

# Editorial Ethics Guidelines

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## Introduction

The following guidelines are the result of two courses organised by the Media Centar Sarajevo in 2006 and 2008. The courses involved face-to-face sessions in Sarajevo either side of months of distance learning course work. The participants were selected by the project's sponsor, SEENPM, the South Eastern European Network for the Professionalization of the Media, and represented 12 countries in the region.

The guidelines were produced by the participants, who set out to examine best practice in various parts of the world and then to adapt the underlying principles to conditions in the region. The aim is to provide journalists with the tools to navigate the complex ethical issues involved in delivering robust journalism in order to inform the public debate.

The following guidelines, which cover accuracy, diversity, taste, decency, offence, fairness, privacy, consent and engaging the audience, are underpinned by the fundamentals of all journalism, which are balance, impartiality, integrity and independence.

## Balance and impartiality

Impartiality is essential if a media organisation is to win the trust of its audience.

Content must:

- reflect all relevant sides in stories where possible
- where it is not practicable for each story to be individually balanced, coverage should be balanced over time
- represent opposing viewpoints fairly and in an impartial and balanced way.
- enable the audience to draw its own conclusions based on facts
- make a clear distinction between factual information and opinion

Journalists must:

- ensure a wide range of views, and include relevant voices so that all opinions are aired
- keep a professional distance from the topic in question; a journalist's personal views should not be evident in their reporting
- be prepared to offer the opportunity for a single view but be sure to explain why both sides of the argument are not able to be aired
- where an individual news item fails to present the other side the journalist has a duty to indicate when the other perspective will be available.

## Integrity and independence

A news organisation must have editorial integrity and independence in order fully to serve its audience. Those who turn to the news organisation need to be confident that editorial decisions are neither influenced by political or commercial pressure nor by any personal interests.

- resist influence from any interested party and work according to professional standards
- never accept gifts, favours or money in order to present a story in a way an interested party would like it to appear
- avoid conflicts of interest, for example a journalist should not do a story about a company in which they have any interest
- be transparent about all methods of gathering information, while also protecting sources when necessary
- admit when you make a mistake and offer corrections
- always link and refer to original information when quoting official statements or news releases - such material should be posted on the media organisation's server if possible (after seeking permission)
- do not let your work be turned into tools for manipulation - always be alert to attempts to manipulate
- ensure that any stories published are not tied to the business interests of the media's owner or any other people involved in the company
- do not exploit your professional position in order to acquire personal prestige or influence
- resist censorship, both personal and that imposed by others
- resist pressure and influence from any department of your own media organisation, including advertising, marketing and PR
- avoid being manipulated or influenced by stakeholders
- be independent from public authorities and business
- never let your journalism be used as a tool of propaganda
- when reporting about anyone involved in your media company, state clearly the relationship
- never exploit the news in order to boost advertising revenue
- never include advertisement material in news coverage
- mark any advertorial clearly so that people are not led to think that what they are reading is independent reporting
- only include information about companies and their products if it is crucial to informing the public debate and is in the public interest
- only include information about the benefits or dangers of certain products and services if you are able to back up your claims with official documents or other reputable research
- media managers must ensure that journalists are guaranteed decent pay and proper working conditions and facilities in order to reduce the likelihood of corruption
- regulation and self-regulation in the media is needed to set out the guidelines for the professional relationships between the media and the audience.

## Accuracy

Producing inaccurate or false information can ruin your credibility and that of the media organisation you work for. Accuracy is always more important than speed. It is best to be second and get it right rather than first and get it wrong.

### *Accuracy in brief*

- reports should be true, backed by verification and proof
- rumours are not news – they have no part to play, other than to stimulate the journalist to investigate the issue
- news headlines and summaries must reflect facts
- check all information carefully before publishing - recheck if in doubt
- be honest about what you don't know regarding the causes or implications of events
- never publish your assumptions; if you assume something has happened you should investigate thoroughly and check all facts before publishing
- editors must read all stories thoroughly to ensure they are accurate
- generate a culture where it is seen as healthy to refer up in order to check facts
- always seek two sources to confirm every fact; unless it is something you have witnessed yourself (first-hand source); if it is information based on a single source, make that clear.
- make sure your sources are based on evidence not rumour
- it is always better to be in direct contact with your source, face-to-face or by phone, rather by email
- only use anonymous sources in exceptional circumstances, and only after convincing yourself of their authenticity and validity
- use your sources to clarify any complex legal, political or economic situations in order to ensure you know what you are writing about and present it in clear, precise language
- when corrections are made, the original information should be made available online (except in the cases where the information is legally dangerous) - any changes should be clearly marked so that those reading the article know both versions
- corrections that involve legally dangerous material should not be made available through the search engines
- in some circumstances apologies may be appropriate when acknowledging mistakes
- all mistakes should be admitted and corrected as soon as possible
- always remember that the internet is an archive and has a multiplying effect on publishing
- even if the information seems to come from a credible website be sure to have your own news sources because websites can be copied and urls masked.
- always use quotes in the context in which they were made
- when a quote is being translated always strive to get an accurate translation
- all forms of interpretation should be avoided
- all quotes must be attributed to the person being quoted, and not presumed to be verified facts.

### *Accuracy in full*

Accuracy is a core editorial value. All information provided to the audience has to be accurate, honest and open. It should be presented in clear and precise language, with no unfounded speculations. In order to acquire accurate information, the journalists must always check it carefully before publishing it in order to be sure that the information is valid. They must refer to at least two independent sources

and every source should be handled with critical analysis. Use first hand sources whenever possible.

