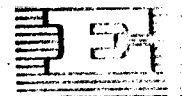


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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS
Fifth Session

SUMMARY RECORD OF THE NINETY-EIGHTH MEETING

Held at Headquarters, New York,
on Tuesday, 11 March 1952, at 3 p.m.

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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.10) (continued)

<u>Chairman:</u>	AZMI Bey	(Egypt)
<u>Rapporteur:</u>	Mr. AZKOUL	(Lebanon)
<u>Members:</u>	Mr. BINDER	(United States of America)
	Mr. P. H. CHANG	(China)
	Mr. GERAUD	(France)
	Mr. LOPEZ	(Philippines)
	Mr. MOULIK	(India)
	Mr. PLEIC	(Yugoslavia)
	Mr. POLLERI CARRIO	(Uruguay)
	Mr. WAITHMAN	(United Kingdom of Great Britain and Northern Ireland)
	Mr. ZONOV	(Union of Soviet Socialist Republics)

Representative of a specialized agency:

Mr. CARNES

United Nations Educational,
Scientific and Cultural Organiza-
tion (UNESCO)

Representatives of non-governmental organizations:

Category B:

Mr. BEER

International League for the
Rights of Man

On register:

Mr. MOSSIN

International Federation of Free
Journalists

Secretariat:

Mr. HUMPHREY

Representative of the Secretary-
General

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.10) (continued)

The CHAIRMAN called for the discussion of article II, paragraph 4, of the draft international code of ethics (E/CN.4/Sub.1/L.10). The amendments submitted by Mr. Moulik (E/CN.4/Sub.1/L.10, page 5) and Mr. Binder (E/CN.4/Sub.1/L.10, page 6), although presented as substitutions, ought really to be proposed as additions, as they did not deal with the same subject as the original text.

Mr. MOULIK explained that his amendment had originally been intended to be taken in connexion with article I. His proposal about that article had not been adopted; thus, he was willing to regard his amendment as an addition to the original text.

Mr. BINDER was prepared to let the vote be taken first on the proposal to delete the original text of paragraph 4 and then, if that text were retained, on his amendment as an addition. The original text was unnecessary, as no honest newspaper would publish unconfirmed news or give currency to rumour. The distinction to be made was rather that between news reports and expressions of opinion. Confusion of the two would mislead the reader, but the expression of opinion, clearly identified as such, was very necessary to a newspaper.

/The CHAIRMAN

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The CHAIRMAN put to the vote Mr. Binder's proposal that paragraph 4 of the original text should be deleted.

That proposal was rejected by 5 votes to 3, with 2 abstentions.

Mr. WAITHMAN proposed that only the first sentence of Mr. Binder's amendment (E/CN.4/Sub.1/L.10, page 6) should be retained. The remainder was simply an elaboration of the idea expressed therein. Newspapers in which space was restricted had devised a new form of reporting in which news and interpretation were combined. Such pieces were of course signed, and the interpretative part was clearly introduced as such; but it could not be said that they were free from opinions. Such reports might not, however, be covered by the third sentence, because they were not necessarily devoted to advocacy.

Mr. BINDER had not expected opposition to his amendment and would not retain more than the first sentence unless other members of the Sub-Commission wished the adoption of the entire text. The phrasing had been derived from the code of the American Society of Newspaper Editors. As the pieces to which Mr. Waithman had referred were signed, the reader would not take them for news reports. United States newspapers usually made a clear distinction between the news columns and the editorial page; only a few were guilty of colouring news reports to create states of mind which they feared they could not create by editorials.

Mr. LOPEZ suggested that the second sentence in Mr. Binder's amendment should be retained. It was most important that bias should be avoided.

Mr. AZKOUL thought that the idea expressed in the first sentence was rather platitudinous, but might be retained. It might be possible to require a journalist to be free from bias and to publish things contrary to his own cherished beliefs, but to require him to be free from opinions was unrealistic; the selection, presentation and context given to news reports were in themselves tantamount to an expression of opinion. He would therefore support Mr. Waithman's proposal.

/Mr. GERAUD

Mr. GERAUD did not believe that news could or should be clearly distinguished from opinion. There was an undesirable form of journalism which twisted facts to make them fit preconceived opinions; but there was an equally undesirable form which gave the bare facts without any explanation. The best form of reporting was that in which the facts were set forth and the logical conclusion drawn from them. From time to time such conclusions should be revised and brought up to date.

Mr. ZONOV would have accepted the inclusion of Mr. Binder's ideas in an instrument such as the draft convention on freedom of information, but thought them out of place in the code of ethics. The distinction between news and opinion had been thoroughly discussed during the debates on the draft convention. The journalist could not be required to state facts without commenting on them; even the statement of a selected fact might to some extent be regarded as an expression of opinion. Furthermore, he could not see how in practice the press could make the distinction between news and opinions nor who would make it -- the editor, the reporter or the public. The question could not be satisfactorily settled merely by placing news and editorial comment on different pages of the newspaper.

The CHAIRMAN, speaking in his personal capacity, remarked that the world press was divided on the question of presentation of news and comments. Certainly comments had to be based on facts; and he was inclined to favour the school to which Mr. Géraud belonged rather than Mr. Binder's. He would, however, vote against Mr. Binder's amendment for another reason: the amendment dealt with a matter of professional technique rather than professional honour, and was therefore out of place in a code of ethics.

