

Directives relating to the Declaration of the Duties and Rights of the Journalist

Number 1 of the «Declaration of Duties»

To seek out the truth, in the interests of the public's right to know, whatever the consequences to him- or herself.

Directive 1.1:

The search for the truth

The search for truth is at the heart of the act of informing. It presumes taking account of available and accessible data, respect for the integrity of documents (text, recording, image), verification and rectification. These aspects are dealt with in 3, 4 and 5 hereunder.

Number 2 of the «Declaration of Duties»

To defend freedom of information, freedom of commentary and criticism, and the independence and dignity of the journalistic profession.

Directive 2.1: Freedom of information

Freedom of information is a primary condition in the search for truth. It is the task of each journalist to defend it in principle both generally and on his or her own behalf. This protection of freedom is assured by the application of numbers 6,9,10 and 11 and as a whole by the rights articulated hereunder.

Directive 2.2: Multiple viewpoints

Multiple viewpoints contribute to freedom of information. It is most necessary

when the media outlet is in a monopoly position.

Directive 2.3: Distinction between information and opinion

The journalist must take care to indicate to the public the distinction between pure information, reported as fact, and opinion appropriate to commentary or criticism.

Directive 2.4: Public function

The exercise of the profession of journalist is generally not compatible with that of a public function. However, this incompatibility is not an absolute. In particular circumstances, participation in public affairs can be justified. In such a case, the journalist must separate strictly such spheres of activity and make sure that the public knows of his or her double role. Conflicts of interest are damaging to the reputation of the press and the dignity of the profession. The same rule applies to any engagement of a private nature that has any connection, however slight, to a journalist's professional activity and his or her treatment of news.

Directive 2.5: Exclusivity contracts

Exclusivity contracts agreed with a source must not inhibit information relating to events or situations of major significance to the public and the formation of public opinion. Such contracts, when they contribute to the creation of a monopoly

by preventing access to information by other media, are damaging to the freedom of the press.

Number 3 of the «Declaration of Duties»

Not to publish information, documents, images or sound recordings of which the origin is unknown to the journalist. Not to suppress information or any essential elements of a story. Not to misrepresent any text, document, image or sound recording, nor people's expressed opinions. If information is unconfirmed to clearly say so. To indicate when photographic and/or sound material has been combined to make a montage.

Directive 3.1: Treatment of sources

The first act of journalistic diligence consists in confirming the origin of any information and its reliability. In principle, it is in the public interest to cite sources, unless there is an overwhelming case against doing so. Whenever the source of information is the subject of a secrecy agreement, this must be mentioned in as much as it constitutes an element important to the integrity of the information being provided.

Directive 3.2: Press releases

Press releases issued by public bodies, political parties, associations, companies and any other self-promoting group must be clearly signalled as such.

Directive 3.3: Archive documents

Archive documents must be presented as such, if possible with a mention of the date of original publication or release.

Directive 3.4: Illustrations

Photographs and filmed sequences designed to illustrate a subject but representing people and/or situations not directly related to the people and/or circumstances cited in the article or programme, must be identified as such. They must be clearly distinguished from photographs and filmed sequences of an informative or documentary character with a direct bearing on the facts being reported.

Directive 3.5: Reconstructions

Reconstructions of reported facts as simulated by actors on television or in publications must be clearly signalled as such.

Directive 3.6: Montages

Photo and video montage can be justified only when it throws light on an event, illustrates a conjecture, offers a critical viewpoint or contains a satirical element. It must, however, be very clearly signalled as such so that readers and viewers are protected from any risk of confusion.

Directive 3.7: Surveys

When publishing the results of a survey, the media must give the public every indication useful to understanding the re-

sults. Minimal information includes: the number of people polled, how representative they were, where and when the research was carried out and who commissioned it. The report must also reproduce the questions as posed in the original survey.

