

RIGHTS AND RESPONSIBILITIES OF THE PRESS

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Conseil de presse
du Québec

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FOREWORD

Founded in 1973, the Quebec Press Council is an independent, non-profit organization. It has a dual mission: to protect the freedom of the press and the public's right to high-quality information. Created as a joint initiative of journalists and media proprietors, the council has, since its beginnings, included representatives of the general public. This tripartite structure continues.

The council's mandate is to promote journalists' adherence to the highest ethical standards.

Since its inception, the council has refereed numerous disputes arising from media coverage, notably by means of its complaints committee, which examines cases submitted for arbitration. The council also regularly issues public statements, conducts studies and makes recommendations about controversial issues within its area of expertise.

The council is also a forum for ongoing reflection and debate about how to advance the ethical practice of journalism, giving due consideration to the evolving values and customs of Quebecers and Canadian society. This work occurs in the course of the council's internal proceedings, and at conferences, workshops, seminars and public debates that it attends or sponsors.

The council strives to define, clarify and advocate the conditions necessary for both the exercise of press freedom and the public's right to information that is accurate, comprehensive and pluralistic.

From the council's jurisprudence, position papers and public statements stem a body of principles and rules that establish the rights and responsibilities of the press.

This third edition of *The Rights and Responsibilities of the Press* is a synthesis, revised and enriched by these principles and rules. As the title suggests, the document is organized in two main sections: the first deals with the rights of the press and the second, with its responsibilities.

This document is not the final word. The world of journalism is in a constant state of evolution as new ideas and technologies develop, including new media and new types of journalism. Society also grows ever more complex. Thus, the press faces numerous challenges.

In addition, the public is subject to a growing volume of advertising and public relations messages whose forms and means of delivery continue to become more sophisticated, increasing the risk that the public might confuse these types of communication with journalism.

This document is intended as a reference tool as well as a stimulus to further thought about ethics as applied to journalism. It is addressed to media managers and journalists, as well as to news sources and the public. With this document, the council is making a contribution to maintaining and improving the conditions for the exercise of freedom of the press and for the respect for the public's right of access to information.

INTRODUCTION

In a democratic society such as ours, the role of the press is to gather, structure and disseminate accurate and comprehensive information on matters of public interest—information that the public needs in order for democratic life to continue. Any constraint on or hindrance to these activities infringes on the public's right to information.

Freedom of the press also flows from the fundamental freedoms of thought, speech, expression and opinion enshrined in various national and international laws, charters and declarations.*

The concept of “the public interest” is constantly evolving, making it difficult to define. The idea remains abstract and without meaning unless it is applied to a specific society at a given time. Nevertheless, it can be said that information of public interest is that which is necessary to enable citizens to participate fully in the social and political dimensions of life.

Media and individual journalists, in determining what is in the public interest, must do so in complete independence, free from all constraints save those stemming from the exercise of their functions and relevant legislation. These decisions must be equally free from personal interests and prejudices.

* Among others:

The Universal Declaration of Human Rights, United Nations, 1948.

The European Convention to Safeguard the rights of Man and His Fundamental Liberties, European Council, Strasbourg, 1956

The Quebec Charter of Rights and Freedoms, R.S.Q. Chapter C-12.

The Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act of 1982.

1 THE RIGHTS OF THE PRESS

1.1 ACCESS TO INFORMATION

In order to inform the public of the events and issues of the day, to give accurate expression to political, social and cultural currents, and to promote widespread and open debate, it is essential that the media have unhindered access to sources of information. Freedom of the press is an indispensable precondition for informed public opinion and debate.

1.1.1 GATHERING OF INFORMATION

The media and journalists must be free to gather information about facts and events without hindrance, or threat or reprisal. In deciding what to cover and how to cover it, they must be free to exercise their editorial judgment. Outside influence or interference in this process may well constitute a form of censorship.

1.1.2 ACCESS TO GOVERNMENT INFORMATION

Governments have an obligation to make their administrations as transparent as possible. Public institutions and authorities have a duty to respect this democratic principle, and to facilitate access to public documents.

That the state exists to serve its citizens and is accountable to them is a principle recognized both by Quebec (in its adoption of An Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information, RSQ, 1982), and by Ottawa, in its Access to Information Act, adopted in 1983. Citizens have the inalienable right to be fully informed about the actions and decisions taken by their governments and public officials.

When a government, citing the public interest, forbids or delays publication of information, it should not assume that the press will agree with it about where the public interest lies. Governments should not confuse their own interests with the public interest.

It is essential that the press have access to information regarding the government and all public institutions and organizations. Any hindrance, whether judicial or administrative, undermines the freedom of the press and the legitimate right of citizens to be informed of the events, actions and decisions that affect them.

1.1.3 ACCESS TO JUDICIAL AND QUASI-JUDICIAL PROCEEDINGS

The administration of justice is a public matter and it must be conducted openly, despite the personal and sensitive nature of some cases.

