German Press Code

Guidelines for journalistic work as recommended by the German Press Council

Complaints Procedure
Section 1
TRUTHFULNESS AND PRESERVING HUMAN DIGNITY

Respect for the truth, preservation of human dignity and accurate informing of the public are the overriding principles of the Press.

In this way, every person active in the Press preserves the standing and credibility of the media.

GUIDELINE 1.1
EXCLUSIVE AGREEMENTS
The informing of the public about events which are of general interest and importance for forming of public opinion and intent, must not be restricted or prevented by exclusive agreements with informants or shielding of them. Those who seek a monopoly on information exclude the rest of the Press from acquiring important news and thus impinge upon the freedom of information.

GUIDELINE 1.2
ELECTION CAMPAIGN REPORTING
Accurate informing of the public during election campaigns includes the Press reporting on opinions that it does not share.

GUIDELINE 1.3
PRESS RELEASES
Press releases must be identified as such if they are published by the editorial team without any further editing.

Section 2
CARE

Research is an indispensable instrument of journalistic due diligence. The publication of specific information in word, picture and graphics must be carefully checked in respect of accuracy in the light of existing circumstances. Its sense must not be distorted or falsified by editing, title or picture captions. Unconfirmed reports, rumours or assumptions must be quoted as such.

Symbolic photos must be clearly marked as such.

GUIDELINE 2.1
OPINION POLL FINDINGS
When publishing the results of opinion polls, the Press shall give the number of respondents, the date of the poll, the identity of the person or organisation that commissioned it, and the questions asked. At the same time, it must also state whether the results are representative.

If the institute was not commissioned to carry out the poll, it should be pointed out that it was implemented at the initiative of the institute itself.

GUIDELINE 2.2
SYMBOLIC PHOTOGRAPHS
If an illustration, especially a photograph, can be taken to be a documentary picture by the casual reader, although it is a symbolic photograph, this must be clarified. For this reason:

• substitute or auxiliary illustrations (i.e. a similar subject at a different time, or a different subject at the same time, etc.),
• symbolic illustrations (reconstructed scenes, artificially visualised events to accompany text, etc.),
• photomontages or other changes must be clearly marked as such either in the caption or in the accompanying text.

GUIDELINE 2.3
ADVANCE REPORTS
The Press bears full journalistic responsibility for advance reports published in a compressed form which announce a forthcoming story. Anyone who further distributes advance reports by Press organs by stating the source must, basically, be able to rely on their validity. Abridgements or additions must not lead to a situation where the basic elements of the story are given a new slant or prompt incorrect conclusions which may harm the legitimate interests of third parties.

GUIDELINE 2.4
INTERVIEWS
A verbatim interview is absolutely journalistically correct if it correctly relays what has been said. If the text of an interview is quoted in full or in part, the publication concerned must state its source. If the basic content of verbally expressed thoughts is paraphrased, it is nonetheless a matter of journalistic honour to state the source.

GUIDELINE 2.5
GRAPHIC REPRESENTATIONS
The duty of care requires misleading distortions be excluded in graphical representations.

GUIDELINE 2.6
READERS’ LETTERS
(1) The Press Code must be observed when publishing readers’ letters. It is in the interest of informing the public to allow opinions not shared by the editorial team to be expressed in the Readers’ Letters section.

(2) Correspondence with publishers or editorial departments can be printed as readers’ letters if it is clear, due to their form and content, that this is in accordance with the sender’s wishes. Consent may be assumed if the letter refers to articles published by the newspaper or magazine concerned or to matters of general interest. The authors of such readers’ letters have no legal right to have them published.

(3) It is common practice that readers’ letters are published with the author’s name. Only in exceptional cases can, at the request of the author, another designation be used. When printing, the Press shall refrain from publishing addresses unless publication of the address serves to respect justified interests. If there is any doubt about the identity of the sender, a letter should not
be printed. When taking over user-generated content (Guideline 2.7) in the form of readers’ letters, pseudonyms may be retained. However, the source must be indicated. The publication of fake readers’ letters is not compatible with the duties of the Press.

(4) Changes or abridgements of letters are fundamentally impermissible without the author’s consent. However, abridgements are possible if the Readers’ Letters section contains a regular notice that the editor reserves the right to shorten such letters without changing the meaning of them. Should the sender expressly forbid changes or abridgements, the editorial department must either comply with that wish, even if it has reserved the right to abridgement, or decline to publish the letter.

(5) All readers’ letters sent to the editor are subject to editorial secrecy. They must never be passed on to third parties.

