

# Comment on draft IPCM Code of Conduct

July 2024

## Key findings

The Independent Press Council - Myanmar (IPCM)'s draft Code of Conduct aligns with many international media standards. It emphasises important principles like accuracy, protection of sources, and ethical reporting practices. However, there are some areas where it could be strengthened or clarified to better align with international norms. Key amendments should include:

1. Clarify the objective of the Code: who it is for and what function the text should have
2. Shorten the Code and make it more enforceable.
3. Remove guidance on behaviours to another document, such as an editorial manual.
4. Increase protection for freedom of expression.
5. Add further relevant standards commonly found in other codes.
6. Strengthen the complaints process and available sanctions.

The UK and German press councils, both of which worked with the former Myanmar Press Council between 2015 and 2021, were consulted in the development of these key recommendations. The remainder of this paper provides further details on each of these recommendations.

## 1. Clarify objectives

It would be useful to clarify the objectives of the draft Code by refining who it is for and what function the text should have. Currently, the preamble mentions that the Code is for “independent news media agencies both inside and outside of Myanmar.” It also states that the Code sets criteria for responsibilities, protects individual rights, fulfils the public's right to information, and safeguards freedom of press. However, these points could be more clearly defined and emphasized.

Clarifying these aspects is important for several reasons. First, it helps define the scope, ensuring that all relevant media practitioners understand their obligations under the Code. Second, it sets the groundwork for how the Code will be applied and by whom, which is crucial

for enforcement. Third, a clear statement of purpose helps guide interpretation of the Code in ambiguous situations. Lastly, when media professionals understand why the Code exists and how it benefits them, they are more likely to adhere to it.

## Recommendations

- The primary functions of the Code (para. 3+) could be more clearly stated. For example, *“The primary function of the Code is to provide ethical rules for journalists, protecting press freedom, maintaining public trust in media, and serving as a basis for handling complaints against media.”*
- The audience should be defined more precisely (para 3). For example: *“The Code applies to all journalists, editors, publishers, and media owners in Myanmar. This includes citizen journalists, bloggers, social media influencers, and others who professionally engage in news-like activities. It applies to both domestic and international media operating in Myanmar, or on Myanmar from exile. For brevity, all are included under the term ‘media’.”*
- The legal status of the code and its relationship with existing media laws in Myanmar should be included. For example: *“This voluntary Code operates alongside but independent from existing media laws. It is not intended to replace or supersede any current legislation, but rather to provide additional ethical rules for media professionals. While adherence to this Code does not guarantee legal compliance, and vice versa, it promotes the highest ethical standards in journalism. The Code may sometimes be more stringent than legal requirements. Media professionals should strive to meet both legal and ethical standards. In cases of conflict, professionals are encouraged to uphold ethics within legal bounds. The IPCM may provide guidance but cannot advise breaking the law. Code violations and legal infractions are handled separately.”*
- The benefits of adhering to the Code should be added. For example: *“Adhering to this Code benefits media by enhancing their credibility and protecting their professional integrity. Media gain public trust and industry respect. The public benefits from reliable, ethical reporting that informs democratic discourse. Overall, the Code fosters a robust, responsible media landscape that supports transparency, accountability, and the public's right to accurate information.”*

By implementing these clarifications, the Code would provide a clearer framework for its application and purpose, aligning it more closely with international best practices for press codes of conduct.

## 2. Ensure enforceability

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The draft Code, while comprehensive, is quite lengthy and detailed, includes some vague language, and lacks clarity on specific, enforceable rules. Compare, for example, the accuracy rules in the IPCM Code against those in the German and UK codes.

| IPCM Code  | German Code  | UK Code   |
|--|--|---|
| <p>1.1. It is a must for media houses to ensure news and current affairs are handled with due accuracy, fairness and impartiality. They <b>must be honest, fair and courageous</b> in gathering, reporting and interpreting information and current affairs. <b>Inaccurate, distorted and misleading information should not be published.</b> <b>All relevant information must be investigated</b> and news sources <b>must be verified.</b></p> | <p>2. The publication of specific information in word, picture and graphics <b>must be carefully checked</b> in respect of accuracy <b>in the light of existing circumstances.</b> Its sense <b>must not be distorted or falsified by editing, title or picture captions.</b> Unconfirmed reports, rumours or assumptions <b>must be quoted</b> as such.</p> | <p>1.1. Publishers <b>must take reasonable steps</b> to ensure accuracy.</p> <p>1.2 Publishers <b>must distinguish clearly</b> between statements of fact and opinion.</p> <p>1.3 Whilst free to be partisan, publishers <b>must not misrepresent or distort</b> the facts.</p> |

The language used in the German and UK codes, highlighted above in yellow, is clearer, more specific, and written more like a rule. Any media reading these would understand what they were expected to do to ensure accuracy. The IPCM Code, while mentioning similar standards, uses vague language and lacks clear rules. For example, what does “ensure” accuracy mean and how can it be measured?

