

CODEX OF MONTENEGRIN JOURNALISTS (Basic principles)

A journalist serves public interest. Credibility of journalists and journalist profession generally rests on professional honesty, integrity and knowledge. It is of the interest of every journalist, and it is his duty, to observe this Codex.

1. Duty of a journalist is to respect the truth and persistently search for it, having in mind a right of the public to be informed and human need for justice and humanity.
2. A journalist is obliged to defend freedom and the right to collect and announce information without being disturbed as well as to give free comments and critics. A journalist should be sharp observer of those who have social, political and economic power.
3. The facts should be sacred for a journalist, and it is his duty to put them in the right context and prevent their misuse, whether it is a text, picture or a tone. Rumors and assumptions should be clearly marked as such. It is a duty to clearly separate news from a comment.
4. It is a duty of a journalist to complete an incomplete and correct incorrect information, especially the one that can cause any harm and at the same time to make sure that the correction is pointed out in the adequate manner.
5. One's race, religion, nationality, sexual orientation and family status will be mentioned by a journalist only if that is necessary for the information.
6. In order to collect information in any form, a journalist should use professionally honorable and legally allowed methods. Any violation of this rule is allowed only in cases when those methods are not sufficient, and information that is to be obtained of the great importance for the public.
7. It is a right and duty of a journalist to protect confidential information sources, but also always to check motives of the confidential source before one is promised anonymity and protection.
8. A journalist is obliged to be very careful when dealing with private life of people. A right to private life is disproportional to the importance of a public function that an individual performs, but in those cases, it is necessary to respect human dignity as well.
9. A journalist is obliged to protect integrity of adolescent persons, different and disabled persons.
10. When reporting on investigation and court procedures, a journalist has to respect the assumption that everyone is innocent until is proved differently and should by no means pre-adjudicate the outcome of a court procedure.
11. A journalist should not accept privileges of any kind that could limit or bring into suspicion his autonomy and impartiality, and affect freedom of a publisher and editorial board to make decisions.
12. It is a duty of a journalist to maintain solidarity in relation with his colleagues in the extent that would not prevent him to properly perform professional task, or to make him violate basic principles of the journalist codex.

Just as he is ready to expose his work to the public judgment, a journalist should be willing to expose himself to judgment of an impartial body that takes care of the profession authority protection.

GUIDELINES FOR INTERPRETATION AND IMPLEMENTATION OF BASIC PRINCIPLES OF THE CODEX

Guidelines for Principle 1

1.1. General standards

Journalists must maintain the highest professional and ethical standards. They must take all reasonable steps to ensure that they disseminate only accurate information, and that their comments on events are genuine and honest. They must never publish information that they know to be false or maliciously make unfounded allegations about others that are intended to harm their reputations. It is journalist's right to refuse an assignment being opposite to the ethic codex.

1.2. Accuracy

(a) Before publishing a report, the journalist must ensure that all reasonable steps have been taken to check its accuracy. Journalists must endeavor to provide full reports of events and must not be silent about or suppress essential information.

(b) The public's right to be informed does not justify sensational reporting. Therefore, journalists must not distort information by exaggeration, by placing improper emphasis on one aspect of a story or by giving only one side of the story. They must avoid using misleading headlines or advertising slogans. The facts must not be distorted by reporting them out of the context in which they occurred.

1.3. Press releases

Press releases and statements issued by public authorities, political parties, public services, associations, clubs or other lobby groups must be clearly defined as such.

1.4. Rallies during Election Campaign

When contributing from rallies organized during an election campaign, the reporters will also report on the views and values with which they may not agree. Such an approach is a matter of reporter's fairness; it serves the citizens' right to the freedom of information and supports the principle of equal opportunities for all political parties and other participants in the election process.

Guidelines for Principle 3

3.1. Comment

The comment must be a genuine expression of opinion based on facts. Comment must not be presented in such a way as to create the impression that it is an established fact.

3.2. Interviews

(a) An interview is completely journalistically correct if the interviewee or his/her representative has authorized it, or if it is obvious that there is interviewee's approval for the intention to publish unauthorized interview. If time is short, it is also correct to publish statements in unauthorized interview form if it is clear to both the interviewer and the interviewee that the statements are to be published either verbatim or as an edited version. If the text of an interview is reproduced in full or in part, the publication concerned must state its source. If the basic content of verbally expressed thoughts is paraphrased, it is nonetheless a matter of journalistic honor to state the source.

(b) In the case of advanced reports of an interview in abridged form, care must be taken that abridgement does not stand out from contents of program context that is abridged. In this case as well, care must be taken to protect the interviewee against any distortions or impairments, which may jeopardize his or her dignity or legitimate interests.