Directive 3.8: Right to be heard against grave accusations

According to the principle of fairness, journalists are obliged to contact and hear the views of those accused of serious offences. These views must be presented fairly in subsequent publication. In exceptional cases, this does not apply when the public interest plays a greater role. The statements of the person accused of serious offences must not receive the same weight in an article as the criticism of his or her actions. But the person involved must have a chance to express his or her views on the accusations.

**Number 4
of the «Declaration of Duties»**

Not to use dishonest methods to obtain information, recordings, images or documents. Not to manipulate them, or have them manipulated by a third party with a view to falsification. To prohibit plagiarism in not passing off the work or ideas of others as one's own.

Directive 4.1: Concealing professional identity

Concealing one's identity as a journalist in order to obtain information, recordings, images or documents for publication or broadcast, comes under the heading of dishonest conduct.

Directive 4.2: Covert research

An exception can be made to this rule in cases where the overwhelming public interest justifies publication or broadcasting and in as much as the elements covertly obtained cannot be obtained by any other means. It is also justified when recording or filming could put the life of the journalist in danger or totally distort the behaviour of key players, always under the condition of overwhelming public interest. In such exceptional cases, the journalist should always take care to protect the identity of people who happen to be present at the scene by chance. Even under these special conditions, journalists can refuse to participate in covert research for reasons of conscience.

Directive 4.3: Payment for information

Payment to a third party who is not a media professional for information or images is unprofessional behaviour and is prohibited. It distorts the free circulation of information. It is nonetheless allowable in cases where an overwhelming public interest exists, and when fact or image cannot be obtained by other means.

Information should not be bought from persons involved in court proceedings.

Directive 4.4: Embargoes

If information or a document is given to one or more news outlets under embargo, and if that embargo is justified (e.g. text of a speech that has not yet been delivered or the possibility that legitimate interests could be affected by premature publication), the embargo is to be respected. An embargo cannot be justified for advertising purposes. If the editor considers an embargo to be unjustified, he or she should inform the news source of the intention to publish so that other media can be informed.

Directive 4.5: Interviews

A journalistic interview is built on an agreement between partners who have established rules for the exchange. Special conditions which are agreed to before the interview must be made public (example, an agreement that the interviewer will not ask certain questions. Without the expressed permission of those interviewed, journalists are not permitted to reconstruct an interview out of a previous discussion.

On the other hand, the person interviewed cannot make modifications extensive enough to distort what is said during the meeting (examples, change of meaning, suppression or addition of questions). However, the interviewed clearly

have the right to correct mistakes. Even by extensive cutting of the interview, the interviewed should be able to recognise statements in the text. On the other hand, if no agreement is possible between the interview partners, the journalist has the right to renounce publication or to cite post-interview interference by its subject. When both sides reach an agreement on what is to be published, earlier versions of the interview cannot be referred to again.

Directive 4.6: Research

Journalists should inform discussion partners of their reason for instigating talks. Journalists are allowed to formulate and cut research discussions, but the text must remain true to the statements made by the interviewed. The interviewed must be aware that their authorization for their statements can be requested before publication.

Directive 4.7: Plagiarism

Plagiarism is an act of dishonesty towards peers since it consists of using, without attribution and in identical terms, information, facts, commentaries, analyses or other kinds of information generated by others.

Number 5 of the «Declaration of Duties»

To rectify any published information that is revealed to be factually incorrect.

Directive 5.1: Duty to rectify

The duty to correct errors of fact should be exercised by journalists of their own accord since it is crucial to a truthful record. The obligation to correct applies to misstatements of fact, not to opinion founded on facts known to be accurate.

Directive 5.2: Readers' letters

The standard code of ethics also applies to readers' letters. However, it is advisable to accord readers the widest possible scope for free expression of opinion. That is why editors responsible for readers' letters should interfere only if they contravene the rights and duties of the journalist. Readers' letters should be signed by their authors. They cannot be published anonymously without justification. They can be adapted and shortened as long as their thrust is preserved. In the interests of transparency, the space reserved for readers' letters should contain a regular notice announcing that the editor reserves the right to shorten letters. Exceptionally, a reader may demand publication of the complete text of a letter; the alternative then is to grant the privilege or not publish at all.