Courts and tribunals should exclude the public only in the most exceptional of circumstances, and even in such cases, the press should be present in order to report on matters of public interest and the administration of justice. Separate rules of access for the press and the public should be established by legislation that would, at the same time, better balance the right to personal privacy, the open and public administration of justice and the right of the public to be informed on matters of public interest.

1.1.4 PROTECTION OF SOURCES AND CONFIDENTIAL MATERIAL

Freedom of the press and the public's right to know depend on journalists' right to keep certain sources of information confidential.

Courts and quasi-judicial bodies may compel journalists to testify, reveal their sources and surrender documents; there are no laws of privilege affording the Quebec media any protection in this regard. The Press Council recognizes that journalists have the right to remain silent. It is the duty of the judiciary to use great discretion and discernment in weighing the competing interests involved. The council believes that before compelling journalists to co-operate with courts or tribunals, the judiciary should ensure that the confidential information the journalist has is indispensable to the resolution of the case and that there is no other reasonable way to obtain it.

It should be emphasized that what is necessary to protect is the exercise of journalism, not journalists as individuals. Freedom of the press and the public's right to information require that journalistic activity, that is, the gathering, processing and transmission of information, as well as the conditions necessary to practice journalism, be protected to ensure the public's access to comprehensive information on all matters of public interest.

1.1.5 POLLS

Polls are a means of gathering and analyzing information to discover or delineate trends in public opinion. Attempting to block or restrain their publication or broadcast, even during an election or referendum campaign, constitutes a constraint on the free circulation of information, the right of the public to information and the freedom of the press.

It is paramount, however, that the quality of the data collected by polls be verifiable. In order to be able to draw sound and independent conclusions from poll results, the public must be provided with the necessary background information: the identity of the sponsors and authors, the nature of the sampling taken, the method of statistical analysis, the margin of error, etc.

1.1.6 ADVERTISING

Advertisers are free to choose which media to use. At the same time, taxpayer-funded public bodies and institutions have no right to place or withhold advertising in order to reward, punish or influence media outlets for their ideological or political stances, or on the basis of whether their coverage has served those institutions' interests. Private businesses, institutions, groups and individuals should also refrain from using their advertising in such ways.

The withholding of advertising as a pressure tactic to influence coverage or provoke self-censorship by one or more press outlets is a violation of press freedom and thus, of the public's right to information.

1.2 INFORMATION PROCESSING AND DISSEMINATION

Genuine news is the product of one or more journalists, disseminated by a media publishing or broadcasting organization. Journalistic activity involves a series of investigative steps and a gathering of information that is then processed and disseminated. This activity should not be hindered or subjected to unwarranted constraints.

Further, coverage, as well as the timing of broadcast or publication, is at the discretion of the media.

1.2.1 CENSORSHIP AND GOVERNMENT INTERFERENCE

News reports, commentaries and opinion pieces, especially those about political issues, should be free of legal restriction or censorship. The law should never be invoked to restrain the right or ability of the press to criticize any level of government, including municipal government.

Governments can help create the conditions for the existence and development of a press that is free and of high quality. Their role should be to support the public's right of access to comprehensive and accurate coverage of the events and issues of the day. The state should avoid taking any action or enacting legislation that might limit or alter news media content.

1.2.2 EDITORIAL FREEDOM AND JOURNALISTIC FORMATS

The information the public receives from the media is the product of various types of editorial decisions. Information can be presented in different forms (for example, news stories or commentaries), at different lengths, with or without images and so on. These choices are a matter of editorial judgment by journalists and are the prerogatives of journalists and media management. The media and journalism professionals must remain free to report events and comment on them without hindrance, or threat or reprisal. The press is not required to conform to any particular ideology. Each media organization can, therefore, publish stories of its own choosing and accord them the prominence it deems appropriate.

Matters of editorial choice and prerogative imply corresponding responsibilities, which are dealt with in Part 2 of this document.

In Quebec journalism, as in all of North American journalism, there is a clear boundary between news and opinion. This boundary can be less clear elsewhere in the western world, particularly where advocacy journalism is more common. This document reflects North American norms in the distinctions it makes between different types of news or opinion articles.

Information (factual journalism)

The purpose of news reports and features is to inform the public of facts and events, as well as topical cultural and social phenomena, and all other matters of public interest. Facts are placed in context to enable citizens to gain a better understanding of the society and the world in which they live, and to allow them to reach informed opinions on current events and issues.

The choice of the facts and events to be reported, as well as the issues of public interest to be covered, is at the discretion of newsroom managers and journalists. The journalistic formats to be used are also at their discretion. Examples of journalistic formats include:

- **News stories, reports and features**
News reports, reviews and features relay significant new facts and events relevant to the public interest, facts and events that affect individuals and society as a whole, and that need to be reported in context.
- **Analyses, Backgrounders and Current Affairs Programs**
News analyses, backgrounders and current affairs programs take broader approaches to current events, allowing for better understanding of situations and their probable consequences. In these more in-depth treatments, facts and events already known to the public are briefly summarized while their context, effects and/or significance are examined in detail.
They tend to include aspects of the story not yet dealt with in hard news or feature reports. They rely on various methods, such as broad overviews and specific

assessments, to provide readers or viewers with a deeper understanding of a situation and its possible consequences.