Shortening the Code and making it more precise would serve several purposes. A shorter code is more accessible, making it easier for journalists to read, remember, and apply in their daily work. More precise language leaves less room for misinterpretation, enhancing clarity. Media will be more likely in practice to adhere to clear rules because they can be sure that they are not going to be criticised by the IPCM later. Additionally, a shorter code can concentrate on the most crucial ethical principles, maintaining focus.

Brevity and clarity are not the only requirements to ensure enforceability. A Code is fundamentally a set of rules and as such can only be enforced if it clearly says what is permitted or not permitted. Often the hardest part of any press council’s job is to make and enforce a judgement based on two contradictory statements made by those involved. Any lack of clarity in the rules makes this judgement much harder to reach. It will also undermine public respect for judgements. One of the most important elements for ensuring enforceability is whether the rule is an objective test of professional journalistic standards which will lead to a “yes” or “no” answer, or a subjective test according to which different people will have different answers. For example, the IPCM code includes subjective tests, coloured red, that are not specifically about media professionalism, would be very difficult to judge upon, and any judgement could be controversial among the media community.

It is also important for credibility and enforceability to ensure that any code reflects the practical day-to-day reality of timely media work. For example, the German and UK codes include qualifying language, highlighted in blue, that set realistic rules, recognising that media

work can never be perfect. The IPCM Code however, makes demands, highlighted in blue, that, while perhaps desirable, would be unachievable in any realistic media environment.

## Recommendations

- Separate principles from rules in the Code. For example, the IPCM Code rule on accuracy includes the principle of fairness and the rule that media should not publish misleading information. The principles should be moved elsewhere to indicate that they are not rules: *“The IPCM believes in...”*.
- Edit the rules ensuring that they clearly, concisely, and objectively lay down rules saying what media must do or must not do. For example, the IPCM Code rule on accuracy may be edited to: *“Take all reasonable steps to ensure information, including imagery, is accurate and not distorted or misleading.”* See the Appendix below for a shortened version of the current Code.
- Consider each provision through the framework of “do” and “don’t” to decide whether it is a rule, and therefore whether to keep it in the Code. For example, considering accuracy through this framework may lead to appropriate rules such as: *“Do: Verify information from multiple sources before publishing. Do: Promptly correct errors and provide updates. Don’t: Publish unverified information or rumours without clear disclosure. Don’t: Manipulate images or video without clear disclosure.”* Everything else would be removed.
- Once the IPCM is receiving complaints about potential breaches of the Code, start writing additional guidance for each rule, based on judgements made. For example, if the IPCM receives a complaint about accuracy, the IPCM will judge whether the media took the “reasonable steps” to ensure accuracy or not. The IPCM’s judgement would then become the basis for a “guidelines on what reasonable steps media should take to ensure accuracy”. This approach is common for other press councils that publish further guidelines from time to time.

By shortening and focusing the Code in this way, it becomes a more practical tool for maintaining professional standards in Myanmar's media landscape. It would be easier for media to follow and for the IPCM to enforce, ultimately leading to more ethical and responsible journalism.

## 3. Focus on published content

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The draft Code includes a significant amount of subjective guidance on attitudes, behaviour, and practices in addition to more objective rules relating to published media content. Compare, for example, the IPCM Code against the German and UK codes.

| IPCM Code   | German Code  | UK Code  |
|---|--|--|
| <p>5.1. Approaching [...] with empathy and consideration.</p> <p>5.2. Empathize [...] executed with great vigilance [...]</p> <p>6.1. [...] eschew intimidation, physical abuse and harassment [...]</p> <p>7.1. [...] you have to act in an honest manner [...]</p> <p>10.1. The media must apprehend and respect the importance of religions [...]</p> <p>8.1. [...] planning fairly and uprightly, questioning, and editing [...]</p> <p>8.5. [...] not be allowed to answer anonymously [...]</p> | <p>4. Dishonest methods must not be used to acquire person-related news, information or photographs.</p> | <p>7.2. Except where justified by the public interest, publishers must [...]</p> <p>(c) take all reasonable steps not to exacerbate grief or distress through intrusive news gathering or reporting.</p> |

The IPCM Code requires media have certain attitudes (highlighted in yellow), behaviours (green), and practices (orange). The German and UK codes do not regulate media attitudes, behaviour, or practices, but only say (highlighted in blue) that media content should not be created using dishonest or distressing methods.

