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**Georgian National Communications Commission Resolution No 2  
March 12, 2009 Tbilisi**

**On the Approval of Code of Conduct for Broadcasters**

Pursuant to Article 50 of the Law of Georgia on Broadcasting, the Georgian National Communications Commission resolved:

1. To approve the **Code of Conduct for Broadcasters** as attached;
2. To instruct the Legal Department (K. Qurashvili) of the Commission to register the Resolution in Georgia's state register of normative acts in accordance with the rule established under the Georgian legislation;
3. To enforce the Resolution on the 15<sup>th</sup> day after its publication.

Acting Chairman of Commission

*S. Britanchuk*

**CODE OF CONDUCT FOR BROADCASTERS**

**Chapter I**

**General Provisions**

**Article 1. Scope of the Code**

1. The Code of Conduct for Broadcaster (hereinafter referred to as *Code*) is adopted by the Georgian National Communications Commission in accordance with the Law of Georgia On Broadcasting and sets out the principles, rules and guidelines for the production and broadcast of programmes.
2. The principles of broadcasting are binding and define professional standards to be complied with by broadcasters in a free, pluralistic and democratic state.
3. The rules define requirements of the Code to be observed by broadcasters in order to achieve the objectives set forth in this Code.

4. The guidelines are methodical recommendations (ways and means) that broadcasters can use to observe the principles and rules set forth in this Code. They assist journalists, editors and broadcasters to solve deal with ethical dilemmas, which may arise in broadcasting activity, in accordance with universally accepted professional standards and with due consideration to all legitimate interests. These guidelines help broadcasters set and improve rules, conditions, ethical norms and professional standards of the service by all broadcasting licensees in Georgia. The guidelines also help journalists, editors and broadcasters deal with ethical issues arising in broadcasting activity in accordance with universally accepted professional standards.

## **Article 2. Legal framework**

1. The legal framework of this Code comprises the Constitution of Georgia, international agreements regulating the field of broadcasting, the Law of Georgia On Broadcasting, Election Code of Georgia, Law of Georgia On Copyright and Associated Rights, other legal acts on freedom of speech and expression.

2. The Code shall be interpreted in accordance with the Constitution of Georgia, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court on Human Rights so as to ensure the maximum protection of the freedom of speech and expression.

## **Article 3. Principles of the Code**

1. The Code relies on broadcasting principles of:

a) Ensuring impartiality and accuracy of information, freedom of speech and expression, professional freedom of journalists, editorial independence and public accountability; contributing to the development of civil society.

b) Accommodating interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender.

c) Respecting individuals' right to privacy, balancing the public interest in freedom of expression with respect for privacy.

d) Establishing complaints handling procedures within the limits of self-regulation.

2. When applying the Code, broadcasters shall take into account the context in which the material is broadcast and give consideration to the following:

a) The degree of harm and offence likely to be caused by the content of any particular material included in a programme;

b) The likely size and composition of the potential audience;

c) The likely expectation of the audience as to the nature of a programme, the extent to which the audience can be informed about the content of a programme and the likely impact of a programme on the potential audience;

d) The importance of retaining editorial independence and responsibility over a programme content.

3. The standards of the Code shall also apply to the material published on broadcasters' websites.

#### **Article 4. Purpose of the Code**

1. The purpose of the Code is to ensure that any broadcasting licensee and especially, the public broadcaster be equally responsible for observing standards of professional ethics and be accountable to the public as being necessary to protect ethics and human values, strengthen social consensus and promote tolerance in a democratic society

2. Broadcasters shall be able to justify any breach of the rules of this Code by the public interest, provide reasonable grounds for such a breach and demonstrate clearly an editorial process in accordance with the principles of the Code.

#### **Article 5. Definitions**

For the purposes of this Code, the following terms shall mean:

- a) Antisocial behaviour – behaviour disruptive of social standards established in a society.
- b) Close-up – a shot that tightly frames a person (character), or a separate part of the body, without showing a broader scene;
- c) Brand – a trademark name impressed or printed on a box or packaging; a particular kind of a product so identified.
- d) Branding – undue promotion of a specific product by exploiting marketing communications (primarily PR and advertising) and other elements (packaging and trademark) to influence consumers' minds
- e) Warranted action – a failure to observe rules of the Code in the public interest, where such a failure can be editorially justified by a broadcaster, and the protected good outweighs possible harm.
- f) Concerned party – any person who is affected by or mentioned in a programme or in the decision of the broadcaster's self-regulation body.
- g) Door-stepping – the recording of an interview or a phone conversation for broadcasting without a prior warning of an interviewee. The door-stepping rules do not apply to random public opinion polls.
- h) Exorcism – the use of prayers in the treatment of mental disorders for the aim of evicting demons from a person they are believed to have possessed, which may cause psychic disorder in patients.
- i) Legitimate expectation of privacy – individuals' expectation that they will be treated in accordance with the acknowledged and established rules and standards of privacy. The legitimate expectation of privacy does not vary by individuals' social status. Individuals may also expect privacy in public places. People in the public eye retain the right to a private life although any particular private behaviour may raise issues of legitimate public interest.
- j) Commission – Georgian National Communications Commission

- k) Context – a combination of factors such as content of a programme or series of programmes, passage of a programme or series of programmes, the general substance of which allows to throw light on and/or complete the meaning of separate words, expressions, events, etc. contained therein.
- l) Clear editorial justification – a substantiated written request of editor to allow exception in programme schedule. The exception can be allowed when there is a need to fully represent the content of a programme and/or retain the context.
- m) Relative – mother, father, guardian or any other legal representative.
- n) Occultism – a belief that certain secret, mysterious, or supernatural agencies exist and that human beings may communicate with through magic, sorcery or similar means.
- o) Domestic violence – a repeated and frequent physical, psychological, sexual or any other abuse (be it a real action or intimidation) by a member of the family against another to gain control and power over the other party.
- p) Paranormal – a phenomenon that lacks a scientific explanation or is outside of science's current ability to explain or measure.
- q) Programme-related material – a material received from third parties, which is directly associated with the topic of the programme and helps listeners or viewers understand the idea and content of a programme.
- r) Product placement – the inclusion of, or a reference to, a product or service within a programme in return for payment or other valuable consideration to the programme maker or broadcaster (or their representative or associate).
- s) Investigative journalism – a thorough inquiry into facts or actions being of interest to institutions and society.
- t) Children's time – times when children are particularly likely to be listening to radio or watching television programmes without a parental control.
- u) Public interest – general interest (as opposed to the curiosity of individuals) in issues and/or events of high importance, which concern a broad section of population or a particular social group and fall under the sphere of general interest, which is related to the realization of public self-governance in a democratic society.
- v) Sexual context – exhibition of nudity to arouse or gratify the sexual desire of any person.
- w) Sexual scene – a shot featuring physical contact between individuals to gratify their sexual desires, or/and a separate individual, not being in physical contact with another, to gratify their own sexual desire or arouse sexual desire of other persons
- x) Sexual intercourse – a heterosexual, homosexual or any other physical contact between individuals for the purposes of marriage, intimacy or gratifying sexual desire where nudity is displayed, and/or nudity of an individual, not being in physical contact with another, who is engaged in sexual self-gratification or trying to arouse the sexual desire of others.

