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Issues of Professional Ethics in Journalism Work
Balance Between Privacy and Public Interest

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Abstract

The current research covers the issues of professional ethics in journalism work, particularly the privacy of people and the public interest in Kyrgyzstan. Nowadays the media is wide spread and the knowledge of information is essential to people. But not all of the information can be spread and published. There are some borders, which consist of law and ethics. While the media doing its job, there is a responsibility for spreading not only the information which may be libel, but also the information which has nothing to do with defamation and based on trustworthy information, although is able to harm person's goods, particularly the privacy of personal life, or family's secrecy. This research looks for the balance between the privacy and public interest based on the law and journalism ethics. The overviewed journalism codes of ethics and the laws show the boundaries between the privacy and public need in information, as well as the rights and limits of journalists and audiences.

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INTRODUCTION

“What is needed is a set of principles based on a journalism that serves the public by aggressively seeking and reporting the closest possible truth about events and conditions of concern to people, a journalism that collects and deals with information honestly and fairly, and treats the people involved with compassion, a journalism that conscientiously interprets and explains the news so that it makes sense to people.” (Goodwin, 1983)

Technical development increases its impact on people each day. Mass media has become nowadays part of the society. According to the data of Organization for Security and Co-operation in Europe (OSCE, 2003) today for 5 million people in our country over 800 mass media are print media, and 126 – electronic media, also 35 radio and 65 television companies were registered in Kyrgyz Republic. Information given by journalists is like the virus, whenever it gets to the mind of a person it sticks into it and grow. And therefore person becomes dependent on the media. But journalists need to know the limits while publishing and getting any kind of information, based on the laws and codes of ethics. And based on these limits journalists need even must have the flexibility or even talent in order to not get into the troubles with law and ethics.

Many people nowadays do not want to be shot by a camera, or give an interview; they basically cover themselves in order to avoid the journalist. And this explains that these people want and need privacy. But what should the journalist do? How is he supposed to act if this is his job and he needs this material? Should he just uncover the faces of people and keep shooting, no matter does this person want to be on public or not? These are some tricky questions. And many journalists just struggle with these problems in their own ways. Some of journalists under pressure of their director have to do whatever it takes in order to get the necessary information, some journalists are basically dependent on money, and would even squeeze through even a tiny chink, get the spark and make up the fire from it. But this might harm subsequently not only the reputation of journalist, but also the privacy of person's life, honor, dignity, and cause some

troubles. Such mistakes and actions as invading the privacy of a person in order to satisfy the public interest are not only forbidden by law, but also it is not competent according to ethics.

The people who try to hide their identities should not be condemned. The reason of that is that people show their private borders and their reluctance to be in public interests. From theoretical point of view many vocabularies give the clear definition to the concept of privacy, which is the ability of an individual or group to seclude themselves or information about themselves and thereby reveal themselves selectively. Privacy is sometimes related to anonymity, the wish to remain unnoticed or unidentified in the public realm. When something is private to a person, it usually means there is something within them that is considered inherently special or personally sensitive. Privacy partially intersects security, including for instance the concepts of appropriate use, as well as protection of information. This clearly shows that privacy, or another words – confidentiality, has to be valued and protected from the public interest. But what is public interest? Public interest covers the "common well-being" or "general welfare". The public interest is central to policy debates, politics, democracy and the nature of government itself. While nearly everyone claims that aiding the common well-being or general welfare is positive, there is little, if any, consensus on what exactly constitutes the public interest, or whether the concept itself is a coherent one. Thus, there is a direct question: may the identity of an ordinary person be counted as the information, which is in public interests? The answer would be – no. And whenever journalists overstep the frames of their duties, they can harm person's identity and goods, which may be considered unethical, therefore this would be the violation of the Professional Ethics of the Journalists.

There is such a concept as "Professional Ethics of the Journalist" or "Code of Ethics", which every person of mass media has to know and remember. In 1993 the "code of ethics" was approved by the European Council. But the whole "World Professional Journalism Ethics" was accepted earlier in 1954 by the International Journalism Federation (IFJ). This Declaration carries the concepts of truthfulness, accuracy, objectivity, impartiality, fairness and public

accountability. This research was conducted in order to cover the issue of privacy and public interest. Because nowadays not every journalist do their job knowing that invading the private life of a person can sometimes turn out as a huge problem not only for a journalist, but also for the person. Between privacy and public interest there might be seen a small but tight branch. People need to know and they have right to know as well. For instance when president enters the public life, his right to privacy becomes more blurred, because he becomes the face of the country and people need to know more about him.

The journalists' code of Ethics of Kyrgyz Republic says that, journalist in his work should respect the private and intimate life of every person. Invasion of privacy and private life is acceptable in cases where the actions of the hero of the material are of social value or of interest to the community. Before the publication of such material journalist should check to see whether in this case affect the rights of third parties. Journalists need to have the knowledge and talent in order to avoid the problems with law and ethics.

Many journalists frequently face the issue with balancing privacy and public interest. First of all it is necessary to find out the meaning of these concepts: privacy and public interest. Public interest according to the online article ("Debating "Privacy, Probity and the Public Interest,"" 2009) public interest has the characteristic that citizens in a democracy have an interest in having access to information about the workings of government, its institutions and its officials, both elected and appointed. This interest also extends to private corporations and to voluntary organizations which require the public's trust. Freedom of Expression Institute says that there exists a constitutional right to privacy, which should be respected regarding health matters. A person should have a right to protect their 'inner sanctum' from invasion from others, which also includes the right to control the circumstances in which private facts about their matters like their health, sexuality or private lives can be disclosed.

Further this research based on the real examples, laws and ethics covers the issues when privacy and public need to know "struggle with each other". This research also shows how the

privacy of the public officials differs from the privacy of the ordinary citizens. Based on the laws and ethics in Kyrgyz Republic, this research shows the importance of the knowledge of the rights. Because only knowing rights and following them, there is a possibility to solve many issues.

PROBLEM STATEMENT

Journalists are supposed to do the significant job – to inform the public, distribute the socially valuable information, and improve the society. Mass media workers play a huge role in forming the opinion, standards, and values of the audiences. There are rules and laws which shape the ethics and morality of journalists' behavior. Although, nowadays there are issues relating to violation of the code of ethics, laws, and international documents. One of these violations is the invasion of privacy in order to satisfy the public interest.

The theme that is being discussed by the society will always be actual, because it effects the basic values such as, constitutional human rights to the private life, freedom of speech, and freedom of receiving the significant social information. In reality these rights frequently contradict each other. Some questions immediately arise: how to determine the priority between these rights? Are there any directions or experience from advanced journalists, which may teach the young journalists to balance the contradictions of these rights in a way that will not lead to the law punishment? How far or deep can the journalist make a dig into person's private life in order to get the news, which would achieve the right to know for the public interest? Can the person's privacy and public interest be balanced?

Without trying to get the answer to these questions, modern journalists just follow the directions of the main editors or the owners of any source of mass media. Therefore offended people suit journalists, basically for their lack of knowledge. But as everyone knows, lack of knowledge does not release from responsibility.

These issues are extremely actual nowadays because of the media getting so unfair, not objective, and not accurate. And not only the media is the reason for the issues, but also people who are confused about their rights, suit the media without thinking about what their rights are and what does the law and ethics says.

RESEARCH QUESTIONS

How journalists based on the law and ethics can balance privacy and public interest?

How is privacy protected by law and ethics in Kyrgyzstan?

What actions towards the legislation, code of journalism ethics, and mass media itself in Kyrgyz

Republic have to be done?

LITERATURE REVIEW

According to Legal aspects of the development of the Kyrgyz media by Nadezhda Alisheva (2003) freedom of press in Kyrgyzstan was proclaimed as early as the beginning of the 1900s, when the Republic gained independence following the disintegration of the Soviet Union. The first independent media were registered at that time.

