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COMMISSION ON HUMAN RIGHTS
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AND OF THE PRESS

Fifth Session

SUMMARY RECORD OF THE NINETY-SEVENTH MEETING

Held at Headquarters, New York
on Tuesday, 11 March 1952, at 11 a.m.

CONTENTS:

Draft international code of ethics (E/CN.4/Sub.1/151,
E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/L.3, E/CN.4/Sub.1/L.5,
E/CN.4/Sub.1/L.6, E/CN.4/Sub.1/L.8, E/CN.4/Sub.1/L.10) (continued)

<u>Chairman:</u>	AZMI Bey	(Egypt)
<u>Members:</u>	Mr. BINDER	(United States of America)
	Mr. P. H. CHANG	(China)
	Mr. GERAUD	(France)
	Mr. LOPEZ	(Philippines)
	Mr. PLEIC	(Yugoslavia)
	Mr. POLIERI CARRIO	(Uruguay)

Members:	Mr. SILVA CARVALLO	(Chile)
(continued)	Mr. WAITEMAN	(United Kingdom of Great Britain and Northern Ireland)
	Mr. ZONOV	(Union of Soviet Socialist Republics)
<u>Secretariat:</u>	Mr. EEK	Secretary of the Sub-Commission

DRAFT INTERNATIONAL CODE OF ETHICS (E/CN.4/Sub.1/151, E/CN.4/Sub.1/151/Add.1, E/CN.4/Sub.1/L.3, E/CN.4/Sub.1/L.5, E/CN.4/Sub.1/L.6, E/CN.4/Sub.1/L.8, E/CN.4/Sub.1/L.10) (continued)

The CHAIRMAN asked the Sub-Commission to take up the discussion of article II of the draft code and the amendments to it. The article was in four paragraphs, each of which set forth a completely separate obligation. Three amendments had been submitted to paragraph 1 by Mr. Binder, Mr. Géraud and Mr. Moulik respectively: three amendments had been submitted by the same sponsors to paragraph 2; two amendments had been tabled to paragraph 3, one by Mr. Binder and the other by Mr. Géraud; and two amendments had been submitted to paragraph 4, one by Mr. Binder and the other by Mr. Moulik. Of the amendments to paragraph 1, that submitted by Mr. Binder was the furthest removed from the original text and should be discussed and voted on first. He asked Mr. Binder whether he would agree to amend his text in order to bring it into conformity with the wording of the preamble and of article I, which referred to all personnel engaged in disseminating information and not merely to journalists.

If Mr. Moulik had been present, he would also have asked him to substitute the more appropriate words "the seeking of personal advantage", proposed by Mr. Géraud, for the expression "personal interest".

Mr. BINDER replied that he was perfectly willing to bring his amendment into conformity with the wording of the preamble and of article I. With regard to his amendments to article II, he would like to see paragraph 1 omitted for two main reasons. First, there was the difficulty of defining the idea of "personal interest". The missionary, the champion of democracy and the opponent of fascism were all moved by personal interest in one way or another. It was therefore quite impossible to define that idea precisely. Secondly, care should be taken not to confuse the positive obligations of press personnel

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with the offences under ordinary law which they might commit. The second part of the paragraph said that acceptance of an inducement or bribe from a third party by a journalist was a grave professional offence. But venality was a grave offence whatever the profession. There was no point in making specific reference to it in a code of ethics which was to serve as a guide to journalists. The code should limit itself to laying down the positive rules which must govern the conduct of press personnel and the essential principles they must respect, the most important of which was to seek and to tell the truth in all circumstances. It was hardly possible to go further and to make provision for and list the various ways in which press personnel could offend against the truth. The paragraph he proposed merely set forth a number of principles as a guide for journalists. The text was taken from a code well known to American journalists; it also met requirements of the International Federation of Free Journalists.

The amendment which he was proposing to paragraph 2 was based on the same considerations. As worded at the moment, the paragraph described calumny, slander, libel, unfounded accusations and plagiarism as professional offences. But those were offences punished by law in every country. To omit them from the code would in no way alter their nature in the eyes of the law or of society.