y) Sponsored programming – a programme funded by an advertiser, also, a programme that has had some or all of its costs covered by a sponsor who wants to promote a trademark, brand name, image, activities, services, products or has any other direct or indirect interest.

z) Secret filming or recording – the use of any technical device for recording or continuation of a recording without the informed consent when a party concerned is not aware that is being recorded, or thinks that the recording has come to an end. Secret filming or recording includes the use of recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording telephone conversations without an informed consent of a respondent.

aa) Naked body – a human body with exposed genitals and/or women's breasts in a sexual context;

bb) Appropriate scheduling – a scheduling of airtime with due regard being given to the nature of the programme content, the likely number and age range of children in the audience (taking into account school time, weekends and holidays), the nature of broadcaster and the particular programme and the likely expectations of the audience for a programme aired by a particular broadcasters at a particular time and on a particular day.

cc) Long shot – full image of a person (character) shown at a relatively small scale with his/her surroundings dominating the scene.

dd) Watershed – a time dividing broadcast schedules which starts at 6 am and ends at 8 pm and is free from programmes likely to have harmful influence on children. The broadcast of programmes or inclusion of material in programmes that may have a harmful influence on minors between 8 pm and midnight are subject to time limits set out in this Code.

## **Chapter II**

### **Self-Regulation and Accountability**

#### **Article 6. Correction and retraction**

1. Within 10 days of an initial statement being made, or facts reported, a concerned party has the right to request correction or retraction of any inaccurate information through the same means and in the same form, in accordance with the rule provided in Article 52 of the Georgian Law on Broadcasting. The correction or retraction shall be of the same duration as the initial statement and appropriately scheduled.

2. A requests shall specify a name of the programme, the date and time of broadcast, provisions of the Code being violated by a broadcaster, the type and content of the breach.

#### **Article 7. Self-Regulation and Accountability**

1. Broadcasters have the right to choose an effective self-regulation mechanism, in accordance with Article 14 of the Georgian Law on Broadcasting and this Code, which meets high professional standards and provides for transparent and effective complaints handling procedure and ensures timely and substantiated respond to them.

2. The rule for making a complaint on the issues covered by the Code is specified by the Georgian legislation.

## **Article 8. Accountability**

A broadcaster shall audit its self-regulation system annually and submit a detailed report to the Commission in accordance with paragraph 3, Article 70 of the Georgian Law on broadcasting. The report shall include the information on:

- a) Complaints (appeals), statements received by a broadcaster with regard to breaches of this Code and the decisions taken thereupon;
- b) Terms of handling complaints (appeals);
- c) Breaches of the Code by broadcaster employees, provisions violated, recurring violations, and preventive measures undertaken to eliminate violations.
- e) Measures undertaken by a broadcaster to train and upgrade the qualification of its employees.

## **Article 9. Complaint handling**

1. Broadcasters shall ensure that a decision be taken through an impartial and fair procedure and the process of complaint handling be transparent, in accordance with the Georgian Law on Broadcasting.
2. Complaints shall be handled in due time, within a reasonable term. Where it needs more than 21 days to take a decision, a broadcaster shall justify the extension of the complaint handling term and notify all the concerned parties about such an extension.

## **Article 10. Right to appeal decisions of broadcasters**

1. A broadcaster's decision on a complaint can be appealed within 7 days to the self-regulatory appeal body set up by a broadcaster or broadcasters' association.
2. The appeal body has the right to dismiss appeal and uphold the initial decision of the broadcaster if the appeal is unfounded and the broadcaster's decision is substantiated.
3. No member of the appeal body shall be public official or member of any political party and have participated in the initial decision on the complaint.
4. The members of appeal body shall be independent, impartial and qualified persons.
5. Concerned parties have the right to challenge any member of the appeal body on the grounds of conflicts of interest. A removal of any of the appeal body members shall be decided by a majority of votes of the appeal body. If votes are divided, a chairman has a casting vote break a tie.
6. The appeal body shall arrive at a decision within 30 days. Where it needs more than 30 days to take a decision, the appeal body shall justify the extension of the appeal handling term and notify all the concerned parties about such an extension

## **Article 11. Transparent and fair hearing**

1. Broadcasters (appeal body) shall ensure that all the concerned parties attend a complaint hearing.
2. Decisions on complaints and appeals must be in writing and substantiated.
3. The final decision shall be sent out to all the parties concerned.

### **Chapter III**

#### **Due accuracy**

##### **Article 12. Principle of due accuracy**

News and factual information shall be reported impartially and with due accuracy.

##### **Article 13. Requirements to ensure accurate reporting (rules)**

1. Broadcasters shall take all reasonable steps to ensure that facts are accurate and sources of information reliable.
2. Broadcasters shall provide reliable and accurate information, shall not report any untrue or misleading information.
3. Material factual errors shall be corrected publicly and quickly after it has been identified by a broadcaster. The correction shall be made through the same means, in the same form and scheduled appropriately.
4. When reporting statistical information, broadcasters shall identify the source of information. Special care shall be taken when reporting statistics about health, crime and national security in order not to unduly worry the public.
5. Broadcasters shall refrain from staging and re-staging events in news and current affairs programmes in order not to mislead the audience, or shall make it clear that is a staging or re-staging. Any reconstruction of documentary or real facts shall be clearly signposted.

##### **Article 14. Guidelines to ensure accurate reporting**

1. Broadcasters should provide the audience with reliable and accurate information and shall not allow any reporting of false or misleading information.
2. To ensure accuracy, broadcasters should identify the source of information. If information was obtained from anonymous sources, broadcasters should clearly state that the source of information is anonymous.
3. Broadcasters should anticipate any possible interest or bias on the part of the source, especially when dealing with opinions regarding the issue of public interest, and take every reasonable step to ensure the fairness and accuracy of the reported information.
4. Broadcasters, as far as practicable, should rely on first hand sources and gather information themselves. As a rule, broadcasters should not rely on a single source but seek to obtain information from other sources.

5. Depending on the importance of the information, broadcasters should verify the source and the accuracy of the information. When the accuracy, reliability and source of information cannot be verified, it should be indicated that the information is unverified.
6. So far as is practicable, broadcasters should have written record or audio or video recording of information obtained from anonymous sources.
7. Broadcasters should not make any payment for information, especially to public officials.
8. When reporting confidential information, broadcasters should be alert to the danger of violating individuals' right to personal and commercial secret by disclosing information.
9. When editing interviews, recorded material, including an archive material, broadcasters should not distort a respondent's words or mislead the audience in any other way by video or audio manipulations, by changing the meaning of the questions asked, or using shots out of context.
10. Not to mislead audience, broadcasters should refrain from using humour, irony or satire in news programmes or clearly explain the meaning thereof.

## **Chapter IV**

### **Impartiality**

#### **Article 15. Principle of impartiality**

News shall be reported with impartiality.

#### **Article 16. Requirement for news reporting (rules)**

1. No political official or political party member shall be allowed to participate in news or current affairs programme as a presenter, interviewer or journalist.
2. Political, controversial or public policy matters that are being hotly debated should not be covered from the standpoint of a broadcaster's own attitude or opinion. Broadcasters shall not express their support to any political party, social or religious association or other interest groups.
3. Broadcasters should ensure a balanced coverage of matters of political or other controversy across the series of programmes. Where the balance is planned to be achieved over the programme series, this should be made clear to audience on the very first day the programme.
4. Broadcasters should separate fact from opinion. One-sided interpretation of opinions should be avoided.
5. All significant opinions about any controversial issue should be covered within a period when the issue is urgent.
6. In live broadcasts, broadcasters should take all reasonable precautions to ensure the impartiality and timely prevent any violation thereof.

