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Journalist Self-Regulation Practices in the New Democracies

Chişinău, 2011

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INTRODUCTION

In 20 years from the breakup of the Soviet Union, the former union republics, sovereign and independent states today, are still at the stage of transition to systems of true democratic governance and to social systems that impose respect for human rights and ensure the fundamental freedoms, such as the freedom of expression and freedom of the media. Each country is crossing its own path to democracy and freedom. In the modern world, however, freedom is associated not only with the right to think, to freely express one's opinion and to act according to one's own convictions, but also with the responsibility for what one does, especially if your actions affect those around you. From this point of view, media outlets that must be free by definition have the obligation to protect the rights of other persons and first of all of those about whom they write or refer to. The ethical standards that must be respected by any professional journalist are brought together in ethical codes and the obligation to monitor the observance of such codes lies on special self-regulation bodies having different names (press councils, ethical commissions or colleges etc.) but having the same general goals. Such self-regulation mechanisms are important not only for the journalistic profession but also for the media product consumers who now have the possibility to complain about the quality of the information supplied by the journalists and to solve the disputes without bearing the journalists along to court.

At the end of November 2011, the Press Council of Moldova organized a regional meeting with the representatives of the journalist self-regulation structures from Armenia, Azerbaijan, Georgia, Russia and Ukraine. During the meeting, the journalist ethics experts exchanged opinions about the methods of promotion of journalist ethics and the practices of consideration of complaints filed by media product consumers. The meeting was useful first of all for the professional training of those who, having the mandate of their press colleagues or of media professional associations, have the mission (sometimes, unappreciated) of "judging" how ethically journalists do their work.

This brochure includes information about the meeting, interviews with the participants, and short descriptions of some of the cases considered together with the experts from other countries. We hope this collection will be useful to our colleagues from various countries, to journalists, university lecturers, students.

The meeting in Chişinău of the representatives of journalist self-regulation structures of Armenia, Azerbaijan, Georgia, Moldova, Russia and Ukraine, as well as the publishing of this brochure were made possible thanks to the financial support of the UNESCO Office in Moscow to whom the Moldova Press Council and the meeting participants are grateful.

Petru Macovei

Secretary of the Press Council of Moldova

Regional Conference

“Observance of Presumption of Innocence and Protection of Privacy”

Representatives of media self-regulation organizations from six countries – Armenia, Azerbaijan, Georgia, Moldova, Russia and Ukraine – participated on 23 and 24 November in Chişinău in a regional conference on observance of presumption of innocence and protection of privacy in the media.

The event was organized by the Press Council of Moldova and aimed at offering a platform for exchange of experience in the consideration of the two ethical principles by the journalistic self-regulation structures. The conference was funded by the UNESCO Office in Moscow for Azerbaijan, Armenia, Belarus, Georgia, Moldova and Russia.

Before the conference, the guests attended an open meeting of the Press Council that considered three complaints filed and one case started *ex officio*. The Council took action *ex officio* when a Moldovan TV station broadcast a news item about a juvenile who was sexually abused by a serviceman. Although they protected the boy’s image, the journalists made public the name of the victim’s town and interviewed his mother without using an image screen. All this made it possible to identify easily the juvenile, which can make him vulnerable to stigmatization and discrimination.



The Council found that the TV station had violated three articles of the Code of Ethics that refer to the protection of juveniles in vulnerable situations and decided to request that the institution withdraw the item from its website.

Another case considered in an open meeting of the Moldovan Press Council referred to a TV station posting on its website of a film in which several Moldovan youths taught an Italian man pronounce insults against a Moldovan football club. The executive director and the lawyer of that football club attended the meeting and explained that they had appealed to the Press Council as they did not reach an understanding with the management of the TV station. They treated that video as an attempt to denigrate the club several days before its 12th anniversary from its creation. For an accurate consideration of this case, the Press Council requested a legal expert examination and in the end decided that two articles of the Moldovan Journalist Code of Ethics had been violated. It was established that the licentious language and expressions used in the video item contested did not comply with the generally accepted standards of conduct in a democratic society and could harm the honor, dignity and reputation of the football team, and that technical processing of the sound in the video recording was not sufficient. Even though it resulted from the text published on the website of the TV station that the item contested was not a journalistic product and that it had been taken over from youtube (although the link was not indicated), this could not exonerate the site administrator from ethical accountability for taking over and broadcasting items that attempted on the dignity of persons.



“Attending the meeting of the Moldovan Press Council, I was wondering what decisions our Ukrainian Commission would have issued in those cases. I am sure that in 99 percent of the cases reviewed the Ukrainian Commission would have made similar decisions. This means that we have common journalistic standards with Moldova,” one of the members of the Ukrainian Commission of Journalistic Ethics Mihail Batig said after the meeting.

“When I saw with how much interest the football club came and how they argued their position, with how much respect they asked whether they could post the Council’s decision on the club’s website, I realized that there was a thinking here in the spirit of human rights and self-defense. I know





many cases when stories were written or TV items were broadcast in Georgia about football teams but no one thought of going to court to defend their honor or to appeal to the media self-regulation body,” said another conference participant, the Head of the Council of the Charter for Journalistic Ethics of Georgia Zviad Koridze.

Several joint sessions followed where the representatives of self-regulation structures from each country presented in detail a few cases of violation by the media of those countries of the principles of presumption of innocence and protection of privacy. Each case reviewed raised ardent discussions. The participants reached the conclusion that many times journalists non-deliberately disclosed personal data and this was the consequence of insufficient knowledge of journalistic ethics. The need for continuous training was stressed, especially training of the persons who work in the media without having adequate journalistic training.

The observance of presumption of innocence was tackled during the conference including within a 'practicum'-type of session, moderated by the Co-Chairman of the Russian Civic College for Complaints against Press Iurii Kazakov. "The most serious disease of the journalists who write on criminal topics in Russia is their blind trust in the information provided by the law-enforcement bodies, Iurii Kazakov said. The information is not verified and many times the source is not quoted, and this violates the constitutional and ethical principles of presumption of innocence."



The participants analyzed a number of situations presented by the Executive Director of the Romanian Independent Journalism Center Ioana Avădani. Also, they analyzed the publishing of photographs of public persons taken in non-traditional situations, which stirred reactions after their publishing but which made the editors consult the media experts before printing.

