 **IMC-2016/03**

Pursuant to the Article 3, paragraph 2, point 6 and 11, of the Law No. 04 / L-44 on the Independent Media Commission Law (IMC Law) the IMC approves this:

**CODE OF ETHICS FOR MEDIA SERVICE PROVIDERS IN THE REPUBLIC OF KOSOVO**

**ARTICLE 1**

**PURPOSE**

The Code of Ethics aims to determine the rules of ethics for Media Service Providers in accordance with legal provisions that are necessary in a democratic society; in accordance with ethical principles and internationally accepted standards and respect of the diversity of ethnic, cultural and religious heritage in the Republic of Kosovo; in the interests of national security, territorial integrity and public safety; for the prevention of disorder and crime; for the protection of the dignity and human rights; for the protection of health and morals, for the protection of children, for preventing the disclosure of information given in confidence and maintaining the authority and impartiality.

**ARTICLE 2**

**SCOPE**

The provisions of this Code should apply to all Media Service Providers (MSP), licensed by IMC, to guarantee freedom of expression, which includes freedom of expression for giving and receiving of information, opinions and other orders without interruption and by respecting the principles of the Constitution of the Republic of Kosovo, the Universal Declaration of Human Rights and the European Convention on Human Rights.

**ARTICLE 3**

**HARMFUL AND OFFENSIVE CONTENT**

1. MSPs shall not broadcast any material which promotes or incites crime and criminal activities or that contains the risk of causing harm that can result in death, injury, damage to property or any other form of violence.
2. Details of a crime, or its description, should not be presented in a way that will teach or encourage the public how to do it.
3. MSPs ensure that a material which may cause harm or constitute a violation is justified by the context. Such materials may include, but are not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, and discriminatory treatment or language. Appropriate information should also be broadcasted where it would assist in avoiding or minimizing offense.

**ARTICLE 4 VULGAR AND OFFENSIVE LANGUAGE**

1. MSPs should not broadcast before the watershed (from 24:00 to 05:00) any material that contains vulgar and offensive language.
2. Vulgar or offensive language will not be used in programs dedicated for children and minors, except in special cases assessed according to context.
3. In live programs (debate / interview etc.), it is obligation of MSP to take appropriate action to avoid the use of vulgar or offensive language by participants.
4. Vulgar and offensive language must not be used in broadcasting before the watershed (in the case of television) or particularly when children are likely to be listening (in the case of radio), unless is justified by the context.

**ARTICLE 5 INCITIMENT TO HATRED**

1. MSPs should not encourage or promote, intentionally or indirectly, any form of discrimination and intolerance and must not broadcast any material that denigrates an ethnic or religious group or implies that an ethnic or religious group is responsible for criminal activity.
2. Race, color, sex, language, religion, political or other opinion; national or social origin; association with a community; property; sexual, economic and social orientation; birth, disability or any other personal status should not be used in such a way that individuals will be in denigrating position, unfavorable position, to be ridiculed or mocked.
3. MSPs during broadcast of the content will not allow the use of denigrating language expressions, with the purpose of harming and the threat of an individual or a group on the basis of ethnicity, religion, gender, race, marital status, age or physical disability or mental disability.
4. MSPs will ensure that they use proper terminology, suitable and acceptable to the category of persons with disabilities.
5. MSPs should not broadcast program contents that incite hatred and inequality and that may result in criminal or violent actions against an individual or a group.
6. MSPs should not broadcast programs content that incite hatred on the basis of ethnicity, religion, gender, race, marital status, sexual orientation, age, mental or physical disability, regardless of the situation or circumstances.
7. References about affiliation on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, association with any community, property, economic and social status, sexual orientation, birth, disability or any another personal status can be made only in cases where this information is directly relevant to the event being reported.
8. MSPs will not broadcast program contents that incite riots or rebellion.

**ARTICLE 6 IMPARTIALITY AND ACCURACY OF NEWS**

1. MSPs have to report the news accurately and present them in an impartial manner. They must not broadcast material that they know or should know is false or misleading.
2. MSPs have to ensure a balanced coverage of issues of public interest and issues of political controversy and to ensure a pluralistic representation of views, without any privilege for a political party, political view or any group or individual.
3. MSPs will undertake all appropriate measures to protect the independence of their journalists from political and economic influence, including from the media owners. They will inform IMC about the measures adopted for this purpose.
4. While MSP-s are free to express their opinions, they should make a clear distinction between news and opinion. News is information consisting of facts and data, while opinion carries thoughts, ideas, beliefs, assumptions, comments or value judgments.
5. MSPs have a professional obligation to correct immediately any published information that is found to be incorrect and acknowledge their mistake. Corrections should be appropriately scheduled.
6. MSPs should not make plagiarism and should indicate the source of information that has been published elsewhere.
7. MSPs should offer presentation of different perspectives correctly and fairly. If one party refuses to provide its view, the public should be informed about this refusal.
8. MSPs should be based on identifiable sources of information and should be committed to protect the identity of those who provide information in confidence, whether this is required in advance or not.
9. Any politician cannot be engaged as moderator of news, interviewer or reporter in any news program.