#### **Article 17. Requirements to authored programmes**



1. Before airing any authored programme, they should be signposted to the audience that they are authored programme. The authored programme should offer the audience a wide variety of views, avoid any distortion of facts and misinterpretation of an opposing view.
2. Presenters of authored programmes should not use their position to report opinions in a way that may violate the impartiality of the programme.

#### **Article 18. Guidelines for impartiality in news and current affairs programmes**

1. To ensure a fair and impartial coverage of political events, broadcasters should bear in mind that impartiality does not mean providing equal time to every opinion but ensuring an adequate coverage of significant opinions.
2. The programme or report will be considered biased if it lacks comprehensive information on important facts, is based on minor facts, misleads the audience intentionally or unintentionally, or conveys biased views of a person in a hidden form.
3. If broadcasters choose to invite a single concerned party to a programme to explore its particular view, the invitee should not be allowed to use its own position for attacking other parties not participating in the programme.
4. Phone-ins during live broadcasts should be screened in a fair manner; the prominence of only one particular view should not be allowed to avoid the manipulation of public opinion by phone calls.
5. To ensure impartiality of current affairs programmes, representation and balance in selecting presenter and guests for them should be observed.
6. Investigative journalism is a journalist's legitimate method for inquiring into matters of public interest. Such a programme should present all the available evidence and a wide range of opinions on the subject being investigated. Journalists conducting the investigation should ensure the accuracy of facts, in order to maintain impartiality.
7. Broadcasters should not present non-scientific opinions or beliefs as scientific theory or fact.

### **Chapter V**

#### **Fairness**

##### **Article 19. Principle of fairness**

All physical and legal persons shall be treated fairly and with due respect.

##### **Article 20. Requirement for fair treatment of programme participants (rules)**

1. Broadcasters and programme makers/producers shall treat potential programme participants fairly.
2. Prior to inviting a person to programmes, broadcasters should inform them about (except when the subject matter is trivial or their participation minor):

- a) Nature and purpose of the programme, why they were invited and when (if known) and where it will be first broadcast;
- b) Form of participation (whether it is, for example, live or recorded interview, discussion, edited, unedited, etc);
- c) Areas of questioning and names of other potential participants;
- d) Any significant changes to the programme which might affect their original consent to participate and might cause material unfairness;
- e) Rights and obligations of a broadcaster;
- f) Whether they will be given an opportunity to preview the programme, be able to make any changes to it.

Broadcasters may withhold all or some of the above information when it is justified in the public interest or under the provisions of this Code.

3. If a programme participant is under eighteen, consent should be obtained from a parent, guardian or other person with primary responsibility for their care. Regardless of consent given by a parent, guardian or other person with primary responsibility for their care, persons under eighteen should not be asked for views on such matters that are beyond their capacity to answer properly.
4. If a person over eighteen but with disabilities is not in a position to give consent, the consent should be obtained from a guardian or a person with primary responsibility for their care.
5. When a programme is edited, participants should be represented fairly.
6. Broadcasters should honour guarantees given to participants as to the content of a programme, confidentiality or anonymity.
7. Broadcasters should ensure that the use of material originally intended for one purpose and then used in a programme for another purpose or used in a different programme, does not create unfairness. This applies both to material obtained from other sources and broadcaster's own material.
8. Where significant allegations are being made in a programme, the individuals concerned should be given an appropriate and timely opportunity to respond.
9. Broadcaster should describe the allegations in detail to enable an informed response. The response should be covered fairly and accurately and should be broadcast in the same programme as the allegation.

#### **Article 21. Guidelines for fair treatment of programme participants**

1. Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to ensure that:
  - a) Facts are not presented in a way as to be considered unfair to an individual or organisation;

- b) Anyone whose omission could be unfair has been offered an opportunity to express their views;
2. Factually-based dramas should not portray facts, events, individuals or organisations in an unfair way.
  3. Where a person who has been asked for their views chooses not to comment or refuses to appear in a programme, a broadcaster should make clear that the individual concerned has chosen not to appear and should give their explanation in a fair manner.
  4. Where the views of a person or organisation, not participating in the programme, are represented in a programme, this must be done in a fair manner. This requirement should especially be honoured in a programme discussing opposing views.
  5. Broadcasters should normally seek to obtain information openly, without deception or misrepresentation, except when a subject matter is in the public interest and the information cannot be obtained by other means.
  6. Broadcasters are responsible for the content of their programmes and their compliance with journalistic principles.
  7. Where potential respondents demand that they respond only to questions agreed in advance or put other requirements, broadcasters should tell audience about the circumstances the interview has been recorded in.

## **Chapter VI**

### **Current affairs-political programmes and election coverage**

#### **Article 22. Principle of current affairs-political programmes and election coverage**

Broadcasters shall ensure accurate, impartial and fair coverage of elections, fair and transparent scheduling of political advertisements and the coverage of pressing issues of public policy and politics in accordance with the Georgian Law on Broadcasting, the Election Code of Georgia and this Code.

#### **Article 23. Requirements to current affairs-political programmes and election coverage (rules)**

1. Broadcasters shall cover election campaigns (election agitation) and report on the conduct of election campaigns in accordance with the rules set out in the organic law of Georgia, the Election Code of Georgia.
2. Private general broadcasting licensees covering elections shall allocate equal share of airtime to qualified election subjects and their candidates so that they are able to communicate their political platforms, opinions to voters and inform on their qualification.
3. During election campaigns broadcasters shall not only honour legally guaranteed rights of qualified election subjects but also provide appropriate coverage to other parties standing in elections and give them opportunity to comment.

4. Broadcasters shall not make any promise to politicians about the content of coverage.
5. Candidates or party representatives may appear in non-political programmes during the election period only in case when their participation has been agreed before the launch of election campaign. Such a participant shall not be allowed to express their political views or promote themselves in any other way.
6. Broadcasters shall publish rules of scheduling political advertisements, conditions for airing political advertisement, technical standards and other relevant information on their websites.
7. On polling day, until the polls close, election coverage shall be restricted to factual accounts, to ensure that that information reported does not influence the ballot. Broadcasters shall provide audience with information and comments on any facts which may affect the openness or fairness of the polling process.
8. At times of plebiscites or referendums, broadcasters shall comply with the principles outlines in this Code

#### **Article 24. Guidelines for reporting politics and elections**

1. To ensure fair and impartial coverage of elections, broadcasters should give qualified election subjects opportunity to comment on significant issues in daily news programmes throughout the campaign period.
2. Weekly programmes or series of daily programmes with the main focus on a political party should provide a preview of future and a short summary of past programmes as to make clear to the audience that balance in coverage will be achieved over a certain period of time. Balance in such programmes should be achieved over the course of the campaign as a whole.
3. News and current affairs-political programmes should provide a thorough and balanced coverage of campaign activities of qualified election subjects.
4. As far as possible, broadcasters should report the views of candidates and political parties directly and in their own words, rather than based on the information obtained from third parties
5. During elections campaigns, broadcasters should cover political party platforms of qualified election subjects and not limit their coverage to accounts of ongoing events or statements by political parties or their candidates.
6. If a qualified election subject or political party representative makes an allegation against another qualified election subject or political party representative, broadcaster should be given a right of reply.
7. A programme reporting on one election district should list all candidates in this district, giving their first names, surnames and the name of the party they represent and in case of an independent candidate, state the fact that they are independent. This must be conveyed in sound or vision. If a full list of candidates is not given, the audience should be directed to a website where such information is available.
8. Participant to election programmes should be selected in a fair and transparent way. Invited participants should enjoy equal status in respective political parties. Broadcasters should treat candidates fairly and allocate them equal shares of programme time. Choice of representatives of

political parties for participation should be made after consultations with respective political parties however, the final decision should rest with the broadcaster.