"It was interesting to learn through what other press councils had to go and I shared our experience, Mihail Batig said at the end of the conference. For instance, I told my colleagues that in principle I didn't agree with the fact that a number of commissions in other countries reacted only to the complaints against journalists who had signed the Code of Ethics. I think this is incorrect. The self-regulation bodies must react to each complaint filed. Everything that is printed or broadcast, if it generates grounded objections, it must be considered and a decision must be made."

"I think that this regional conference was exceptionally useful to us. These two principles – presumption of innocence and protection of privacy are traumatizing positions and bearing a high level of uncertainty. But the society and we, the lawyers, have seen precedents now and possible settlements at regional level. We meditate on the reasons for making a decision and on the quality of the decisions made. So our homework will be to meditate on those precedents," Iurii Kazakov said at the end of the conference.

Viorica Zaharia

Elina Poghosbekian:

“The Creation of Self-Regulation Mechanisms Must Be a Normal Consequence of the Will of the Media Community, And not the Influence of External Factors”



Elina Poghosbekian,
Editor of Yerevan Press
Club Weekly Newsletter

— How important is the work of the media self-regulation bodies in the post-Soviet states, where press freedom is a relatively new concept?

— I think the presence and operation of such bodies is very important for any kind of media that work in all kinds of societies. Especially for the media working in transition societies, like ours. The self-regulation mechanisms help the media solve their problems avoiding certain forms of control from the state. That is why this is probably one of the main conditions for developing freedom of expression. So, journalists take prevention measures so that the state is not able to do anything else besides guaranteeing this freedom through legislative means. The idea for creating a self-regulation mechanism must arise inside the journalistic community. Any other artificially created self-regulation structures either do not work or are under the control of the state structures. Therefore, the internal desire of the journalistic community must be developed and we must take prevention measures among the journalists, media managers and employers so that they understand how important and convenient for them is to have a self-regulation mechanism.

— To what extent do the actions of the self-regulation structure encourage media consumers to require media outlets to observe the ethical standards?

— In principle, we do not have much to praise with. The Council of Observers for Journalist Ethics of Armenia was created in 2007 and has the mission to consider the complaints filed in relation to the information that appears in the media. There have been few such complaints. I think we should work more to inform the consumer that there is such a self-regulation body in place and what it does. We have to go step by step in this approach because as there is lack of trust on behalf of the population in the state bodies, the same thing happens in relation to the media. People’s attitude is such:

“So what will happen if I complain?” We will be able to overcome such an attitude only if the people see success stories and precedents and understand how and why things were done in one way or another. We must overcome such stereotypes through work. However, there is still a lot of work to do to overcome this stereotyped thinking that has the right to live because we still live in rather hard conditions.

— **How do the journalists react when they are pointed to their mistakes? To what extent does the self-regulation mechanism make them accountable?**

— In 2004, we conducted a representative survey in which 109 media managers, employers, journalists etc. participated. It was focused on journalist ethics and self-regulation mechanisms. The survey showed that most of the interviewees thought that a self-regulation mechanism was needed. Most of them knew very well the principles of journalist ethics, what a journalist should do and what he should not do, and how should fair and unbiased information look like. However, working in conditions in which their editors are not interested in such things, they very often forget about the ethical standards. Many times a journalist can check a piece of information by making a simple telephone call. He can call the person about whom he writes to check the information. And still, he does not do it. He deliberately does not do it because he knows that if he calls he will remain without his story. The second reason for which the journalists violate the ethical standards is the fact that many of them have modest knowledge about how they should write. Many times, the journalist writes very honestly about a problem, for example about a case of sexual abuse of a juvenile. I am sure that in 90 percent of cases the journalist does not want this abused child to be later pointed at on the street or disowned by his colleagues and the society. But he does not think about such things when he writes. This speaks about the fact that we should enhance the level of knowledge of the journalists about the journalist ethics standards.

ARMENIA: Decision of the Council of Observers Determined Policeman Renounce Complaint to Court against a Newspaper

The Council of Observers for Journalist Ethics of Armenia was created on 10 March 2007 at a reunion of media managers and nongovernmental organizations. At the same event they approved the Journalist Code of Ethics with the annex “Declaration of the Principles of Coverage of Elections and Referenda.” The institutions signatory to the Code recognized the right of the Council to monitor to what extent their actions and articles complied with the ethical standards, and committed to publish its decisions. The Council is made up of seven persons – three media outlet managers, three NGO leaders and a media lawyer. The mission of the Council is to review the complaints of violations of the Code of Ethics. Since 2007 and until November 2011, the Council of Observers issued 26 decisions-rulings and has two more complaints pending.

On 31 October 2008, the Council of Observers issued a decision-ruling in regard to a complaint filed by a correspondent of the newspaper “Aravot”. The journalist asked the Council to issue a decision on an article that became the object of a court litigation started against the newspaper by a police officer. The plaintiff requested that the newspaper be obliged to deny the information from the article “When Your Neighbor is Police Officer,” published on 25 June 2008. The plaintiff considered the article had injured his honor and dignity.

In its decision the Council of Observers held that the article “When Your Neighbor is Police Officer” did not contain specific violations of the Code of Ethics nor of the international journalistic standards. At the same time, the Council qualified as doubtful the phrase stating that the police officer “...using the relations he had in the police..” since the author, although claiming this conclusion came from the witnesses, did not make reference to specific persons. Also, the Council noted that the expressions considered by the plaintiff as statements injuring his honor and dignity and as being “inexact facts” were not facts but conclusions and value judgments based on the facts described in the story. However, the truthfulness or level of compliance of those conclusions with the reality could be proved. As argument, the Council of Observers made reference to a judgment issued in a similar case by the European Court for Human Rights.

The self-regulation body also found that the story contained a number of tough expressions “that proved the rooting of stereotypes in the society”, but noted that they could not be qualified as insults from the journalist ethics point of view.”

The journalist presented the decision of the Council of Observers in the court hearing. The police officer stated that if the newspaper “Aravot” published that decision he would withdraw his complaint from the court. The newspaper published the decision on the following day and in several days the court accepted the police officer’s request for terminating the litigation.

So, in Armenia a precedent was created when, at the request of a party, the media self-regulation body issued a decision in regard to a court litigation and the opposite party, being satisfied with the content and publishing of the decision, withdrew his complaint from court.

