General Guidelines about:

- Guidelines for Broadcasters on Accuracy and Balance.


- Guidelines for Broadcasters on Incitement to Violence, Ethnic or Religious Hatred, Civil Disorder or Rioting.
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- Guidelines for Broadcasters on Incitement to Violence, Ethnic or Religious Hatred, Civil Disorder or Rioting.
CMC, as the independent regulator for communication and media sectors in Iraq in accordance with the Law, has issued a number of public Guidelines which aim at assisting broadcasters to illustrate and understand the Codes and regulations and adhering to them. The Commission will attempt to inform broadcasters of violations and give them the opportunity to correct their practices where appropriate. However, the Commission is prepared to punish violations by invoking the sanctions available to it, including revocation of the broadcaster's license.
Guidelines for Broadcasters on Reporting Sensational Statements and Events

In reporting and discussing news events and public issues-including statements by public officials, political parties or religious leaders or messages of terrorist or criminal groups-radio and television stations face two basic responsibilities that sometimes appear to conflict with each other, but in fact can be balanced. On the one hand, broadcasters have a responsibility to report and discuss news events fully, fairly and accurately without omitting relevant facts. On the other hand, broadcasters must understand the power of radio and television to arouse emotions in many people at the same time.

Broadcasters in Iraq have a special responsibility to ensure that news and opinion are presented in a way that balances the goal of accurately reporting news with the need to minimise the possibility of encouraging violence or reinforcing attitudes of ethnic and national hatred. These guidelines are designed to assist broadcasters in achieving that important balance.

The terms and conditions of the Interim Broadcasting Licenses require that "the licensee shall ensure that programmes meet generally accepted community standards of civility and respect for the ethnic, cultural and religious diversity of Iraq. The licensee shall ensure due accuracy, fairness and impartiality in all programming, including news." The Broadcasting
Programme Code of Practice (the "Code") contains similar requirements and Section 1.1 of the Code provides that "broadcasters shall not broadcast any material that, by its content or tone:

1) Carries the clear and immediate risk of inciting imminent violence, ethnic or religious hatred, civil disorder or rioting among the people of Iraq or advocates terrorism, crime or criminal activities (particular care is required where a programme carries the views or transmits the messages of people or organisations who use or advocate terrorism or the use of violence or other criminal activity in Iraq).

2) Carries a clear and immediate risk of causing public harm, such harm being defined as death, injury, damage to property or other violence, or the diversion of police, medical services or other forces of public order from their normal duties." The following guidelines are intended to help broadcasters understand how the Commission interprets these provisions and how to ensure compliance with them.

3) Carries a clear risk of threatening the democratic political system and the electoral process.

Reporters, programme editors and station managers are expected to recognise circumstances that, if reported and presented irresponsibly, can encourage violence and hatred and lead to public harm. These circumstances typically include but are not limited to:
1) Emotional or angry statements by public officials, party or religious leaders or other prominent individuals, whether live or recorded, that a neutral observer would interpret as a direct or implicit call for violent protest, or violence directed against the government, law enforcement, or any individual, group, organisation or property.

2) Requests to read on the air a statement by any group or individual that a neutral observer could interpret as a call for violence or hatred toward another group or individual or that may otherwise cause public harm.

3) Angry, threatening or otherwise highly emotional comments by participants in a telephone contact programme, round-table discussion or interview that, by the same standard, could be interpreted as a call for violence or a provocation of hatred or may otherwise cause public harm.

4) Sensational accusations unsupported by any clear, indisputable factual evidence that, by their nature, may encourage violence or hatred of groups or organisations or may otherwise cause public harm.

5) Transmissions on the air of statements by groups or individuals that use or advocate the use of terrorism, violence or criminal activity in Iraq.

The justification for treating such statements as legitimate news diminishes greatly if they are made by:
1) Anonymous individuals or organisations that, by their very anonymity, refuse to accept responsibility for their statements;

2) Previously unknown groups or organisations that appear to have formed themselves for the specific purpose of making provocative statements and arousing public emotions;

3) Individuals whose statements or opinions would not ordinarily be treated as news; or

4) Legally and constitutionally banned groups.

The act of making such statements, or their content, may constitute legitimate news if they are made by public officials, party or religious leaders or prominent citizens, or by organisations that are recognised as an established part of the community.

In these cases, radio or television stations should deal with such statements in a way that preserves and conveys factual information, but minimises or removes the emotional coloration of the statement that can lead to violence.

The precautions that the Commission will expect a station to take will depend on the precise nature of the statement in question and the general level of tension in the community.