### **Reliability of sources**

Journalists should be willing to accept information from any source, but it will always be a personal decision as to which information is worth considering and which is not. Sources must always be checked, especially when dealing with first-time sources that have never been used before. This may be done by a phone-call, or a meeting with the people involved in providing the information. However, this should never be done via e-mail, instant message systems, or any other form of virtual communication, unless there is an indisputable way to verify the identity of a source and the information they are offering. When a journalist receives dubious information, another source should be found to either prove or disprove that information. Working with sources, as with any other part of journalism, requires time and patience.

### **Anonymous sources**

All source of information must be made visible to the users, except cases when the source asks for anonymity, but where the journalist knows of its validity.

### **Rumours**

Rumour is not a valid reason for doing a story. Journalists must always deal in facts. Any rumour received by a member of the editorial team must be considered as a questionable piece of information and treated as such. Rumours could be useful as leads if, once checked, they prove to be true. However, up to that point they must be treated as rumours and not facts. In general, journalists should not publish or broadcast rumours.

### **Correcting mistakes**

All mistakes must be acknowledged and corrected as soon as they are spotted. The publishing of a correction online is different to publishing a correction for traditional media. If it is a small mistake (punctuation, word order, etc.) it can be corrected by simply deleting the error, however, if the mistake is factual, or important to the meaning of the article, a full correction must be published making clear the original mistake. This can be done by adding a link to the error alongside the correction. At times it will be appropriate to offer an apology if the error is with the journalist or media organisation. In cases where there are conflicting versions and a journalist is not sure whether he or she has made a mistake, it may be appropriate to publish another version of the story, or preferably merge two, in order to offer both sides of the story.

### **Interpretation and translation**

A news reporter should avoid interpreting the information provided. They should stick to verified facts. Reporters need to inform the audience. Their role is not to manipulate opinion. If a journalist wishes to expose his or her own point of view, he or she should offer to write a comment piece and label it clearly as such. Great care is needed when a journalist needs to translate material from one language to another.

## Speed v accuracy

Speed must never take precedence over accuracy. Be second and right, rather than first and wrong.

## Editorial desk

The editorial desk is the final check before material is published. The editor has a duty to raise all the appropriate questions and to withhold a story until all the elements have been clarified. If a journalist is not sure of all the facts, they should not publish. It is better to wait and be sure rather than publish and risk being wrong. No story should be published --- regardless of any deadline --- if it has not been cross-checked by the members of the editorial team. The contributor/correspondent/reporter must be questioned about the circumstances in which the story has taken place in order to make a balanced judgement on the story's authenticity.

## Multimedia material

Online journalism is usually supported by pictures, audio and video material and external links. All the supporting material must be credible and authentic, and must be relevant to the main story. Online journalists must be aware of the dangers involved in changing material without making it clear that the text has been altered.

## Global accessibility

Outputs that are produced by online media organisations are globally accessible and often an important source for other media to feed off. Be aware of the multiplying effect of what you publish. Bear in mind that the internet is an archive.

## ***Regional case studies***

**Macedonian case study:** The web site of the most influence and most watched TV station in Macedonia (with biggest rating) carried a story saying that the mayor of the city of Strumica and five councillors had been imprisoned. The report claimed that the police had arrested them for corruption involving construction deals. The website reported that, "The imprisoned people were brought to the court and legal proceedings started." The facts were that police had taken them into custody, but they were not imprisoned.

**Guideline:** Be absolutely sure you know the meaning of economic, political, legal and other terms that you are using in your reports and use such terms appropriately. If you use incorrect terms, you misinform the audience and cause confusion. It also reflects badly on you as a journalist.

**Macedonian case study:** A Macedonian website announced on 19 July 2008 that "Only shops with a licence will be allowed to sell alcoholic drinks from next week, when new laws come into force." In fact the change in the law for the selling of alcohol drinks was due to come into force on 1 September, 2008, six weeks later.

**Guideline:** Always check and re-check facts. A reporter must be careful when gathering information. Check information at least twice. If the first source is oral, check if the information is written

somewhere, or consult a relevant expert. Do your best to make sure that everything you publish is true.

**Serbian case study:** In February 2006, most of the media in the former Yugoslavia published reports that General Ratko Mladic had been arrested. However, it turned out to be speculation, with no official sources confirming the claims. Every newsroom in Belgrade carried similar reports, but it was impossible to find anyone to confirm the claims. International media organisations ran the story quoting local media as “unofficial sources.

**Guideline:** The more exclusive and seemingly important a news item appears to be, the more it requires the standard double-checking applied to all facts contained in the piece. Journalists must not become carried away by the desire to break the news first. When it comes to really important issues all media will pick up the story and run with it. Releasing inaccurate or false information can ruin the credibility of a media organisation and cause confusion and anger amongst the public.

**Serbian case study:** On July 11, 2006 a website pretending to be B92, published a story about a café in Belgrade which was named "Osama" having to change its name because it offended US Embassy personnel in the city. The story was written in a way that seemed credible and the website URL (web address) had been changed to look like it had been produced by the reliable and respected B92 site. The Kurir daily was the first to act on the story and their reporter’s investigations discovered that cafe "Osama" never existed. However Kurir still believed the original information had come from B92, and sourced it as such. The story somehow reached Ananova and was published in the site's Quirkies section. After that, it spread rapidly around the world and was published and broadcast by several leading media organisations in the Balkans along with a number of international websites, newspapers and TV and radio stations. The hoax story was planted by art group "Ilegalni poslasticari" ("Illegal Pastry Cooks") to show that practically all relevant media would publish a story that was interesting enough without checking the facts. B92 followed up with a story showing how the hoax unfolded. However, a web search for the term ‘cafe osama belgrade’ still returns a number of published stories with no indication that the story was a hoax.

