligible for further appointment; provided that he may be removed from office for cause at any time by the Governor in Council on the recommendation of the Board.

(3) The Commissioner shall not be subject to the provisions of the Civil Service Act or of the Civil Service Superannuation Act; but, if a civil servant is appointed to the post of Commissioner, notwithstanding anything in the said Acts, or any other Act of the Parliament of Canada, if at the time of his appointment such civil servant is a contributor under the provisions of the Civil Service Superannuation Act he shall continue so to contribute; his service as commissioner shall be counted as service in the civil service for the purposes of the Civil Service Superannuation Act, and his widow and children, or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office for any reason other than that of misconduct, he shall be eligible in accordance with the regulations made under the Civil Service Act for assignment to a position in the civil service of the class from which he was so retired, or to any other position for which he may have been qualified or, in the alternative, to receive the same benefits under the Civil Service Superannuation Act as he would have been eligible to receive if he had been retired under like circumstances from the position in the Civil Service which he held immediately prior to his appointment to the post of Commissioner; such civil servant appointed to the office of Commissioner shall, moreover, continue to retain or be eligible to receive all the benefits, except salary as a civil servant, that he would have been eligible to receive had he remained under the Civil Service Act.

(4) In the case of the absence or inability of the Commissioner to carry out his duties for any reason or in the case of a vacancy in the office of Commissioner, the Board may, subject to the approval of the Minister appoint an Acting Commissioner.

9. The Commissioner in carrying out the duties imposed upon him by this Act shall at all times be under and subject to the directions of the Board and shall

- (a) advise upon the making and distribution of national films designed to help Canadians in all parts of Canada to understand the ways of living and the problems of Canadians in other parts;
- (b) co-ordinate national and departmental film activities in consultation with the Board and the several departments and branches of Government work;
- (c) advise as to methods of securing quality, economy, efficiency and effective co-operation in the production, distribution and exhibition of Government films;

- (d) advise upon and approve production, distribution and exhibition contracts and agreements in connection with film activities of the several departments of the mediary between such departments and the Bureau and between such departments and commercial firms;
- (e) advise upon all departmental expenditures in the production, distribution and exhibition of films;
- (f) represent the Board in its relations with commercial newsreel and non-commercial film organizations;
- (g) advise as to the distribution of Government films in other countries;
- (h) co-ordinate and develop information services in connection with Government film activities.

10. (1) All departments of the Government before initiating the production of any film shall refer the matter to the Commissioner who will arrange for the production in accordance with the provisions of section eleven.

(2) The Director of the Bureau shall act as advisory officer in the purchase, maintenance and use of all film apparatus by Government departments as to the most economical and efficient disposition of film apparatus after purchase.

11. All processing and production of films by and for Government departments shall be undertaken by the Bureau, except where the Commissioner agrees that the work can be done through officers of other departments and that the results obtained will be technically adequate and economical, or where the Board considers the use of commercial firms advisable in the public interest.

12. (1) The Director of the Bureau, notwithstanding anything in the Civil Service Act, may, with the approval of the Commissioner, employ temporary personnel as and when the production of particular films or groups of films so requires.

(2) The Director may expend to the best interest of a production any moneys which have been appropriated for such production, in accordance with the scheme of work agreed to by the party, or parties, authorizing the production.

13. (1) There shall be a committee, hereinafter called "The Committee", which shall consist of the Commissioner, the Director, and one representative of each Government department engaged in film activities, to be appointed by the Board, on the recommendation of such departments.

(2) Members of the Committee other than the Commissioner shall be departmental officers directly interested in the production and distribution of departmental films.

(3) The duties of the Committee shall be to advise the Director in the development of a central Government film distribution service and a public information service in regard thereto.

(4) The Commissioner shall be the Chairman of the Committee and it will report through him to the Board.

(5) No fees or emoluments of any kind shall be payable to or received by any member of the Committee in connection with services rendered as such member, but members shall be paid actual travelling and living expenses necessarily incurred in connection with the business of the Committee.

14. (1) There shall be a Central Government Film Distribution Service.

(2) The Director of the Bureau shall be the Director of the Central Government Film Distribution Service and he shall, subject to the other provisions of this Act governing distribution, take all possible steps to secure quality, economy and efficiency in the operation and development of such service.

