

Council for Journalism – Code of Practice

Ratified by the Association of the Council for Journalism on September 20, 2010

FOUNDATION

The right to information and the freedom of expression are both fundamental human rights and conditions essential for a democratic society.

It is both the right and the duty of the press to inform the public about issues of general concern.

The public's right to know the facts and the opinions determines the freedom of the press and its responsibility.

A journalist's obligation to the public presumes a maximum freedom and takes precedence above the obligations of the journalist to his/her employer or government.

As such, a journalist self-imposes standards, which are extensions of the respect for other fundamental human rights. These standards come from the obligation (I) to report information accurately, (II) to gather and provide information independently, (III) to be fair, (IV) to show respect for privacy and human dignity.

A journalist may deviate from this code if public interest requires it and if the information cannot be conveyed in another manner. The provisions to which this is applicable are hereafter marked by (*).

A number of the provisions in this code are supplemented with concrete guidelines, appended to this document. These provisions are hereafter marked (►).

I. - ACCURATE REPORTING

1. – A journalist must report information accurately. This comes from the public's right to know the truth.

2. –A journalist must publish only information of which the source is known and must check the accuracy of said information. Where possible and when relevant, he/she must provide the source of said information.

3. – A journalist does not omit or change any essential information in texts, images, sound bites, or other documents. When processing interviews, he/she must accurately report the interviewee's statements and respect the spirit of the conversation.



4. – A journalist must distinguish clearly for the public between commentary and factual reporting.

A journalist must distinguish clearly between facts, suppositions, claims, and opinions.

5. – A journalist must always promptly rectify any inaccuracies or distorted information reported by him/her.

6. – A journalist must, when requested, provide a chance to reply in order to rectify or complement relevant factual information. A request for reply can only be denied on serious grounds.

II. - INDEPENDENT ENQUIRY

7. – A journalist and his/her editors enjoy maximum freedom of information, of commentary, and of criticism, and they must exercise said freedoms responsibly.

8. – As author of an opinion piece, a column or cartoon, a journalist enjoys a greater degree of freedom in expressing his/her opinion and in drawing conclusions from facts than in factual reporting.

9. – A journalist and his/her editors must retain their independence and resist all outside pressure. A journalist must accept editorial guidelines only from those in charge of editing. A journalist does retain the right to refuse any and all assignments that do not agree with the code of practice.



10. – A journalist must avoid conflicts of interest with persons or organisations with which he/she comes into contact in a professional context.

11. – A journalist must not advertise or make propaganda and must not succumb to outside pressure from advertisers or from those with a personal interest in the information.

Advertisements and announcements must be presented in such a way that the reader and listener cannot confuse them with the actual reporting of information.

12. – A journalist may not accept any profit/advantage that could jeopardize his/her independence.

13. – A journalist may not use financial information, of which he/she has knowledge and prior to its publication, for personal gain or in the interest of those in his/her surroundings. A journalist must remain free of any form of abuse of prior knowledge or market manipulation.



14. – Editors are free to add a postscript to letters and other reactions sent in. Changes and/or truncation are permitted provided the message and the tone are kept.

Editors must moderate their web forums with complete independence and are responsible for said moderation.



III. - FAIR PLAY

15. – A journalist must employ only steadfast methods in acquiring and processing information, photographs, images, and documents.*

A journalist may not abuse his/her position, especially in regard to persons in a socially vulnerable situation such as minors, victims of crime, disasters and accidents and their family.

16. – Information is not to be paid for*. One can only pay for the exclusivity of images or interviews on the condition that the freedom of information is not thereby jeopardized.

17. – In acquiring information, a journalist must make the purpose of his/her work known.*



18. – A journalist may not commit plagiarism.

19. – A journalist must protect the identity of sources to whom he/she guaranteed confidentiality, and of sources who the journalist knew would provide information in the expectation that their identities would not be revealed.*

20. – When a journalist makes serious accusations in his/her reporting, namely when concerning someone's honour and reputation, he/she is to contact those involved prior to publication or broadcast and offer said individuals the opportunity to react to the accusations.*

21. –A journalist may not make any arrangements with sources or other persons that jeopardize his/her independence. However, arrangements made must be kept, namely when concerning the naming of names or the prior inspection of texts. It is exactly for this reason that agreements must be clear and unambiguous.



