

Proposed IPCM Code of Conduct

July 2024

A. Preamble

The Independent Press Council – Myanmar (IPCM) was established at a conference on 22 December 2023 by independent Myanmar media associations and journalists based inside and outside of the country. The IPCM was formed with the basic principles of continuing to strive for media freedom and freedom of expression in Myanmar, which has deteriorated after the military coup in February 2021, and to collectively counter disinformation spread by the military’s subordinate media organisations.

The Code of Conduct has been revised and updated by the IPCM to be consistent with the current political situation, and is based on the provisions in previous media codes in Myanmar.

The primary function of the Code is to provide ethical rules for media both inside and outside Myanmar, protecting press freedom, maintaining public trust in media, and serving as a basis for handling complaints against media.

The 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.

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.

The Code upholds the fundamental right to freedom of expression enshrined in Article 19 of the 1948 United Nations’ Universal Declaration of Human Rights. Article 19 stipulates as follows:

“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.”

The Code seeks to balance the right to freedom of expression with the rights of the public. The right to freedom of expression is not absolute and may be limited on the grounds set out in Article 19 of the International Covenant on Civil and Political Rights. Irresponsible and unethical media practices may also have an adverse effect on media freedom. Therefore, it is essential for the media to preserve and follow professional ethical standards.

The Code aims to establish self-regulatory rules to ensure that the media behaves responsibly and meets expected standards, while protecting their role to investigate and report freely. The Code intends to reflect on democratic pluralism and highlights the role of the media in maintaining that pluralism. The Code is not intended to restrict the publishing of direct or reported speech, even if the content may otherwise breach the Code.

The Code can be considered relevant to media including publishers, editors, journalists, reporters, citizen journalists, bloggers, photojournalists, content creators, freelancers, and others working for newspapers, journals, radio, TV, and online media.

B. Media responsibilities

Media are responsible for following all the standards in this Code to the highest degree possible. Specifically, media have these obligations:

- (a) To adhere to the Code of Conduct.
- (b) To cooperate with IPCM procedures, including the complaints committee.
- (c) To respect decisions made by the IPCM.

C. Code of Conduct

1. Accuracy, impartiality and fairness

- 1.1. Reasonable efforts must be made to ensure that content is accurate, fair, and impartial. Media must not publish knowingly inaccurate, distorted, or misleading information.
- 1.2. Corrections for inaccuracies should be issued promptly, and affected parties should be given the opportunity to reply in the most serious cases.
- 1.3. One-sided or partial reporting should be avoided.
- 1.4. Statements of fact and opinion should be clearly distinguished.

2. Copyright

- 2.1. Third party content, including writing and imagery, should not be copied without necessary permission or without appropriate credit.

2.2. Reasonable efforts must be made to identify and credit the originator of third-party content. Corrections for credit should be made promptly if necessary.

3. Sources

3.1. Leaked information may be disclosed if it serves the public interest.

3.2. Anonymity of sources must be protected where confidentiality has been agreed and not waived by the source, except where the source has been manifestly dishonest.

3.3. Payments to sources for information should be avoided. In exceptional cases where payment is considered, it must be fully disclosed. Media must not make payments to criminals or public officials.

4. Privacy

4.1. Private information should not be disclosed without consent unless it serves the public interest.

5. Trauma

5.1. Reasonable efforts should be made to avoid exacerbating grief or distress. Intrusive behaviour may only occur if it serves the public interest.

6. Harassment

6.1. Intimidation, harassment, and coercion must not be used in obtaining information.

6.2. Reasonable requests to cease following, communicating, or photographing a person should be complied with unless continuing serves the public interest.

6.3. Covert methods to collect information, including hidden recording devices, should be avoided unless it serves the public interest.

6.4. Sources should be notified if interviews will be recorded.

7. Impersonation

7.1. Media should identify themselves as such. Deception and impersonation should be avoided unless it serves the public interest.

8. Interviewing

8.1. Interviewees should be informed about the interview format and general subject in advance wherever possible.

8.2. Media has the right to withdraw requests to interview.

8.3. The right to decline interviews should be respected. Refusals may be reported without implying negative connotations.

8.4. Content must fairly represent the views of interviewees without distortion or misrepresentation.

8.5. Interviews should not be anonymous unless there are reasonable grounds to do so.

8.6. Interviews should be agreed in advance unless in the public interest.

9. Discrimination

- 9.1. Discriminatory, prejudicial, or derogatory references to age, disability, ethnicity, gender, health, immigration status, marital status, pregnancy, race, religion or belief, sex or sexual orientation, socio-economic status, or any other protected characteristics must be avoided.
- 9.2. Protected characteristics should only be mentioned if directly relevant to the story.
- 9.3. Encouraging hostility, hatred, or discrimination toward any group based on a protected characteristic must be avoided.

10. Children

- 10.1. Engaging with a child or reporting on an identifiable child must not cause them harm. Identification of a child must only be made where it is relevant to the story.
- 10.2. Reporting on a child must have the child's consent. It should also have parental, guardian, or school consent unless there is an exceptionally high public interest.
- 10.3. Mentioning a child's private life due to their parent's prominence must be avoided.