Adherence to these guidelines defines the difference between legitimate journalism and the propaganda that constitutes a violation of the Code.
and the terms and conditions to which all licensees have agreed.
A station should consider taking the following precautions when dealing with an angry or emotional statement that a neutral observer might interpret as a direct or indirect, explicit or implicit, call to violence or hatred:

- The station should summarise all or substantially all of the statement in its own words and use no recorded voice from the individual or organisation that has issued the statement.

  This conveys the substance of the statement, but reduces its emotional impact. (For example, the BBC for many years reported on, but did not air the voices of, members of the Irish Republican Army in order to diffuse this group's emotional impact.)

- If the statement occurs during an interview, press conference, round-table discussion or an event being broadcast live, the station should directly and immediately challenge the individual making the statement to accept responsibility for its possible consequences.

  For instance, a reporter should say something like: "Your statement could be interpreted as (or is clearly) a call for violent action (or hatred or intolerance.) Is that what you meant to say?

  Do you accept the consequences if innocent people are hurt as result of your statement?"

- Whenever a station deals with a statement that calls for violence, urges intolerance or makes sensational accusations, the station has an obligation to vigorously and promptly seek
alternative or opposing viewpoints, and to broadcast those viewpoints in the same program or immediately thereafter.

- Sources of alternative views are typically government officials, opposing political groups, prominent citizens or representatives of the international community. In tense situations, broadcasting another point of view hours or days later is not acceptable. If a station cannot obtain an alternative viewpoint to a call for violence or hatred, or to sensational and possibly untrue accusations, then the station should not broadcast any such material until it can provide an alternative viewpoint.

- Often a station's most immediate and effective way to demonstrate its responsibility to the public is a brief commentary of its own urging public calm and restraint and condemning those who would provoke violence.

It is important to note that the Code places on broadcasters the obligation to take "particular care...where a programme carries the views or transmits the messages of people or organisations who use or advocate terrorism or the use of violence or other criminal activity in Iraq.

"This means that where a group is known to use or advocate the use of terrorism or violence, broadcasters have a special duty to avoid becoming a forum through which such groups can terrorise the public. If terrorists or criminal organisations come to expect that their messages will be broadcast, they will be encouraged to take hostages
and record their capture in order to gain access to the airwaves.

Accordingly, broadcasters should follow the following guidelines:

1) Broadcasters must avoid systematically and regularly broadcasting the taped messages of terrorists and criminals. One possible way to avoid placing such groups in the spotlight would be to inform the public, for example, that a hostage has been taken without naming the group that has taken the hostage (unless providing the name is particularly newsworthy) and without showing images of the hostage or kidnappers.

2) Under no circumstances should broadcasters or journalists co-operate with terrorists or criminals to gain knowledge about future terrorist or criminal activities. Any tips about such future activity should be reported to the proper authorities so that it might be prevented.
Guidelines for Broadcasters on Incitement to Violence, Ethnic or Religious Hatred, Civil Disorder or Rioting.

The legal basis for these guidelines

The right to freedom of expression is well established in international law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that "everyone shall have the right to hold opinion without interference" and that "everyone shall have the right to freedom of expression."

The Commission is committed to upholding these fundamental rights. The Commission recognizes, however, that the right to freedom of expression is not absolute. Under generally-accepted international standards, expression may be restricted where prescribed by law and necessary in a democratic society to protect legitimate enumerated state interests. These interests include national security, territorial integrity or public safety, and the prevention of disorder or crime.

This concept of acceptable restrictions on speech is articulated in Article 20 of the ICCPR, which states that the right to freedom of expression is subject to restrictions necessary "for respect of the rights or reputations of others" or "for the protection of public order, or of public health or morals" and specifies that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence must be prohibited."
Broadcasters' Responsibilities

As licensed television and radio broadcasters have been given the right to exploit such a significant and important public resource as the frequency spectrum, it is essential that they use this medium in a responsible manner and are accountable to the public for any misuse. It is the duty of the management of broadcasters to guarantee compliance with professional standards. Indeed, the Interim Broadcasting License requires that "the licensee shall ensure that programmes meet generally accepted community standards of civility and respect for the ethnic, cultural and religious diversity of Iraq."

The Interim Broadcasting Programme Code of Practice issued by the Commission similarly states that "broadcasters themselves are responsible for the content of all material transmitted by them, whatever its source, and it is the responsibility of broadcasters to ensure that their programmes and services operate in compliance with the Code."