GUIDELINE 2.7
USER-GENERATED CONTENT
The Press bears responsibility for all its publications, including user-generated content. User-generated content must be clearly marked as such. Editors shall ensure compliance with journalistic principles if they detect violations through user-generated content or if such violations are pointed out to them by third parties. In the event that editors select or edit individual user-generated content, compliance with journalistic principles must be ensured from the outset.

Section 3
CORRECTIONS
Published news or assertions, in particular those of a personal nature, which subsequently turn out to be incorrect must be promptly rectified in an appropriate manner by the publication concerned.

GUIDELINE 3.1
REQUIREMENTS
(1) The reader must be able to recognise that the previous article was wholly or partly incorrect. For this reason a correction publishing the true facts must also refer to the incorrect article. The true facts are to be published even if the error has already been publicly admitted in another way.

(2) In the case of online publications the rectification is to be linked to the original content. If the rectification is made within the publication itself, it must be marked as such.

GUIDELINE 3.2
DOCUMENTATION
If journalistic-editorial research, processing or use of person-related data results in the Press having to publish corrections, retraction, refutations by the persons concerned or to a reprimand by the German Press Council, the publication involved must store them along with the original data and document them for the same period as the original data.

Section 4
LIMITS OF RESEARCH
Dishonest methods must not be used to acquire person-related news, information or photographs.

GUIDELINE 4.1
PRINCIPLES OF RESEARCH
Journalists must, as a fundamental principle, identify themselves as such. Untrue statements by a journalist about his/her identity and their publication when doing research work are fundamentally irreconcilable with the standing and function of the Press. Undercover research may be justifiable in individual cases if in this way information of particular public interest is gained which cannot be procured by other means.

In the event of accidents and natural disasters, the Press must bear in mind that emergency services for the victims and those in danger have priority over the public right to information.

GUIDELINE 4.2
RESEARCH AMONG PEOPLE REQUIRING PROTECTION
When conducting research among people requiring protection, particular restraint is called for. This applies especially to people who are not in full possession of their mental or physical powers or who have been exposed to an extremely emotional situation, as well as to children and juveniles. The limited willpower or the special situation of such people must not be exploited deliberately to gain information.

GUIDELINE 4.3
BLOCKING OR DELETION OF PERSONAL DATA
Personal data gathered in violation of the Press Code are to be blocked or deleted by the publication involved.

Section 5
PROFESSIONAL SECRECY
The Press shall respect professional secrecy, make use of the right to refuse to bear witness and shall not reveal informants’ identities without their explicit permission.

Confidentiality is to be adhered to in principle.

GUIDELINE 5.1
CONFIDENTIALITY
Should an informant stipulate, as a condition for the use of his/her report, that he/she remain unrecognizable or unendangered as the source, this is to be respected. Confidentiality can be non-binding only if the information concerns a crime and there is a duty to inform the police. Confidentiality may also be lifted if, in carefully weighing interests, important reasons of state predominate, particularly if the constitutional order is affected or jeopardised. Actions and plans described as secret may be reported if after careful consideration it is determined that the public’s need to know outweighs the reasons put forward to justify secrecy.

GUIDELINE 5.2
SECRET SERVICE ACTIVITIES
Secret service activities by journalists and publishers are irreconcilable with the duties stemming from professional secrecy and the prestige of the Press.

GUIDELINE 5.3
DATA TRANSFER
All person-related data gathered, processed and used for journalistic-editorial purposes are subject to editorial secrecy. Transfer of such data between editorial departments is permissible. It is not to be done until conclusion of a formal complaint procedure under data protection law. A data transfer is to be annotated with the remark that the data is to be edited or used only for journalistic-editorial purposes.

Section 6
SEPARATION OF ACTIVITIES
Journalists and publishers shall not perform any activities that could throw doubt over the credibility of the Press.

GUIDELINE 6.1
DUAL FUNCTIONS
Should a journalist or publisher exercise another function in addition to his or her journalistic activity, for example in a government, a public authority or a business enterprise, all those involved must take care strictly to separate these functions. The same applies in reverse.

Section 7
SEPARATION OF ADVERTISING AND EDITORIAL CONTENT
The responsibility of the Press towards the general public requires that editorial publications are not influenced by the private or business interests of third parties or the personal economic interests of the journalists. Publishers and editors must reject any attempts of this nature and make a clear distinction between editorial and commercial content. If a publication concerns the publisher’s own interests, this must be clearly identifiable.
GUIDELINE 7.1
DISTINCTION BETWEEN EDITORIAL TEXT AND ADVERTISEMENTS
Paid publications must be so designed that the reader can recognize advertising as such. They can be separated from the editorial section by means of identification and/or design. Furthermore, regulations under advertising law apply.