The essence of journalists is to satisfy the audience's need in information by providing it with real facts without libeling and invading the privacy of the person. As Eugene Goodwin (1983) states: "Invading the privacy of news subjects is usually thought of as a legal matter – the kind you discuss with your lawyer – it is really more of an ethical question: How much of any person's private or personal life should journalists publicize and under what circumstances? The developing law on privacy – based mostly on court decisions in privacy and libel suits – is better at telling journalists what they cannot do than they should do." Although journalists and public needs to understand some of the criteria about the invasion of privacy. This is connected to the location of the person. If the person walking down through the busy and full of people street, and hoping that he has that privacy, this will be considered as a mistake. The reason is that this person is in the public area. Other thing is the privacy of the famous people. Here the concept of privacy decreases, as Goodwin (1983) said that when people offer themselves on the public market-place, they should be prepared for a rather withering examinations. For instance, prime minister enters the public life, and media's responsibility is to communicate people about him, so he could gather the votes. It is journalists' duties to educate the public about everything this minister plans to do concerning the place citizens live in. But the family of this minister has the rights to the privacy, which means they can be outside the public life unless the minister appears on the commercial with his wife and children. As soon as it happens, the privacy of the whole family will basically disappear. The public will be entitled to know the lifestyle of the minister and family.

Other case of privacy being interrupted by media might be the situation connected with the loss of the child, for instance. Just as an example, family lost the child, and they choose their preference between privacy and public interest. In order to find the girl they would need to involve the media to inform people. It is clear that this family did not intentionally choose the entrance to public life, but they had to do this in order to find the child.

Louis Alvin Day (2000) tells about two important principles which are anchored by the ethical dimensions of the reporter-source relationship. First, the moral duty to keep a promise of confidentiality to a source is derived from the general obligations imposed on each member of society. Keeping promises, as pointed out earlier, is a value considered worthy of protection. A breach of secrecy should be the exception, not the rule. Second, the confidentiality of the reporter-source relationship is based on the reporter's particularistic obligations to the field of journalism. Such obligations are set out in the professional codes. Thus, journalists doing their job, are obliged to value the confidentiality of a person not basing only on the given rules, but rely on their personal high moral principles and protect person's goods, rather than gathered information.

So far this seems very simple. Although whenever the private life, name, facts of an individual appear in public life, there comes the court in order to decide, whether this private information in public interest or vice versa – worthless. And the issues of the ethical norms immediately appear. Goodwin (1983) wrote that news organizations often have to defend themselves against suits alleging both libel and invasion of privacy because those two legal theories *overlap*. This emphasizes the issues of some confusion from the side of news organizations and misunderstanding from the side of the individuals. A real example is provided by a journalist Aleksandr Rozhkov (n.d) in his article "Sharp corners on slippery place". In Kyzyl (the capital of Tyva republic) the competition of the Beauties among ladies was held. This case was widely discussed in those local newspapers. One of the beauties – Kuular, decided to go for a smoke, and got photographed by the reporter from the newspaper "Central of Asia".

That time on that competition she was awarded with the nomination “Miss Modesty”. That newspaper later published the article “Charming “Miss Modesty” also needs a smoke break”. Kuular was not satisfied with this publication, and sued the newspaper, explaining that they had invaded her privacy. Courts of first and second instances confirmed the judgment, but the Supreme Court of Tyva took a different position, and gave the explanation, that if Kuular decided to participate in this competition, she agreed to enter the public interest of her own free will. And all evidences were stating that the photography was taken in the public area, besides this contestant did not even try to block the reporter. Therefore the judgment of Kuular was repealed based on decision of the Supreme Court.

Code of Ethics of journalists in Kyrgyz Republic was adopted by the Republican Congress of Journalists in December 8, 2007, and further it was amended at the Republican conference of journalists in April 16, 2009. According to the paragraph 11 in journalism code of ethics in Kyrgyzstan, journalist in his work should respect the private and intimate life of every person. Invasion of privacy and private life is acceptable in cases where the actions of the hero of the material are of social value or of interest to the community. Before the publication of such material journalist should check to see whether in this case affect the rights of third parties. Therefore every person has the right to their privacy and freedom. The constitution of Kyrgyz Republic in Chapter two, Enactment 29 promises that:

1. Everyone has the right to respect for private life, honor and dignity.
2. Everyone has the right to privacy of correspondence, telephone and other conversations, postal, telegraphic, and other electronic communications. Restriction of these rights only in accordance with the law and only on the basis of a judicial act.
3. The collection, storage, use and dissemination of confidential information about the private life of a person without his consent, except as required by law.

4. Everyone is guaranteed protection, including the judiciary, from illegal collection, storage, disclosure of confidential information and information about the private life of a person, as well as the right for compensation for material and moral damages caused by unlawful acts.

Philip Patterson and Lee Wilkins(2008) stated in their book that, the legal notion of privacy began in 1890 with a Harvard Law Review article, written by lawyers Samuel Warren and Louis D. Brandeis (who eventually became a U.S. Supreme Court justice), calling for a constitutional right to privacy. Today privacy is guarded legally in four distinct ways:

1. Intrusion upon a person's seclusion or solitude, or into private affairs, such as invading one's home or personal papers to get a story.
2. Public disclosure of embarrassing private facts, such as revealing someone's notorious past when it has no bearing on that person's present status.
3. Publicity that places a person in a false light, such as enhancing a subject's biography to sell additional books.
4. Misappropriation of a person's name or likeness for personal advantage, such as using Hollywood megastar Julia Roberts' image to sell a product without her permission.

Clifford G. Christians, Mark Fackler, and others (2001) provided with the example of professor Thomas Emerson's understanding of privacy, where says, that the concept of a right to privacy attempts to draw a line between the individual and the collective, between self and society. It seeks to assure the individual a zone in which to be an individual, not a member of the community. In that zone he can think his own thoughts, have his own secrets, live his own life, reveal only what he wants to the outside world. The right of privacy, in short, establishes an area excluded from the collective life, not governed by the rules of collective living.

There is confusion between privacy and public interest for journalists. There are such concepts as "need to know", "right to know", and "want to know". In journalism work these

concepts may be misunderstood and confused. Philip Patterson and Lee Wilkins (2008) explained that right to know is a legal term often associated with open-meeting statues and based on philosophy that government runs more honestly in open. According to the Article 3 of the law of Kyrgyz Republic (2006) about the access to information held by State agencies and local government of the Kyrgyz Republic: “Everyone has the right of access to information held by public bodies and local authorities. The basic principles of freedom of access to information is accessibility, objectivity, timeliness, transparency and accuracy of information. The state protects the right of everyone to seek, receive, research, production, transfer and distribution of information. Restrictions on access and dissemination of information are established by law.” Right to know is legally protected by the government. It means that no matter what people have an access to the information and can receive any data from mass media on legal basis. So the concept “right to know” is based on the legislation and provides people with the access to the information.

Even though there is a right to know for people, not all of the information can be published. Journalists have also the right to access of the information. For instance, the huge fire burned the central supermarket, and there are victims as well. Hypothetically five of them have horrible burns on their body, and two died from smoke inhalation. In this situation journalist has to give the information about the fire in supermarket and victims, but the identities of those victims have to be hidden. Publishing dead bodies and injured people would be unethical and might harm them because they had already suffered in that fire. As Philip Patterson and Lee Wilkins (2008) said: “Need to know is the most ethically compelling argument of the three. Need to know demands that an ethical case to be conducted for making known information that others wish to keep private. Need to know also demands that journalists present the information in a manner that will make its importance evident to a sometimes lazy citizenry.”

Article 14 of Ethical Code of Journalists (2009) states that: “The journalist should refrain from behavior that could harm or impair the physical and psychological state of victims of crime,

accidents and emergencies, as well as their relatives and friends. The creation of materials journalist should refrain from making public the names and the names, photos and videos of victims of crime, accidents and emergencies, as well as their relatives and friends, except when they are famous people or themselves disclose their identity.” Ethically it is not correct to publicize the information against people who have suffered any kind of physical or moral sufferings. Therefore journalists have to give the necessary information about events but avoid the harm towards victims.

“And the last one – need to know – gives the understanding of curiosity, which is laid by the nature in every person. Want to know is the least ethically compelling rationale for acquiring information and disseminating it. We all want to know a lot of things – what our neighbors do in the evening hours, how much money other people earn and who in Hollywood is sleeping with whom. While we may want that information, however, we don’t really need it and most certainly have no right to it. It serves the function of gossip, providing us with small talk or a smile.” (Patterson, 2008)

Journalists mostly become part of “want to know” group, and start gathering and publishing the information which is referred to gossip. Mostly the victims of these journalists become officials and celebrities, because they are on public space and in public interest. Entering the public life and become famous means to narrow the area of privacy. Ordinary people want to know any kind of information about the life of celebrities and State officials. But spreading the information which is libel may harm person’s goods, especially if the information is extremely private: relationships, family secrecy, intimate life, and so on.

