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**GUIDELINES ON MEDIA ANALYSIS DURING
ELECTION OBSERVATION MISSIONS**

Prepared in co-operation between the OSCE's Office for Democratic Institutions and Human Rights, the Council of Europe's Venice Commission and Directorate General of Human Rights, and the European Commission

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GUIDELINES ON MEDIA ANALYSIS DURING ELECTION OBSERVATION MISSIONS

EXECUTIVE SUMMARY

These guidelines are intended to explain the media component of standard OSCE/ODIHR, European Union and Council of Europe election observation missions. They also describe a methodology for assessing how the media behave during an election campaign. These guidelines are not definitive. They do not provide a methodology that *must* be followed; rather they offer a synthesis of the experiences, practises and lessons learned by OSCE/ODIHR and other international organizations involved in international election observation.

In a healthy democracy, the media provide citizens with an objective portrayal of public affairs. Radio, television and print media are vehicles for disseminating information about the most important developments in a society. During the election, the media can help voters to make informed decisions about which parties and candidates they will support. By providing access to political contestants to communicate their messages, the media play an essential role as the primary source of information about politics. Generally accepted standards of journalism require that the media provide accurate and objective coverage of election related events.

Media monitoring is an effective tool to measure how the state and political contestants treat the media and how the media treat contestants. Valid and credible media monitoring projects provide the general public with benchmarks to judge the fairness of the whole election process. Media monitoring is also an important tool to highlight cases of interference in the editorial freedom of the media or attempts to undermine their independence.

Media monitoring has been incorporated into the election observation methodology of the OSCE/ODIHR, as well as that of other international organisations. Non-governmental organisations, both national and international, also conduct media monitoring for a variety of purposes. In most countries, whether well-established or newly emerging democracies, media monitoring projects are carried out in order to provide evidence on the conduct of the media during both election and non-election periods.

This document offers an overview of the main issues related to observation of the media in the context of OSCE/ODIHR, the European Union and CoE EOMs: the legal framework governing the conduct of media during an election campaign; the relationship between political and media systems; and the methods used to monitor media coverage.

The first chapter is a brief review of international standards that aim to protect freedom of expression. The reference to international standards and benchmarks as guidelines for the assessment of the electoral process is a normal practice of election observation missions. International treaties, conventions, recommendations and decisions stipulate a number of rights related to political participation: the right of voters to receive comprehensive and diverse information about political alternatives, the right of all contestants to have unimpeded access to the media on a non-discriminatory basis; and the freedom of the media to spread information without undue interference by government officials or by any other subjects.

The second chapter is an overview of issues concerning media, politics and elections. Experts on mass communication have long debated the impact of media on the public. While there are different opinions and explanations, there is common agreement that independent media are essential in genuine democracies. On the other hand, in repressive regimes, dependent and controlled media can become a powerful tool to manipulate public opinion. As such, evaluating the role of the media in an election becomes an important part of the overall assessment of the entire election process. If the media are able to protect the autonomy and independence of their editorial policies, they will be able to offer the electorate a greater diversity of views. This chapter also provides a brief description of various kinds of media outlets and their role in the elections.

The third chapter focuses on the evaluation and interpretation of media observation findings. This chapter includes best practices, case studies and experiences from previous EOMs. Reference is made to the legal framework, the media environment and the media coverage of elections. This chapter explores different approaches that can be adopted to ensure equitable access for election contestants and their fair coverage in the different media.

The fourth chapter describes a methodology of media analysis implemented in Election Observation Missions. Their approach draws on the experience and expertise of many media analysts who have worked on numerous election observation missions over the last decade. Other publications and field experiences of many organisations have also contributed to the methodological approach used by EOMs. This section reviews the role and tasks of the media analyst in EOMs: why and how to analyse the legal framework for the media, the media landscape of a specific country and the media coverage of the election campaign. This chapter also provides tips and methodological benchmarks.

The fifth chapter reviews the basic media monitoring methodology used by EOMs. Some basic rules for a scientific approach to content analysis are provided, as well as for quantitative and qualitative research.

I. INTERNATIONAL PRINCIPLES ON FREEDOM OF EXPRESSION

There is a large and growing body of international standards aimed at promoting freedom of expression and freedom of the media. These standards:

- represent a powerful tool to protect the basic rights not only of journalists and media professionals, but also of citizens and political parties;
- define a shared set of principles that should underpin the activities of the media and of national governments and political parties.