IV. - RESPECT FOR PRIVACY AND HUMAN DIGNITY

22. – A journalist must take into account the rights of any and all persons mentioned in the reporting. He/she must weigh those rights against the public interest in the information.

23. – A journalist must respect the right to privacy and must not probe further than public interest requires.

A journalist must be prudent when dealing with persons in a socially vulnerable situation, such as minors, victims of crime, disasters and accidents and their family.



24. – A journalist must respect human dignity and must not probe further than public interest requires.

A journalist must avoid distortion of images and/or details to be published, including when the facts strongly affect public opinion.



25. – A journalist must not express any unfounded suspicions or accusations.

26. – A journalist must respect the suffering of victims and of their relatives and must not behave inappropriately in his/her acquisition of the facts.

27. – A journalist including information such as ethnic background, skin colour, and sexual orientation must avoid stereotyping, generalisations, and exaggeration and must not incite discrimination.

Guidelines of the Code of Practice of the Council for Journalism

Guidelines for article 3:

3. – A journalist does not omit or change any essential information in texts, images, sound bites, or other documents. When processing interviews, he/she must accurately report the interviewee's statements and respect the spirit of the conversation.

Any editing of images that changes the journalistic content of an image or of a document must be clearly identifiable for the viewer/reader, who may not be misled in any fashion. If not immediately clear that the image has been edited, the caption or accompanying text must clearly indicate that the image has been edited.

If images are edited in such a way that they no longer portray what the camera actually recorded, it must be made clear to the viewer in the accompanying commentary or text. Reconstructions or events acted out are included under this guideline.

Archive material must always be recognisable as such if the use of said material could be misleading for the audience.

Guidelines for article 9:

9. – A journalist and his/her editors must retain their independence and resist all outside pressure. A journalist must accept editorial guidelines only from those in charge of editing. A journalist does retain the right to refuse any and all assignments that do not agree with the code of practice.

The editor-in-chief or whoever is performing this journalistic function is ultimately responsible for the whole of the journalistic product. He/she guards the independence and the integrity of the editorial staff so the rules for appropriate professional behaviour and the code of practice can be applied correctly.

The editor-in-chief is also the dedicated contact person for the commercial/advertising department. It is the task of the editor-in-chief to guarantee independence also in this regard and to ensure that commercial actions have no effect on the independence of the editorial staff.

Guidelines for article 14:

14. – Editors are free to add a postscript to letters and other reactions sent in. Changes and/or truncation are permitted provided the message and the tone are kept.

Editors must moderate their web forums with complete independence and are responsible for said moderation.

Guidelines concerning the handling of user content by the press

*It is important that a distinction is made between **news content** (tips, photographs, video images...) and **opinion contributions** (commentary, reactions...) given by users.*

*Prior to publication, **news content** is processed by the editorial staff according to the classic rules of journalistic source checking. The editorial staff is therefore also responsible for what is published.*

*On discussion forums, **opinion contributions** are firstly the responsibility of the author of said contribution, but the medium publishing the contributions is also professionally and ethically responsible for proper moderation of the forum.*

On digital discussion forums, the media can function responsibly by:

- either checking incoming reactions for admissibility prior to inclusion on the forum (i.e. pre-monitoring);*
- or reading submissions prior to publication and publishing only selectively (i.e. active moderation);*
- or (using post-monitoring) utilising the necessary methods for removal of inappropriate material as quickly as possible.*

The following methods can be implemented for the timely removal of inappropriate content:

- (1) prior registration of users;*
- (2) clear reference on the site to the terms and conditions of use;*
- (3) use of an electronic filter triggered by certain terms;*
- (4) the option to report inappropriate reactions to a forum moderator;*
- (5) moderation prior to publication and continuous discussion guidance when concerning sensitive topics.*

Finally, anonymous contributions are only to be published as an exception; however, the editorial staff must still be in possession of the contributor's personal information.