Journalists have to appreciate the personal life of people and never break the boundaries of privacy without agreement. Using the photograph or video of a person without letting him know is also a violation of privacy. In online newspaper *MK Asia* the article “Inadequate and very dangerous” (2012) a photograph is placed with the image of men laying in medical center, there are no explanations under the photograph such as: who are these people or what are they

doing. And the whole article tells about the incidents of escapes from *Republican Center for Mental Health*, and that those who escaped killed people with knife. The information in this article is socially valuable, because people have to be warned about these situations and be careful in their daily life. But the use of image on the top of the page with people who may even be not diseased is a violation of both – ethical norms and legislation. This kind of publication of people with the title which attracts immediately may further distort readers' or viewers' opinion and make them be beware of those people on the image, and then it may harm person's moral status, moreover may lead to the damage of life.

The Civil Code of Kyrgyz Republic (1996), Article 19 states that nobody has the right to publish and distribute published images of a person (the picture, photos, movies, etc.) without the consent of that person. Such consent is not required in cases where the publication and distribution of images related to the requirements of the court, and investigators when photographing or obtaining images produced in a different way public setting, as well as in other cases, by law. Consent of the person on the publication and distribution of its image is presumed, unless the person depicted posed for a fee.

The work of journalists is associated with the rights of people. In work, journalists use their rights to freedom of speech and freedom of press, which is considered as one of the fundamental human rights. The International Covenant on Civil and Political Rights Article 19, paragraph 2 states that: "Everyone has the right to freedom of opinion and expression: this right includes freedom to seek, receive and impart information and ideas regardless of frontiers, either orally, in writing or in print, in the form of art, or any other media of his choice." This Covenant was signed by all countries in Central Asia and emphasizes human right to freedom of speech. Journalists using their rights gather the information and publish it. Although the gathered information and its distribution may further become the violation of laws and human rights.

Media legally has the access to the information. And it is being regulated by legislative acts which are: law about “Mass Media” and law of the Kyrgyz Republic “On access to information held by public bodies and local authorities of the Kyrgyz Republic”.

The law about “Press and other Mass Media” gives the journalists the guarantee to provide with the information from the government, executives, and public associations. Journalists can freely access the information and familiarize with the documents. The law of the Kyrgyz Republic "On the Media" (1992) describes in Chapter III (The relationship of the media with enterprises, organizations, institutions and citizens), Article 15 about the right of the media to obtain information, that “State bodies, public associations and officials have the right, by the request of the media provide with information, and create the conditions for the journalists to review the relevant documents.” Because, according to the same law Chapter IV (rights and duties of journalists), Article 20 says that: The journalist has the right:

- To collect and disseminate information;
- To be received by officials in connection with the implementation of professional journalistic duties;
- To make recordings, including the use of necessary technical means, with the consent of the respondent;
- Upon presentation of press credentials to attend in disaster areas, rallies and demonstrations;
- Access to specialists when checking the facts and circumstances in connection with the received materials;
- Refuse to create material for his signature, contrary to his convictions;
- To remove his signature material, the content of which, in his opinion, was distorted in the process of the drafting of training;

- Cancel the orders given to him by the editor, if there is a violation of the law;
- In the privacy of authorship;
- For compensation in court for moral and material damages caused by the editor, for example in the provided information to journalists arbitrary distortion of copyright material.

A journalist must:

- Check the accuracy of their reports;
- Respond to requests from persons presenting information about attribution.”

Listed above are the rights and duties of journalists, which are strongly protected by the government, because according to the same law Chapter IV, Article 19: “Journalist in accordance with this law is the creative worker, which collects information on events taking place in society, has been collecting, editing and preparation of materials for the media. Journalist has the right to engage in the above activities on their own or being in the state media organizations.”

Concerning the Law of the Kyrgyz Republic "On access to information held by public bodies and local authorities of the Kyrgyz Republic" (2007), there are also described the rights on access to the information. Article 3 (Guarantees and principles of freedom of access to information) states that: “Everyone has the right of access to information held by public bodies and local authorities. The basic principles of freedom of access to information is public, objectivity, timeliness, transparency and accuracy of information. The state protects the right of everyone to seek, receive, research, production, transfer and distribution of information. Restrictions on access and dissemination of information are established by law.”

Here raises the question: What are the restrictions on access to the information? This law described such situations in which the data may be restricted in access for the media. Article 5 (Limit access to information) states that:

“1. Restricted information is information classified as state secrets and confidential information. Classification of information as a state secret in accordance with the legislation of the Kyrgyz Republic on State Secrets. Confidential information is information containing official secret state agencies and local governments, as well as being in the public bodies and local authorities, containing protected secrets of others.

2. Confidential information contained official secret state agencies and local governments, the purpose of this Act is information:

1) unique to the organizational and technical rules on the safety of the state authorities and local self-government;

2) reflect the specific content of closed hearings and meetings, as well as personal position of the official during a closed meeting or vote.

3. Confidentiality of information protected by the law of others, is information classified in accordance with the legislation of the Kyrgyz Republic to the privacy of, commercial, professional and other types of secrets. Officials of state bodies and local self-government are established by the legislation of the Kyrgyz Republic responsible for the disclosure of confidential information containing protected secrets of others, when it became known to them in connection with the implementation of the legal competence.”

The importance of the laws is very high, because they help to organize, observe, improve and influence the distribution of socially valuable information. Memorandum on the Kyrgyz Mass Media Law and the Law on Journalists Activities (2005) by *OSCE* recommends: “The Mass Media Law and the Journalists Law should be consolidated into a single legislative act that aims to facilitate the free and independent functioning of the media. The positive elements of both laws, such as the statement of rights, should be brought together, while the existing restrictions and regulations should be reviewed with an eye to remove them altogether or to move them to legislation of general application (such as the Civil Code). The new Law should

state explicitly that it will be interpreted in line with Article 19 ICCPR and internationally recognized standards on the right to freedom of expression.”

Freedom to collect and further distribute the information gives journalists the ability to access any kind of information, what is extremely important to the media. But publishing any data about the private lives of people without their permission, or defamation of the data would be counted as the violation of the law and ethics. Journalists cannot use the private information (secrecy of family, identities, images, and so on) in personal goods without the permission of these people. Media workers form the social values, opinions, and morality, therefore obedience of the laws and ethics is an inalienable part of journalism work.

RESEARCH METHOD

The method which was used during the research is qualitative. In order to get the answers to the research questions and fulfill the current goal, it was necessary to use the phenomenology, which helped to research some issues based on the experience of people and the media, and different situations connected to the issues of law and ethics. Other approach was the qualitative interview, which also was a fundament of this research. This created a vivid vision to the nowadays problems and some confusions with the law and ethics. And it also gave the understanding of what people should know and what journalist should or should not do in order to avoid the issues with law and ethics.

LEGISLATION SYSTEM IN KYRGYZ REPUBLIC

Legal system of Kyrgyz Republic is based on the classical Roman rights. The fundament of Kyrgyz Republic's legislation, as in many countries, is the Constitution of the current country. This Constitution currently in force was adopted in 2010, but the previous was adopted by the Supreme Soviet of Kyrgyz Republic in May 5, 1993. The Supreme Soviet was formed in 1989 by the elections. This parliament was counted as the authority, which developed the laws and rules in order to improve the country's status as the independent Republic and also to improve the freedom of the society. This parliament developed such legal aspects as: Constitution of independent Kyrgyzstan, which was adopted in XII session of the Supreme Council May 5, 1993; Declaration of Sovereignty, was adopted in December 15, 1990; and, Declaration of Independence of the Kyrgyz Republic, was adopted in August 31, 1991 by the session of the Supreme Soviet.

Constitution of Kyrgyz Republic was developed on the fundament of the protection of person's honor and dignity and on the basis of main human rights. For instance, Article 31 of the Constitution of Kyrgyz Republic states, that:

1. Everyone has the right to freedom of thought and opinion.
2. Everyone has the right to freedom of expression, freedom of speech and press.

