

THE MEDIA CODE OF CONDUCT

For reporting and coverage of the Guyana General and Regional Elections (2001)

I. PREAMBLE

Given the desirability for a fair, peaceful and well-regulated election and the avoidance of the aggravation of ethnic tension and unnecessary political discord,

We *AGREE AND ACCEPT* that a Code of Conduct for the Media (taken to mean newspapers and radio and television stations) generally respected and observed, will contribute to the holding of a free and fair election.

We *AGREE TO ACCEPT, TO SUBSCRIBE* to, and, to the very best of our ability, *TO COMPLY* with this Code of Conduct and to take all reasonable steps to ensure its observance.

We *ACCEPT AND SUBSCRIBE* to this Code of Conduct on the clear and unqualified understanding that the government or any of its agencies and the Elections Commission, will not impose nor see to impose any prior restraint or censorship on any publication by the media.

II. THE CODE OF CONDUCT

1. The Media in its coverage and reporting of the elections during the period of campaigning agree:
 - i. to refrain from the publishing or broadcasting of any matter with the potential for, or likely to promote or incite racial hatred, bias or contempt or any matter with the potential for, or likely to, promote or cause public disorder, pose or become a threat to the security of the nation;
 - ii. to refrain from ridiculing, stigmatising or demonising people on the basis of gender, race, class, ethnicity, language, sexual orientation and physical or mental ability;
 - iii. to hold themselves independent and free of any, or all, government and political opposition control and direction;
 - iv. to hold themselves independent and free of any, or all, control and direction from any of the political parties officially registered to contest the elections;
 - v. to hold themselves free of any, or all, control and direction from any individual, group or organisation representing or promoting the special interests of any of the political parties officially registered to contest elections.
2. The Media in the exercise of their constitutional right of free expression, and in recognition of their consequential social responsibility to the society which they serve, will at all times endeavour to:
 - i. Provide a truthful, comprehensive, accurate, balanced and fair account of events in a context which gives them meaning;
 - ii. Serve as a forum for the exchange of public comment, opinion, discussion and criticism in a balanced and reasonable manner;
 - iii. Offer an accurate picture of the constituent groups, organisations and parties contesting the elections and of the society in general;
 - iv. Present and clarify, as far as possible, the goals and values of the constituent groups, organisations and parties contesting the elections and of the society in general.
3. The Media, in accepting the principle of “fair and balanced” reporting, recognise that:
 - i. No story is fair, if it omits facts of major importance or significance and is therefore incomplete;

- ii. No story is fair, if it includes essentially irrelevant information, rumour unsubstantiated statements at the expense of significant facts;
 - iii. No story is fair, if it consciously or unconsciously misleads or even deceives the reader, listener or viewer.
4. The Media, in accepting the principle of “accuracy and balance” in reporting, particularly during periods of campaigning for elections, acknowledge that these two main characteristics, accuracy and balance, seek to distinguish good journalism from bad, and journalism from propaganda. From this perspective, we accept that:
 - **Accuracy** requires the verification (to the fullest extent possible) and presentation of all facts that are pertinent and necessary to understand a particular event or issue, even if some of the facts conflict with a journalist’s, or a broadcaster’s particular beliefs and feelings;
 - **Balance**, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, regardless of whether the journalist, reporter, broadcaster, editor or the audience agrees with these views.
 5. The Media further acknowledge that both these ingredients – accuracy and balance – are necessary for citizens to gain a full and realistic picture of the issues during election campaigns, as well as of the world around them. Democracy, which requires the active participation of informed citizens, depends on journalists and broadcasters to keep citizens informed about major issues.
 6. The Media accept that omitting relevant facts and points of view from the reporting of major issues of public interest inevitably distorts the view of reality a journalist, reporter or broadcaster presents and so misleads and misinforms the public
 7. The Media acknowledge that the deliberate distortion of reality so as to lead the public to a particular understanding of events and issues, without regard for reality can poison the processes of democracy.
 8. The Media support the establishing of an independent Elections Media Monitoring and Refereeing Panel with the requisite resources empowered to monitor and receive complaints and pronounce on the performance of the media. The Media agree to publish the findings of the panel on all complaints received by it.

