

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL

E/CN.4/Sub.1/107  
21 March 1950

ORIGINAL: ENGLISH\*

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Freedom of Information  
and of the Press

Fourth session

ADDITIONAL INFORMATION FROM GOVERNMENTS ON THE MATTERS  
INCLUDED IN THE REQUEST FOR INFORMATION BASED ON  
THE PROVISIONAL AGENDA FOR THE UNITED NATIONS  
CONFERENCE ON FREEDOM OF INFORMATION

Memorandum by the Secretary-General

1. At its ninth session, the Economic and Social Council requested the Secretary-General: "to solicit additional information on the matters included in the request for information based on the provisional agenda of the United Nations Conference on Freedom of Information from Governments including those which have either not replied to it or have supplied incomplete information (resolution 240 B.1 (IX)).
2. The Secretary-General therefore solicited additional information from Governments.
3. The replies received are reproduced herewith except for the information which was sent to the Secretary-General early enough to be included in a separate publication entitled "Freedom of Information - A Compilation" containing the collated replies of Governments to the request.

BELGIUM

(Documentation confined to the questions particularly related to the fiscal administration of the Department of Finance)

RECEIVED

\* Replies from those Governments whose official language is French, and replies from those Governments whose official language is Spanish, have been translated from the original text.

ARCHIVES

/Translated from  
/E/CN.4/Sub.1/107

Translated from French

Excerpt from No. 802

DIRECT TAXATION

DEPARTMENT 5

12 March 1949. Decree of the Regent fixing the minimum profits subject to trading tax of foreign firms operating in Belgium.

(Moniteur belge of 3 April 1949, page 2616)

LAWS, ROYAL DECREES AND GOVERNMENT ACTS

MINISTRY OF FINANCE

17 November 1949. Decree of the Regent concerning rates of import duty.

	<u>Rate applicable</u>
294 Cinematograph film:	
(a) (unchanged) .....	(unchanged)
(b) printed but not developed:	
1. negatives.....	Fr. 26.32 per 100 linear metres
2. (unchanged).....	(unchanged)
(c) developed, silent:	
1. negatives, including lavender prints.....	Fr. 26.32 per 100 linear metres
2. (unchanged).....	(unchanged)
(d) developed, sound:	
1. negatives, including lavender prints.....	Fr. 26.32 per 100 linear metres
2. (unchanged).....	(unchanged)

(Excerpt from Moniteur belge of 24 November 1949, No. 328)

DENMARK

No new administrative, legislative or judicial measures have been introduced in the field of Freedom of Information since 1 January 1948.

ECUADOR

(Excerpt from the letter of the Minister of Government, Eduardo Salazar Gomez, to the Provincial Council of the Third National Congress of Catholic Workers)

... "The legal situation of the press in Ecuador is as follows:

Article 187, paragraph 11, of the Constitution of the Republic, promulgated in December 1946, guarantees the inhabitants of Ecuador 'Freedom of expression of thought, and of speech, through the press or other means of utterance or diffusion, provided that such statements imply no abuse, calumny, personal insult, or meaning which is immoral or contrary to the national interests; otherwise the offender shall be liable to the penalties and proceedings prescribed by law'. 'The law', adds the Article, 'shall govern the exercise of this freedom, bearing in mind that the primary aim of journalism is to defend the national interests and that it constitutes a social service worthy of the respect and support of the State'.

"In the section on offences against reputation, the Penal Code deals with abuse, which it classifies into libellous and non-libellous abuse, the latter being subdivided into serious and slight. Under Article 467 the offence of libellous abuse will be punished by imprisonment and fine when the act imputed has been committed through such media as writing, whether printed or not, and pictures or symbols, exhibited, distributed or sold, offered for sale or exposed to public view. Under Article 471 the offence of serious non-libellous abuse committed by word or deed, by means of writing, pictures or symbols in any of the ways mentioned in Article 467, will be punished by imprisonment and fine. Under Article 475 persons who reproduce abusive pamphlets, pictures or symbols are also guilty of one or other of the various categories of abuse.

"Dealing with the conduct of lawsuits, Part IV, Book 1, Chapter 3, of the Penal Code lays down in Article 98, paragraph 5, that charges of libellous abuse and serious non-libellous abuse cannot be brought by the public prosecutor; they must, therefore, be the subject of a civil action.

"Article 12 of the Code of Penal Procedure provides that a civil action is an action which deals with the offences specified in Article 98 of the Penal Code, and may only be brought by the injured person, his legal representative or his relatives in the cases and conditions expressly specified by law. Under Article 14, civil action may be instituted only through a charge brought by a private person.

"Article 349 of the same Code provides that persons committing infringements by means of the printed word may only be prosecuted through a charge brought by a private individual before any of the criminal judges in the province where the offence was committed, in accordance with the special procedure laid down for this type of offence." .....

