



Protection from Journalists` Rights in International Rules

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ABSTRACT: Nowadays that is the age of press and the medias have passed through the geographical frontiers ,the significance of the media and specially the press have cleared for everybody and have been recognized as the basic and extremely impressive tools. The attempts of the united nation have found more significance with the support of great western capitalist powers for progress and extending “basic freedoms of individual and human rights” on an international level following by Socialistic system disintegration in the early 1990`s .So that UNESCO can perform a” new communication strategy” by the new universal conditions . Freedom of the press and the journalists` rights are such as concepts that had always been anxiety of the press possessors and various studies has been done about it. What is certain is that the liberated press is the results of journalists` activity that are aware of their rights and the society also protect these rights in the legal forms. In this article is tried to consider the answer of question about how to protect the journalists`s rights in international regulation ,activities of international organizations such as International Labor Organization (ILO)and UNESCO (united nations educational, scientific, and cultural organization) etc were studied on the background of the journalists` rights. With due regard to the whole shortages of rules and regulations related to the journalists rights can be find the regulations which proceeding protection from the journalists rights ,but the shortage of independent rule can be felt.

Keywords: Law, Rights of Journalists, International Rules

INTRODUCTION

Necessity of the international protection from freedom of the press and the professional journalists` independent is paid attention like extending of the full titles press and process of new technical means used in message transmission in the late 19th century. On this background at first, the circles and assemblies of press and then international organizations have taken action. The western press trade association that newly have been started in this era have embarked on big gathering .But these attempts have remained inconclusive, because international professional organizations of the press hadn`t still found firmness enough. The first attempts of international organizations are formed by the League of nations and specialized institutions relevant to that for improvement of the press activities and the other means of the group communication and establishment of the suitable conditions of the professional journalists` independent after the world war 1.these attempts have cultivated by the United nation and specially its General assembly and “United nations educational, scientific ,and cultural organization (UNESCO¹),which regarding as the specialized institution related to

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this backgrounds and having the responsibility of the communications' affairs in addition of the trilogy backgrounds such as educational, scientific and cultural after the world war 2. In this article formed protection from the journalists is studied in two parts. First attempts for providing of the journalists rights in the international level and then the modern attempts for realization of the professional journalists' rights have been studied.

The international protection from the journalists' rights:

In spite of the internal rules which defend the journalists trade rights in the nation society level of each country, the different regulation have been approved by international organizations and special the General assembly of the United nations-UNESCO-the international union of the telecommunications- universal organization of the intellectual property and also some regional organizations like the European council, the European union, the European security and collaboration pact, the American countries organization, African unity's organization, in the various backgrounds of the communications' activities and performances such as freedom of information –the international correction of the untrue news-the international journalists protection -the necessity of providing the information equilibrium-communicational nation politics and the new global order of information and communication, etc on an international level at recent decades. These international and regional regulation which have created in the form of statements, declaration, treaty and right guidance, have assembled the suitable situation for development and consolidating of “the Communication International Law” as the new branch of law². From the late 19th century, with the extending of press and their role, be paid attention like the necessity of international protection from freedom of the press and the professional journalists' independent. In this background the first attempts are formed by press assemblies and trade associations of western press and then by international organizations². The other international and nation protection related to the journalists' rights are activities of International Labor Organization-Nation union of the journalists, Committee of protection from the journalists and International federation of journalists.

A) The first attempts for providing journalists rights in international level

1. The international press congress

The first gathering “the international press congress” were formed with participation of agents in 18 European countries, American and new Zealand in Belgium and important matters of the journalism like organizing the press associations, legal characteristics of the journalism profession and the professional relations of the journalists, training the journalism were evaluated.

Some decisions of the congress are necessity of establishing international federation journalist (IFJ), necessity of issuing the professional identity card of the journalists, improvement of conditions of journalists 's working, defense from principle of protection of professional secrets, etc. Activity of the congress continued from 1894 -1914 which is finished by the World War 1. The congress cause to the establish “International Federation of journalists”.