The Code expressly requires broadcasters to refrain from broadcasting content that would incite certain types of unrest. In particular, Section 1.1 of the Code states that "broadcasters shall not broadcast any material that, by its content or tone...carries the clear and immediate risk of inciting imminent violence, ethnic or religious hatred, civil disorder or rioting among the people of Iraq."
What Constitutes "Incitement"

It is important to emphasize that, in order to violate the Code, a broadcast must:

(1) incite imminent (meaning close in time, immediate or impending) violence, ethnic or religious hatred, civil disorder or rioting; and

(2) must carry the clear and immediate risk of causing such incitement. Incitement goes beyond the mere communication of ideas; it is not directed at intellect and does not afford the listener an opportunity to reflect on it. Rather, incitement spurs an almost impulsive reaction, intended to bypass rational thought processes. The classic example of shouting fire in a crowded theatre may best illustrate what is meant by incitement. Shouting the word "fire" is not the communication of an idea designed for reflective thought. It is instead designed to provoke an instant and automatic reaction, the same one that would be caused by sounding a fire alarm.

What Constitutes "Ethnic or Religious Hatred"

Expression conveying "ethnic or religious hatred" is that which stirs hatred against a person or group because of their origin or membership or non-membership in a particular ethnic group, nation, race or religion. It is usually consists of generalisations and stereotypes. Like other speech discouraged by Section 1.1 of the Code, it is often designed to cause emotional reactions rather than
appeal to logical thought. It often calls for discrimination, intolerance or even violence toward a particular group.

**Commission Response**

In assessing whether a broadcast has violated professional standards regarding incitement to violence, ethnic or religious hatred, civil disorder or rioting, and in determining what sanctions, if any, to impose, the Commission will consider the following factors:

1) What was said; How it was said (including the type of broadcaster and broadcast as well as language and gestures used); In what context it was said (e.g., likely audience and political and social situation where broadcast);

2) The real motive of the speaker (what was intended or known by the speaker); and

3) What could reasonably be expected to be the likely consequences of such speech.

Making a determination based upon these factors is not an easy task. The line between protected and unprotected expression is often quite thin or difficult to draw. Each broadcast statement must be examined within the context in which it was made. For example, a statement made in an academic journal or to an audience in a stable democracy, however offensive, may pose little likelihood of motivating unlawful action, whereas the same
statement made in the unstable environment of Iraq today, leading up to a free election, may well carry a clear and immediate risk of inciting imminent public disorder. Often, whether or not a violation has occurred will turn on the time and site of the incident or incidents, the nature of the relationship between the speaker and his or her target, and whether the expression is part of a pattern of behaviour.

Media shall not be held liable for the dissemination of material, provided that there was no adequate opportunity to prevent its dissemination, and that such Media took affirmative steps to mitigate the effect of such dissemination, including, for example, by questioning the speaker or commenting on such material. In considering the proper remedy, the Commission will always remember that its role is to foster the development of free and independent media, even in the face of a hostile situation.

To best achieve this goal, the Commission will focus on encouraging and educating broadcasters to clearly identify editorial content from news content.
Guidelines for broadcasters on Accuracy and Balance

Introduction

Accuracy and balance are two primary characteristics that distinguish good journalism from bad, and journalism from propaganda. Accuracy requires the verification (to the fullest extent possible) and presentation of all facts necessary to understand a particular event or issue, even if some facts conflict with the beliefs and feelings of a broadcaster and its staff. Balance, or impartiality, requires the presentation of all main points of view or interpretations of an event or an issue, regardless of whether the reporter, editor or the audience disagrees with these views. Both ingredients—accuracy and balance—are necessary so that citizens may gain a full and realistic picture of the world around them. This is the fundamental purpose of journalism. Democracy, which requires the active participation of informed citizens, depends on journalists to keep citizens informed about major issues.

Omitting relevant facts and points of view from the reporting of major issues of public interest distorts the view of reality that a broadcaster presents and thus misleads the public.
Propaganda—the inverse of journalism—is the deliberate distortion of reality so as to lead the public to a particular understanding of and conclusion about events and issues, without regard for reality.

Section 1.3 of the Interim Broadcasting Programme Code of Practice promulgated by the Communications and Media Commission on 27th of July, 2004 requires accuracy and fairness in all programming and balance in news reporting. It reads:

1.3 Fair and Impartial Programming

Broadcasters must ensure due accuracy and fairness in all programming, including news. Opinion should be clearly distinguished from fact. News reporting should be dispassionate and news judgments based on the need to give viewers and listeners an even-handed account of events. Sensitivity will be exercised in broadcasting images of or interviews with bereaved relatives and survivors or witnesses of traumatic incidents. Section 1.6 of the Broadcasting Code specifically prohibits the broadcasting of material that is known to be false and misleading, or by routine investigation could be shown to be so:

1.6 False and Deceptive Material

Broadcasters must not broadcast any material that they know to be false or deceptive, or by
reasonable inquiry could determine was false or deceptive. If broadcast material proves to be false or deceptive, a correction must be broadcast as soon as possible.