3. No one may be compelled to express their opinions or to reject it.

These are the fundamental human rights described and protected by the government. But Kyrgyz Republic has not only Constitution operated. There are also laws and codes, which regulate and form the functioning of the work of Mass Media and supervise the relationship between audience and media. Such regulations are conducted using the law of Kyrgyz Republic about “Mass Media”, which was introduced by the Supreme Soviet of Kyrgyz Republic in July 2, 2002. The law about “Mass Media” was the only one, which watched over the activities of media. This law described such regulations, as: “structure of activities of mass media, the relationship of the media with the companies, organizations, institutions and individuals, rights and duties of the journalist, international collaboration in the mass media area, and responsibility for the violation of the legislation about mass media.” This law was adopted in order to improve and develop the freedom of the functioning of mass media and in order to emphasize the line between the society and media in terms of relationship and duties. But mostly this law was targeted towards the print media.

Only in June 2, 2008 new law about “Television and Radio Broadcasting” was introduced in Kyrgyz Republic. The “Television and Radio Broadcasting” law describes such regulations, as “broadcasting system in the Kyrgyz Republic, and the establishment of television and radioorganizations, broadcasting organization, the rights and obligations of television and radioorganizations and their employees, the rights of viewers and listeners, international cooperation in the field of television and broadcasting.” This law emphasizes the legal aspects of the mass media in Kyrgyz Republic, their freedom of functioning, freedom of access and gathering of information, implementation of freedom to speech, and the rights of people to receive the objective and socially valuable information.

In order to protect the work of journalists, and let mass media freely gather and distribute the information, in December 5, 1997, in Kyrgyz Republic was developed the law about “Protection of Professional Activity of Journalists”. The target of this law is to protect the

activity of journalists, regulate the relationships in media work, describes the rights and duties of journalists, gives the legal and social guarantees, and stressing the boundaries, establish the quantities of responsibilities for the violation of the laws. Because, according to the Article 3 of the law about “Protection of Professional Activity of Journalists”, “Journalist - is a creative worker, who collects, analyzes, does editing, and preparation of materials and information dissemination”.

The same date – December 5, 1997 the law about “Guarantees and Freedom of Information” was established in Kyrgyz Republic. Article 1 describes the target of this law: “This law regulates relations arising in the process of realization of the right to freely seek, receive, investigate, produce, transmit and distribute the information.” Journalists in their responsible work have to know their rights and duties in order to avoid issues of violation and further punishment. According to this law, Article 3 states, that: “All citizens are guaranteed the right of access to information. The state protects the right of every person to seek, receive, research, product, transfer and distribution of information. Restrictions on access and dissemination of information are established by law.” Thus, journalists have to be allowed to gather objective and true information for public interest in frames of the legislation, as well as ordinary people have the legal right to receive the information from media.

Some information, gathered by journalists hinges not only on the legislation, but also on ethics. In order to regulate the discipline and ethical norms, Republican Congress of Journalists in December 8, 2007 adopted the “Journalist’s Code of Ethics”. This code was established in order to develop mass media’s ethical and professional standards, and improve the trust and appreciation of the society. “Journalist’s Code of Ethics” shows ethical boundaries between public and media. Behind these boundaries, protected from the journalists’ curiosity, there are such valuable concepts as: privacy and secrecy.

Not only “Journalist’s Code of Ethics” in Kyrgyz Republic protects the human right to private live and family secrecy. International Covenant on Civil and Political Rights, Universal

Declaration of Human Rights, and Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, signed by Kyrgyzstan also provide people with the protection of the rights.

The Universal Declaration of Human Rights was admitted by the *UN General Assembly* in December 10, 1948. This declaration describes the rights, which every person has since the birth. The international communities who signed this declaration accept the regulations that describe the value of personal freedom, honor and dignity, and promise to protect people's goods and facilitate the organizations of *United Nations* to follow the rules and regulations given by this declaration.

Later, December 16, 1966 General Assembly admitted the International Covenant on Civil and Political Rights. Kyrgyz Republic joined in December 1, 1994. Current covenant presupposes that every person has rights to freedom and his personal life, and according to articles of the *United Nations*, republics, which signed Covenant on Civil and Political Rights, are obliged to follow the rules and respect human rights and freedoms, ipso facto provide them with the protection. This is clearly described in Chapter II, Article 2:

“1. Each Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without any distinction, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary measures in accordance with its constitutional processes and the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- b) ensure that the right to a remedy for any person claiming such protection determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- c) ensure that the competent authorities shall enforce such remedies when granted.”

Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms was ratified in November 4, 1995. Kyrgyz Republic admitted this document later in January 8, 2003. This document includes also the regulations about human rights and freedoms, which are protected by the government since the acceptance. As Article 1 of Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms reads: “The Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms set forth in this Convention.”

Laws are an integral part of the society. People have to know their rights and limits. Moreover, they should be sure that their rights are fully protected by the government. Mass media by-turn have to not only know their rights, but they have to be more respectful and accurate towards the ordinary citizens, because they deal with the public, and deliver the information, which should be not only socially valuable, but “socially sparing”. This means that the distributed information has to be accurate, objective, truthful, and should not affect the personal lives and confidentiality, which may harm reputation, or even honor and dignity. This is mostly ethical matter, rather than legal, but anyway rights and rules are prescribed in both aspects. Therefore the documents, such as Constitution, Ethical Codes, International Covenant on Civil and Political Rights, Universal Declaration of Human Rights, Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, and so on, are

extremely important not only for the society, but also for its development, and improvement of the status of any Republic.

The laws and regulations help to develop the value and respect towards the human rights. Also they give the incentives to improve the social and political status. The contracting parties of any document have to follow the regulations and according to these particular documents, mentioned above, they are supposed to avert the violation of the human rights. The violations have to be observed and punished according to the law.

ANALYSIS

People are born equal, and have equal rights and limits. All their rights and responsibilities are described by the laws and codes of the Republic. Media has its rights and duties, which in accordance to the laws and codes have to be followed. Mass media also has to respect and value the basic human rights, which are: freedom, privacy, and security. Thus, if journalists violate any of these rights, there is a legal responsibility for it.

Considering privacy, why is there a need of any person to the privacy? Privacy is considered to be a moral value, it is also protected by a law about Human Rights and Freedom(Chapter Two, Enactment 29):

- “1. Everyone has the right to respect for private life, honor and dignity.
2. Everyone has the right to privacy of correspondence, telephone and other conversations, postal, telegraphic, and other electronic communications. Restriction of these rights only in accordance with the law and only on the basis of a judicial act.
3. The collection, storage, use and dissemination of confidential information about the private life of a person without his consent, except as required by law.

4. Everyone is guaranteed protection, including the judiciary, from illegal collection, storage, disclosure of confidential information and information about the private life of a person, as well as the right for compensation for material and moral damages caused by unlawful acts.”

And according to the Fourth and Fourteenth Amendments to the Constitution, which Dale Jacquette (2000) wrote about: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” This is the basis of the constitutional right to privacy. Fourth Amendment gives the real and stable perception of person’s need and legal right to privacy. This means that no matter what, journalists must appreciate and value such a vivid border as confidentiality. Mass media based on worldwide legislation and ethical norms has to see and search this balance between the privacy and public interest. And even though the technology has become more and more developed, and the public interest rises all the time, personal lives become more unsecure, journalists must know their duties, using their flexibility in order to publish the information for the audience without invading the privacy. Although as it appeared, according to the interviews in *Institute of Media Policy* in Kyrgyzstan and with the workers on TV-Channels, journalists enter the job in Mass Media have very little knowledge about their rights and limits. And low education about this is in best case, because many people even without any journalism qualification may enter this job. Begaim Usenova from *Institute of Media Policy* in conducted interview for this research said, that when a young journalist comes to the media agency, he does not receive a specific document with the rules of publication. Main editor guides the journalist for a while, and the given comments from this editor are the quick decision. Journalist fully depends on the opinion of the editor, and does not always know what is allowed or not allowed to publish in article. Journalists have to publish all that reliable and based on facts information, although it depends on different editors and media owners. Dmitrii Lozhnikov – main editor of 5th Channel confirmed this

information by saying that each politician has his own information channel and he acts in his own interests dictating how to shoot and what to shoot. *5th Channel* is nationalized, and belongs to the government. On the assumption of this it is clearly seen that other problem than not educated journalists is – dependence of media on powerful politicians. And this issue may also lead to other consequence, such as internal information war between mass media, which will be in the interests of certain politicians. This means that journalists in this case/war become “swords”. So the violation of laws and codes of ethics will be hard to avoid.