While guidance on attitudes, behaviours, and practices may be valuable, it would be more appropriate in a separate document, such as a journalism manual. Encouraging good professional behaviour is often more effective through education and the promotion of high standards, rather than direct regulation.

Moreover, the authority of press councils stems from their members' expertise in journalism. When these councils extend their judgments to areas of human behaviour beyond their core competency, they risk undermining their credibility and authority. Press council members, while respected in their field, are not necessarily experts or models of general social behaviour. By focusing on behavioural regulation, press councils may open themselves to criticism as moralists rather than journalistic arbiters.

Another practical consideration is the potential burden on press councils. Regulating behaviours could lead to an influx of subjective, spurious, and complex complaints that require significant resources to address. These complaints may have little bearing on the quality of journalism itself, diverting the council's attention and resources from its primary mission.

By refocusing the Code on the quality of published content rather than journalist behaviour, the press council can maintain its authority, avoid overreach, and concentrate on its core purpose of promoting ethical and high-quality journalism. This approach allows for a clearer, more enforceable code that respects the diversity of journalistic practices while still maintaining rigorous standards for published content.

## Recommendations

- Remove guidelines on attitudes, behaviours, or practices from the Code, focusing it entirely upon standards for published media content. This can be achieved by reviewing each provision in the Code, keeping those parts that directly relate to the quality of the published content and removing any guidance on how to achieve that quality. For example, “*avoid discriminatory content*” would be kept while “*respect minorities*” would be removed.
- Where necessary, replace guidelines on behaviours and practices with clear rules for published media content. For example, section 8 of the Code, which provides guidance on how to conduct interviews, could be replaced with: “*Published content must fairly represent the views of interviewed subjects, without distortion or misrepresentation.*”
- Develop a companion journalism manual that provides detailed guidance on journalistic practices, ethical decision-making processes, and best practices for achieving the standards set out in the Code.

This approach allows the Code to remain focused on its core purpose of maintaining ethical standards in published content, while still providing comprehensive guidance to journalists through the separate journalism manual.

## 4. Protect freedom of expression

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The draft Code's reference to the Universal Declaration of Human Rights as a basis for freedom of expression is commendable, serving as a bulwark against government interference and providing leadership for democratic reform, but protection for this right could be strengthened throughout the rest of the document.

### Inclusion

The Code's scope should be broadened to explicitly apply to all media entities and journalists operating in Myanmar, including state-owned, joint venture, independent, exiled, international, and grassroots media. This inclusive approach sets universal standards on ethical journalism and protects freedom of expression for all, regardless of ownership or political affiliation. While state-owned and Myanmar-based media are less likely to adhere to the Code, their inclusion is crucial, as it sets clear expectations for their conduct – now and after any transition – and provides a measurable standard for media watchdogs to evaluate their performance.

The Code should also acknowledge individual citizen journalists and informal media producers, recognizing their direct and growing role in information dissemination where no clear media outlets exists. The IPCM may or may not receive complaints about them, but they should be shown a standard to aspire to.

Furthermore, the Code should apply beyond traditional news media to encompass all forms of media content creation and distribution, including entertainment, documentaries, and opinion pieces. While specific ethical considerations may vary, the fundamental principles of responsible journalism should apply broadly across all media types.

#### Recommendations:

- Explicitly say that: *“the Code applies to all media entities and journalists operating in Myanmar, including state-owned, joint venture, Myanmar-based, independent, exiled, international, and local grassroots media.”* Also say that: *“the Code sets clear standards for media conduct and provides a basis for public evaluation of media performance.”*
- Acknowledge citizen journalists and informal media producers in the Code, recognizing their growing role in information dissemination, and stipulating that they should also adhere to the Code. Also declare whether or not the IPCM will receive complaints about potential breaches of the Code relating to citizen journalists and informal media producers.
- Extend the Code's application beyond traditional news media to include entertainment, documentaries, opinion pieces, and other forms of media content creation and distribution. The simplest way to do this is to remove all references to *“news”* or *“current affairs”* and leave *“media”* and *“media content”* only.

#### Three-part test

The Code should incorporate the internationally recognized three-part test for assessing the legitimacy of restrictions on freedom of expression. This test, derived from Article 19 of the International Covenant on Civil and Political Rights (ICCPR), provides a robust framework for evaluating any limitations on media freedom. It stipulates that any restrictions on freedom of expression must be: 1. Provided by law; 2. Pursue a legitimate aim; and 3. Be necessary and proportionate in a democratic society.