Avez Rustamov:

“The Press Is Shaken by Resounding Defamation Cases Usually in the Period of Political ‘Cataclysms’”

— **How important is the work of media self-regulation bodies in the post-Soviet countries, where press freedom is a relatively new concept?**

— After the dissolution of the Ministry of Information as a result of Azerbaijan joining the Council of Europe in 1998 the number of media outlets suddenly increased. Some started publishing denigrating items and this is how the idea appeared to create a self-regulation body. Thus, the Press Council was created at the First Journalists Congress of Azerbaijan in 2003. Our organization is nongovernmental and does not have the right to impose legal sanctions. But we can influence the negative trends of defamation or publication of calumnies by public condemning. Almost all newspapers, magazines and news agencies with impact on the public opinion are part of the Council. We do not say that we do not have media related problems but lately there have been fewer such cases.

— **To what extent has this influenced the activism of the media consumers of filing complaints and demanding a better quality for the journalistic items?**

— We have had many cases when people were indignant at the information published and filed complaints with us. In relation to a story published in a newspaper in which the journalist stated that the administration of a university called the female students to immorality, we received seven complaints, both from the university management and from the parents who said that that story offended them. Still, the vast majority of those who are dissatisfied go to court. This probably happens due to the fact that the role of the Press Council is not understood very well.

— **To what extent have the journalists become more accountable?**

— The Press Council does not only consider complaints but also organizes various trainings with the journalists on ethics-related topics and thus determines them to respect the ethical standards. In the past years we have had less cases of calumnious information published, although there have been several resounding ones. In general, such items, i.e. public insults through the press, come out in the period of “political cataclysms”...



Avez Rustamov,
Head of the Monitoring Group
of the Press Council
of Azerbaijan

AZERBAIJAN: 600 Complaints against the Press!

The Press Council of Azerbaijan was established on 15 March 2003 at the first National Journalists Congress. The most important media outlets are part of this organization. The Council's mission is to mediate the relations between the press and the society and between the press and the authorities, monitoring the observance by the media of the Azerbaijan Journalist Code of Ethics, document committed to by 200 media outlets from the country. The Council is made up of 15 members who meet once a month. Annually, the Council receives up to 600 complaints. About one-third of them are filed by citizens and the rest – by state officials, company managers, local governments and political parties.

Complaints Reviewed – Interferences with Private Life

One of the main newspapers of Azerbaijan published on the front page the picture of a young public officer lying on the beach. The officer considered that to be interference with his private life and filed a complaint with the Press Council. The representatives of both parties were heard and it turned out that the picture was taken when the officer was on vacation and the journalist photographed him with his cell phone, without using special equipment. The Press Council decided that the journalist had not violated the claimant's privacy because the private life of officers becomes interesting to the society due to their public positions. And this means that while he was lying on a public beach, the officer had to take into account that someone could see and recognize him.

In another case, a public officer complained to the Press Council that he had been photographed while swimming in the pool of his villa. To take that picture the journalist climbed a tall tree and used special optical equipment. The Press Council decided that that was clear interference with privacy since the person was not photographed in a public place but at home and the journalist acted deliberately.

In the fall of 2011, the administration of an Azerbaijani university filed a complaint with the Press Council against a story published in the newspaper "Hural" alleging that the administration of that university instigated the female students to immorality, without bringing supportive evidence. Considering that case, the Press Council established that the story came out after the publication allegedly requested money from the university in exchange for not publishing the story. The Council qualified the publishing of the story as calumny and held that it was the more dangerous as it may have affected the university female students who had no guilt. Also, the Press Council stressed in its decision that the newspaper had not observed the moral norms and principles specific to the Azerbaijani society and recommended it to be more careful about journalist ethics in the future. This case became a topic of public contempt. As a result, the newspaper, through a dedicated item, apologized to each person whose name was mentioned in its story and to everyone who had been affected directly or indirectly.

Zviad Koridze:

“The Fact That the Journalists Have a Rostrum Does Not Mean At All That They Do Not Violate the Ethical Standards and Must Teach Others About Moral”

— How important is the work of media self-regulation bodies in the ex-Soviet states, where press freedom is a relatively new concept?

— Where there is no self-regulation, there will be legal regulation. And if we, the journalists, editors and even media employers do not understand this and if we ourselves do not find self-regulation mechanisms that would favor the existence of media for the consumers and do not understand that the media disseminate the information needed by the reader, audience and not the journalist himself, then there will always be people among the authorities who will say that if you cannot regulate this area by yourselves, we will do it. Even for the most freedom loving person, when coming to power, freedom seems to be something needless. That is why it is always popular to say in front of the voters: “Look at what this press looks like! Can we really leave it like this? They cannot defend you if every day they propose you stories that disturb you – criminal and judicial chronicles, someone’s privacy, shows you children who are abusers or victims of abuse.” But the politicians always know how to touch the chord of morality and show that they are moralists. And if religious leaders joined the politicians, we would have a complete censorship formula. Therefore, I think that the establishment and efficient work of the self-regulation bodies is very important. Maybe in some post-Soviet countries they do not work as actively as in other states that were not part of the Soviet Union, such as those in Central and Western Europe, but this is necessary.

— To what extent do the actions of the self-regulation structure encourage media consumers to require media outlets to observe the ethical standards?

— The activism of media consumers cannot be reviewed separately from the rest of the social processes in the country. Being active only when the media violate your rights or the rights of the social group to which you belong, when people do not go to court, when they cannot defend their civil and political rights, when there is a certain level of fear and nihilism... It is very hard there to mobilize the people to appeal to the self-regulation body. I am aware of this problem, too. No matter how much some would say yes, we do need this, one or two day pass, I meet with them again and ask them how you would react, for instance to one item or another, they answer: “You speak out and we will support you.” But self-regulation does not mean that we do self-flagellation. If this issue bothers you and if you want to see



Zviad Koridze, Chairman of the Council of the Charter for Journalist Ethics of Georgia

such subjects on TV and read such stories in the press, here you go! It is your problem! In such case, I will stand alone on my position and will say that one case or another violates the ethical standards, but this will not influence the course of things. When there is a self-regulation system in place that is supported by all journalists and editors, then it works.

