

CODE OF PRACTICE FOR JAMAICAN JOURNALISTS AND MEDIA ORGANISATIONS

(Revised Draft)

Following is the Revised Draft Code of Practice for Jamaican Journalists submitted to the Media Association of Jamaica (MAJ) and the Press Association of Jamaica (PAJ) for consideration and action of their members. The revision is based on comments on the first draft circulated May 2005 including a forum of media professionals held at the Mona School of Business December 10, 2005.

- i. The Code of Practice has been long in the making. The idea for a new document to replace the 1965 PAJ Code of Ethics emerged out of various discussions on ethics and professional standards in the Jamaican media. One such discussion was a forum on Defamation Laws and Freedom of the Press organised by the Research and Policy Group, Mona School of Business in conjunction with CARIMAC and UNESCO as part of the observance of World Press Freedom Day, May 2003. One of the suggestions from the forum was the need for a new Code of Ethics and establishment of a Media Complaints Commission to adjudicate complaints by the public against the media. The issue has since been discussed extensively and canvassed among stakeholders.*
- ii. This draft is the result of detailed consultations among MSB, CARIMAC the MAJ and the PAJ and various media professionals.*
- iii. The original draft was based largely on the model of the ‘Code of Practice of the Press Complaints Commission of the United Kingdom’ which, in turn, is the model for the ‘Code of Practice of Caribbean Journalists’ adopted by Barbados and the Eastern Caribbean January 2003.*
- iv. ‘The Press’, and “the Media”, in this draft, are used interchangeably to represent the mass media of communication, that is, print and electronic media and all practitioners whose duties include the gathering, editing, processing and dissemination of news and other public information.*
- v. “Journalist” in this draft refers to a person engaged in the gathering, editing, processing and dissemination of news and other public information in accordance with the established principles, values and ethics of the profession of journalism.*
- vi. ‘Public interest’ in this draft refers to matters concerning the general welfare and common wellbeing of the public; matters of common concern among citizens in relation to morality, the protection of democracy, the management and affairs of government entities and private companies on which the public rely for vital services.*
- vii. It is also proposed that a Media Complaints Council be established to enforce compliance with the Code, hence the document should be read in conjunction with the draft proposal for a Media Complaints Council which is appended.*

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(Revised Draft – June 2010)

PREAMBLE

A. THE ROLE OF THE PRESS

All members of the Press have a duty to maintain the highest professional and ethical standards. This Code sets the benchmarks for those standards.

The Code protects the rights of the individual and upholds the public's right to know. The Code is the cornerstone of the system of self-regulation to which the industry is committed. It is essential to the workings of an agreed Code that it be honoured not only to the letter, but in the full spirit.

The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it prevents publication in the public interest.

We Jamaican publishers, broadcasters and journalists believe that:

- i) The rights of freedom of expression and the freedom to receive and impart information are fundamental rights of all human beings.
- ii) The agencies of mass communication, private and public, are carriers of public information, opinion and discussion essential to give practical effect to the right of freedom of expression and right of all individuals to access information.
- iii) Those rights carry obligations that require media organisations to represent and reflect the public interest at all times and journalists to perform their professional duties with intelligence, objectivity, accuracy and fairness.

B. DECLARATION

To these ends, we declare acceptance of the standards of professional practice here set forth:

- i) Editors, journalists, publishers and broadcasters pledge to prevent violations of these standards.
- ii) Editors, journalists, publishers and broadcasters will ensure that the Code is observed rigorously by all their contributors.
- iii) Editors, journalists, publishers and broadcasters agree to cooperate as swiftly as possible with media complaints bodies, where they exist, in the resolution of complaints.
- iv) Any media in which a publication or broadcast is adjudged by the *Media Complaints Council* to be in breach under any one of the following provisions of the Code is obliged to publish or broadcast the adjudication without delay or to otherwise abide by the remedy or sanction ordered by the Council.
- v) Any journalist whose action which is adjudged by the Media Complaints Council to be in breach of any of the following provisions of the Code is obliged to abide by the remedy ordered by the Council.