9. During election periods, broadcasters should draw a clear line between the fulfillment of public and party functions in order to ensure impartial and balanced reporting. Broadcasters should exercise particular care in reporting activities of public officers and differentiate strictly between their official functions and their private/party/election activities

10. When covering statements by political officials referring to future political plans or issues of controversy in election campaign, government policy or decisions in political context, containing political party slogans, criticism of other political parties and politicians, broadcasters must cover comments by other political parties on the same subject matters.

11. Broadcasters should observe principles of fairness and impartiality in the coverage of elections in both public and private organisations as well as in other countries.

## **Chapter VII**

### **Opinion polls**

#### **Article 25. Principle of reporting opinion poll results**

Opinion polls reported by broadcasters shall be reliable. Poll results shall not be used to manipulate public opinion or influence a decision making process.

#### **Article 26. Opinion polls during election period (rules)**

1. Public opinion polls either conducted or commissioned by broadcasters, or reported by broadcasters shall meet the requirements of the organic law of Georgia, the Election Code of Georgia.

2. When reporting opinion poll results, audience shall be reminded that the results reflect the situation on the day of the survey and do not represent a reliable forecast of the developments on a polling day.

#### **Article 27. Guidelines for reporting public opinion polls**

1. To avoid any doubt as to the reliability of opinion poll results, broadcasters should make sure that applied methodology is appropriate, poll findings are reliable and people having conducted or commissioned the survey are impartial.

2. Opinion poll results should be reviewed in a broader context to determine general trends. Broadcasters should provide convincing explanation for sharp differences between general trends revealed by various surveys or conflicting results in a single survey.

3. When reporting interactive poll results, broadcasters should make it clear that such surveys are not representative of the population as a whole, reliable or accurate as they only represent the views of self-selected audience.

4. Broadcasters should not use interactive polls to gather information on election subject support or report their results outside programmes in which they were conducted.

## **Chapter VIII**

### **Editorial independence**

#### **Article 28. Principle of editorial independence**

Broadcasters' legal right to editorial independence is protected from commercial, political or any other pressure and influence.

#### **Article 29. Requirements to editorial independence (rules)**

1. Private general broadcasting licensees as well as the public broadcaster shall take all reasonable steps to defend their editorial independence from political, financial, ideological, religious and/or any other pressure.
2. No interference into or censorship of broadcasters' editorial policy or creative activity is allowed.
3. Broadcasters shall publish information on any attempt to interfere into broadcasters' editorial policy.
4. Broadcasters shall guarantee the rights of journalists to freedom of speech and expression and to editorial decisions based on their personal conscience and acknowledged professional standards.
5. Broadcasters shall protect the right of journalists to follow personal conscience and professional standards of ethics in their professional activity.
6. Broadcasters shall respect journalists' right to privacy and to participate in social life.
7. Journalists shall not compromise broadcasters' independence by their civic, political, economic or social activities and must avoid any conflicts of interest.
8. Broadcaster employees who represent a broadcaster shall not publicly support any particular political candidate or political party. Broadcasters shall not participate in raising funds for a particular political party or in any activity aimed at supporting a political party candidate, political party or voters' initiative group.
9. Broadcaster employees shall not wear symbols of a particular political party or any other association, narcotic drugs, alcoholic beverages, tobacco products during programmes or/and live broadcasts.
10. Broadcaster employees shall declare conflicts of interest.

#### **Article 30. Guidelines for editorial independence**

1. Broadcasters and their employees should avoid any conflicts of interest which may compromise broadcasters' editorial independence, impartiality and fairness.

2. Broadcasters should set up an effective system of preventing any conflicts of interest, inform their staff about ethical standards and investigate into any potential conflicts of interest. Broadcasters should incorporate employee ethical standards into their internal regulations.
3. Journalists should not simultaneously work for such employers which may give rise to conflicts of interest.
4. Broadcasters should not support any organisation, its products, actions, or services.
5. Where broadcaster employees suspect any conflicts of interest, they should notify their management about them.
6. Journalists reporting business or financial matters should submit to the broadcasters' editorial management the information about their direct or indirect interests.
7. Journalists should not use the name of broadcasters in their personal interest.
8. Broadcaster employees who decide to stand in elections of any public institution defined by the Georgian law should notify broadcasters about this decision before submitting the candidacy, request the leave and in the event they are elected and their authority recognized, resign.
9. Broadcaster employees should not accept gifts, reimbursements for travel or other expenses or any items of material value from their sources of information or from the parties who are being covered by broadcasters.

## **Chapter IX**

### **Diversity, equality and tolerance**

#### **Article 31. Principle of diversity, equality and tolerance**

Broadcasters shall refrain from publishing any material likely to incite hatred or intolerance on the grounds of race, language, gender, religious convictions, political opinions, ethnic origin, geographic location, or social background.

#### **Article 32. Requirements for diversity, equality, and tolerance (rules)**

1. Broadcasters shall report accurate, reliable, balanced, proportional information on all cultural, religious, ethnic and social groups living in Georgia, with due regard to the principles of fairness and impartiality.
2. Broadcasters shall respect the fundamental rights of freedom of opinion, conscience, belief and religion and avoid offending any ethnic, religious, cultural, or social groups.
3. Broadcasters shall respect human rights and freedoms.

#### **Article 33. Guidelines for diversity, equality and tolerance**

1. Broadcasters should avoid drawing unjustified parallels between ethnic or religious origin and negative events, including associating activities of specific individuals with the entire group.

2. Broadcasters should avoid inaccurate and misleading statements regarding minorities and their social problems, should not promote stereotypes or identify an individual's ethnic origin or religious faith unless necessary.
3. Broadcasters should avoid causing offence to any religious, ethnic or other groups by using, among others, certain terminology and images. This does not prevent broadcasters from promoting informed and balanced discussions on intolerance or discrimination, or from reporting factual material or opinions prevalent in society.
4. Any unjustified referral to ethnic origin, religious faith, sexual orientation, family status, social standing or any other factor as to a cause of the problem, or the use of offensive terminology by a source in live broadcast or news programme should not go unchallenged and presenters should ask authors of offensive statements to substantiate their views.
5. Broadcasters should pay attention to correct spelling and pronunciation of names.
6. Broadcasters should describe people with disabilities using neutral terms. Special considerations should be given to the right to privacy, physical and moral wellbeing as well as to obtaining informed consent.