III. **GUIDELINES**

1. **“Inciting Racial Hatred and Promoting Public Disorder”**

Media organisations may not censor, or edit any material or materials submitted by political parties, or their agents, for either free, or paid for, publication in newspapers or broadcast on radio or television stations.

However, media organisations observing the law and exercising editorial judgement in favour of good taste and a respect for public safety and decency, should refuse any material submitted by political parties, or their agents, likely to be hateful, ethnically offensive, to promote public disorder or threaten the security of the State.

In all cases of such refusal, the concerned political party must be immediately informed of the reasons for rejection, and, assuming that time permits, the concerned party, or its agent, must be given the opportunity to modify the rejected material in order to conform to acceptable legal, moral and other standards.

The media shall not publish or broadcast any report, which, by its content, carries a clear risk of inciting ethnic hatred or political disorder without having the accuracy and authenticity of the report confirmed by at least 2 (two) independent sources.

2. **“Free space and time for political parties AFTER Nomination Day”**

In the period *after* Nomination Day, and in the interest of even-handed treatment for all political parties, the media agree to make available an equal amount of free space and time for all political parties that have met the legal criteria for contesting the election.

Print and broadcast media will make available, free of charge, their technical facilities such as layout and printing, basic studio, audio and video recordings for the production and presentation of articles and programmes, but not including the provision of editing, talent, or outside production or broadcast facilities, or reproduction and distribution for use by any other media organisation.

3. **“Equal access to Paid Political Advertising”**

Media organisations acknowledge their obligation to provide equal access and opportunity to all political parties without discrimination, to purchase space in newspapers and prime time on radio and television stations to promote their respective views during the period of electioneering.

In this regard, the media will make available to contesting political parties full information about space and time availability for advertising and their published advertising rates to be available to all public relations firms, advertising agencies and the proposed Independent Elections Media Monitoring and Refereeing Panel to be established for the purpose of monitoring adherence to the Code of Conduct and these Guidelines.

4. **“News Reports and Current Affairs programmes”**

All media organisations agree that news reports and current affairs programmes may, at any time, subject to the Media Code of Conduct, deal with any issue, cause, organisation or individual. However, given the large number of contesting parties, coverage of election campaign events and other related issues will be limited by the capacity of media organisations to assign staff for these activities. The allocation of free and paid-for time and space for political parties to present their views in the media is a response to this constraint.

Editorial judgements therefore continue to rest solely with the respective organisations. These judgements aim to subscribe to the highest principles of impartiality, fairness and integrity, always separating fact from inference in matters of political and other controversy and supported by eye-witnessed and attributable official statements and other sources to corroborate facts in particular stories.

5. **“Political activities of media functionaries and the likelihood of charges bias”**

Media organisations agree that individual owners, full-time staff members, part-time employees or other individuals contracted to write, produce or present articles, scripts, programmes, commentaries or other material intended for public dissemination and who (a) are publicly identified as candidates for election to Parliament; or, (b) hold office in a political party, are likely to be open to charges of bias. Accordingly, media organisations agree that such individuals will, in the performance of their functions, refrain from using their programmes for the purpose of promoting political objectives during the period beginning with the date of signature of the Media Code of Conduct and its accompanying Guidelines, and ending the day after the results of elections will have been declared.

6. **“Errors of Facts”**

The media undertakes to deal responsibly with any complaints received in respect to reports published or broadcast and containing errors of fact, and where, in their opinion, these are justified to publish or broadcast appropriate corrections.

7. **“Coverage on the day of Polling”**

Media organisations agree that no coverage of any activity by the political parties shall take place for a period to begin 24 (twenty-four) hours prior to the opening of Polling Stations on the day of Polling and continue to the close of Polling stations.

8. **“The Monitoring of Media Performance”**

Media organisations agree to the establishment of an Independent Elections Media Monitoring and Refereeing Panel for the overall purpose of being a point of reference for the submission of complaints about performance in the reporting and coverage of events during the election campaign.

Media organisations expressed appreciation for the efforts of Guyana Elections Commission and other donors to identify and secure resources to support this work.

Media organisations however agreed that the terms of reference, functions and structure as well as the articulation of sanctions and other measures aimed at improving performance should be formulated by those media organisations which have signed the Media Code of Conduct and its accompanying Guidelines and stand ready to work collaboratively with the Guyana Elections Commission to achieve the objective of a functional Independent Elections Media Monitoring and Refereeing Panel.