By explicitly including the three-part test, the Code can ensure that ethical standards are justified and meet international norms on freedom of expression. For example, sections in the current draft of the Code relating to impartiality (1.3), anonymity (8.5), religion (10.1-2), sex (13.1), social media (14.3), social norms (15.1), and recognition of journalists (16.2) would be unlikely to pass the three-part test or be regarded as legitimate restrictions to media freedom.

Including the three-part test also ensures that any judgements are made with a constant awareness of the obligation to protect freedom of expression. The third part of the test is particularly relevant for assessing potential reprimands under the Code, helping to determine whether a reprimand is necessary to achieve a particular aim, and whether the chosen reprimand is proportionate to any harm caused by the media.

#### Recommendations:

- Replace Article 19 of the UDHR in the Code preamble to the more up-to-date and useful Article 19 in the ICCPR, which includes the three-part test.
- Review current and future drafts of the Code to ensure that all rules pass the three-part test. Any rules that do not pass the test should be amended or removed.
- Incorporate the three-part test into the procedure for reviewing potential breaches of the Code, and in making any judgements or reprimands. For example by adding: *“1. Is the ethical standard in question clearly defined in the Code? (Provided by law.) 2. Does enforcing this standard serve a legitimate aim, such as protecting individual privacy or*

*national security? (Legitimate aim.) 3. Is enforcing this standard in this specific case necessary and proportionate, or would it unduly restrict freedom of expression? (Necessary and proportionate.)”*

## Public interest test

Incorporating a robust public interest test into the Code is crucial for protecting freedom of expression while maintaining ethical standards in journalism. The concept of "public interest" recognises that in certain circumstances, the societal benefit of publishing information may outweigh other ethical considerations or potential harms.

By including a clear definition and application of the public interest test, the Code can provide a framework for journalists to make informed decisions when confronted with ethical dilemmas. This test allows for a nuanced approach to ethical journalism, recognising that strict adherence to rules without consideration of broader societal benefits could sometimes hinder important reporting.

The public interest test can protect freedom of expression by providing justification for publishing information that might otherwise be considered a breach of privacy or other ethical standards. It also encourages investigative journalism that exposes wrongdoing or holds power to account. It allows for the dissemination of information crucial for public debate and democratic decision-making.

### Recommendations:

- Define public interest clearly in the Code providing examples of what constitutes public interest. For example: *“In certain circumstances a public interest justification may allow for newsgathering methods or content publication that might otherwise breach the Code. Public interest means the public has a legitimate stake in, and/or a right to know about a story due to its societal importance. This includes, but is not limited to: revealing incompetence or unethical behaviour affecting the public; correcting public misinformation on important matters; exposing non-compliance with legal obligations; proper administration of the State; open, fair, and effective justice; public health and safety; national security, crime prevention and detentions.”*
- Outline a test for how the IPCM will assess any public interest defences when assessing potential breaches of the Code. For example: *“Media should only invoke public interest after careful consideration and should not use it lightly to justify unethical practices. Media should document decision-making processes at the time when invoking the public interest, to ensure transparency and accountability. Any claim that breaching a particular standard in the Code was necessary to serve the public interest will be assessed as to whether the media believed that: 1. The action served a clearly identified public interest; 2. They could not have achieved the same result using measures compliant with the code; 3. The action was likely to achieve the desired result; and 4. Any harm caused by the action did not outweigh the public interest in the action.”*

By incorporating inclusion, the three-part test, and a public interest test, the Code would not only set ethical standards for journalism but also serve as a powerful tool for protecting and promoting media freedom in Myanmar. This approach recognises that ethical journalism and

media freedom are mutually reinforcing, and that a strong, independent media is essential for a healthy democracy.

## 5. Add further standards

While the draft Code covers many important aspects of ethical journalism, several areas may be more comprehensively addressed. There are over 50 media codes globally and a comparative study reveals universal standards found in almost every code as well as common standards found in many but not all. The following table lists those standards, highlighting (in yellow) any found in the IPCM Code.