11. Justice

- 11.1. Criminal investigations and court proceeding must not be knowingly or negligently obstructed or prejudiced.
- 11.2. Individuals under criminal investigation must not be directly or indirectly identified without consent until charged, unless the police have released the name or publication serves the public interest.
- 11.3. Victims and witnesses of sexual abuse must not be directly or indirectly identified without consent. The relationship between a victim and the accused must not be mentioned if it could lead to identification of the victim.
- 11.4. References to an accused individual's relatives should be avoided unless it serves the public interest.

12. Sensitive content

- 12.1. The media's right to freedom of expression includes content that may be deemed sensitive to some audiences. The portrayal of sensitive content, including violence, sexual violence, suicide, self-harm, drug use, smoking, drinking alcohol, sexual behaviours, nudity, gambling, and more generally illegal acts should be presented with due appropriateness to the likely audience, particularly vulnerable individuals and children.
- 12.2. Detailed presentations of sensitive content, including graphic imagery, should be avoided unless necessary for accuracy. It should not be sensationalised.
- 12.3. Detailed presentations on the methods used for sensitive behaviours, including suicide or self-harm, that may lead to imitation should be avoided.

13. Transparency

- 13.1. Significant conflicts of interest in editorial decisions must be disclosed to audiences.
- 13.2. Sponsored content or native advertising must be clearly labelled as such.
- 13.3. Bribes of any kind, including cash, gifts, or benefits, must not be solicited or accepted.

- 13.4. Acting as an informant to law enforcement, security services, or other public authorities must be avoided. Individuals working as “crime reporters” are not media.
- 13.5. User-generated content or AI-generated content must be clearly marked as such.

D. Public interest

- D.1. 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.
- D.2. 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:
 - D.2.1. The action served a clearly identified public interest;
 - D.2.2. They could not have achieved the same result using measures compliant with the code;
 - D.2.3. The action was likely to achieve the desired result; and
 - D.2.4. Any harm caused by the action did not outweigh the public interest in the action.

E. Complaints process

- E.1. Any person affected by a potential breach of the Code is entitled to make a complaint to the IPCM.
 - E.1.1. Complaints should be submitted in writing only via email or the IPCM’s official social media accounts.
 - E.1.2. All complaints should include the minimum required information listed on IPCM’s website and official social media pages.
 - E.1.3. Anonymous or abusive complaints, or complaints relating to media content over a month old may not be accepted.
 - E.1.4. Complainants should first complain to the media directly wherever possible before complaining to the IPCM.
- E.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.

- E.2.1. Unusually complicated complaints or those of fundamental significance may be handled by the full IPCM plenum and take up to 90 days.
- E.3. All complaints will face an initial assessment by the Committee before being accepted.
 - E.3.1. If the complaint is incomplete, the Committee will notify the complainant of outstanding required information before acceptance.
 - E.3.2. 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.
 - E.3.3. The complainant may appeal to the Committee within two weeks of the rejection being sent.
- E.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.
 - E.4.1. The Committee may subsequently initiate mediation between the complainant and respondent, deferring the time limits.
 - E.4.2. The Committee may also investigate whether the respondent has made any acts to rectify any potential breach of the Code.
- E.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:
 - E.5.1. reject the complaint as unjustified;
 - E.5.2. uphold the complaint but waive any reprimands;
 - E.5.3. uphold the complaint and issue a reprimand; or
 - E.5.4. defer the decision to the next hearing.
- E.6. Decisions will be made by majority vote of all attending Committee members.
 - E.6.1. 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.
 - E.6.2. A decision should be deferred if it is likely to influence a court case.
 - E.6.3. All hearings will be confidential but documented.
 - E.6.4. 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.
 - E.6.5. 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.

- E.7. 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:
- E.7.1. reject the appeal and uphold the first decision; or
 - E.7.2. accept the appeal and reverse the first decision.
 - E.7.3. 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.

F. Sanctions

- F.1. The Committee shall employ a three-tier system for reprimanding upheld breaches of the Code.
- F.2. The level of reprimand issued will depend on the nature of the violation, its impact, and any history of previous breaches.
 - F.2.1. Advisory Notice - a non-public reprimand to the respondent for minor, first-time violations;
 - F.2.2. Formal Warning - a public reprimand for a more serious or repeated breach, including a recommendation for any specific corrective actions; and
 - F.2.3. Severe Reprimand - a public warning including a direction for the respondent to carry out specific corrective actions.
- F.3. All reprimands must include:
 - F.3.1. clear statement of the Code breach and the level of reprimand;
 - F.3.2. summary of the facts of the case;
 - F.3.3. the Committee's reasoning for upholding the complaint;
 - F.3.4. the Committee's reasoning for the level of reprimand, including reference to any precedents;
 - F.3.5. any required corrective actions; and
 - F.3.6. potential consequences for future violations.
- F.4. Corrective actions include:
 - F.4.1. issuance of a correction;
 - F.4.2. publication of the decision;
 - F.4.3. fulfil the right of reply;
 - F.4.4. apology;
 - F.4.5. participation in relevant training;

- F.4.6. development and implementation of relevant internal policies.
- F.5. 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.
 - F.5.1. Mitigating actions may include corrections, right of reply, or an apology.
 - F.5.2. The Committee may facilitate the respondent's mitigating actions prior to any decision being issued, but should neither encourage nor discourage them.
 - F.5.3. Any mitigating actions should be recorded in any issued decision.