(3) All Government films shall be distributed by the Central Government Film Distribution Service, except in cases of commercial or specialized departmental distribution approved by the Commissioner, and the Bureau shall serve as repository for the storage and preservation of all Government film negatives and shall be responsible for the disposition of all Government films other than those for which specialized departmental distribution has been authorized.

15. The Governor in Council may make such regulations as may be necessary for carrying out the intent of this Act.

P.C. 256

AT THE GOVERNMENT HOUSE AT OTTAWA
THURSDAY, the 23rd day of JANUARY, 1947.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL --

His Excellency the Governor General in Council, on the joint recommendation of the Chairman, National Film Board and the Minister of Mines and Resources and pursuant to the provisions of the Public Service Rearrangement and Transfer of Duties Act, Chapter 165, Revised Statutes of Canada, 1927, is pleased to transfer and doth hereby transfer with effect the first day of February, 1947, the activities which the National Parks Bureau of the Lands, Parks and Forests Branch of the Department of Mines and Resources has been carrying on in connection with the production and distribution of motion and still pictures for the advertising of National Parks, to the National Film Board; the transfer to include the physical assets which have been employed in this work by the National Parks Bureau.

(Sgd) A.D.P. Heeney

Clerk of the Privy Council

The National Film Board.

P.C. 3549

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA
WEDNESDAY, the 11th day of JUNE, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Chapter 20 of the Statutes of Canada 1939, the National Film Board was established to discharge such duties as the Governor in Council might from time to time request it to undertake, and particularly to review Government film activities and advise the Governor General in Council in connection therewith;

AND WHEREAS by section 9 of the said Act the Government Film Commissioner, appointed under section 8, is directed to advise as to methods of securing quality, economy, efficiency and effective co-operation in the production, distribution and exhibition of Government films;

AND WHEREAS the said Commissioner has reported that to secure quality, economy, efficiency and effective co-operation in the production and distribution of Government film, it is expedient that the Government Motion Picture Bureau, which is presently administered by the Department of Trade and Commerce, be transferred from that Department to the administration, control and supervision of the National Film Board, with the exception of that section of the Bureau concerned with the production and distribution of still photographs;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the authority of the Public Service Rearrangement and Transfer and Duties Act, Chapter 165 of the Revised Statutes of Canada 1927, is pleased to order that the control and supervision of the Government Motion Picture Bureau, with the exception of that section of the Bureau concerned with the production and distribution of still photographs, be and it is hereby transferred from the Department of Trade and Commerce to, and vested in, the National Film Board.

"A.D.P. Heeney"
Clerk of the Privy Council.

P.C. 4854

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA
TUESDAY, the 15th day of JUNE, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Chapter 20 of the Statutes of Canada, 1939, the National Film Board was established to discharge such duties as the Governor in Council might from time to time request it to undertake, and particularly to review Government film activities and advise the Governor General in Council in connection therewith;

That the Wartime Information Board maintains a Poster or Bulletin service;

That the Wartime Information Board has requested the National Film Board to take over and administer the said Poster or Bulletin Division of the Board, and the National Film Board has agreed to undertake this additional responsibility.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services, is pleased to order and doth hereby order,=

- (1) That the Poster and Bulletin Division of the Wartime Information Board be and it is hereby transferred to the National Film Board;
- (2) That the provisions of Order in Council P.C. 9804, dated October 27, 1942, shall continue to apply to all releases issued or approved by the National Film Board in the performance of the powers and duties hereby transferred.

"A.D.P. Heeney"
Clerk of the Privy Council

The Honourable
The Minister of National War Services

P.C. 6047

PRIVY COUNCIL
CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 8th day of AUGUST, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Chapter 20 of the Statutes of Canada 1939, the National Film Board was established to discharge such duties as the Governor in Council might from time to time request it to undertake, and particularly to review Government film activities and advise the Governor General in Council in connection therewith;

AND WHEREAS by section 9 of the said Act the Government Film Commissioner, appointed under section 8, is directed to advise to methods of securing quality, economy, efficiency and effective co-operation in the production, distribution and exhibition of Government films;

AND WHEREAS by Order in Council P.C. 3549, of 11th June, 1941, under the authority of the Public Service Rearrangement and Transfer of Duties Act, Chapter, 165 of the Revised Statutes of Canada 1927, the control and supervision of the Government Motion Picture Bureau, with the exception of that Section of the Bureau concerned with the production and distribution of still photographs was transferred from the Department of Trade and Commerce to, and vested in, the National Film Board;

