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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fourth Session

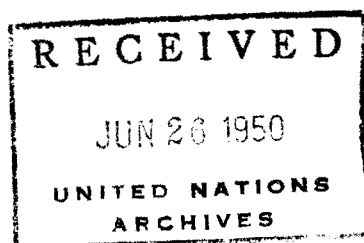
SUMMARY RECORD OF THE SEVENTY-FOURTH MEETING

Held at Hotel Parque, Montevideo,
on Friday, 19 May 1950, at 10 a.m.

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and the obstacles to the free flow of information to them
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(continued)



/Chairman:
E/CN.4/Sub.1/SR.74

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| <u>Chairman:</u> | Mr. FONTAINE | (Uruguay) |
| <u>Rapporteur:</u> | Mr. JORDAN | (United Kingdom of Great Britain and Northern Ireland) |
| <u>Members:</u> | Mr. AQUINO | (Philippines) |
| | Mr. AZKOUL | (Lebanon) |
| | Mr. AZMI | (Egypt) |
| | Mr. BINDER | (United States of America) |
| | Mr. P.H. CHANG | (China) |
| | Mr. DEDIJER | (Yugoslavia) |
| | Mr. GANDHI | (India) |
| | Mr. GERAUD | (France) |
| | Mr. SILVA CARVALLO | (Chile) |

Representative of a specialized agency:

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| Mr. FARR | United Nations Educational Scientific and Cultural Organization (UNESCO) |
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Representatives of a non-governmental organization:

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| <u>Category A:</u> | Miss CASTRO | World Federation of United Nations Associations (WFUNA) |
| | Miss MARGULIA | |

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| <u>Secretariat:</u> | Mr. HUMPHREY | Representative of the Secretary-General |
| | Mr. HOGAN | Secretary of the Sub-Commission |

/THE ADEQUACY

THE ADEQUACY OF THE NEWS AVAILABLE TO THE PEOPLES OF THE
WORLD AND THE OBSTACLES TO THE FREE FLOW OF INFORMATION
TO THEM (E/CN.4/Sub.1/106) (continued)

Draft of an international code of ethics (E/CN.4/Sub.1/114
(continued)

The CHAIRMAN noted that the amendment presented
by Mr. Chang at the preceding meeting related to the
final paragraph of the draft code of ethics and should
be considered when the Sub-Commission discussed that
part of the text.

Mr. AZMI stated that members should constantly
bear in mind that they served on the Sub-Commission
as technical experts rather than as professionals or
representatives of Governments. As professionals,
they were naturally dedicated to the ideal of complete
freedom of information, so forcefully advocated by Mr.
Jordan. Absolute freedom of information, however,
presupposed an attitude of responsibility on the part
of journalists. A code of ethics, voluntarily accepted
by journalists rather than imposed by Governments would
constitute a notable achievement. The Sub-Commission
should act as a drafting committee performing the
preparatory work and leave the final responsibility
of drafting and adopting the code to a Conference
attended by the journalists themselves.

/While it was

While it was understandable that members were deeply concerned about the welfare of their own countries they should not allow national or professional considerations to interfere with the objectivity of their work on the Sub-Commission.

The CHAIRMAN, speaking in his personal capacity, stated that a voluntarily accepted code of ethics could also help to prevent governments from imposing restrictions on the free flow of information. There was general agreement in favour of the maximum degree of freedom compatible with respect for and protection of the freedom of others. The draft code should not be regarded as an isolated undertaking but as the preliminary step in the formulation of broad principles and professional standards by journalists themselves.

Mr. BINDER recalled that he was not convinced that a code of ethics was desirable or achievable. The concepts animating journalists in various parts of the world were so different that it was impossible to agree on universally acceptable phraseology. So great a part of the draft code before the Sub-Commission was alien to professional thinking in his country that,

/although

although he would not enter into a detailed discussion of each section, he wished to make a general statement that he could not acquiesce in the text as a whole.

The CHAIRMAN called for discussion of the first paragraph of the preamble to the draft code (E/CN.4/Sub.1/114) which closely followed a section of the preamble of Resolution No. 2 of the Conference on Freedom of Information.