GUIDELINE 7.2
SURREPTITIOUS ADVERTISING
Editorial stories that refer to companies, their products, services or events must not overstep the boundary to surreptitious advertising. This risk is especially great if a story goes beyond justified public interest or the reader’s interest in information or is paid for by a third part or is rewarded by advantages with a monetary value. The credibility of the Press as a source of information demands particular care when handling PR material.

GUIDELINE 7.3
SPECIAL PUBLICATIONS
Editorial special publications are subject to the same editorial responsibility as all other editorial content. Advertising special publications must respect the requirements of Guideline 7.1.

GUIDELINE 7.4
ECONOMIC AND FINANCIAL MARKET REPORTING
Journalists and publishers who research or receive information within the context of exercising their profession shall use this information prior to publication only for journalistic purposes and not for their own personal advantage or the personal advantage of others. Journalists and publishers may not publish any reports about securities, either directly or through agents, on which they have published something in the previous two weeks or on which they are planning to report in the next two weeks.

There is a connection between a famous person’s position and the crime he/she is accused of or if the crime the person is accused of is contrary to his/her public image;

a serious crime was committed publicly;

an arrest warrant has been applied for by the investigating authorities.

If there are reasons to believe that a suspect is deemed to be incapable of committing a crime, the press shall refrain from identifying reporting.

GUIDELINE 8.1
CRIMINAL REPORTING
(1) The public has a legitimate interest in being informed about crimes, investigation proceedings and trials. It is the task of the Press to report on these issues.

(2) The Press shall only publish names, photographs and other information enabling the identification of suspects or perpetrators if the legitimate interest of the public outweighs the interests worthy of protection of the persons involved; sensational interests alone do not justify identifying reporting. As far as an anonymization is required, it must be effective.

The Press guarantees editorial data protection.

GUIDELINE 8.2
PROTECTION OF VICTIMS
Victims have the right to special protection of their identity. Knowledge about the victim’s identity is generally irrelevant for understanding an accident occurrence, the circumstances of a disaster or crime. If the name and photograph of a victim is permissible as a rule if the persons in question are exercising their functions.

GUIDELINE 8.3
CHILDREN AND YOUNG PEOPLE
In particular with regard to reporting on crimes and accidents, as a rule the identification of children and young people is inadmissible before completion of their 18th year.
Section 11  
SENSATIONAL REPORTING,  
THE PROTECTION OF YOUNG PEOPLE  

The Press will refrain from inappropriately sensational portrayal of violence, brutality and suffering. The Press shall respect the protection of young people.

GUIDELINE 11.1  
INAPPROPRIATE PORTRAYAL  

A report is inappropriately sensational if the person it covers is reduced to an object, to a mere thing. This is particularly so if reports about a dying or physically or mentally suffering person go beyond public interest and the readers’ requirement for information. When placing pictorial representations of acts of violence and accidents on front pages, the Press shall respect the possible effects on children and young people.

GUIDELINE 11.2  
REPORTING ACTS OF VIOLENCE  

In reporting actual and threatened acts of violence, the Press should weigh carefully the public’s interest in information against the interests of the victims and other people involved. It should report on such incidents in an independent and authentic way, but not allow itself to be made the tool of criminals. Nor should it undertake independent attempts to mediate between criminals and the police. There must be no interviews with perpetrators during acts of violence.

GUIDELINE 11.3  
ACCIDENTS AND DISASTERS  

The limit of acceptability in reports on accidents and disasters is respect for the suffering of the victims and the feelings of their dependants. Victims of misfortune must not be made to suffer a second time by their portrayal in the media.

GUIDELINE 11.4  
CO-ORDINATION WITH THE  
AUTHORITIES/NEWS ‘BLACKOUTS’  

In principle, the Press does not accept news ‘blackouts’. Co-ordination between the media and the police shall occur only if the action of journalists can protect or save the life and health of victims and other involved persons. The Press shall comply with police requests for a partial or total news embargo for a certain period of time in the interest of solving crime, if the request is justified convincingly.

GUIDELINE 11.5  
CRIMINALS’ MEMOIRS  

The publication of so-called criminals’ memoirs infringes journalistic principles if crimes are justified or qualified with hindsight, the victims are inappropriately affected, and a detailed description of the crime merely satisfies the demand for sensation.