Number 6 of the «Declaration of Duties»

To respect professional secrecy and not reveal the source of any information obtained in confidence.

Directive 6.1: Editorial secrecy

Professional duty to keep editorial secrecy goes further than legal immunity as a witness. It protects the journalist's source material (notes, addresses, recordings, photographs etc). It also protects the journalist's informants when these people agree to give information only on the assurance that publication or broadcast will not entail disclosure of their identity.

Directive 6.2: Exceptions to legal immunity

Whatever exceptions are foreseen by laws governing immunity of the press, it is advisable in each situation to weigh up the public's right to know against other interests worthy of protection. The evaluation should take place, if possible, before and not after commitment is given to respect the confidentiality of the information source. In certain extreme cases, the journalist can feel released from his or her commitment to confidentiality: notably when he or she learns that particularly serious crimes may be implicated or the existence, for example, of a threat to internal or external state security.

Number 7 of the «Declaration of Duties»

To respect peoples' privacy in so far as the public interest does not demand otherwise. To disregard anonymous or unfounded accusations.

Directive 7.1: Protection of privacy

Everybody has the right to respect for his or her privacy. The journalist cannot photograph a person without his or her consent or take photographs with a telephoto lens without the subject's knowledge. Journalists must renounce all forms of harassment (intrusion in the home, pursuit, stalking, telephone harassment etc.) of people who have asked to be left alone. In public areas, photographing and filming of private persons is only allowed without permission if the persons are not specially focused upon. On the other hand, it is allowed to photograph and film persons who appear at public events.

Directive 7.2: People in distress

Special precautions should be taken to protect people in distress, mourning or shock, as much for themselves as for their immediate family and relatives. Hospital patients or patients of any similar institution, are not to be interviewed without authorisation by the facility's management.

Directive 7.3: Celebrities

Photography and televised images of celebrities must take into account the fact that they also have a right to privacy and to protect their image. As a general rule, journalists should treat celebrities with the respect they would wish to receive themselves.

Directive 7.4: Children

Children's interests call for special protection; not least, the children of personalities, public figures and of people who are, for whatever reason, the object of media attention. Particular restraint is called for in reporting violent crimes where children are involved (whether as victims, presumed perpetrators or as witnesses).

Directive 7.5: Presumption of innocence

Reporting on legal affairs must respect judicial presumption of innocence. In the event of guilty verdicts, reporting should show sensitivity to the immediate family and relatives of the sentenced, and safeguard his or her chance of future reintegration into society.

Directive 7.6: Citing names

Journalists should not publish the name or any other detail that would make it possible to identify (outside his or her immediate circle) a person involved in a legal action. The following exceptions to this rule are permitted:

- When justified by overwhelming public interest.
- When a person exercises a political mandate or an important public function and is prosecuted for having committed acts incompatible with such a responsibility.
- When a person is already well known in a specific area, and the acts of which he or she is accused have something to do with the grounds for his or her reputation.
- When the person reveals his or her own identity, or expressly accepts that it is revealed.
- When publication is indispensable to avoid confusion that would be prejudicial to a third party.

Directive 7.7: Legal dismissal, shelving and acquittals

When a person is involved in a legal action and the decision is taken to dismiss or shelve the case, or the person is acquitted, the announcement of the decision must be, in form, proportional to the presentation of the offence. If the identity of the person is published, in applying the exceptions listed above, or if the person is identifiable, announcement of the judicial decision should, in a spirit of fairness, take this into account.

Directive 7.8: Sex offences

Victims of sex offences are due special protection. No detail should be given that allows the victim to be identified. In

cases where minors are involved, the term of incest should be used with great discretion.

Directive 7.9: Suicide

Any information relating to someone's death implies invasion of privacy. That is why the media should exercise the greatest restraint in a case of suicide. A suicide should not be the object of a news story, except in the following situations:

- When it involves the public interest.
- When it concerns a public personality, and the suicide may have a bearing on the function or reputation of that person.
- When it is linked to a crime under police investigation.
- When it has the character of legitimate information aimed at alerting the public to an unresolved problem.
- When it provokes public debate.
- When it gives rise to rumours and accusations.