**Guideline:** Journalists have a duty to check all details to ensure a story is accurate and must not simply follow claims made on other sites. If journalists had checked the claimed source for the original story they would have found that it was not authentic. Journalists also need to be aware that website URLs can be masked to make them appear to be authentic. The only way a journalist can be confident something has happened is by either investigating themselves or having two independent sources for verification.

**Romanian case study:** In January 2008, a Romanian tabloid ran a story claiming that a woman and her daughter were attacked in their home by their dog. The woman happened to be the wife of a recently-deceased actor. The article, which first appeared on the on-line version of the newspaper failed to source the information, and there wasn’t an author’s name on the piece. A day later the newspaper published a retraction, this time with quotes from sources. The dog had not attacked the mother and daughter, as previously claimed, it was barking because it had been disturbed by hearing the daughter crying because she was feeling unwell. The retraction had a by-lined piece naming the journalist who had written the story.

**Guideline:** Unsourced and unverified claims can lead to incorrect assumptions. Journalists must always check the facts from at least two sources and make sure that what they publish is true. If the

journalist covering the first story had made at least one phone call, they would have known that there had not been a dog attack. Be second and right, rather than first and wrong. In this case, being first meant being wrong. Had the journalists waited for the confirmation they would have spared themselves the embarrassment of publishing an unverified story.

**Bosnian case study:** At the beginning of July 2008, the news portal Sarajevo-x.com published a story about in vitro fertilisation. The story claimed the first procedure of its kind had been successfully carried out in Bosnia and Herzegovina at a private clinic in Gradacac in year 2005 or later. No specific date was given. It is a known fact that first baby conceived with in vitro fertilisation in the Republic of Bosnia and Herzegovina was born on 2 February 2003 in Sarajevo. In Republic of Srpska the first in vitro baby was born on 8 December 2003. Before independence, first baby born in this region was in Bosnia was in the 1980s. User comments posted with the story claimed it was not accurate, but nothing changed. Even after emails were sent to the editorial team with relevant links to prove the story was not true, nothing changed. A closer look at the construction of the story suggested that it was a sponsored article promoting the private clinic in Gradacac and giving prominence to an upcoming symposium on human reproduction organised by the same private clinic. The article contained an email address for sending applications for the symposium.

**Guideline:** Every commercial, sponsored or PR article must have a visible note explaining to the audience that it is not a piece of balanced and impartial journalism. However, even sponsored articles must be accurate. They must not claim something as being a fact when it is clearly not. The editor of the newspaper, website or portal which is carrying sponsored content must respond to complaints, investigate concerns and make clear to readers where there have been any inaccuracies. After the editorial team receives complaints about the validity of published information, those complaints must be investigated.

**Albanian case study:** Reports in Albania spoke of fears in the city of Devolli following the appearance of tons of used plastic sheeting in the city. Police investigated who was responsible. People living there expressed fears about pollution, believing the plastic to be toxic. A police officer was quoted as saying that almost 50 families had named a company that they claimed had dumped the plastic. The report contained no facts, just a series of alleged fears supported by words and phrases such as 'toxic', 'illegal dumping', 'illegal company'. After the story appeared the company issued a statement saying that the plastic was being used for recycling. The story had been written without any independent sources and without quotes from the company. It would have benefited from quotes from an environmental group or a recognised academic expert. It appeared to be an emotional piece of writing based on rumour and fear.

**Guideline:** A journalist must not let any personal prejudices or feelings show in their work. They need to be fair and represent all aspects of a story. All relevant sources should be approached when a journalist is gathering, confirming and comparing information. The journalist must be honest when interviewing people and representing the information they pass on. They must approach all relevant sides in an issue and reflect all relevant points of view, even if that would kill the story. Personal interest must never enter into journalism and reporters must also resist pressure from others, including their news chiefs. All facts should be presented in a balanced way and all those dealt with in gathering those facts should be treated fairly. The journalist's role is to assemble verified facts and let the audience decide what to take from them. A journalist must keep a record of all they do. They can do this by creating a personal archive containing the documents, facts and other source materials that went into researching and creating the story. The journalist must take their time to evaluate all facts,

materials and evidence before writing a story. But remember that if you have promised a source confidentiality, you should never keep any electronic or other written record that discloses the identity of the source.

**Hungarian case study:** A gay pride march was attacked by far-right extremists in Hungary. The attackers threw eggs at people taking part in the annual parade. About 50 attackers were caught by the police. The attackers claimed that throwing eggs was part of their freedom of expression and were quoted in the press. The court later ruled that throwing eggs was not protected by freedom of expression and that those arrested had committed other illegal acts that caused a danger to others, although the protesters had thrown the eggs as to exercise their freedom of expression. News services later reported on the verdict, but chose only to report the final sentence, saying that those arrested were freed because throwing eggs was part of freedom of expression. No corrections were made.

**Guideline:** Edited or shortened quotations can significantly change the meaning of what the person who is being quoted meant. A journalist has a responsibility to make sure the quote is accurate and representative of what the person quoted meant. If there is any danger of a shortened quote misleading the audience, context should be added. The rule should be that all quotations that are shortened should carry an explanation about what was left out and why. If there is a complaint that the meaning has been changed, the journalists must offer a full right of reply if they find they were wrong.

