

# JOURNALISTIC ETHICS DURING THE 2019 ROMANIAN PRESIDENTIAL CAMPAIGN. A METHODOLOGY PROPOSAL

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**ABSTRACT.** The article presents a methodological proposal for the study of journalistic ethics during the 2019 Romanian presidential campaign. In order to do so, the article discusses the most relevant ethical provisions, enshrined in the Ethical Code, that were adopted in 2009 by the majority of the Romanian media outlets. The methodological challenges are presented and assessed, along with potential solutions that could mitigate the risks of errors of the assessment.

**Keywords:** financial independence, truth telling, public interest, presumption of innocence, Romanian Journalists' Ethical Code

## I. Context: 2019 – Presidential election year

Klaus Iohannis won the second round of the 2014 presidential elections with a share of 54,43% of the cast ballots. His campaign slogan “Romania of the things well done” reflected the presidential program that included the goals of allocating 6% of GDP for health an equal percentage for education, restructuring of the management system of EU funds, development of the capital market, keeping the flat tax, return of VAT to 19%. As a true candidate of the Liberal Party, mr. Iohannis advocated during his campaign for a liberal economy based on competitiveness and prosperity, encouragement of a highly

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developed agriculture and continuous investments in infrastructure. Although aiming for a “clean” campaign, mr. Iohannis, a Protestant and a Transylvanian Saxon, part of the country’s German minority, had the predictable surprise of having to respond to the comments made by opposing candidate Victor Ponta that a candidate for Presidency shouldn’t face any problems to get elected if he is Orthodox and Romanian.

In 2014 there were no public debates between the fourteen candidates prior to the first election round. After extensive negotiations and implicitly or explicitly rejected invitations from candidates’ teams, a university and even the President at that time Basescu, only two televised debates took place, on 11<sup>th</sup> and 12<sup>th</sup> of November, at two privately owned television stations. Media researcher Patrut<sup>2</sup> identified on the electoral agenda the fight against corruption, the independence of justice and the enforcement of the rule of law, the law of amnesty and pardon, parliamentary immunity, Romania's relationship with international partners, the exploitation of gold at Roşia Montană, the vote of the Romanians in the diaspora, the electronic vote or correspondence and the plagiarism of Prime Minister’s Victor Ponta doctoral thesis.

According to article 83 of the Romanian Constitution, the term of the President of Romania is five years, exercised from the date the oath was taken. Klaus Iohannis, the president currently in office, was sworn in for his first term on 21 December 2014 and was endorsed by the National Council of the Liberal Party in June 2018, as its candidate for a second term. Since the maximum number of mandates is two under the provisions of the current constitution, this would be mr. Iohannis’ last term. Three different opinion polls, belonging to IMAS and CURS, on a similar sample size, performed through 2018, indicated mr. Iohannis as the winner of future elections, in 2019, predicting over 34% of the total of expressed votes. Both sources polled for a

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<sup>2</sup> Patrut Monica, *Framing the Presidential Debate. Case Study*, in *Polis. Revista de Stiinte Politice*, vol. III, nr. 3(9), 2015, available in Romanian at [http://revistapolis.ro/documente/revista/2015/Numarul\\_3\(9\)2015/Numarul\\_3\(9\)2015.pdf](http://revistapolis.ro/documente/revista/2015/Numarul_3(9)2015/Numarul_3(9)2015.pdf), accessed 10<sup>th</sup> December 2018.

number of candidates that wouldn't qualify for the second round of the elections, including the Social Democrats party leader mr. Dragnea, former prime-ministers Dacian Ciolos and Victor Ponta, and Hungarian minority party leader Kelemen Hunor.

## **II. Relevant Romanian Ethical Standards**

The Romanian Journalist's Ethical Code was initially adopted in 2004, during the Media Organizations Convention. The provisions of the Code were debated and agreed upon by journalists, members of the editorial staff, media owners and journalists' unions signatory of "The Journalist's Statute". The Code was further developed and adopted in a revised form in 2009 by 20 organizations (Sindicatul Roman al Jurnalistilor MediaSind), making it the widest endorsed Code to date.