Guidelines

The Commission has adopted the following guidelines to help broadcasters better understand how the Commission interprets Article 1.4 and 1.6 of its Broadcasting Code and how broadcasters can ensure compliance with it.

A. Article 1.4

1. Article 1.4 addresses the problem of consistent bias in news programming that favors one political point of view, group or special interest.

2. Bias can be displayed in the deliberate selection and omission of facts, so as to favor one point of view. It can be displayed by giving disproportionate time to particular people, parties and points of view while excluding other people and other viewpoints.

3. Bias is also frequently displayed by mixing commentary with news, sometimes in the form of a polemic, sometimes only as a brief remark about what the audience has just seen or heard. Both are intended to "instruct" the audience rather than inform it. Good journalism requires separating all commentary from news, all opinion from fact.

4. Another common form of bias in news programming is to consistently treat favored people
and groups in a positive context—seen in the "soft" questions reporters ask, or in a warm and deferential attitude of reporters or presenters—while treating others in a consistently negative context, marked by skeptical or ironic questions and facial expressions or tone of voice. Such open display of positive and negative attitudes by media professionals—even those that reflect the attitudes of their associates or communities—constitute unprofessional conduct.

5. Impartiality requires a broadcaster reporting the news to treat differing personalities and points of view fairly and consistently. News broadcast personalities should be consistently polite and deferential or consistently tough (depending on personal style) but in any case consistent so as not to give signals that seem to tell the audience what to think and believe.

6. In reporting the news, broadcasters should not intentionally withhold or suppress important factual information or points of view, knowledge of which would substantially affect the audience's understanding of events or issues. Balance (or impartiality) does not necessarily require giving equal time to all points of view on an issue, but it does require giving at least an accurate and unemotional summary of facts or viewpoints that are central to the story, even if unpopular. Reinforcing popular understanding of an issue is not the broadcaster's job; if anything, the broadcaster should seek to challenge popular assumptions and stereotypes with new information and diverse viewpoints.
Impartiality does not necessarily require that all sides have a chance to speak in every program on every issue. On any given day, a news program may focus on a narrow point of view or one side of an argument. But, the spirit of balance requires that reasonably soon thereafter other points of view will be heard on the same issue. When issues of great controversy, urgency or sensitivity are involved, however, all main points of view should be represented in each program addressing such issues.

B. Article 1.6

1. Article 1.6 requires that broadcasters check their facts before broadcasting them, and quickly issue corrections as soon as they are aware of a mistake. Maintaining credibility and respect of the audience requires no less, even when a factual mistake is a simple and seemingly harmless as a wrong name or date. Correcting mistakes on air, even one or two days later, indicates to the public that its right to accurate information is being respected.

2. Serious problems arise when a station presents sensational claims or allegations that are not true. The more sensational the allegation, the more work the broadcaster and its journalists are expected to put into verifying the truth (or learning the falsity) of the claim. It is a widely accepted rule of journalism that any controversial assertion of fact should be backed up by two independent sources, whether the sources are local officials or international news agencies.
3. Sometimes a sensational report by a news agency will contain enough supporting information to make it seem credible on its own. In such cases, the broadcaster must exercise prudent judgment in deciding whether or not to use the report without a confirming source. Prudence often dictates that if a story is to be broadcast in such circumstances, the broadcaster clearly notes that it "has not been confirmed by independent sources." A sensational story often collapses when a simple, routine effort—a few telephone calls—is made to try to verify it. In enforcing the Broadcasting Code, the Commission expects broadcasters to make such an effort.
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COMMUNICATION AND MEDIA COMMISSION
The idea of establishing CMC was born during an international conference held in the Greek capital Athens in June 2003. That conference, which was later known as "The Framework of Athens" adopted a documentary framework for the reform of the Iraqi media and formed the basis of the Law established the Commission after consultation with the Iraqi Governing Council and Iraqi specialists in the sectors of media and communications.

The establishment of CMC in June 2004 received a wide welcome and pledges of support and assistance by many similar agencies in the world as well as the attention of most international organizations specializing in communications and media. After the 2005 elections and drafting the constitution, CMC was included in Article 103 of the Iraqi Constitution as a national independent body.

The main responsibilities of the Commission are:

1- Regulating media broadcasting; cellular networks; and services including licensing, pricing, interconnection and setting forth the basic conditions for the provision of telecommunications services.
2- Planning, coordination, distribution and controlling the use of broadcasting frequencies.
3- Organization of the contents of the media; development of codes of ethical conduct for broadcast media; and the development of mechanisms for the printed press.
4- Establish, develop and promote media codes for elections.
5- Support and promote vocational training in communications and media.
6- Developing and disseminating policies for media and communication; and propose laws to the government and stakeholders in this regard.