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Nov 7th, 2:45 PM - 3:00 PM

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Recommended Citation

Sabedini, Musa, "Journalism Ethics and Law" (2014). *UBT International Conference*. 32.
<https://knowledgecenter.ubt-uni.net/conference/2014/all-events/32>

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Journalism Ethics and Law

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The subject that I have chosen for consideration titled “*Journalism Ethics and Law*” is of utmost importance and requires responsibility to develop and functionalize journalism from the perspective of legislation and ethics. The notions of Law and Ethics are not crossed by accident. Not a single journalist or a media outlet would be able to perform well professionally without having a sound insight about ethics, without respecting ethics, or without defining clearly its role in the society. In practice, ethics is at the core of journalism because it teaches us to be accurate and unbiased journalists; it teaches us to be practice responsible journalism, to be balanced; it teaches and obliges us to exercise our journalism work in accordance with professional standards; it teaches and orients us to be cautious about the hate speech and discrimination, it teaches us to promote racial, religious and political tolerance.

In this discourse I will make efforts to consider some grave phenomena, serious violations committed by reporters or, to make the long story short, things that they have been doing and shouldn't. I will try to offer facts, arguments from day-to-day reporting and confront them with the codes, regulations and laws in Kosovo. I will elaborate on this topic by bringing concrete examples and compare them with the code of print media in Kosovo, defamation law, law on access to public documents, guiding documents for implementation of regulations etc.

Certainly, media constitute a strong pillar of a democratic society, therefore any types of interferences in the work of media, or any type of pressure against media would severely harm this noble work. However, media and those working in media are not untouchable, let alone above the law. Journalists in Kosovo should remain loyal to social responsibility and professionalism by respecting principles of accuracy, fairness and balance.

In day-to-day operations of media, willingly or not, there are many cases and examples of severe violations of professional ethics. The latest example is the one of Fahri Musli, when his right to privacy was seriously violated by media.

There are many other cases where professional ethics was violated, but no one has been held responsible. Concrete examples: “*Hashim Deshishku arrested*” (Gazeta Express), “*Hashim Deshishku in TV Klan: ‘I am having coffee in Grand’*”, or other headlines: “*Naser Osmani handcuffed*”(Express), “*I am giving interview for Top Channel*”, Naser Osmani responds”.

A quick look to such headlines makes it clear that the professional ethics is seriously violated; however the media that published such inaccurate and incorrect stories were not held responsible.

What's Ethics, ethic sphere and theory?

“*Media ethics and law*” is aimed to focus on responsible journalism by strongly basing the argument that media offers a service to freedom of media – media that does not violate, does not abuse, media that does not blackmail certain individuals or groups of society.

The main topics addressed by ethics, which is considered an essential subject in the journalism studies, are: basic principles of ethics, accuracy and fairness, relations with the sources, diversity, conflict of interest, privacy, fraud, photojournalism etc.

From the subject "*Ethics and Law*" we learn, above all, about moral norms named Ethics, an expression that derives from the ancient Greek word "*ethos*", meaning the "*moral norm*".

The Basics of good journalism lay in the knowledge and practice of ethics.

"*Ethics of Media*" deals with philosophic and scientific reasoning of norms and values based on which production, distribution and conscientious perception of media is guaranteed.

The Journal of Mass Communication Ethics referring to the Oxford Dictionary defines ethics as follows: "Media ethics involves issues of moral principles and values in defining the role and content of mass media". Some definitions of self-regulation state that self-regulation means a set of regulations for ensuring respect of a minimum of ethical standards so the journalists become more responsible and cultivate higher professional standards. Self-regulation enables the citizens to learn about their right for disclaim; it enables media to correct its mistakes and inform the citizens about the topics they are interested in.

Having said that, by protecting ethics, self-regulation needed to define a set of rules. These rules are many and nearly the same across the different parts of the globe. Having in mind that this duty requires responsibility, journalists are required to rigorously work in conformity with the set rules and in accordance with freedom of media.

