

Code of Ethics for the Namibian Media

Preamble

All members of the media have a duty to maintain the highest professional and ethical standards. This Code sets the benchmark for these standards. It both protects the rights of the individual and upholds the public's right to know.

The editors, publishers, broadcasters and their staff shall uphold the Bill of Rights and Fundamental Freedoms as contained in Chapter III of the Namibian Constitution in the exercise of their duties and function.

The Code is the cornerstone of the system of self-regulation to which the industry has made a binding commitment. Editors, publishers and broadcasters must ensure that the Code is observed rigorously not only by their staff but also anyone who contributes to their publications or broadcasts.

It is essential for the workings of this Code that both its letter and spirit is honoured by editors and journalists.

The Code should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, or so broadly that it prevents publication or broadcasting in the public interest.

It is the responsibility of editors, publishers and broadcasters to co-operate with the Media Ombudsman to ensure the speedy resolution of complaints.

Any publisher or broadcaster that is found guilty of contravening this Code, by the Media Ombudsman, must print or broadcast the adjudication which follows in full and with due prominence.

Ethical Principles

1. Accurate Reporting

1.1 Every journalist shall strive to report news and events accurately, fairly and with balance.

- 1.2 Every journalist is encouraged to engage in investigative journalism for the public good.
- 1.3 Every journalist shall use all reasonable means within his/her power to ascertain prior to publication or broadcast, the reliability of the contents of any article written or recorded by him/her for publication or broadcast. Due regard should be given to the possible negative effect to the subject of the article or broadcast.
- 1.4 A newspaper or broadcaster must report fairly, accurately and with due prominence the outcome of an action for defamation to which it has been a party.

2. Corrections

Where it subsequently appears to an editor that a report was incorrect in a material respect, it shall be rectified without reservation or delay. The rectification should be presented with such a degree of prominence and timing as may be adequate and fair so as to readily attract attention.

3. Right of Reply

- 3.1 An aggrieved party has the right of reply. Provision should be made for an aggrieved party to reply to an article to protect him / her against verified factually incorrect statements that tarnish their reputation, dignity and privacy.
- 3.2 Newspapers, broadcasters or journalists are entitled to respond to such a reply in so far as to apologise and / or express regret for the error or stand by the story, provided however that the aggrieved party be given sufficient opportunity to counter the response of the newspaper, broadcaster or journalist.

4. Conflict of Interest

- 4.1 Newspapers, broadcasters or journalists must at all times avoid conflict of interest in whatever form in their reporting.
- 4.2 Personal gain motive should not override media freedom, social responsibility and editorial freedom.

5. Sources

Every journalist shall observe confidentiality regarding any source of information and has a moral obligation to protect sources unless the source authorises the disclosure of his / her identity.

6. General Reporting

- 6.1 The media should strive to represent social reality in all its diversity, complexity and plurality, and shall strive to redress imbalances in society when reporting on women, children, minorities, and the under-privileged and disabled persons.
- 6.2 The media should not without due care and sensitivity, present facts, opinions, photographs, graphics or scenes that depict or relate to brutality, sadism, salacity, violence, atrocity, drug abuse and obscenity except in the public interest.
- 6.3 In reporting or causing to be printed or broadcasted accounts of crimes or criminal cases, a journalist shall not:
 - 6.3.1 Identify victims of sex crimes (this shall not apply when an adult gives consent to be identified); or
 - 6.3.2 Identify any young person accused of a criminal offence who to his/her knowledge is under 18; or
 - 6.3.3 Identify any person as being a relative of a person accused or convicted of a crime for the sole purpose of informing the reader or viewer of the relationship between the person so named, and the person charged, unless the public interest would be served by the publication or broadcast of such information.
- 6.4 A journalist shall not commit plagiarism.
- 6.5 A journalist shall not promote ethnic or religious discord or violence.
- 6.6 Journalists must avoid publishing or broadcasting details of a person's race, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story and in the public interests.
- 6.7 Even where the law does not prohibit it, journalists must not use for their own profit information they receive in advance of its general publication or broadcast, nor should they pass on such information for the profit of others.
- 6.8 While a journalist is entitled to have his own political and other opinions, the newspaper or broadcaster must recognise and give due consideration to the opinions of others in the community.