For the purpose of our future research, we will direct our attention to the 2009 version of the Code, which, most likely, will continue to be the applicable version for next year's elections. We intend to identify the ethical standards on reporting about politicians, political parties and political agendas. Initial investigation performed of the research material available from previous election campaigns (news articles reporting on political parties and candidates during the campaign) led us to believe that the relevant provisions of the Ethical Code may be the ones regarding Gifts, sponsorship and other benefits (Article 4), Correctness (Article 5), Verifying the information (Article 6), Separating facts from opinions (Article 8), Private life (Article 9), Benefit of doubt / presumption of innocence (Article 14) and Special techniques of acquiring information (Article 16).

The following paragraphs are dedicated to introducing the content of these ethical provisions, as they are stipulated by the ethical code, followed by a brief overview of their limitations and points of criticism. We will conclude with a proposal for the research methodology, namely introducing the research questions and a proposal for transforming these ethical provisions into indicators.

### ***1. Financial independence – a key to independent media reporting***

The Center for Media Pluralism and Media Freedom (CMPF) designed the Media Pluralism monitor as a research tool to identify potential risks to media pluralism in the Member States of the European Union. The 2017 country report on Romania presented the outcome of the assessment of risks to media pluralism as they were examined in four main thematic areas, which were considered by the researchers to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. We have considered of particular importance the assessment of the Media Plurality and Political Independence areas, that were measured using the indicators of transparency of media ownership, media ownership concentration, cross-media concentration of ownership and competition enforcement, commercial and owner influence over editorial content and media viability, for assessing Media Plurality, and political control over media outlets, editorial autonomy, media and democratic electoral process, state regulation of resources and support to media sector, independence of PSM governance and funding as indicators for assessing Political Independence<sup>3</sup>. The outcome of the evaluation presented Market plurality as the area most challenging, with a 75% high risk level. Romanian media was presented as entirely dependent on the revenues from advertising, that were unevenly distributed across platforms, with print journalism grossing on less than 3% of the total advertising allocations<sup>4</sup>, online journalism 18% and television 65%. The situation according to the authors of the report, “leaves the media market vulnerable to outside influences and dependent on financial backers who may have a political or commercial agenda. This translates into high risks of Commercial and owner influence over editorial content (79%), a low Transparency of

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<sup>3</sup> Marincea Adina, Bodea Roxana, *Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey, Country Report: Romania*, p. 1, available at [http://cadmus.eui.eu/bitstream/handle/1814/61153/2018\\_Romania\\_EN.pdf?sequence=1&isAllowed=y](http://cadmus.eui.eu/bitstream/handle/1814/61153/2018_Romania_EN.pdf?sequence=1&isAllowed=y), consulted 05.11.2018.

<sup>4</sup> Idem, p. 6.

media ownership (75%), and a high Media and cross-media ownership concentration (72% and 67% risk)<sup>5</sup>. The results were concerning especially because they correlated with a medium risk (63%)<sup>6</sup> of the Political Independence indicators that assessed the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution network as well as the effectiveness of self-regulation in ensuring editorial independence. Political independence of the media and editorial autonomy both scored an alarming 81% score.

This year, the country report by Reporters without Borders was signaling the “sharp decline in press freedom” caused by “excessive politicization, corrupt funding mechanisms, the subjection of editorial decision-making to media owner interests and deliberate disinformation”<sup>7</sup>. The same analysis underlined the fact that ownership concentration is affecting editorial independence. It became thus clear to us that an important dimension to measure is the respect afforded to the fourth article of the Ethical code regarding Gifts, sponsorships and other benefits.

Article 4 of the Ethical code includes a series of provisions aimed at ensuring journalists’ independence from external financial influence or similar influences that might affect his impartiality or independence. Under art. 4.1 it is thus prohibited for the journalist to use his status as a journalist or the information obtained while practicing, in order to receive benefits, for himself or a third party. Furthermore, under 4.2 the journalist is prohibited from accepting monetary gifts, goods or any other advantages that are offered in exchange for altering the content of the journalistic act, and has to be transparent regarding the financing of the events he attends. According to the provisions enlisted under 4.3 “When practicing and entertaining work relationships developed with public authorities and various private entities (companies, foundations, associations, parties, etc.) the journalist is prohibited

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<sup>5</sup> Idem, p.7.

<sup>6</sup> Idem p.8.

<sup>7</sup> RSF, *Romania’s press freedom in free fall as its takes over EU presidency*, <https://rsf.org/en/news/romania-press-freedom-free-fall-its-takes-over-eu-presidency>, consulted 27<sup>th</sup> of December 2018.

from developing agreements that might affect his impartiality or independence.”.