At the suggestion of Mr. DEDIJER, the Sub-Commission agreed to the insertion of the word "full" after "true" in the second line of the first paragraph.

Mr. JORDAN noted the reference to 'members of the information professions' in line 4 and stated that in his country the term 'profession' had the connotation of a closed occupation to which entrance could be gained only after compliance with definite requirements and certification by an appropriate body. Journalism strictly speaking was more appropriately designated as a trade than as a profession. He would however not press for a vote on the matter.

Mr. CHANG felt that the designation of journalists as members of a profession rather

/then as

than as members of a trade was preferable and would tend to increase their dignity and emphasize their grave responsibilities as powerful influences in the lives and welfare of humanity.

Mr. ACQUINO expressed the view that by its very nature, the character of newspaper work was subject to varied interpretations. In some social systems, it was considered a profession; in others a trade in the sense of tradesman rather than trader. In any case, designation of newspaper work by the more dignified title of profession would not in itself secure automatic improvement of standards in the field.

While he himself preferred to be called a craftsman instead of a professional, he stated that it was impossible to impose any inflexible yardstick in an international code of ethics.

Mr. BINDER stated that, in general, workers in the newspaper field in the United States considered as dangerous any tendency to establish bodies with authority to judge fitness to engage in newspaper work.

/Experience

Experience showed that such bodies almost inevitably came under the direct or indirect control of the State and that, in corporate states or totalitarian regimes, the organization of professionals led to restrictions and malpractices which were repugnant to those who cherished free institutions.

Mr. CHANG pointed out that the designation of journalism as a profession rather than as a trade need not necessarily lead to the disastrous consequences which had occurred in totalitarian regimes. The essential difference was that those who looked upon journalism as a trade were willing to accept any person who reported with a reasonable degree of honesty. In China, however, journalists were also expected to fulfill the important function of guiding public opinion.

Mr. SILVA CARVALLO indicated that in addition to the concept of journalism as a trade, or as a government-controlled profession there was also the possibility of voluntary organization by journalists themselves to improve professional standards. He noted that the commendable system of voluntary organization was wide-spread in both the United States and the United Kingdom.

/It must be

It must be made clear, however, that governmental control as in totalitarian regimes was objectionable.

Mr. AZHOUL, supported by Mr. AZMI and the CHAIRMAN, noted that since the original French text referred to "le personnel de presse et des autres organes d'information", the word "professionals" in the English text was inaccurate and should be corrected.

Mr. GANDHI noted that the entire draft code was replete with references to "professional ethics" and "professional standards" since those expressions formed an integral part of current usage in discussing the field of journalism. He feared that deletion of "profession" in the first paragraph would necessitate constant alteration of phraseology elsewhere in the draft code.

Mr. JORDAN replied that he had no objection to the use of such expressions as "professional conduct" or "professional ethics" in the text. His comment applied only to the qualification of journalism as a profession in the first paragraph of the Preamble.

After a brief exchange of views, the Sub-Commission agreed to the following wording: "personnel of the press and other media of information."

/Mr. GERAUD

Mr. GERAUD felt that the first paragraph of the preamble was unsatisfactory and suggested that it be replaced by the corresponding text of the Draft Convention on Freedom of Information with slight amendments.

Further discussion of the first paragraph of the preamble was deferred pending distribution of Mr. Geraud's amendment.

The second paragraph of the preamble was approved without debate.

The CHAIRMAN opened the discussion on the third paragraph of the preamble, drawing attention to the fact that it was based in the main on paragraph 7 of resolution No.1 adopted by the United Nations Conference on Freedom of Information (E/Conf.6/79, page 22) on the basis of a text previously approved by the Sub-Commission, but that sub-paragraph (e) reproduced some of the language of article 2 of the Universal Declaration of Human Rights.

Mr. AZKOUL remarked that, on second thought, he preferred the text of sub-paragraph (e) as adopted by the Conference; the text of the Declaration referred to discrimination by the State against individuals, and therefore went into greater detail than was necessary in the proposed code, which merely enjoined Journalists not to spread hatred or prejudice against groups of individuals.