## **Chapter X**

### **Right to privacy**

#### **Article 34. Principle of privacy**

Broadcasters shall ensure that individuals' right to privacy is not infringed in the making and broadcasting of programmes. Broadcasters shall seek to balance the freedom of information with the legitimate expectation of privacy by individuals.

#### **Article 35. Requirements to ensuring privacy (rules)**

1. Broadcasters shall not infringe on individuals' right to privacy.
2. The infringement of privacy in the making and broadcasting of programmes is warranted only as prescribed by the rule provided in the Georgian legislation.
3. Means applied by broadcasters to obtain material shall be commensurate with the programme content.
4. Information that discloses an individual's location, telephone number, mail address or any other personal contact details can be disclosed only if it is in the public interest.
5. Before broadcasting material, broadcasters should ensure that images, words or actions recorded in a public place are not so private that prior consent is required from the individual or organisation concerned.
6. Any infringement of privacy of an individual or/and legal entity shall be warranted only if it is aimed at protecting legitimate rights of the public, is the only proportionate means to this end and the protected good outweighs potential harm.



7. Individuals caught up in events which are covered they still have a right to privacy in both the making and the broadcast of a programme, unless it is warranted to infringe it. This rule applies both to the time when these events are taking place and to any later programmes that feature those events.

8. When filming or recording in public or private institution, permission shall be obtained from the relevant authority, unless the filming or recording without permission is justified in the public interest. Consent is not required from individuals who were caught up in the material but will not be identifiable in the programme.

9. Consent shall be obtained for filming or recording in such places as schools, hospitals, prisons, police station or ambulances, permission must be obtained from the relevant authority and any person being filmed unless not obtaining consent is justified in the public interest. Consent is not required from individuals who will not be identifiable in the filmed material.

10. Broadcasters should ensure that the use of material originally intended for one purpose and then used in a programme for another purpose or used in a different programme, does not infringe the privacy. This applies both to material obtained from other sources and the broadcaster's own material.

11. Door-stepping shall not be justified unless there is good reason to believe that an investigation will be frustrated if the subject is approached openly.

15. Broadcasters can record telephone calls with the other party if broadcasters identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case). If at a later stage it becomes clear that a recorded call will be broadcast (but this was not explained to the other party at the time of the call) then broadcasters must obtain consent before broadcast from the other party, unless it is warranted not to do so.

13. Broadcasters may, without prior warning, interview, film or record people for news programmes in public places.

14. Secret filming or recording for gathering and broadcasting information is warranted:

a) When the event is in the public interest, there are reasonable grounds to suspect that further material evidence can be obtained and it is necessary to ensure accuracy of the programme;

b) As a method of sociological research in the public interest, where no other methods could be applied to reveal the attitudes or opinions regarding the issue in question;

c) To obtain material for comedy and entertainment programmes where the secret recording is one of accepted methods, provided that it does not represent a gross infringement of individuals' privacy and cause a significant embarrassment, stress or discomfort to individuals.

15. Secret recording on private property is justified only in the public interest, including where there is good reason to believe that evidence of crime can be revealed.

16. Secret filming or recording includes the use or leaving of recording and filming devices on private property without the full and informed consent of the occupiers or their representatives. It may also include recording telephone conversations without informing respondents or deliberately continuing recording when the other party thinks that it has come to an end.

17. Secretly filmed or recorded material can be broadcast only if it is warranted to do so.
18. Material filmed or recorded secretly for comedy and entertainment programmes shall not be broadcast without the consent of individuals featured in it. Consent is not required if individuals and/or organisations featured in the material cannot be identified.
19. Material obtained by secret methods should be edited in a way as to provide a fair and accurate representation of the fact.
20. Broadcasters shall not take or broadcast material featuring victims of accidents or individuals suffering a personal tragedy, including in a public place or at funerals, if it infringes privacy, except for cases when the consent from people concerned is obtained. In case of death the consent shall be obtained from the deceased's family.
21. Broadcasters shall not exert pressure on people in a state of distress to make them participate in a programme or provide interviews.
22. Broadcasters shall not reveal the identity of a person who has died or of victims of accidents or violent crimes until it is clear that their families have been informed of the event, except where such disclosure is warranted in the public interest.
23. When using archive material portraying suffering and distress (including crime) broadcasters shall try to reduce the distress it may cause to individuals featured in it and their families. This also applies to dramatic reconstructions and factual programmes.
24. So far as is reasonably practicable, broadcasters shall inform the individuals featured in the material and/or their immediate families of the planned programme and its intended broadcast, even if the material has been in the public domain in the past.
25. Broadcasters shall pay special attention to privacy of individuals under eighteen. People under eighteen do not lose their right to privacy because of the fame or notoriety of their parents.
26. Privacy of people under eighteen or those with disabilities can be infringed only with the consent of their parents, guardians or carers, except when the subject matter is trivial or adequate to a social status of targeted age group, or their participation is minor or it is justified in the public interest to act otherwise.
27. Persons under eighteen and those with disabilities can be asked for views only with the consent of their parents, guardians or carers, except when questions are not asked on controversial facts and events or it is in the public interest to do otherwise.

### **Article 36. Guidelines for ensuring the privacy**

1. Broadcasters should exercise special care to protect the privacy of individuals. It is inappropriate to show victims, dead and mutilated bodies, close-up shots of blood and similar scenes without a clear editorial justification. Such scenes need to be recorded from a distance, where the identity of the victim is not recognisable.
2. Broadcasters should request interviews with victims of accidents by approaching them through friends or relatives except when it is impossible to do so and it is in the public interest.

## **Chapter XI**

### **Protection of Minors**

#### **Article 37. Principle of protecting minors**

1. Broadcasters shall ensure the protection of minors from harmful influence.
2. Television scheduling decisions need to balance the protection of minors with the rights of all viewers to receive a full range of subject matter throughout the day. Audience should be given a warning at the start of the programme if the broadcast material may cause distress or offence.

#### **Article 38. Requirements for the protection of minors (rules)**

1. Broadcasters shall not broadcast programmes or feature material in programmes that might impair the physical, psychological, mental or moral development of people under eighteen.
2. Broadcasters shall use the programme classification criteria set out in this Code to determine programme categories and make scheduling decisions in accordance with the time restrictions outlined herein.
3. When scheduling programmes, broadcasters shall take the following into consideration:
  - a) Whether there is a potential harm to physical, psychological, intellectual or moral development of minors;
  - b) Whether a programme or material featured therein is suitable to the relevant age group;
  - c) The intention and editorial value of the programme.
4. Protection of minors from potential harm shall be ensured during the watershed which starts at 6 a.m. and ends at 8 p.m.
5. When making scheduling decision broadcasters shall ensure that between 8 p.m. and midnight, programmes are scheduled so that minors are protected from harm as outlined in this Code.
6. This Code defines the following age groups for minors:
  - a) Under 7 years of age;
  - b) Under 12 years of age;
  - c) Under 15 years of age;
  - d) Under 18 years of age;
7. To protect minors from harmful influence, broadcasters shall classify their programmes by categorizing programmes according to their suitability for the age groups outlined in this Code and planning their broadcast in accordance with corresponding time restrictions.
8. The following programme categories are defined as having harmful influence on minors:
  - a) programmes unsuitable for minors under 18;
  - b) programmes unsuitable for minors under 15;
  - c) programmes unsuitable for minors under 12;

d) programmes unsuitable for minors under 7;

9. Broadcasters shall use the criteria defined in this Code to determine categories of programmes.

10. Broadcasters shall schedule broadcast programmes in accordance with the following time restrictions:

a) Programmes unsuitable for minors under 18 shall not be broadcast between 6 am and midnight;

b) Programmes unsuitable for minors under 15 shall not be broadcast between 6 am and 11 pm;

c) Programmes unsuitable for minors under 12 shall not be broadcast between 6 am and 8 pm;

d) Programmes unsuitable for minors under 7 shall not be broadcast between 6 am and 8 pm. On exceptional occasions, where there is clear public interest, material unsuitable for this age-group in programmes between 6 am and 8 pm may be broadcast only with an appropriate and clear warning that the programme contains material unsuitable for viewers under 7 years of age. Such a material shall be signposted throughout the broadcast and have a verbal announcement before the beginning of broadcast.