- **Investigative Journalism**

The term “investigative” here refers to a particular process of gathering and verifying facts that can include research, the examination of documents, testimony and evidence, and interviews with experts. Investigative work involves deeper and more detailed study of a subject or problem than do other types of journalism. “Investigative journalism” sheds light on specific activities, affairs, issues, or on certain events and social phenomena not yet well known or understood due to their complexity or to their having been previously shrouded in secrecy.

The problems and difficulties inherent in doing investigative work sometimes make it acceptable to use clandestine methods to gather facts and evidence, such as using hidden microphones and cameras, concealing one’s identity, penetrating organizations under false pretences, and surreptitiously following individuals. The Press Council recognises that at times the press must and should employ these methods, but stipulates that they be used only in exceptional cases: when the public interest demands it and when more conventional methods are insufficient to obtain the information required.

- **Variety Shows with News Content**

At first glance, variety shows might seem of little concern to the news media, but the news and current affairs segments of these shows are expected to meet the standards set out in this document.

- **Online Journalism**

There has been a huge and rapid expansion of journalism on the Internet over the past few years. Newspapers and magazines have established themselves online. Journalism on the Internet is no different in its aims or substance from traditional print or electronic journalism. It differs only in the technology it employs. Thus, the ethical standards that should govern the practice of Internet-based journalism are practically identical to those governing the traditional media. The various rights and responsibilities that flow from the fundamental liberties of the press and the public’s right to be informed also apply fully here.

Opinion

Opinion writing is an expression of freedom of speech and freedom of the press, and takes different forms. This type of journalism affords news professionals wide latitude in the expression of their viewpoints, commentaries, opinions and criticisms, including latitude in the style and tone employed. The choice of formats and the amount of space or time allocated for opinion writing or commentary are at the discretion of media outlets.

- **Editorials**

Editorials are the preserve of newsroom management. Traditionally, editorials reflect the positions, convictions or general viewpoints of the publisher—or of the editorial board. Publishers and editorial boards are free to determine the subjects treated, the positions taken and the space taken up by their editorials. They are free not to run any editorials that adopt points of view different from those of the media outlet. This type of exclusion cannot be seen as interfering with the public’s right to information.

- **Columns, Opinion pieces and Criticism**

The writers of these types of articles enjoy a wide degree of latitude in their treatment of subjects and issues. Authors express their opinions freely, in their own styles, and are often controversial. Humour, satire and irony are among the many devices used. Here,

the personality of the writer comes into play, something not usually found in other types of journalism.

- **Cartoons**

The purpose of caricature is to exaggerate the traits or characteristics of a person or phenomenon for satirical or comic effect. It is a visual form of editorial or opinion column.

- **Telephone Call-in shows**

Open-line shows are analogous to public-affairs programs. The hosts are permitted to take sides on issues, while allowing the public to take up much of the program's allotted time in making their views known. Useful debate and discussion of the issues of the day often ensue. The council draws a clear distinction between these types of programs and others that, while using the same format, merely provide a platform for the sometimes tasteless performance of their hosts.

1.2.3 NEWSWORTHINESS: TIMING AND SPACE ALLOCATION

It is the prerogative of the press outlet to allocate its space or air time among the various stories that it has chosen to cover. No one else has a right to influence its decisions on what is to run, when it is to run, or how much space or time is to be allotted.

1.2.4 HEADLINES, CAPTIONS AND CUTLINES

Headlines, captions and cutlines are chosen by the editors to create a dynamic, attention-getting presentation of the news. It is up to newsroom management to establish policies on these matters.

1.2.5 AUDIO/VISUAL ELEMENTS

The freedom of the press and the right of the public to be informed may sometimes necessitate the gathering, processing and publication or broadcast of pictures, images, commentaries, sounds and voice clips whose publication or broadcast is deemed in the public interest.

Even when this process offends its subjects or the general public, if its subjects or of the public in general, its hindrance constitutes an infringement of the above-mentioned freedom and right.

1.2.6 THE DISSEMINATION OF INFORMATION

The public must have unimpeded access to the information conveyed by the media. Nothing must be permitted to restrain media distribution and the free circulation of information.

2 THE RESPONSIBILITIES OF THE PRESS

The rights and liberties accorded the press in a democratic society give rise to corresponding responsibilities, which apply both to the managers and owners of media outlets and to individual journalists.

The role the media and their public-service character play in a democratic society, make it imperative that the highest ethical standards be applied to the practice of journalism. With the arrival of the Internet, globalization and rapid technological development, this is more important than ever.

2.1 THE PUBLIC'S RIGHT TO KNOW

It is the duty of the media and of journalists to provide the public with comprehensive and accurate information.

The quality of that information is determined by journalists' training and the discipline they exercise. This should be interpreted as encouraging and not as a dry or conformist approach, lacking all imagination, but rather, as one of thoroughness, accuracy, integrity and deep respect for the individual and for the facts.

