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SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

Fourth session

SUMMARY RECORD OF THE SIXTY-NINTH MEETING

Held at Hotel Parque, Montevideo,
on Monday, 15 May 1950, at 3.30 p.m.

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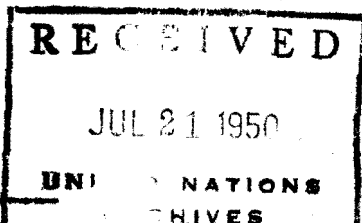
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<u>Chairman:</u>	Mr. FONTAINA	(Uruguay)
<u>Rapporteur:</u>	Mr. JORDAN	(United Kingdom of Great Britain and Northern Ireland)



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/Members

Members: Mr. AQUINO (Philippines)
Mr. AZKOUL (Lebanon)
Mr. AZMI (Egypt)
Mr. GANDHI (India)
Mr. CHANG (China)
Mr. DEDIGER (Yugoslavia)
Mr. SILVA CARVALLO (Chile)

Representative of a specialized agency:

Mr. FARR United Nations Educational,
Scientific and Cultural
Organization (UNESCO)

Secretariat:

Mr. HUMPHREY Representative of the
Secretary-General
Mr. HOGAN Secretary of the Sub-
Commission

TIME OF MEETINGS

The CHAIRMAN suggested that the Sub-Commission should sit every day from 10 a.m. to 1 p.m. and from 3.30 p.m. to 6 p.m.

It was so decided.

TELEGRAM FROM THE ASSISTANT SECRETARY-GENERAL IN CHARGE OF THE DEPARTMENT OF PUBLIC INFORMATION

The CHAIRMAN read out a telegram from Mr. Cohen, Assistant Secretary-General in charge of the Department of Public Information to the Sub-Commission on Freedom of Information and of the Press expressing his best wishes for the success of the work of the fourth session of the Sub-Commission.

ADOPTION OF THE AGENDA (E/CN.4/Sub.1/103)

With regard to the agenda, the CHAIRMAN recognized the advantage of establishing an order of priority for the items to be considered, but thought that it should not be too strictly observed. He suggested that the Sub-Commission might begin its work by drafting an international code of honour for journalists. In that way, the Sub-Commission could achieve concrete results during its current session; such results were essential in view of the fact that it had to submit definite recommendations to the Economic and Social Council. On the other hand, by starting off with the consideration of general questions, it

ran the risk of encountering political problems discussion of which could not but cause delay and repetitiveness during the debate.

Mr. BINDER shared the Chairman's concern that the Sub-Commission should achieve practical results by the close of its current session. He did not consider it wise, however, from the point of view of freedom of information and of the press, to undertake the study of a question merely because it might lead to a concrete solution.

He recalled that the order of priority laid down in the agenda was the outcome of the work of almost an entire session. If it should now be decided to alter that order, the impression might be given that the work of the preceding session had been useless and a debate might be re-opened which was likely to be prolonged.

Moreover, Mr. Binder did not think that the question of a code of honour could be settled quickly; for example, it could not be worked out conscientiously without considering similar instruments which might have been drafted earlier by various organizations.

Like Mr. Binder, Mr. AZMI thought that the proposed agenda should be followed. He pointed out, however, that certain events had taken place since the third session of the Sub-Commission; it had been learned, for example,

that the Economic and Social Council had not been wholly satisfied with the work of that session and had sent certain matters back to the Sub-Commission for urgent consideration. One of those questions was precisely the code of honour and the court of honour which were closely linked with item 1 B of the agenda. It was clear that the unethical conduct of journalists was a serious obstacle to freedom of information and of the press, the object of which was the promotion of the dissemination of accurate and complete information. Furthermore, many newspapers wantonly printed distorted information and many governments did not take the liberal attitude which was essential in matters of information, because they claimed that by granting freedom they might be sanctioning a distortion of the true facts. Those were obstacles to freedom of information which came under item 1 B of the agenda. Mr. Azmi made the additional suggestion that the Sub-Commission should follow its agenda on the understanding that the question of the international code of honour would be considered together with item 1 B for the reasons he had given. In that connexion, Mr. Azmi recalled that the Sub-Commission had before it a draft code of honour which he had submitted jointly with Mr. Azkoul and Mr. Chang.