In all cases, reporting should be limited to what is needed to understand the facts and exclude intimate and personally damaging details. In order to avoid suicides by imitation, media don't mention any details about the method or product applied.

Directive 7.10: Images of war, conflict and celebrities

Photography and televised images of war, conflict, acts of terrorism as well as images of famous people must be care-

fully examined – before publication or broadcast – in the interests of answering the following questions relating to responsibility:

- What exactly do these images represent?
- Is the nature of the scene likely to harm the person or persons represented in these images, the people looking at the images, or both?
- If the document shows a moment of contemporary history, does the right of the dead to rest in peace weigh more heavily than the public interest?
- In the case of archive material, is a republication authorised? Is the person represented still in the same situation?

**Number 8
of the «Declaration of Duties»**
In respecting human dignity, the journalist must avoid any allusion by text, image or sound to a person's ethnic or national origin, religion, gender, sexual orientation as well as to any illness or physical or mental handicap that could be discriminatory in character. The reporting of war, acts of terrorism, accidents and catastrophes by means of text, image and sound should respect the victims' suffering and the feelings of their loved ones.

Directive 8.1: Respect for human dignity

The respect for human dignity is fundamental to the work of informing the public. It must be constantly weighed against the public's right to know. Respect must be paid to the people directly concerned in the information, as much as to the public in general.

Directive 8.2: Interdiction against discrimination

When information relates to criminal offences, any mention of ethnic origin, nationality, religion, sexual orientation, sickness or mental or physical handicap should be included only if necessary to the understanding of the story. If nationalities are mentioned, then this practice must apply to Swiss nationals as well. Particular attention should be paid to the fact that mentioning these factors can reinforce prejudice against minorities.

Directive 8.3: Protection of victims

The authors of reports on tragic events or acts of violence should always weigh carefully the public's right to know against the interests of victims and other concerned people. The journalist must avoid any sensational presentation in which a human being is degraded or treated as an object. It is particularly the case for the dying, the suffering or the dead of whom presentation in text or image should not go beyond decent limits appropriate to legitimate public interest.

Directive 8.4:**Images of war and conflict**

Photography and televised images of war and conflict must be carefully examined – before publication or broadcast – in the interests of answering the following questions relating to respect for human beings:

- Is a possible affront to dignity justified by the fact that the image bears unique witness to contemporary history?
- Are the people in the images recognizable as individuals?
- Would their dignity be harmed by publication?

Directive 8.5: Images of accidents, catastrophes and crimes

Photographs and televised images of accidents, catastrophes and crimes must respect an individual's dignity by taking into account the immediate family and relatives of the person concerned, in particular in the context of local and regional news reporting.

**Number 9
of the «Declaration of Duties»**

Not to accept any advantage nor any promise that could limit his or her professional independence or expression of opinion.

Directive 9.1: Independence

The defence of press freedom depends on preserving journalists' independence.

Such independence must be the object of constant vigilance. It is not forbidden to accept – as an individual, in social and professional relationships – invitations or small gifts of which the value is within reasonable limits. However, such acceptance should in no way influence research and its publication.

Directive 9.2: Conflicts of interest

Economic and financial journalism is particularly exposed to privileged information. Journalists should not use information they obtain for their own gain, or have it used by a third party, before it is made known to the general public. To avoid conflict of interest, they must not write about companies in which they themselves, or their close family, hold shares or bonds. They must not, under any circumstances, accept shares under privileged conditions in return for articles.

**Number 10
of the «Declaration of Duties»**

To avoid as journalists any form of commercial advertising; and never to accept conditions laid down by advertisers directly or indirectly.