GUIDELINE 11.6  
DRUGS  

Press stories must not play down drug abuse.

Section 12  
DISCRIMINATION  

There must be no discrimination against a person because of his/her sex, a disability or his membership of an ethnic, religious, social or national group.

GUIDELINE 12.1  
REPORTING ON CRIMES  

When reporting on crimes, it must be ensured that any reference to a suspect’s or perpetrator’s membership of ethnic, religious or other minority groups does not result in a discriminatory generalisation of individual misconduct. As a rule, membership of a minority group shall not be mentioned, unless this is in the legitimate interest of the general public. In particular, it must be borne in mind that such references could stir up prejudices against minorities.

GUIDELINE 12.2  
FOLLOW-ON REPORTING  

If the Press has reported on the unconfirmed conviction of a person, it should also report an ensuing acquittal or a marked lessening of charges if the legitimate interests of the person affected do not dictate to the contrary. This recommendation also applies to the dropping of an investigation.

GUIDELINE 12.3  
CRIMES COMMITTED BY YOUNG PERSONS  

When reporting on investigations and criminal court proceedings against young persons and on their appearance in court, the Press must exercise especial restraint out of consideration for their future.
Section 14
MEDICAL REPORTING

Reports on medical matters should not be of an unnecessarily sensationalist nature since they might lead to unfounded hopes or fears on the part of some readers. Research findings that are still at an early stage should not be portrayed as if they were conclusive or almost conclusive.

Section 15
PREFERENTIAL TREATMENT

The acceptance of privileges of any kind that could possibly influence the freedom of decision on the part of publishers and editors are irreconcilable with the prestige, independence and responsibilities of the Press. Anyone accepting bribes for the dissemination of news acts in a dishonourably and unprofessional manner.

GUIDELINE 15.1
INVITATIONS AND GIFTS

Even the appearance that the freedom of decision of a publishing house and its editorial staff can be impaired is to be avoided. Journalists shall therefore not accept any invitations or gifts whose value exceeds the extent that is usual in business and necessary as part of working life.

The acceptance of advertising articles or other low-value objects is harmless. Research and reporting must not be influenced, hindered or even prevented by the accepting of gifts, invitations or discounts. Publishing houses and journalists shall insist that information be given regardless of the acceptance of a gift or an invitation.

If journalists report on Press trips to which they have been invited, they shall make this financing clear.
(3) The complainant shall have the opportunity to appeal within two weeks of the rejection being sent. The Complaints Committee shall decide on the appeal. It may either confirm the rejection pursuant to para. 2 or decide to launch a complaints procedure in accordance with Sections 6 ff.

SECTION 7 – CHAIRMAN’S DECISION
(1) The Chairman of the Complaints Committee shall instigate the next action to prepare for a meeting, for example by obtaining a supplementary concluding statement from the parties. The incoming statements and information shall be passed on to the parties where they may be relevant to a decision.

(2) As far as simple complaints are concerned, the Chairman may, by means of the Chairman’s decision, • Reject them as unjustified or • Declare them to be justified and waive action, • Declare them to be justified and issue a notice (Section 12 (5)).

The Complaints Committee shall be notified of the key reasons for the Chairman’s Decision.

(3) The parties shall have the opportunity to appeal within two weeks of the Chairman’s Decision being sent. The Complaints Committee shall decide on this.

SECTION 8 – PREPARATIONS FOR HEARINGS
(1) The members of the competent Complaints Committee, their deputies, the chairman of the other complaints committees and one representative each from the sponsoring organisations shall be invited to the hearings. The other members of the Plenum may take part in the meeting of the complaints committees concerned after registration. They shall all receive the whole complaint. Employees from the branch office may be present.

(2) Furthermore, parties (complainants, respondents) and witnesses may be invited.

(3) The invitations will be extended in writing. They must contain the time and place of the hearing. The invitation shall be sent at the latest four weeks before the meeting. The invited parties must confirm their attendance up to two weeks before the meeting.

(4) In all cases of a hearing the parties concerned shall receive notification, which must contain: 1. the time and place of the meeting, 2. the names of the participants, 3. their right to challenge any participant on grounds of presumed partiality, 4. the fact that the committee can rule on the matter even in the absence of one of the invited parties, 5. the fact that the committee can rule on the matter even if a respondent has failed to respond to the complaint (Section 6 (1)), 6. the names of any witnesses invited.

SECTION 9 – LACK OF IMPARTIALITY
(1) Individual participants pursuant to Section 8 can be challenged on grounds of presumed partiality or can declare themselves biased if there is reason for justified doubts about their impartiality.

