

Guidelines for Moldovan media coverage of the Presidential Election and the National Constitutional Referendum of 20 October 2024

1. Introduction

In covering the elections, mass media have the obligation to respect the principles of fairness, accuracy, and impartiality.

These Guidelines build on the rules and principles set out by the Central Electoral Commission's Regulation on Coverage of Elections and aim to help you with your coverage of the Presidential election and referendum on EU membership on 20 October 2024. The public will be influenced by what they see and read in the media. These Guidelines will help you to ensure that you give impartial, accurate and fair coverage to the candidates and issues, so the people of Moldova will have the information they need to choose a President and decide whether to amend their constitution.

The Regulation on Coverage of Elections by Media Institutions sets out the legal requirements for your coverage, and there may be other legal or constitutional requirements which you should be familiar with. These Guidelines cover only editorial and ethical issues around elections and referendums. You may need legal advice on other topics.

2. Editorial Values

2.1. Independence

The choices you make over what candidates, what policies and what issues you cover will be made by you, and your editors, free of any interference from public authorities, electoral competitors, or other entities.

2.2. Free Speech

The Constitution of Moldova protects freedom of thought, opinion, and expression, and prohibits media censorship.

2.3. Impartiality

Impartiality means not taking sides, it means your content, taken as a whole, is inclusive, ensuring it contains a broad range of views and a broad range of candidates. The Central Electoral Commission's Media Regulation on Coverage of Elections sets out detailed requirements for Impartiality in coverage:

The principle of equity — principle according to which the media institution adopts a treatment equal, honest, It does not favour all protagonists about which it informs the public; principle of equity is associated, rather, with the principle of equality than with that of meritocracy; if to the electoral competitors, it is assumed that their possible previous merits become null and void the electoral period, so that all competitors are in equal competitive conditions;

the principle of balance — principle based on the idea of non-predominance which, in the way practically, it must be understood as follows: the media institution equally distributes the broadcast time/space of the newspaper between the protagonists approaches the protagonists involved in the process in the same way election about which it informs the public; the media institution has no reason to expand the broadcast time dedicated to an electoral competitor at the expense of any other electoral competitor;

the media institution informs equally (as time, place, time slot, newspaper/magazine space, etc. as an approach) about all relevant public electoral events; if any competitor electoral does not organize public electoral events, the media institution does not violate the principle balance;

the principle of impartiality — principle according to which the media institution treats all the protagonists about which he informs the public without prejudice and bias; principle which equates to the prohibition of any form of favouritism towards any protagonist/competitor electoral, regardless of the reason; principle, which is based on the equal right of all citizens to be informed in the same way about all electoral candidates. The presence or absence of impartiality is determined by applying two criteria: subjective and objective. The subjective criterion takes into account the behaviour and personal beliefs of a specific journalist (reporter, moderator, etc.), if it demonstrates prejudice or partiality in one case or another. The objective criterion is established if the media institution itself offers or does not offer sufficient guarantees to exclude any doubt legitimacy regarding its impartiality. In most cases, the objective criterion is preferable.

2.4. Accuracy

Accuracy is not only about verifiable facts. At times, opinions can count. All relevant facts and opinions must be considered to get at the truth. Accuracy is more important than speed.

2.5. Fairness

When including allegations or criticisms of an individual or organisation made by others or as a result of your own journalism, those criticised should be given a right to reply. This means putting those allegations to those criticised, and including their response, or their failure to respond. You must consider whether they have had a reasonable time to respond. You should also consult the detailed rules on Right to Reply in the Media Regulation on Elections.

2.6. Privacy

Privacy of individuals should be respected, and only breached when it is in the public interest to do so. Minors and other vulnerable people have a greater reasonable expectation of privacy than adults, and those in the public eye, such as politicians, have a lesser reasonable expectation of privacy. When deciding whether to publish potentially private information, decisions should be made consistently, based on matters of fact and without regard to opinions about the individual concerned.

2.7. Transparency and Accountability

You should be transparent about what you know and why you know it. Your audience should be able to understand from your content how and where you gathered your information. You are accountable to your audience, and must be ready to interact with them, treating their comments and complaints with appropriate seriousness. But it has to be done with care, you are a representative of your media organisation, and disagreements should not become personal. Sometimes the best response is no response at all.

3. Definitions

3.1. The Public Interest

There is no single definition of public interest, but it includes freedom of expression; providing information that assists people to better understand or make decisions on matters of public importance, such as voting; preventing people being misled by the statements or actions of individuals or organisations. The public interest is also served in exposing or detecting crime, and by exposing corruption, injustice, serious incompetence, hypocrisy, or negligence.

The Public Interest is not the same as what the public are interested in. The distinction is between what the public needs to know as a citizen in a democratic society, and information that is of no wider consequence.