3.3. Symbolic images

(a) If an illustration, especially a photograph may leave an impression on an average reader that it is an authentic document, in spite of the fact that it is merely a symbolic picture, such a case must be made clear. Photomontage or other modifications of authentic documents must be clearly marked as such in the accompanying text or in any other, appropriate way.

(b) If the media use reconstructed scenes in broadcasting/printing, such act must be recognizable for the audience or it must be clearly indicated by the voice or by the text.

(c) Archival materials used on television must be necessarily marked as such, and sound inserts used from the radio archives must be announced as such by voice.

3.4. Embargoes

The imposition of embargoes during which the publication of certain information is held over is justifiable only if it is vital for objective and careful reporting. In principle, embargoes are a free agreement between informants and the media. Embargoes should be observed only if there is an objectively justifiable reason, such as in the case of speeches still to be held, advance copies of company reports and other types of activities or information on a future event (meetings, resolutions, honors, ceremonies, etc.). Embargoes must not be used for taking advantage over competition.

3.5. Opinion poll findings

In publishing findings by opinion poll agencies, the media should give the number of respondents, the date of the poll, the identity of the person or organization that commissioned it, and the questions asked. If the agency was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the agency.

3.6 Daily Polling/Interviewing

In the case of daily, ad hoc, polling of citizens about controversial social issues (vox-pop stories), a special dose of precaution is needed in order to avoid possible manipulation.

3.7. Letters to the Editor

(a) By means of letters to the editor, insofar as they are suitable in terms of form and content, readers/listeners/viewers should have the opportunity to express their views and thus participate in the opinion-shaping process. It is in line with the journalistic duty of due diligence to observe the Code when publishing such letters.

(b) Correspondence with publishers or editorial departments can be printed as letters to the editor if it is clear, due to their form and content that this is in accordance with the sender's wishes. Consent may be assumed if the letter refers to articles and stories published by the media concerned or to matters of general interest. Media are not legally bound to publish such letters.

(c) It is common practice that letters to the editor are published with the author's name. Only in exceptional cases can, at the request of the author, the name of the author withheld with the notice: 'Name is known to the editor'. The media should not publish the authors' addresses. If there is any doubt about the identity of the sender, a letter should not be printed. The publication of fake letters is not compatible with the duties of the media.

(d) Abridgements are possible if the Letters to the Editor section contains a permanent notice that the editor reserves the right to shorten such letters without changing the meaning of them. Should the sender expressly forbid changes or abridgements, the editorial department must either comply with that wish, even if it has reserved the right to abridgement, or decline to publish the letter.

(e) All readers'/listeners'/viewers' letters sent to the editor are subject to editorial secrecy. They must never be passed on to third parties.

Guidelines for principle 4

4.1. Corrections

(a) If a media institution discovers that it has published a report containing a significant distortion of the facts, it must publish a correction promptly and with comparable prominence. This correction must refer to the previous incorrect report.

(b) If a media institution discovers that it has published an erroneous report that has caused harm to a person's or institution's reputation, it must publish an apology promptly and with due prominence.

(c) "Due prominence" in this context means publication of the correction in the same space (in the case of print media) or within the same programme (in the case of broadcast media).

(d) Where a person or organization believes that a media report contains inaccurate information or has unfairly criticized the person or organization, the media institution concerned must give the person or organization a fair opportunity to reply, to correct any inaccuracies and to respond to the criticism. Media institution is expected to provide such right in the case of acceptance that the report in question had errors and unfounded allegations.

4.2. Documentation

In cases where incorrect reports are discovered, as outlined in 4.1, the media institution must correct them also in their archives, documentation, and databases.

Guidelines for principle 5

5.1 Hate speech

(a) Media institutions must not publish material that is intended or is likely to engender hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The same applies if it is highly probable that publication of a material may cause the above stated hostility and hatred

(b) Journalists must take utmost care to avoid contributing to the spread of ethnic hatred when reporting events and statements of this nature. It is journalist's duty to respect other states and nations.

5.2 Reports on crime

When reporting crimes, it is not permissible to refer to the suspect's religious, ethnic or other minority membership unless this information can be justified as being relevant to the audience's understanding of the incident. In particular, it must be borne in mind that such references could stir up prejudices against groups in need of protection.

Guidelines for principle 6

6.1 Research

(a) Research is an indispensable instrument of the journalistic duty of due diligence.

(b) Journalists should normally use open methods of gathering information in which they clearly identify themselves as such. Untrue statements by a journalist about his/her identity and their publication when doing research work are irreconcilable with the standing and function of the media.