11. Programmes that straddle any of the above time slots shall be compliant with the requirements to the time the programme begins.

12. The following special symbols must be displayed for 60 seconds at the beginning of the programme and after each commercial break:

a) “18” in a circle, when the programme is unsuitable for minors under 18;

b) “15” in a circle, when the programme is unsuitable for minors under 15;

c) “12” in a circle, when the programme is unsuitable for minors under 12;

d) “7” in a circle, when the programme is unsuitable for minors under 7.

13. When making decisions on scheduling programmes radio stations shall pay particular attention to time when children are particularly likely to be listening. The transition to more adult material shall not be abrupt after the watershed or when children are particularly likely to be listening to it

14. Broadcasters shall obtain the consent from school authorities when filming takes place on school premises or in school time.

### **Article 39. Scenes of sex, rape, and sexual violence**

1. Sex, rape or/and sexual violence shall not be portrayed in programmes between 6 am and midnight.

2. The portrayal of sex or the discussions of sexual intercourse between 8 pm and 23 pm may be justified only in the public interest and in a properly edited form.

### **Article 40. Offensive language**

Obscene behaviour and offensive language shall not be included in programmes intended for minors or during the watershed.

### **Article 41. Violence and dangerous behaviour**

1. Scenes of violence or its aftermath as well as the description of violence both oral and visual shall be appropriately edited before the 11 pm except when it is justified by context.
2. Violence or dangerous behaviour likely to be easily imitable by minors shall not be broadcast:
  - a) in children's programmes;
  - b) before the 11 pm unless there is a clear editorial justification.

#### **Article 42. Drugs, smoking, alcohol**

1. The use of illegal drugs, misuse of tobacco and alcohol shall not be featured in programmes before 11 pm and made for children.
2. The use of illegal drugs, misuse of tobacco and alcohol shall not be condoned, encouraged or glamorised.
3. Drugs, syringes, the process of making and using narcotic substances (whether in social clips, documentaries, programmes, etc) shall not be broadcast.

#### **Article 43. Influencing minds, hypnotism, the occult and the paranormal**

1. It is forbidden to use technical, audio or visual techniques to influence the audience without their being aware of this. Broadcasters shall not use technical means, audio or visual editing for conveying a message to, or otherwise influencing the minds of audience, over a brief period of time.
2. The material portraying the occult, paranormal or hypnotism shall not be broadcast before 11 pm. Broadcasters shall take all necessary steps to minimise any risk of inducing hypnosis and/or adverse reactions in susceptible viewers or listeners.

#### **Article 44. Other issues regarding the protection of minors**

1. While respecting a child's right to freedom of information and expression, broadcasters shall ensure physical, psychological and emotional welfare of minors involved in programmes irrespective of any consent given by a parent, guardian or carer while respecting their rights to freedom of expression and freedom to receive information
2. Broadcasters shall ensure the right of minors to privacy. Minors do not forfeit their right to privacy because of the behaviour of their parents or any developments at school.
3. Broadcasters shall protect anonymity of minors who are suspects, accused, convicts, witnesses and victims of crime (especially that of sexual offenders).

#### **Article 45. Criteria for defining broadcast programme categories**

1. A broadcast programme shall be deemed unsuitable for people under 18 years of age if it:
  - a) Explicitly portrays sexual intercourse or sexual violence;
  - b) Portrays sex involving minors or includes scenes of perverted sexual intercourse;
  - c) Explains the way of preparing and using narcotic drugs and condones and glamorizes the use of drugs;
  - d) Condones and glamorizes misuse of tobacco and alcohol;

- e) Contains graphic close-ups of suicide, murder, or capital punishment or scenes longer than 15 seconds;
- f) Features the use of easily accessible domestic objects (knives, ax, etc.) for the aim of inflicting harm or killing;
- g) Contains close-ups of violence or scenes longer than 15 seconds (except educational, historical, science fiction, or comedy programmes);

2. A broadcast programme shall be deemed unsuitable for people under 15 years of age if it:

- a) Contains material of the type as defined in paragraph 1 of this Article;
- b) Portrays nudity in a sexual context, scenes of sex or a graphic portrayal of sex;
- c) Includes offensive language, except where it is justified by the context;
- d) Contains terminology related to narcotic drugs and the use thereof;

3. A broadcast programme shall be deemed unsuitable for people under 12 years of age if it:

- a) Contains material of the type as defined in paragraph 2 of this Article;
- b) Includes offensive language;

4. A broadcast programme shall be deemed unsuitable for people under 7 years of age if it contains material of the type as defined in paragraph 3 of this Article, as well as works of fiction, documentary or cartoons which include material likely to have a strong emotional (adverse) impact on this age group.

#### **Article 46. Unrestricted programmes**

Unrestricted programmes shall not contain material specified in paragraphs 1, 2, 3 and 4, Article 45 of this Code, shall be suitable for family viewing and shall not contain material or topic likely to generate strong negative emotions.

#### **Article 47. Guidelines for the protection of minors**

1. When scheduling programmes, broadcasters should take into account:

- a) Nature of the programme;
- b) Likely number and age range of the audience, school time, holidays and weekends;
- c) Start time and finish time of the programme;
- d) Nature of the channel and the particular programme;
- e) Expectation of the potential audience for a particular broadcaster at a particular time and on a particular day.

2. When portraying hazardous activities, a warning should be given about the dangers of imitation without expert supervision.

3. Pay per view broadcast service may broadcast programmes unsuitable for those under 18 at any time of day, provided there is a PIN or other equivalent protection system ensuring that it can be solely accessed by authorized adult viewers.

4. Programmes scheduled between 6 am and 8 pm, during the watershed, should be suitable for a family audience, including children. The earlier in the evening a programme is placed, the more suitable it should be for minors. Only in exceptional circumstances, when there is the public

interest and a clear editorial justification, can there be any departure from this rule and then clear information on the content of the programme should be given in advance.

5. When scheduling radio programmes before 11 pm, broadcasters should take particular care to protect minors from harmful influence. Songs suitable for any age group may be broadcast in the daytime.

6. Broadcasters' websites intended for children should not be linked to adult material and should comply with the requirements for the protection of minors. Broadcasters should avoid links to third party websites containing adult material. Website should not contain material considered unsuitable for broadcasting. Programme-related interactive services and online material should also be in conformity with the requirements laid down in this Code.