THE INDEPENDENT MEDIA MONITORING AND REFEREEING PANEL

I. BACKGROUND

The domestic context

Some forty-odd media owners and practitioners in Guyana, between 9th October and 1st November 2000, attended and participated in two Roundtable Sessions. The deliberations were sponsored by the Guyana Elections Commission (GECOM) and the Canadian International Development Agency (CIDA) and convened by Mr. Hugh Cholmondeley. The objective of the Roundtables was the formulation of a Media Code of Conduct and accompanying Guidelines that would enhance the performance of media organisations during the campaign leading up to General Elections in 2001. The domestic context for these deliberations was set by:

- The absence of regulations governing standards and performance of the electronic media;
- The absence of an Electoral Code of Conduct for Political Parties contesting the 2001 elections; and,
- The recognition that cooperative action by media personnel provided the best opportunity for improving performance standards during the election campaign period.

Following a consensus on the Media Code of Conduct, and the accompanying Guidelines, media representatives recommended the establishment of an **Independent Elections Media Monitoring and Refereeing Panel** that would serve as a point of reference for the submission of complaints and other views by the public, contesting political parties and others about media performance in the reporting and coverage of events during the campaign period.

The international context

The deliberations and conclusions of the Roundtables are within an international Human Rights context set by three important developments.

- i. In 1990, the United Nations Secretary General cautioned:

“We cannot be unmindful of the fact that, while democracy is a necessary condition for the recognition of basic human rights, it is not in itself sufficient to ensure the actual enjoyment of those rights. Indeed, genuine political democracy has little chance to survive, and stability is bound to prove elusive, without social justice. Such justice to be consolidated needs the help of those who can rightly encourage it, though too often, they abandon it just after it has been brought about”

- ii. In 1991, the General Assembly of the United Nations (Res: 46/137 of 17 December 1991) stressed that

“Periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedom, embracing political, economic, social and cultural rights”

- iii. In 1991, the Secretary General of the United Nations (Report A/46/609) stated...

“Elections in and of themselves do not constitute democracy. They are not an end, but a step, albeit an important and often essential one on the path to the democratization of societies and the realization of the right to take part in the governance of one’s country as enunciated in major international human rights instruments. It would be unfortunate to confuse the end with the means and to forget that democracy implies far more than the mere act of periodically casting a vote, but covers the entire process of participation by citizens in the political life of their country”

SCOPE OF WORK

The scope of work of an Independent Media Monitoring and Refereeing Panel for elections in Guyana in 2001 should therefore be also seen from an international perspective of UN Human Rights standards regarding elections in general, and more specifically, media access and regulation. The following extract is taken from “Human Rights and Elections” the handbook on the Legal, Technical and Human Rights Aspects of Elections published in 1994 by the United Nations Centre for Human Rights in Geneva.

“Arrangements for fair media access by candidates and parties are an important focus of electoral law. This is especially evident where the major information media are government-controlled. Media regulations should provide for safeguards against political censorship unfair government advantage and unequal access during the campaign period.

“Fair media access implied not only equality of time and space allotted, but also attention to the hour of broadcasting (i.e. prime-time versus late broadcasting) and the placement of printed advertisements (i.e. front page versus back page). Fair media use implies responsibility on the part of all persons or parties delivering messages or imparting information via the mass media (i.e. truthfulness, professionalism and abstaining from false promises or the building of false expectations).

“A valuable mechanism for assuring fair and responsible broadcasting during elections periods is an independent body charged with monitoring political broadcasts, civic education programmes and allocation of time to various political parties, as well as receiving and acting upon complaints regarding media access, fairness and responsibility. This function might be discharged by representative transitional bodies, by the electoral administration, or by a separately constituted media commission.

“Securing responsible electoral broadcasting and publication in the media can, in part, be served by agreement on a code of conduct for the media. Such codes may be preferable as a method of media regulation (i.e. self regulation) to legislative or governmental action, which might raise the issue of impermissible censorship and interference with the human rights of freedom of information and expression.