AND WHEREAS the Minister of National War Services and the Minister of Trade and Commerce state that the Government Film Commissioner has now reported that consultation with the Deputy Minister of National War Services and the Director of Public Information establishes the need and the advisability of maintaining a certain technical stills service for the use of all departments and a first class laboratory service for the use of the stills division of the Department of National War Services and that this consultation also establishes the advisability of having the supervision of laboratory services at a common professional centre under the administration of the National Film Board.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National War Services and the Minister of Trade and Commerce and under the authority of the Public Service Rearrangement and Transfer of Duties Act, Chapter 165 of the Revised Statutes of Canada 1927, is pleased to order that the control of that section of the Motion Picture Bureau concerned with the production and distribution of still photographs be and it is hereby transferred from the Department of Trade and Commerce to, and vested in, the National Film Board.

"A.D.P. Heeney"
Clerk of the Privy Council.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX VII

Canada has no Ministry or Department of Information. In a number of Government Departments, however, there are information or public relations staffs which release information and documentation to the press and other information media. These agencies also assist in the gathering of material for information in response to enquiries.

Reference has already been made to the Canadian Broadcasting Corporation and the National Film Board.

The Information Division of the Department of External Affairs is responsible for coordinating the collection and preparation of information about Canada for distribution abroad. This material is designed to assist Canadian diplomatic, consular and trade offices in meeting the needs of the press and public of other countries for basic reference material on Canada and on Canadian affairs. The Division prepares and distributes daily, weekly and monthly bulletins and other special publications to meet specific needs. Photographs and other graphic material are supplied for press, display, and exhibition use. The Division makes departmental press arrangements and deals with inquiries of a general nature. Through an inter-departmental committee it maintains close liaison with the Canadian Broadcasting Corporation International Service and the National Film Board, and with other information services of the Government in relation to information abroad. It is also responsible for dealing with certain aspects of cultural relations with other countries, including matters relating to education, and the arrangement of art exhibits in consultation with the National Gallery. Within Canada, the Division's function is to provide for liaison with press and public in dealing with requests for current information on matters directly related to the work of the Department.

In the field of broadcasting the Canadian Broadcasting Corporation operates an International Service. The purpose of this service in general terms is to project the scene abroad. This it does through shortwave broadcasts, transcriptions and relays and processed recordings.

The shortwave broadcasts of the C.B.C.I.S. take the form of talks, interviews, actualities, news, drama, commentaries and musical programs. They are directed to Europe, the Caribbean area, Latin America and Australia and New Zealand. The C.B.C. I.S. is on the air for about 80 hours a week.

The International Service also arranges relays of its programs by foreign radio organizations. This is done either by direct broadcast or by transcription. The recorded musical and educational programs are available for free distribution to foreign broadcasting stations. The facilities of the International Service are placed at the disposal of the United Nations Secretariat without charge for a period of 90 minutes daily.

The Department of Trade and Commerce has an information service which covers a wide range of activities. There are four units of the Department which conduct organized information activities at home and abroad. They are the Dominion Bureau of Statistics,

Canadian Travel Bureau, Canadian Government Exhibition Commission and the Trade Publicity Division of the Foreign Trade Service.

The Dominion Bureau of Statistics is the central statistical agency of the Canadian Government. Its releases for foreign countries are usually distributed by the Information Division of the Department of External Affairs. The Canadian Travel Bureau is the agency of the Canadian Government, responsible for the promotion of tourist traffic into Canada from abroad and for travel within Canada. The responsibility for the direction of Canada's official participation in international fairs and exhibitions lies with the Canadian Government Exhibition Commission. The planning and carrying out of formal advertising campaigns at home and abroad to acquaint Canadian and foreign businessmen with the facilities offered by the Foreign Trade Service, and in general to promote Canada's import and export trade, is the responsibility of the Trade Publicity Division.

In addition to the information services mentioned, a number of government Departments and agencies maintain information sections. The material supplied by these sections is generally of a specialized nature and, while intended primarily for domestic consumption, is often made available for foreign distribution.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX VIII

Domestic news agencies and personnel are taxed in exactly the same manner as any other business in Canada and its staff.

One problem which might conceivably concern a part of the staff of such businesses more directly than other taxpayers, is the problem of what are casual profits from published articles, where the writing of such articles is not the usual or main business of the taxpayer.