Referring to psychology, in our nature it is inside of us to protect our privacy, in order to feel happy and not to lose internal freedom. Privacy in person’s life plays a meaningful role, and gives people a right to live and develop in their internal life. Protected privacy helps people to reach stable life outside of others’ interest. According to journalistic ethics code, privacy of a person may also called freedom, which mass media has to perceive as morally valuable. But since Kyrgyzstan is a young independent country, the laws and ethical codes are also not very much developed. Begaim Usenova and TV Channels *NBT* and *5th Channel* in their interview converged in their opinions that codes of ethics and even laws are not observed by media, and not very much applied in practice yet. For instance, journalist gets the assignment in the morning to gather specified information, and goes to perform the mission of his main editor in order to publish ready information in the evening news. The time given for this mission is limited, therefore journalist in this rush may gather and afterwards publish the unnecessary information, which may harm people, and violate the law and ethical code.

But not only legislation and ethical code protect the rights of people. According to sources in *Institute of Media Policy* in Kyrgyzstan, this Republic has joined international organizations since 1994. These organizations applied such documents as: International Covenant on Civil and Political Rights (1976), The Universal Declaration of Human Rights which was adopted by resolution of General Assembly United Nations Organization in December

10, 1948, and Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms was ratified by the Federal Law of November 4, 1995.

The International Covenant on Civil and Political Rights, Article 17 states, that: “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.” The Universal Declaration of Human Rights in Article 12 also states about the human rights to privacy, and how they are protected by the government. And Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, Article 9 states that: “1. Everyone shall have the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, public order, public health and morals or for the protection of the rights and freedoms of others.” Human rights to privacy and secrecy are strongly protected by these documents. Therefore the government is responsible for the secrecy of private life of a person, and it has to protect human rights based on the legislation. Therefore whenever the rights of people on private life, secrecy of family, and identities are violated, the government has to assume the measures in frames of the legislation and give the appropriate punishment.

Ethicists standardly distinguish between intrinsic and instrumental value (Jacquette, 2000). The difference is the value of an internal world of a person and external. Intrinsic or internal person's value has to be protected as the person itself and his surrounding – home, diary, family, etc. Whenever mass media gets into either of these values, it may cause huge consequences such as: moral abuse, discomfort, and spoiling the reputation of that person. And these consequences might lead the journalist to the issues with the court and his reputation, because the invasion of privacy without person's permission is the violence of the legal matter and ethical norms.

As it is seen from the law point of view so far, the privacy is extremely valuable. Now it is necessary to look from philosophic point of view. Why does the privacy of a person value so much and so protected by the laws? People need privacy and Philip Patterson and Lee Wilkins (2008) gave the clear vision of it. They wrote that “without some degree of privacy, civilized life would be impossible. In order to understand ourselves we need some privacy. But how can privacy affect the life? How can it be connected with the civilization?” Philip Patterson and Lee Wilkins have the answers on these questions as well: “first, we personally need privacy to develop a sense of self. If we are to become the person we wish to be, a certain degree of privacy is needed to develop that person apart from observation. Second, society needs privacy as a shield against the power of the state. As the state gains more information about its citizens, it is increasingly easy to influence, manipulate or control each one.” Example of this may be the Buddhists practices of meditation. They detach from the society and live by themselves far away, developing their internal personality. When the person has the possibility to stay one on one with himself and develop his sense of self and this helps to avoid the manipulation and dependence from the external things, events and people.

Dale Jacquette (2000) argues that the right to privacy is morally justified as: “(1) the foundation and protection of individual freedom; (2) a presupposition of respect for persons as morally valuable ends in themselves; and (3) a requirement for personal happiness and avoidance of anxiety and discomfort.”

For instance, the news story appearing in *The Guardian* (London), Final Edition, in May 19, 2005 concerning the unauthorized publication in the British magazine *Hello!* with private photographs from the wedding of film star celebrities Cathrine Zeta-Jones and Michael Douglas. In this situation journalists were incorrect by publishing the photographs of celebrities without their approval. And because of this magazine was fined for paparazzo. Journalists who do the paparazzo, which means to gather the information, or so – called discrediting evidence, without agreement of person, may get into a huge trouble with law, because they basically manipulate

people, mostly celebrities, and get the money from them so this material would not be published. Talking about ethics, journalists who violate the person's right to private life by gathering information for media's or personal good, transgress the boundaries of decency, ipso facto destroy their own reputation and lose the confidence of their audience. One stands for all, which means that, if in an agency from a team of journalists one becomes disrespectful towards ethical standards, and without any shame violates rules and laws, the whole agency might lose the trust from their audience; afterwards it might be very hard to save the reputation of the whole team, because people usually build stereotypes.

According to the laws of Kyrgyz Republic ministry of justice about mass media Chapter IV, Article 19 states about the rights and duties of a journalist, that: "journalist in accordance with this law is the creative worker, which collects information on events taking place in society, should collect, edit and do the preparation of materials for the media. Journalists have the right to engage in the above activities on their own or being in the state media organizations." But Chapter VI, Article 23 about responsibility for violation of the rules states, that: "the media is not allowed: (1) the disclosure of state and commercial secrets;(2) an insult to the honor of the peoples; (3) the distribution of materials that violate the norms of civil and national ethics, insulting attributes of state symbols (flag, anthem); (4) attack on the honor and dignity of the individual."GulnaraIbraeva and Svetlana Kulikova (2002) find this Article 23 as a contradiction to the principle of the freedom of speech and mass media. They justify this with the statement, that majority of these paragraphs, according to the established practice of democratic media – theory, refer to either the ethical area (which means that it must be regulated by the codes and norms of ethics, but not by the legislation, which means the responsibility for the violation), or to the area of mass media self – regulation. This law with such contradictions was brought into the legislation in 1992. Further in November, 1997, the parliament accepted the law, which besides these limitations for mass media, also had others: deprivation of journalists to publish any data about people who involved to criminal liability until judgment; mass media was forbidden to be

on the territories of stock-companies and private enterprises without special permission, and also it was forbidden to publish the facts from the private lives of citizens. These laws give confusion to journalists. Other paragraphs, which also have such confusion and contradiction according to the law of the professional work of journalists are: paragraph 9 “Journalists’ investigation”, that gives the right to journalists to investigate, but paragraph 7 “Journalists’ duties” states that journalists are forbidden to use audio and video recorders without consent of information provider or author. This limits journalists from gathering and publishing true information, and brings into confusion. Although nowadays workers of mass media frequently use hidden cameras or recorders. Dmitry Lozhnikov, main editor on *5th Channel*, agreed that the use of the information which was received subsequently from the hidden cameras or recorders is their violation of the law and ethical standards. He says, that they very frequently use the secret recordings, but they are clearly aware that they are right in that particular situation, but not that person, which they are trying to expose, but there is no other way to do it, and journalists, and also the whole agency know that there might be consequences of a secret recording. But in practice, as Dmitry explained, there were no serious consequences, because the moral superiority remained with them.

Journalists are supposed to satisfy the public interest, using principles, which are based on moral values and would not harm the person’s identity. According to the Code of Professional Standards for the Practice of Public Relations: “journalists have to pledge to conduct themselves professionally, with truth, accuracy, fairness, and responsibility to the public, and to adhere to the articles of the Code of Professional Standards for the Practice of Public Relations as adopted by the governing Assembly of the Society.” Theoretically all of this is clear, although practically there are still problems with this arise. What has to be done?