3.2. Politicians

For these Guidelines, a politician is more than an elected member of parliament or equivalent local body, or someone who is a candidate for election, or has recently retired from an elected post, or a party official. Public figures who are known as supporters of a presidential candidate or one side of the referendum debate should also be regarded as a politician. When reporting on what a politician says or does, take care to do so with due impartiality.

3.3. Editorial judgement and editorial justification

In the course of their work journalists must make editorial judgements about what to cover and how to cover it. To ensure impartiality, those judgements must be made consistently, and independently of whatever topic, policy or candidate is being covered. They should be based where possible on direct evidence, such as speeches and policy documents from candidates and Initiative Groups, or properly conducted opinion polls. Judgements must be editorially justified, which means that the editorial purpose of the content must take into account any potential negative impact on both the subject of the content and the wider audience. This includes balancing the privacy of individuals against the public interest in revealing information about them, the use of, for example, strong language against the need to avoid unjustified offence. It is also about journalists' right to freedom of expression, and the audience's right to receive information.

It may be appropriate to explain your judgements to your audience. For example, that allegations are unsubstantiated but so potentially important that you wish to report them, that the source of an allegation has previously proved reliable, that you are continuing to make inquiries, and there will be more coverage later. Your aim is to inform your audience,

and you should be ready to explain to them why you are reporting what you are reporting, and what you don't know as well as what you know.

You should test your editorial judgement against the views of your editors and colleagues by frequent discussion.

4. Guidelines

4.1. Achieving Impartiality

Achieving impartiality requires the careful exercise of editorial judgement. The Central Electoral Commission's Media Regulation sets out detailed rules which must be observed when covering candidates. When covering the Referendum, both sides in the argument must be treated equally. Where media organisations explore the issues behind the campaign, they must do so with an inclusive attitude, reflecting a breadth and variety of opinion. A broad range of opinion and information should be included, and all views heard. Views will differ between the old and the young, between the cities and the country, and between richer and poorer, and in different parts of the country.

To achieve impartiality, you should aim to give each perspective "due weight". Views held by a small minority of Moldovans do not need to be given as much coverage as those that are widely shared.

Impartiality also requires knowledge and analysis of the subject you are reporting, and the context of your reporting. It means using evidence to support your decisions to give more or less coverage to any particular subject. It also requires knowledge of the issues electors are discussing but politicians are avoiding, and ensuring they too are covered appropriately.

Where issues are hardly discussed, or not topical, they require less coverage. Where subjects are not serious, there is little need to include a wide range of opinion. Where matters are grounded in fact, such as where there is a clear scientific consensus, dissenting views do not need to be given so much space, and arguments that, for example, the science is wrong, are not required to achieve impartiality.

You should also consider the context of your reporting. Is the item you are preparing about a topic you have covered recently, or will cover more in the future? Is it an update on a well-known topic, or something entirely new? You should ask yourself what you expect your audience to know about the subject already - is there a background of widely accepted facts?

4.2. Contributors

When including contributions or interviews with experts or academics, it may be necessary to add material explaining their affiliation, so the audience can make its own assessment of whether they are impartial. Are they, for example, associated with a political party or tradition, do they have connections to charities or international organisations, do they or their organisations receive funding to promote a particular agenda? You should normally provide this information.

4.3. Potentially offensive views

Some views may cause serious offence, but impartiality may require you to report them. While such views should be given a fair chance to be expressed, they should be challenged and questioned. It may be appropriate to tell your audience that the views they are about to

hear are potentially seriously offensive, and to set out why, in the public interest, you are including them, and where contrasting views might be presented. You should be clear about the distinction between the potentially offensive views and the language used to express those views. You must also have regard to the Electoral Commission's rule on use of language and images [see below].

4.4. Impartiality over time, or over a series of items

Due impartiality can be achieved by creating linked content, or a series of items. This should be made clear to your audience by explicitly linking within the item or programme to other items or stories which provide a different view on the same topic. For example, you may make two linked programmes covering the two sides of the referendum debate. If you do, you should include content telling the audience where they can see the related content.

4.5. Achieving Accuracy

Views and facts must not be misrepresented. It follows that care must be taken to establish the facts, and where the views of individuals are reported, care must be taken to establish that the individual concerned has expressed the views you are reporting. The same applies to organisations, such as official campaigns in the referendum or the political parties associated with presidential candidates. Is the speaker an official representative of the organisation, speaking on behalf of its leadership? Always consider your sources. Are they direct? Are you an eyewitness to the events or speech you are reporting? If not, who is the eyewitness, are they trustworthy? If your source is another journalistic report, what is the reputation of that organisation? Do you have more than one source, and are those sources themselves relying on other sources? These are questions of editorial judgement.

When dealing with issues where you can't be sure of the facts, you should attribute the source of your information, explaining to the audience that there are reports of an event or a speech, but you can't verify those reports yourself. See also Fake News, misinformation, and disinformation, below, 4.11.