/The CHAIRMAN

The CHAIRMAN agreed with Mr. Azmi. The problem of limitations on freedom of information was obviously the one which was likely to give rise to the most lengthy discussion. Everyone recognized the need to give journalists and the press a certain amount of freedom; the problem was to determine the limits of that freedom. Agreement on that aspect of the question would greatly facilitate the drafting of a code of honour. Moreover, if such a code existed and was observed by journalists, it would no longer be necessary to lay down restrictions, for the members of the profession would impose their own rules.

Like Mr. Azmi, the Chairman acknowledged that there were various ways of approaching the consideration of item 1 B of the agenda.

Mr. AQUINO agreed with Mr. Binder that it was desirable to follow the Sub-Commission's agenda. He thought it should not be modified unless certain considerations made it absolutely necessary to do so. He also shared the view of some members of the Sub-Commission who thought that it would be inadvisable, for the time being, to consider questions which raised serious and difficult political problems.

Furthermore, the most serious violations of rules of professional ethics arose from political considerations, so that the preparation of a professional code of honour could

not be undertaken without touching upon certain political problems. In any case, the Sub-Commission or the United Nations should sooner or later take up that aspect of the question. In the circumstances, why not begin immediately? Actually, departures from professional ethics were largely responsible for the present international tension. The sooner the problems in that field were settled, the sooner would freedom of information and of the press be effectively protected.

While Mr. Aquino thought that the Sub-Commission should avoid discussion of political questions so far as possible; it should not evade those which were unavoidable. It could adopt that attitude all the more easily because it was not composed of representatives of governments, but of persons chosen for their special knowledge and competence. Mr. Aquino agreed with Mr. Azmi that the question of professional ethics might be taken up, if necessary, together with item 1 B of the agenda. Nevertheless, he thought that violation of rules of professional ethics could not be considered obstacles to freedom of information from a strictly professional or political point of view.

Mr. CHANG recognized the need to draw up an international code of honour for journalists, because such an instrument would help to improve the accuracy and objectivity of information made available to the public.

/It would

It would constitute an international rule for the dissemination of information defining the rights and obligations of information personnel. The observance of such a code might even help to reduce international tension.

The preparation of a code of honour was a difficult task. Thirty such codes were already in existence. The Sub-Commission might profitably take into account the principles set forth in them, although it must be noted that most of them had become obsolete or were not observed. On the other hand, conscientious journalists had not yet solved the problem of applying such a code. Those considerations should not, however, discourage the Sub-Commission. It should make a thorough study of the question and seek solutions most likely to obtain general approval by taking an initiative which might make it possible in the end, for it to achieve its goal.

Mr. JORDAN agreed with Mr. Binder. It was the clear duty of the Sub-Commission to draft measures to increase the circulation of information and improve its quality. On the other hand, whatever the advantages of a code of honour, a combination of items 1 and 7 of the agenda might introduce a certain number of restrictions;

/it would

it would be regrettable for the Sub-Commission to give the impression that it was considering proposals or suggestions implying limitations on freedom of information when its duty was to promote the exercise of that freedom. The merging of items 1 and 7 of the agenda might also create confusion and detract from the value given to item 1.

Mr. GANDHI recalled that the Sub-Commission's work had been subjected to a certain amount of criticism. The Economic and Social Council itself had spent several days considering the recommendations submitted by the Sub-Commission. In his opinion the Sub-Commission might not be able to do the work assigned to it unless it met twice a year.

He believed that the Sub-Commission should use the draft code submitted to it as a basis of discussion and as a working paper, and that it should try to take a final decision on that subject before the close of the current session. A code of honour might impose certain restrictions on freedom of information, but that factor should not stand in the way of its adoption, because certain restrictions of that freedom might currently be both advisable and useful. He would, however, wish to examine the terms of such restrictions very carefully before committing himself to them. Eventually it might be found advisable to remit the question to a Sub-Committee. While, therefore, not objecting to consideration being given to the proposal for a code of ethics during the current session, he was in favour of the agenda being taken up seriatim.