Dale Jacquette (2000), offers the solution, where he says that: “there is a need in developing professional standards for journalists to follow in choosing what kinds of stories they will investigate or take a hands-off attitude toward because they would infringe on a person’s

reasonable right to privacy.”Media’s unreasonable intrusion to person’s privacy which has no newsworthiness is moral and legal matter. Journalists nowadays, based on their values, prioritize the information, which will be profitable to them. Therefore the intrusion to the private life of an individual in order to get the information, that has a benefit to media, may subsequently turn out to be a legal case. Asel Minbaeva, the correspondent on TV-Channel *NBT*, explained that journalists sometimes are not the kind of people who acquire information in order to restore the justice and to improve the lives and society, but they gather the information for their own benefits. They also can be called as manipulators, who gain the material and sell it. If a journalist gathers information of any official who really is a corrupter, basically investigating and doing a research for the public interest, in order to improve the society, in this case the invasion of privacy is considered to be normal.

Therefore journalists have the right to collect the information within legal boundaries, that is true, objective and worthy for the public interest. Thus, whenever newsworthy information is being closed from the journalist, which means the rejection to give the socially valuable information, or a reporter is being forced to publish any kind of information which is against the legislation, punishment follows after it according to the criminal code of Kyrgyz Republic, which was Introduced by the Law of the Kyrgyz Republic from October 1, 1997, Chapter 19 (Crimes against the constitutional rights and freedoms of man and citizen), Article 151 about obstruction of the lawful professional activities of journalists, shows that:

“(1) Obstructing the lawful professional activities of journalists by forcing them to disseminate or not to disseminate information - punishable by a fine of fifty to one hundred times the minimum monthly wage. (2) The same act, if committed by a person using his official position - shall be punished by imprisonment for a term up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years or without it.”

But if the material, further reviewed appears to be not true, or the privacy of an ordinary people would be violated, the punishment will not leave the journalist. In the same criminal code

of Kyrgyz Republic, Chapter 19 (Crimes against the constitutional rights and freedoms of man and citizen), Article 135 about violation of privacy rights says that:

“(1) Illegal collection for the dissemination of information about the private life of a person, confidential personal or family privacy of another person, without his consent or dissemination of such information in a public statement, publicly exhibited works or in the media, causing harm to the rights and legitimate interests of the victim, punishable by a fine up to fifty minimum monthly wages. (2) The same act, if committed by a person using his official position, punishable by a fine of fifty to two hundred minimum monthly wages or arrest for a term of one to four months.”

As it is seen the privacy of personal life of people, and the journalist’s work are protected by the law, and any step across these boundaries is punishable. This gives the notion that theoretically the rights of both sides are fully protected; although practically the violation of laws and ethical standards are present.

There are such organizations in Kyrgyzstan as *Institute of Media Policy* or *OSCE*, which check the mass media’s work and its quality. Conducted monitoring among media in Kyrgyz Republic gives the understanding in what kinds of areas there are issues and what is it necessary to work on. Monitoring, which was conducted by *OSCE* from March, 15 till June, 15 in 2012 covered the observance of the Ethical codes by journalists. Final report included the issues with journalists’ violations towards law and ethical standards. For instance, May 20 an article entitled "For lunch - worms for" dessert "- a bludgeon." Above the article there was used a photograph with a girl, who had a bruise on one eye. This image had nothing to do with the specialized school. Besides, there was the proven information about that school, that there study only boys. Moreover, that image of the girl had absolutely no connections with the context of the article, which was about the escapes from that school. No comments or explanations about the origin of that photograph were included. Ethical code forbids the usage of photographs of children and adults without permission.

The other case where it is highly noticeable the violation of laws and ethical standards is the article published under title “Will Murad, who had kidnapped and beaten several times a married woman stay unpunished”(n.d.). The woman who was victim in this situation told about the unhappy life, which was ruined by her husband, who beat her and humbled. The journalist, who published this information writes everything, including the identities, address, and moreover publishes the photograph of this married couple. Besides in his article he showed the husband from a bad side. But journalists cannot give their personal opinions in the publication. In this case the privacy of a woman was violated. And mostly this violation would be referred to the ethics. The reason of this is that it is not morally correct to give the full information about the victim; otherwise this information may turn out to be dangerous for this woman. Therefore journalist in this situation is responsible for the safety. Journalism Code of Ethics in Kyrgyz Republic (2009), Paragraph 11 says that: “Journalist in his work should respect the private and intimate life of every person. Invasion of privacy and private life is acceptable in cases where the actions of the hero of the material are of social value or of interest to the community. Before the publication of such material journalist should check to see whether in this case affect the rights of third parties.” In this publication the information about woman’s identity and address is not in the interests of the community, therefore this information cannot be counted as socially valuable, or in public interest.

Dmitry Lozhnikov, main editor of 5th Channel told in his interview about the experience that this television had with the claims of people about their violation of rights to privacy and unwillingness to appear on public. One of these situations was with the ordinary citizen, who was standing on the sidewalk and shot by camera. Dmitry says: “There was a case when the material was made about beggars on the street, and accidentally a man was shot by camera, as a background scene. In a while he came with the claims to our office, telling that he did not want to be shot for public interest.” Further 5th Channel gave the excuses and this man did not turn to

the court. Even though this man turned to the court, his claims would be disclaimed, because he was on the public space, therefore no privacy was violated.

Other case Dmitry told about was the woman who worked in financial police.

“Whenever the message comes from the financial police when someone arrested there, we have a video of financial police, which we show during month, year. And we received a call from a woman with claims that we show this video about the financial police all the time, but she's no longer working there” – said Dmitry in conducted for this research interview. This channel just apologized to her and removed the frames where she was.

The apologies in these situations were a right thing to do. Media has to exclude the information about ordinary people based on their claims, and in cases where the information is either not correct, or affects the honor and dignity of people. Law of the Kyrgyz Republic "On the Media"(1992) Article 17 (the right of reply media untrue) states that: “Citizen or organization has the right to demand from media organizations published data refute untrue or damaging their honor and dignity. Citizen or organization in respect of which the mass media published information that harms their rights and interests has the right to publish his reply in the same mass media. Denial or response published in a special section or on the same page and the same font as the information and in the newspapers - not later than one month from the date of receipt of the request, and in other periodicals - in the next issue. In the event of denial messages interested party may apply to the court. Body Media may seek in accordance with the law refutation of false or defaming the honor and dignity of its employees.”

There is a huge variety of techniques using which it is possible to publish the information. Nowadays not only radio, newspapers, and televisions exist in order to distribute the information, but there is a huge variety of online magazines and newspapers. For instance there was a case with the participation of the “*Yellow newspaper*”. Web-site *Zvukpart.com* published the article with the title “Grigory Leps sued “Yellow newspaper”” (2013). This article tells that this newspaper each year publishes the rubric which is called “put the celebrity on a

right place”, which is being frequently published. The conflict began with the published photograph of Grigory Leps and inadequate comments and critiques towards the actor. The agency offered the audience to critique the celebrities for a fee, and afterwards they published these critiques. Grigory counted this as the outrage against his honor and dignity, and asked for the compensation of 2 million rubles. In this article PR-Executive Director Maya Serikova said that: “journalists crave high ratings of their media, so often write the untruth, and even slander, which is very unpleasant and is counted as an invasion of privacy of the artist. Serikova stressed that the normal practice in a civilized society, when a journalist comes in and talks about his desire to interview or comment. However, there are a number of portals and publications, which come as convenient to them. And for such an attitude they will have to pay.”

International organizations such as *Institute of Media Policy* and *OSCE* observe the status of mass media and very often discover the violations towards the legislation and ethics. One of the examples of violations, which subsequently turned out to be a suit towards the newspaper *SlovoKyrgyzstana* [The Word of Kyrgyzstan] in Kyrgyz Republic in December, 29, 2003. The suit was raised on the basis of the protection of honor, dignity and business reputation and compensation for moral damages by Dooronbek Sadyrbaev, Bailo, and Ishenbai Kadyrbekov. The reason was that the newspaper *SlovoKyrgyzstana* published the article with the title “Stop the political extremism” where the content was specified on message towards the president, but also there was the critical information of the political figures of Kyrgyz Republic written by the people who were taking part in rally on the main square and afterwards sent to the newspaper agency. The suit was declined by the court because the article – appeal contained audience’s opinion and expressions. And according to the Constitution of Kyrgyz Republic Article 31 promises to the people that: “1. Everyone has the right to freedom of thought and opinion. 2. Everyone has the right to freedom of expression, freedom of speech and press. 3. No one may be compelled to express their opinions or to reject it.”

