

Journalist Code of Conduct, 2016

Preamble:

Whereas it is essential to make the exercise of journalism highly professional, decent, accountable and responsible in accordance with the principles of journalism and international norms and values; for the protection, promotion and usage of right to freedom of opinion and expression, right to information and press freedom including fundamental rights of the citizen; therefore with the consent of the Federation of Nepalese Journalists, this Journalist Code of Conduct, 2016 has been enforced by the Press Council of Nepal to all mass media and journalists for the greatest wellbeing of the nation and society, pursuant to Section 7 (b) of the Press Council Act.

Preliminary

1. Name, Commencement and Extension :

- (1) This Code of Conduct may be referred as the “Journalist Code of Conduct, 2073 (2016)”.
- (2) This Code of Conduct shall commence forthwith.
- (3) This Code of Conduct shall apply to all types of media and journalists.

2. Definition : Unless the subject or context requires otherwise, in this Journalist Code of Conduct-

- (1) **‘Journalist’** means media worker related to the journalistic works such as a chief editor, editor, member of editorial board, correspondent, columnist, analyst, freelancer, photojournalist, press-cameraperson, cartoonist, draughts-person, programme producer, director, presenter or host, layout-designer, visual editor, language editor engaged in the collection, production, editing and dissemination of news material through any mass media.
- (2) **‘Mass Media’** refers to newspapers and magazines, radio, television, online media, news agency, organizations and services producing, distributing and disseminating news, information and views oriented programs via internet.

- (3) **‘Manager’** refers to an authorized person responsible for taking final decision in mass media’s transaction of work.
 - (4) **‘Council’** refers to the Press Council Nepal.
 - (5) **‘Act’** refers to the Press Council Act, 2048.
 - (6) **‘Prescribed’** means prescribed or as prescribed guidelines or working procedures by the Council.
- 3. ‘Authority of Interpretation’:** The council is the final authority on the interpretation of this Code of Conduct.

Duties of Journalists and Mass Media

4. The journalists and mass media shall perform the following duties:

- (1) **Protection and Promotion of Press Freedom:** Journalists and mass media should always disseminate factual information for the protection and promotion of citizen’s fundamental rights and the freedom of expression and opinion.
- (2) **Respect for Human Rights, International Relations and Right to Information:**
 - (1) Journalists and mass media should enhance the protection and promotion of democracy, justice, equality, freedom, inclusion, humanity, peace and international understanding and fraternity among friendly nations, while at the same time respecting the rights and values guaranteed by the Universal Declaration of Human Rights and the international human rights instruments.
 - (2) Journalists and mass media should always remain active and dedicated to safeguarding citizens’ rights to be well-informed.
- (3) **Professional Dignity and Behavior:**
 - (1) Journalists and mass media should engage in objective, fair, decent and trustworthy journalism.
 - (2) Journalists and mass media should collect and disseminate information decently and politely.
 - (3) Journalists and mass media should use decent language and working style by respecting reputation of readers, listeners and viewers, while at the same time showing social courtesy in one’s professional conduct.

(4) Relations between journalists and mass media should be professional, healthy, restrained, decent and *professionally committed*.

(4) **Social Responsibility:** Journalists and mass media should render special assistance, through the dissemination of information, towards the uplift and development of children, women, elderly citizens, the incapacitated, the helpless, differently able persons, the excluded class, community, region, linguistic groups, the minority and the obsolescent community.

(5) **Respect for Editorial Freedom :**

(1) The final responsibility and authority for the collection, editing or production, presentation and dissemination of news lies with the editor. On the basis of this universally accepted principle of editorial freedom, journalists and mass media should collect information and publish or broadcast news, views and comment independently remaining free from any pressure and influence.

(2) By realizing the principles of editorial freedom and without interfering or influencing in the collection, editing, presentation and dissemination of news; the media owners and managers should respect, promote and preserve editorial freedom.

(6) **Dissemination of Factual, Balanced and Objective Information:**

Remaining firm to the principles of objectivity, journalists and mass media should disseminate factual news and balanced opinion.

(7) **Dissemination by differentiating News, Views and Advertisement**

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(1) Remaining firm to the existing universal principle, journalists and mass media should disseminate news, articles and opinions with a clear distinction among these items and without creating illusion or dispute among the readers, listeners or viewers.

(2) Journalists and mass media should publish or broadcast advertisement without damaging the prestige, respect or decency of an individual, community or organization, public interest, courtesy, morality and public health.

(8) Protection of Confidential Source :

(1) Source should be quoted for the reliability of the news. However, while quoting the source, the name and identity of such source should be kept confidential so to avoid any serious damage to the source.