The amendment to paragraph 3 contained an idea, that of "good faith" (E/CN.4/Sub.1/151/Add.1, pages 5-7), which the Syndicat des Journalistes de la presse périodique and the Syndicat de la presse française d'outre-mer recommended for inclusion in the code. Again, on the basis of the comments of the Institute of Journalists (E/CN.4/Sub.1/151, page 36), he had substituted the word "should" for the word "shall" because there was no way in which journalists could be compelled immediately to rectify inaccurate information.

Lastly, he felt that paragraph 4 of the original text should be deleted. Honest journalists never published rumours and unconfirmed news unless with full reservations. The text which he was proposing to replace the paragraph made a distinction between news reports and expressions of opinion. News reports should be free from opinions. But it was permissible to publish special articles devoted to advocacy, provided that it was clearly stated that they were based on the conclusions and interpretation of the author.

/Mr. WAITHEMAN

Mr. WAITHMAN proposed that the first sentence of Mr. Binder's amendment to paragraph 1 should be deleted. That would avoid beginning each article with the words "a journalist" or "personnel of the press, and of other media of information" and reduce the paragraph to a simple statement of principle.

Mr. BINDER accepted Mr. Waithman's proposal.

The CHAIRMAN pointed out that the second sentence of the French text beginning with the words "Il est essentiel que le journaliste" would have to be amended accordingly.

Mr. LOPEZ found a discrepancy between the second sentence of Mr. Binder's amendment and the third paragraph of the preamble. Whereas the third paragraph of the preamble stated that personnel of the press must be conscious of a moral obligation to be truthful and to search for the truth, Mr. Binder considered that journalists were free from all obligations except fidelity to the public interest. Moreover, the English wording of the sentence was too abstract and did not state clearly, as the French text rightly did, on whom the obligation of fidelity to the public interest lay. At least the words "Freedom from all obligations" should therefore be deleted.

Lastly, in order to take Mr. Géraud's amendment into account and to avoid the use of the word "journalist", to meet Mr. Waithman's wish, he suggested that the last sentence of the paragraph should be amended thus:

"Seeking of personal advantage or promotion of any private interest contrary to the general welfare, for whatever reason, shall not be allowed to lower the standard of professional conduct."

Mr. BINDER saw no discrepancy between the moral obligation to be truthful, set forth in the third paragraph of the preamble, and the obligation of fidelity to the public interest stated in his amendment. There was no absolute criterion of truth, just as there was no single conception of the obligations incurred in seeking the public interest. Anyone devoted to the
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29

public interest was automatically faithful to the truth as he saw it. The wording he had used was flexible and had the advantage of being applicable to societies which had different conceptions of the public welfare.

He had no serious objection to Mr. Lopez's proposed amendment to the third sentence of paragraph 3, although he still preferred his own text.

Mr. WAITHMAN suggested the following rewording of Mr. Binder's text in order to take account of Mr. Lopez's comments.

"Freedom from all considerations except that of fidelity to the public interest is vital to a high standard of professional conduct. The seeking of personal advantage and the promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with such professional conduct."

Mr. BINDER agreed to that wording.

Mr. PLEIC pointed out that "the public interest" could not be the only criterion for journalists. In the case of international relations, they must be guided by other considerations. The public interest of one country, for example, might not always be identical with the interests of peace.

Mr. BINDER stressed that he had intentionally chosen the very general expression "public interest". He was well aware that journalists of different countries did not interpret that idea in the same way. They were merely being asked to observe a universally valid rule of professional conduct and they were then at liberty to interpret the idea in the light of their own political convictions or of the conceptions prevalent in their country.

Mr. GERAUD also felt that another idea than that of "public interest" had to be brought into the paragraph. He therefore suggested that those words should be followed by the words "and regard for truth". Although the expressions "public interest" and "truth" were always ultimately identical,

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they often seemed to be contradictory at first. In that connexion, it was sufficient to recall what had happened in France at the time of the Dreyfus case.