| Universal standards  | Common but <i>not</i> universal standards                  |
|--|--|
| Protection of <b>privacy</b> , reputation, and dignity of the individual | <b>Balance in reporting</b>                                |
| <b>Anti-discrimination</b>   | <b>Plagiarism, copyright infringement</b>                  |
| <b>Protection of children's identity</b>                                 | Crimes, court reporting, witnesses                         |
| <b>Protection in sexual violence cases</b>                               | Accountability to public, <b>duty to inform public</b>     |
| Reporting of crime   | Editorial independence, <b>conflicts of interest</b>       |
| <b>Reporting fairly and accurately</b>                                   | <b>Transparency and integrity</b>                          |
| <b>Opportunity to reply to inaccuracies</b>                              | <b>Depiction of violence</b>                               |
| <b>Protection of sources, confidential information</b>                   | <b>Anti-harassment, intrusion into grief</b>               |
| Distinction between comment and fact                                     | Duty to promote freedom of speech, human rights, democracy |
|  | Protection of journalists                                  |
|  | Diversity, tolerance, <b>anti-hate speech</b>              |
|  | <b>Offence, indecency</b> , suicide                        |
|  | Payments to sources, criminals, officials                  |
|  | Advertising  |
|  | Digital media standards                                    |

Incorporating more of these universal and common standards into the Code would provide more comprehensive rules for ethical journalism in Myanmar. The following recommendations propose further standards that should be added and others that the IPCM may consider useful in the Myanmar context.

### Recommendations

- Add a distinction between comment and fact. For example: *“Published media content must clearly distinguish between factual information and commentary or opinion. Opinion pieces should be clearly labeled as such.”*

- Add reporting on crimes, court reporting, and witnesses. For example: *“Media must report on criminal proceedings fairly and accurately. The identities of witnesses and victims should be protected unless there is a compelling public interest reason to reveal them. Reporting should not prejudice ongoing legal proceedings or the right to a fair trial.”*
- Add payments to sources, criminals, officials. For example: *“Payments to sources for information are generally not permitted, as they can compromise the integrity of reporting. In exceptional cases where payment is considered, it must be fully disclosed. Payments to criminals or officials for information are strictly prohibited.”*
- Add digital media standards. For example: *“Online media should adhere to the same ethical standards as traditional media. This includes practices for verification of information, correction of errors, and moderation of user-generated content. Media should be transparent about data collection practices and protect user privacy. User-generated content should be clearly labelled as such.”*
- Consider adding editorial independence: For example: *“Editorial decisions must be made independently, free from external influence or pressure from advertisers, sponsors, or political entities. Any potential conflicts of interest must be disclosed to the audience. Media must not solicit or accept bribes of any kind.”*
- Consider adding self-harm reporting. For example: *“Reports on self-harm or suicide should be handled with utmost sensitivity. Detailed descriptions of methods should be avoided, and reports should include information on available support services for those who may be affected.”*
- Consider adding advertising. For example: *“A clear distinction must be maintained between editorial content and advertising. Sponsored content or native advertising must be clearly labeled as such. Media should not allow advertisers to influence editorial decisions or content.”*
- Consider adding protection of reputation and dignity. For example: *“Media must not knowingly publish unfounded accusations or unverified allegations that could unfairly damage an individual's reputation. When reporting on private matters, the dignity and privacy of individuals must be respected unless there is a clear public interest justification.”*

These recommendations provide clear guidance on what is permitted and not permitted in these areas, helping to create a more comprehensive ethical framework for journalism in Myanmar.

## 6. Strengthen complaints process and sanctions

The complaints process and sanctions system in the draft Code can be significantly enhanced to ensure fairness, transparency, and effectiveness. Typically, complaints processes and sanctions systems are described in codes with the same level of detail as the standards themselves. A well-structured complaints process is crucial for maintaining the credibility of the Code and the IPCM.

### Complaints process

A robust and transparent complaints process is essential for maintaining the integrity of the Code and ensuring public trust in the media. The complaints process serves as a mechanism for accountability, allowing individuals and organizations to raise concerns about potential ethical violations. It also provides an opportunity for media to address issues and improve their practices.

The most important principles underpinning an effective complaints procedure are accessibility to the public, fairness to complainants and media, timeliness in handling cases, transparency in process and outcome, proportionality of any sanctions, consistency in treatment, and independence of the IPCM. By adhering to these principles, the complaints procedure can effectively uphold ethical standards in journalism while also protecting freedom of expression.