/Mr. AZKOUL

Mr. AZKOUL thought that an analysis of the agenda showed that it had two distinguishing features. Firstly, each item must be subjected to continuing consideration, whereas items on the agenda of other bodies of the United Nations, when disposed of, generally required no further study. That was not so with regard to matters on the agenda of the Sub-Committee, all of which were recurrent in character. Second, item 1 on the Sub-Commission's agenda was a form of chapter head covering items 2 to 10.

He therefore suggested that the Sub-Commission should regard its agenda as comprising only one item, namely, item 1. A member of the Sub-Commission should be able to put forward a suggestion regarding any of the other items whenever he wished to do so, without being necessarily bound to follow the numerical order of the items.

/He agreed

He agreed with Mr. Azmi that the code of honour was one aspect of the general problem raised in item 1. One of the methods of eliminating or reducing restrictions imposed on the freedom of the press by governments was to give the press a greater sense of its responsibility.

Mr. Jordan had said that to set up standards of conduct for journalists could in itself be regarded as a restriction of the freedom of the press. It must be noted that a very sharp distinction must be drawn between restrictions forcibly imposed and restrictions accepted voluntarily.

Mr. BINDER had not known that the Sub-Commission's work had not been unreservedly approved by the Economic and Social Council. Even so, it was true nonetheless that its work was judged not only by other organs of the United Nations, but also by public opinion at large, which looked to it for the improvement of the quality of information.

The question of a code of honour was not a new one. A number of such codes were already in existence. The codes which had already been adopted should be available to the Sub-Commission before it embarked upon the consideration of any new code, which, otherwise, would merely be a waste of time.

A code of honour, if it was to be at all adequate, must be adopted by the profession concerned. In his opinion, it would be presumption on the part of the Sub-Commission to wish to annul all that had been done previously in that field.

Mr. Binder urged the Sub-Commission not to lose sight of the essential problem, namely, the obstacles to the free flow of information. Hundreds of millions were ignorant of what went on beyond the borders of their own country. Radio broadcasts which should carry the indispensable information to them were jammed. They were even ignorant of what occurred within the United Nations. True security could not exist in a world in which the free flow of information was hampered in that manner.

Mr. SILVA CARVALLO acknowledged that the code of honour would be of great moral value, but it ought to be the culminating act in the work of the Sub-Commission, because it concerned the internal organization of the profession. In his opinion, it would be far better to begin by considering the larger obstacles which were of concern to the whole world, particularly obstacles to freedom of information and of the press. The Sub-Commission ought therefore to keep to the agenda, which had been very carefully prepared after careful thought.

/He did not

He did not deny that the question of obstacles to freedom of information and the press was related to some extent to the question of the international code of honour, but the relationship was relatively remote.

Mr. AZMI noted that one principal idea had emerged from the debate, namely, that the freedom of information and of the press must be promoted and protected by the elimination of obstacles to its free exercise. He therefore agreed with Mr. Azkoul with regard to the agenda, that the Sub-Commission should, in considering that subject take into account all problems whether closely or distantly related to the question of obstacles to the freedom of information and of the press, such as the jamming of broadcasts.

On the other hand, Mr. Silva Carvalho's idea that the code of honour should be the culminating act in the Sub-Commission's work was open to serious objection, as the preparation of that code could not be begun until 1952. The preparation of a code of honour was an urgent matter, because a code of that kind would contribute to the dissemination of more accurate and objective information. The Sub-Commission might well consider the general principles of the draft code, taking Mr. Binder's ideas into account.

/It would

It would then submit a draft to the Economic and Social Council, for transmission to governments. They would bring it to the notice of the information agencies or organizations in their territory. The convening of a professional conference on information and the press to examine the Sub-Commission's draft could be considered subsequently.

Mr. FONTAINE thought that the Sub-Commission should not dwell upon the possible political aspects of the matters on the agenda, as it could hardly expect governments to take measures in connexion with such aspects. It should rather concentrate upon the field in which it could hope to obtain practical results, namely, in the professional field. Priority should therefore be given to the matter of the code of honour, and more thought should be given to freedom of information than to the obstacles in its way.