The press must report facts and events without distortion. Resorting to sensationalism may lead to exaggeration and inaccurate interpretations of facts and events, which can mislead the public as to the value and significance of the information being transmitted.

The information produced by the media is the result of choices that must be made in a spirit of fairness and justice. These choices can only be judged using a combination of qualitative and quantitative measures. While the length of an article or broadcast cannot be ignored, the importance of the information and the degree of public interest are often more pertinent, and in assessing coverage, it is important to look not only at one or two days' stories but at how an ongoing story has been covered over a period of time.

It is also the responsibility of the press to guard against attempts by individuals, groups or organizations to manipulate public opinion with incomplete or slanted information by enlisting the aid of willing or unsuspecting journalists. The media are responsible for all that they publish or broadcast, and should never try to excuse lapses in professional standards by blaming them on administrative problems, time constraints or other such reasons.

Press outlets should define and make public their editorial policies. They should foster a high degree of professional ethics and support the ongoing training of their staff. The fact that media outlets are responsible for what they publish or broadcast in no way absolves individual journalists or other information professionals of responsibility for their own actions and output.

2.1.1 SELF-CENSORSHIP

The press must not only be free of all forms of external pressure, but also vigilant in avoiding self-censorship, be it intentional or unwitting. The press must guard against suppressing or slanting the facts out of fear of violating a taboo or of harming a special interest. Similarly, the

press cannot be content merely to publish the official version of a story as conveyed by a press release but must also discover and reflect reality as precisely and comprehensively as possible.

Press outlets and journalists would be in breach of their social responsibilities if they were to allow themselves to be governed by any philosophy, ideology or school of thought in conducting their business, just as they would be if they were to ignore or report events for partisan reasons. It would also be a breach of public trust if a press organization were to pressure its journalists to suppress or slant a story to suit the enterprise's interests.

Editorial policy, program planning, and the hiring and assigning of journalists are the prerogatives of each media organization, but such choices should not in any way deprive the public of the information to which it is entitled or prevent journalists from exercising their professional freedom. That would be tantamount to censorship.

2.1.2 POLLS

When public opinion polls are published, it is essential that the data collected be verifiable, and that the public be informed of the methodology employed. This allows readers to form their own opinions about a study's validity and about how much importance to attach to it.

2.1.3 CONFLICTS OF INTEREST

Journalists and media organizations must avoid not only conflicts of interest but also the appearance of conflict or interest; they must be and must appear to be independent, and not allied with any particular political, financial or other power. Any laxity in this regard jeopardizes the credibility of the press and of the information it transmits.

Press organizations must be careful not to assign their journalists or freelancers to cover situations where they would be, or might appear to be, in a conflict of interest.

The Press Council recommends that media enterprises develop clear policies to prevent and deal with conflict of interest situations. Those policies should apply both to reporters and opinion writers. All situations that risk compromising the independence and impartiality of journalists should be addressed. Examples include paid travel, privileges and gifts, as well as awards and prizes offered by any group whose main purpose is to promote something other than journalism.

In order to maintain their credibility, journalists should shy away from involvement in political or advocacy activities that could compromise their impartiality and independence.

2.1.4 DISTINGUISHING BETWEEN DIFFERENT JOURNALISTIC FORMATS

To avoid confusion, the various formats used in the news media should be easily identifiable by the public. To this end, journalists must scrupulously respect the limits of each format.

Information (factual journalism)

- **News, Reports and Features**

These require that the journalist report the facts and their context without comment. The media and the journalists must ensure that the information transmitted provides the full picture, with honesty, accuracy and impartiality. In the case of controversial subjects, a balanced approach should be taken so that all sides of an issue are heard.

- **Analyses, Backgrounders and Current-affairs Programs**

Journalists who produce analyses, backgrounders or current-affairs programs must scrupulously respect the facts and are governed by the same standards outlined in the preceding paragraph.

- **Investigative Journalism**

Journalistic ethics demand that journalists clearly identify themselves when gathering information and conducting interviews. The use of clandestine methods can be justified only when the information required cannot be obtained in any other way. The media must use such methods judiciously. In all cases, the public must be informed of the methods used at the time the story is published or broadcast.

The media and journalists must avoid tendentious behaviour toward the subjects of their investigations and avoid depriving them of the presumption of innocence. The press must avoid descending into what might be called “gotcha journalism”. Abuses of this sort ultimately weaken the effectiveness of investigative journalism and diminish the credibility of journalists, the media and the information that they convey.

- **Variety Shows with News Content**

Variety shows with news content are subject to the same ethical and professional standards as other forms of journalism. The time allotted to news segments in these programs must be clearly identified so that there is no confusion between the news and other portions of the show. The hosts of these programs must also avoid sliding news coverage into segments not intended for that purpose.

Opinion

- **Editorials and Commentary**

The freedom to express opinion that editorial writers and commentators enjoy is not absolute: it must be exercised with due respect for democratic values and human dignity. Editorial writers and commentators must respect the facts and show intellectual integrity and discipline in their writing. In order to avoid confusion, the media must differentiate opinion pieces from news reports.

