

SUBSIDIARY LEGISLATION 350.16

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO THE COVERAGE OF TRAGEDIES IN BROADCASTING

22nd March, 2007

GOVERNMENT NOTICE 259 of 2007.

The title of these requirements is the Requirements as to Standards and Practice applicable to the Coverage of Tragedies in Broadcasting. Citation.

1. Introduction

1.1 The Broadcasting Authority has approved these Requirements to assist television broadcasters and radio broadcasters, where applicable, in the reporting of tragedies.

1.2 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. The Victim

2.1 When a tragedy occurs, the event affects primarily the victim and his/her relatives/friends. Once the event is reported, it also becomes the concern of the audience.

2.2 When reporting a tragedy, broadcasters must keep in mind that notwithstanding the news value of the event, the subject is a person or persons who deserve to be treated with respect and dignity.

2.3 No other consideration should override such respect and dignity, which must be reflected in the way the tragedy is visually portrayed.

2.4 Injured or deceased victims should not be shown in close-up unless there are compelling reasons for doing so.

2.5 Close-ups of the injuries suffered by victims should generally be avoided.

2.6 Care should be taken not to linger unduly on the physical consequences of the tragedy.

2.7 Decency requires that people should be allowed to die in private. Only in the rarest circumstances should broadcasters show the intimate moments of death itself.

2.8 Respect for the dignity of the victim requires that reporters must not make unsavoury or sensational speculation:

- i. on the causes of the tragedy;
- ii. on the state of the victim before the tragedy;
- iii. on how the tragedy may have happened;

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iv. on any other factor which has not been duly verified.

3. The Relatives

3.1 The considerations respecting the dignity of the victim in certain respects apply also to relatives and friends.

3.2 The rights of these people to grieve in private merits special consideration.

3.2.1 They should not in any way be subjected to further distress.

3.2.2 They should not be put under any pressure to provide interviews.

3.2.3 Their consent should be sought if they are to be filmed in hospital wards, funerals and other places where grieving is taking place. This also applies when relatives and friends happen to be present on the scene of the tragedy.

3.2.4 There should be no unnecessary intrusion on the privacy of relatives and friends especially through the use of hidden microphones or cameras.

3.2.5 Above all they should be spared the distress of receiving the tragic news from the broadcasting media. Hence, broadcasters should take care not to reveal the identity of the victim unless and until they have ascertained that the immediate family has been informed.

3.3 Programmes produced for the sole intention of examining past events involving tragedy, should try to minimise the potential distress to surviving victims or relatives in retelling the story.

3.4 As far as it is reasonably practicable, surviving victims or the immediate families of victims whose experience will feature in the programme, should be informed of the programme's plans and its intended transmission. Failure to do this might be deemed an unwarranted infringement of privacy, even if the events or materials to be broadcast have been in the public domain in the past.

4. The Viewer

4.1 The viewer is entitled to fair and well-composed coverage of a story and should not be subjected to cheap sensationalism.

4.2 Images shown on television can have an overwhelming impact. While broadcasters should not shy away from showing tragic events and their consequences, they must take care that the choice of accompanying words ensures they put the scenes in the right perspective. Those exercising editorial judgements should be aware of the impact such material may have on the audience.

4.3 A balance needs to be struck between the demands of truth and the danger of desensitising people. Where the results of tragic events are shown in television news bulletins, the fact that the tragedy has distressing consequences should not be glossed over.

5. Verification of Facts

5.1 Verification of facts - the basis of news reporting - is crucially important particularly in the coverage of tragedy.

6. Suicides

6.1 There should be no mention of suicide except in extraordinary circumstances. It is particularly important to avoid detailed portrayal of suicide when there is some novel aspect which may be copied. Care also needs to be taken over the choice of words to describe the event.

7. Children

7.1 Children's vulnerability must be a prime concern for broadcasters.

7.2 It must be understood that children do not lose their rights to privacy because of tragic events concerning their parents or their school.

7.3 Care should be taken that a child's gullibility or trust is not abused to obtain more information concerning the tragedy.

7.4 Children should not be questioned about private family matters or asked for views on matters likely to be beyond their capacity to answer properly.

7.5 Consent from parents or those in loco parentis should be obtained before interviewing children under 18 on matters of significance. Where consent has not been obtained or actually refused, any decision to go ahead can only be justified if the tragedy is of overriding public interest and the child's appearance is absolutely necessary.

7.6 Similarly, children under 18 involved in tragedies where police enquiries or legal proceedings are taking place should not be identified in programmes.

7.7 Notwithstanding what may be deemed to be acceptable for reasons of newsworthiness and the public's right to know, certain situations, particularly those involving gory, shocking and other appalling scenes likely to impress, should not be broadcast before the watershed.

8. Further Points

8.1 Tragic events should not be exploited for political reasons, ulterior motives or hidden agendas.

8.2 Broadcasters should prevent attempts by peripheral actors, institutions and interested third parties to exploit the situation for their own ends.

8.3 As tragedy is newsworthy to the public and not to specific agencies, the latter may not use the information for their own advancement and benefit.

9. Conclusion

9.1 Only strong overriding public interest can provide

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exceptions to these norms of behaviour.

9.2 The foregoing while referring generally to TV broadcasting applies to the medium of radio where relevant.