4.6. Fairness and Allegations

Allegations are part of every political campaign and must be handled with care. When reporting allegations, the first step should be to approach the target of the allegation for a response, and to include the response, or the fact that you are seeking a response, in your item. The allegation should be carefully analysed:

- Is it an allegation of wrongdoing, incompetence, dishonesty or similar? By its nature, can the facts be established, or are they potentially so well concealed that the truth is unlikely to be found (for example, bribery, blackmail etc)? Has the person or party produced evidence to substantiate the allegation, and what is the quality of that evidence?
- Is the allegation a political or personal insult?
- Is the language of the allegation rhetorical or inflammatory [see also Language and Images, below]

The media has a role in giving publicity to allegations, and careful editorial judgement is needed when reporting allegations. You may be the target of media manipulation. Care must

be taken to ensure that the allegation itself merits reporting. And due care should be taken towards, for example, the right to privacy of the target of the allegation. You should balance the free speech rights of politicians and campaigners and the rights of the targets of allegations to a private and family life.

Consider whether it is appropriate to report the allegations themselves, or to limit your coverage to the fact that allegations have been made. Consider also, when allegations are made using rhetorical or strong language whether it is appropriate to use that language in your reporting, or whether saying that strong language has been used is sufficient.

You must consult the Regulation on Media Coverage of Elections which sets out detailed requirements for Right to Reply.

4.7. Protecting Privacy

Balancing the right to privacy against the right of free speech requires careful editorial judgement. Individuals have a legitimate expectation of privacy, but there are many circumstances where publication of information is warranted by the specific facts of each individual case. For each case, you should consider:

- Is it in the public interest to reveal the information you intend to publish? [see Public Interest, above]
- Is the individual's legitimate expectation of privacy diminished by their behaviour? Are they, for example, committing a criminal or anti-social act?
- Is the individual's legitimate expectation of privacy limited by their position? A politician or other figure who has taken up a role with a high public profile has a lesser legitimate expectation of privacy than one who has avoided publicity
- Is the information you wish to publish inherently private or confidential, such as medical history?
- Does the information concern other individuals who have their own privacy rights, such as members of a politician's family or close friends?
- In the case of images or pictures, were they recorded with the consent of the individual concerned, or were they recorded secretly?
- Even if they were recorded with consent, did the pictures themselves give rise to a legitimate expectation of privacy – for example, video or photographs of a private family party taken inside their home.
- Is the individual vulnerable in some way? Children, adults with disabilities, people with medical conditions or under the influence of drink or drugs such that their judgment is impaired may not be able to give consent for publication of information about them, so rely on you to judge whether they are entitled to a greater degree of protection. However, some people make false or unverifiable claims of vulnerability in an attempt to prevent proper reporting. Such claims should therefore be verified if possible.

4.8. Opinion Polls

Scientifically constructed opinion polls can give an indication of public opinion or voting intention, but ensuring the people polled are genuinely representative of the population is difficult. An opinion poll is therefore only as good as those who carried it out want it to be. The results from a good quality opinion poll will include the following information:

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- Sample size – the number of people questioned.
- Sampling date – the day or days when the questions were put to the people.
- Margin of error – the smaller the better but verify that it has been properly calculated by a qualified expert.
- The complete data gathered, showing the questions asked, the number who responded to each question, and the figures for the number of people who gave each possible answer.
- The name of the organisation carrying out the poll, and the name of the organisation that paid for the poll (these may be the same).
- The Regulation on Media Coverage of Elections requires that you report whether the opinion poll is authorised by the CEC.

Any opinion poll that comes without these pieces of information is less trustworthy.

Organisations also conduct non-scientific polls. This means the respondents are self-selecting, for example they respond to a public invitation to answer questions on a blog or social media such as X (“Twitter”). Because there is no way of knowing who the respondents are, or why they answered the questions, these kinds of polls are not representative and even when they have very large numbers of respondents, they can not be said to be indicative of the views of the population as a whole. How would you expect, for example, people who don’t have access to social media to respond to the same questions?

The Regulation on Media Coverage of Elections sets out additional rules for reporting opinion polls and requires that media organisations make a clear distinction between opinion polls and other non-representative methods of finding out peoples’ views.

4.9. Reporting Opinion Polls

Opinion polls are only ever a snapshot of a particular moment. People change their minds all the time, so careful language when reporting opinion polls is essential. An opinion poll may “suggest” that a certain candidate or side in the referendum is likely to do well, but it does not “predict” or “show” that it will do well. Especially when the result is close, look at the margin of error. If the difference between the candidates or sides is less than double the margin of error, the poll could be suggesting that the two parties are roughly level.

You should include the sample size, the sampling date and the margin of error in your reporting.