- **Columns, Opinion Pieces and Criticism**

Writers of columns, opinion pieces and criticism are free to promote or denounce ideas and actions, as long as they adhere to high standards of intellectual integrity and discipline while doing so. The distortion of facts and the use of innuendos to buttress an argument are serious violations of journalistic ethics. It is important that the pertinent facts be clearly summarized before opinions are expressed, so that the reader may develop an informed opinion on the issue.

- **Cartoons**

Caricature, by its very nature, confers on its authors wide—but not absolute—latitude. The cartoonist is required to respect the same standards as other journalists when expressing opinions. The incitement of hatred, in any form, is intolerable in a democratic society.

- **Telephone Call-in Shows**

Telephone call-in, or “open line”, shows are subject to the same norms as other forms of journalism. Because of the spontaneous nature of the programs as well as their tendency to ignite passion about controversial subjects, these shows require that their hosts display a high degree of discipline and good judgment.

An overview of the facts pertinent to the subject of discussion should be provided, and balance and fairness should be maintained.

Offensive, vulgar, racist or hate-mongering comments and diatribes are to be avoided.

Hosts must show respect for callers and not make remarks or use tones of voice likely to offend them. Hosts are also expected to refrain from imposing their own views and excluding callers who do not agree with them.

Hosts are not required to self-censor, but they should keep their own prejudices and preferences in check.

2.1.5 INTEGRITY IN THE PRESENTATION AND ILLUSTRATION OF NEWS

Headlines, Captions and Cutlines

Headlines, captions and cutlines must respect the meaning, spirit and content of the texts, photos and illustrations to which they are attached. They should neither inflict harm nor reflect prejudice. Sensationalism should be avoided. Headlines should be free of bias and editorializing.

Audio/Visual Elements

Audio/visual elements, whether they are sound or voice clips, images, photos, illustrations, graphs or tables, must faithfully reflect the information in the pieces they support. Care must be taken not to juxtapose illustrations and events in a way that is spurious or likely to cause confusion, which could be prejudicial to the interests of the people or groups who are the subjects of the report. Images must not be altered or used in a way that is degrading or defamatory.

Bylines and the Use of Pen Names

Journalists are free to sign—or not sign—their work. Failure to sign, however, in no way limits their responsibility for their work, or that of the organization that publishes or broadcasts it. The use of pen names is an acceptable practice, but in no way limits an author's responsibility.

2.1.6 NEWS AND ADVERTISING

It is the prerogative of publishers and managers to establish advertising policies for their outlets. But the public's right to information makes it imperative that the media's commercial interests related to their sale of advertising not influence editorial policy.

The media must establish a clear demarcation between news and advertisements by presenting them in different ways. Any failure to do so is liable to cause confusion for readers or viewers.

Not only must the media clearly identify advertorial content or paid programs, but these should be presented in a way that sets them apart from news content. This is particularly important with respect to advertising that takes the form of a news story—so-called “publireportages” or advertorial content.

The media should refrain from self-promotion in the form of news reports. Not only do such practices take time or space away from real news, but they compromise the credibility of the media outlets involved and of their journalists, and decrease public confidence in the quality of the information being transmitted.

The media and journalists must not insert hidden or indirect advertising into news content, and they must avoid becoming promoters or publicists for any cause, product, activity, or cultural or sporting event. In cases where a media outlet is a sponsor of an event, it must be particularly careful in covering it in order to avoid any confusion between its commercial activities and its impartial reporting of information.

2.1.7 SOURCES

The media and journalists are obliged to respect the identity of sources to whom they have promised confidentiality. It is equally important that journalists verify both the credibility of their sources and the veracity of the information provided. Journalists must never submit their work to a source for approval before publication or broadcast.

Identification and Verification

Sources, as a general rule, must be named, so that members of the public can make their own judgments as to the reliability and significance of the information transmitted. Journalists must use all means at their disposal to ensure that their sources are reliable, and must check the accuracy of their information by corroborating it with information from other independent sources.

Unnamed or Anonymous Sources

Unnamed or anonymous sources are used only in exceptional circumstances and when demonstrably necessary. The media and journalists should be wary of anonymous or confidential sources whose real goal is to manipulate public opinion. However, when a media outlet and its journalist(s) promise a source not to reveal his or her identity, they must keep their word.

In cases where the use of anonymous or unnamed sources is necessary, for example, when information of significant public interest cannot be obtained in any other way or when a source could be vulnerable to reprisals, the public should be informed of that situation.

The media and journalists must not invent fictitious sources or hide behind anonymous sources. Frequent attributions to “official sources” or “observers” or other labels for unnamed sources can indicate—or be seen as—sloppiness or laziness on the part of journalists. Were the public to doubt the press’s integrity in these matters, not only would the credibility of the press be eroded, but the public’s right to be informed would be compromised.

Off the Record Information

Media and journalists who agree to hear off-the-record comments or briefings are bound to respect their word and not publish the information received. Such information is meant as background to help journalists better understand events or situations they are reporting on.