**Macedonian case study:** A Macedonian website accused the mayor of Skopje for neglecting the city's parks and gardens. There were no quotes, no comments from the public and no comments from the mayor's office. Another report accused a private university of blocking students from moving on. There were no comments from students, staff or administrators. It since emerged that the website owner was related to the owner of a competing university.

**Guideline:** Ensure you have all sides of the story.

**Bulgarian case study:** In February 2007 an article was written concerning the long saga of the five Bulgarian nurses and the Palestinian doctor who spent more than eight years behind bars in Libya over accusations of deliberately infecting hundreds of Libyan children with HIV. The material was about a letter handed to the leader of the North African country by the Slovak Prime Minister. According to Slovak media reports, the premier called the then jailed medics "criminals". By using the word "criminals", the PM indirectly acknowledged the death sentences for the six medics which was then issued by a Libyan court. The letter concerned was written in Slovakian, which turned to be the real problem in the case of covering the whole story. Officials claimed the word "pachatelov" cited in the article has more than one meaning, e.g. it may mean "criminals" and also "defendants". The Slovak ambassador to Sofia sent a letter to all Bulgarian media, stating that the news was disinformation. Journalists immediately published the official objection on their website. But later decided to check the derivation of the word "pachatelov". It emerged it was the plural of "pachatel". According to the Collins dictionary of English language, a Bulgarian-Slovak, Slovak-Bulgarian, English-Slovak, Slovak-English, Bulgarian-English and English-Bulgarian dictionaries the Slovak word for defendant is "obzalovany". The definitions in all those dictionaries showed a defendant is a person against whom an action or claim is brought in a court of law. And a criminal someone who has committed (or been legally convicted of) a crime. The difference is obvious. Later in the day the Slovak prime minister apologized to his Bulgarian counterpart for the misunderstanding, concerning his statement.

**Guideline:** Make absolutely sure you have the right meaning for a word when translating from another language. If there is any doubt, publish the definitions shown in your dictionary so the reader can decide.

## Diversity of opinion

A news organisation must know and understand the whole audience it serves. To help achieve this, it's important to have a diverse staff. Journalists must dedicate themselves to understand the world in terms that are different to their own. Communities are a diverse mosaic and the media needs to reflect that by giving a voice to the voiceless.

### *Key points*

- reflecting diversity means giving appropriate and proportional space and consideration to all parts of society
- offer space to different social groups in order that they can express their points of view
- always be on your guard against hate speech
- always explain the context if diversity is an issue in a story
- when covering social problems the journalist has to serve the whole audience and society and must listen to both sides
- try not to present a single point of view or a specific aspect of an issue. If this can't be avoided make sure you do not misrepresent opposing viewpoints
- ask the people you are interviewing how they want to be identified and refer to them as such in all coverage
- know and recognise your own stereotypes and prejudices and make sure they don't affect your coverage
- avoid phrases such as 'as you know' and 'it's obvious that' because they could support prejudice and could consolidate attitudes among the audience
- when using speeches from other sources, such as news agencies, make sure you remove any biased comments
- paraphrase your interviewees in order to avoid hate speech or offensive language. If you quote and have to use words that could be offensive to some, mention that the quote is considered offensive by some (this is adding context)
- remember that all members of all ethnic groups are individuals with diverse opinions and experiences
- don't treat one representative of a group as the whole group
- put ethnic issues in context regarding social issues
- include minority voices, women, national, religious, as sources in all issues not just topics about them
- give voice to the members of a community and not just the leaders.

Diversity of opinion in our journalism is essential in ensuring that we serve and reflect the whole audience. Journalists should aim to provide a properly-balanced service, consisting of a wide-range of subject matter and views, broadcast over an appropriate timescale, across all

output. They should strive to reflect a wide range of opinion, and explore all significant strands of thought in order that no part of the audience and community is unrepresented.

Our societies are characterized by diversity. It may be diversity of ethnicity, of skin colour, of sexual orientation, of political affiliation, of educational background, of social upbringing, of opinion, we are all different and it is our variety that creates the personality of our community. It is every journalist's duty to reflect the diversity of the society in his or her reporting.

Reflecting diversity ranges from giving a voice to groups that are usually ignored to ensuring all social stakeholders' interests are considered in matters of public interest. Reflecting diversity means giving everyone space and consideration. It is worth asking the following questions:

- Who's missing from the story?
- Who is your audience/target?
- What's the context for the story?
- Where can we go for more information?
- When is it appropriate to use racial or ethnic identification?
- Why are we including or excluding certain information?
- How can you best represent the diversity of society, particularly the marginalised and disadvantaged groups?

### ***Regional case studies***

**Serbian test case:** The story was about gay pride and was published soon after Gay Pride Day. It reflected different political party views on whether a gay pride rally should be allowed in Belgrade. However the headline included the word 'pederi', which, in Serbian, is similar to the English word 'faggot'. Apart from the headline being offensive, the text continued to compare the gay pride parade as similar to a parade of drug addicts or paedophiles. There were no comments from any representatives of gay organizations.

**Guideline:** Whatever the topic, all sides involved must be asked to give their opinions. That's the only way story will be fair to everyone. Of course, exception to this can only be when one (or more) of the sides would use hate speech as part of their opinion. Also, journalists must be careful with their choice of words; a careless selection could enforce a stereotype and inflame a situation.