(2) Journalists and mass media should republish, broadcast or disseminate by citing main source while utilizing any material already published or broadcasted from other mass media.

(9) Respect for Right to Privacy: Journalists and mass media should respect individual's right to privacy. But, the dissemination of any such information or materials on public interest should not be considered against this right.

(10) Transparency in Visit and Fellowship: Journalists and mass media should publish or broadcast any news or reading material by clearly specifying about the sponsorship and allowance taken for the preparation of such materials by accepting sponsored visit and fellowship.

(11) Endurance during National Crisis: Journalists and mass media should maintain special sensitivity and alertness on issues such as difficulty over human lives, public safety, public health, social courtesy by showing endurance while collecting and disseminating information on natural disaster, sensitive condition or incident.

(12) Alertness in Opinion Survey: Journalists and mass media should mention the research methodology while preparing news or news materials of any opinion survey or research oriented materials. Sponsor, rationale and background of the survey should be presented as far as possible while carrying out such survey. However, any opinion survey or material contrary to national sovereignty, indivisibility, national security and social harmony, shall not be published or broadcasted.

(13) Alertness in Interview: Journalists should interview interviewees by pre-informing the latter about the context, medium and usage of the interview.

(14) Responsibility of Online Media: The authenticity of any news or news materials or external links should be verified before publishing

or broadcasting them via online media. Materials published or broadcasted should be archived in online.

(15) Readiness to Rectify Errors :

(1) Journalists and mass media should always bear in mind the public concern and sensitivity while disseminating news and advertorial. Upon receiving question over the reliability of such materials, to investigate and to rectify such error as soon as possible , and to give appropriate space to any refutation or response that comes accompanied by evidence, publishing –broadcasting the same in clear language.

(2) Generally, the victims shall refute any news item from the same mass media that published or broadcasted the news item.

But, in a condition where immediate and adverse impact on sensitive issues such as public health and security is seen; refutation, comment or clarification can be made via other mass media.

Works not to be Carried Out by Journalists and Mass Media

5. The journalists and mass media shall not carry out the following acts:

(1) Jeopardizing Sovereignty, National Unity and Social Harmony:

Journalists and mass media should not produce, publish, broadcast and distribute material contrary to Nepal’s sovereignty, indivisibility, nationality and independence; jeopardizes the harmonious relations subsisting among people of various castes, religion, tribes and culture; incites racial discrimination and un-touchability or is contrary to decent public behavior or morality.

(2) Using Information for Discrimination and Fulfillment of Personal Interests :

(1) Journalists and mass media should not produce, publish, broadcast and distribute material that discriminates or creates hatred to anyone on grounds of racial, gender, religious, regional, linguistic, political beliefs, tribal or physical and mental state.

(2) Journalists and mass media should not engage in activities contrary to journalism’s professional decency with an intention to create fear and

threat, to receive illegal monetary benefit, to fulfill personal interests and to supply with illegal advantage or harm to anyone.

(3) Journalist identity card or press accreditation card or mass media license should not be used for personal interests and undesirable work.

(3) Incitement to Violence, Terrorism and Crime: Journalists and mass media should not produce, publish, broadcast and distribute materials that incite violence, terrorism and crime or suicide and are vulgar, contrary to public health, decency and morality; and that create fear.

(4) Disseminating Information to Penalize Victims or Survivor

(1) Journalists and mass media should not produce, publish, broadcast and distribute material including any details, photos or signs that make the victims or survivors of disaster and their relatives suffer further pain or any materials adversely affecting public sensitivity.

(2) Journalists and mass media should not produce, publish, broadcast and distribute material that adversely affects the survivor or victim of the sexual crime or social discrimination and hatred or the crimes against humanity. In such condition, the name, address and identity of a victim or survivor or the complainer should not be disclosed directly or indirectly without the consciously given consent of the victim and without evaluating the affect.

(5) Mentioning the Name of a Person Not Related to the Incident :

(1) In publishing- broadcasting news relating to any incident, journalists and mass media should not present any material by attaching the name of a relative or someone close but is not related with the incident, in such a way as to undermine the dignity or assassinate the character of that person.

(2) Whereas the incident or context of sexual crime or social discrimination and hatred is concerned, the news item, photo and video recognizing the name, address and identity of the survivor should not be produced, distributed or published-broadcasted without the consciously given consent of the victim and without evaluating the affect.

(6) Publishing or Broadcasting of Horrible Visuals and Photos: Journalists and mass media should not disseminate nude, disturbing and

horrible visuals and photos that incite violence, frustration, hatred, pain and stimulus in society.