PROVISIONS OF THE CODE

1. ACCURACY, TRUTH AND FAIRNESS

- a. Newspapers, periodicals, radio and television stations shall take due care not to publish or broadcast untrue, inaccurate, misleading or distorted material or information. Special care should be made to avoid distortions made possible by the new information and communication technologies.
- b. With the explosion of the Internet journalists have more access to more information than ever. These sources should not be used without attribution and should be checked for accuracy before the information is used in broadcast or print.
- c. Every effort should be made to publish the main points of view or interpretations of an event or issue, regardless of whether the journalist or media organisation agrees with such views.
- d. Journalistic reporting should be free from bias and distinguish clearly among comment, conjecture and fact.
- e. Whenever it is recognised that an inaccuracy, misleading statement or distorted report has been disseminated, it should be corrected promptly and with due prominence.
- f. An apology should be published promptly whenever appropriate.
- g. A media organisation should report fully and promptly the outcome of an investigation or court case on which it has reported especially where the accused has been exonerated.
- h. A media organisation should always report promptly, fairly and accurately the outcome of any action for defamation to which it has been a party, except where there is a confidentiality agreement as part of the settlement.

2. OPPORTUNITY TO REPLY

A fair opportunity to reply to inaccuracies should be given to individuals or organisations when reasonably called for.

3. PRIVACY

Intrusion and enquiries into an individual's private life without his or her consent including the use of long-lens photography to take pictures of people on private property without their consent, are not generally acceptable and publication can only be justified by clear and overriding public interest.

Note: Private property is defined as any private residence or place of business, together with its garden and outbuildings, but excluding any adjacent open fields, public parks or other public property. In addition, hotel bedrooms (but not other areas in a hotel) and those parts of a hospital or nursing home where patients are received, treated or accommodated are considered private property.

4. CHILDREN

Journalists shall not:

- a. Interview or photograph children under the age of 18 on a subject involving the personal welfare of the child, in the absence of and without the consent of a parent or other adult

who is responsible for the children (except under special circumstances when it is clearly in the interest of the child).

- b. Report on the private life of a child based solely on the family's notoriety or the status of the child's parents or guardians.
- c. Approach, photograph or interview children at school without the permission of the school authorities.
- d. Photograph or interview children at crime scenes or at protest demonstrations unless due care is taken to avoid any exploitation of the children.

5. CHILDREN IN CRIMINAL CASES

- a. The Press should not identify children under the age of 18 who are involved in cases concerning sexual offences, whether as victims or as witnesses or defendants in a trial.
- b. In any news report of a case involving a sexual offence by an adult against a child:
 - i. The child should not be identified.
 - ii. The adult may be identified if such identification would not cause the identity of the child to be revealed.
 - iii. In cases of incest, for the purposes of the protection of the identification the child, the term 'incest', where applicable, should never be used.
 - 1. The offence of incest should be described as "serious offences against a young child", "sexual assault of a child" or similar appropriate wording.
 - 2. Care should be taken that nothing in the report implies the family relationship between the accused and the child.
 - iv. Children who are victims or witnesses to violent crime should not be interviewed about what they experienced or saw unless it is clearly in the public interest and only with the consent and in the presence of an adult.

6. GRIEF AND TRAUMA

- a. Journalists shall show respect for grief and trauma resulting from violent crime, accident or tragedy and must act with empathy and discretion when carrying out enquiries.
- b. Persons in shock or in deep grief should not be interviewed or photographed unless it is demonstrably in the public interest.

7. VICTIMS OF CRIME

- a. The exposed bodies, or body parts of victims of fatal injury from criminal activity, accident or tragedy should not be photographed or displayed on television except where visual portrayal is essential to public information about the scale of the disaster.

- b. The media should take care to avoid sensational reporting of violent crime.
- c. The media should not identify victims of sexual assault or publish material likely to contribute to such identification.
- d. Unless it is clearly in the public interest, the media should generally avoid identifying relatives or friends of persons convicted or accused of crime.

8. HARASSMENT

- a. Journalists should neither obtain nor seek to obtain information or pictures through intimidation or harassment.
- b. Unless their enquiries are clearly in the public interest, journalists should not photograph people on private property without their consent; should not persist in telephoning or questioning individuals after being asked to desist; should not remain on their private property after being asked to leave and should not follow them.
- c. It is the responsibility of editors, newsroom managers and station managers to ensure that these requirements are carried out.