**Macedonian case study:** A Macedonian website ran the headline "Please Roma people do not do gipsy things". The story was about two Roma young men who murdered a Roma man who worked abroad. It was alleged that the killers wanted money but didn't find anything in his wallet, so they killed him. They allegedly took his cigarettes and lighter and ran away. The word gipsy is offensive in Macedonian society because of prejudices against the Roma people who prefer to be called Roma and not gipsy. A number of NGOs representing Roma people described the article as discriminatory.

**Guideline:** Be neutral and precise in your choice of words, terms and phrases. Be careful to avoid giving offence.

**Macedonian case study:** A Macedonian website had a story about a bar in the centre of Skopje which refused entry to 11 young Roma people. The manager explained, “I am sorry, but we don’t let Roma people in because they would ruin bar's reputation.” The Macedonian ministry of finances invited the 11 Roma young people to join him in order to drink coffee together in the same bar following day. The manager allowed the Roma people to enter.

**Guideline:** Put ethnic questions in context to other society issues – social, political, economic. Before that, set aside your own prejudices and avoid stereotypes.

## **Taste, decency & offence**

There are various types of offence and journalists could not do their jobs if they had to be careful to offend no-one. For example, stating one opinion may offend somebody who has a strongly contrary opinion. We should not shy away from that. It is a perfectly proper function of journalism to set out the arguments on a matter of public interest. But other types of offence are more serious and should always be avoided. For example, referring to people by derogatory names for their race or colour or sexual orientation is always objectionable.

Journalists must reflect the realities of the world in which we live while, at the same time, protecting the young and vulnerable from any material that might have a negative impact on their development.

### **Key points**

- everything we do has to be editorially justified
- be sure to protect the young and the vulnerable, both as subjects in the story and as viewers
- offer warnings about a programme’s suitability for children and include clear indications of the likelihood of unsuitable material
- be extra sensitive when dealing with issues regarding human suffering, pain, death and violence
- ensure you provide the proper images to tell the story without glorifying or commercialising the subject
- avoid using gratuitous images or terminology and ensure that every element is editorially justified
- remain aware of ethnic, cultural, sexual and religious sensitivities and also be aware that these do change over time
- a report is inappropriately sensational if the person covered is reduced to an object. The journalist must continue to think of the feelings of those they are portraying
- when providing links for online journalism, the journalist must be sure that the first click from your news organisation’s site does not lead to content that would be inappropriate on your site
- material deemed to be particularly sensitive must be put in context and editorially justified.

Taste and decency issues can differ, for example depending on cultural and religious sensitivities, and these, in turn, can change over time. Journalists must remain aware of this and be sensitive to it.

Journalists should aim not to ridicule anyone; they should respect basic standards of good taste and be able to justify every editorial choice they make. Journalists must remain aware of the profile of the media they work for and of the needs and feelings of their audience. If a journalist tackles an especially sensitive issue, they must consult with their senior editors to ensure that all elements are considered.

The online journalist needs to remember that news material is available 24 hours a day, seven days a week. They must be aware that children and the impressionable can access the material at any time.

At times, a journalist might be forced to publish material that is regarded as distasteful if it is needed to add context and help people understand an issue. The test of whether this is in the public interest should be applied here. Journalists must make it clear to the audience that this was considered and that the decision to publish was based on the public interest. A warning must be issued to let the audience know that what they are about to see or read could cause offence.

A report is inappropriately sensational if any of the people it refers to are reduced to an object. This is particularly so if reports about a dying or physically or mentally suffering person goes beyond public interest and the readers' reasonable requirement for information.

Online journalists must be aware of the dangers hidden in links and must not link to offensive material.

Journalists must take extra care when dealing with issues regarding human suffering, pain, death, and violence. All must be treated with the same respect, regardless of religions, colour, creed, or geographic location. Journalists must be sensitive when dealing with the bereaved.

### **Offence and freedom of expression**

Journalists must be continually on their guard against efforts to limit their editorial freedom from those who claim that the journalist's coverage is causing offence on the grounds of cultural or religious grounds. A good test is that offence is often caused when commenting on a person's physical condition, such as disability, race, age, sex, financial status etc. However, be cautious when people try to use religion or political persuasion to limit journalistic rigour. You should not be too worried about offending what people think, but you should always be cautious about offending what people are. Race, religion, nationality, sexual orientation and family status will be mentioned by a journalist if it is essential in telling the complete story.

Television has a long and well-established family viewing policy. A watershed (the time after which it is thought acceptable to show adult material) is commonly imposed, often restricting mature content until after 9pm.

### ***Regional case studies***

**Croatian case study:** In 2004, a sex video of a famous Croatian singer became public. A web portal published photos and video clips as a publicity stunt to generate traffic. A couple of hours later, the videos and photos were removed, but the damage had already been done and the video is now widely available online. After that case, several more celebrity videos surfaced. The issue was that the material was for private use and there was no public interest in the material being shown. Although those concerned were celebrities, they still had a right to privacy.

**Guideline:** If you come across a video, photos or other material that could generate more visitors for your website you must contact those involved in order to obtain their consent. If they don't give it, you can always make a story about existence of such material and the comments of those involved without showing anything. Most important of all, make sure that there is a public interest in producing the material. If not, you are on very weak ground.

**Hungarian case study:** A journalist criticised a Hungarian politician's views and his proposals, but also made fun of his name and his appearance. The politician sued the news agency for €8,000 claiming defamation. The court found that the news agency had violated the personality of the politician by making fun of his name and his appearance (not his policies and views). The news agency had to pay the required amount of money.

