

# **Towards improved standards in media coverage of next elections**

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## **Independent and Transparent Media for Fair Elections**

Citizens can make informed choices only if there is ample information about how state officials are managing the public funds and what other political alternatives are available in a country. In other words, the media should facilitate the exchange of opinions, public debate, confrontation, investigation, and commentary that would offer the public fully informed, analyzed and assessed views of persons and groups seeking elected office.

For gaining the public trust, the media should be free from any political or economic interference aiming to influence their editorial policies. The media output becomes less popular whenever the government interferes with the activities of the press and impedes journalists in their operations. The government is obliged to do exactly the opposite – to promote and favor pluralism and freedom of the media and to take extraordinary efforts to investigate all acts of violence, intimidation, and harassment directed against media personnel and to bring those responsible to justice without undue delay.

### ***Media independence & diversity***

- There is a clear need to bring the culture of mutual understanding between media and politicians to a different level. Politicians have to respect that journalists play an essential role in a free and democratic society.
- Journalists need to be more proactive rather than reactive in their coverage of elections to better facilitate the exchange of opinions and to create a platform for public debate on important issues.
- The freedom and independence of the media should be respected, as objective reporting is essential during an election campaign. State authorities should always refrain from interfering in activities of the media and journalists as it undermines their independence.
- Media reporting should be balanced and factual, including coverage of the work of the authorities. The media should be consistent in separating the activities of incumbent powers from the activities they pursue as the representatives of political parties running in the election. No privileged treatment should be given to public authorities by the media during election campaigns.
- Media should be able to criticize activities or inaction by the authorities and other official bodies whose activities are financed by the public money, to investigate corruption and other wrongdoings and they should not face any pressure in the form of retaliation.

- Journalists should be more probing in their approach when asking questions, not to let politicians come up with weak responses, excuses or general answers. They should see public money interest behind each story and confront the answers with reality.
- It is important to be careful when using the Internet and social media as a source. It is recommended to double check if the information posted on the Internet is accurate as the potential risk of deliberate manipulation is high. The media should avoid broadcasting a message based on unverified information, rumors and with an intention to arouse a scandal or for propaganda purposes. If it decides that such a message is important, despite the fact that it cannot be verified, it should broadcast it with a warning saying that the message is not confirmed.
- It is recommended to consider what is newsworthy from the viewer's perspective and not to merely satisfy the politicians. In case a politician is meeting with journalists and the essence of such meeting is to wage allegations against political opponents, it should be carefully considered to what extent this is relevant news and if viewers would benefit. In case a decision is made to present such views, it is important to allow opponents an opportunity to respond. The media should avoid adjusting data and facts in a manner that would distort reality and in determining the order of importance of the individual pieces of information it will impartially and objectively provide, distinguishing between relevant and irrelevant information.
- It is recommended to be careful when covering charitable activities during an elections campaign as this could give some candidates advantage over their opponents.
- The media should refuse all open or furtive expressions of intolerance and will consider thoughtfully if publication of such expressions is not conducive to defamation and ridicule based on sex, race, color, language, faith, and religion, affiliation with national or ethnic minority or ethnic group, social difference, political or another opinion. In publishing opinion polls, the media will present results in an unbiased manner and will release all the available information, especially that related to the organization conducting the opinion poll, about the size of the representative sample of the population and the time when the survey was carried out.
- Consideration could be given to creating new platforms for discussion, training, studies and self-reflection on the media, including in the regions, to enhance the current level of the journalistic profession helping managers, journalists, and students to increase their professional capacity and would also improve the current level of media literacy. Access to various educational resources, such as books, databases, methodology, research magazines, as well as a chance to exchange experience through international media networks and journalistic associations would also help in achieving these efforts. It is also important to

strengthen legal awareness of journalists, including the use of legal protection mechanisms.

### ***Public service broadcasting***

- Despite some improvements in comparison with 2012, Georgian Public Broadcaster (GPB) could still further enhance its reporting by searching for information and bringing exclusive news, including investigation of wrongdoings by state officials. This information should be provided with the relevant context, background information, using experts and alternative viewpoints in the framework of its news items. By offering such views, GPB could help its viewers to understand better what the given information means for them, what the consequences of bad governing are, its alternatives and other perspectives. The stories should be presented from various angles, offering different viewpoints – all sides involved in an issue – experts, civil society representatives.