Foreign news agencies and personnel are taxed in exactly the same manner as other non-residents, and such of their staff as are in Canada on a temporary basis are taxed in the same way as other non-residents temporarily in Canada. Sections of the Income War Tax Act directly affecting non-residents are 5(5), 6, 7, 9, 12, 19, 22, 23, 24, 25, 26, 27, 38, 39, 52 and 84.

Section 9 taxes persons:

- (a) residing or ordinarily resident in Canada at any time in the taxation year;
- (b) sojourning in Canada in any year for a period or periods amounting to 183 days;
- (c) employed in Canada at any time in the year;
- (d) non-residents of Canada who are carrying on business in Canada at any time in the year;
- (e) non-residents who derive income for services rendered in Canada at any time in the year, otherwise than in the course of regular employment, for any person resident or carrying on business in Canada.

It will be noted that this Section might affect both the business and staff of foreign news agencies and their personnel.

Section 9 B (2) imposes a 15% tax on non-residents in respect of:

- (a) all dividends received from Canadian debtors;
- (b) all interest received from or credited by Canadian debtors if payable in Canadian funds...;
- (c) all interest received by a non-resident parent company from a Canadian subsidiary...;
- (d) all payments received directly or indirectly from Canadian debtors in respect of:
 - (i) any copyright used in Canada relating to books, music, articles in periodicals, newspaper syndicated articles, pictures, comics, and other newspaper or periodical features, and
 - (ii) any rights in and to the use of any work whether copyrighted or not subsequently produced or reproduced in Canada by way of the spoken word, print or mechanical sound on or from paper, composition, films or mechanical devices of any description...
The tax payable under this Section, is to be deducted by Canadian debtors from the amount paid or credited to the non-resident.

(f) salaries, wages, --- compensation, remuneration --- and other fixed or determinable annual or periodical gains, profit and income received from sources within Canada by any non-resident who is not engaged in trade or business within Canada and has not an office or place of business therein --- if the non-resident is a resident of a country that imposes a tax of a similar nature in respect of similar kinds of income derived from sources within such country and payable to non-residents.

Section 23 provides that where any corporation, partnership, or individual, carrying on business in Canada purchases any commodity from a parent, subsidiary, or associated corporation or partnership, at a price in excess of the fair market value or sells it at a price less than the fair market value, the Minister may for the purpose of determining the income determine the fair price at which such purchase or sale may be taken into account for taxation purposes.

Section 23A provides that advances to a non-resident company by a Canadian company, which remain outstanding for a period of one year without a reasonable amount of interest being paid or credited, the Minister may determine the amount of interest which shall be deemed to have been received as income by the Canadian company.

Section 23B. Where a person carrying on business in Canada pays a non-resident a price or rental or royalty for the use of any property which is not in conformity with similar payments made by other persons in the same kind of business, then the payment may be adjusted by the Minister accordingly for purposes of determining income.

Section 24 sets out what income of a non-resident carrying on business in Canada is liable to taxation.

Section 25 sets out the income to be taxed in the case of casual or temporary employment in Canada.

Section 25A refers to dividends paid to non-resident directors, officers, or employees of companies carrying on business in Canada.

Section 27 imposes an income tax of 15% on non-resident persons in respect of the gross amount of all rents, royalties, or similar payments for the use in Canada of real or personal property, patents, or for anything used or sold in Canada. This tax is to be deducted at source.

Section 27(A) states that any non-resident person soliciting orders or offering anything for sale in Canada through an agent or employee shall be deemed to be carrying on business in Canada and to earn a proportionate part of the income derived therefrom in Canada whether the contract or transaction is completed within Canada or without Canada or partly within and partly without.

Sections 38 and 39 deal with the returns which are required.

Section 52 provides for deduction of tax from the income or assets of the non-resident in certain cases.

Section 84 refers to penalties for failure to collect tax.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX VIII

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- (b) sojourning in Canada in any year for a period or periods amounting to 183 days;
- (c) employed in Canada at any time in the year;
- (d) non-residents of Canada who are carrying on business in Canada at any time in the year;
- (e) non-residents who derive income for services rendered in Canada at any time in the year, otherwise than in the course of regular employment, for any person resident or carrying on business in Canada.

