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COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fourth Session

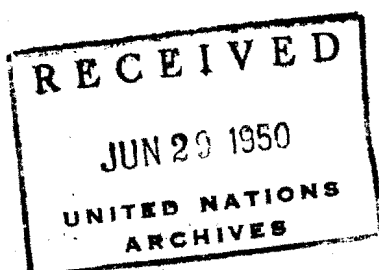
SUMMARY RECORD OF THE SEVENTY-FIFTH MEETING

Held at Hotel Parque, Montevideo  
on Friday, 19 May 1950, at 3.30 p.m.

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

<u>Chairman:</u>	Mr. FONTAINA	(Uruguay)
<u>Rapporteur:</u>	Mr. JORDAN	(United Kingdom of Great Britain and Northern Ireland)



/Members:

<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:

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

<u>Category A:</u>	Miss CASTRO ) Miss LARGUIA)	World Federation of United Nations Associations (WFUNA)
<u>Secretariat:</u>	Mr. HUMPHREY	Representative of the Secretary-General
	Mr. HOGAN	Secretary of the Sub-Commission

DRAFT OF AN INTERNATIONAL CODE OF ETHICS (E/CN.4/Sub.1/114)  
(continued)

1. The CHAIRMAN asked the Sub-Commission to continue its consideration of the first article of the draft of an international code of ethics (E/CN.4/Sub.1/114), entitled "To tell the truth without malice or prejudice".

2. Mr. AQUINO pointed out that the English text began with the word "Everyone", yet the verbs in the succeeding sentences were in the plural. Accordingly, a drafting change should be made in the English text.

3. Mr. JORDAN suggested that the word "All" should be used instead of "Everyone".

It was so decided.

4. Mr. JORDAN said that he would not press the change he had suggested at the preceding meeting for the first sentence of the first article. He was prepared to agree that the phrase "shall ensure" should be replaced by the wording suggested by Mr. Gandhi: "shall make the utmost endeavour to ensure".

It was so decided.

5. Mr. GERAUD proposed the deletion of the word "unbiased".

6. Mr. AQUINO pointed out that in English the words "objective" and "unbiased" were not entirely synonymous. There was a slight difference between them which should be retained in the text.

7. Mr. GERAUD stressed the point that a political commentator could not be presented from showing a certain amount of partiality in his choice of news items to support his argument. The article, as it stood, appeared to apply to only one form of journalism, reporting, and to exclude journalism mainly concerned with the expression of opinion, the importance of which should not be underestimated.

8. The CHAIRMAN reminded Mr. Géraud that the distinction which must be drawn between those two forms of journalism had been clearly brought out at the preceding meeting. The commentator did not always gather the information which he used. On the other hand, the first article was basically concerned with the gathering, transmission and dissemination of information as such. The interpretation of information and the safeguards which should be set up in connexion with it were specifically dealt with in the second paragraph of the second article of the draft code, relating to the "deliberate distortion or suppression of essential facts".

9. Mr. GERAUD objected to the tendency to separate the two aspects of the journalist's function. The great journalists of 19th century France, who were recognized as at least as able and forceful as contemporary journalists, used to mingle fact and comment. Mr. Géraud conceded that an argument could be made in favour of separating editorials and comment from factual accounts, but there was a mixed form of journalism which could neither be repudiated nor condemned.

10. Mr. AQUINO observed that the school of journalism to which he belonged considered it a violation of professional ethics for a journalist to intersperse his own comments in a factual account except if he was a commentator whose specific task it was to write an editorial or to publish a series of signed articles. Those were two distinct functions and they should be separated. The job of a journalist was one of the most complex jobs in the world; in drafting a code of ethics; the Sub-Commission should especially bear that in mind.

11. Mr. AZKOUL felt that the discussion was becoming somewhat confused because all the members did not appear to interpret the article under discussion in the same way. For a newspaper the problem was not to make a clear separation between facts and ideas, but to enable the reader at all times to distinguish between what was "fact" and what was the impression or conjecture of the commentator.

12. Mr. AZKOUL admitted that the article might be phrased somewhat better, but the idea it expressed seemed clear enough. The purpose of saying that information should be unbiased was to impose upon the person engaged in gathering, transmitting and disseminating information the obligation to do so without preconceiving ideas and with no intent to conceal or distort the truth. But that did not mean that the journalist should not select the aspects of the information he wished to report; besides, the mere observation of events implied a certain amount of subjectivity which could not be disregarded. In the French text, the difficulty might be overcome by substituting the word impartiales, which corresponded more closely to the word "unbiased" in the English text, for the phrase dépourvues de parti pris.

13. Mr. GERAUD remarked that a journalist writing an editorial in a political newspaper could not be expected to be impartial; however, that did not prevent him from having the basic quality of honesty.