Attending the meeting of the Moldovan Press Council I saw that there had already been filed complaints by the citizens and by various groups. I saw at the Council meeting how interested and well-prepared a football club came, how happy they were in the end with the decision issued and how seriously they asked if they could use that decision taking care that no damages were caused to the same ethical environment. I can remember a number of stories and items about football clubs published in our country, Georgia, but they did not think to go to court or to appeal to the Council of the Charter. This speaks about a deficit of thinking in the spirit of self-protection of human rights. Thinking in the spirit of human rights protection is not only when a person knows that he can go to court but it also means that you must find levers so that not to debate on the street, using street methods, but you must be civilized, in an European cultural environment and that is why I think the promotion of our press councils goes slowly, since all the social processes unfold at the same pace, slowly. The society must simply find its own additional resources to become more active. There is no other way.

— **How do the journalists react to the presence of such a council and its decisions?**

— The first case considered by the Council of the Charter for Journalist Ethics of Georgia involved a journalist in whose debate program a half an hour report had been broadcast. The program was broadcast in March 2010 and its topic was the Russian-Georgian relations. The half an hour item that was inserted in that program was in fact a chronicle of the events of August 2008 that repeated pieces of the newscast of August 2008 of the same channel. As back then, the anchor announced that Russia was attacking Georgia. No critical analysis was made nor was it announced that the video was from two years ago. After August 2008, one country attacking another is not something extraordinary in Georgia. I found out for real what it is like when a country attacks another. And so people took that item for a real fact. Everyone started to panic. There was serious panic in the country. One person had a heart attack and died in front of his TV set. According to a provision of the Charter for Journalist Ethics of Georgia, the Council of the Charter reviews only those complaints that refer to the signatory journalists. That journalist was the only one from that TV station that had signed the Charter for Journalist Ethics, and in four months she violated it. Three complaints in relation to that program were filed with the Council and we merged them into one. That was the first case considered by the Council. A lot of the press came but the journalist did not come to the meeting saying that we organized a show; however, she kept in touch with us via Skype. During the meeting she already said yes, it was a real examination but she claimed we had already made a decision. The Council members said she had violated the Charter's principles when she did not anticipate what could happen. She was not the author of that item but it was broadcast in her program that took about one-third of the program. She said then that we were komsomolists, that she did not want to cooperate with us anymore, and that she declined her capacity of signatory and founder of the Charter. It is rather hard to do such thing due to some legal provisions. According to the law, those who had signed the charter become founders and cannot leave it without re-registering. The journalist is still founder of the Charter but does not respect it anymore. I gave you an example of a journalist's reaction. But the Charter's mission is to tell the people what exactly they had violated, what

they had omitted, what they could have prevented and what not. This was important and the Council of the Charter coped with that mission.

In another case, in a talk show of a private channel who broadcast in Tbilisi and its suburbs the editor of a weekly, who was also leader of an organization of Orthodox nationalists, was invited. He did not do any journalistic work in the program but only made political declarations. The topic of the program was the Russian-Georgian relations. The guest supported the pro-Russian position and at some point started saying that Georgia had to abandon the European way because Europe meant immorality. He also said that homosexuality was coming to us together with Europe and that Europe was interested in the vulgar and aggressive propagation of homosexuality, that such things were inadmissible for us and that, on the one hand, we had to fight Europe, and on the other hand, to respond to our “pederasts”. The moderator managed once to stop him but he probably felt that that was a sensitive topic that had to be pedaled and in 15 minutes came back to that topic and continued saying that we had to fight homosexuality and that Europe was destroying us. Giggles were heard in the studio. That time the moderator did not stop him. An organization that deals with minority issues, including sexual ones, filed a complaint. In that case, eight Council members supported the idea that the moderator did not manage to stop the discriminatory logic, that he could stop the process of stigmatization in the program, which later favored the discrimination of one or another social group, in our case of sexual minorities, and only one Council member had a separate opinion.

When this case was considered I was not member of the Council but I attended because I was interested, the Council members hung in the balance. Some even inclined towards the moderator’s side saying that, well, that’s how the guest was, a rude person. But a member of the Council asked: and if it was not about the sexual minorities but about ethnic groups, for instance, the Armenians? Answer: I would have stopped him. Thus it became clear that the moderator was absolutely insensitive to that issue. And the Council decided that maybe he couldn’t stop that message but he was not against such a message. The journalist accepted the decision of the Council of the Charter and announced about it in his next program. It was a normal reaction. So, there are different categories of journalists; some react painfully but correctly, others – painfully and rudely, and there are others who do not accept the remarks in any form and approach us as a “komsomolists meeting.” It is very hard to find in the world journalists who would be satisfied with the results of such councils. Everyone thinks that there is no one better than them, more ethical and more faithful to the moral principles than they are. This is totally incorrect. If we write stories or produce TV items for the audience and we have a certain platform this does not mean at all that we are good about the morals and that we can also teach moral to the others. No. We simply do professionally an activity to which every citizen is entitled – we do our professional duty of collecting and disseminating information but collecting and disseminating information is not only the constitutional right of the journalist but of every person who for instance enters the Chişinău Mayor’s Office and requests information about the city arrangement program. It is just that this citizen – doctor, teacher, engineer or railway worker – does not have to do this and therefore he delegates this right to us, the journalists, who in their stead should collect the information and convey it to them. This is what they pay us for. We must simply become aware of this. We are not moralists but only people who do a service for our citizens. Therefore the owners of such information are not the journalists or the newsmakers but the citizens. And when we violate the ethical standards we show lack of respect to these people.

GEORGIA: Children's Rights in the Context of Alleged Crimes

The Charter for Journalist Ethics of Georgia was founded on 4 December 2009 by 134 journalists who took part in drafting a document with the same name during one year and a half. The Charter for Journalist Ethics contains 11 principles on the conduct of media representatives and so far has been signed by approximately 200 Georgian journalists (the founders of the Charter decided that the document should be committed to not by newsrooms but by each journalist in part). There is another active legal act in Georgia, which has the status of legal regulation – the Broadcaster Code of Conduct. Under this Code, every broadcaster that has a broadcasting license must have its own self-regulation mechanism. Invoking this provision, a part of the representatives of the TV channels refuse to sign the Charter for Journalist Ethics and thus to become members thereof. The Charter has a Council made up of nine members who consider the citizens complaints against the journalistic products. Six members are local journalists and the other three work for media outlets registered in Georgia's capital. According to its bylaws, the Council does not consider complaints related to the work of those journalists who have not signed the Charter; however, most of the complaints refer exactly to them. The General Assembly of the Charter's members of 17 December 2011 is to discuss amending its bylaws so that the Council is authorized to consider also the complaints against the journalists who have not joined the Charter. In two years of operation, the Council of the Charter for Journalist Ethics has received 16 complaints and has issued 11 decisions.