It will be noted that this Section might affect both the business and staff of foreign news agencies and their personnel.

Section 9 B (2) imposes a 15% tax on non-residents in respect of:

- (a) all dividends received from Canadian debtors;
 - (b) all interest received from or credited by Canadian debtors if payable in Canadian funds...;
 - (c) all interest received by a non-resident parent company from a Canadian subsidiary...;
 - (d) all payments received directly or indirectly from Canadian debtors in respect of:
 - (i) any copyright used in Canada relating to books, music, articles in periodicals, newspaper syndicated articles, pictures, comics, and other newspaper or periodical features, and
 - (ii) any rights in and to the use of any work whether copyrighted or not subsequently produced or reproduced in Canada by way of the spoken word, print or mechanical sound on or from paper, composition, films or mechanical devices of any description...
- The tax payable under this Section, is to be deducted by Canadian debtors from the amount paid or credited to the non-resident.

(f) salaries, wages, --- compensation, remuneration --- and other fixed or determinable annual or periodical gains, profit and income received from sources within Canada by any non-resident who is not engaged in trade or business within Canada and has not an office or place of business therein --- if the non-resident is a resident of a country that imposes a tax of a similar nature in respect of similar kinds of income derived from sources within such country and payable to non-residents.

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Sections 38 and 39 deal with the returns which are required.

Section 52 provides for deduction of tax from the income or assets of the non-resident in certain cases.

Section 84 refers to penalties for failure to collect tax.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION.

REQUEST FOR INFORMATION

APPENDIX IX

(a) The law and practice of any existing censorship:

There is, at the present time and since the conclusion of the war, no existing censorship in Canada.

(b) To what extent there has been relaxation of censorship since the termination of hostilities in World War II and how the present situation compares with pre-war censorship:

Upon the declaration of hostilities on September 9, 1939, and following the enactment of the Defence of Canada Regulations, censorship of information was established in Canada. This censorship ceased to exist upon the cessation of hostilities on August 16, 1945.

The Defence of Canada Regulations contained two sections under which the censors of publications were allowed to put into practice the text and the intent of the law. These two sections were 39A and 16 Para. 1, 2, and 3.

Item 39A reads: "No person shall print, make, publish, issue, have knowingly in his possession in quantity, circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind containing any material, report or statement,

- (a) intended or likely to cause disaffection to His Majesty or to interfere with the success of His Majesty's forces or of the forces of any allied or associated powers, or to prejudice His Majesty's relations with foreign powers;
- (b) intended or likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces; or
- (c) intended or likely to be prejudicial to the safety of the State or the efficient prosecution of the war.

Item 16 contained the usual provisions for safeguarding information and read as follows:

" (1) No person shall obtain or communicate, or knowingly permit others to obtain or communicate any information being, or purporting to be, information which might be useful to the enemy or of which the dissemination might prejudice the successful prosecution of the war.

(2) In the absence of evidence to the contrary, information shall be deemed to be such that it might be useful to the enemy or that its dissemination might prejudice the successful prosecution of the war if it relates or purports to relate to any of the following subjects or to the plans or programs made, proposed or under consideration in regard thereto, that is to say:-

- (a) the identification, position, disposition, location, movement, equipment, armament, condition or operations of any of the forces of His Majesty or of any countries allied or associated with His Majesty in the prosecution of the present war;
 - (b) the characteristics, performance, complement, location, movement, equipment, armour, armament or use of any motor vehicle, vessel or aircraft constructed or set aside for use by any of the said forces;
 - (c) the number, character, movement, or location of any group of prisoners of war;
 - (d) the production, characteristics, performance, location, movement or supplies of any munition of war, or
 - (e) the location, protection, equipment or capacity of any facilities constructed or set aside for use (i) by any of the forces aforesaid; (ii) by any such vehicle, vessel or aircraft as aforesaid; (iii) for the detention or transportation of any prisoners of war, or (iv) in connection with the production, conveyance or storage of any munitions of war.
- (3) No person shall be guilty of an offence under this Regulation if it is made to appear that the information obtained or communicated
- (a) has, before being so obtained or communicated, appeared, or is fairly deducible from information which has appeared, in any printed publication of publications distributed to the public in Canada through government or normal commercial channels;
 - (b) is interchanged in private in what the person charged reasonably supposes to be the ordinary course of the lawful employments of the persons between whom it is interchanged;
 - (c) is communicated privately or otherwise by a person in the public service who reasonably supposes himself to be required to give it or to be justified in giving it in the course of his duty; or
 - (d) is communicated privately or otherwise by a person who reasonably supposes that in communicating it he is acting with the approval of a person in the public service whom he reasonably supposes to be lawfully entitled to give such approval."