14. Mr. AZKOUL stressed that the impartiality he had in mind applied exclusively to the presentation of facts. All the adjectives used in the article applied to information. Thus the journalist could be bound to report accurate facts but could not be prevented from having ideas which might even be false, and from expressing them.

The simplest solution, therefore, was to draw the suggested distinction between the two functions and to insert a separate article on the duties of the commentator, if it should be found subsequently that they were not covered by other provisions of the code.

15. The CHAIRMAN supported Mr. Azkoul's suggestion.

He proposed that, for the time being, the Sub-Commission should consider the article only from the point of view of information as such. It might reconsider that decision at the second reading, if necessary.

16. Mr. GERAUD was opposed to that proposal. He insisted that the first sentence should be redrafted to read. "All those engaged in the gathering, transmission, dissemination of information and in commenting thereon..." He asked for a vote on that wording.

17. Mr. AZKOUL pointed out that the basic purpose of the first article was to ensure that information should be true. Mr. Géraud would require the reporter as well as the commentator, to fulfill that condition. In order to meet his point without altering the text in principle, the Sub-Commission could accept his redraft but would have to delete everything after the word "accurate".

18. Mr. GANDHI understood Mr. Géraud's desire to place the reporter as well as the commentator under the obligations stated in the first article. It must be acknowledged that a commentator might sometimes yield to the temptation to distort or suppress certain elements of the truth in order to strengthen his argument. Mr. Gandhi would therefore support Mr. Géraud's proposal.

19. Mr. BINDER noted that in the practice of journalism in his country, a clear distinction was made between the presentation of facts and of opinions. In that connexion, he quoted article 5 of the code of ethics of the American Society of Newspaper Editors. In the United States, newspaper editors relied for the truth of information upon the fact that they had selected the men assigned to gather that information. In addition, newspapers tended more and more to print the names of the correspondents responsible for despatches, a system which had the dual advantage of apportioning responsibility and of enabling the intelligent reader to seek his information from sources which he considered reliable.



20. Mr. DEDIJER supported Mr. Geraud's proposal. He also favoured deletion of the word "unbiased" but wanted the words "accurate and objective" retained. He drew Mr. Binder's attention to the fact that in all countries, there were newspapers or journalists who violated the truth and even went so far as to fabricate information out of whole cloth to serve their cause. It was therefore important to ensure the veracity of the facts reported, by a detailed provision, if necessary.

21. Mr. GANDHI suggested that since the idea was to include both comment and reporting and that while the commentator was free to say what he liked he was not free to garble or twist the facts, it would be appropriate to say: "...shall make the utmost endeavour to ensure that the information the public receives is factually accurate and objective". That would also meet Mr. Dedijsr's point.

22. The CHAIRMAN asked for a vote on the first sentence drafted as follows. "All engaged in the gathering, transmission and dissemination of information and in commenting thereon shall make the utmost endeavour to ensure that the information that the public receives is factually accurate and objective."

The first sentence of the first article was adopted in that form by 8 votes to none, with 3 abstentions.

/23. Mr. AQUINO

23. Mr. AQUINO explained that he had abstained from voting because he still felt -- and it had seemed that the majority of the Sub-Commission had agreed with that view at the beginning of the discussion -- that a distinction should be drawn between the functions of the commentator and those of the reporter. He conceded that the commentator should have the same respect for truth as the reporter, but the statement of that obligation would come more appropriately in a special article on that subject.

24. The CHAIRMAN requested the Sub-Commission to consider the second sentence. He reminded it that Mr. Jordan had proposed at the previous meeting that the words "whenever possible" should be inserted after the words "shall be checked".

25. Mr. AQUINO could not accept that addition, as it introduced into the code an escape clause which could easily be invoked to justify any failure to fulfil the obligations laid down in it.

26. Mr. AZKOUL also thought it essential that the principles in the code should be stated affirmatively and categorically in order to emphasize that they were rules for the profession. It might, however, be made clear at the end of the preamble that the principles stated in the code constituted a standard of achievement which journalists ought to

/strive to

strive to attain in all circumstances. That would be a better solution than the insertion of escape clauses such as that proposed by Mr. Jordan. That question could, however, be settled at the second reading.

27. Mr. AQUINO reminded the Sub-Commission that he had suggested at the previous meeting that only the first sentence of the first article should be retained. The principles proclaimed in the code should be stated in very general terms and the way in which they should be applied should not be specified. He therefore made the formal proposal that only the first sentence of the first article should be retained.

28. Mr. GANDHI observed that the last three sentences embodied ideas which had no relation to those in the first article and he therefore thought that the reasons advanced by Mr. Aquino were not in themselves sufficient to justify the proposed deletion.