On 23 September 2011, the Institute for Civil Development filed a complaint with the Council of the Charter in regard to a story published in the weekly "Prime Time". The author of the story was not signatory to the Charter for Journalist Ethics of Georgia but the NGO had filed a complaint against the newspaper's editor as he was signatory to the document and responsible for what comes out in the newspaper. The story was published in the column "Exclusive" and "Scandal" and described how a thirty-three-year-old woman buried her new-born baby with the help of her daughters. The following messages were emphasized with capital letters: "According to a version, the thirty-three-year-old widow told her daughters to bury her baby born outside marriage" and "The woman who became a widow eight years ago would probably be tried for killing her newly born child." The story described in detail how the woman gave birth at home and her daughters and she appeared clearly in the photographs. The story also described details from the woman's private life – that she was widow, had a lover whom she had never told about her pregnancy, that her lover was married and wouldn't have helped

her even had he known about the future child. In addition, the journalist interviewed the children who allegedly had talked about what happened that night. The story also indicated that the baby had been buried by the woman's juvenile children, that the baby was alive and that a criminal case was started in that regard, and if the woman was found guilty she risked nine years of prison.

The Council for Journalist Ethics issued a decision in which it agreed with the claimant that the Charter's principle 10 had been violated. According to this principle, the journalist must respect a person's privacy and not touch upon it if there was no clear public interest in that. Also, the Council found that the journalist had not given priority to the interests of the juvenile children, since the publishing of such a story logically hurt them. The story fully ignored the principle 8 of the Charter that requires observance of ethical standards when writing about children: if the name of the village, district, name of the mother are mentioned as well as the environment in which the children live is described, the journalist cannot claim anymore that he had kept their confidentiality, even if he had not mentioned their names.

The Council ruled in favor of the claimant but emphasized that there was a justified public interest in regard to that story because it dealt with the death of a newly born. However, since neither the criminal investigations nor the journalist had proved that that was a murder, even if unintended, or that children had participated in the alleged crime, the principle of inviolability of privacy was violated. In the Council's opinion, there is high public interest in any criminal act; however it shall prevail over the legitimate interest of protecting privacy only when the journalist has grounded doubts that the case would be investigated fairly and the publishing of private data of the persons involved is absolutely necessary.

Ludmila Andronic:

“Only Taking a Proactive Stand through Self-Organization and Self-Regulation the Media Can Guarantee Their Freedom”



Ludmila Andronic,
President of the Press Council
of Moldova

- How important is the work of media self-regulation bodies in the ex-Soviet countries, where press freedom is a relatively new concept?
- Self-regulation reflects the level of maturity of a market, in this case, of the media market. The presence of self-regulation proves the profession’s professional attitude to the finished product and to the media consumer. First of all, this means that clear work rules are in place whose violation is collegially sanctioned by the entire profession. Secondly, it denotes the existence of a vision on the good journalistic practices and on reprehensible practices. And thirdly, the existence of study programs in view of promoting the good practices. I mean here both the university courses and the continuous trainings for journalists.

Hence, the profession’s capacity to self-organize and operate based on commonly agreed upon principles creates the precondition for a free and independent operation, when the state does not assume the role of mediator and regulator, which would be disastrous for the media and would deprive it of fairness and freedom of expression.

The states that had to go through totalitarian regimes, such as the countries from the ex-Soviet space, know how far the excessive zeal of the regulations imposed by the state can go. Thus, taking a proactive stand, through self-organization and self-regulation, the media guarantees its freedom, balancing the power of collegiality to the invasive or abusive power of the state.

- **To what extent do the actions of the self-regulation body encourage the media consumers to demand that the media outlets respect the ethical standards?**
 - Demanding correct and independent media is one of the fundamental democratic and civic actions. One of the goals we have established is exactly to convince the public

opinion of the fact that it is entitled to benefit from a quality media product and to hold the press accountable when it violates the fundamental rights and deliberately or non-deliberately ignores the ethical and professional rules.

The Press Council of Moldova has started information campaigns about the accountability of the press and the possibility to demand that it respect the ethical standards. The Council's meetings are usually public. At the same time, we have organized round tables in the regions where we disseminated information about the work principles of the Press Council. All these actions aimed at one thing – to inform the public and encourage it to not allow the press violate its rights as well as to encourage the journalists to take into account all the ethical and professional standards in writing/editing items.

– To what extent has the presence of a media self-regulation mechanism made the Moldovan journalists more accountable?

– Of course, marvels do not happen. The strengthening of journalism is a long-lasting process that is based on repeated and persuasive actions, if you want. The journalists have received an extremely useful tool – the new Code of Ethics based on which they can organize their work. Periodically they benefit from publications and trainings about the good journalistic practices, which improves their skills but also enhances their vigilance in their daily work. The journalists have received a strong argument for the situations when the newsroom's practice forces them to act unethically. We have had examples of "corrections", when for instance some TV stations that were filed complaints against with the Press Council, are not abusing of unethical subjects about juveniles or victims anymore, which makes us think that this is also a positive effect of our work. I have noticed that some TV stations very often withdraw the subjects containing violations when they identify the problem. We are glad that, in the end, the Broadcast Coordinating Council (BCC) in its capacity of legal regulation structure in broadcasting has reacted to our many collegial appeals and adopted the practice of monitoring so that not to admit unethical subjects, especially about javelins and victims. The BCC has even started an informational campaign entitled "What does your child see on TV?" I think these are good results, after two years of work of the Press Council of Moldova.

MOLDOVA: Victims of Abuse Must Be Protected From Journalists

The Press Council of Moldova was founded on 1 October 2009 by six media and human rights associations and institutions. On 3 May 2011, the representatives of the country's journalist teams signed the Moldovan Journalist Code of Ethics in its new edition, which authorizes the Press Council to monitor the enforcement of the Code and to consider the violations of its provisions. The Press Council has nine members, selected on open contest basis, for a two-year mandate. Five of the Press Council members represent the media product consumers, and four – journalist teams. The Council operates under its Regulation of Operation, approved by its founders.