After the repeal of the Defence of Canada Regulations, censorship was abolished and since then there has been no provision in the law to allow the government to restrict the publication of information.

The relations between newspapers and press censors during the war were very cooperative. Censorship was on a voluntary basis and newspapers were just asked to submit material when they had doubts as to whether their article would give information or aid and comfort to the enemy. These consultations, however, were frequent and numerous,

their number reaching 30,000 a year. In the few cases of infractions where the government had to intervene, the offending newspaper really had in mind the intention to improve the conduct of the war. Later on, in 1942, a new section was added to the Defence of Canada Regulations to protect this free expression of honest opinion.

Censorship was strictly a war measure and disappeared with the war.

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX X

- (A). (1910) 43 S.C.R. 461. The Sydney Post Publishing Company and Arthur S. Kendall: -

"K. was a member of the House of Commons prior to the election in 1908 and in August of that year a letter was published in the Sydney Post which contained the following, which referred to him:

"The Doctor had a great deal to say of the elections in 1904. Well, I have some recollections of that contest myself, and I ask the Doctor: Why did you at that time withdraw your name from the Liberal convention? The majority of the delegates came there determined to see you nominated? Why did you not accede to their request? Doctor Kendall, what was your price? Did you get it? Take the good Liberals of this county into your confidence and tell them what happened in those two awful hours in a certain room in the Sydney Hotel that day?

"The proceedings of the convention were held up for no reason that the delegates saw, but for reasons which are very well known to you and three or four others whom I might mention. One speaker after another killed time at the Alexandria Hall while you were in dread conflict with the machine. Finally the consideration was fixed and you took off your coat and shouted for Johnston. What was that consideration?

"On the trial of an action by K. Against the proprietors of the Post the jury gave a verdict for the defendants.

"Held, that the publication could only be construed as charging K. with having withdrawn his name from the convention for personal profit, and was libellous. The verdict was therefore properly set aside by the Court below and a new trial ordered."

- (B). 30, C.C.C. 292, Stone v. World Newspaper Co. Limited: -

Held: A false statement made in writing that another person intended to commit suicide is not a libel involving a criminal charge.

(C). 3 C.C.C. 89. The Queen v. Brazeau:-

Held: "In a prosecution for an alleged defamatory libel contained in a newspaper article, condemning an employer's dismissal of employees belonging to a trade union and charging that the distribution of certain gratuities by the employer to his employees was impelled by motives of selfishness on his part and was for the purpose of winning public approval and favourable public comment through press notices thereof, a plea of justification will not be struck out on the objection that the facts therein alleged do not show that it was for the public benefit that the publication should be made, if such plea contains a charge that the press notices favourable to the complainant were published at his instance.

"If the complainant in a prosecution for defamatory libel has himself called public attention to the subject matter of the alleged libel by obtaining the publication of newspaper articles commending his conduct therein, he thereby invites public criticism thereof and cannot object that the answer to his own articles is not a publication in the public interest."

UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

REQUEST FOR INFORMATION

APPENDIX XI

Code of Ethics of the Canadian Association of Broadcasters

Members of the Canadian Association of Broadcasters subscribe to the following Code of Ethics:

As a member broadcasting station of the Canadian Association of Broadcasters, we pledge ourselves to the best of our ability to--

- (1) program each broadcast day to meet the varied interest of all groups of listeners;
- (2) serve the best interest of our community;
- (3) provide suitable religious broadcasts without permitting this station to be used to convey attacks upon any race or religion;
- (4) provide suitable broadcasts for the entertainment and information of children;
- (5) provide programs which educate entertainingly;
- (6) broadcast the news of the day in a factual and unbiased manner;
- (7) provide opportunity for the broadcast of all sides of controversial public issues to the degree of public interest in such issues;
- (8) encourage advertisers and their advertising agencies to present information of goods and services available for the comfort and convenience of listeners to this station and to present such information in a simple, truthful and believable manner;
- (9) deal fairly with advertisers and all others desiring to use the facilities of this station.

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