Ethics is defined as an effort to determine what is correct. "Journalism ethics sets the norms, orientations, regulations and codes which guide, but not necessarily compel, the journalists to perform humanly" Hiebert, Ungurait and Bohn said in their compilation "Mass Media IV".

Deniss McQuail, professor of the University of Amsterdam - one of the most prominent scholars of modern mass communication - defines the journalism ethics with the following attributes:

- Accuracy and truth
- Fairness and un-biasness
- Respect for individuals privacy
- Refrain from personal interests
- Respect for rule of law
- Ethics, good sense

Freedom as prerequisite of ethics

Freedom of media is very important in achieving the principles of ethics: freedom of media is an indispensable prerequisite for practising journalism effectively. Even in the situations of full freedom of media the journalists experience situations for which they are not entirely sure about appropriateness of acting.

Media suffering from lack of freedom cannot even think of adhering principles of professional ethics. **Ethics suffers** particularly in situations when the journalists are refrained of freedom of expression, or when focused in satisfying the interests of the owner and not focused in adhering to norms of ethics.

For sure, freedom of media stipulated by codes, regulations and laws makes us more attentive, however journalists and media they work for would be sincere if apart from ethics do not pay attention to laws. In other words, a principal role of media is to provide the society with information, education, news and quality events. Such information must be fresh, to be presented fairly and professionally and in conformity with professional ethics of journalism and by respecting the rights of others. Avoiding situations of conflict of interest, political and personal beliefs during their work remains of the main challenges for journalists in their day-to-day work to inform fairly in unbiased manner and free of political interferences.

Prominent and serious foreign newspapers pay lots of attention and give absolute priority to accurate, fair and professional reporting, not only because of fear from spoiling of their image, but also because of responsibility before the law and eventual penalties in cases when untrue, inaccurate or defamation stories appear in their content. Information that journalists of serious media have in possession cannot be used for personal, group, political interests, therefore un-biasness are points of reference for developing into responsible institutions serving the public. For more, no one should not and does not have the right to publish inaccurate and tendentious information, groundless accusations as on the contrary will have to face justice and consequently pay a high price for acting irresponsibly.

Respect for privacy stipulated by legal acts, protection of sources, refrain from blackmailing colleagues, professionals, citizens and similar, are one of the essential principles which need to be pursued by journalists and serious media in democratic countries – countries that have political and institutional culture, and cultivate respect for journalism professional ethics.

When journalists, editors and media owners above all, respect the regulations and codes of ethics then avoiding the hate speech in public appearances becomes an easy task to do. Worth mentioning on this occasion is the fact that the codes of ethics regulate a wide range of operational procedures in the media, and at the same the relationship between the media and public.

Codes of ethics worldwide are meant to preserve personal values; to combat spread of lies everywhere and against everyone, to prevent hate speech against ethnic, racial, religious and political groups, as well as gender-oriented offensive acts; to prevent privacy and a wide range of public values, such as: national security, public order, constitutional (democratic) order etc. Lack of editing ethics and professionalism media often manifest with racial lexemes, hate speech and other forms of unprofessional approach. However, in most of the cases expression of such vocabulary is not systematic, institutional, or propagandistic.

Experience, knowledge, and professional capacities in support to ethics

Journalism is a profession that at all times is surveyed and judged by public opinion. Each and every journalist - professional or beginner – during his/her work is encountered with various ethic dilemmas, therefore decision making in exercising this profession contains many ethical dilemmas.

The fact that assessment is done out there in difficult conditions sometimes the outcome can be suspicious from the perspective of ethics.

Ethical dilemmas are often related to the following aspects:

- Is it appropriate to reveal the names of persons allegedly involved in crimes before a court decision is taken?
- Is coverage of a true massive violence more convenient when we feature a raped young a girl ready to tell her story?
- Is it appropriate to publish a scandal from private life involving an honest and uncorrupt politician – a scandal that has nothing to do with his/her political activities?