2. The world press congress

Similar organization as the press congress world is created by inventing of some American journalists in 1915. the most important subject which managers would pay attention to that was helping to the universal consolidation. The congress directors would believe that encounter and conversation of the journalists in various countries of world help to providing and developing of international understanding for peace preservation. In fact the congress didn't help to protect of the journalists rights and its goal was peace preservation. The congress was stopped due to establish of “International federation of journalists” and lacked of protection from American journalists in 1926².

3. League of Nations role in providing journalists rights

The League of Nations would pay attention to freedom of press and the other communication means and their roles in international peace preservation and also matters about the professional journalists independent.

Some activities of the League of Nations and its disintegration, from 1919-1946 are below:

1) Resolution of the League of Nations assembly is about help to press for organizing peace which was exported in 1925.

2) International Geneva conference being about press roles in international understanding was held in 1927.

3) Helping to establishing international professional journalism organizations, that International Labor Office which was one of important pillar in the League of Nations, studied about conditions of the professional journalists' labor.

4) Of the other activities are special attention to international institutions of telecommunication and radio communications.

5) International treaty related to application radio broadcasting in peace interest.

6) International protection from copyrights by drawing up protection treaty of copyrights.

7) The league of nations and freedom of information : the league of nations were succeeded in introducing concept of "freedom of information" in international level , which have allocated to three elements in spite of all difficulties that existed at that time-rights of Journalists` work freely without any contact with politics ,economics, technical and legal obstacles- no abuse of freedom right of information for respecting to rights of other person-observing society vital interests and concession having practical power for international journalists organization.

4. Other nation and international attempts

-The Scandinavian journalists had been initiator in preparation and compilation of journalism profession ethical rules. Norway, Swedish and Finland have had set of the journalists' ethical rules in order.

-managers of "French syndicate nation journalist" (SNG) have approved a set of ethical rules as "journalists duties charter"². -England nation union journalists (UNJ) approved set of rules about behavioral principles of journalists' profession which have reconsidered several time from that time up to now. Companies of nation union journalists would assemble conditions for improvement of labor law and protection from the journalists' employment and members' consultation. The union would always try to increase journalism standards³.

-International federation journalists (IFJ) were established in 1926 that one of its activities is creating" International Court of honor " in the professional journalists' right background in 1931.

also international labor office (ILO)relevant to the League of nations published comprehensive report in 1928 as" the journalists labor and life conditions" in Geneva that is one of the first attempts of international society about improvement materialist and spiritual conditions in the professional journalists activities. International labor office on the International federation journalists` demand decided to study about the journalists' situation over the world and publish labor conditions, wages, the professional legal situation, employment methods, social responsibilities and quantity of their technical training in a report².

B)Modern attempts for realizing professional journalists' right in international level

1.The United Nations

Western governments and specially America with leaning on "principles of charter of the United Nations" for protection from "basis freedom of individual "and "human rights" for peace preservation, would pay attention to matters related to freedom of press and freedom of information in progress well known politics "the free courses of information" in world after the world war 2 and by establishing of the united nations in 1945.

2. the general assembly of United Nations

1) General assembly resolution about freedom of information – resolution 59 was issued in 1946.

2) General assembly resolution about untrue or distorted news- resolution 127 was issued in

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1947.

3) Article 19 universal notice of human rights about freedom of information which have been paid attention to freedom of expression's right and freedom of press's right and freedom of information right have been approved.

4) International right treaty of correcting news has been signed in 1952.

5) International Covenant on Civil and Political Rights (1976)-in article 19 and 20 have been predicted the rules about freedom of expression and freedom of information.

6) protection from the journalists in the professional dangerous assignments (1949):the General assembly of United nations studied many projects about universal journalists activity and defining "news agents" of press and other media after the world war 2 and holding international conference of freedom of information⁴ but remained inconclusive and from that time up to now hasn't been approved special international regulation about quantity of arriving the journalists and the media news agents and news agencies to continues and their governments and only regulation has been approved in some bilateral and multilateral contract and in the context of some regional collaborations for facilitating contact and the journalists activities in their countries.