29. Mr. AQUINO thought that the words "factually accurate and objective" in the first sentence covered all the ideas set out in the remainder of the article. Furthermore, the injunction laid down in the first sentence was strengthened by the heading of the article itself.

30. Mr. AZKOUL did not wish to commit himself to the view that the last three sentences were unnecessary, but he thought that the code should lay down not only general principles, but also specific rules to cover all the cases of failure to respect professional ethics to be avoided. It would therefore be better to retain the article as it stood.

31. Mr. AQUINO drew Mr. Azkoul's attention to the text of the second paragraph of the second article, which listed in detail the professional offences which journalists ought not to commit. Accordingly, if the last three sentences of the first article were retained, the Sub-Commission would then have before it the second article, in which the principles already stated were more fully elaborated. The Sub-Commission, however, ought to respect the fundamental rule of journalism -- the greatest possible conciseness.

32. Mr. DEDIJER saw Mr. Aquino's point, but thought that the last three sentences of the first article were useful because they pointed out the practical consequences of the general principle stated in the first sentence. If the Sub-Commission adopted Mr. Aquino's position, it would logically have to compress the entire code into the single phrase: "Speak the truth".

33. Mr. DEDIJER cited an extract from a bulletin published in the United States by the USSR Embassy to show that the recommendation that journalists should check every item of information and should not suppress or distort any essential fact was certainly not unnecessary. If all journalists accepted that recommendation, many inaccurate and tendentious news items and those likely to disturb good relations among nations would be eliminated. He was therefore opposed to Mr. Aquino's proposal.

34. Furthermore, it was essential that due stress should be laid in the code upon the journalists obligation to check the information he published. Such an injunction should, in his opinion, be addressed, not so much to editors who, as Mr. Binder had observed, had an obvious right to place their trust in the persons they selected, as to the reporters themselves; the latter could use it not merely as directive but also as a defence against any pressure to induce them to disseminate news of which they could not conscientiously guarantee the accuracy.

35. Mr. AZKOUL reminded Mr. Binder that even in the United States it sometimes happened that the checking of fact was not done very thoroughly. He cited the example of a young Palestinian who had claimed to be a representative of King Abdullah of Jordan whose statements at a press conference at Lake Success had been headlined by United States newspapers without checking the truth of his claim. It was not unnecessary, therefore, to emphasize the need for checking facts.

36. Mr. BINDER observed that the incident -- which was not typical -- might also be explained by the apathy of the representatives of the Arab States at Lake Success at the time it occurred.

37. Mr. JORDAN thought that the Sub-Commission could not enter into as much detail as Mr. Azkoul would like. Journalists could not be compelled to check the credentials of every person who held a press conference when their essential duty was simply to report the statements made to them, regardless of their content.

38. Mr. AZKOUL thought that journalists could not be permitted to verify the credentials of persons whose statements they

/took down if

took down if they did not wish to do so. In the case under consideration, the representatives of the Arab States had tried vainly to prevent publicity being given to the statements of a person who they knew to be an imposter.

39. Mr. DEDIJER proposed that the second sentence should read: "Every item of information, whenever open to doubt, shall be checked".

40. Mr. JORDAN withdrew his proposal in favour of Mr. DediJer's.

41. Mr. AZKOUL, recalling that Mr. Géraud had proposed at the previous meeting that the word "essential" should be deleted, pointed out that although the journalist had a right to suppress facts which were not essential, he could not distort any fact.

42. Mr. GERAUD suggested the following wording:  
".... and no fact distorted or essential fact suppressed".

43. The CHAIRMAN called for the vote on the second sentence, to read as follows: "Every item of information, whenever open to doubt, shall be checked and no fact distorted or essential fact suppressed".

The second sentence of the first article was adopted  
by 8 votes to none, with 3 abstentions.

44. Mr. GANDHI observed that the third sentence applied only to the person directly responsible for publishing information, whereas that obligation should extend to all who were party to such publishing in any capacity. He therefore proposed that the following phrase should be inserted in the third sentence after the word "publish": "or be in any way party to the publishing of ..."

It was so decided.

45. Mr. AZKOUL pointed out that a general principle applicable to the code as a whole was stated in the fourth sentence and proposed that the Sub-Commission should reserve its decision regarding where it should be placed.

It was so decided.

46. The CHAIRMAN called for the vote on the first article as a whole, as amended.

The first article was adopted by 8 votes to none, with 3 abstentions.

47. Mr. GERAUD asked whether the adoption of the article implied the adoption of its heading. In his opinion, it should read: "To be truthful".

48. The CHAIRMAN said that all drafting questions would be considered at the second reading.

The meeting rose at 6 p.m.

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