7. Broadcasters should apply various means to give audience clear information about the content of programmes. This can be done by publishing brief summaries of programme contents, on air and online announcements or signposting. Such measures should not be used to encourage minors to view or to listen to programmes.

8. Before a programme that contains material which may generate negative emotions a warning should be made. Post-watershed programmes trails should be appropriate for family viewing if shown during the watershed. Any such cautionary announcement should be factual and contain enough information enabling audience to judge whether content is suitable for them. It should not be used as encouragement for minors to watch or listen.

9. Children should not be asked for views on matters likely to be beyond their capacity to answer properly (or be involved in interviews and/or other programmes), without consent of parents, guardians or carers. To obtain informed consent, broadcasters should explain the nature of the programme to minors as well as their parents, guardians or carers. It is advisable to have a relative, family friend, psychologist, social worker or teacher when discussing such sensitive or complicated issues with minors like antisocial (deviant or delinquent) behaviour, drugs and other issues. Broadcasters should also be alert to the fact that children often exaggerate facts or say which they think would please adults.

10. If parent, guardian or carer refuses to give their consent, the child may still be involved in the programme only in case of a clear public interest or if the decision to proceed without consent is based on the minor's free will and informed consent. The younger the minor, the more important is to obtain consent from parent, guardian or carer. No financial inducement should be given to the minor or parent, guardian or carer to secure consent. It is acceptable to cover only reasonable and legitimate expenses.

11. Broadcasters should not broadcast such programmes or include material in programmes that may harm minors' socialization.

## **Chapter XII**

### **Crime and anti-social behaviour**

#### **Article 48. Principle of reporting crime and anti-social behaviour**

Broadcasters shall not broadcast material likely to encourage or incite crime or lead to social disorder and anti-social behaviour. When reporting crime and anti-social behaviour, broadcasters

shall seek to balance the freedom of expression with the presumption of innocence and respect for the privacy of suspect, accused, convict, witness and victim.

#### **Article 49. Requirements for reporting crime and anti-social behaviour (rules)**

1. Broadcasters shall not broadcast material that encourages or incites crime or leads to anti-social behaviour or that condones or glamorises illegal, violent, dangerous, or anti-social behaviour.
2. When reporting crime and anti-social behaviour, broadcasters shall protect the legal interests of suspects, accused, convicts, witnesses, victims and their family members.
3. When reporting crime or anti-social behaviour, broadcasters shall not reveal the identity of a suspect, except when their identity is known to public or the case is in the public interest.
4. No payment or promise of payment or payment in kind shall be made to suspects, accused, convicts, witnesses, victims or any other person in exchange for information related to the crime.
5. While investigation is in progress, no payment or promise of payment shall be made, directly or indirectly, to any witness, their relatives or family members except the costs incurred for making programme or interviews.
6. Payment for gathering information about crime and anti-social behaviour may be justified only if the information is very significant and it is in the public interest and the payment is necessary to obtain the information.
7. Broadcasters shall not broadcast such information on members of jury that may harm the trial and affect its outcome.
8. Criminal techniques shall not be depicted or demonstrated so as to make committing crime easier unless it is editorially justified.

#### **Article 50. Guidelines for reporting crime and anti-social behaviour**

1. When reporting crime and anti-social behaviour, broadcasters should:
  - a) Avoid creating unfounded panic, spreading gossips and unfounded assumptions which may cause irreparable damage to an individual's reputation or legal interests;
  - b) Rely on findings by the investigating authorities and experts, except when broadcasters conduct their own journalistic investigation which reveals ambiguity, contradictions, or inactivity of the official investigation and have gathered sufficient information to make a reliable journalistic evaluation.
2. Attending any operation by law enforcement agencies or other public services is permissible only when the operation is in the public interest. When attending such an operation on private property, broadcasters should obtain consent from the owner and where the consent is refused, should leave the territory unless there is the public interest.
3. When recording an interview with suspects or convicted persons, broadcasters should avoid condoning the crime and comply with the rules relating to interviewing prisoners.



4. When reporting criminal investigation or criminal proceeding, broadcasters should cover the final verdict and take all reasonable measures to avoid any damage to the reputation of an individual.
5. Broadcasters should not reveal identity of victims of sexual abuse, unless victims give their consents and there is the public interest.
6. Broadcasters should not normally interview witnesses until a verdict has been delivered, unless there is the public interest.
7. Filming of an illegal act, when witnessing it, is acceptable unless it facilitates the commitment of crime.
8. When using crime reconstructions in programmes for the purpose of gathering evidence broadcasters should make clear to audience where reconstruction begins and ends.
9. When reporting crime and anti-social behaviour, broadcasters should not identify individuals when:
  - a) Individuals are illustrative of practice or are not sufficiently responsible for their actions;
  - b) It is difficult to obtain informed consent, for example, due to health problems;
  - c) There is the likelihood that audience may conclude that individuals caught on camera, whether in a public or private place, are involved in wrongdoing.
10. When using archive material, broadcasters should take care to avoid misleading viewers by using shots of one crime for illustrating another crime or announcing an investigation or court proceeding of another crime. Broadcasters should normally seek legal advice when using archive material of a crime especially if court proceedings are in progress.

## **Chapter XIII**

### **Armed conflict, accidents, emergencies**

#### **Article 51. Principle of reporting armed conflicts, accidents, and emergencies**

Broadcasters shall exercise particular care when covering armed conflicts, accidents, and emergencies, be sensitive to emotions of audience and balance the public interest in freedom of expression with individual's right to privacy.

#### **Article 52. Requirement for reporting armed conflicts, accidents, and emergencies (rules)**

1. When covering armed conflicts and local or international emergencies, broadcasters shall identify the source of the information, clearly label material and information from third parties and make it clear whether reports are subject to legal restrictions.
2. Broadcasters shall take all reasonable steps not to make information available to public that may endanger the lives of hostages, kidnapped individuals or persons under siege, or undermine measures undertaken for their release.

#### **Article 53. Guidelines for reporting armed conflicts, accidents, and emergencies**

1. In the event of armed conflict, abduction, hostage-taking and emergencies, broadcasters should provide the audience with accurate and reliable information.
2. Broadcasters should refrain from any actions that may endanger an individual's life or health.
3. Statements by terrorists, kidnappers or hostages as well as interviews with them should not be broadcast without the approval of the editorial manager. When taking a decision on carrying an interview, broadcasters should assess a potential benefit against anticipated benefits that may entail the broadcast of information.
4. Any statements or demands made by terrorists or kidnappers should be broadcast in an edited form in order to ensure that they do not manipulate public opinion.
5. Telephone or other direct contact with hostages, terrorists or hostage takers should not interfere with the measures undertaken by law enforcement authorities and further jeopardise the safety of hostages.
6. Broadcasters should listen to advice from the police and other law enforcement authorities about an issue which, if reported, may endanger the lives and health of individuals. Broadcasters should normally comply with the requests of law enforcement agencies to release or withhold information.
7. When covering civil disorders, broadcasters should:
  - a) Provide a comprehensive and impartial view of the developments;
  - b) Treat estimates of involvement with due skepticism and name the sources of the figures when reporters are located on one side of confrontation;
  - c) Be wary of reaction to cameras by those involved in the disorder.
8. If violence or disorder becomes too graphic when reporting live, broadcasters should stop carrying live broadcast and record material for use in an edited report, except when providing timely information to audience is in the public interest.