Embargos

An embargo sets time-of-release conditions on information distributed to journalists. In some cases, the aim is to give journalists more time to understand the material before they are obliged to write their stories, thus allowing them to provide a higher quality of information to the public.

Once a news organization accepts embargoed information, it is obliged to respect the embargo. Failure to respect embargoes tends to compromise sources’ trust and damage the reputation of the press. That said, information subject to embargo can be revealed prematurely if the same information is obtained from other sources or has already become public as the result of a leak, by mistake or by accident.

Journalists need not automatically accept the terms of an embargo that is requested, particularly when doing so is not in the public interest. When there is a clear and significant public interest served by the timely publication of embargoed information, and there has been no formal agreement to respect the requested embargo, there is no breach of ethics in publishing the information.

Rewriting and Plagiarism

Information transmitted by the media is by definition in the public domain: all are free to refer to, summarize or quote from it. Journalists often use the work of their colleagues as a point of departure for their own research, to supplement their own research, or to corroborate their own information. The new work that is produced does not generally resemble the original in form or content, and therefore, this practice should not be considered as plagiarism or the theft of a competitor's work.

Journalists are never justified, however, in presenting another's work as their own. When their own story is based on that of another outlet, they should credit the source. Simply making a few changes to a competitor's story does not make it one's own. Reproducing another journalist's work without proper attribution violates copyright law and journalistic ethics.

Misrepresentation and Betrayal of Trust

Journalists must clearly identify themselves when gathering information. However, in truly exceptional cases, for example, when the journalist's personal safety is at stake and the information being sought would serve an important public interest, it may be necessary for the journalists to hide their true identity.

Journalists must refrain from using techniques that betray the trust of their sources, such as recording a person's comments for broadcast without his or her knowledge of it, or not telling an interviewee that he or she is on the air. Journalists must also avoid trespassing or invasions of privacy. These are matters of both professional and personal integrity.

2.1.8 ONLINE JOURNALISM AND PROFESSIONAL NORMS

Journalists whose work is published on the Internet or by means of other new technologies are expected to adhere to the same professional and ethical norms as those whose work is transmitted by more traditional media.

The principles of impartiality, accuracy and truthfulness must be respected during research, writing, editing and publication so as to produce high-quality work.

The deluge of information available on the Internet makes it important that news content be clearly identified as such, to avoid confusion. As well, information must be clearly attributed and sources identified, as per the norms of traditional print journalism. This includes the sources of articles that are reprints or rewrites of material originally published elsewhere.

Start-up costs and capital outlays for online news media are considerably smaller than those for traditional outlets. While this provides a clear advantage to the would-be publisher, the small size of many such operations also has a downside. In a one-person news organization, a single person must assume two fundamentally incompatible roles: acting on the one hand as editorial staff, and on the other, as advertising salesperson. Traditional journalistic ethics dictate that these roles not be played by the same person, regardless of the size of the business, so as not to compromise the integrity of the news operation.

Similarly, the editing and publishing of online news and magazine sites must be entrusted only to journalists and never to specialists in information technology or marketing. This would compromise the work itself and present at the very least the appearance of conflict of interest.

2.2. OBLIGATIONS TO AFFORD PUBLIC ACCESS TO THE MEDIA

2.2.1 PUBLIC ACCESS TO OPINION COLUMNS AND OTHER MEDIA FORUMS

The public does not have any automatic right of access to the pages of print media or broadcast-media airwaves. Still, the media have an obligation to welcome editorial contributions from readers, listeners or viewers.

The media and journalists have an obligation to encourage the free circulation of ideas and the expression of many points of view, be it by publishing letters to the editor, background papers, press releases, opinion pieces, studies, polls, analyses or by opening the airwaves to the public. These initiatives diversify the sources of information and help foster the public debates that are part of democratic life.

Media outlets remain responsible for all that they publish or broadcast, and that includes material submitted by the public. It is also the media's responsibility to act in a courteous and open way toward their readers, listeners or viewers, and avoid placing unnecessary hurdles in the way of those who would like to make their voices heard.

Letters to the Editor, Press Releases, Opinion Articles and Free-Time Broadcasts

Media outlets should develop and publicize guidelines for the publication of open letters, background papers, press releases and opinion articles submitted by the public. Criteria for public participation in open-line and public-affairs programs should also be adopted.

Letters to the editor should not be platforms for diatribes against groups or individuals.

Newspapers reserve the right to edit the letters they publish and write headlines for them, so long as they do not change the author's meaning. They can refuse to publish certain letters, so long as their refusal is not motivated by bias, enmity or a desire to suppress information that is in the public interest.

Anonymous letters should not be published. Letters should be published with the writer's name and city of residence. Exceptions should be made only in cases where revealing the author's name would compromise his or her personal safety or job security and the information or opinion being conveyed is in the public interest and cannot be communicated in any other way. In such cases, the writer's identity must be known to the media outlet. The media must never publish the street addresses and phone numbers of those who contribute letters to the editor.