In the period from 2010 to 2011, the Press Council of Moldova has considered 26 complaints against the country's media outlets.

On 14 August 2011, a Chişinău-based TV station broadcast a report about the allegations against a man who while being drunk allegedly raped his concubine and sexually abused her juvenile daughter by using physical and psychological violence. The report entitled “The Alcohol Took His Mind” presented that case in detail and described the methods used by the presumed abuser on the girl (blindfolded her eyes, threatened her with a knife etc.). The report included the interview with the woman who stated that her daughter and she had been abused; images with the child-presumed victim (without using protection measures for the juvenile child's picture throughout the report); announced in what town that situation had taken place; and presented images showing the house and the street sign.

The UNICEF Office in Moldova filed a complaint with the Press Council claiming that the report had violated the right of the child to privacy, dignity and protection because the journalists had not taken enough measures to protect the images of the child victim; out of the desire to exploit the sensational side of the case, that TV station presented details that were irrelevant for the reporting in disfavor of other public interest information (reasons, solutions, phenomenon); it presented the child victim in a humiliating manner, which might affect her personality in the future.

The representatives of the TV station did not come to the public meeting that considered that complaint, although they had been notified of the place and date of the meeting. The Press Council found that the presence in a report of video shots that clearly presented the face of

the mother and sometimes of the juvenile child enabled an easy identification of the victims. In such circumstances it was a clear interference with the privacy of the persons that allegedly had been subject to abuses. Also, in that case there was no impetuous need that would justify the interference with the privacy of those persons, especially of the child.

In its decision, the Moldovan Press Council found that the TV station had violated the provisions of the Journalist Code of Ethics on protecting the identity of juveniles involved in events with negative connotation and on protecting the supreme interest of the juvenile, and requested that the report “The Alcohol Took His Mind” be withdrawn from the website of that media outlet or the report be changed in such a way as to not make the identifying of the juvenile victim possible.

The full case file with the complaint of UNICEF Moldova against the TV station was submitted for information to the Broadcast Coordinating Council (body for legal regulation of broadcasters), to the Commission for Culture, Education, Research, Youth, Sport and Mass Media of the Moldovan Parliament, and to the Children’s Ombudsman.

Mihail Batig:

“The Self-Regulation Bodies Are a Factor That Determines the Authorities Abstain From Regulating the Media”



Mihail Batig, Member of the Commission for Journalist Ethics of Ukraine

— How important is the work of the media self-regulation bodies in the ex-Soviet states, where press freedom is a relatively new concept?

— I have probably been lucky in my life and in different periods have been on both sides – on the side of the authorities and on the side of the press. In 1990–1994, during the first democratic elections in Ukraine, I was elected Member of the Parliament. I had the historic mission of participating in passing documents that strengthened the Ukrainian state, such as the Act on Independence or the Declaration of Sovereignty. Also, I prepared the first media laws for the democratic press of Ukraine. So, I was on the other side of the barrier. I later returned to journalism and I led a news agency. And already as a journalist and a media leader I could appreciate the efficient laws and correctness of the legal regulations.

I think the presence of media self-regulation bodies is very important in our societies. To a certain extent, this makes legislators abstain from attempting to regulate each step of the journalist and each movement in the journalistic environment. If we have our own professional self-regulation bodies it means that the journalistic profession voluntarily approves and respects certain professional rules. Thus, self-regulation is very necessary even from the point of view of fighting censorship or the provisions strictly outlined by the authorities regarding the editor’s conduct.

— Has the fact that such a self-regulation mechanism appeared and operates in Ukraine made media consumers more active in demanding quality and accountability from the journalists?

— The establishment of the Commission for Journalistic Ethics in Ukraine was the result of a normal process inside the profession, without the influence of outside factors. The

Commission was created in 2001, practically in the days when the journalist Gheorghii Gongadze disappeared. The journalist movement was very strong and sound at that time and the idea of creating this commission appeared on that wave of journalist initiatives. Since then, we have considered a number of complaints from the population against the journalists work. To note that most of them have been grounded. I have found cases where the journalists erred indeed, either deliberately or not. The Commission makes decisions also based on the reasons the journalists had.

— **How do journalists react? Have they become more accountable?**

— The journalists are an “ambitious category” and it is hard for them to admit their mistakes. But there are journalists who accept the Commission’s decisions, others go into polemics. We, however, do not aim at debating with the editors and media outlets. We issue our decision and make it public – that is all. Anyway, in Ukraine the level of accountability of journalists has grown and is very high now. There may be objections in our country regarding the effectiveness of publishing or the lack of impact. Whether a newspaper or a program can or cannot change something or at least influence the course of things – we have a big question mark here. Also, the way the authorities react to criticism in the media is again a disputable matter; however the level of social accountability has increased and I think most of the journalists understand this.

Our Commission pays increased attention to “prevention” measures because we do not want to work in emergency situations, like the firemen, that is, from one complaint to another. We work a lot with the students and future journalists and we also teach journalist ethics and conduct trainings for students. The Commission developed a manual of journalist ethics that has been approved by the Ministry of Education of Ukraine. This year we finished developing another book that includes journalist ethics issues and various case studies that journalists can read and find solutions about how they should behave in one situation or another.

UKRAINE: Disclosure of Private Data in the Press

The Commission for Journalist Ethics of Ukraine was created in September 2001 at the National Congress of Journalists. This self-regulation body was established to supervise the observance by the journalists of the Code of Professional Ethics that was approved at the same Congress. The Commission is made up of 15 members elected for a two-year period who consider complaints from individuals, state officials, public institutions, etc. The Commission is also open to requests for help from journalists if their rights are violated by the authorities. The Commission can also take action *ex officio*. In accordance with its bylaws approved in 2002, the Commission for Journalist Ethics of Ukraine interferes in the conflicts between the media and media consumers using three tools – *friendly warning*; *statement*; and *public ban*. The warning is not made public and is used when no serious violations of the professional ethics have taken place. The *statement* is published on the Commission’s website and is used when the society’s right to truthful information has been violated. The *public ban* is the third and the most severe method of denunciation of professional ethics violations. It is used when the Commission has found a serious and deliberate violation of the ethical standards.

