

# Code of Journalistic Ethics-2003

## (Amended and revised – 2008)

### **Preamble:**

Whereas it is deemed expedient to revise the existing Code of Journalistic Ethics by covering all forms of the press and making timely adjustments in accordance with international practice and norms, with the basic objectives of safeguarding the freedom and rights guaranteed by the Interim Constitution of Nepal, 2063 (2007), making the people well-informed, rendering the mass media and journalists more responsive towards the nation and society, and avoiding any misuses of the same, and all this through protection of the freedom of the press by means of making the news media and journalists responsible and professional for the sake of developing healthy journalism;

Therefore, with the consent of the Federation of Nepali Journalists as well, the Code of Journalistic Ethics, 2003 has been amended and revised in a timely fashion and brought into effect pursuant to Section 7(b) of the Press Council Act.

### **1. Title, commencement and extension:**

- (1) This code of ethics for journalists may be referred to as the "Code of Journalistic Ethics, 2003".
- (2) This Code of Journalistic Ethics shall commence forthwith.
- (3) This Code of Journalistic Ethics shall apply to all news media operating in Nepal and to all journalists engaged in their calling within Nepal.

### **2. Unless the subject or context requires otherwise, in this Code of Journalistic Ethics-**

- (a) "Journalist" means media persons involved in journalism-oriented work such as the chief editor, editors, member of editorial board, correspondents, columnists, photo journalists, press camerapersons, cartoonists, program producers and runners, or costume, visual or language editors associated with activities such as collection, production, editing and transmission of news material through communications media of any nature or agency or organization producing and distributing news-oriented programs.
- (b) "Media" includes newspapers, radio and television broadcasts, news agencies and organizations and services producing-disseminating internet news and informative and thought-oriented on-line services and news-oriented programs.
- (c) "Council" means the Press Council Nepal.

### **3. The journalists and media institutions shall perform the following duties:**

- (1) **Protection and promotion of press freedom:** The freedom of expression being a basic right of the citizen, journalists and media will always remain firm, vigilant and alert in its protection and promotion.

- (2) **Respect for humanitarianism, human rights and international relations:** Enhance the protection and promotion of democracy, justice, equality, humanitarianism, peace and international understanding and fraternity among friendly nations, while at the same time respecting the rights, interests, principles, norms and practices guaranteed by international instruments concerned with human rights.
- (3) **Safeguard and enforce the right to information:** Always remain active and dedicated to safeguarding the right of people to be well-informed.
- (4) **Imparting true and factual information:** Journalists media should impart true, factual, balanced information that is faithfully objective, citing sources and also setting out the basis for such information.
- (5) **Editorial freedom and accountability:** As per the universally accepted principle of editorial freedom, the final responsibility and authority for the production and dissemination of material produced-published-broadcast by media lies with the editor. Media should guarantee editorial independence within itself.
- (6) **Respect for right to privacy:** Respect personal and professional secrecy except in cases where this may have an adverse impact on the public interest.
- (7) **Professionalism of a high order:** Faithfully exercise professionalism of a high order so as to be responsible, accountable and reliable, and dedicated to the basic norms and principles of journalism.
- (8) **Decent behavior:** Remain alert towards working style and use of language that are moral, courteous and characterized by decency, while at the same time observing social courtesy in one's professional conduct.
- (9) **Readiness to rectify errors:** Upon receiving information of any error or mistake in a publication or broadcast, to rectify such error or mistake as soon as possible, and give proper place to any refutation or response that comes accompanied by evidence, publishing-broadcasting the same in clear language.
- (10) **Social responsibility:** Journalists and media shall bear a social responsibility to render special assistance, through the dissemination of information and opinions, toward the uplift and development of the disabled, the helpless, the incapacitated, women, children and people from backward classes, sectors, nationalities and minority communities.
- (11) **Respect mutual relations:** Relations between journalists and media should be professional, healthy, restrained, courteous and harmonious. Media organizations should guarantee editorial freedom in their media.

#### **4. The journalists and media institutions shall not carry out the following acts:**

- (1) **Not undermine national integrity:** Not publish, broadcast or produce-disseminate any news and opinion that may undermine the sovereignty and integrity of multi-ethnic, multilingual and multi-religious Nepal or jeopardize the harmonious relations subsisting among people of various castes, tribes or communities, or contains any act of defamation or contempt of court or is contrary to decent public behavior or morality.