(2) The application for rejection must be submitted in writing and justified to the competent committee on time.

(3) The competent complaints committee shall decide on the rejection application without the member concerned. Each challenge will be judged on its merits. Decisions are not contestable.

(4) Members of the German Press Council shall be deemed to be prejudiced if the subject of the complaint concerns themselves, their own publishing house or their own editorial team.

(5) Participants who are prejudiced pursuant to Section 9 (1) to (4) shall be excluded from the discussions and rulings on the matter.

SECTION 10 – HEARINGS
(1) The chairman shall conduct the hearing which is not open to the public. The members of the complaints committee shall be entitled to vote; if they are absent their deputies shall be entitled to vote.

(2) A record of the hearing is to be produced, documenting the basic content of the proceedings. Any petitions submitted by the parties concerned and rulings delivered by the adjudicating body must be recorded verbatim or appended to the record of the hearing as annexes.

(3) Any member of the adjudicating body can request that individual statements be recorded verbatim.

SECTION 11 – RECOMMENDATIONS AND ADVICE NOTICES
Advice notices and recommendations capable of rectifying (clarifying) a situation and, if applicable, producing amicable agreement between the parties concerned are possible at any stage of the proceedings.

SECTION 12 – RULINGS
(1) The complaints committee is not bound to comply with petitions submitted by the parties concerned. If the complaint is withdrawn by the complainant, the committee may adhere to processing the complaint for reasons of press ethics. The parties shall be informed of aspects that are key to the ruling in plenty of time in order to give them another opportunity to make a statement on this aspect.

(2) The complaints committee will appraise any documents submitted, information received and witness statements made according to its own independent convictions.

(3) A complaint can be rejected on the grounds that it is inadmissible or unfounded.

(4) A complaints procedure shall be halted if the facts of the matter cannot be ascertained.

(5) If a complaint is justified
1. an advice notice
2. a disapproval
3. a reprimand

shall be issued. In spite of a justified complaint, in individual cases the complaints committee may waive action.

(6) Processing a complaint may be suspended if
1. a ruling on it could influence the outcome of a pending criminal investigation or court case,
2. an appraisal of interests reveals that this possibility of influence outweighs the interest of one of the parties in the Press Council’s rulings and
3. suspension does not stand in the way of fundamental press-ethical considerations.

(7) The final, written ruling shall be justified, signed by the chairman and shall be sent to the parties at the latest three weeks after the end of the hearing.

(8) The sponsoring organisations of the German Press Council will publish reprimands in their association publications in accordance with Section 15.
SECTION 13 – BASES FOR RULINGS
In weighing up the question of whether a notice of censure, a reprimand or merely an advice notice should be issued, the adjudicating body must take account, among other things, of the gravity of the infringement, the consequences of publication for the person or persons affected and any steps taken by the respondent to mitigate such consequences and/or avoid their recurrence. In the event of a change in the adjudicatory practice of the German Press Council, only an advice notice may be issued.

SECTION 14 – CONFIDENTIALITY
The members of the German Press Council, the representatives of the sponsoring organisations in the Press Council and the employees of the Press Council shall maintain confidentiality concerning the discussions and documents. Prior to delivering a ruling, the members of the German Press Council will issue public statements only on the formal status of the proceedings and not in a way indicating how they intend to vote.

SECTION 15 – OBLIGATION TO PUBLISH A REPRIMAND
(1) Under Section 16 of the German Press Code, reprimands must be published in the publications or telecommunications media concerned in an appropriate form. The Complaints Committee may waive the obligation to publish if such waiver is deemed necessary to protect the interests of an affected person.

(2) The publication in the telecommunications media is deemed appropriate if user are informed about the reprimand when calling up the contribution. After 30 days, the editors may refrain from a further publication, provided that they have modified the contribution in accordance with the reprimand.

SECTION 16 – RESUMPTION OF PROCEEDINGS
The decision made by a committee (complaints committee, complaints committee for editorial data protection or the plenum of the German Press Council) is revisable by resumption. The resumption of a completed complaints procedure is permissible if the complainant or respondent applies for it immediately or if the committee decides to do so and if either
1. new circumstances are proven, which are – alone or in connection with the previous decision-making bases – appropriate to justify a significantly different decision, or
2. aspects relevant to the issue were not communicated in time or taken into account by the German Press Council.

SECTION 17 – PROCEDURES
Internal procedures shall be regulated in the Rules of Procedure.

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