-only "international rules "of the journalists' activity on an international level are predictions related to protection from the life security of news agents during armed dangerous assignment which have been inserted in article 81- Geneva treaty (approved by the league of nations) in 1929 and treaties that are about international activities of the red cross (ICRC), have approved by the general meeting of Geneva united nations in 1949. In addition to article 81 the Geneva treaty is discussed about behavior with prisoners of war .in article 79 the protocol of number 1 is like that: " the journalists who accomplish the professional dangerous assignment in areas of military conflicts, have been recognized as civil (nonmilitary) individuals and ...and so, they will benefit protection from all civil individuals.

3.UNESCO: (United Nations educational, scientific, and cultural organization)

UNESCO has followed various information and connecting programs like progress and change of information and communication tools and world economic and political developments since it established in 1945 up to now. UNESCO correspondent, Demon Fisher says:" communication is both an idea and ideal and also is necessity for individual. Everybody only recognizes him/her special personality by connecting with others. Societies communication is like that, each society should communicate with the other societies, communication right is basic human right as the gravity rights and freedoms that originate from this basis right⁵.

These programs are:

- 1) International agreements of facilitating communication and information (1945-1952)
- 2) Communication development and new global information and communication order. (1950-1970)
- 3) UNESCO and international protection from the professional independent and job security (1970 forward)

UNESCO had special attention to protection from independence of the journalism profession and creating the favorable conditions for the journalists over the world in 1970.

UNESCO activities are divided into 4 groups:
a) UNESCO declaration about the role of group connection equipment in 1970's: the notice would pay attention to matters related to the journalists in several articles:
-Clause2-article2-it is protected from freedom and facilitating the journalists' access to information.

-Clause 4-article 2-it is allocated to necessity of protection from the journalism profession.

-Article 8-of regulations of the professional journalists honor has been spoken.

-Article 9-international society's duty for helping to the journalists' protection has been appeared.

-Articles 10- necessity of creation quantified in recognition of prove intended aims of the

journalists over the world in this notice². In this declaration stipulated: if the massive media are in a situation which paying attention to their activities about progress of notice principles, it is necessary that the journalists and the other massive media officials ensure that existence of a protection which warranty the best conditions for duty in their country and in abroad and this represents importance of the journalists right on an international scale¹

b) International UNESCO commission report for studying about communication matters that is called “Mc Bride” commission: in this report in addition to discussing about the most vital matters of communication, the more and expending attention inclined to the professional independence matters and job security of the journalist. In chapter 5, can be paid attention in the course of 4 subjects under the rubric,” the journalists’ responsibilities and rights” including: access right of the journalists to news resources –protection from the journalist-regulation related to the journalists-the professional rights and the general interests.

c) UNESCO attempt for formation of international commission protection from the journalists: These attempts were formed by deliberative gathering about protection from the journalists with partnership agents of “international journalists’ organization” and “international journalist federation” in Paris.

d)” New communication strategy” UNESCO and liberated, independent and large quantity press:

Politics and communication plans of UNESCO have based on freedom of the press and information and freedom course of information in internal and international level in countries . on the basis of this strategy, freedom of the press and information have been distinguished from main conditions of democracy preservation and international development in third world countries².

4. International labor organization

International labor organization (ILO) has originally shaped due to creating and drawing of rules and criteria of work on an international level. Freedom of trade formation (syndicate freedom) recognize like inserted principles in statute of international labor organization. Concord number 87 by title “ Freedom of association and Protection of the right to organize “that approved in International Labor Conference ,pay attention to one of the professional rights of journalists as “ The right to form unions”. The international labor office relevant to the League of Nations both published a comprehensive report about the life and business conditions of journalists on the international journalist’s federation `s demand and continues its protection in journalist’s employment department⁶.In comparison with the early studies of international labor organization in the past nearly more than half century, nowadays the journalists have more concessions and in fact improvement of social situation of the journalists can be related to improvement of the social and economic conditions in the recent year. The journalists are one active element in the general progress and as connecting intermediate and communication cause progress in all background. Furthermore, the journalists have been succeeded by several haggling to gain the better business conditions in their profession. So in terms of international labor organization and its protection from the journalists` rights is likely to continue progress and development the journalists’ situation in the eyes of business. ⁴

5. The International Federation of Journalists & The European Federation Of Journalists

The International Federation of Journalists (IFJ) is the world’s largest organization of journalists. First established in 1926; It was launched in 1946 again and In its present form in 1952.Today the federation represents around 600/000 members in 134 countries across the world. The IFJ promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists.