(7) Misuse of Photo and Visual :

- (1) Journalists and mass media should not publish or broadcast news materials with the distortion of photos, video-scenes, sound or facts without any comment or clarity in such a way to change the impression or give wrong impression or convey wrong message.
- (2) Journalists and mass media should not edit, merge or distort photos during layout with an intention to project them as deceptive and unreal. Any act of preparing photo or visual by means of modeling or acting or sketching or collage should be clearly mentioned to readers, viewers or listeners without confusing them.

(8) Presenting Advertisement as News and News as Advertising :

- (1) Journalists and mass media should not present an advertisement as news, article or any editorial material and news as an advertisement.
- (2) News item should not be refuted through an advertisement.

(9) Post Delete :

- (1) While disseminating news item, online media should not mention previous date and time with an intention to project it as earlier post and the item uploaded once should not be post deleted. But, while deleting items of serious nature that were posted unwillingly should be done with an apology citing the nature of such item.
- (2) No space should be given to irrelevant, dishonest, vulgar comment or material received in response to the published item. The responsibility of comments and responses disseminated lies to the concerned online media.

(10) Improper Pressure and Relations:

- (1) While collecting and disseminating any news item, journalists and mass media should not be influenced with the direct or indirect pressure or inducement of advertisers, source of news, individuals or groups trying to have improper impact.
- (2) Journalists and mass media should not disseminate news item that is influenced by the sponsor.

(3) Journalists and mass media should not have improper ties with the sources of news that exceed professional norms or abuse news media for fulfilling personal or institutional vested interests.

(11) Invisible Use of Technology :

- (1) Journalists and mass media should not use any technology invisibly.
- (2) As per sub-section (1) if it is enviable to use such technology secretly, the readers, listeners and viewers should be informed about the same while presenting such materials.

(12) Influence in Justice Investigation: Journalists and mass media should not disseminate any news item adversely affecting the free trial process or decision of subjudice case at the court.

(13) Accepting Gift and Reward against Professional Norms: Journalists and mass media should not receive any type of award, gift or honor or special facility from any governmental and non-governmental body, business group, organization or individual adversely affecting the professional norm and responsibility.

(14) Adverse Influence in Modesty and Self-Respect :

- (1) Journalists and mass media should not adversely influence the modesty, sentiment and self-respect of disable, helpless and other minority community while disseminating news item about them.
- (2) Journalists and mass media should not adversely influence the modesty, sentiment and self-respect of the women and elderly citizens while disseminating news item about them.
- (3) Journalists and mass media should not adversely influence the modesty, sentiment and self-respect of the differently-able people while disseminating news item about them.
- (4) While collecting and disseminating news item about the children, the following acts contrary to child sensitivity should not be carried out:
 - (a) Collection and dissemination of news that may harm children in short or long term.
 - (b) Disclosure of privacy contrary to the principles of child justice while disseminating news item about children on illegal work or children's wrong doing.
 - (c) Directly or indirectly engaging children while disseminating news about the criminal offence of their parents or family members.

(d) Interviewing or capturing photo of the children under the age of 16 without taking permission from their parents, patron or the family.

(15) Exaggeration on Public or Individual's Health : Journalists and mass media should not exaggerate news items relating to the individual's health and epidemic including public health issues thereby creating stimulus or frustration to readers, listeners and viewers.

Complaints and Complaint Procedures

6. Complaints and Complaints Procedures

(1) If any journalist and mass media found to be breaching this code of conduct, the complaints and complaints procedures on the same shall be as following:

(a) If it is felt that the news material disseminated by the media is baseless, deceptive and unbalanced and due to which any individual, community or institution has been placed in difficulty, the affected party should forward a written complaint or denial to the media concerned. Such complaint or denial should be precise, factual, polite and decent.

(b) It will be the duty of concerned media to entertain; publish or broadcast with adequate importance and positioning any complaints or denial received as per sub-section (a).

(c) If complaints or denials forwarded as per sub-section (b) 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 within thirty-five days. 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.

(2) The complaints filed as per sub-section (1) (C) shall be accompanied by the following particulars :

(a) A copy of the published or broadcasted materials;

But, if the Press Council is satisfied that it is not possible for the complainant to include such particulars, the Council itself might seek out the documentation and hold a hearing.