- Is it appropriate to remain silent the truth of health problems of an important politician (the case of late President Rugova)
- Is it appropriate to publish a known but yet unconfirmed fact?
- Is it appropriate to lie for national [security] interests?

Journalists do not encounter these types of dilemmas academically or theoretically, but in the very tense moments in the course of his/her work. Reporters from battlefields, for instance, is it more appropriate to go live with a killed enemy soldier in background, or will it be better to keep a distance?

- Are ethically appropriate solutions attractive from the viewpoint of journalism and fit from professional perspective?
- How ethics influences the watchdog role of journalism?
- Should a journalist by all means, including violation of the principles of ethics, chase the news in order to be the first to publish it?

In practice, journalists need to resolve such and similar ethical dilemmas based on their own knowledge and professionalism. Integrity and personality of the certain journalist and his/her determination to respects the principles of ethics are of great importance in approaching ethical dilemmas.

Observers of journalism ethical norms of print media, and not only of print media, have identified the most common violations that our journalists commit: anonymous sources, unauthorized publication of pictures, failure to balance news stories by not considering the opinion of the attacked side, plagiarism, publication of the names of underage people, publication of the names of detained and or arrested people prior to a court decision, reveal of ethnic background, reveal of the identity of raped persons, reveal of the identity of victims of incest.

A common violation of the code of ethics among our journalists is conflict of interest, which translated in jargon involves corruption. However, the dilemmas of journalism ethics remain the cases when journalist involve in politics, when gets involved in relationship with his/her source, when gets drunk, when caught gambling....

According to the American scholar Edmund Lambeth, there are five basic principles of journalism ethics:

1. The principle of telling the truth (accuracy of news, news free from prejudices, unbiased news, verification of sources)
2. The principle of fairness – balance and the right of the opinion
 - a. there is no un-biasness if important facts are not presented
 - b. there is no un-biasness if less important facts are presented and the most important
 - c. there is no un-biasness if you disorient the audience, and
 - d. there is no un-biasness if authors use ‘empty’ phrases to cover their prejudices and emotions
3. The principle of freedom: independence from power of institutions, power of political parties, independence from power of owners, independence from sources (the principle of loyalty in the eyes of public)
4. The principle of humanism: “Natural duties” widely accepted from vast majority of people, community he/she belongs to, and public which needs them.
5. The principle of responsibility: journalist is expected to act in conformity with his/her individual responsibility, to manage his/her belongings and wealth and by respecting the rights of other.

By whom ethics is attacked and threatened?

In the age of iPhone, Facebook and other forms of new mass communication media, ethics is becoming a trophy of rapid development of internet-based media, thus bringing for discussion new ethical dilemmas.

“Ethics a media reporting” is a research conducted by a Kosovar journalist who concludes that the reporters’ language is often affected by one-sided sources, biased reports, groundless accusations, unbalanced stories. For more, in the recent times there is evident a significant increase of sensational headlines and excessive stories about private life of public figures, politicians, TV stars etc.

As far as electronic media are concerned, the power of images in society makes them more fragile in terms of respecting the principles of ethics.

Our TV stations, both local and national, every day serve us images of violent acts, blood, Kalashnikov rifles, pistols, grenades, ammunition, and not rarely portraits of people for alleged involvement in crimes before a court verdict. For more, we are witnesses of revealing of names of underage alleged crime committers, serious violations of human dignity, faces of children bagging on the streets, images of families devastated from extreme poverty. All of these images get served to public without considering ethical side of such reporting; without thinking that such behavior might cause more harm than benefit; without thinking that such practice might undermine the future of certain people, as they might be labeled as “disabled to work”, “mentally ill”, etc.

Such and similar images get coupled with details description about the size or length of weapons, detailed modalities of crimes involving blow brains or massacres, executions with axes. This type of stories do not serve to inform public at all. On the contrary, such stories serve to those inclined to crimes to learn about or to imitate crimes in their real life.