Mr. LOPEZ was familiar with the idea expressed in the amendment; but there was a new trend in journalistic practice, followed by the United States press as well, of reporting and interpreting the news in the same article. He saw no reason to condemn that practice.

Mr. BINDER replied that those were usually signed articles and readers were aware that they reflected the writer's personal views. His objection was to unsigned articles, purporting to be statements of facts, but coloured by the prejudices of those who controlled the periodical.

/He could

He could not agree that the question was technical. It was surely an ethical matter to refrain from disguising advocacy of a certain policy as factual reporting, and an injunction to that effect should certainly be included in the draft code of ethics.

Mr. GERAUD was not satisfied with Mr. Binder's amendment. He would prefer a statement to the effect that the reporting of facts should never be coloured by opinions, but that opinions should be based on the observation of facts; on that premise, honest journalism should be a co-ordination of facts and opinions.

Mr. AZKOUL remarked that Mr. Géraud had defeated his own purpose by voting for the deletion of the words "and objective" in article I, since it now appeared that he wanted news reporting to be objective.

Mr. BINDER, in order to expedite the Sub-Commission's work, agreed to reduce his amendment to the first sentence, as suggested earlier by Mr. Waithman.

Mr. AZKOUL moved that, in order to make it clear that a moral obligation rather than professional technique was involved, the sentence should be amended to read: "A clear distinction should be made between news reports and expressions of opinion."

That amendment was rejected by 4 votes to 3, with 4 abstentions.

The CHAIRMAN put to the vote Mr. Binder's amendment, reading as follows: "Sound practice makes clear distinction between news reports and expressions of opinion."

Mr. Binder's amendment was not adopted, 4 votes being cast in favour and 4 against, with 3 abstentions.

The CHAIRMAN directed attention to Mr. Moulik's final amendment to paragraph 4 of article II.

/Mr. MOULIK

Mr. MOULIK stated that, in view of the Sub-Commission's rejection of his other amendments to article II, the final amendment for addition to paragraph 4 should be redrafted to read: "Special restraint shall be exercised in reporting and commenting on items of information dealing with situations of tension arising from racial, religious or economic discriminations".

Mr. LOPEZ recalled that Mr. Moulik's amendment taken from the All-India Code was a very appropriate provision in view of the tense situation between India and Pakistan. It would not be universally applicable because it would call upon journalists to refrain from vigorous reporting of cases of racial discrimination with a view to preventing violence. Thus it might minimize publicity of incidents of racial discrimination and retard the work of eliminating discrimination of all kinds.

Mr. PLEIC stated that Mr. Moulik's amendment would hamper journalists in reporting the facts of incidents of discrimination. The best way to combat discrimination was to publicize the facts rather than to be silent.

The United Nations had exerted great efforts to combat discrimination in various fields and many Member States had taken action to stigmatize information preaching discrimination. Mr. Moulik's amendment would be in conflict with action taken by other United Nations bodies.

Mr. MOULIK explained that his text had been misunderstood. The intention was not to bar comment on incidents of discrimination, but to seek restrained comment tending to lessen rather than increase tension. The problem of tension arising from discrimination was not confined to India and Pakistan, but arose in many parts of the world.

He was prepared to accept amendments to clarify the fact that the provision would not prevent comment.

Mr. WAITHEMAN expressed sympathy with Mr. Moulik's objective but would be unable to support the proposal. The use of the word "restraint" was open to interpretations which would inevitably present difficulties.

/Mr. LOPEZ

Mr. LOPEZ understood Mr. Moulik's motives, but stated that a journalist's report of cases of discrimination would depend on the aim he sought. In certain circumstances he might feel it essential to calm the populace and prevent violence while in others, although he was in principle opposed to violence, he might feel compelled to arouse public opinion in order to secure remedial action. In the final analysis permanent peace was impossible on the basis of racial or religious discrimination.

Mr. ZONOV was unable to support Mr. Moulin's amendment; it raised issues similar to those he himself had raised, but was presented improperly. A different orientation was necessary and discrimination must be dealt with on a different plane.

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

Mr. Moulik's amendment was rejected by 5 votes to 2, with 6 abstentions.

The CHAIRMAN called for a vote on article II as amended, subject to stylistic changes:

- "1. 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.
- "2. Deliberate calumny, slander, libel, unfounded accusations and plagiarism are serious professional offences.
- "3. 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 should be spontaneously and immediately rectified.
- "4. Rumour and unconfirmed news shall be treated and identified as such."

Article II as amended was adopted by 7 votes to none, with 4 abstentions.

/Mr. MOULIK

Mr. MOULIK proposed that the Sub-Commission set a target date for the completion of work on the code of ethics. He suggested that the code should be completed the following day.

Mr. ZONOV felt that such a limitation would be unwise in view of the Sub-Commission's mandate.

Mr. LOPEZ suggested that, without adopting a rigid decision, the Sub-Commission might set the following afternoon as a goal toward which to work.

Mr. BINDER stated that, if the Sub-Commission spent an undue time on the code, it would be unable to complete the other tasks which it had been instructed to perform and which were equally important. Although the code had been given priority, the Sub-Commission had yet to deal with the vital questions of obstacles to the free flow of information and recommendations for future work in the field of freedom of information.

Every attempt should be made to expedite work on the code and to complete it, if possible, by the following afternoon.

Mr. AZKOUL moved adjournment of the meeting.

The motion for adjournment was adopted by 6 votes to 1, with 2 abstentions.

The meeting rose at 5.20 p.m.