### ***Media regulator***

The regulatory system has a significant influence on the independence and professionalism of the media. A system with a firm control of a government is unlikely to promote pluralism and diversity among the media. A voluntary scheme (with substantial legal or constitutional guarantees of media independence) can safeguard pluralism in the media and protect it against the government or political interference and can help to develop professional skills and standards. Particularly in transitional democracies, a clear regulatory framework is needed for media coverage of elections. Given the weakness of the democratic system which is not yet sufficiently developed, self-regulatory measures are seldom sufficient to ensure pluralism and fair access to all contestants. Indeed, a system of self-regulation is more advisable when conditions facilitate responsible and mature journalistic coverage.

The most important aspect of any media regulations during elections is to find the right balance between respect for editorial independence and the need for certain rules to guarantee fairness by the media. During elections, it is important that the body that is in charge of overseeing the media coverage of elections is independent and trusted. This body should have experience, sufficient resources, knowledge, know-how, and mandate to monitor that rules are respected. It should act promptly upon contestants' complaints or whenever it records a violation (regardless of whether it received a complaint) and appropriately investigate alleged violations. Consequently, it should impose effective remedies when violations take place.<sup>1</sup>

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<sup>1</sup> The Venice Commission's Code of Good Practice in Electoral Matters in its chapter 3.6 (an effective system of appeal) states the following: It is imperative that appeal proceedings be as brief as possible. Two pitfalls must be avoided: first that appeals process retard the electoral process, and second, that, due to their lack of suspensive effect, decisions on appeals – other than those concerning the voting in the elections and the results – are taken after the elections have been held.

In March 2009, the Code of Conduct for Broadcasters, issued by the GNCC, was adopted as a set of principles, rules and guidelines for broadcasters when preparing news and other programs. While the GNCC is authorized to apply sanctions if public or private broadcasters breach the broadcast media legislation or the council's decisions<sup>2</sup>, the GNCC stated that broadcasters were free to decide themselves how to react to violations of the Code of Conduct by their staff and that these decisions may not be subject to legal or administrative sanctions.<sup>3</sup> According to Article 14 of the Law on Broadcasting, each broadcaster shall establish a self-regulatory mechanism to deal with violations of provisions of the Code to ensure timely and competent reaction to a complaint.

Article 54 of the Law on Broadcasting stipulates that both public and private broadcasters should provide pluralistic and non-discriminatory coverage of all relevant views in their news programs. Also, Article 24.3 of the Code of Conduct for Broadcasters calls for "thorough and balanced coverage of campaign activities of qualified subjects." The monitoring conducted by the media-monitoring group at the GNCC should be used to see if broadcasters follow these provisions. When a broadcaster fails to respect the law or the conditions specified in his license, the regulatory authorities should have the power to impose sanctions, by the law. Sanctions should be commensurate with the gravity of the offense committed by the media the media outlet, starting with a warning. They should not be decided upon until the broadcaster in question has been given an opportunity to be heard. All sanctions should also be open to review by the competent jurisdiction according to national law.

- The legal authority could be vested in the Georgian National Communications Council (GNCC) to impose sanctions for violations of equal access and fair treatment, based on the results of their media monitoring thus allowing for a quick remedy or corrective actions if necessary.<sup>4</sup>
- Authorities should ensure (both in legislation and in practice) the political, operational and financial independence of the (GNCC), in line with the Council of Europe, OSCE and EU recommendations.<sup>5</sup>

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Finally, decisions on the results of elections must also not take too long, particularly when the political climate is tense. It means both that the time limits for appeals must be very short and that the appeal body must make its ruling as quickly as possible. Time limits must, however, be long enough to make an appeal possible and for the commission to give its decision. A time limit of three to five days (both for lodging appeals and making rulings) seems reasonable.

<sup>2</sup> Articles 71–74 of the Law on Broadcasting.

<sup>3</sup> Article 59<sup>1.2</sup> of the Law on Broadcasting

<sup>4</sup> See the OSCE/ODIHR Final Report on 2012 parliamentary elections in Georgia at <http://www.osce.org/odihr/elections/98399?download=true>

<sup>5</sup> See the Council of Europe's Recommendation on the independence and functions of regulatory authorities for broadcasting sector at [http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%282000%29023&expmem\\_EN.asp](http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%282000%29023&expmem_EN.asp).