McBride and Rosenstiel<sup>8</sup> underlined the fact that “true transparency” “requires producing the news in ways that can be explained and even defended”, thus becoming “the key to a method”.

We intend to measure the respect afforded to these provisions by analyzing, on one hand, the transparency of the ownership of the media outlet, the transparency of the funding of the outlet, as well as any indicators or disclaimers that the media product had the content or the production sponsored, and by whom.

## *2. Truth telling versus presenting the public with distorted information*

Article five of the Ethical code, titled “Fairness”, classifies as “professional transgressions of maximum gravity”, attempts to “deliberately distort a piece of information, make ill-grounded accusations, or plagiarizing, use photographs or audio-video recordings without copyright or committing slander”<sup>9</sup> and recommends journalists to “quote in an accurate manner. Quoting must be precise, and in the case of partial quoting, the journalist takes it upon himself to preserve the message of the quoted person.”<sup>10</sup>.

The article gathers under its provisions recommendations aimed at avoiding two different types of transgressions: the ones involving copyright and authors’ rights issues in general and the ones of inaccuracy of the information provided by the coverage. Since one of the basic roles of media in society is to provide with the necessary information for forming decisions and base conduct in daily lives of those affected, objective reporting, based on accurate and reliable information is extremely important.

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<sup>8</sup> McBride Kelly, Rosenstiel Tom, *The new ethics of journalism*, Sage Publications, USA, 2014, p.90.

<sup>9</sup> 2009 Code of Press Ethics, <http://www.mediasind.ro/comunicate-1/coddeontologicunic>, accessed on 2<sup>nd</sup> of November 2016.

<sup>10</sup> Ibidem.

In transforming this provision into indicators that could be monitored, however, we have encountered difficulties caused by the condition of intent that is stated throughout it. As we can observe, in order to deem a specific behavior or journalistic product as an ethical or deontological “transgressions” a journalist must be “deliberate” and know the fact that the accusations are “ill-grounded”, thus the journalist should know the truth but choose to hide or distort it. Studying the choice of language in reporting, in order to verify the respect afforded to this provision, is an imperfect research method, as it cannot independently prove the intent of the author, nor the actual knowledge the author had on the reported matter. The valid research method(s) that could prove the unethical behavior are the interview and perhaps the focus-group. However, we believe that it is highly unlikely that the journalists will openly admit ethical or deontological transgressions, due to the potential consequence of losing their credibility. Due to these methodological challenges, we intend to correlate potential highly subjective and offensive reporting, observed independently in the choice of words and choice of subject, with a second indicator that could verify the respect afforded to article 5 by the journalist. The second indicator provided by the ethical standard, that has a higher potential to be objectively verified, can be identified by verifying the photographs accompanying the article, as well as the choice of quotes and the accuracy of citation. Common examples of previous inaccurate reporting in the Romania media include associating the news of an arrested politician being released with the picture of the politician wearing handcuffs and associating the news of his arrest with the statement of the prosecutor’s office detailing the accusations, but without respecting the presumption of innocence. Therefore, we will observe indicators independently, but give them “value” only if they correlate.

The last two paragraphs of article five deserve separate attention. Paragraph 5.3 states the norm of clarifying the status of authors that are not professional journalists. 5.4 stipulates that “It is compulsory to clearly separate journalistic products from products created for

advertising purposes. The latter shall be distinctly marked and shall be presented so as not to be mistaken for the journalistic products.”. Respecting these last two provisions of article 5 during election campaign is extremely important, as both of them aim at warning the public regarding the source of the material and of the information that it is provided, as well as regarding the standards respected by the author / writer. Whereas the public will naturally expect from a professional journalist to present verified facts, to compare and contrast information from multiple sources, in an attempt to provide the objective truth, or at least as many facets as possible of a situation, the very same public has different expectations upon reading either advertorials, full press-releases and opinions written by specialists that are members of a specific political party, opinions of lobbyist, representatives of entities sponsored or contracted by the State etc.

Thus, in our research, we intend to survey both the situations in which the newspapers respected these provisions, eliminating those items from further analysis and investigation regarding the respect afforded to press ethical norms, and the situations in which the newspapers provided with a copy of a press-release or other campaign materials in full, without any contribution from the journalists and without properly marking its source.