The entire complaints procedure should be clearly outlined in the Code, from submission to resolution to potential appeal. The following sections recommends the elements required and Appendix 2 includes a full procedure as an example:

- **Accessibility.** Establish a clear, easily accessible method for filing complaints. For example: *“1. Anyone affected by a potential breach of the Code is entitled to make a complaint to the IPCM. Complaints should be submitted in writing only via email or the IPCM’s official social media accounts. All complaints should include the minimum required information listed on IPCM’s website and official social media pages. Anonymous or abusive complaints, or complaints relating to media content over a month old may not be accepted.”* For efficiency, consider also adding: *“Complainants should first complain to the media directly wherever possible before complaining to the IPCM.”*
- **Stakeholders and time limits.** Set clear timeframes for the process and identify who will be involved. For example: *“2. All complaints will be handled by the IPCM Complaints Committee and will be resolved within 60 days provided that all required information is provided. Unusually complicated complaints or those of fundamental significance may be handled by the full IPCM plenum and take up to 90 days.”*
- **Initial assessment.** Create a preliminary process to filter out frivolous, vexatious, or unrelated complaints, or request further information. For example, *“3. All complaints will face an initial assessment by the Committee before being accepted. If the complaint is incomplete, the Committee will notify the complainant of outstanding required information before acceptance. If the complaint is anonymous, or abusive, or relates to media content over a month old, or is obviously unrelated to the Code, the Committee will notify the complainant that the complaint has been rejected and, where appropriate,*

*inform them of the relevant office. The complainant may appeal to the Committee within two weeks of the rejection being sent.”*

- **Investigation.** Set up a fair process to gather evidence and statements from all parties. For example: *“4. The Committee will send accepted complaints in writing with a copy of the Code to the relevant respondent, requesting a written statement of response within two weeks of being sent. The Committee may subsequently initiate mediation between the complainant and respondent, deferring the time limits. The Committee may also investigate whether the respondent has made any acts to rectify any potential breach of the Code.”*
- **Decision-making.** Establish a panel system for reviewing complaints and voting for decisions. For example: *“5. The Committee will hold a closed hearing to decide whether to uphold or reject a complaint for a breach of the Code. The Committee may either decide to: (1) reject the complaint as unjustified; (2) uphold the complaint but waive any reprimands; (3) uphold the complaint and issue a reprimand; or (4) defer the decision to the next hearing. Decisions will be made by majority vote of all attending Committee members. Committee members must withdraw from voting if there is any conflict of interest, and complainants, respondents, or other Committee members may raise such conflicts which will then be voted upon by the Committee. A decision should be deferred if it is likely to influence a court case. All hearings will be confidential but documented. The decision and any reprimand will be notified to the complainant and respondent, and published on the IPCM website and social media. Publication may be waived if the Committee decides it is necessary to protect the interest of an affected person. Before making a decision, the Committee may invite the complainant, respondent, and any witnesses to the hearing. Invitations must be sent in writing, in advance, giving time and place, listing participants, and saying that the Committee may make a decision regardless of any absence.”*
- **Appeals.** Design an appeals mechanism for parties dissatisfied with the decision. For example: *“6. Complainants or respondents may submit a written appeal to the IPCM Chairperson within two weeks of the Committee decision being sent. The IPCM Chairperson may follow the same procedure as for the first decision, and may decide either to (1) reject the appeal and uphold the first decision, or (2) accept the appeal and reverse the first decision. The IPCM Chairperson’s decision is final. The IPCM Chairperson’s decision will be notified to the complainant and respondent, and published on the IPCM website and social media. Publication may be waived if the IPCM Chairperson decides it is necessary to protect the interest of an affected person.”*

## Sanctions

The overarching principle of a sanctions system should be to balance the need for accountability with the protection of media freedom, fostering public trust in the media as a whole. Press councils typically use reprimands as sanctions. Reprimands should be designed primarily to encourage compliance with the Code, and not to punish those who breach it. Any reprimands should be issued in a manner that is transparent, consistent, and proportionate to the severity of the breach.

The sanctions system in the draft Code should be enhanced. The following section recommends specific elements required and Appendix 3 includes a full sanctions system as an example:

- **Levels of reprimand.** Establish a clear hierarchy of reprimands based on the severity of the breach. For example: *"1. The Committee shall employ a three-tier system for reprimanding upheld breaches of the Code: (1) Advisory Notice - a non-public reprimand to the respondent for minor, first-time violations; (2) Formal Warning – a public reprimand for a more serious or repeated breach, including a recommendation for any specific corrective actions; and (3) Severe Reprimand – a public warning including a direction for the respondent to carry out specific corrective actions. The level of reprimand issued will depend on the nature of the violation, its impact, and any history of previous breaches."*
- **Issuance of reprimands.** Specify what information should be included in a reprimand. For example: *"2. All reprimands must include: (1) a clear statement of the Code breach and the level of reprimand; (2) a summary of the facts of the case; (3) the Committee's reasoning for upholding the complaint; (4) the Committee's reasoning for the level of reprimand, including reference to any precedents; (5) any required corrective actions, and (6) potential consequences for future violations."*
- **Types of corrective actions.** Outline what actions the Committee can recommend or direct respondents to do to remedy the complaint. For example: *"3. Corrective actions include: (1) issuance of a correction; (2) publication of the decision; (3) fulfil the right of reply; (4) apology; (5) participation in relevant training; (6) development and implementation of relevant internal policies."*
- **Mitigating actions.** Establish what actions the respondent may take to reduce the level of reprimand and any corrective actions. For example: *"4. The Committee should take into consideration any mitigating actions made by the respondent when deciding upon whether to issue a reprimand, choosing a level of reprimand, and choosing any corrective actions. Mitigating actions may include corrections, right of reply, or an apology. The Committee may facilitate the respondent's mitigating actions prior to any decision being issued, but should neither encourage nor discourage them. Any mitigating actions should be recorded in any issued decision."*