- GNCC should monitor *ex officio* broadcasters' compliance with legislation and contractual license conditions, and in the case of their non-compliance, it should be able to apply appropriate sanctions.
- The GNCC could review and further enhance its media monitoring methodology to be able to promptly and adequately identify imbalances in the news and current affairs programs.
- Consideration should be given to providing clearer guidelines that might encourage more creative and lively coverage of the election campaign. The GNCC should act to reassure broadcasters that they would not be sanctioned provided that their overall coverage was fair and equitable.
- The Election Code should provide clear deadlines for the GNCC to act upon media-related complaints or recorded violations during an election period. The procedures for dealing with complaints should be timely, transparent and accessible to increase the level of confidence and provide complainants with a quick remedy. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.

## **Specific recommendations**

### ***Television***

- Balance is difficult to achieve in any one report, but it should be kept in a range of broadcasts. When covering any controversial issue, especially of a political nature, it is highly important to present all sides involved, including when a side refuses to comment. In such scenario, such a refusal shall be given so that the public is not misled. Also, it is evenly important to provide unbiased background information (intro into the story) if the issue is long-term and complicated. It is usually not satisfactory to limit coverage of such controversial topics by purely presenting opinions of sides involved without proper contextual information. At the same time, try always to consider also the general balance of expert/analytical views – if possible.<sup>6</sup>
- The media should follow professional standards as well reporting techniques and methods. They should ensure that every piece of news contains only facts corresponding to reality and whose veracity will be verified by independent

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<sup>6</sup> Balance is understood as a proportionate representation and portrayal of the politically relevant opinions of the parties involved. They are essential for grasping a particular event or issue in particular situations. Thus no party or opinion is offered an inappropriate presentation regarding space, broadcast time or portrayal concerning its relevance to the problem at hand. It is true even in cases in which some of the opinions fail to coincide with those of a journalist working on the story.

sources quoted therein. Journalists, editors, producers and proprietors should spare no effort to make the distributed information correspond with truth and conscience. The facts should be mediated without any distortions and in their respective contexts. If a flawed message is published, it should be followed by an immediate apology.

- Media should treat unfounded disclosure of personal information with due care, should not blindly disseminate messages from law-enforcement bodies, but should limit its coverage to the information necessary to inform the society of the course of the trial and refrain from disclosing intimate details of the life of the defendant.
- Some xenophobic statements made by election subjects were observed. Sadly, TV broadcasters revealed the lack of proper knowledge of diversity, equality, and tolerance requirements of the Code of Conduct for Broadcasters and did not distance themselves from such statements.
- It is recommended that TV channels should refuse to accept if political parties send pre-recorded general responses on some issues.
- Unless there is a violation of the law, GPB should broadcast free-of-charge advertisements by political parties, even if the content is provocative. It is important for the sake of the debate on controversial issues.

### **Talk shows**

Discussion programs, like interviews or debates, act as a supplement to the regular news coverage of elections and are important because they enable the public to make direct comparisons between candidates. These types of programs should also be organized in a fair manner. However, the decision on how such fairness should be achieved (for instance, deciding the format, the number of participants, the length, etc.) should be left to the initiative of the broadcasting organization itself.<sup>7</sup>

Televised debates provide the best forum for an exchange of views, although non-participation by one of the front-running candidates or parties always reduces their value to the electorate. An opportunity for the public debate of different viewpoints provides voters with a better understanding of the choices available to them on election day. During debates or talk shows, it is natural to hear partisan statements, personal opinions, and viewpoints – or criticism of the public policy. As a supplement to news, these programs offer commentary, debate, or an opportunity for competing interests to present their opinions directly to viewers and listeners.

While talk shows are an exciting opportunity for the expression of diverse ideas, if left totally without some balanced views, they can mislead, misrepresent and misinform

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<sup>7</sup> Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe

many viewers. Although it could be dangerous to assign government the power to adjudicate "fairness" in the marketplace of ideas, it is even more dangerous if a talk show host or moderator does not allow for a diversity of views.

The following issues should be taken into consideration when planning a televised debate between candidates: (1) ground rules for format including time limits, number of representatives per party, procedures for determining order of presentations, use of notes or props, language and translation issues; (2) audience issues -- size, number of tickets per party; (3) broadcast issues; (4) source of questions (moderator, panellists, audience) and topics or issues to be covered; (5) room arrangement; (6) ground rules for audience behaviour; (7) procedures if candidates fail to appear; (8) availability of participants for media interviews after the debate; (9) availability of tapes and transcripts to citizen groups and the media; (10) questions and concerns from participants, media, citizens;

The most important aspect is to find the right balance between respect for editorial independence and the need for certain rules when organizing debates. While publicly funded broadcasters usually need to follow more strictly the equality provisions (providing an opportunity to participate in the discussions for all contestants), private broadcasters should be editorially free to determine the format of debate.