Be careful about a single poll, as it is possible that it is wrong. Where you can, report opinion polls as part of a trend, comparing them with other polls from recent days or weeks, or those from other polling organisations. Do not rely on the interpretation of a poll by the organisation or publication which commissioned it. And consider whether events that happened during or after polling might have had an effect on respondents and mention that event in your reporting.

The Regulation on Media Coverage of Elections prohibits reporting of opinion polls during the two days before voting and on polling day itself. See the Regulation for more details.

4.10. Language and Images

The Electoral Commission’s rule on use of language and images says:

During the electoral campaign in the audiovisual programs, other than those provided in art.90 para. (2) of the Electoral Code no. 325/2022, images representing religious cults or their component parts, foreign officials, state institutions or public authorities from abroad, international organizations may be used, if they are not electoral agitation and do not lead to the contestation and defamation of the state and the people, the exhortation to war of aggression, to national, racial or religious hatred, incitement to discrimination, to territorial separatism, to public violence, as well as other manifestations that attack the constitutional regime. FSM, in these situations, will also ensure the observance of the principles and guarantees established in art. 89 par. (2) and par. (5) of the Electoral Code no. 325/2022

4.11. Fake News, misinformation, and disinformation

Dealing with the kind of material that has come to be called “Fake News” is a key part of the function of journalism. One definition is false or misleading information masquerading as legitimate news, but politicians and the powerful regularly denounce responsible journalism as “Fake News” because they do not like its message. It will aid your understanding and approach if you use clearer terms.

- Misinformation. This is material that is false, but the individuals spreading it, usually on social media, are not aware that it is false, and are usually acting in good faith.
- Disinformation. This is material that is false, and the individuals who are spreading it know that it is false and are acting in bad faith.
- Misleading, manipulated, or fabricated content. This covers a wide variety of material, which may include selective statistics, partial or incomplete accounts of events, material that is faked to look as though it comes from a reputable source by, for example, being branded with the logo of well-known organisation, and many other things.
- Malevolent information. This is information that may be true but is being distributed with the intent of causing damage, usually to an individual. Revelations about an individual’s personal life that include private or personal information that it is not in the public interest to reveal would come into this category.
- Satire or parody. This is material where whether it is true or not is beside the point, the individuals who are spreading it are not aiming to inform but to amuse.

What all these have in common is that material comes to you, a journalist, over the internet and you are expected to take it at face value. It often seeks to exploit the emotive rather than the informational aspect of the events described. It may be spread by bad actors (“trolls”). Your first defence is your proper journalistic scepticism. There is no substitute for checking and verification. If something come from a single source, it should be treated with caution, unless you are sure the source is reliable. It is often helpful to ask “who benefits” when apparently sensational information emerges without a clear source.

When reporting this kind of material, careful use of language is essential to safeguard your reputation. Take care to report only what you know to be true and share your doubts about material you can not verify with your audience.

Detecting misinformation and disinformation

Now so many people carry smartphones, the first pictures of a news event, and the first reports of it, may be distributed by eyewitnesses who are reporting what they understand of what is happening around them. This is real news, and journalists must be ready to deal with it as it arrives. But you must take care to distinguish facts from opinion. Reports of a demonstration, an explosion or an earthquake will arrive, and you will have to deploy what resources you have to verify the information. Take care over attributing cause or motivation unless they can be verified. Before re-distributing photographs or video, you should consider:

- Is the content original, or is it something old that is now being passed off as new?
- Have the images been digitally manipulated in some way?
- Can you confirm the time and place when the images were captured, for example using the metadata?
- Can you confirm the time and place using visual clues in the content – this may be as simple as verifying the weather or the position of the sun matches what the image claims to show.
- Is the material being distributed as if it was from a reputable journalistic organisation. This is a common way to spread misinformation, and you should take care to verify such material, perhaps by going to the real website of the relevant organisation.

4.12. Personal use of social media

Where the public or large numbers of people can see what you write), you will be identified as working in the media and any disclaimer (for example “all views are my own”) will be disregarded. Anything you say may therefore be used to criticise your employer. You should take advice from your editor/senior managers before doing the following:

- Revealing how you have voted in the past, how you intend to vote in the future or express support for or criticism of any political party, referendum outcome, politician, government official or the government itself.
- Expressing support for or criticism of a policy that is controversial either during the election or more generally in Moldova.
- Calling for a specific change in a public policy
- Expressing support for or criticism of other country’s governments or international bodies such as NATO, the European Union, the OSCE, and the United Nations where that body is taking a controversial position on events in Moldova.
- Write about your employer unless it is with the agreement in advance of your editor/manager.

Where these Guidelines do not explicitly cover what you are about to write/post on your personal account, ask yourself this question: What will this look like tomorrow?

These guidelines, based on the BBC’s editorial guidelines, are provided by BBC Media Action in partnership with the Independent Journalism Center in Moldova.