II. TERMS OF REFERENCE

The Independent Media Monitoring and Refereeing Panel will collaborate with media owners and practitioners with the specific objective of improving the quality of reporting and coverage by newspapers and radio and television stations during the campaign leading to elections in 2001. More generally, the panel’s work should also contribute to the process of adoption and maintenance of higher standards of performance in periods outside of elections. Consequently, through the sharing of knowledge and experience during the campaign a learning process would be engaged that would assist in increasing skills and improving competencies of media practitioners.

Specifically, the Independent Media Monitoring and Refereeing Panel will serve as the point of reference for assessing the performance of media organisations and practitioners who have endorsed the Media Code of Conduct and its accompanying Guidelines. The Panel has no statutory, legal or other powers.

Its moral strength and integrity would therefore be derived from the principles on which the Code of Conduct is founded, together with the practices that have been adopted in its Guidelines. It would receive complaints submitted by members of the public, duly accredited representatives of political parties or candidates contesting the elections, officials of the Guyana Elections Commission, or representatives of domestics, regional or international election observers. In this regard, during the election campaign period the Panel will:

- i. Monitor, review and analyze the output of newspapers, radio and television stations in order to determine adherence to the standards set in, and implied by, the wording, spirit and intent of the Code and its Guidelines;

- ii. Receive complaints, commendations and other communications on the performance of newspapers, radio and television stations and issue appropriate public statements;
- iii. Obtain or collect all relevant documentation including correspondence, articles, scripts, audiotapes, videotapes or other materials concerning any complaints formally submitted for its consideration;
- iv. Undertake a review of all relevant materials and other information to determine, in the Panel's discretion, whether or not the complaint constitutes non-adherence of the Code of Conduct, or non-compliance with its Guidelines, and therefore justifies an investigation of the performance of the particular medium;
- v. Undertake an investigation, by whatever appropriate means, including interviews with representatives of the concerned medium and the complainant, of any complaint formally submitted;
- vi. Submit its findings and conclusions regarding any investigation which the Panel may have undertaken in response to a particular complaint and issue these findings and conclusions to all media organisations that have formally endorsed the Code of Conduct and its Guidelines so that prominence may be given to publication and broadcast of the Panel's views.

III. COMPOSITION OF THE PANEL

It is recommended that membership of the Independent Media Monitoring and Refereeing Panel be approved by media owners and practitioners who have endorsed the Media Code of Conduct and Guidelines. It is envisaged that the Panel's functions would cover the official period of campaigning from Nomination Day to, say, one week after the results of the elections would have been declared.

The Panel should be comprised of a full-time Chairperson and two part-time members. The Chairperson should be a Caribbean national with substantial national and regional experience in radio and television broadcasting. The second member could be either a local or Caribbean journalist with substantial experience in the print media and the third member could be a local attorney-at-law.

Accommodation arrangements

The Panel should be housed in an appropriate office with access to basic office equipment including a desktop computer, printer, telephone, facsimile and Internet facilities. An assistant to perform administrative functions; a secretary fully competent in word processing applications and a budget to cover office supplies, transportation and contingencies is also envisaged.

Operational arrangements

It is essential that the Panel has unfettered access to an efficient technical facility with the capacity to listen to, view, record, play-back and copy the output of Guyana's radio and television stations. It is also important for the Panel to have access to current and future programme schedules for radio and television stations, as well as a small team of resource personnel capable of tracking, monitoring and cataloguing media output on a continuous basis throughout the campaign period.

It is noted that within the Guyana Elections Commission's overall responsibilities for the administration and conduct of elections in 2001, the Joint Assistance Programme to GECOM has made available resources for a Media Monitoring Adviser to the Commission. In addition to providing for a team of technical personnel to undertake monitoring-related tasks, resources have also been allocated for acquiring essential instruments such as radios, television sets, videotape machines and other equipment.

Organizational arrangements

In order to avoid duplication of human resources and equipment, it is suggested that the Elections Commission, the Joint Assistance Programme to the GECOM and the Independent Media Monitoring and Refereeing Panel should aim to reach formal agreement on specific terms of reference and a detailed work programme for the technical monitoring team.

The aim should be to ensure transparency and the team's technical independence to deliver professional services of the highest quality to both the Commission and the Panel. In this manner, the Panel's work would benefit from the resources made available for media monitoring by the donor community. Additionally, the services of media organisations that have formally endorsed the Code of Conduct and Guidelines would also support the work of the Panel.