**Guideline:** You can scrutinise what a politician stands for and thinks (ideas) but it is risky to attack a politician over his or her appearance and name (physical). Again, you must always test whether what you are about to produce is in the public interest or not.

**Macedonia case study:** A website published provocative photos of a 15-year-old model with an unbuttoned shirt. The website avoided taking responsibility for presenting the erotic photographs because, it said, the photo session was carried out by an agency and published with the permission of the girl's mother and the model agency. Other websites criticized the decision, but also published the pictures. The pictures were shown on the front pages of both websites.

**Guideline:** A journalist should provide appropriate images that tell the story and present the truth without glorifying or commercializing the topic. By doing so, the right line will usually be taken. Again, always check that what you propose publishing is being published in the public interest.

**Bulgarian case study:** In April 2000, Bulgarian National Television showed footage of the decapitation of a Russian soldier by the Chechens during prime time. Many parents publicly voiced their frustration, reporting how disturbed their children were by the sight. The entire journalistic society in Bulgaria rose up against the footage shown on BNT, the printed press and the TV channels condemning the decision to air it, claiming it was completely inappropriate and unethical to show such footage in the evening news, and that someone had to take the responsibility.

**Guideline:** Observe the watershed. Remember that the young and vulnerable may be watching at any time. Only use graphic footage if it is essential to telling the story and if it is in the public interest. There are many ways in which BNT could have dealt with this, such as alerting viewers about the material.

## Fairness, privacy & consent

A journalist must never invade privacy without good reason. We must respect individuals fairly and wherever practicable we should obtain consent in a form capable of proof, preferably in writing or recorded.

### *Key points*

- always be fair to all involved in the stories you are covering
- there is no fairness without accuracy and there is no accuracy without fairness
- personal conversations, private correspondence and data should not be made public without a person's consent
- any information can be published if the person concerned has given his or her consent. The journalist must seek written confirmation of this
- journalists must tell both sides of the story and let the audience decide the significance and form its own opinion
- journalists should offer a right of reply when a member of the audience seeks to redress the balance in a piece of published journalism
- all responses should be reflected fairly and accurately and published as soon as possible
- in online journalism, the right of reply should be offered as a link within the original story
- when presenting different sides of the story journalists should try to check whether what is being said is true or not
- a presumption of innocence should be applied to everyone and qualifying words must be used so as not to suggest guilt
- an accused person must not be presented guilty before a legal judgement has been pronounced
- we should normally avoid asking someone who is unable to give their consent for views on matters likely to be beyond their capacity to answer properly (if they are not aware of the extent of their action). Such people could be the emotionally vulnerable, victims of crime or trauma, or those lacking the mental capacity or understanding
- we must not expose contributors to risk in the pursuit of our journalism
- investigative journalists will often work undercover, but a journalist covering general news must present themselves as a journalist when seeking out information. People react differently when they know you are a journalist. This is linked to obtaining their consent
- news organisations must have the consent of people who are interviewed; the agreement can be captured as recorded permission
- in situations where people are filmed in a crowd they are seen as being an illustration of general public life and permission is not needed
- a journalist must inform people about their intention to broadcast, the purpose and context, and also make clear that it may not be used or that it may be used in a different context
- a journalist must not offer a contributor the permission to review and edit the material that is being used. It must be made clear when consent is sought that there will be no editorial approval role for the contributor
- consent is voluntary, informed and a clear agreement of what is being covered in the media and this agreement must be obtained in good faith by the journalist
- when acting as an editor of a website a journalist or producer must check that all the personal information being published has the consent of the person involved. Sometimes this will not apply – for example, some people may prefer to keep secret uncomfortable details about

themselves, like their age or the fact that they have a prison record. But it might nevertheless be right to publish these facts. Again, apply the public interest test.

- the journalist must make clear that consent given to the news organisation means that the content may appear on any device the broadcaster delivers to
- privacy has to be measured against public interest on a case-by-case basis, bearing in mind doing no harm. For every situation the journalist must consider whether there is a public interest reason for invading someone's privacy
- journalists must protect someone's personal life, integrity, dignity and feelings from unjustified sensational exposure or suggestion of crime
- those who put themselves forward for public office, or are in the public spotlight, should be open to fair and honest public scrutiny, however their personal life should be protected unless in the public interest to disclose certain details.
- when someone in the public spotlight makes a public proclamation that contradicts their private behaviour, journalists should consider whether the person has waived their right to personal privacy
- children, victims of crime and accidents, the vulnerable and disabled and those unable to defend themselves or contribute to the debate about their position should be offered protection against having their privacy invaded
- journalists should not publish the names or any other details that could lead to the identification of children who have been the victims of crime, particularly sexual
- the media should consider privacy as a fundamental human right and respect the protection of data, human dignity against surveillance, the right to be left alone and the right to protect a person's public image
- a person's virtual identity should be respected and not linked to their real name
- information about sexual orientation, health condition, background or ethnic details should not be published unless the journalist has the consent or unless there is a clear public interest in using the information
- a journalist has a duty to protect an anonymous source's identity.

Journalists face a difficult balancing act. They must respect privacy but they must also be rigorous and robust in their investigation into issues that are in the public interest. This will mean that in some cases it will be necessary for a journalist to carry out an investigation that interferes with someone's privacy.

Public interest includes: exposing or detecting crime, highlighting significant anti-social behaviour, corruption or injustice, disclosing significant incompetence or negligence and information that allows people to make more informed decisions about matters of public importance, protecting people's health and safety, preventing them from being misled, and issues of freedom of expression.