(c) Undercover research may only be used where other methods have failed to yield information of particular public interest. These methods may thus be employed where, for example, they will help to detect or expose criminal activity, abuse of power, or will bring to light information that will protect the public against serious threats to public health and safety and the environment.

(d) In the event of accidents and natural disasters, the media must bear in mind that emergency services for the victims and those in danger have priority over the public right to information.

6.2. Research among people requiring protection

Research should be carried out and approaches made with sympathy and discretion in cases involving personal grief or shock, people who are not in full possession of their mental or physical powers, as well as children and juveniles.

The limited willpower or the special situation of such people must not be exploited deliberately to gain information.

6.3. Exclusive information

It is standard practice for journalists to publish exclusive information and stories. Such stories should be created by research and not by seeking monopolies of information within public authorities. Public authorities should disseminate their information without favoring a limited number of media houses.

6.4. Payment for information

Journalists must not pay people to act as information sources unless there is demonstrable public interest value in the information.

Guidelines for principle 7

7.1 Confidentiality

(a) Where a person has agreed to supply information only on condition that his or her identity remains confidential and the journalist agrees to this condition, the journalist must respect this undertaking and refuse to reveal the identity of the source. However, the journalist has to warn the source that his or her identity might have to be revealed to the courts if this information is needed to solve or prevent serious criminal conduct.

(b) Broadcasting media shall apply appropriate technical procedures (voice distortion or face blurring) in order to provide secrecy of identity of the person who gives a statement under the condition that he/she remains anonymous.

(c) Documents classified as secret may be reported if after careful consideration it is determined, that the public's need to know outweighs the reasons put forward to justify secrecy.

7.2 Secret service activities

Secret service activities by journalists and publishers are irreconcilable with the duties stemming from professional secrecy and the prestige of the media. Secret service information must not be brought into connection with the journalist's right to professional secret.

Guidelines for Principle 8

8.1 Right to privacy

(a) The journalist should not intrude into and report on a person's private life without his or her consent. The public's right to information must always be weighed against the personal rights of those involved.

(b) Reporting on a person's private life can be justified when it is in the public interest to do so. This would include: detecting or exposing criminal conduct; detecting or exposing seriously anti-social conduct; protecting public health and safety; corruption, etc. Reporting on a person's private life is also justified if it prevents the public from being misled by some statement or action of that

individual such as where a person is doing something in private which he or she is publicly condemning.

(c) Journalists are entitled to probe the private life of someone who is or intends to be public official. It is correctly proceeded where this conduct has a bearing upon his or her suitability for the assignment he/she performs or wants to perform it.

(d) Victims of accidents or crimes have a right to special protection of their names. It is not as a rule necessary to identify the victim in order for the audience better to understand the accident or crime. Exceptions can be justified if the person concerned is a public figure or if there are special accompanying circumstances.

(e) In the case of dependants and other people who are indirectly affected by an accident or who have nothing to do with a crime, care must be taken when publishing names and images.

(f) People's private addresses enjoy special protection.

(g) Physical and mental illness or injuries come fundamentally within the private sphere of the persons affected. Out of consideration for them and their dependants, the media should not publish names and photographs in such cases and should avoid using disparaging terms to describe their illness, even if they are terms in popular usage.

(h) Reporting on suicides calls for restraint. This applies in particular to the publication of names and detailed descriptions of the circumstances. Exceptions are justifiable only if the case is of public interest.

(i) A report is inappropriately sensational if the person it covers is 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' requirement for information.

(j) The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media.

(k) All the above guidelines on the right to privacy apply – where appropriate - also after the death of the person concerned.

8.2. Medical research and therapy

(a) Reports of alleged successes or failures of medical or pharmaceutical research in the fight against serious illnesses call for circumspection and a sense of responsibility. Thus, neither text nor presentation should include anything that might raise unfounded hopes of a cure in the near future among ill readers and their dependants if this does not conform to the actual state of medical research. Conversely, critical or even one-sided reports on hotly-debated opinions should not make seriously-ill persons feel unsure and thus raise doubts about the possible success of therapeutic measures.

(b) When reporting on the activities of para-doctors and self-proclaimed healers, a reporter must express a special dose of reasonable doubt and restraint.

(c) In the reports on a spread of contagious and other diseases, a reporter must keep in mind that only a competent state authority is entitled to declare an epidemic.

Guidelines for principle 9

9.1. Children's interest

(a) The media is obliged to comply with the principles of the UN Convention on the Rights of Children and to research with special care the information that effect children's interests.

(b) The media is obliged to exercise special sympathy when interviewing, photographing or filming children under the age of sixteen.