It was to be feared that if Mr. Azkoul's proposal with regard to the procedure to be followed was adopted, the members of the Sub-Commission would never know exactly what item of the agenda was under discussion.

/Mr. AZKOUL

Mr. AZKOUK observed that the Sub-Commission had met for the precise purpose of achieving practical results; he saw no reason to anticipate confusion. His proposal was a compromise between the rigid observance of the numerical order and a reshuffling of the items.

The CHAIRMAN put to the vote Mr. Azkoul's proposal to the effect that the agenda should be adopted without change, on the understanding that it would be open to any member of the Sub-Commission to take up any item, as circumstances might dictate.

Mr. Azkoul's proposal was rejected by 5 votes to 3, with 2 abstentions.

Mr. AZMI thought that the abuses which journalists might commit in their interpretation of what was freedom of information were an obstacle to the exercise of that freedom. He still maintained, therefore, that item 7 should be considered an integral part of item 1.

Mr. GANDHI suggested that the text of the draft code of honour should be distributed. The members of the Sub-Commission would submit their comments and suggestions and, if possible, would adopt a text at the end of the session.

Mr. AZMI's considered opinion was that the question of the code of honour should be considered at the current session of the Sub-Commission.

/He wished

He wished the members to reach a gentlemen's agreement on that subject; if that were done, he would be prepared not to press his proposal.

The CHAIRMAN said that all the available documents relating to the code of honour for journalists would be placed at the disposal of members, who would consider and discuss them.

The agenda was adopted without change.

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, E/CN.4/Sub.1/115)

Mr. BINDER commented upon the suggestions embodied in the document prepared by the Secretariat on 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, section VI).

He felt that there was little use in trying to establish an order of priority between obstacles and restrictions, as suggested in sub-paragraph (a) of the second paragraph. The Sub-Commission had experienced a great deal of difficulty in the past when it had attempted to establish orders of priority. While political obstacles were generally more difficult to overcome, pressure of world public opinion could most easily eliminate them.

/It was

It was suggested that the Sub-Commission had the choice of studying measures for inter-governmental action or steps to be taken at the professional level; whatever the nature of the action taken, it should be of practical application. In that connexion, he thought that the Sub-Commission was not in a position to make any useful suggestions about the draft convention to be examined by the General Assembly at its next session.

Finally, it was suggested that the Sub-Commission might wish to set up a fact-finding and conciliation commission similar to the Fact-Finding and Conciliation Commission on Freedom of Association set up by the International Labour Organisation. Such a proposal would give rise to difficult problems; in his opinion, the Sub-Commission should confine itself to inviting the Secretary-General to prepare a draft resolution for consideration at a subsequent session. It must not be forgotten, in that connexion, that the Sub-Commission's terms of reference were in force for a limited period and that UNESCO also had responsibilities in that field.

In conclusion, Mr. Binder submitted a formal proposal relating to one of the obstacles to the free flow of information, the jamming of radio broadcasts and other interferences with the free flow of news across national boundaries (E/CN.4/Sub.1/115).

/Mr. FARR

Mr. FARR (United Nations Educational, Scientific and Cultural Organization) apologized to the Sub-Commission for the delay in the arrival of documents prepared for it by UNESCO.

He pointed out that the second paragraph of the introduction to the study of obstacles to the free flow of information (E/CN.4/Sub.1/106) laid particular emphasis on obstacles deliberately interposed between factual events and the public. He therefore feared that the Sub-Commission might immediately begin the study of the various forms of censorship and thus lose sight of other obstacles existing within countries and between countries, which were in part the cause of the tightening of restrictions on the free flow of information. Among those other obstacles, particular reference might be made to the inequality of power for the transmission of radio broadcasts as between countries; that led the less favoured countries to impose restrictions on the reception of broadcasts from better equipped countries and to restrictions on the distribution of newsreels. These other obstacles had an equal claim to consideration.

The meeting rose at 5.55 p.m.
