[IS] Decision on broadcaster's coverage of political parties during election

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On 28 June 2017, the Icelandic regulator for the media, Fjölmiðlanefnd (the Media Commission), published an opinion in respect of television programmes featuring three political parties, broadcast on the TV channel Hringbraut, and on the website Hringbraut.is.

Parliamentary elections were held in Iceland on 29 October 2016. Twelve political parties ran in the elections and prior to the elections several election programmes were broadcast on Hringbraut featuring three of the 12 parties. The programmes were also accessible on the Hringbraut.is website.

In October 2016, the Media Commission received an informal tip claiming that the political parties had received offers from Hringbraut to buy advertising packages, including promotion programmes, for a certain price. This information was later confirmed by a majority of the political parties. Most of them had declined the offer; however, three of the parties confirmed that they had accepted Hringbraut's offer: The Independence Party (Sjálfstæðisflokkurinn), The Reform Party (Viðreisn) and The Progressive Party (Framsóknarflokkurinn.)

The abovementioned parties were promoted on Hringbraut, each in three one-hour long programmes that were broadcast and rebroadcast several times on television and also made accessible on the media service provider's website. All editorial decisions in the programmes were made by the political parties and political discussions in the programme were directed by a member of the relevant political party, not an impartial reporter. The programmes were labelled "promotion programmes" but it was not obvious to the viewers that the parties had paid for the promotion.

The Media Act No 38/2011 applies to all media outlets and media service providers established in Iceland which make content available to the Icelandic public. Due to the wording of the definition of commercial communication in the Media Act as "content designed to direct attention, directly or indirectly, towards the products, service or image of a natural or legal entity pursuing an economic activity", there are de facto no restrictions on political advertising in the Media Act since the definition excludes commercial communication of, for example, political parties or non-profit groups who do not pursue an economic activity.

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However, there are general rules to be found in Article 26 of the Media Act regarding democratic principles, including balance and impartiality in news and current affairs programmes. According to Article 26, media service providers shall take care to meet requirements regarding impartiality and accuracy in news and current affairs content and ensure that a variety of opinions are expressed. Hringbraut, as a private broadcaster, must comply with Article 26 of the Media Act.

The Media Commission concluded that the political promotion programmes on Hringbraut fell under the concept “news and current affairs”. Furthermore, it was the conclusion of the Media Commission that by making payment a prerequisite for access to the election programmes and thereby excluding nine of twelve parties from communicating their views on Hringbraut’s TV station and website, the media service provider was in breach of the general rules of objectivity and impartiality as stated in Article 26 of the Media Act.

In its opinion, the Media Commission underlined the importance of the media upholding democratic principles and ensuring impartiality in news and current-affairs content. The Media Commission concluded that these principles were especially important in news-related content broadcast in relation and prior to elections. Hence, the private broadcaster should have provided the public with a rounded picture of the political spectrum in the form of equal access of political parties to the election programmes broadcast on Hringbraut and published on the Hringbraut.is website.

Álit nr. 1/2017 um kynningarþætti fyrir framboð til Alþingiskosninga á Hringbraut. Fjölmiðlanefnd 29. júní 2017

http://fjolmidlanefnd.is/2017/06/29/alit-nr-12017-um-kynningarthaetti-fyrir-frambod-til-althingiskosninga-a-hringbraut/

Media Commission, Opinion no.1 1/2017, 29 June 2017

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