The most important rule is that we must treat people fairly and with respect. We must also be clear about our own motives. We must have no personal interest in an investigation that invades a person's privacy. The only justification is that it is in the public interest and we are genuinely attempting to shine a light on wrongdoing.

Journalists should ask themselves who might want to respond to an issue, and try to contact and include this viewpoint in order to enhance the understanding around the story. All responses should be

reflected fairly and accurately and published at the same time as the allegation. The allegation must be in the public interest and there must be strong reasons for believing it to be true and for publishing it.

Whether you are presenting a balanced story or writing a comment piece presenting your own point of view, the audience will feel cheated if you slant the facts or present opposing opinions disingenuously.

Fairness is also about letting people respond when they believe you are wrong, even if you do not agree. It also means listening to different viewpoints and incorporating them into the journalism. It does not mean parroting lies or distortions to achieve that lazy equivalence that leads some journalists to get opposing quotes when the facts overwhelmingly support one side. Ultimately, fairness emerges from a state of mind. We should be aware of what drives us, and always be willing to listen to those who disagree.

The first rule of having a conversation is to listen -- we can learn more from people who think we're wrong than from those who agree with what we've said.

The media should consider privacy as a fundamental right. Personal data protection, protection of human dignity, the protection against surveillance, and the right to be left alone should all be respected by journalists.

Children, victims of crime and accidents, the vulnerable and disabled and those unable to defend themselves or contribute to the debate about their position, should be offered protection from having their privacy invaded.

Those who put themselves forward for and are elected for public office and who are engaged in forming public opinion through political activity, should be open to fair and honest scrutiny in their dealings. However, their private lives should remain private unless there is a clear public interest in revealing a behavioural trait that could conflict with their public work.

Privacy must not be infringed without good reason. The balance between the rights of the individual to privacy and the rights of others to freedom of expression, freedom of information and the right to question, is finely balanced. The test must be whether it is in the public interest for information to be published.

The journalist must be sure that people know why and how they are being asked to contribute and where the material they contribute will appear. The only exception is where the publication of that material is in the public interest and such interest requires some investigative and undercover reporting.

Sometimes it is in the public interest not to reveal the full purpose of the programme to a contributor.

The journalist must tell the contributor that there is a possibility that their material might not be used or that it might also be used in other news services operated by the news organisation. This is particularly important in cases where the news organisation broadcasts or publishes to multiple outlets.

If someone refuses to contribute, the journalist should consider whether it is appropriate to make this clear to users. At times it will be necessary to outline the conditions the contributor set out before agreeing to participate. Journalists must protect the privacy of contributors and ensure that no personal information is published.

### **Presumption of innocence**

The presumption of innocence shall be applied to all people. The suspects of crimes should be referred to, at most, by their initials of their name before a definite judgment is passed. In case of under-age or juvenile criminals, reference to their names or any other identification data is to be restricted even subsequent to the judgment.

### **Nick name**

Nick names and online identity are also protected by privacy. The real identity can never be uncovered by the service provider.

### **Sensitive data**

The sensitive data shall be handled in a cautious manner. Information about sexual orientation, health condition, beliefs, background of national or ethnic minorities shall not be published unless the journalist owns a consent written agreement. In the case of public opinion-forming people these data can be published if they revealed the information themselves or it has a huge impact on the society.

### **Secret recording**

Journalists should not use material recorded without the person being aware of it unless it is an absolute necessity. People should be told in advance if something is to be recorded. The use of webcams to monitor and watch people without their consent is prohibited. (I can't see any other possibility here) Great care is needed when deciding to use footage recorded by webcams installed in a public area. Journalists need to ensure that a public interest justification exists, such as observing proven criminal activity.

### **Anonymous sources**

Anonymous sources are generally to be avoided. However, there are some occasions when it is necessary or desirable to protect the identity of a source. For example, sometimes it is necessary to grant anonymity to a source in order to expose major wrongdoing. Or the editorial team decides that revealing the identity of a person is likely to cause distress, it may be acceptable for that source not to be named. Before revealing a source's identity, the editor needs to ensure that a journalist has not given an undertaking to guarantee anonymity.

### **Privacy policy on the website**

Every website must have a specified page - linked from all the pages of the website - where the audience can read about the rules and the policies of the company. The Privacy Policy should also make clear what the audience can or cannot do in the interactive sections of a news site, if there is a pre- or a post moderating. Websites aimed at children have to fulfil special requirements to ensure their privacy.

Private behaviour, correspondence and conversation should not be brought into the public domain unless there is a clear public interest. The mere fact that other parts of the media have reported private behaviour is not of itself sufficient to justify reporting it too.

Journalists must not use any information about users gleaned from a website's database.

## Warnings

Journalists have a duty to make sure a contributor understands that the material they contribute will circle the globe. Some will not understand that. It does not take a lot of effort to tell them. People should be told that the story will be published on the Internet, because it will be there forever and for everyone to locate, not for just a day or a week, such as is the case with print and broadcast, but for all time. This should be made clear to contributors when their privacy is being discussed.

In the case of newspapers' websites, stories are often the same both in the print and the online edition. In some cases, those quoted or taking part in a print interview might not realise that what they say and any images of them will also be available to a world-wide audience once they are published on the web. Sometimes, this can cause discomfort to the ones involved.

## Fishing for stories

Journalists must not 'fish' for headlines by fabricating a situation to try to find a story, even if they are convinced that there is a story to be told. However, if a journalist can prove that their investigations are in the public interest, then senior editors need to be consulted as to whether publication is a violation of someone's privacy or an essential part of newsgathering. Whatever the purpose is, permission must be asked beforehand first. Exceptions are cases where the source refuses to give permission, but the topic affects the public and withholding the story could harm individuals, or where seeking such permission could result in an investigation being undermined.