The Public's Right of Reply

The press should afford the public a reasonable right of reply to anything it publishes or broadcasts. When pertinent, individuals, groups or organizations should be permitted to respond to reports or opinion pieces that focus on them or that directly or indirectly make any accusation against them.

The publication of letters to the editor and of corrections is not always the best way to repair damage done by errors. Even so, the media must remain open to publishing or broadcasting responses from those adversely affected by their transmittal of incorrect or incomplete information. It should show such openness to correcting errors not only in cases where there

might be liability for libel or defamation, but in all cases, out of a broader concern for justice, fairness and ethics.

The journalist's own right of reply to comments from readers, listeners or viewers is an established custom, but should be exercised judiciously and respectfully. To be effective, the reply should appear as soon as possible after the comment, and in no way denigrate, insult or discredit the contributor.

2.2.2 LOCAL AND REGIONAL NEWS

Communities outside large urban centres should not be deprived of access to information by virtue of their location. The media should make every effort to reach all citizens.

Regional media should be accessible throughout the area served. Residents of smaller centres have the same right to information about their local affairs as do residents of big cities. National media have a duty to reflect regional realities, and should not hesitate to use regional resources in their coverage.

2.2.3 Concentration of Ownership

The Press Council believes that while the concentration of press ownership may bring some benefits and make possible the survival of some outlets, it may also constitute a threat to the public's right to information from varied and diverse sources.

The freedom of media corporations to act in their own financial interests must not be confused with freedom of the press. The latter is an extension of the intellectual freedoms of thought and speech that comprise the cornerstone of all democratic and pluralistic societies. Freedom of the press derives from its public-service role and its fundamental responsibility to the public in a free society.

The Press Council reiterates the importance of preserving press freedom, the right of the public to pluralistic information and the free circulation of information and ideas in a democratic society.

The state of concentrated ownership of the press in Quebec poses certain dangers, such as:

1. There is a risk of content becoming so uniform as to threaten freedom of expression and the broad circulation of diverse ideas and viewpoints.
2. The monopolization of advertising markets could occur, jeopardizing the survival of more vulnerable independent outlets.
3. Coverage could become subordinate to the economic imperatives of the business, resulting in censorship or self-censorship.
4. Newsrooms and editors-in-chief can suffer a loss of editorial freedom.

2.3 ATTITUDE OF THE PRESS TOWARDS INDIVIDUALS AND GROUPS

2.3.1 DISCRIMINATION

According to the Quebec Charter of Rights and Freedoms, "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, sexual orientation, civil status, religion, political convictions, language, ethnic or national origin, social condition or the fact that he is a handicapped person or the use he makes of palliatives for his handicap."

The media and journalists must avoid cultivating or supporting prejudices. Under no circumstances may the press use language that would be liable to incite hatred, scorn or violence toward an individual or a group.

It may be appropriate to address differences between individuals or groups, but these portrayals must be pertinent and in the public interest, or essential to the understanding of the story or topic being addressed.

Reporters, opinion-writers and editors must all uphold the highest journalistic standards in this regard at all times.

2.3.2 PRIVACY AND PERSONAL TRAGEDIES

All individuals, including those in the public eye, have the right to see their privacy, dignity and reputation respected. In addition, citizens have a right to be informed about matters of public interest and the press has the duty to inform them.

When the private life of an individual is caught up in an issue or event, the press must weigh the demands of the public interest against the individual right to privacy.

Personal tragedies are especially delicate matters for press coverage. Such situations entail suffering for the people involved and those close to them. Freedom of the press and the public right to know would be compromised, however, if the media ceased to report on such tragedies, as these often highlight problems worthy of public attention.

In their coverage of such stories, the media and journalists should resist pandering to mere curiosity and publish only that which is in the public interest.

At all stages of research and reporting, the media and journalists must demonstrate caution and good judgment. In carrying out their duty to inform the public, they should keep in mind the distinction between matters of public interest and matters that are merely of public curiosity.

In such situations, sensationalism must be scrupulously avoided, and the space or extent of coverage must be proportional to the public-interest element of the story. Sensational, spectacular and morbid elements of a story should not be emphasized.

The press should accord the victims of such events the respect they deserve by avoiding mention of details that may be painful for the victims and their families but that have no direct bearing on the incident being reported. Details that are intended to pander to prurient interests have no place in news reports and cause needless suffering to victims, their families and friends. To cater to prurient interest is to exploit the misfortune of others. Such transgressions would include the publication of images or information, permission for which had been granted by victims or their families in the heat of the moment. The decision to publish should be ethically, not opportunistically, based.

The identification of victims of assault, accident or suicide, or the identification of their families, is a particularly thorny issue for journalists. The same ethical principle obtains: publish names only when it is manifestly certain that such publication is in the public interest.

2.3.3. THE PROTECTION OF MINORS

Save in exceptional circumstances, the press is forbidden by the Youth Protection Act and other laws from identifying minors involved in court proceedings, be they the accused, a victim or a

witness. Respect for these provisions is not only a matter of legal obligation, but also of ethical behaviour, as identifying minors could pose a threat to their safety or well-being, and compromise their social reintegration.