Freedom is the fundamental and valuable right of human beings. The right to freedom is being protected by the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), and Constitutions of any Republic. Freedom and privacy according to these documents are fully protected by the government. Universal Declaration of Human Rights (1948) Article 12, which Kyrgyz Republic signed as well states that: “No one shall be subjected to arbitrary interference with his privacy, family, random attacks on his home, correspondence, or on his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

Information which is considered to be private is the personal information of a human, family secrecy, address, and person’s house, where no journalists are allowed unless the person gives his permission to enter his house. As Dmitry Lozhnikov explained in his interview: “Whenever a journalist has entered the house with his camera, anything can be shot, because the permission is given by the owner. And the owner has to think ahead that journalist with the camera may shoot everything.”

The other case when journalists without the permission distribute the information about the person without the agreement. For instance, online newspaper *BelyiParus*[White Sail] in the article entitled “In southern Kyrgyzstan’s mosque the attendants have beaten a man did not read namaz” (2012). This article is written about the man who became the victim of the attendants of the mosque. And the sister who was trying to protect her brother from the offenders also suffered. The issue in this newspaper is that the correspondent in his article fully discloses the identities of the victims. Reporter violated sufferers’ rights to privacy, because they might have had much more problems further, such as: moral abuse or damage of reputation. Therefore the journalist has acted at least unethically towards these victims.

The conducted monitoring by *OSCE* (2012) gives the example of the violation using internet technology. The videos which have the scenes with the violence towards the women by the “Kyrgyz patriots” stir up absurdity. The context of these videos was that the migrants in

Russia from Kyrgyzstan did not appreciate the actions of the women from Kyrgyzstan. Taking off all the clothes from women, the group of young migrants starts the violent questioning about these Kyrgyz women's dating with the men who present a different nation. This group makes women tell their names, occupation, and the address in Kyrgyzstan and Russia. This is considered to be the violation of women's rights to the privacy, besides, this is also the outrage upon their identities, which might cause the women's ruin of life, and fall of reputation, and moral abuse. Further this caused the scandal on the televisions, although journalists covered the faces of the victims, which was the right thing to do. The whole this information about the situation was in public interest, but the identities of women were not socially valuable information.

CONCLUSION

It was discovered by the research that person's privacy is extremely significant value in human life. Each person needs the seclusion in order to develop internally and strengthen the identity. Lack of internal development may lead to the "weakness on the mind", and it would be easy to manipulate this person and dictate him the profitable, for the powerful people, conditions. Therefore society needs privacy as a cover from the power of state, in order to avoid the manipulation, influence, and control.

Other fundamental right is the right to know. Every person has the right to access to information, which means that media has to provide the society with valuable information, such as: happening events as within the country, so outside, warnings about danger, economic and political status of the country, and so on. Same with journalists, who also have the right to access to information in order to publish for the public interest. Thus, there have to be almost no limitations for journalists in performance of duties.

Even though the duties of journalists are to collect the objective, true, and newsworthy information, nowadays the issues with defamation, violation of people's rights, propaganda, etc. arise and cause the distrust towards mass media.

Current research showed that issues not only with the professional ethics exist in Kyrgyzstan, but also the issues with the laws. The unprofessionalism shows up in any mass media. Workers are used to apply in their work mostly practical part of their knowledge, rather than theoretical. This research discovered that journalists even do not know the term "public interest". It basically does not exist for them. Many journalists with the lack of education enter the job successfully, but further during their collection, processing, and publication of the information, they unintentionally violate human rights. In order to avoid the violation and punishment, there is a need in educating journalists.

Concerning privacy, journalists frequently interfere into people's lives in order to get the information. Mostly these people are celebrities and public figures, but they are also people and need some degree of privacy. For instance, the journalist can publish the news about president or deputy that there was a visit to another country by this president/deputy for some kind of agreement which will improve the country. However the intimate information about his relationship with the lover in hotel is inappropriate to publish, because it is too personal and publishing it would be a harsh violation towards the laws and ethics. Besides, this may be also a defamation, which would harm the reputation, or moral values, such as honor and dignity.

Person's right to privacy and secrecy of family's personal lives, documents, and actions, and the right of the communities to receive the information from mass media have to be strengthening theoretically concurrently. The perception of personal life and the true public interest needs to become more developed morally. And journalists have to be released from the responsibility of the encroachment upon privacy, because journalists have to do their job without any pressure and limitations, of course based on reasonable ethical limits. Also there should be developed the concepts of public figure, and established principle, which will let journalists to

criticize objectively more, than it is limited. So as journalists have to give the information to the community about the public figures, there need to be some kind of control on the law, which will not let to develop the rules for journalists to not to invade the privacy of the public figures, because entering this position, public figure has more moral responsibility and enters the public life, therefore becomes the part of public interest.

The research showed that since Kyrgyzstan is a young Republic, the terminology of legislation and ethical principles is not as much applied in practice in journalism work, as it is in Europe and America. Therefore it is necessary to give the proper education to journalists, which will help them to value moral standards and avoid the issues in their professional job. The education must be as at the entry-level journalist, so at the advanced level. Journalists are like medical officers – always have to be educated, because they also deal with people and technology; and these two things have a tendency to develop all the time, therefore there is a necessity to have strong and new knowledge. The legislation authorities of Kyrgyz Republic have to impose supervision upon the mass media, and ethicists need to develop media's understanding of ethical codes. Concerning editors and owners of mass media, there has to be entered mandatory inspection of the published material, because in a rush the publication can abuse somebody's rights. Besides, there is a need to set the quality control system designed in the form of an official document. Also conduct residences on the editorial board, that is, training events on ethical and professional standards, and to conduct regular discussions with media executives, lawyers, human rights activists, media organizations, and representatives of law enforcement agencies - police, prosecutors, the National Security Committee, the judiciary, to discuss legislation, ethics, the context of the management information system (MIS), explanations of terminology.

Journalists do not have to be the first among others; they have to be true, objective, and law-abiding among others. And moreover these are not the problems of journalists, but the issues of the government, that means that journalism has come to the edge with its low salaries. And in

order to live full-fledged life, journalists are forced to act sometimes against the rules, ipso facto violating the people's rights, which finish with punishments towards journalists, distrust of the public, and lack of objective information.

BIBLIOGRAPHY

- AleksandrRozhkov. (n.d.). Острые углы на скользком месте [Sharp corners on slippery place]. In
ЗиП-Казахстан. Retrieved March 12, 2013, from
<http://old.internews.kz/rus/lap/002/page16.htm>.
- Clifford G., Fackler M., Kim B., McKee K. (2001). Media Ethics: Cases and Moral Reasoning.
Invasion of Privacy, 113-133.
- Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms
(ratified by the Federal Law of November 4, 1995). Retrieved from
<http://www.unhcr.org/refworld/pdfid/49997ae32c.pdf>
- Day, L. (2000). Ethics in Media Communications: Cases and Controversies. *Confidentiality and
the Public Interest*, 163-172.
- Goodwin, E. (1983). Groping for Ethics in Journalism. *Privacy*, 211-236.

Ibraeva, G., and Kulikova, S. (2002).

ИсторияРазвитияиСовременноеСостояниеСМИвКыргызстане[History of Development and Modern Status of Mass Media in Kyrgyzstan], 72-82.

Institute for War & Peace Reporting. (2012). ОсвещениеПравЧеловека[Human Rights Reporting], 78-100.

Institute for War & Peace Reporting. (2012). ЭффективныеКоммуникации[Effective Communications], 11-24.

International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976. Retrieved from

<http://www1.umn.edu/humanrts/instate/b3ccpr.htm>

Jacquette, D. (2007). Journalistic Ethics.*Balancing Protection of Sources and the Greater Public Good*, 174-177.

Jane Duncan (n.d.). *Privacy, freedom of expression & public interest*. Retrieved from

http://www.fxj.org.za/index.php?option=com_content&view=article&id=109&Itemid=15

Organization for Security and Co-operation in Europe.(2003). Freedom of the Media.*Legal Aspects of the Development of the Kyrgyz Media over the Last Year*, 13-20.

Patterson, P., and Wilkins, L. (2008).Media Ethics.*Privacy: Looking for Solitude in the Global Village*, 147-159.