By implementing these improvements to the complaints process and sanctions system, the IPCM can create a more robust, fair, and effective system for handling complaints and enforcing ethical standards in Myanmar's media landscape. This enhanced process would contribute to greater accountability, public trust in the media, and overall improvement in journalistic standards.

## Conclusion

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The recommendations in this document aim to strengthen the IPCM's Code of Conduct, aligning it with international best practices while addressing Myanmar's unique media challenges. By clarifying objectives, ensuring enforceability, focusing on published content, protecting freedom



of expression, and enhancing the complaints process, the Code can serve as a robust framework for ethical journalism in Myanmar.

Implementing these changes will create a more precise, practical, and enforceable Code that balances media freedom with accountability. This revised Code will guide journalists and foster public trust in the media, crucial for Myanmar's evolving information ecosystem.

As the media environment rapidly changes, the IPCM should regularly review and update the Code to ensure its continued relevance and effectiveness. Ultimately, a strong Code of Conduct, coupled with an independent and effective press council, can play a vital role in promoting responsible journalism, safeguarding media freedom, and contributing to a well-informed society in Myanmar.

## Appendix 1 – Concise rules

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The following section provides an example of how the current Code may be written to be more explicitly rules-based.

1. Accuracy, Impartiality, and Fairness
  - a. Content must be accurate, fair, and impartial. Knowingly inaccurate or misleading information is prohibited.
  - b. Corrections for inaccuracies must be issued promptly, allowing affected parties to respond in the worst cases.
  - c. One-sided reporting should be avoided.
2. Intellectual Copyright and Fake/Misinformation
  - a. Unauthorized copying of content, including written articles and images, should be avoided.
3. Leaked Contents, Restricted Information, and Protection of Information Sources
  - a. Leaked information can be disclosed if it serves the public interest.
  - b. Confidential information sources must be protected.
4. Personal Liberty and the Public Interest
  - a. Disclosure of private information without consent is allowed only if it serves a clear public interest.
5. Despair, Death, and Disaster
  - a. Coverage of trauma should avoid re-traumatisation where possible. Intrusive behaviour should be avoided unless it serves the public interest.
  - b. Reporting on vulnerable individuals, especially minors, must be handled with care.
6. Physical Abuse, Forcible Acquisition, and Stealthy Collection of Information
  - a. Intimidation, harassment, and coercion in obtaining information are prohibited.
  - b. Hidden cameras and recorders may only be used with editorial consent and if it serves the public interest.
  - c. Recording conversations without notice is prohibited unless it serves the public interest.
7. Impersonation and Cheating
  - a. Impersonation to gather information is prohibited unless it serves the public interest.
8. Interviewing
  - a. Forced interview requests must be rejected.
9. Discrimination
  - a. Discriminatory language or presentation based on race, religion, gender, or other characteristics is prohibited.
  - b. Characteristics should only be mentioned if directly relevant to the news.
10. Religion
  - a. Religious content must be handled with respect and understanding.
  - b. Religious broadcasts must not exploit fear or disparage other religions.
  - c. Content inciting religious conflict is prohibited.
11. Children
  - a. Interviewing children requires parental or guardian consent.

- b. Approaching children in schools requires school authority permission.
  - c. Mentioning a child's private life due to their parent's prominence is prohibited.
- 12. Victims of Sexual Crime
  - a. The identity of sexual crime victims must not be disclosed.
  - b. The identity of child victims or witnesses in sexual crimes must not be disclosed.
- 13. Descriptive Presentation on Sexual Behaviours
  - a. Sexual behaviours must be presented with sensitivity and appropriateness.
- 14. Presenting Violence and Bloodshed on Television and Photography Transmission
  - a. Detailed presentations of violence should be avoided unless necessary for accuracy.
  - b. Graphic content should be justified and not sensationalized.
- 15. Liaison with Law Enforcement Bodies and Authorities
  - a. Journalists must not act as informants for law enforcement or authorities.
- 16. Personal Interests and Influences
  - a. Personal interests must not influence professional duties.
  - b. Accepting gifts or bribes is prohibited.
  - c. Financial misconduct or biased reporting is prohibited.

