

## **MEDIA COMPLAINTS COUNCIL CODE OF PRACTICE**

The Media Complaints Council is charged with enforcing the following Code of practice, which was framed by the Trinidad & Tobago Publishers & Broadcasters Association and ratified by the Media Complaints Council.

All members of the media have a duty to maintain the highest professional standards. In doing so, they should have regard to the provisions of this Code of Practice and to the public's right to know.

Editors are responsible for the actions of journalists employed by their medium. They should also satisfy themselves as far as possible that the material accepted from non-staff members was obtained in accordance with this Code.

While recognising that this involves a substantial element of self-restraint by the journalist, it is designed to be acceptable in the context of the system of self-regulation. The Code applies in the spirit as well as in the letter.

It is the responsibility of editors to co-operate as swiftly as possible in MCC enquiries. A reply in seven days should be the norm. All members of the Trinidad & Tobago Publishers & Broadcasters Association have undertaken to publish or broadcast in full, any adjudication of the MCC.

### **1. Accuracy**

- i. All media practitioners should take care not to publish or broadcast inaccurate, misleading or distorted material.
- ii. Whenever it is recognised that a significant inaccuracy, misleading statement or distorted report has been published, it should be corrected promptly and with due prominence.
- iii. An apology should be published whenever appropriate.
- iv. All media organisations should always report fairly and accurately the outcome of an action for defamation to which it has been a party.

### **2. Opportunity to reply**

A fair opportunity for reply to inaccuracies should be given to individuals or organisations when reasonably called for.

### **3. Comment, conjecture and fact**

The media, whilst free to be partisan, should distinguish clearly between comment, conjecture and fact.

### **4. Privacy**

Intrusions and enquiries into an individual's life without his or her consent, including the use of long-lens photography to take pictures of people on private property without their consent, are not generally acceptable and publication can only be justified when in the public interest.

Note – Private property is defined as (i) any private residence, together with its garden and outbuildings, but excluding any adjacent fields or parkland and the surrounding parts of the property within the unaided view of passers-by, (ii) hotel bedrooms (but not other areas in a hotel) and (iii) those parts of a hospital or nursing home where patients are treated or accommodated.

### **5. Listening Devices**

Unless justified by the public interest, journalists should not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversations.

### **6. Hospitals**

- i. Journalists or photographers making enquiries at hospitals or similar institutions should identify themselves to a responsible executive and obtain permission before entering non-public areas.
- ii. The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

### **7. Misrepresentation**

- i. Journalists should not generally obtain or seek to obtain information or pictures through misrepresentation or subterfuge.
- ii. Unless in the public interest, documents or photographs should be removed only with the express consent of the owner.

- iii. Subterfuge can be justified only in public interest and only when material cannot be obtained by any other means.

## **8. Harassment**

- i. Journalists should neither obtain nor seek to obtain information or pictures through intimidation or harassment.
- ii. Unless their enquiries are in the public interest, journalists should not photograph individuals on private property (as defined in the note to Clause 4) without their consent; should not persist in telephoning or questioning individuals after having been asked to desist; should not remain on their property after having been asked to leave and should not follow them.
- iii. It is the responsibility of editors to ensure that these requirements are carried out.

## **9. Payment for articles**

Payment or offers of payment for stories, pictures or information should not be made directly or through agents to witnesses or potential witnesses in current criminal proceedings or to people engaged in crime or to their associates – which includes family, friends, neighbours and colleagues – except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

## **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.

## **11. Innocent relatives and friends**

Unless it is contrary to the public's right to know, the media should generally avoid identifying relatives or friends of persons convicted or accused of crime.

## **12. Interviewing or photographing children**

- i. Journalists should not normally interview or photograph children under the age of 16 on subjects involving the personal welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the child.
- ii. Children should not be approached or photographed while at school without the permission of the school authorities.

### **13. Children in sex cases**

- i. The media should not, even where the law does not prohibit it, identify children under the age of 16 who are involved in cases concerning sexual offences, whether as victims or as witnesses or defendants.
- ii. In any media report of a case involving a sexual offence against a child:
  - a. The adult should be identified.
  - b. The word “incest” should be avoided where the child victim might be identified.
  - c. The offence should be described as “serious offences against young children” or similar appropriate wording.
  - d. The child should not be identified.
  - e. Care should be taken that nothing in the report implies the relationship between the accused and the child.

### **14. Victims of crime**

The media should not identify victims of sexual assault or publish or broadcast material likely to contribute to such identification unless, by law, they are free to do so.

### **15. Discrimination**

- i. The media should avoid prejudicial or pejorative reference to a person’s race, colour, religion, sex or sexual orientation or to any physical or mental illness or handicap.
- ii. It should avoid publishing or broadcasting details of a person’s race, colour, religion, sex or sexual orientation unless these are directly relevant to the story.

### **16. Financial journalism**

- i. Even where the law does not prohibit it, journalists should not use for their own profit, financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii. They should not write or broadcast about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii. They should not buy or sell either directly or through nominees or agents, shares or securities about which they have written or broadcast recently or about which they intend to write or broadcast in the near future.

## **17. Confidential sources**

Journalists have a moral obligation to protect confidential sources of information.

## **18. The public interest**

Clauses 4, 5, 7, 8 and 9 create exceptions, which may be covered by invoking the public interest. For the purpose of this Code, that is most easily defined as:

- i. Detecting or exposing crime or a serious misdemeanour.
- ii. Protecting public health and safety.
- iii. Preventing the public from being misled by some statement or action of an individual or organisation.

In any cases raising issues beyond these three definitions, the Media Complaints Council will require a full explanation by the editor of the publication or broadcasting media involved, seeking to demonstrate how the public interest was served.