7. Public Interest

- 7.1 The “public interest” includes, but are not limited to:
- 7.1.1 Detecting or exposing crime or a serious misdemeanour.
 - 7.1.2 Protecting public health, safety and the environment.
 - 7.1.3 Preventing the public from being misled by some statement or action of an individual or organisation.
 - 7.1.4 Exposing misuse of public funds or other forms of corruption by public bodies.
 - 7.1.5 Revealing potential conflicts of interest by those in positions of power and influence.
 - 7.1.6 Exposing hypocritical behaviour by those holding high office.
- 7.2 In each case where the public interest is invoked, the Media Ombudsman will require a full explanation by the Editor demonstrating how the public interest was served.
- 7.3 In cases involving children, editors must demonstrate an exceptional degree of vigilance to serve the best interest of the child.

8. Privacy

- 8.1 The Constitution recognises the Right to Privacy as a fundamental human right of all persons.
- 8.2 Insofar as both news and comment are concerned, the media shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that the rights to privacy may be overridden by a legitimate public interest.

9. Harassment

Journalists including photo-journalists must neither obtain nor seek to obtain information or pictures through intimidation or harassment of any person.

10. Intrusion into Grief or Shock

In cases involving personal grief or shock, enquiries should be carried out and approaches made with sympathy and discretion. Publication or broadcast must be handled sensitively at such times. This should however not be interpreted as restricting the right to report on judicial proceedings.

11. Misrepresentation

- 11.1 Journalists, photographers and camera persons must not generally obtain or seek to obtain information through misrepresentation or deception.
- 11.2 Documents, photographs or video material should be removed only with the consent of the owner.
- 11.3 Misrepresentation or deception can be justified only in the public interest and only when material cannot be obtained by any other means.

12. Dignity

- 12.1 Every journalist shall safeguard the dignity of his or her profession.
- 12.2 Every journalist shall respect the right to dignity and equality of all persons.

13. Payment for Articles

- 13.1 Payment or offers of payment for stories or information must not be made directly or through agents to witnesses or potential witnesses in current criminal proceedings, except where the material concerned ought to be published or broadcast in the public interest and there is an overriding need to make or promise to make a payment for this to be done.
- 13.2 Payments or offers of payment for video material, stories, pictures or information, must not be made directly or through agents to convicted or confessed criminals or their associates, who may include family, friends and colleagues, except where the material concerned ought to be published in the public interest and payment is necessary for this to be done.
- 13.3 Journalists should not accept excessive gifts or freebies where it could compromise professional accountability.

14. Broadcasters

In addition to the foregoing general provisions, the following apply specifically to broadcasters.

14.1 Violence, sex, offensive language

- 14.1.1 Broadcasters have a particular responsibility to take care when it comes to showing scenes of violence, brutality, sadism, salacity, atrocity, drug abuse and obscenity.

14.1.2 Programming shall not glamorize violence. No incitement to violence shall be broadcast.

14.1.3 It is understood that serious discussions of some topics may sometimes require the inclusion of material that would otherwise be seen as unacceptable.

14.2 Children

14.2.1 Broadcasters shall not broadcast material unsuitable for children at times when significant numbers of children may be expected to be part of the audience.

14.2.2 Broadcasters shall exercise particular caution in the depiction of violence in children's programming.

14.2.3 Programming for children shall with due care deal with themes which could invite children to imitate dangerous acts.

14.3 Watershed periods, audience advisories and parental controls

14.3.1 Free-to-air broadcasters shall observe a "watershed period" between 21h00 and 05h00. During this time, more adult content may be broadcast. Outside this time, content shall take the children in the audience into account.

14.3.2 Broadcasters shall ensure that promotional material for programmes intended for adult audiences does not breach the provisions around the watershed periods.

14.3.3 To assist audiences in choosing programmes, broadcasters shall provide advisory assistance, which may include guidelines as to age. This shall be done where broadcasts contain violence, sexual conduct and/or offensive language. Such advisories shall be made available in hard copy and electronic programme guides, before the beginning of the relevant programme or segment and wherever else necessary.

14.3.4 A subscription broadcaster must, wherever practicable, implement adequate parental control mechanisms to enable a subscriber to block a programme the subscriber deems unsuitable for family viewing.

15. Amendments

- 15.1 The Editors' Forum shall annually review this Code.
- 15.2 No amendment to this Code shall be binding unless approved by a two thirds majority of members of the Editors Forum present at a general or special meeting called for this purpose. Any amendments must be incorporated into the Code within three weeks of its approval.