Guidelines for article 17:

17. – In acquiring information, a journalist must make the purpose of his/her work known.*

*The journalist recording a communication with the intention of publishing or broadcasting it, whether partially or in its entirety, must in principle inform the source of the communication of this intention, as well as of the purpose of the recording.**

Undercover journalism, in which the journalist conceals his/her function; clandestine recordings; and alias journalism, in which the journalist purposely assumes a different role, are only permitted if the information cannot otherwise be acquired and when there is sufficient public interest. For alias journalism, the public interest must be sufficiently weighty. Consultation with the chief editorial staff on the use of these methods is recommended. One must ensure the risks involved are not excessive for the safety of both the journalist and others involved. A journalist cannot be pressured into accepting high-risk assignments.

The broadcasting of clandestinely recorded telephone conversations or of recordings made with a hidden camera or microphone is only permitted if there is sufficient public interest and if the information cannot otherwise be acquired. Consultation with the editors on the use of these methods is recommended.

In undercover journalism and alias journalism and when using clandestinely made recordings, one must in principle ensure all parties involved are not identifiable.

Guidelines for article 21:

21. – A journalist may not make any arrangements with sources or other persons that jeopardize his/her independence. However, arrangements made must be kept, namely when concerning the naming of names or the prior inspection of texts. It is exactly for this reason that agreements must be clear and unambiguous.

Reporting can be the subject of an embargo. In such cases, a source provides information but asks for an agreement about the time of publication in return. When such an agreement is made, the journalist must hold up his/her end of the deal. An embargo is raised as soon as the information has been made known by another source.

Reporting can also be the subject of a request for postponement. In such cases, a party involved asks the journalist to temporarily withhold information that the journalist has acquired himself/herself.

The following circumstances can be reasons for accepting such a request:

- *If the news has not yet become such or if the postponement is necessary for proper processing of said news.*
- *If human life/health is at risk, or in order to not jeopardize the clearing up of serious crimes against persons, or in order to prevent any other severe damage.*

Embargos and requests for postponement are only to be accepted if they have been applied for in an appropriate fashion; if their content is unambiguous, convincing and explicitly motivated; if they are valid for all media and are valid for a limited period of time.

Guidelines for article 23:

23. – A journalist must respect the right to privacy and must not probe further than public interest requires.

A journalist must be prudent when dealing with persons in a socially vulnerable situation, such as minors, victims of crime, disasters and accidents and their family.

Guidelines concerning identification in a legal context

Public figures also have a right to privacy. There are, however, elements of their private lives that may have an effect on their public lives. Reporting on such elements is permissible in order to inform the public about matters of public interest.

Public figures are people who function in a public or social capacity or who seek out public attention themselves. A public figure can also be someone who, in a milieu relevant to the reporting, has a public role or is well known.

In undercover reporting, alias reporting, and in making clandestine recordings, one must make sure all parties involved are not identifiable. If public figures are involved, identification may be permissible.

When making general video/photo material in public areas, it is not always possible to ask for each person's permission. If a party involved explicitly states that he/she does not wish to be shown in the images, the journalist must respect this. If requested, the material is to be removed from the archives. Exceptions to this are actions on which public interest justifies reporting, such as illegal dealings.

A journalist who identifies a party involved in a trial, a suspect, a convict, or a victim – whether by word, text or image – must always weigh the public's right to be fully informed against the right to privacy of the person about whom is being reported. Depending on the situation and/or depending on the method used (image, text...), the journalist must choose either between a full or partial disclosure of the identity or not to make the identity known at all.

Here below follows an elucidation of reporting on suspects, convicts, minors and victims.

1. Suspects

Principles:

Partial disclosure of identity is permissible as an exception.

Full disclosure of identity and recognisable images are permissible only under certain conditions.

1.1. General

Extreme caution is to be taken when there is any doubt concerning the complicity of a suspect. Every suspect enjoys the presumption of innocence, and this should be evident in the reporting.

1.2. *Partial disclosure of identity*

The first name, the initial of the surname, age and place of residence may be mentioned.

If this information is mentioned and the degree to which it is revealed must depend primarily on 1.1 and on the gravity of the facts, the state of the investigation and the public interest.

For minor crimes, even partial disclosure of identity is not a given.