- (b) A description of the breach of code of conduct or the adverse impact caused by such material.
 - (c) Copies of the reaction or denials forwarded to the media concerned
 - (d) A description of the reply in case furnished by the media concerned
 - (e) Other particulars or description concerned
- (3) Notwithstanding anything contained in sub-section (1) (a), (b) if an affected party or stakeholder files an application at the Press Council with refutation citing serious loss caused by the media concerned for not publishing the denial, the Council may on its own ask the media concerned to publish or broadcast such denial.
- (4) After receiving response or denial forwarded as per sub-section (3), it is the responsibility of the concerned media to publish or broadcast such response or denial sooner rather than later. The concerned media should respond on not publishing-broadcasting the complaint, denial, or clarification forwarded by the applicant and can ask media concerned to publish –broadcast such denial in case the reply is not satisfactory.
- (5) If denials or responses pursuant to sub-section (4) are not published or broadcasted by the media concerned and no satisfactory reply is given either, the Council may take action as per this code of conduct.
- (6) Notwithstanding anything contained in other parts of section (6) 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 apologize or send a reasonable reply.
- (7) If a complaint is filed by an affected party accompanied by factual evidence against any media citing that the denial is not adequate and the news was disseminated intentionally breaching code of conduct which seriously attacked upon the character and social prestige, the council may take action as per this code of conduct if the complaint particulars are found true upon holding an inquiry.
- (8) Notwithstanding anything contained in sub-section (1) (c), if any complaint that of public interest or concern is filed against any journalist or media citing that the accused party has violated code of conduct or if it is found through the Council’s regular monitoring that this code of conduct has been violated, the Council will take necessary action against such journalist or media, upon holding an inquiry.

- (9) For the complaint pursuant to sub-section (1) (c) and complaint procedures pursuant to sub-sections (5), (7) and (8), the Council shall take a decision on the matter generally within 30 days after receiving evidence.
- (10) Prior to taking decision pursuant to sub-section (9), the Council may collect evidence on the issues concerned, ask the parties concerned to produce necessary documents and evidence or monitor and hold enquiry, and summon the presence of parties concerned to find out the facts.

7. Provisions on Decision and Enforcement

- (1) If journalists and mass media concerned do not follow sub-section (4) or violate sub-section (5) of this code of conduct or defy the Council's decisions or orders, the Council on the basis of the seriousness of violations shall take one or more actions as follows:
- (a) Directing to beg apology ;
 - (b) Directing the authority concerned to suspend press accreditation card or press pass
 - (c) Removing from the process of classification
 - (d) Depriving from the facilities provided under welfare fund of the Council or from other sources, for a certain period of time.
 - (e) Making recommendations to the body concerned to suspend with any type of advertisement or facilities to be provided by the governmental or public bodies, for a certain period.
 - (f) Recommending to the body concerned not to involve in any governmental visit on behalf of the state.
 - (g) Recommending to the Federation of Nepalese Journalists and the media house concerned to take further action to the journalists and mass media engaged in the serious breach of the code of conduct
 - (h) Expressing regret over the journalists and mass media failing to follow any decision or order of the Council, putting under the disobedient list and making public the details of frequently taken actions immediately or as per the need.
- (2) As needed, the Council may initiate for reconciliation among the parties concerned.

- 8. Recommending for Action:** If a complaint against governmental or non-governmental body or authority or anyone for violating press freedom or constitutional rights regarding communication is filed or it is found through council's self-monitoring, the council may recommend to the body concerned to take an appropriate action. The concerned individual or institution shall be provided with an opportunity to appeal or clarify before recommending an action.

Miscellaneous

9. Constituting Code of Conduct Monitoring Sub-Committee :

- (1) The Council can constitute a 'Code of Conduct Monitoring Sub-Committee' under the leadership of its chairperson so to take necessary decision after making hearing and enquiry about the complaints filed on the issues relating to violation of code of conduct.
- (2) The Code of Conduct Monitoring Sub-Committee can assign council members or staff or the experts concerned to enquire and monitor whether journalists and mass media have followed code of conduct or not.

- 10. Preparing Working Procedure:** Pursuant to the provision under council's this code of conduct, the council can prepare and implement necessary working procedure on complaints and complaint proceedings.

- 11. Introducing Internal Code of Conduct:** Mass media can prepare their internal code of conduct in line with the journalist code of conduct issued by the council and self-regulate the same. The Press Council can monitor about the implementation status of the code of conduct introduced by the mass media.

- 12. Integral Part of the Code of Conduct :** All the specialized directives issued by the Council for the journalists and mass media after the implementation of this code of conduct will be considered an integral part of this code of conduct.

13. Repeal and Protection :

- (1) The Journalist Code of Conduct-2003 (Amended and Revised-2008) is hereby repealed.
- (2) All works and procedures carried out as per the Journalist Code of Conduct-2003 (Amended and Revised-2008) shall be taken as per this code of conduct.

(3) The complaints relating to code of conduct filed at the council before the issuance of this code of conduct shall be proceeded as per this code of conduct.