Even in cases that do not involve the legal system, the media should be careful not to identify minors if doing so might stigmatize them in some way or compromise their personal safety or social development.

There are times when the public interest supersedes this principle. For example, an editor may see a need to bring to light tragedies or other events involving juveniles that threaten the well-being of an individual, a group or society as a whole, or to investigate serious social problems involving youths. In all cases, the press must exercise discretion and restraint and demonstrate respect for those involved when choosing how to cover a story. The press should also avoid causing unnecessary suffering to the young victims of traumatic events. The identity of juveniles should be revealed only in exceptional cases. All necessary precautions must be taken and the free and informed consent of the youths must be obtained in the presence of their parents or guardians. It is preferable to prevent the harm caused by the publication of a youth's identity than to later undo it. Harm caused by the publication of the identity of a youth is better prevented than repaired.

2.3.4 COURT REPORTING

The right to a fair trial is a fundamental legal principle.

The press has a duty to report that which is in the public interest, but must not obstruct justice by influencing its outcome. Guilt by association must never be implied, and the presumption of innocence must always be respected. Media coverage of the courts should never amount to "trial by media."

In cases concerning family law or sexual assault, the press must be vigilant in respecting victims' privacy and the protection afforded minors. Once coverage of a story has begun, it should be followed through to its conclusion, and the prominence given to the outcome of a trial (be it conviction or acquittal) should be equivalent to that accorded the original arraignment or indictment. It is up to the media to establish and oversee the appropriate mechanisms to ensure that this is done.

2.3.5 CRIMINAL RECORDS

In reporting judicial proceedings, the press cannot report the criminal records of the defendants unless they are introduced as evidence in open court. Violating this rule can result in contempt of court and undermine the presumption of innocence that is a fundamental prerequisite to a fair trial.

In other contexts, the press should be prudent in deciding whether to publish an individual's criminal record, given the effect that could have on his or her reputation and eventual rehabilitation. Mention can be made only if it is pertinent to the story and clearly in the public interest.

2.3.6 LIBEL AND SLANDER

Libel and slander are matters of both civil and criminal law. If found guilty of wrongfully injuring an individual's reputation, journalists and the media can expect to pay damages and may even incur criminal penalties.

The Quebec Press Act imposes on the print media specific ways in which clarifications or retractions of libellous material are to be made. While the same law also limits the civil liability of the print media in certain specific circumstances, the media and journalists enjoy no special immunity or “privilege” in libel matters.

2.3.7 CORRECTIONS AND CLARIFICATIONS

It is the responsibility of the media to find and use the most appropriate ways to correct errors and omissions that affect individuals or groups. Corrections and clarifications should be made in a way that fully and diligently remedies the wrong done, whether or not a complaint is made, or a remedy requested. Corrections and clarifications should be made in a sufficiently prominent way that the public may be aware of them.

Conclusion

The press has a central role in a democratic society. Only when it is free can it serve the public good by empowering well-informed citizens to participate fully in democratic life.

The rights of the press and the responsibilities that flow from them ensure that the public's right to know is served. For its part, the public, in demanding that information be comprehensive and of a high standard, plays a crucial role in protecting press freedoms.

THE QUEBEC PRESS COUNCIL

Objectives

The Press Council's principal goal is to encourage high standards of journalism and press freedom. As the public's defender in the realm of information, the council strives to ensure that the media (written press, radio, television or online) provide high-quality information that is comprehensive and faithful to the facts. The council seeks to educate the public about the essential role of the press in a democratic society.

The council also works to preserve and protect freedom of the press, the free circulation of information and opinion, free access of the media to sources of information, and the media's right to inform the public and comment on public issues without threat or hindrance.

Beyond taking positions on various issues of journalistic ethics, the council acts to educate, sensitize and advise the public and the media about these matters.

The press council has no judicial, regulatory or coercive powers; moral suasion is its principal tool, and its authority depends on the quality of its work as well as the confidence and support it receives from media outlets and the public.

Structure

The Quebec Press Council is a self-regulatory body made up of press organizations that contribute to its funding. It has seven full members and nine associate members.

The full members are: The Quebec Dailies inc.; The association Les Hebdomas du Québec; The Association canadienne de la radio et de la télévision de langue française; The Société Radio-Canada /The Canadian Broadcasting Corporation; The Société de télédiffusion du Québec; The Quebecor dailies and the Fédération professionnelle des journalistes du Québec. The Board of Directors is composed of 22 members. Seven are named by press management, seven by the Fédération professionnelle des journalistes du Québec, and eight, including the chairperson, are representatives of the public. The public representatives are recruited by means of advertisements, and every attempt is made to ensure that they reflect the diversity of Quebec society.

Each member participates an individual and not as a spokesperson for an organization or as the representative of special interests. The members' role is to voice the expectations, the public's demands and criticisms and to publicize the importance of access to high-quality information.

Anyone who feels that his or her rights with respect to information have been violated may lodge a complaint with the Quebec Press Council, free of charge.

The e-mail address of the council is info@conseildepresse.qc.ca