In March 2010, the Lvov-based newspaper “The Informer” published the story “Double Cheating” that described serious wrongdoings in the work of a construction company. The people who had invested in the construction of an apartment bloc couldn’t get their apartments because the constructor sold them at higher prices to other buyers. Out of the desire to emphasize the conflict situation, the journalist who wrote the story published copies of two contracts of the company signed with different beneficiaries that implied the sale of the same apartment. After the publishing of the story, the citizen whose name was mentioned in one of the contracts came to the Commission for Journalist Ethics. He showed a court judgment and proved that he had purchased absolutely legally the apartment sold twice and that he lived there legally. The claimant showed dissatisfaction with the newspaper that had published his contract with the construction company, which indicated the price of the apartment and other confidential information without him giving his consent to publication.

Having considered that complaint, the members of the Commission reached the conclusion that, in essence, the claimant was right. The publishing of that document violated the confidentiality of a person’s privacy to which neither the journalist nor the society or the law had any grounded legal or moral claims. Taking into account that the journalist non-deliberately interfered with that person’s privacy (besides the copy of the contract she did not mention the person’s name anywhere else), the Commission decided to limit itself to writing a letter to the newsroom suggesting it reviewed that situation and apologized to the respective person.

Iurii Kazakov:

“Precedents Must Be Used in Developing a Code of Ethics That Would Guide the Self-Regulation Body”

— How important is the work of media self-regulation bodies in the post-Soviet countries, where press freedom is a relatively new concept?

— I have two answers to this question. It is very good when the self-regulation procedure and the self-regulation institution appear by themselves. It is very important when the press finally comes out of the state control and public opinion pressure, and starts passing on to the self-regulation regime. This is wonderful, on the one hand, but on the other hand, we must understand very well that before having true self-regulation, any big structure must grow and survive. Because such a tendency may appear as: “Everyone has it, so I have this, too.” There is also an internal danger here – instead of the Code of Ethics, that is, of a document that would mobilize the journalists and help them understand better the environment where they work, that would give them benchmarks for their profession and the possibility to compare and be accountable before the press, there is the risk of creating a new stick in addition to the state regulation. This can happen easily because, on the one hand, the state knows how to find possibilities of making reference to the decisions of the self-regulation body, and on the other hand, the society can also use the decisions of the self-regulation body as a stick. So, each new structure, in our case the Russian Civic College for Complaints against the Press, has a period of growth and maturing during which one can see whether it appeared at the right time or not. One can see whether this has formed in a quality and solid way or whether it is rather a construction that impedes more than helps the journalists.

— To what extent do the actions of the self-regulation structure encourage media consumers to require media outlets to observe the ethical norms?

— I can give only a theoretical answer. In order for the people to become more active, first they must know that such a mechanism exists, that it is efficient and it makes sense to appeal to



Iurii Kazakov, Co-Chairman of the Civic College for Complaints against the Press (Russia)

it. Also, the press itself must have a very serious attitude to this body or at least should have a certain attitude and understand that this structure is not at all an empty place. We have not reached this stage. As I said in one conference, we have organizational limits, such as setting the condition for the person who files a complaint to undertake not to go to court with the same issue. We have another problem with the publishing of our decisions. We do not have where to publish them since they are very long and detailed. Their content cannot be resumed to 60 or 70 lines for publishing (previously, our decisions were published by two professional magazines).

It is good that we have reached the situation when we can make quality decisions. The next stage must necessarily be the promotion of self-regulation and its products in the society. But for this, you must come with something in front of the society. It is not good to come with things like “It seems to us that this is incorrect,” while in reality it is correct. In Russia we do not have a document to rely on except for our own charter that has nothing to do with professional ethics. In Russia there is a Code of Ethics of the Union of Journalists; however, the Union membership by far does not include the majority of the country’s journalists. And we are talking about whether we like or do not like this Code. We should reach a Code of Ethics that would guide the self-regulation body based on precedents. We have a set of ethical standards that was developed ten years ago and that is posted on our website. When we have analyzed the cases from the past ten years and have understood what the main precedents have been we will be able to move toward a good Code of Ethics.

— Nonetheless, the Russian Civic College for Complaints against the Press has issued around 70 decisions during its work. Has this influenced somehow the journalists’ accountability?

— There is a certain part of the journalist community that tends to make increasingly qualitative journalism. I am sure that we do a very big service to those journalists when we provide them benchmarks through our decisions. It is this part of the journalist profession with whom it is very important for us to continue working.

RUSSIA: Ethics in Criminal Chronicles

The Civic College for Complaints against the Press of Russia was established in 2005 at the initiative of the Grand Jury of the Union of Journalists of Russia that until then was the one to consider the ethical-professional conflicts within the journalistic profession. It is made up of two chambers, each of them having 25 members. The Media Community Chamber is made up of the representatives of newsrooms or journalist associations, and the Media Audience Chamber is made up of representatives of various religious organizations, political parties, unions of creation etc. The College operates under its own bylaws. This document provides that in its work the College shall base itself on the ethical principles set in the Russian Constitution, on the documents of the Council of Europe and of OSCE on ethics and self-regulation in mass media, and on the self-regulation documents of media outlets. In accordance with the Agreement on Recognizing the Ethical-Professional Jurisdiction of the College, the persons filing complaints undertake to not go to court in relation to the same case. Throughout its work, the College has issued around 70 decisions.

On 11 March 2011, the College issued a decision in relation to the complaint of a professor from the Kazan University. The claimant showed that the website of the local broadcaster "Efir", in the program "Perehvat" that reports on criminal chronicle and other exceptional situations/out-of-the-ordinary things, posted a film entitled "The Headless Homeless" that showed a bare body separated from the head. This subject had been previously broadcast in a TV program. The author of the complaint indicated that the TV station broadcast "Perehvat" on a daily basis, at 19:35, when there were also children in front of the TV. He asked the College to check to what extent the broadcasting of such subjects complied with the journalist ethics standards. The College informed the broadcaster about the complaint and its director explained that that program was a reaction to "human cruelty": *"The viewer must know what happens in his city or in the society where he lives. Our company believes that it is its duty to warn the citizens about the dangers for their lives. The purpose of broadcasting such items is that such things should not happen to anyone again"* (from the answer of the broadcaster's administration).