- (2) **Not adversely affect social justice or goodwill:** Not publish, broadcast or produce-disseminate such deformed and provocative material as may have adverse impact on social justice and goodwill and be contrary to professional dignity.
- (3) **Not disclose confidential sources of news:** Sources should be quoted in presenting any news, for the sake of the authenticity and reliability thereof; but protecting a confidential source being a duty of the journalist, the name and identity of such a source should not be disclosed, except in case permission is given by the source.
- (4) **Not use news material for fulfillment of personal interests:** News media or journalists are not to use the information they acquire for the fulfillment of personal interests or the interests of the organization. They should use the information material obtained for publication-broadcast or distribution only for the public consumption.
- (5) **No discrimination:** Not impart any news or opinion in such a manner as to discriminate on grounds of race, gender, religion, region, language, color and the like.
- (6) **Do not penalize the victims:** Not publish, broadcast or produce-distribute any news or opinion with the use of language, sound, picture, figure, scene or the like in such a way as to make the victim suffer further pain.
- (7) **Non disclosure:** Not publish, broadcast or produce-distribute any news, picture or scene in such a manner as to disclose the name, address and identity of a victim in a sexual crime or in an event or context that evokes hate or brings social contempt, without the consciously given consent of the victim.
- (8) **Not encourage violence, terrorism and crime:** Not present any news, opinion, picture, opinion survey, sound or scene in such a manner as to encourage destructive activity, violence, terrorism and crime, or exaggerate such activity.
- (9) **Not publish or broadcast scenes of nudity or pictures in a manner that spreads hatred, fear and provocation:** Not publish any nude or horrific scene or picture or depiction of carnage in such a manner to spread hatred, terror, provocation or the pornographic in society, and do so out of context.
- (10) **Not mention the name of a person not related to the event:** In publishing-broadcasting news relating to any event, do not attach the name of a relative or someone close who is not related with the event, in such a manner as to undermine the dignity or defame the character of that person.
- (11) **Not distort facts:** Not publish-broadcast or produce-distribute news material with the reworking of pictures, video visuals, sound or facts without any comment or clarity and in such a manner as to change the impression, give the wrong impression or convey a wrong meaning.
- (12) **Not present advertisement as news:** Neither present an advertisement as news nor refute a news item through an advertisement; communications media shall generally not refute any news published or broadcast by another media.
- (13) **Not re-use without citing the source:** With regard to news or publishing-broadcast material that has already been used by any other news agency or media, one shall not publish, broadcast or distribute the same again without citing the original source. While citing the original source the permission of the original source is generally required.

- (14) **Relations with news sources:** Journalists or media should not have improper ties with news sources that exceed professional norms and parameters, or abuse the news media out of personal or institutional vested interests.

## **5. Complaints and complaint procedures:**

- (1) If it is felt that in the publication-broadcast or production-distribution of some news material by any journalist or media the code of ethics has been breached and for that reason any individual, group or institution has been placed in difficulty, the affected party should forward a written complaint, denial or elaboration addressed to the editor of the media concerned.
- (2) It will be the duty of concerned editor and media to entertain; publish or broadcast with adequate importance and positioning any elaboration, denial or reaction received as per sub-section (1). If the editor deems any complaint, denial or reaction unfit for publication-broadcasting, the party concerned should be informed of this.
- (3) If elaborations, denials or reactions forwarded as per sub-section (1) are not published or broadcast by the media concerned and no satisfactory reply is given either, the aggrieved party can submit an application to the Press Council Nepal accompanied by copies of the elaboration, denial or reaction in question.
- (4) If the elaboration, denial or reaction forwarded by the aggrieved party as per sub-section (1) is published or broadcast in a mangled and twisted form or with cuts and additions or if the aggrieved party is not satisfied with the reaction published or broadcast or if there is a desire to have the dispute settled by the Press Council itself, the aggrieved party can complain to the Press Council with the following particulars.
  - (a) A copy of the published or broadcast material
  - (b) A description of the difficulty caused by publication or broadcast of the material, and proof of this
  - (c) Copies of the elaboration, denial or reaction forwarded to the media concerned
  - (d) A description of the reply, denials or statement furnished by the editor of the media concerned
  - (e) A description of the correspondence with the editor of the media concerned with regard to the material published or broadcast

In case the matter is in the process of being dealt with or under consideration by some other judicial or semi-judicial entity the Press Council will not entertain such a complaint.