University of Oxford (2009, July 13). *Tighten up definition of 'public interest' to safeguard privacy*. Retrieved from

http://www.ox.ac.uk/media/news_releases_for_journalists/090713.html

UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217

A (III). Retrieved from

<http://www.unhcr.org/refworld/docid/3ae6b3712c.html>

Закон Кыргызской Республики о Доступе к Информации,

Находящейся в Ведении Государственных Органов и Органов Местного Самоуправления Кыргызской Республики [Law of the Kyrgyz Republic on Access to Information Held by Public Bodies and Local Authorities of the Kyrgyz Republic]. (2007, May 8).

Retrieved from

<http://www.iteg.kg/ru/website-design/info-resources/29-info-access-law.html>

Министерство Юстиции Кыргызской Республики [The Ministry of Justice of the Kyrgyz Republic] (1992, July 2). *Закон Кыргызской Республики "О средствах массовой информации"* [Law of the Kyrgyz Republic "On the Media"]. Retrieved

from http://minjust.gov.kg/?page_id=1021

Уголовный Кодекс Кыргызской Республики [The Criminal Code of the Kyrgyz Republic] (1997, October 1). *Преступления против личности* [Offense against the person].

Retrieved from

<http://www.monitoring.kg/?pid=104>

Этический кодекс журналистов Кыргызской Республики [The Code of Ethics of Journalists of the Kyrgyz Republic] (2009, April 16). Retrieved from

<http://journalist.kg/codex/>

APPENDIX

Questions for interview:

- What is the public interest?
- What is the difference between public space and private space?
- According to the code of journalism ethics: journalists have to safeguard the confidence and privacy rights. How about surreptitious recording?
- Are there any defenses of the intrusion of privacy besides public interest?
- Publishing about the crime is in public interest, but it also has some elements which deal with the privacy, how to find the balance in this situation in order to give the true information?
- What areas do journalists normally get in trouble with (according to privacy and public interest)?

- Do some people have fewer rights to privacy? What are these people? Why do they have fewer rights to privacy than others?
- Do broadcast media have more restrictions on public interest than print media?
- In terms of privacy, is it difficult to control oneself to get the information for the public interest without intrusion of privacy?
- Did you have any issues with the court in terms of claims from people whose privacy was invaded? What are those situations?
- Which conflicts of public interest may appear?

Вопросы для интервью с телевидениями:

- Что такое общественный интерес в Вашем понимании?
- Как Вы думаете, какова разница между общественным пространством и частным? (public space and private space)
- Хорошо ли Вы знакомы с законодательством КР и кодексом журналистской этики?
- Знаете ли Вы о законах, которые гласят о праве человека на неприкосновенность к частной жизни? Как конфиденциальность охраняется законом и этикой в Кыргызстане?
- Основываясь на законодательстве КР, что Вы знаете об общественном интересе? В соответствии с Законом Кыргызской Республики, какие права имеют люди на общественный интерес?

- Согласно кодексу журналистской этики: журналисты должны защитить доверия и права на частную жизнь. Как насчет тайной записи (скрытой съемки)?
- Существует ли для журналистов какое-либо другое прикрытие, кроме общественного интереса для вторжения в частную жизнь человека?
- Публикации статей с содержанием информации о преступлениях - в общественных интересах, но также они имеют некоторые элементы, которые относятся к неприкосновенной частной жизни, как журналисту найти баланс в этой ситуации для того, чтобы дать истинную информацию обществу, не нарушив при этом права человека (допустим пострадавшего) на неприкосновенность частной жизни?
- В каких ситуациях журналисты обычно сталкиваются с вопросами о границах между неприкосновенностью частной жизни человека и общественным интересом? (Примеры ситуаций с которыми сталкивались журналисты)
- Есть ли люди, у которых меньше прав на неприкосновенность частной жизни? Что это за люди? Почему они имеют меньше прав на неприкосновенность частной жизни, чем другие?
- Согласно определению Папарацци — фоторепортёры, снимающие сцены из личной жизни звёзд шоу-бизнеса и других знаменитостей без их ведома и согласия. Можно ли это считать нарушением кодекса этики или закона? Если да, то какое наказание следует этому нарушению? Были ли у Вас подобные ситуации?
- Существуют ли особые ограничения для телевидений в публикации информации? (т.к. публика воспринимает телевидение еще и визуально)

- Что касается неприкосновенности, трудно ли журналистам контролировать себя, чтобы получить информацию для публикации, без вмешательства в личную жизнь? (ведь не всякий может спрашивать разрешения у каждого человека)
- Возникали ли у Вас конфликтные ситуации на почве претензий от людей, которых неприкосновенность к частной жизни была нарушена? (не могли бы Вы рассказать подробнее об этих ситуациях?)
- Какие проблемы могут возникнуть у журналиста во время добычи информации для общественного интереса?
- Имеются ли у Вас системы контроля качества оформленной в виде официального документа? (например, обязанности журналиста)
- Проводите ли Вы резиденции внутри редакции, т.е. обучающие мероприятия по вопросам соблюдения этических норм и профессиональных стандартов?
- Считаете ли Вы нужным регулярное проведение дискуссий с участием руководителей СМИ, юристов, правозащитников, медиа организаций, представителей правоохранительных органов – милиции, прокуратуры, ГКНБ, судей, для обсуждения законодательства, норм этики, контекста функционирования СМИ, разъяснения терминологии?
- Как Вы думаете, будут ли внесены какие либо поправки в дальнейшем в законодательство КР и кодекс журналистов для более точной границы между конфиденциальностью и общественным интересом?

Вопросы для интервью с представителями организаций:

- Что такое общественный интерес?

- В чем разница между общественным пространством и частным? (public space and private space)
- Какие законы гласят о праве человека на неприкосновенность к частной жизни? Как конфиденциальность охраняется законом и этикой в Кыргызстане?
- Что говорит законодательство об общественном интересе? В соответствии с Законом Кыргызской Республики, какие права имеют люди на общественный интерес?
- Согласно кодексу журналистской этики: журналисты должны защитить доверия и права на частную жизнь. Как насчет тайной записи (скрытой съемки)?
- Существует ли для журналистов какое-либо другое прикрытие, кроме общественного интереса для вторжения в частную жизнь человека?
- Публикации статей с содержанием информации о преступлениях - в общественных интересах, но также они имеют некоторые элементы, которые относятся к неприкосновенной частной жизни, как журналисту найти баланс в этой ситуации для того, чтобы дать истинную информацию обществу, не нарушив при этом права человека (допустим пострадавшего) на неприкосновенность частной жизни?
- В каких ситуациях журналисты обычно сталкиваются с вопросами о границах между неприкосновенностью частной жизни человека и общественным интересом? (Примеры ситуаций с которыми сталкивались журналисты)
- Есть ли люди, у которых меньше прав на неприкосновенность частной жизни? Что это за люди? Почему они имеют меньше прав на неприкосновенность частной жизни, чем другие?
- Согласно определению Папарацци — фоторепортёры, снимающие сцены из личной жизни звезд шоу-бизнеса и других знаменитостей без их ведома и согласия. Можно ли это

считать нарушением кодекса этики или закона? Если да, то какое наказание следует этому нарушению?

- Существуют ли особые ограничения для телевидений в публикации информации? (т.к. публика воспринимает телевидение еще и визуально)
- Какие проблемы могут возникнуть у журналиста во время добычи информации для общественного интереса?
- Имеются ли системы контроля качества медиа агентства оформленной в виде официального документа? (например, обязанности журналиста)
- Проводятся ли резиденции внутри редакции, т.е. обучающие мероприятия по вопросам соблюдения этических норм и профессиональных стандартов?
- Считаете ли Вы нужным регулярное проведение дискуссий с участием руководителей СМИ, юристов, правозащитников, медиа организаций, представителей правоохранительных органов – милиции, прокуратуры, ГКНБ, судей, для обсуждения законодательства, норм этики, контекста функционирования СМИ, разъяснения терминологии?
- Как Вы думаете, будут ли внесены какие либо поправки в дальнейшем в законодательство КР и кодекс журналистов для более точной границы между конфиденциальностью и общественным интересом?
- Может ли человек снятый камерой на улице (для общего плана) предъявить претензии о нарушении его права на неприкосновенность к его личной жизни?