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The European Federation Of Journalists (EFJ) is another federation that protects the rights of journalists in Europe⁷.

6. Committee to Protect Journalists

Committee to Protect Journalists (CPJ) is an independent, nonprofit organization dedicated to the global defense of press freedom⁸.

Seven rules of Journalism:

“Herbert Altschull⁹” American scholar and professor of communication sciences is divided the communication systems in to three categories.

In his opinion, in the field of journalism, each system follows specific purpose:

1-Bazaar System: It focuses on; searching for truth, taking responsibility, give unbiased news to people, support the Doctrine of Capitalism and the task of guarding the government.

2-Marxist System: It introduces searching for truth, fulfilment of social responsibility, political education for people; serve the people through support of Development Doctrine and shaping the viewpoint and changing behaviors as their most important objectives.

3-Development System: It recognizes service to truth, having social responsibility, political education, and public service base on cooperation with government for making changes and achieves useful aims and service as an instrument of peace as their important objectives⁹. He believes that three systems mentioned above; despite their differences, also have common aspects. He introduces these common aspects as “SEVEN LAWS OF JOURNALISM” that are below:

1) In all press and media systems; news medias, agents, politicians are economical. Newspapers, magazines, radios, televisions and other means of communication although have freedom to act potentially, but they are not considered independent actors.

2) The content of news media's always reflecting interests of those who supply them financially.

3) All of the media systems have been established base on the belief in the freedom of expression, but each system presents different definition of this freedom.

4) All of the media systems support the Doctrine of social responsibility. They introduce themselves in service to supply needs and interests of the people, and they speak about special attention to people.

5) In each of media systems, Medias of other systems are known deviated.

6) Schools of journalism, transfer ideologies and value systems that having activity in them. They support those who have political power and hold their control over the Medias, inevitably.

7) The function of Medias in all systems is different with their theoretical foundations.

International Principles of Professional Ethics in Journalism:

Making norms of professional ethics began for the first time in 1920. Currently, in all over world sixty countries accepted more or less widely code that most of professional persons have been recognized. The set standard that determined for behavior has general aspect but most of them are ambiguous and inexpressive¹.

Journalists in international level, at their work adhere to the principles and rules that are called International Principles of Professional Ethics in Journalism.

A among the most important are:

First principle: The right of people to access the actual information.

Second principle: Journalist is dedicated to reality.

Third principle: The journalist's social responsibility.

Fourth principle: The journalist's professional honor.

Fifth principle: Public access and participation.

Sixth principle: Respect for privacy and human dignity.

Seventh principle: Respect for public interests.

Eighth principle: Respect for universal values and diversity of cultures.

Ninth principle: Elimination of war and other great evils confronting humanity.

Tenth principle: improving new global informational and communicational order.

Conclusion and discussion

According to studies done, must be said that many protections realize to journalists internationally. These protections start before First World War and before establishment of League of Nations and continue after establishment and dissolution League Of Nations; and establishment United Nations Organization by different statements, treaties, reports, declarations and covenants. Although many of these efforts have not reached a conclusion, but what is needed, are constant efforts to enhance real opportunities for working of journalists. The protection of journalists and their rights in international level are protection of human rights. Journalists and Medias in recent century that calls age of information's and communications, in internal and international level have been importance. Efforts of UNESCO and other organizations such as Federation of Journalists to protect the rights of journalists are remarkable.

Famous Declaration of "UNESCO" about medias (adopted in November 1978) to support the independence, security and dignity of journalists around the world and devote special chapters of the final report of "UNESCO international commission for study of communications issues" are important characteristics for protect the rights of journalists in all over world.

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