## Appendix 2 – Complaints process

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1. Anyone affected by a potential breach of the Code is entitled to make a complaint to the IPCM. Complaints should be submitted in writing only via email or the IPCM's official social media accounts. All complaints should include the minimum required information listed on IPCM's website and official social media pages. Anonymous or abusive complaints, or complaints relating to media content over a month old may not be accepted. Complainants should first complain to the media directly wherever possible before complaining to the IPCM.
2. All complaints will be handled by the IPCM Complaints Committee and will be resolved within 60 days provided that all required information is provided. Unusually complicated complaints or those of fundamental significance may be handled by the full IPCM plenum and take up to 90 days.
3. All complaints will face an initial assessment by the Committee before being accepted. If the complaint is incomplete, the Committee will notify the complainant of outstanding required information before acceptance. If the complaint is anonymous, or abusive, or relates to media content over a month old, or is obviously unrelated to the Code, the Committee will notify the complainant that the complaint has been rejected and, where appropriate, inform them of the relevant office. The complainant may appeal to the Committee within two weeks of the rejection being sent.
4. The Committee will send accepted complaints in writing with a copy of the Code to the relevant respondent, requesting a written statement of response within two weeks of being sent. The Committee may subsequently initiate mediation between the complainant and respondent, deferring the time limits. The Committee may also

investigate whether the respondent has made any acts to rectify any potential breach of the Code.

5. The Committee will hold a closed hearing to decide whether to uphold or reject a complaint for a breach of the Code. The Committee may either decide to: (1) reject the complaint as unjustified; (2) uphold the complaint but waive any reprimands; (3) uphold the complaint and issue a reprimand; or (4) defer the decision to the next hearing. Decisions will be made by majority vote of all attending Committee members. Committee members must withdraw from voting if there is any conflict of interest, and complainants, respondents, or other Committee members may raise such conflicts which will then be voted upon by the Committee. A decision should be deferred if it is likely to influence a court case. All hearings will be confidential but documented. The decision and any reprimand will be notified to the complainant and respondent, and published on the IPCM website and social media. Publication may be waived if the Committee decides it is necessary to protect the interest of an affected person. Before making a decision, the Committee may invite the complainant, respondent, and any witnesses to the hearing. Invitations must be sent in writing, in advance, giving time and place, listing participants, and saying that the Committee may make a decision regardless of any absence.
6. Complainants or respondents may submit a written appeal to the IPCM Chairperson within two weeks of the Committee decision being sent. The IPCM Chairperson may follow the same procedure as for the first decision, and may decide either to (1) reject the appeal and uphold the first decision, or (2) accept the appeal and reverse the first decision. The IPCM Chairperson's decision is final. The IPCM Chairperson's decision will be notified to the complainant and respondent, and published on the IPCM website and social media. Publication may be waived if the IPCM Chairperson decides it is necessary to protect the interest of an affected person.

### **Appendix 3 – Sanctions system**

1. The Committee shall employ a three-tier system for reprimanding upheld breaches of the Code: (1) Advisory Notice - a non-public reprimand to the respondent for minor, first-time violations; (2) Formal Warning – a public reprimand for a more serious or repeated breach, including a recommendation for any specific corrective actions; and (3) Severe Reprimand – a public warning including a direction for the respondent to carry out specific corrective actions. The level of reprimand issued will depend on the nature of the violation, its impact, and any history of previous breaches.
2. All reprimands must include: (1) a clear statement of the Code breach and the level of reprimand; (2) a summary of the facts of the case; (3) the Committee's reasoning for upholding the complaint; (4) the Committee's reasoning for the level of reprimand, including reference to any precedents; (5) any required corrective actions, and (6) potential consequences for future violations.

3. Corrective actions include: (1) issuance of a correction; (2) publication of the decision; (3) fulfil the right of reply; (4) apology; (5) participation in relevant training; (6) development and implementation of relevant internal policies.
4. The Committee should take into consideration any mitigating actions made by the respondent when deciding upon whether to issue a reprimand, choosing a level of reprimand, and choosing any corrective actions. Mitigating actions may include corrections, right of reply, or an apology. The Committee may facilitate the respondent's mitigating actions prior to any decision being issued, but should neither encourage nor discourage them. Any mitigating actions should be recorded in any issued decision.