1.3. *Full disclosure of identity and recognisable images*

Full disclosure of identity and recognisable images are only permissible under one of the following conditions, which the editors must be able to justify:

- Significant public interest justifies full disclosure of the identity.*
- The suspect is a public figure, and public interest justifies his/her identification.*
- For serious crimes, when there is a reasonable assumption of guilt (e.g., because of confession, being caught red-handed, or based on information from a reliable source).*
- The suspect is a fugitive and the police or the courts have put out a wanted notice including full identification information and/or recognisable images.*
- The suspect is a fugitive and is a danger to the public.*
- Complete identification of the suspect can be a warning to potential new victims.*
- The suspect goes public with his/her own story and does not object to further identification.*

1.4. *Suspects who are minors*

cf. 4.

2. Convicts:

Principles:

Partial disclosure of identity is possible.

Full disclosure of identity and recognisable images are only permissible under certain conditions.

2.1. *General*

The reintegration of an ex-convict into society, his/her rehabilitation, or the long period of time since the conviction are all elements which the journalist must take into account in dealing with identification information.

2.2. *Partial disclosure of identity*

The first name, the initial of the surname, age and place of residence may be mentioned.

Whether or not this information is made public and the degree to which it is revealed must depend primarily on 2.1 and on the gravity of the facts, the state of the case and the public interest.

For minor crimes, even partial disclosure of identity is not a given.

2.3. *Full disclosure of identity and recognisable images*

Full disclosure of identity and recognisable images are only permissible under one of the following conditions, which the editors must be able to justify:

- *Public interest justifies full disclosure of the identity.*
- *The convict is a public figure, and public interest justifies his/her identification.*
- *The gravity of the crime justifies full disclosure of the identity.*
- *The convict makes his/her own story public and does not object to complete disclosure of his/her identity.*

2.4. *Convicts who are minors*

cf. 4.

3. Victims

Principles:

Partial disclosure of identity is possible.

Full disclosure of identity and recognisable images are, as a rule, not permissible.

3.1. *General*

The identities of victims, when possible, are not released until the victim or the immediate family have been informed.

The request of a victim or someone from a victim's immediate surroundings not to be identified must be taken into account as much as possible.

Any identification of victims of sexual violence is forbidden by law, except with the victim's written consent or that of the examining magistrate.

3.2. *Partial disclosure of identity*

First name, the initial of the surname, age and place of residence may be mentioned.

Whether or not this information is made public and the degree to which it is revealed, must depend primarily on 3.1, on the gravity of the facts and the significance of the public interest. The editors must be able to justify their decision.

3.3. *Full disclosure of identity and recognisable images*

Full disclosure of identity and recognisable images are only permissible under one of the following conditions, which the editors must be able to justify:

- *Public interest justifies full disclosure of the identity.*
- *The gravity of the crime justifies full disclosure of the identity.*

- *The degree to which the victim is already known can justify full disclosure of the identity.*
- *The victim or his/her immediate family provide consent.*

3.4. *Victims who are minors*

cf. 4.

4. Minors

Principles:

One should be very cautious even with partial disclosure of identity.

Full disclosure of identity and recognisable images of a minor involved in criminal dealings are, as a rule, not permissible.

4.1. *General*

Any identification of a minor who is the subject of an order given by a juvenile court, is forbidden by law.

4.2. *Partial disclosure of identity*

Only in cases of serious crimes and on condition of significant public interest, the first name, the initial of the surname, age and place of residence may be released, if reconcilable with 4.1.

Victims who are minors are, as a rule, not identified. At the very least, a journalist must be very cautious with information that might make identification possible.

If the parents or relatives of minors ask the press to maintain a certain stance in respect to the identification of minors, this is to be taken into account as much as possible.

4.3. *Full disclosure of identity and recognisable images*

Full disclosure of identity and recognisable image are, as a rule, not permissible.

Provided they are reconcilable with 4.1, exceptions are only possible under one of the following conditions, and the editors must justify their decision:

- *The police or the courts release a wanted notice with full disclosure of identity and/or recognisable images.*
- *The facts are very serious and have affected public emotion.*
- *The parents of victims who are minors release their story of their own accord and make no objection to full disclosure of identity or of recognisable images of their child.*

Guidelines for article 24:

24. – A journalist must respect human dignity and must not probe further than public interest requires.

A journalist must avoid distortion of images and/or details to be published, including when the facts strongly affect public opinion.

When reporting about suicide, a journalist must respect the privacy of the victim and the victim's family; a journalist must avoid dramatising, excessive detail and a positive portrayal of the facts.