9. LISTENING DEVICES

Unless demonstrably justified by public interest, journalists should not obtain or publish material obtained by using clandestine listening or sensing devices or by intercepting private telephone conversations or by use of any illegal means.

10. MISREPRESENTATION

- a. Journalists should not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge. Subterfuge can be justified only when its use is overwhelmingly in the public interest and only when material cannot be obtained by any other means.
- b. Unless in the public interest and not prohibited by law, documents or photographs should be removed only with the express consent of the owner.

11. CONFLICT OF INTEREST

- a. Journalists shall not be involved in any association or activity such as politics, demonstrations, secondary employment or social causes which could reasonably be perceived to be a conflict or interest or is in fact a conflict of interest.
- b. Journalists are required to disclose to their employers any political interests, financial interests and any collaboration with state bodies including but not limited to embedded military or security operations and employers would be obliged to disclose this publicly where necessary.
- c. Journalists who are members or part-time members of any security or military force should disclose this information to their employer, who has the discretion to decide whether such journalists are to be allowed to cover national security matters.
- d. Journalists in freelance engagement with media houses and who also practice public relations and advertising must disclose receipt of payment for stories they submit for publication to the media house.

- e. Where media are reporting on news events or business organisations in which the majority owners of the media organisation have a financial interest the interest should be declared in the report.
- f. The opinions of media owners when published or broadcast must be clearly identified as such by the use of labels such as "Editorial", "From the publisher" etc.
- g. In order to ensure that the public's interest is not subjugated to the private interest of media owners; media houses must develop protocols to govern the newsroom decision-making process. The protocols shall be made available to all journalists in the Media House's employ.

12. DISCRIMINATION

- a. The media should avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or sexual orientation or to any physical or mental disability or handicap.
- b. The media should avoid publishing details of a person's race, colour, religion, sex or sexual orientation, unless these are directly relevant to the story.

13. PAYMENT FOR PUBLISHING OR WITHHOLDING INFORMATION

- a. Payment or offers of payment for articles, pictures or information should not be made directly or through agents to witnesses or potential witnesses in current or criminal proceedings or to people engaged in crime or their associates-- which includes family, friends, neighbours and colleagues—except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done. In the interest of full disclosure, such payments must be reported.
- b. Journalists should not accept monetary offers, gifts or favours of any kind from any source, including public relations practitioners, seeking or likely to seek to influence publication or non-publication or special placement of any story, article, video or photograph.
- c. There shall be full and accurate disclosure where a commercial or public body makes a financial or in-kind contribution towards coverage, publication or broadcast of an event or issue.

14. FINANCIAL JOURNALISM

- a. Even where not prohibited by law, journalists should not use for their own profit, or the profit or family or friends, financial information they receive in advance of its general publication, nor should they pass such information to others.
- b. Journalists should not write about shares or securities in whose performance they know that they or their close family members have a significant financial interest, without declaring the interest to the editor or financial editor.

15. CONFIDENTIAL SOURCES

Media organisations and journalists have a moral obligation to protect confidential sources of information.

16. REMEDIES

- a. Media workers who feel aggrieved by breaches of the code by employers have a right to appeal to the Media Complaints Council for redress, and to seek representation by the Press Association of Jamaica.
- b. Members of the public, including companies and organisations, that feel aggrieved by breaches of the code by media houses and/or media practitioners have a right to appeal to the Media Complaints Council for redress.

17. DEFINITION OF THE PUBLIC INTEREST

- a. Clauses 5 (b) (iv), 6(b), 7(d), 8 (b), 9; 10(a), 10 (b) and 13 (a) create exceptions which may be covered by invoking the public interest. For the purpose of this Code that is most easily defined as:
 - i. Detecting or exposing crime or a serious misdemeanour.
 - ii. Protecting public health and safety.
 - iii. Preventing the public being misled by some statement or action of an individual or organisation.
- b. In any cases raising issues beyond these three definitions the Media Complaints Council will require a full explanation by the editor or publisher of the media organisation involved, seeking to demonstrate how the public interest was served.