

Guidelines for Media During Elections: Shorter Version

Myanmar Press Council - Interim

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Introduction

Elections are a hugely important democratic process for any country and especially for countries which are in the early stages of democratic transition. The successful conduct of elections is often a make or break process in terms of democratic progress. Successful elections can move the democratisation project forward dramatically while contested or problematical elections can significantly retard progress.

Within the wider sphere of elections, the media – print, broadcast and online – have a hugely important role to play. For most voters, the media is the primary source of information, about:

- how to vote;
- what the election means; and
- the different parties and candidates contesting the election.

If the media fail to inform voters properly, there can be widespread confusion and even disenfranchisement.

The media also play a key role in preventing political corruption and other activities which subvert the election process. If the media are strongly biased towards or against particular parties and/or candidates, this can substantially disrupt the fundamental principle of a level competitive playing field during elections.

It goes without saying both that the right to freedom of expression applies with particular force during elections, including in relation to the media, and that any existing codes of conduct for the media, including of a self-regulatory nature, remain applicable.

In the context of Myanmar, the Myanmar Press Council – Interim's Media Code of Conduct, adopted on 3 May 2014, remains in force during elections. The first two rules in the Media Code of Conduct – entitled 'Accuracy, balance and fairness' and 'Politics and elections' – are of particular importance during elections. The main relevant standards in those rules are as follows:

- Media outlets have a duty to be balanced, impartial and fair in the treatment of news and current affairs.
- Media outlets should offer a prompt correction and/or right of reply for significant inaccurate, misleading or distorted statements.
- Media outlets should reflect the range of political opinions in society and enable free and open debate on matters of public concern.
- Coverage of the positions and views of political parties should broadly reflect the support these parties have in society.

These rules have particular implications during actual election periods and there are also additional obligations and duties which apply to the media at such times. These *Guidelines for Media During Elections* elaborate on the specific duties of media outlets during elections, providing more detail as to what is expected of them during these critical democratic exercises. Media outlets should take steps to ensure that their journalists are aware of these rules during elections.

Informing the Public

- The media have a general duty to inform the public in a timely fashion about matters relevant to the elections, and this is a particular duty for the public media.

The media is the primary source of information about the election for most voters. As a result, and as part of their general role as sources of information in society, the media have a duty to inform the public both about how elections work and the competing parties and candidates.

Dos

Informing voters about the election:

- tell voters why it is important to vote and the general role of elections in a democracy
- provide voters with technical information about how to register to vote (i.e. how to make sure they are on the list of voters) and about how, when and where to cast one's ballot (i.e. detailed information about polling stations and voting procedures), including about advance voting
- keep voters in conflict areas informed about the election situation in their areas
- inform voters about the secrecy of the ballot and why this is important
- inform voters about the role of the upcoming elections
 - the positions which are up for election and the power those offices wield in terms of governing the country
 - their right to vote for parties and candidates they trust and whose ideas they support
- focus on voters living in areas where your media is read, listened to or viewed

Connecting voters to the parties and candidates

- inform voters about what the different parties and candidates stand for (key policies and promises); this goes beyond party/candidate advertising and should be done through news and current affairs reporting
- present this information in a balanced manner, not supporting one party or candidate over any other
- focus on key election issues
- use different formats:
 - panel discussions with representatives of leading parties
 - 'meet the candidates' formats where members of the public can put questions directly to them

- try to reach out to all voters, using different languages, formats and ways of presenting programmes
 - make a particular effort to target women and minority groups

Don'ts

- misinform voters about how to register for or participate in the vote
- allow one or another party or candidate to dominate your coverage or disseminate misleading messages

Coverage of the Election

- During elections, the media should strictly respect the duty of balance, impartiality and fairness in the treatment of news and current affairs, set out in Rule 1 of the Media Code of Conduct.
- During elections, the media should report on opinion polls fairly and in a manner which ensures that the meaning of the results of those polls are clear.

Rules on balance, impartiality and fairness are important at all times, but they take on special importance during elections due to the sensitivity and potentially serious implications of media bias at that time. In some countries the fairness of elections has been seriously undermined by strong media bias towards one or another party or candidate, which undermines the level playing field all parties and candidates are supposed to enjoy during elections. In Myanmar, the obligation of balance applies to all media: print and broadcast, as well as to online media.