- (5) After receiving application lodged under Sub-sec (3), Press Council shall issue show cause notice to the concerned media on not publishing-broadcasting the complaint, denial, or clarification forwarded by the applicant and can ask media concerned to furnish written statement with reason of rejection of such publication-broadcast, if any.
- (6) Notwithstanding anything contained in sub-section (3), if any journalist or media publishes and broadcasts any news material in such a manner as to have a negative impact directly or indirectly on something of public interest or concern, the Council

may on its own initiate action against such journalist or media, pursuant to this Code of Ethics.

- (7) Notwithstanding anything contained in sub-section (1,2,3), the Council may, after a general inquiry into the complaint and before sending a summons to the accused party, direct the journalist or media concerned to immediately refute the news in question or beg pardon or send a reasonable reply.
- (8) If a complaint on publication or broadcast of any news by a journalist or media in violation of this Code of Ethics is not filed within thirty-five days of the publication or broadcast of such news, such a complaint shall not be entertained. If there is any reasonable ground for failing to file a complaint within the time limit, the Council may entertain such a complaint at any time.
- (9) In filing a complaint the complainant himself/herself should include with the complaint the documentation concerning the publication-broadcast or production-dissemination of the news material in question. If however, the Press Council is satisfied that it is not possible for the complainant to include such documentation, the Council itself might seek out the documentation and hold a hearing.
- (10) A victim may file a complaint with the Press Council against any journalist or media within the time-limit referred to in sub-section (8), accompanied by factual evidence showing violation of the point(s) mentioned in this Code of Ethics. If such a complaint is filed and the Council thinks, upon holding a general inquiry, that any act has been perpetrated in violation of this Code of Ethics, the Council shall send summons, accompanied by a copy of the complaint, to the accused party, requiring that party to make an appearance along with evidence, if any, showing innocence, generally within seven days or within such time-limit before seven days as the Council may think fit.
- (11) After a written response has been filed with the Council by the accused party under the above mentioned sub-sections or if no response is filed within the specified time limit, the Council shall take a decision on the matter generally within 30 days.
- (12) Prior to taking a decision pursuant to sub-section (11), the Council may, if it thinks necessary, summon the presence of both the complainant and the accused party and hold discussions between them.
- (13) If the complainant and the accused party reach a compromise and make a joint request in writing for compromise, the Council may execute the compromise and settle the dispute.

## **6. Provision on Decision and Enforcement**

If any party is held to have engaged in conduct prohibited by this Code of Ethics, the Council shall make a decision and take action as follows:-

- 1) The Council shall order the media concerned to publish, broadcast or once again produce-distribute the decision taken on the complaint in such form, positioning and time as may be specified by the Council.
- 2) If the accused party does not carry out the order given under sub-section (1), the Council shall make a recommendation to the body concerned to suspend the press pass of such party if that party holds such a pass.

- 3) If the accused party does not act under sub-section (1) even after suspension of the press pass pursuant to sub-section (2), the evaluation/classification committee of the Council shall remove the media of such party from the evaluation process.
- 4) If the party does not observe the decision referred to in sub-section (1) even after removal from the evaluation process pursuant to sub-section (3), no assistance shall be provided to such party from the welfare fund of the Council or from other sources, for a certain period of time.
- 5) If the party does not carry out the order under sub-section (1) even after being cut off from assistance under the welfare fund pursuant to sub-section (4), the Council shall make a recommendation to the body concerned to suspend from the said party the facilities to be provided by the Nepal Government, for a certain period.

Provided, however, that the Council may, if it thinks necessary, take the actions referred to in both sub-sections (4) and (5) at the same time.

- 6) The Council shall express its regret over the journalist and media failing to carry out any decision of the Council and publish and broadcast this matter through media.

#### **7. Integral part of the ethics:**

All the directives issued by the Council for the journalists, media and the media houses after the implementation of this ethics will be considered an integral part of this code of ethics.

#### **8. Repeal:**

The Journalist Code of Conduct, 1998 is hereby repealed.