Guidelines for Principle 10

10.1. Court and crime reporting

(a) Reports on investigations and court cases serve to inform the public in a careful way about crimes, their prosecution and court judgment. A person is presumed innocent until proven guilty by a court, even if he or she has confessed. Even in cases where guilt is obvious to the public, an accused person cannot be portrayed as guilty within the meaning of a court judgment until a verdict has been handed down.

(b) Prejudicial portrayals and allegations violate the constitutional protection of human dignity, which also applies without qualification to criminals. The aim of court reporting must not be to punish convicted criminals socially as well by using the media as a "pillory".

(c) Where a media has started reporting a criminal case, it must follow up and report subsequent developments in the case. If the media has reported on an accused, it has named or who is identifiable to a large circle of the audience, it should also report an ensuing acquittal or a marked lessening of charges. This also applies to the dropping of an investigation.

(d) Criticism and comment on a case must be easily distinguishable from reporting on court proceedings.

(e) The media must not identify victims of sexual assaults or publish material likely to contribute to such identification unless the victims have consented or the law has authorized the media to do this.

(f) The media should generally avoid identifying relatives or friends convicted or accused of crime unless the reference to them is necessary for the full, fair and accurate reporting of the crime or the legal proceedings.

(g) When reporting on investigations and criminal court proceedings against young persons and on their appearance in court, the media must exercise especial restraint out of consideration for their future. This also applies to young victims of crimes.

10.2 Reporting acts of violence

In reporting actual and threatened acts of violence, the media should weigh carefully the public's interest in information against the interests of the victims and other people involved. It should report on such incidents in an independent and authentic way, but not allow itself to be made the tool of criminals. Nor should it undertake independent attempts to mediate between criminals and the police. There must be no interviews with perpetrators of violent actions, unless it is necessary for the public interest to cover the event correctly and impartially.

10.3. Coordination with the authorities/news 'blackouts'

In principle, the media do not accept news 'blackouts'. Coordination between the media and the police shall occur only if the action of journalists can protect or save the life and health of victims and other involved persons. The media shall comply with police requests for a partial or total news embargo for a certain period in the interest of solving crime, if the request is justified convincingly.

Guidelines for principle 11

11.1 Invitations and gifts

The freedom of decision and independent judgment of publishing companies and their editorial staff is endangered if they accept invitations and gifts which exceed the usual level of social contacts and that necessary in their professional work. Even the appearance that accepting invitations and gifts can impair the freedom of decision of a publishing house and its editorial staff is to be avoided. Therefore, journalists should not accept payments, reimbursement of expenses, discounts, donations, free holidays, business trips, gifts, or any other benefits that might have impact on his work and activities in a way that could cause damage to his professional credibility as well as reputation of the media, for which he works. A journalist shall not accept any benefits without previously obtained approval of editor-in- chief or director of media he works for.

11.2. Pressure or influence

Journalists must not suppress or distort information about which the public has a right to know because of pressure or influence from their advertisers or others who have a corporate, political or advocacy interest in the media institution concerned.

11.3. Separation of functions

Should a journalist or publisher exercise another function in addition to his or her journalistic activity, for example in a government, a public authority or a business enterprise, all those involved must take care strictly to separate these functions. The same applies in reverse. Conflicts of interests harm the standing of the media

11.4. Distinction between editorial content and advertisements

Advertisements and pages or programs sponsored must be clearly distinguishable from the editorial content and must be designed and presented that the reader/listener/viewer can recognize them as such. A journalist must not be engaged in advertising-propaganda business.

11.5. Public Relations material

The credibility of the media as a source of information calls for particular care in dealing with PR material and in producing editorial supplements. Editorial stories that refer to companies, their products, services or events must not overstep the boundary to hidden advertising. This risk is especially great if a story goes beyond justified public interest or the audience's interest in information. This also applies to unedited advertising texts, photographs and illustrations.

Guidelines for principle 12

12.1. Solidarity

Journalists should exercise solidarity and protect each other in their rights regardless of political or other beliefs.

12.2. Plagiarism

No journalist should engage in plagiarism. Plagiarism consists of making use of another person's information, words, ideas and images without proper acknowledgement and attribution of the source.

These guidelines are not final, but can be supplemented in compliance with ethic dilemmas arising from practice. Self-regulatory body that will be in charge of observation of Codex of Montenegro Journalists shall be authorized to propose new guidelines or amendment to the existing ones, in the spirit of general ethic norms of the Codex.

The Codex was adopted by:

Association of Journalists of Montenegro
Association of Professional Journalists of Montenegro
Association of Young Journalists of Montenegro
Association of Independent Broadcast Media of Montenegro – UNEM
Association of Independent Print Media of Montenegro – MONTPRESS
Independent Union of Journalists of Montenegro

At The Montenegro Media Institute
Podgorica, 21. May 2002.