Dos

- always provide fair and balanced news and current affairs coverage
- choose news and current affairs programmes based on newsworthiness rather than political considerations
- ensure some kind of balance between the coverage given to the governing party and to other leading parties
 - this may require giving leading parties special opportunities to comment on news, for example in panel discussion formats, to balance out the fact that it is often the government that creates the news
- offer advertising on a fair and completely non-discriminatory basis to all parties and candidates (both as to price and position or timing) (note that this does not rule out lower costs for bulk advertising)
- print media: editorials should be clearly separated from news and current affairs content
- broadcasters: consider providing 'direct access programmes' (free or low cost opportunities for parties to present their programmes to the public); such programmes should be provided on an equal basis to all parties during a first democratic election
- all advertising and direct access programmes should be identified as coming from parties rather than the media

- present opinion polls fairly and with sufficient information to allow readers, listeners and viewers to assess their accuracy. It should always be clear:
 - who commissioned the poll (whether this is a political party or a media outlet)
 - who conducted the poll (i.e. the polling company)
 - how the poll was conducted: the methodology used, the sample size, area of coverage (i.e. where it was done), the dates it was conducted and the margin of error
- where media outlets commission polls themselves, only use professional polling companies which ensure that their samples are reasonably representative

Don'ts

- never provide excessive coverage, or unduly positive or negative coverage, to any particular party or candidate
- journalists reporting on the election should not wear T-shirts, caps or other visible materials which represent political parties
- broadcasters: do not editorialise
- do not report on opinion polls for 24 hours before the voting starts and during the period of voting

Responsibility for Statements by Candidates and Parties

- During elections, the media will not be held responsible under the Media Code of Conduct for content generated by political parties or candidates, unless they endorse or adopt that content or it should have been reasonably clear to the concerned media outlet that the content was likely to cause substantial harm.

It is not the role of the media to act as intermediaries in terms of assessing the legality of statements made by political parties and candidates during elections. It is important for parties and candidates to be free to express themselves and it can be harmful when the media exercises the role of a prior censor. A better balance is achieved where responsibility for their statements lies exclusively with parties and candidates, and where this is assessed after the statements have been distributed in the media.

Dos

- carry statements – including direct statements (for example during interviews), advertisements and direct access programmes – as they are provided by parties and candidates
- as an exception to the above and in extreme cases, refuse to carry direct statements by parties and candidates where it is reasonably clear that the statements are likely to cause substantial harm, for example because they are likely to incite people to violence

Don'ts

- endorse or otherwise support statements made by parties and candidates
- carry statements by parties and candidates which are likely to cause substantial harm

Rapid Access to Remedies

- During elections, media outlets should, for election-related content, provide a correction or a reply for incorrect or defamatory content, or content which breaches the Media Code of Conduct, as soon as possible after this has been established, normally in their next edition or the next day for broadcasters.
- During elections, the Myanmar Press Council – Interim will process complaints which involve election-related content as soon as possible and in any case within three working days.

Rapid remedies are particularly of the essence in the context of elections, when voters are making (and changing) decisions about who to vote for on a day-to-day basis. A false statement about a candidate, for example, can very quickly turn voters against him or her.

The Myanmar Press Council – Interim will provide rapid review - as soon as possible and in any case within three working days - during election periods, of any complaints relating to election coverage (which may be lodged by a political party, a media outlet or a member of the public). Three types of such complaints will be considered:

- complaints relating to content generated by a media outlet, which will be addressed in the normal way and with the normal range of remedies.
- complaints relating to content provided by a party or candidate which has been disseminated by a media outlet; in such cases the media outlet will not be held directly responsible but, where the content is held to breach the Code, the Press Council will ask the media outlet to disseminate a notice to that effect which makes it clear that it is the party or candidate and not the media outlet which is responsible (and it will reject the complaint where the content does breach the Code).
- Complaints arising from situations in which a media outlet has refused to disseminate content that it deems likely to cause substantial harm; in such cases where the content does not breach the Code and the Press Council does not agree that it is likely to cause substantial harm, the Press Council will ask the media outlet to disseminate that content (and it will reject the complaint where this is not the case).

Dos

- provide a right of correction or reply as soon as possible for election-related content which is false, defamatory or breaches the Media Code of Conduct (see Rule 1.2 of the Media Code of Conduct); this means in the next edition of a print

media outlet or the next day in a broadcaster, and as soon as possible via online tools (i.e. the website and/or Facebook page)

- this is engaged when a media outlet has been alerted of an offending statement or, for more complex cases, where the Press Council makes a decision to the effect that a statement breaches the Code of Conduct
- election-related content includes any material provided by a party or candidate, as well as any content that is about the elections, mentions a party or candidate or is reasonably understood as relating to the election
- report as soon as possible on decisions by the Myanmar Press Council – Interim relating to election complaints

Don'ts

- delay in considering whether content is election-related or whether there has been a breach of the Code of Conduct unless the matter is too complex for the media outlet to assess

Reporting Election Results

- Media outlets should behave responsibly when reporting predictions of the outcome of election contests (i.e. when predicting winners).

Media outlets often effectively call the winners of elections because it can take official bodies (i.e. the election commission) some time to settle all complaints and appeals relating to the election whereas media outlets can use sophisticated modelling to determine at a relatively early point who has won the election.

Dos

- act responsibly in any case in which a media outlet is calling an election winner

Don'ts

- make election predictions unless and until the media outlet has strong and reasonably reliable grounds for making such a call
- do not call a winner if the results are not yet clear