An illustrative example of what has been stated above is, for instance, capture and ill-treatment of Dictator Mohammar el Gadhafi by the Libyan revolutionists. Bloodshed scenes have been repeated for many days in a row in news editions, thus exposing that to children, to underage persons, and to all viewers regardless of age. These shocking, scary, horrible images were shown in contradiction with the principles of ethics. Such scenes, besides on our TV screens were shown by many other TV stations worldwide, as they were considered of public interest. But, not all images and inputs received from international video exchanges need to be played. Ethics suggests us that images of bloodshed, images of violence, physical ill-treatments etc., even in cases when authenticity is confirmed should not be played in gross-plans, described in details, or by focusing from close. Exception in such occasions make late evening shows and new editions always coupled with prior visual and audio warnings.

Situation is even worst in online journalism

These new channels of media known as the fourth power of media after television, radio and newspapers, has seen an excessive growth in Kosova lately.

The principles of ethics that need to be observed in online journalism, such as, accuracy, unbiased information, verification of sources, quotation, courtesy for the source of pictures and images, correct spelling etc., have become a very concerning issue for many agencies, webpages, news portals etc.

The main problem related to ethics in Kosova's online journalism remains disregard for copyright, the right of authorship and plagiarism, as there are many stories appearing in online sources which fail to make references from where a certain inputs has been taken. It is common that an identical news story appears in tens of news agencies and news portals without citing the source of information. Another serious problem in online journalism are the comments of users, who show no respect for ethical prospect of their comments.

Principles of ethics in Kosova's and foreign media

If the fact that the most important obligation is accuracy or truth is taken for granted, then it is obvious why most of the associations of journalists and international organizations worldwide pay a large attention to the principles of ethics, and consequently have their codes of ethics. Respect for the truth is the principal professional obligation for journalists and that is why it is present in every documents and preambles of ethical codes. However, right after such important paragraphs we find lines about the responsibility of journalists.

The German code of ethics stipulates that the journalists in their day-to-day work should above all care about their responsibility against public, whereas French journalists have an ethical code where social responsibility is strongly emphasized. Similarly, Finnish journalists consider social responsibility of journalists as a principle element of their work.

For Danish journalists the principle element of ethics is freedom of information, whereas the British codes highlights the need for journalists to protect the freedom of media, free expression of opinions and critical opinions.

American journalists, too, believe that free flow of information and freedom of expression are at the forefront of democracy. "It is the duty of journalists to contribute in achieving the goals of democracy by seeking the truth, comprehensive fair information for what happens...Responsible journalists take the advantage of working in their media to serve the public in an honest manner. Professional fairness is the cornerstone of journalists' honesty".

The International Federation of Journalists (IFJ) has assessed that all journalists, international and local, need to act together in promoting the essentials of the principles of ethics, professional independence and respect for truth in order to accomplish the mission of media in supporting the human rights, tolerance and democracy".

In its document Professional Standards which regulates the ethical standards, the Radio Television of Kosova (RTK) highlights the principles of ethics, such as, accuracy, un-biasness, verification of sources, responsibility, independence, etc.

The codes of journalism are protected by the print media councils, editorial policies and standards, public councils, ombudspersons, associations etc.

Ethics and legislation in Kosova

Kosova has its regulations and codes that regulate principles of media operations. The code of Kosova's Print Media contains the following:

- General Provisions
- Reporting of truth

- Hate Speech
- Right to reply
- Persons accused for criminal acts
- Protection of children and minors
- Corruption and bribe
- Copyright
- Commercials and sponsorship

There is also the civilian law against label and defamation promulgated by the Kosova Assembly which contains 8 chapters and 22 articles.

Further, there is the Law on Access to Official Documents promulgated by the Kosova Assembly.

The Law on Protection of Journalists' Sources promulgated by the Kosova Assembly.

Independent Media Commission (IMC)

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