- Consideration could be given to having fewer topics and issues planned for a single talk show program as the discussion tends to get superficial and not focused. In general, it would be good if talk show hosts and moderators are better prepared on the topics and issues which they discuss with their guests as many of them couldn't perform as good opponents, especially when guests tried to spread misleading information.
- While often the talk shows reacted to developing news stories widely discussed on TV news broadcasts, they unfortunately often failed to provide additional insights.
- TV anchors and hosts often asked only general questions (i.e. What is your opinion? What do you think about this issue? How do you assess the election environment? Etc.), and answers of respondents were too general. TV anchors and hosts should ask as many questions as necessary to clarify issues for the audience and demand specific answers from their guests.
- Competing parties invited to talk shows frequently were spending most of the time in arguments and mutual accusations. The coverage should focus more on party platforms and not on the confrontation between the parties that is not so beneficial to voters. Talk show hosts and anchors should be able to moderate the discussion better to prevent participants from having arguments and mutual accusations but rather a real exchange of views on important and relevant issues.

- Many TV anchors allowed politicians to present their visions as a monolog. Instead of asking questions and inquiring about the consistency of their views, and plausibility of their promises, TV anchors often allowed their respondents to use the medium in their favor. Allocating equal time to talk show guests, and requesting all participants to answer same questions does not necessarily mean that election issues are covered efficiently. Guests were frequently short of time when discussing important and interesting issues. Lack of critical questions, unprepared TV anchors, and, as a result, superficial discussions remained challenging. Frequently, it was not quite obvious what criteria were used when inviting political subjects from single-mandate election districts.

## **Radio**

- Even in the pre-election period Georgian media are very much attracted to “high politics” concentrated in the capital – this “Tbilisicentrism,” showing in a decreased capability to debate regional issues, impoverishes the election agenda.
- Consideration could be given that media, in particular, the public service broadcasting sector, should enable different groups and interests in society — including linguistic, social, economic, cultural or political minorities — to express themselves.
- Journalists can do more to reflect what is happening in the country - from either social or political perspective. As such, if there is something important happening, it should always be shown. However, it is always crucial to provide background, context and to try to confront actors (especially when holding public offices) with such contextual questions. More attention could be paid to presenting various independent and expert views, including by relevant NGOs.
- News programs focused on coverage of daily campaign developments, meetings with voters without any real analysis of the election platforms or candidates views on different issues and topics. There was a general lack of in-depth and analytical coverage as well as of investigative reporting that could help the voters to assess the qualities and programs of electoral contestants better.

## **Print**

- Print and online media could do more when it comes to in-depth and analytical reporting of contestants’ views and positions on different issues, including the proper introduction of the majoritarian component of the elections.

## Online

- Online journalists could pay more attention to the appropriate attribution of all the ideas and materials they use in their work. Referencing includes the use of indicators in the text indicating where concepts and quotes came from, and a listing all the resources used to write the article. It is important to reference thoroughly and correctly to avoid instances of plagiarism. Attribution means telling the readers where the information in the story comes from, as well as who is being quoted. Attribution means using a source's full name and job title (when relevant). Information from sources can be paraphrased or quoted directly.
- In many publications, journalists merely reflected positions of authorities and did neither question official statements by officials nor properly verified the facts. Consideration should be given to proper verifications of facts and criticism of activities or inaction by the authorities and other official bodies.
- Consideration could be given to using a greater variety of different sources to present the information from various angles necessary for proper understating of the issue at stake in a particular story or article.
- In the context of Georgian elections hidden advertisement seems to represent an issue of concern. The very complex problem rests in the malpractice of advertising material that is not properly labeled as such and presented as regular editorial coverage. This practice is obviously against professional standards and journalistic ethics: hidden advertising in a media outlet represents a clear breach of fundamental journalistic values. It should be clearly stated that *“It is prohibited to include election campaign materials of parties (blocs), including political advertising, in informational TV and radio programs (news editions and current affairs programs). All election campaign materials must be separated from other materials and indicated as such.”* It is advisable to elaborate specific definitions and cases where violations may be investigated and establish targeted sanctions for verified breaches. If agreed, I could come up with some examples how this issue is resolved by other countries.