The claimant was not satisfied with that answer and filed another complaint with the College. He claimed that "Perehvat" exploited the topic of human misfortunes. The professor recorded the edition of "Perehvat" of 2 June 2011 on a CD and sent it to the College: *"The ten minute program, broadcast twice in the same evening, showed the bodies of dead people, parts of their bodies and the arms of the deceased. These and other subjects of the program showed blooded*

heads and the face a victim of traffic accidents, the destroyed face of a drunk woman, blood on the asphalt, the shock and pain of the friend of a girl killed etc. Conclusion: if this is not savoring human adversities and pain and bloody details and then what is it?" (from the complaint filed with the College).

In considering this complaint the opinion of a media expert was asked. Also, for the first time a complaint was considered on spot, i.e. three College members traveled from Moscow to Kazan and the other four who remained in Moscow kept in touch with them via Skype from the House of Journalists where the College meets.

The management of the broadcaster "Efir" refused to participate in the meeting.

In its decision on that complaint, the Civic College noted a number of ethical violations and found many violations of the principle of confidentiality of privacy in the subjects of "Perehvat" of 2 June 2011. These included filming and broadcasting pictures of specific people without their agreement or with their agreement expressed while they were drunk. The College considered that such an attitude to the rights, dignity, reputation and fate of a certain person cannot be reasoned only through the interest (curiosity) of the ordinary viewer. Also, the College found inadmissible for such subjects to denote indifference to the damages that could be caused to specific persons and the society as a whole through a non-professional conduct to the person in such a situation of pain or shock. The self-regulation body drew attention to the fact that people who are in a state of pain or adversity many times need not only attention and care but also protection against abuses to which they may be exposed as a result of a journalist's exaggerated attention.

In September 2011 it became known that the broadcaster "Efir" of Kazan had issued a document entitled "Set of Ethical Standards for 'Perehvat'". On the one hand, this can be considered the result of the decision of the Civic College for Complaints against the Press. On the other hand, this document includes nothing but technological rules for producing the materials.

Note: *The participants in the regional meeting of the representatives of self-regulation structures held in Chişinău (23-24 November 2011) reviewed the document issued by the broadcaster "Efir" of Kazan and suggested amending some of the provisions and adding new ones.*

Ioana Avădani:

“Newsrooms Must Calculate What They Gain From on Long-Term – From a Correct Attitude to the Public or From Stimulating the Appetite for the Sensational”

– How important is the establishment and operation of media self-regulation institutions in the societies where press freedom is a relatively new concept?

– Freedom does not go hand in hand with accountability. We cannot speak about freedom if we do not speak about media accountability at the same time. In fact, this is the most frequently invoked argument by the governors – we cannot give you freedom because you cannot make order by yourselves, we protect the people against the media – this would be their argument. Of course, ‘awfully’ important is especially its operation because its presence is not sufficient. We can make very nice constructions on paper or in reality but if they do not function or do not function honestly, they will do more bad than good.

– To what extent does this stimulate media consumers to hold journalists accountable for the quality of their products?

– To a very large extent. This is an exercise of transparency and civic education. If the media consumer sees that there is a person or organization to whom he can address and receives an acceptable, competent and friendly answer, he will come back, will tell the others and will thus create that dialogue with the public at which in fact every press council aims.

– There is no Press Council in Romania. I understand someone else assumes this role...

– There have been several attempts of self-regulation. There are organizations that have such councils. But unfortunately, from what I know, only one of them works as it should – the Honorable Council of the Union of Hungarian Journalists of Romania, which has been in place for ten years already. Also, there is an honorable council at the level of the Romanian Press Club but that one rarely takes public stands. Besides, the rules for its operation make almost any complaint inconsiderable. For example, the claimant must say what article of the Code of Ethics has been violated. This means that the person must have a certain educational background, to have read the Code... This is about organizational protection so that the Council is not put in the situation of having to judge aberrations. But the role of education and dialogue with the public is not executed in any manner.



Ioana Avădani, Executive Director of the Romanian Center for Independent Journalism

– And then the consumer who has a problem with the press should appeal to that newsroom?

– Yes, he appeals to the newsroom or, out of frustration, he appeals to anyone. We, the Center for Independent Journalism, as well as our colleagues from the Media Monitoring Agency receive such complaints. Many times we can tell the people only what the standards are and we do nothing but enhance their frustration when you tell them that we cannot force those newsrooms give the right to respond or correct a mistake.

– Does this mean there is a gap in place?

– O, yes! And unfortunately, judging by how the Romanian press develops, we will continue living with this gap or we will have to find alternatives. We believe that the most efficient model now for Romania is that of the newsroom ombudsman. So if a person sees something that he does not like on a certain media channel, he should be able to appeal to a person from that outlet rather than to a general media forum. Honestly, I do not think that such a forum is possible now in Romania. But this ombudsman model is successful in other countries. The ombudsman is not part of the newsroom even if it is paid by that media outlet. And no law is required for establishing such a position, just good-will and knowledge. One must only want to correct themselves. Or, what happens in many Romanian newsrooms make us think that no one wants to correct anything. If we look a little at how the newsrooms worked during the elections of 2008-2009 we will see that that was the period with the most and biggest fines imposed by the legal regulation body, the National Audiovisual Council. But televisions continued to do the same even with having to pay fines. So, it was clearly an assumed attitude of violation of the professional standards. No self-regulation body will be able to surpass bad will.

– Many times, the journalists non-deliberately disclose private data. In other cases, they do it deliberately, taking into account that details of a person's private life are of interest to the public. How can a compromise be found?

– First of all, through professionalization and editorial monitoring, and secondly, through the education of the public. The journalist may be tempted to include such details in his item but a clear and very cold mind should be above him who would tell him what works and what does not, even if running the risk of reducing the item's savior.

At one point, any newsroom should calculate from what it has to gain long-term – from correctness and a correct attitude to the public or from stimulating their appetite for the sensational. Unfortunately, the public both in Romania and in Moldova are fed a lot with such sensational items. If we take a look at the print runs, we will see that the best sold newspapers in Romania, as in the whole world, are the tabloids. This is human nature. The long-term solution is to educate the public, the children. If you tell children in school what quality journalism is, there are more chances that when they become adults they will demand such quality journalism and will not limit themselves to weddings, stars, dresses, divorces, and such.