GUATEMALA

DECREE NO. 666

WHEREAS it appears to THE CONGRESS OF THE REPUBLIC OF GUATEMALA that certain acts which for the protection of public order and national sovereignty should be considered as offences, without prejudice to the free expression of thought guaranteed by Article 36 of the Great Charter, are not at present governed by the Penal Code; and that further, in order to give effect to the prohibitions contained in Articles 29 and 149 of the Constitution of the Republic, it is desirable to prescribe penalties for breach of the said articles;

NOW THEREFORE

THE CONGRESS DECREES AS FOLLOWS:

Article 1. Article 126 of the Penal Code shall read as follows:

"Article 126. The following persons shall be liable to correctional imprisonment for a term of one year:

1. Any person communicating, executing or publishing an order of any kind leading to failure to comply with the law or seriously disturbing public order or threatening national sovereignty;
2. Any person publishing or disseminating by any means false or distorted news which seriously disturbs public order or threatens national sovereignty;
3. Any person inciting another to fail to comply with the law; and
4. Any person publicly, by writing or speech, attempting to justify a person charged with a serious offence in respect of his participation therein, or attempting to justify a criminal offence or, during the term of his imprisonment or of the prescription of the offence or penalty, a person convicted of a serious offence; save that the defence made by the accused in person or through his lawful advocate is expressly excepted from the foregoing."

Article 2. Article 127 of the Penal Code shall read as follows:

"Article 127. Any person intervening in open contravention of the provisions of Articles 29 and 149 of the Constitution of the Republic, in politics or in a matter relating to the organization of labour shall be liable to correctional imprisonment for a term of one year."

/Article 3. The

Article 3. The penalties prescribed for the offences defined in Part I and in paragraph I of Part II, Book II, of the Penal Code may not be commuted.

To be passed to the Executive for publication and enforcement. Given at the Palace of the Legislature in Guatemala, 22 September 1949, in the fifth year of the Revolution.

(Signed) MARIO MONTEFORTE TOLEDO,  
President

M. A. RODAS  
Secretary

OSCAR A. SIERRA,

The National Palace: Guatemala, the twenty-fourth day of September nineteen hundred and forty-nine.

To be published and enforced.

JUAN JOSE AREVALO

Minister of the Interior,  
CESAR G. SOLIS

#### INDIA

No new administrative, legislative or judicial measures have been introduced in the field of Freedom of Information since 1 January 1948.

#### NETHERLANDS

(a) Since the previous reply of the Netherlands Government, as contained in document E/Conf.6/9 Annex B, dated 18 February 1948, to the Request for Information, based on the provisional agenda of the United Nations Conference on Freedom of Information (E/Conf.6/2), no appreciable changes were brought about in the Netherlands.

The Press Emergency Act, mentioned in paragraph 1 is still in force, but it will be abrogated shortly. One of the results will be that the restriction which is mentioned in the previous reply to question 2 c(1) will be lifted.

The new Charter for Broadcasting, mentioned in the previous Netherlands reply under I. 2(a) is not yet ready.

The paragraph of the previous Netherlands reply under II. 7(b) is to be substituted by the following:

In the Netherlands, the following courses are open to future journalists

/who desire a

who desire a theoretical as well as a practical training:

1. Roman Catholic University of Nimeguen. At the initiative of and in close co-operation with the Association of Roman Catholic Journalists a publicity expert, not belonging to the University's personnel, gives practical courses on Friday evenings and Saturday afternoons. Further, a lecturer of the University gives a course on the theory of the press. In this manner one may become a qualified journalist (without a degree) or take the degree of Doctor of Law with press science as a subsidiary subject.

Finally, a Roman Catholic monastic Order gives a correspondence course for journalists, in co-operation with the Nimeguen University.

2. Municipal University of Amsterdam. At the Institute for Press Science, university courses are given by an Extraordinary Professor and, moreover, a series of evening lectures is given (duration three years). The necessary funds of the Institute are supplied by the N.D.P.

(Association of Newspaper Directors) and the Municipality of Amsterdam.

At this University press science may be chosen as a subsidiary subject for the first exam in the Seventh Faculty (Political and Social Sciences).

There is at Amsterdam a Netherlands Press Library, a central institute in which the Roman Catholic Press also takes part.

3. Government University of Leyden. This University has a semi-academical training, founded by the University Fund. Law students may take press science as a subsidiary subject. This is done with the special intention of imprinting the importance of the press on the minds of those who in the future will occupy high official posts.

4. Government University of Utrecht. The custodian of the International Press Museum gives courses on press science. Here also other students may take press science as a subsidiary subject.

The above-mentioned courses as well as the maintenance of the press library at Amsterdam are due to the initiative and the activity of private persons.

(b) No governmental measures concerning freedom of information have been effected since 1 January 1948.

PHILIPPINES

No new administrative, legislative or judicial measures have been introduced in the field of freedom of information since 1 January 1948.

SWITZERLAND

No new administrative, legislative or judicial measures have been introduced in the field of freedom of information since 1 January 1948.

TURKEY

No new administrative, legislative or judicial measures have been introduced in the field of freedom of information since 1 January 1948.

UNION OF SOUTH AFRICA

No new administrative, legislative or judicial measures have been introduced in the field of freedom of information since 1 January 1948.

UNITED KINGDOM

The Permanent United Kingdom Delegation wishes to inform the Secretary-General that the United Kingdom Government submitted very full information in response to the original request based on the provisional agenda of the United Nations Conference on Freedom of Information and that consequently it has no further information to submit on these matters.

With regard to the request for information concerning governmental measures effected since 1 January 1948, there are transmitted herewith copies of the reports of the Committee on the Law of Defamation (Cmd.7536) and of the Royal Commission on the Press (Cmd.7700). The proposals put forward by the Committee on the Law of Defamation are at present under consideration by the United Kingdom Government. With regard to the report of the Royal Commission on the Press, the attention of the Secretary-General is drawn to the statement made by the Lord President of the Council in the House of Commons on 28 July 1949 that "the Government are prepared to accept the Report of the Royal Commission, in general. We regard it as a valuable document."

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