[IE] Updated guidelines on election coverage

IRIS 2018-10:1/18

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On 20 September 2018, the Broadcasting Authority of Ireland (BAI) published updated Guidelines for Coverage of General, Presidential, Seanad (Senate), Local and European Elections (for previous guidelines, see IRIS 2016-1/19 and IRIS 2014-5/23). The purpose of the Guidelines is to set out requirements for broadcasters in terms of their coverage of elections, and to provide guidance on how fairness, objectivity and impartiality may be achieved. The Guidelines were published in advance of the Irish presidential election in late October 2018, and upcoming local and European Parliament elections in early 2019.

The Guidelines cover a number of important issues, including achieving fairness, objectivity and impartiality; how to address any conflicts of interest; reporting opinion polls; handling on-air contributions via social media and on-air references to social media; political advertising; party political broadcasts; and applying the moratorium on election coverage during the pre-poll silence period. Notably, the updated Guidelines contain a new section not included in the previous Guidelines (see IRIS 2016-1/19) on diversity. Section 12 of the Guidelines states that a strategic objective of the BAI is to foster a media landscape that is representative of, and accessible to, the diversity of Irish society. In this context, broadcasters are encouraged to include a mix of voices and opinions in their coverage, including a mix of voices representing gender, cultural and social diversity. Furthermore, while the BAI Access Rules (see IRIS 2018-7/22) do not include obligations about providing accessible coverage in respect of news and current affairs, the BAI encourages television broadcasters to provide coverage of an election that is accessible to those who are hard of hearing or deaf, partially sighted or blind and those who are hard of hearing and partially sighted.

Section 8 of the Guidelines on social media should also be mentioned. It provides that broadcasters are required to have in place appropriate policies and procedures for handling on-air contributions via social media, for example by developing and applying social media guidelines. Given the importance of the broadcast coverage of elections, additional steps should be implemented by broadcasters to ensure that on-air references to social media are accurate, fair, objective and impartial.

Finally, it should be noted that on-air references to social media generated significant controversy during the last Irish presidential election in 2011. In

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particular, one candidate took legal proceedings against the public broadcaster RTÉ over a 2011 televised election debate when the presenter questioned the candidate about a statement concerning him that had just been made on the supposed official Twitter account of another candidate. It later turned out that the tweet had been attributed, in error, to the official Twitter account of the other candidate. The BAI later held that the programme had been in breach of section 39(1)(b) of the Broadcasting Act 2009, being “unfair” to the candidate (see IRIS 2012-5/27). Indeed, in December 2017, RTÉ settled the legal proceedings, issued an apology to the candidate, and paid undisclosed damages (see IRIS 2018-2/11 and IRIS 2017-6/21).

The updated Guidelines came into effect on 27 September 2018, and apply to broadcasters within the jurisdiction of the Republic of Ireland, and do not apply to other services commonly received in Ireland but licensed in Great Britain and Northern Ireland or in other jurisdictions.

Broadcasting Authority of Ireland, Rule 27 Guidelines - Guidelines for Coverage of General, Presidential, Seanad, Local & European Elections, September 2018

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