Mr. BINDER said that, if the Sub-Commission brought the idea of "truth" into the paragraph, it should state clearly that it meant "truth as the journalist understands it". Otherwise it would be left with a concept very different from that current in many countries which did not recognize the existence of immutable truths of which journalists were the guardians.

Mr. WAITHMAN wondered whether the difficulty could not be overcome by using the word "truthfulness" in the text he had proposed.

Mr. LOPEZ proposed leaving out the beginning of the paragraph -- "fidelity to the public interest is vital to a high standard of professional conduct".

The CHAIRMAN said that that compromise proposal should meet with the approval of all the members of the Sub-Commission. The new text did not affirm that journalists should be guided exclusively by concern for the public interest. He saw no need for introducing the idea of "truth" or "truthfulness" in article II, since the preamble already emphasized that journalists had the duty to "search for the truth". Moreover, if Mr. Binder's amendment, as amended by Mr. Waitzman and Mr. Lopez, were adopted, Mr. Moulik's proposal would automatically fall.

The amendment, as amended, was adopted by 7 votes to 1, with 1 abstention.

The CHAIRMAN invited the Sub-Commission to examine paragraph 2 of article II. He pointed out that Mr. Moulik was proposing only drafting changes, while Mr. Géraud would like the word "deliberate" added in the first line. Consequently it was Mr. Binder's draft amendment, calling for the deletion of paragraph 2, which was furthest removed in substance from the original text, and should be put to the vote first.

/Mr. PLEIC

Mr. PLEIC asked the Chairman whether, under the rules of procedure, a proposal for deletion could be considered as an amendment.

Besides, he did not see why Mr. Binder wanted to delete the paragraph. It was generally recognized that calumny, slander, unfounded accusations and plagiarism were serious professional offences.

The CHAIRMAN replied by reading the last paragraph of rule 60 of the rules of procedure of the functional Commissions of the Economic and Social Council, which said that "a motion is considered an amendment to a proposal if it adds to, deletes from or revises that proposal".

Mr. BINDER recalled his statement at the beginning of the meeting. Paragraph 2 referred to punishable offences and was therefore out of place in a code of professional ethics for press and information personnel.

Mr. WAITHMAN agreed. The paragraph was quite useless. The code must set forth moral principles, and disregard anything in the nature of press offences, which were prosecuted in all countries.

Mr. ZONOV would vote against Mr. Binder's amendment. Since no one denied that the practices referred to in paragraph 2 were serious professional offences, there was no reason for deleting it. Furthermore, it followed logically on paragraph 1.

Mr. GERAUD emphasized that the concepts of calumny and slander were themselves rather vague. There was no serious professional offence unless the journalist intended to libel or slander someone. The Sub-Commission should therefore retain the paragraph, but make it more precise by adding the word "deliberate"; a proposal to that effect had also been made by the Institute of Journalists of London (E/CN.4/Sub.1/151, page 36).

Mr. Binder's amendment was rejected by 5 votes to 2, with 2 abstentions

/Mr. LOPEZ

Mr. LOPEZ remarked that in the English text of Mr. Géraud's amendment, the word "volontaires" had been translated as "deliberate". It would be better to use the word "wilful", as proposed by the Institute of Journalists.

Mr. Géraud's amendment was adopted by 6 votes to none, with 4 abstentions.

Mr. LOPEZ pointed out that the word "also" should be deleted from the final text, as it had become meaningless.

Paragraph 2, as amended, was adopted by 7 votes to 1, with 2 abstentions.

The CHAIRMAN invited the Sub-Commission to examine paragraph 3 of article II. Two amendments to it had been submitted: one, by Mr. Binder, to add at the beginning of paragraph 3 the sentence, "Good faith with the reader is the foundation of all journalism worthy of the name"; and the other, by Mr. Géraud, to replace "voluntarily" by "spontaneously" in the original text.

Personally, he was of the opinion that the two proposals were complementary, the first being merely a general declaration of principles.