Complementing article five regarding “Fairness”, the text of article six of the Ethical Code provides the standard the verification of information, by stating that “The journalist shall pursue reasonable courses of action in order to verify the accuracy of the information before publishing it.” and decide not to publish “false information or pieces of information thought to be false based on sound reasoning”<sup>11</sup>.

A similar methodological problem as with article five arises in a potential independent monitoring of the respect afforded by the journalists to article six. The formula “reasonable course of action” used to condition the verification of the accuracy of information introduces both journalist and researcher to the question “What is “reasonable”

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<sup>11</sup> 2009 Code of Press Ethics, <http://www.mediasind.ro/comunicate-1/coddeontologicunic>, accessed on 2<sup>nd</sup> of November 2016

and how can this be objectively assessed?”. From the journalistic “corner” of the issue, a statement of a source that, even biased, has proved its validity over time, can be perceived as “reasonable” in the context of limited time and financial resources. For the researcher however, the lack of verification of that one statement from one source is completely “unreasonable” and the verification itself is difficult to monitor without using the focus-group of interview as a research method. Thus, in order to monitor the respect afforded to this provision we intend to verify if the published information has clearly identified and relevant sources, as well as whether there was a published denial or rebuttal of the information during the campaign. The results obtained should be discussed in correlation with the results obtained as a result of the media monitoring of article five, since the two ethical provisions, complemented by the provisions of article seven, aim at protecting the same value of providing the public with verified and accurate information.

As a remedy for providing the public with inaccurate information, ill-grounded accusations of defamatory information, article seven of the Ethical Code provides the journalistic standards for the duty to rectify errors, specified under art. 7.1 of the ethical code is stipulated in a manner equally vulnerable to interpretations, journalists having the duty to “promptly correct” any “significant error”. The appreciation of what can be considered a significant error, as well as what “promptly” means are left upon the best judgment of the editors in charge. In practice these corrections are often avoided, due to a generalized belief that these might harm the credibility of the journalist or would present the newsroom as one that is vulnerable to external pressure.

According to paragraph two of the same article “The right to reply is granted when the request is deemed to be righteous and reasonable. The right of reply is to be published as soon as possible under similar conditions to the journalistic piece in question. The right of reply may be requested within 30 calendar days of the date when the journalistic piece was published.”. However, due to the fact that the exercise of the right to reply, published and thus visible

to the public, can be censored by the journalists, as well as due to the fact that the monitored period is of 30 days, we are not expecting to observe it.

We conclude the brief analysis of the provisions regarding the conditions to rectify errors, as well as that of the conditions to publish a reply to misleading or defamatory content, by suggesting that the media monitoring should correlate any situations in which this article has been observed by the journalists with the observance of articles five and six of the Ethical Code.

### *3. The right to privacy and private life. Exercise and limits with regards to candidates and their families*

Article nine of the Ethical Code stipulates journalists' obligation to "respect the right to privacy and persons' dignity (including any family, address and email information)". Although the relevant exception of the information of public interest is provided for by the Code, unfortunately the exception lacks the definition of what the notion of "public interest" actually represents. The 2004 version of the Ethical Code, adopted in a similar setting as the 2009 one, included in its Preamble a definition of the notion that stipulated the fact that it is of "public interest" "any matter affecting the existence of the community"<sup>12</sup>. According to the Preamble, it can be a matter of public interest the functioning of the government and of public authorities in the administration of power and of public service. We discern in the Preamble the same criteria of administration of power and of public service with regards to dignitaries, politicians as well as public officials.

With regards to the limits of intrusion into privacy and private life of the politicians by using the public interest as a justification, the same Preamble states that a politicians' private life can be considered of major public interest "only when it is relevant to the fulfillment of

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<sup>12</sup> Code of Press Ethics, established by the member organizations of the Media Organizations Convention and adopted in 2004, <http://www.mediawise.org.uk/romania-2/>, accessed on 2<sup>nd</sup> of November 2016

their duties”<sup>13</sup>. Both these above-mentioned clarifications strengthen the idea that the essential criteria in deciding whether an information represents an intrusion into a candidate’s private or family life or a valid matter of public interest is the direct link between the exercise of public function or of power entrusted by the public and the private matter.