**ARTICLE 7 INDIVIDUAL RIGHTS**

1. The right to privacy of individuals must be respected. Interference in purely private or personal matters which have no impact on the public interest is prohibited. Those who are affected by tragedy or grief should be treated with sensitivity, respect and discretion while respecting their full privacy.
2. MSPs should respect an individual's right that is considered to be innocent until is confirmed guilty by a competent court.
3. MSPs should not broadcast materials that identify the arrested or detained person who are physically or verbally attacked in order to humble or humiliate them.
4. Telephone conversations or interviews should not be transmitted without notifying the other party in advance, except when it comes to public interest.
5. Personal attacks, including but not limited only to attacks on honesty, personal integrity or quality of a person, institution or identified group, in the issues that have nothing to do with the public interest, are prohibited.
6. The programs that have bad aim, contain unfair criticism or attack to a natural or legal person, are prohibited.
7. When personal attacks against any person, institution or group are broadcasted that person, institution or group should be given a fair opportunity to respond immediately in the same program, if possible, or at the first available opportunity. If it cannot be done in this way, the opportunity to respond should be given to any other program under similar conditions.
8. Confessions on personal tragedies must be presented carefully and understanding by MSPs.

**ARTICLE 8 RELIGIOUS PROGRAMES**

1. MSPs need to exercise appropriate degree of accountability in programs with religious content.
2. Religious views and beliefs of those belonging to a particular religion or particular religious denomination should not be subject to abusive treatment.
3. When a religion or religious denomination is under discussion or a topic of discussion in a religious program, then the identity and the name of religion itself should be clear to the public.

**ARTICLE 9 PRESENTATION AND INCLUSION OF CHILDREN AND MINORS IN THE PROGRAMS OF MEDIA SERVICES PROVIDERS**

1. The right to privacy of children should always be respected. Since unnecessary publicity or incorrect tagging may damage them, children and minors who are victims of abuse or in conflict with the law should not be identified, directly or indirectly. It should not be broadcasted any information that could identify them.
2. Unplanned surprises or interviews ("ambush") of children and minors are prohibited.
3. Children and minors victims, suspects, accused of a crime, arrested or detained on suspicion of wrongdoing, as well as children and minors who are going through a court process, should be protected from other suffering, distress or trauma; they should be interviewed only with the consent of their parents or legal guardian, unless the parent or guardian is charged. The interview should be done only with the authority and supervision of lawyers, psychologists or social workers qualified, responsible for their welfare.
4. Children will not be required, forced or bribed to remember and show the traumatic experiences, terrible acts demonstrate or describe them in graphic detail.
5. MSPs should not be broadcast interviews or photographs of children under age 14 about issues that are related to their families, without the prior consent of a parent or an adult who is responsible for the child.
6. MSPs should not identify children, under age 14, who are involved in criminal activities, either as witnesses or defendants.
7. The use and presence of children in various promotional spots of political parties is not allowed.
8. MSPs need to care for physical, emotional wellbeing and dignity of minors (under 18) who participate in the program or are involved in any other way. This applies regardless of prior consent from a parent or an adult who is responsible for the minor.
9. MSPs have to ensure that rewards dedicated to children are appropriate for the age of the participants in the program and the targeted group of the program.

**ARTICLE 10 THE RIGHT TO REPLY**

1. In order to fairness and impartiality must be given the opportunity, within seven (7) days after the appeal the individual or organization, to broadcast appropriate reaction in the same medium. The reaction should be broadcasted in the same time and space.
2. Any person, regardless of nationality or residence, mentioned in a media service provider for whom the facts are made available to the public which he claims to be inaccurate, may exercise the right of reply to correct facts concerning that person.
3. MSPs are obliged to consider the request for response in accordance with the provisions of the Civil Law on Defamation and Insult.

**ARTICLE 11 SANCTIONS**

1. The possible violation of the provisions of this Code will be processed and sanctioned by the IMC Law.
2. In exceptional cases, when a MSP through its program encourage actions that violate the national interest and general safety, IMC will order MSP immediately to interrupt the broadcast of such content. The broadcast of such content may result with revocation of MSPs license, in accordance with the Law of IMC.

**ARTICLE 12 TRANSITIONAL PROVISIONS**

With the entry into force of this Code is repealed Code of Conduct for Audiovisual Media Services in Kosovo CIMC-2010/01.

**ARTICLE 13 ENTRY INTO FORCE**

This Code will enter into force on the signing day.

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 **Adnan MEROVCI Date**

 **Chairman of IMC**

 **The Independent Media Commission**