Directive 10.1: Separating editorial from advertising

A clear separation of journalistic reporting in newspapers and electronic media from advertising is essential for the credibility of the media. Advertisements and

spots must be recognisable as such. If this is not obvious, they must be clearly marked as „advertisement“, „advertising report“, „advertising spot“ or through another form which makes it clear that they are not part of the editorial section. Journalists are not allowed to cheat by using methods which slyly bring advertising into their texts.

Directive 10.2: Sponsoring, coupling of editorial reports and advertising

The name of the sponsor must be transparent when media reports are sponsored; and the freedom of the media in regard to choice and handling of the subject must be respected. Editorial reports that simply serve to promote the sponsor are not permitted.

Directive 10.3 Lifestyle reports, naming brands and products

The freedom of the editorial staff in choosing themes in the areas of lifestyle and consumer advice is to be respected. Professional ethics in these areas cover both reports on consumer goods and services.

An uncritical or too positive presentation of consumer goods, a mentioning of goods and services which is more frequent than necessary and a blatant reproduction of advertising slogans in the editorial sections of the media endangers the credibility of the media and journalists.

Directive 10.4: Deceptive stories

Journalists should not write or edit stories that appear as independent reports but in reality are hidden advertising. This compromises their credibility. Such stories appear in a newspaper looking like a normal article, but if one looks more closely there is in the best of all cases an indication in small letters that they are advertisements (Publireports). Journalists also should only report on events in which their own publication or network are involved as sponsor or partner with the same deference given to other events.

Directive 10.5: Advertising boycotts

The journalist should protect freedom of information in the legitimate public interest when it is breached, impeded or threatened by private interests, in particular by boycotts or the threat of boycotts by advertisers.

Number 11 of the «Declaration of Duties»

To take journalistic directives only from designated editorial superiors; and to respect those directives only when they are not contrary to this declaration.

Letter a of the «Declaration of Rights»

Free access to all sources of information and the right to investigate without impediment anything that is in the public interest. Public or private confidentiality can only be invoked against the journalist in exceptional circumstances and with the provision of clearly-defined reasons.

Directive a.1: Leaks

The media are free to take into account information that is transmitted through leaks, under certain conditions:

- The source of the leak must be known to the media to which it is leaked.
- The theme of the leak must have public relevance.
- There should be good reasons for publishing the information without waiting. Achieving a competitive advantage is not reason enough.
- It should be established that the subject or the document is classified as secret or confidential, definitively or for the long-term, and is not simply under embargo for a few hours or days.
- Leaks should be communicated knowingly and willingly by the source and should not be obtained by dishonest methods (bribery, blackmail, bugging, housebreaking or theft).
- The publication should not violate rights and secrets self-evidently deserving of protection.

Directive a.2:

Privately-owned companies

Privately-owned companies should be the object of journalistic investigation when they play an important economic and/or social role in a region.

Letter b of the «Declaration of Rights»

The right not to act in any way nor express any opinion that is contrary to professional rules or personal conscience. As a result, journalists should not suffer any prejudice.

Letter c of the «Declaration of Rights»

The right to refuse any directive or interference that is contrary to the general policy of the organisation with which he or she is collaborating. This policy must be communicated in writing before the journalist's employment. It cannot be modified or revoked unilaterally under pain of breach of contract.

**Letter d
of the «Declaration of Rights»**

The right to transparency as to the ownership of the company for which the journalist works. The right of a member of an editorial team to be informed in time, and to be heard before, any decision that affects the future of the company. In particular, members of the editorial staff must be informed and heard before final decisions determining the composition or organisation of the editorial department.

**Letter e
of the «Declaration of Rights»**

The right to adequate and continuous professional training.

**Letter f
of the «Declaration of Rights»**

The right to benefit from work conditions guaranteed by a collective agreement, including the right to be active in professional organisations without suffering discrimination.

**Letter g
of the «Declaration of Rights»**

The right to benefit from an individual employment contract guaranteeing material and moral security. In particular, an appropriate remuneration – corresponding to the journalist's function, responsibilities and social role – should ensure his or her economic independence.

These directives summarise the practice of the Press Council since 1977 and interpret the rules of the Code (State of the Directives as of June 30, 2009)