We intend to analyze the respect afforded to this standard by observing the written articles as well as the attached photographs independently because, in this particular case, our previous research has shown the fact that the situation in which journalists intrude into persons’ privacy by publishing photographs unrelated those persons’ public life and with no clear link to the text are numerous.

It is our belief that article sixteen of the Ethical Code, regarding the usage of special techniques of acquiring information, should also be taken into consideration during the analysis of the respect afforded to the provisions regarding privacy and private life. The article stipulates the journalists’ obligation to acquire information in an open and transparent manner and states the fact that „The use of special investigative techniques is justified when there is a matter of public interest and when that information cannot be obtained through other means”. In these circumstances, when special investigative techniques have been used, the fact must be explicitly stated at the moment of publication.

#### *4. Presumption of innocence*

Lastly, we have decided to observe in our media monitoring the respect afforded to one of the provisions of the Ethical Code that might be less frequently encountered, namely presumption of innocence. Article fourteen of the Code establishes journalists’ duty to respect the principle of presumption of innocence, so that “no person shall be presented guilty prior to a final sentence of a court of law”. The same article advises journalists to seek the accused persons’ point of view, as well as, in case of divergent opinions, the points of view of all parties involved.

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<sup>13</sup> Ibidem.

Valid indicators for monitoring this provision include the accurate usage of the words “accused”, “investigated”, “offender”, “convicted” and similar, words that embody specific criminal procedure phases and that cannot be dissociated from an objectively verifiable reality. Serving the same scope of monitoring the respect afforded by the journalists to this provision regarding presumption of innocence, we intend to monitor not only the published text but also the photography associated with text. Previous research has shown us the fact that transgressions happen more often in the supporting visuals, with pictures of politicians during trial or even arrested being associated with articles regarding unrelated accounts of their endeavors.

### **III. A methodological proposal for the study of journalistic ethics during the 2019 presidential campaign**

Taking into account the situation of the 2014 election campaign during which the candidates preferred to avoid direct clash in televised debates, it is our belief that a media monitoring of the printed and online daily newspapers, both national and local, could be relevant in indicating the main topics of the campaign as well as the respect afforded to the ethical standards by the journalists. Due to the fact that, prior to the election campaign, there will be a period dedicated to raising signatures to support the candidates, we will take into consideration the manner in which the journalists respect the provisions of the Ethical Code during this “pre-campaign” period as well. Monitoring this period should provide with a comparison base between officially regulated campaigning period and potential “grey areas” during which journalists might feel that the standards could be applied or interpreted differently or less strictly.

With the aim of discovering the answer to the research question “Do Romanian journalists respect the provisions of the Ethical Code during the 2019 election campaign?” we intend to assess, subsequently, what is the respect afforded to the provisions of articles five, six, seven, nine, fourteen and sixteen of the Ethical Code.

We intend to use the content analysis of the published written media as a research method, in order to survey if the above-mentioned provisions of the Ethical Code have been respected during the election campaign. We find that the following are relevant indicators of the respect afforded to the ethical provisions as previously discussed in this article:

Article	Five Fairness	Six Verification of information	Seven Right to rectification and reply	Nine Right to privacy	Fourteen Presumption of innocence	Sixteen Special techniques for acquiring information
Indicator	<p>Accurate quotes (compared with other media outlets for the same quotes)</p> <p>Quotes identify the source</p> <p>Accusations are based on verifiable facts</p> <p>Accusations identify the source</p> <p>The choice of words doesn't emphasize bias</p> <p>The visuals associated with the text reflect the text accurately</p> <p>Non-journalist content creators (specialists, lobbyist, party members) are identified as such.</p> <p>Advertorials are clearly recognizable</p>	<p>The information has a clear identifiable and verifiable source</p> <p>Multiple sources confirm the information and are mentioned</p> <p>No rectification or reply has been published in relationship with the article</p>	<p>A rectification has been published</p> <p>A reply has been published</p> <p>No allegations of an unpublished reply can be found online or upon consulting other media outlets</p>	<p>There is a clear and direct link between the intrusion into privacy and the exercise of public function or of power entrusted by the public</p>	<p>The correct and accurate word is used to describe the verifiable criminal procedure status</p> <p>The visuals that illustrate the article are respecting the ethical provision and accurately portray the criminal procedure trial status</p>	<p>Are clearly indicated as such in the article</p> <p>Were necessary, and the necessity is clearly indicated, explained or logically follows the situation depicted in the article</p>

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