

# CODE OF CONDUCT FOR THE BROADCAST MEDIA IN KOSOVO

(Pursuant to Section 1 of UNMIK Regulation No. 2000/36  
On the Conduct of the Broadcast Media in Kosovo of 17 June 2000)

**Whereas**, Section 1 of UNMIK Regulation 2000/36 On the Licensing and Regulation of the Broadcast Media in Kosovo confers upon the Temporary Media Commissioner the responsibility for the implementation of a temporary regulatory regime for all media in Kosovo;

**Whereas**, Sub-Section 2.2 of UNMIK Regulation 2000/36 provides that the Temporary Media Commissioner shall issue a Broadcast Code of Conduct;

**Affirming** respect for the principles of the Universal Declaration of Human Rights which include the following provisions:

## *Article 19*

*"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*

and

## *Article 29*

*1. "Everyone has duties to the community in which alone the free and full development of his personality is possible;*

*2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."*

**Affirming** respect for the principles of the European Convention on Human Rights and its Five Protocols which include the following provisions:

## *Article 2*

*"1. Everyone's right to life shall be protected by law..."*

and

*Article 5*

*“Everyone has the right to liberty and security of the person...”*

and in the case of hearings before tribunals established by law

*Article 6*

*“1...the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*

*“2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”*

and

*Article 10*

*“1. Everyone has the right to freedom of expression...”*

*“2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”*

**Consistent** with sub-Section 2.2 of UNMIK Regulation 2000/36 this Broadcast Code of Conduct is hereby issued:

Section 1  
Application

All owners, station managers, editors-in-chief and/or those with ultimate and final editorial control of programmes on radio or television stations in Kosovo (hereafter “broadcasters”) agree to abide by this Code as a condition of receiving a license to broadcast from the Temporary Media Commissioner.

Section 2  
Provocative Statements

- 2.1. All programming will meet generally accepted international standards of civility and respect the ethnic, cultural, and religious diversity of Kosovo.

- 2.2. Broadcasters will not broadcast any material that encourages crime or criminal activities or which carries imminent risk of causing harm, such harm being defined as death, or injury, or damage to property or other violence.
- 2.3. Broadcasters will not broadcast any material that denigrates an ethnic or religious group or implies that an ethnic or religious group is responsible for criminal activity.

### Section 3 Privacy

- 3.1. Broadcasters will not broadcast any material that by intent or effect attributes criminal responsibility to any individual prior to a finding of guilt by a lawfully constituted tribunal.
- 3.2. Broadcasters will not reveal the names, description, photograph, the likeness of, or specific information about any individual alleged to have committed a crime, unless authorities responsible for the administration of justice have expressly authorized that such information can be made public, or unless the individual has been indicted or found guilty of the crime by a lawfully constituted tribunal.

### Section 4 Fairness and Impartiality

- 4.1. Broadcasters will strive to ensure accuracy, fairness, and impartiality in all reporting.
- 4.2. Broadcasters will strive to present differing points of view accurately and fairly.
- 4.3. Broadcasters will not promote the interests of one political party, or political point of view, nor engage in a practice that could have the effect of promoting the interests of one political party or political point of view, or of any group or individual, to the exclusion of other parties, points of view, groups or individuals.

### Section 5 Applicable Law

Broadcasters must respect the laws in Kosovo applicable to media-related activities including, but not limited to, electoral rules.

### Section 6 Separation of News and Opinion

Broadcasters, while free to express their own views, will make every effort to distinguish clearly between comment, conjecture, and fact and will clearly entitle editorials and commentaries as such.

### Section 7

## False and Deceptive Material

- 7.1. Broadcasters will not broadcast material that they know or ought to know to be false or deceptive.
- 7.2. Broadcasters will not broadcast material unless they have undertaken a prudent and reasonable inquiry to ensure the veracity of the material.

## Section 8 Language

Broadcasters will not be prohibit or censor expression on the grounds that it is in a particular language, especially the language of an ethnic minority.

## Section 9 Right of Reply

- 9.1. Broadcasters will extend a right of reply when they have broadcast material that places a person, group or an institution in an unfavorable light, if fairness and impartiality require it. Broadcasters will ensure the reply is given equal prominence to the unfavorable content.
- 9.2. If material broadcast proves to be false, broadcasters will broadcast a correction as soon as possible. Broadcasters will ensure the correction is given equal prominence to the false content.

## Section 10 Complaints by the Public

At least once each day, broadcasters will broadcast the name, address, telephone and, if available, fax number and e-mail address of the responsible owner, manager or editor to whom complaints may be addressed.

## Section 11 Archives

- 11.1 Broadcasters will make complete audio or, in the case of television stations, video recordings of all programs transmitted by them and will preserve such recordings for at least 21 days. These recordings will be made available to the Temporary Media Commissioner on request and must be delivered within 12 hours of the request.
- 11.2 In the event of a complaint against a broadcaster being received by the Temporary Media Commissioner, or in the case of a sanction being imposed pursuant to Section 3 of UNMIK Regulation 2000/36, or in the case of an appeal against a sanction pursuant to Section 4 of UNMIK Regulation 2000/36, the broadcaster must comply with a request from the Temporary Media Commissioner to preserve a recording made under sub-Section 11.1 until the matter is definitively resolved.

Section 12  
Undertaking

I hereby undertake to abide by the provisions of this Code. I understand that any failure to do so may result in sanctions pursuant to Section 3 of the Regulation.

Place/date

Place/date

\_\_\_\_\_  
name of applicant

\_\_\_\_\_  
name of witness