## **Chapter XIV. Protection from harm and offence**

### **Article 54. Principle of protection from harm and offence**

Broadcasters shall apply generally accepted standards to protect members of society from harm and offence.

### **Article 55. Requirements for the protection from harmful and offensive material (rules)**

1. Broadcasters shall ensure that material which may cause offence is justified by the context and is in the public interest. Broadcasters shall balance the public interest in freedom of expression with the responsibility to protect people with disabilities or minors. Appropriate information or warning shall be broadcast to minimise potential offence
2. Broadcasters shall not broadcast material that justifies or condones violence, dangerous or anti-social behaviour and may encourage others towards committing similar actions.

3. Broadcasters shall not show material featuring methods of suicide or self-harm. Broadcasters shall only provide verbal descriptions of such methods even when it is editorially justified or warranted by context.

4. Demonstrations of exorcism, occult practices, the paranormal or hypnotism shall be treated with due objectivity, unless the programme is for entertainment purposes. Such programmes shall not include advice for individuals about their health, finance, employment or relationships, which may cause harm to them.

#### **Article 56. Guidelines for the protection from potential harm and offence**

1. To avoid causing any offence to audience, broadcasters should make careful judgments about the use of offensive language.

2. When deciding on the use of offensive language, broadcasters should consider the tone and editorial context. It may be necessary to use offensive language in order to ensure a proper context of the message or to avoid sanitization of a shocking event.

3. Decisions on featuring scenes of violence in news programmes should be taken after a careful consideration of such factors as their newsworthiness and relevance to a covered story as well as expected reaction of audience.

4. Reports should not feature dead bodies or suffering for more than 15 seconds. It may occasionally be necessary to portray dead bodies in order to convey the story, but close-up shots should be avoided except when there is the public interest.

5. Broadcasters should not exploit violence for sensational effect. It may be necessary to broadcast shocking images, but the decision to do so should be made only after very careful consideration.

6. When deciding on portraying violence, broadcasters should consider a number of factors which, in combination, can increase the impact of violence on audience:

- a) Violence in daily life: domestic violence, brawls in amusement and catering places, hooliganism, road rage and mugging;
- b) Violence in places normally regarded as safe such as the family home, hospitals and schools;
- c) Unusual or sadistic methods of inflicting pain, injury or death;
- d) Incidents where elderly, disabled people, women and children are the victims;
- e) Verbal and physical aggression;
- f) Broadcast of reactions of others to violence, especially that against children.

7. Sexual or any other violence should not be condoned.

### **Chapter XV. Advertising**

#### **Article 57. Principle of advertising**

Not to mislead audience, broadcasters shall maintain the independence of editorial control over programme content and shall not distort programmes for commercial purposes. Advertisements shall be clearly separated from programme elements.

## **Article 58. Rules of airing advertisements**

1. Advertisements aired by broadcasters shall be in conformity with requirements of the Georgian laws On Advertising and On Broadcasting.
2. No product or service shall be advertised in news programmes. The coverage of a new product or service on a market shall not be considered advertising.
3. If it transpires that an individual's image or name in material has been used for advertising purposes without their consent, such material shall be immediately removed from the programme.
4. Broadcasters may broadcast appeals for donations to make programmes or fund their services, but shall make clear to audience the purpose of such donations and the amount raised as a result of the appeal. Broadcasters shall maintain separate accounting for donations and use the amount themselves.
5. Broadcasters shall not promote or endorse any product, organisation or service. Any reference to a product, organisation or service in programmes shall be editorially justified. References to brand name, logo or price must be kept to minimum. Broadcasters or their employees shall not accept any cash or gift in exchange for the promotion of a product or service.
6. Broadcasters shall not promote any products or services in a misleading way.
7. Programme related material may be promoted only when it is editorially justified. Broadcasters shall retain responsibility for programme related material, but may have a sponsor. Any credit of sponsor shall be brief when details of how to obtain the material is given.

## **Article 59. Guidelines for advertising**

1. A clear separation of advertisement and programme is necessary to ensure editorial independence and accountability to audience.
2. Broadcasters should not promote products and services in a misleading way or refer to them in programmes so that to create an impression of endorsement.
3. Commercials should be aired in exchange for payment to broadcasters or any other economic benefit and should serve the aim of forming or maintaining interest towards entrepreneur, product, service, activity, commercial idea and undertaking as well as facilitating the realization of service, activity, commercial idea and undertaking, according to set tariffs for advertising.

## **Chapter XVI. Sponsorship**

### **Article 60. Principle of sponsorship**

Broadcasters shall ensure that sponsorship arrangements are transparent, sponsorship messages are separate from programmes, editorial control over sponsored programmes is retained and that programmes are not distorted for commercial purposes.

### **Article 61. Requirements to sponsorship (rules)**

1. Matters relating to sponsorship shall be governed by the Georgian Law on Broadcasting.
2. A sponsor can be any person of public or private law or a physical person other than persons specified in Article 67 of the Georgian Law on Broadcasting.
3. Companies engaged in gaming business shall not sponsor programmes for minors.
4. Sponsors must be identified during programmes as appropriate to create the degree of transparency required. Branding statements that do not contain advertising messages may be made (except for gaming companies). Same rules shall apply to programme trails as well.
5. Sponsorship credits must be clearly separated from programmes by temporal or spatial means. Sponsorship messages must not contain advertising messages or any appeal to buy the sponsor's product or service. Sponsor references in programme trails shall be brief and non-promotional.

## **Chapter XVII. Copyright and associated rights**

### **Article 62. Principle of copyright and associated rights**

Broadcasters shall comply with the requirements of the Georgian Law on Copyright and Associated Rights.

### **Article 63. Requirements to copyright and associated rights (rules)**

Broadcasters shall follow the requirements of the Georgian law on Copyright and Associated Rights and international agreements effective in this sphere to which Georgia is a party.

## **Chapter XVIII. Competitions and prizes**

### **Article 64. Principle of competitions and prizes**

Broadcasters shall ensure that competitions are run fairly and that prizes awarded are appropriate.

### **Article 65. Requirements for competitions and awards (rules)**

1. Broadcasters shall ensure that prizes are described accurately and rules of competition are clear and properly communicated to public.
2. Prizes for minors shall be appropriate to their age.
3. References to brands within competitions shall be brief and non-promotional.

### **Article 66. Guidelines for competitions and awards**

1. Competition rules should be made clear to audience from the outset of a programme to ensure that competitions are run fairly and questions should be asked that are appropriate to the knowledge and abilities of the target audience.
2. Cash prizes shall be offered for any children's competition.

## **Chapter XIX. Provisional requirements**

## **Article 67. Setting up a self-regulatory system**

1. A self-regulation system and impartial and fair complaint handling procedures as provided in Chapter II of this Code shall be established by the public broadcaster and private general broadcasting licensees, which broadcast in every broadcasting zone specified in the Resolution No 10 On Zonal Division of Local Broadcasting of the Georgian National Communications Commission, within 6 months whereas by all other broadcasting licensees within a year after this Code has entered into force.

2. Holders of broadcasting licenses shall submit information on establishing the self-regulation system and impartial and fair complaint handling procedures to the Georgian National Communications Commission within the timeframe as prescribed in paragraph 1 of this Article