## Trauma

Online journalists must obtain the permission of people if they want to publish details about their lives, particularly if the story is a follow up to a traumatic experience.

## ***Regional case studies***

**Romanian case study:** In June 2008, mainstream media carried reports about a teacher whose intimate videos were available on the Internet. She had filmed herself while having sex with her husband. The videos were on their laptop. One report claimed that the folder was accidentally shared on a peer-to-peer network, while another reported that the laptop was taken for servicing and the films uploaded to the Internet. The woman and her husband deny having had posted them themselves. When somebody recognized the teacher they told local journalists. Since the story was made public, the woman took a leave of absence and subsequently moved out of the country. She was long gone when the national media picked up the story and exposed her to a much larger audience. The national media made her name and her face public, and all the articles were linked to the videos. The articles raised the question of how appropriate it was for a person in the woman's position and who educated children to do such a thing. The more liberal media, and especially women magazines, argued that what a person does in the privacy of their own home is irrelevant to their profession. But no one asked

the question of how appropriate is to reveal this person's name and face and to promote the viewing of her personal recordings.

**Guideline:** Journalists must consider the right to privacy as a rule, not an exception. The only time this can be challenged is if it is felt that revealing the information is in the public interest. In this case, the intimate details of a person's private life had no public interest value. Only when they are an essential part of the story should a journalist ever consider intruding on a person's privacy and publishing material without consent.

**Serbian case study:** A producer was working for a Serbian TV show containing a short feature about cooking. It was hosted by a famous Serbian actor with young female members of the public appearing as his guest. The producer's job was to upload text about the episode and about the guests after each episode. A photo gallery was also produced, along with video clips. The information uploaded to the website was taken from the details the guests had filled in on the forms they submitted prior to the recording sessions. It included their names, date of birth, information about their occupation and education and some other personal facts. The data was used to prepare the host so that he could talk to his guests. After one show, one of the guests demanded that all the information about her be removed from the site. Apparently, although she agreed to be in the show (she came to the recording session and the episode with her was aired), she didn't agree to any information about her be published online. The producer removed all her personal information from the site, apart from that she revealed during the TV show. Later the producer discovered that the disgruntled guest hadn't filled out her form herself; it was done by one of her friends. Also, it was subsequently discovered that all the forms the young female guests had filled in weren't consent forms, so legally they all could have asked that any information regarding them be removed from the site.

**Guideline:** When acting as the editor of a web site, a journalist or producer must check that all the personal information they are about to publish has the consent of the person involved. They must also check that although someone may have given their consent for material to be aired on TV or radio, they may not have given their consent for it to be published online. Make sure that consent forms about personal information explicitly allow publishing online.

**Serbian case study:** A group of fourteen-year-old girls in the town of Pirot, at the southeast of Serbia, captured another girl from their school and subjected her to physical violence and sexual abuse. They filmed what happened on a mobile phone camera and distributed the images around the school. The filmed material was picked up by the media and appeared online, in print and on TV. Some TV stations broadcast "raw" footage. Even with her eyes covered, the girl could be recognised. The Public Prosecutor's Office, warned the media not to publish or broadcast the filmed material saying they could be charged with distribution of child pornography.

**Guideline:** The identity of children must be protected, especially when they are victims of the crime. Journalist should be careful when exposing details about all crime victims. Journalist should try to expose only the necessary details and thus protect crime victims from being traumatized further.

**Macedonian case study:** A Macedonian website carried a story saying that a minor raped his two year old cousin. The report gave the age of the minor, his first name and first letter from his last name, the area in city where he lives, and showed a picture of the family house where the alleged rape had taken place. The website reported the initials of raped child and name of his mother.

**Guideline:** Journalist should not publish names or anything else which might lead to the identification of children who are perpetrators or victims of sexual crimes or juvenile criminals.

**Macedonian case study:** A Macedonian website announced that police had taken into custody 40 pay toll workers who were suspected of taking bribe worth €5m. The website published pictures of two policemen with masks and guns escorting the accused to court. The faces of those accused were visible. Almost a year after, the case was still unproved.

**Guideline:** An accused person must not be presented as guilty before a legal judgement has been pronounced. Journalists must protect a person's private life, integrity, dignity and feelings from unjustified or sensational exposure or suggestions of crime. Reports must not contain opinion as to the outcome of an alleged crime and must protect those accused and only release details once the court has ruled.

**Hungarian case study:** A video post was published in one of the biggest Hungarian online newspapers. It was about an 11 year old homeless Roma child from Romania, who was living in the streets of Budapest. The child displayed violent behaviour on the video, abusing people, stealing money, drinking alcohol and smoking. A few days after the video was posted the child was attacked on the street. The attack was organized in blog, referring to the video post. The child was eventually taken into care and returned to Romania.

**Guideline:** Children must be protected when their situation is being exposed by journalists. In this case the child's face should have been blocked from view. The editor has a responsibility for ensuring that the journalism produced on the site does not put the child in danger.

## Conclusion

Writing editorial guidelines covering ethical issues is an ongoing process that needs to reflect what is acceptable and what is not acceptable in a changing society. The Media Centar Sarajevo started this process in 2006 and revisited it two years later. This probably needs to be an on-going process if these guidelines are to remain fresh and relevant.

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**David Brewer – London, February 2009**