/Mr. SILVA CARVALLO

Mr. SILVA CARVALLO and the CHAIRMAN shared that view.

Mr. AZMI preferred the language of the Declaration precisely because it was more explicit. As the Declaration had not yet been adopted when the Conference had met, its wording could not have been taken into consideration at that time.

Mr. BINDER recalled that still a third text existed, that of the draft convention on freedom of information which had been considered by the Third Committee and was before the General Assembly (A/C.3/518). He failed to see why, given that text, the authors of the proposed code of ethics should have reverted to the language adopted by the Conference. The text of the Third Committee added the words "and thereby" at the end of paragraph (a).

Mr. AQUINO said that a strong case could be made for the retention of the language referred to by Mr. Binder, since such a course would give legal and moral force to the document produced by the Sub-Commission.

/Furthermore,

Furthermore, there was some danger in using the text of the Declaration in that it might lose its force and some of its meaning when taken out of context.

Mr. BINDER pointed out that there was an important difference in approach between the proposed code of ethics and the Third Committee text to which he had referred. The latter made it clear that the only moral obligation of journalists was to report facts without prejudice and in their proper context and to make comments without malicious intent, and that all the worthy purposes listed in subparagraphs (b), (c), (d) and (e) of the proposed code of ethics would be furthered thereby. The code of ethics, on the other hand, like the Conference text, made journalists directly responsible for the attainment of those purposes. Newspapermen of the United States and of a number of other countries would be utterly unable to accept such a concept of their mission.

Mr. AZMI observed that the Sub-Commission now had three texts to choose from. If it should decide on that adopted by the Conference, he would suggest the deletion of the word "philosophical" before the word "conviction" in subparagraph (e), so that political and all other convictions might be included.

/Mr. AZKOUL

Mr. AZMOUL was grateful to Mr. Binder for his clarification, and agreed that the text of the Third Committee was far preferable, in that it imposed on journalists the sole obligation of reporting the facts truthfully and presented the aims outlined in the other sub-paragraphs as consequent upon such behaviour.

With respect to sub-paragraph (e), he was inclined to accept Mr. Azmi's suggestion that the word "philosophical" in the Conference text should be deleted, but did not feel strongly about the matter.

Mr. GANDHI suggested that the Sub-Commission might postpone further consideration of the preamble until it had dealt with the operative part of the proposed code of ethics. It would be easier to reach a decision on the preamble after the questions of principle had been settled.

Mr. AQUINO supported that suggestion, pointing out that the same course had been followed successfully during the consideration of the Universal Declaration of Human Rights.

It was so decided.

The CHAIRMAN then drew attention to the first section of the proposed code, entitled: "To tell the truth without malice or prejudice".

/Mr. JORDAN

Mr. JORDAN found that the first sentence contained a counsel of perfection impossible for practising journalists to follow. In recognition of human frailty, it would be better to insert "to the best of his ability" between the words "shall" and "ensure". Similarly, since it was not always possible for editors to check, say, the reports of foreign correspondents, the words "whenever possible" might be inserted in the second sentence between "shall" and "be checked".

Mr. AQUINO remarked that a principle should always be stated in the most general terms possible. The first sentence of the paragraph would suffice for that purpose, and the rest could therefore be deleted. The reference to checking in the second sentence was especially undesirable, since newspapermen worked against time and were frequently unable to check their news lest it should become ancient history by the time it was published.

Mr. GERAUD thought that the word "unbiased" in the first sentence might be deleted, since the adjective "objective" sufficed. In the next sentence, he would wish to delete the word "essential"; no fact, no matter how small, should be deliberately distorted.

/Mr. GANDER

Mr. GANDHI accepted Mr. Jordan's second drafting change, but thought that the first passage to which Mr. Jordan had taken exception might be made to read: "shall make the utmost endeavour to ensure".

Mr. JORDAN accepted that amendment in lieu of his own.

Mr. AZMI agreed with Mr. Geraud that the word "unbiased" should be deleted. In the second sentence, some such form of words as "by all available means" might be inserted.

The meeting rose at 1 p.m.