Mr. GERAUD could not see why the general idea of "good faith with the reader" should be added to the ideas of moral obligation, responsibility and devotion to the public interest, which the Sub-Commission had already recognized

Mr. BINDER wished to make it clear once again, for Mr. Géraud's benefit that his draft amendment had been inspired by the observations of two French associations -- the Syndicat des journalistes de la presse périodique and the Syndicat de la presse française d'outre-mer (E/CN.4/Sub.1/151/Add.1, pages 5 and 6) -- and should thus reflect the wishes of French journalists,

The CHAIRMAN, speaking in his personal capacity, supported Mr. Binder's proposal. A paragraph which dealt with rectification of inaccuracies -- and Mr. Géraud thought such rectification should be spontaneous -- could well include the idea of good faith because the two ideas were related.

/Mr. LOPEZ

Mr. LOPEZ was in favour of introducing the idea of good faith in the paragraph; he recalled that there had been some question of including it in the preamble. The addition was justified if the idea of good faith was interpreted in the narrow sense proposed by Mr. Binder.

Mr. ZONOV took it that the draft amendment set forth the obligation of information personnel towards their readers and thus seemed to show that they were the servants of the people. He was therefore prepared to vote for it

The CHAIRMAN put Mr. Binder's amendment to the vote.

The amendment was adopted by 7 votes to none, with 3 abstentions.

Mr. GERAUD recalled that he had proposed that "voluntarily" should be replaced by "spontaneously", which he considered stronger. Indeed, the phrase "rectify voluntarily" might be understood as meaning that there had been a request for a correction which had been granted, whereas the word "spontaneously" introduced the idea of personal initiative.

Mr. PLEIC understood the purpose of Mr. Géraud's amendment, but did not think that it would much improve the text.

Mr. WATTHEMAN supported Mr. Géraud's proposal; the word "spontaneously" seemed more appropriate.

Referring to the pertinent observations of the Australian Newspaper Proprietor's Association (E/CN.4/Sub.1/151, page 49), he wondered whether the idea expressed by that Association might not be adopted by adding the word "harmfully" after the word "inaccurate".

/Mr. SILVA CARVALLO

Mr. SILVA CARVALLO would like account to be taken of the observations of the Association suisse des éditeurs de journaux and the Union romande des journaux, (E/CN.4/Sub.1/151, page 50). The wording they proposed and the idea it expressed were particularly happy.

The CHAIRMAN noted that those were entirely new amendments.

Mr. LOPEZ held that Mr. Waithman's proposal should be accepted.

The CHAIRMAN thought that the proposals should be taken in proper order, and put Mr. Géraud's amendment to the vote.

Mr. Géraud's amendment was adopted by 5 votes to none, with 4 abstentions.

The CHAIRMAN drew attention to Mr. Binder's proposal to replace the word "shall" by "should", and put it to the vote.

Mr. Binder's proposal was adopted by 6 votes to 1, with 2 abstentions.

The CHAIRMAN put to the vote Mr. Waithman's proposal to add the word "harmfully" after the word "inaccurate".

Mr. Waithman's proposal was adopted by 5 votes to 2, with 2 abstentions.

With reference to Mr. Silva Carvalho's proposal, the CHAIRMAN noted that the Sub-Commission had already approved some of the ideas contained in the text proposed by the Association suisse des éditeurs de journaux and the Union romande des journaux. He therefore felt that the text should be referred to the Drafting Committee, with the request that it should be taken into account.

Mr. BINDER stated that the Drafting Committee should take account of the observations submitted by the various associations; their usefulness should not be underrated.

The CHAIRMAN announced that he would later make a proposal to the effect that the Secretary-General should thank the various associations for their observations.

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He put to the vote the text of paragraph 3, as amended, which read:

"Good faith with the reader is the foundation of all journalism worthy of the name. Any published information which is found to be harmfully inaccurate shall be spontaneously and immediately rectified".

The amended text of paragraph 3 of article II was adopted by 6 votes to 1, with 2 abstentions.

The meeting rose at 1.10 p.m.