The rights enshrined in international laws and treaties set standards every democratic country should strive for. “International standards, by their nature, tend to be quite general, setting out broad principles for implementation by states.”¹

1.1 AN OVERVIEW OF THE MAIN INTERNATIONAL PRINCIPLES²

The right to freedom of expression is enshrined in a number of declarations, treaties and regional conventions, primarily in Article 19 of the International Covenant on Civil and Political Rights, which echoes the words of the corresponding Article in the Universal Declaration of Human Rights. States that are signatories of these documents or members of the organisations that have produced these declarations have a moral duty, and sometimes the legal obligation, to comply with these provisions. These principles constitute the legal basis for the protection of freedom of expression. “It is important to understand that this jurisprudence is directed overwhelmingly at regulating the behaviour of governments in relation to the media, rather than in regulating the media themselves.”³

For the sake of clarity, the standards set out in this section have been organised according to their content. However, not all of them have the same binding character. It is important to understand the hierarchy of these standards:

- Treaties that are ratified by governments constitute binding legal commitments. These include the International Covenant on Civil and Political Rights and regional human right treaties such as the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- Declarations by intergovernmental bodies. Many of the standards adopted by the OSCE and the Council of Europe fall into this category as, of course, does the Universal Declaration of Human Rights.
- Decisions of international or regional courts are an authoritative source of interpretation of both treaties and customary international law. Particularly relevant in this category are the judgements of the European Court of Human Rights.

¹ OSCE/ODIHR, Handbook for Domestic Election Observers, ODIHR, Warsaw 2003.

² The sources of some basic concepts as well as many of the examples presented in the following part are the publications of ARTICLE 19 and ACE Project. Their work and production constitute an invaluable source of information for anyone involved in field of the media, advocacy and the promotion of human rights and freedom of expression.

³ ACE Project (UN, IDEA, IFES), Media and Elections, www.aceproject.org

- Reports or comments by expert bodies constitute another authoritative means of interpreting international law. Examples include comments by the Human Rights Committee and reports and declarations by the United Nations Special Rapporteur on Freedom of Opinion and Expression and the OSCE Representative on Freedom of the Media.
- Decisions of national courts can produce useful guidance in interpreting similar or comparable legal provisions.
- Other guidelines – such as the ARTICLE 19 guidelines on election broadcasting in transitional democracies – have no legal standing but are widely accepted interpretations of existing legal standards.

Along with the basic right to freedom of expression, all international declarations and conventions identify as a basic human right the opportunity for an individual to participate in public and political life and to vote and be elected in genuine periodic elections that represents the will of the electorate. The interaction between these two fundamental rights and the need to uphold them are the reason why it is important to monitor and analyse how the media behave during elections. “Even though the human rights treaties do not explicitly include the right of political candidates to disseminate their opinions through the media or the right of the public to have access to the opinions of political candidates, these rights are firmly anchored in the treaty-based rights to freedom of expression and non-discrimination. Whether the source of these rights — indisputably crucial to any genuine election — is the right to political participation *per se* or the right to freedom of expression and non-discrimination is of no practical consequence.”⁴

All the conventions, declarations, regional human rights treaties, decisions of international institutions and pronouncements of different treaty bodies define benchmarks to measure and assess freedom of expression and freedom of the media.

The main treaties⁵ protecting freedom of expression find their lowest common denominator in a number of basic rights that can be summarised as follows:

THE ARTICLE 19 FREEDOM OF EXPRESSION HANDBOOK⁶
International and Comparative Law, Standards and Procedures

COMPARISON OF THE PROTECTIONS AFFORDED BY THE HUMAN RIGHTS TREATIES AND INSTRUMENTS

a) General Obligations

Upon ratifying any of the four human rights treaties states parties accept two kinds of obligations: (1) to adopt such legislative or other measures as may be necessary to give effect to the rights protected by the treaty, and (2) to remedy violations of those rights. (...)

b) Right to Hold Opinions Without Interference

Both the Universal Declaration of Human Rights and the International Covenant declare that the right to freedom of expression includes the right "to hold opinions without interference". Although neither the American Convention nor the European Convention contain similar language, they are generally understood also to protect absolutely the right to hold, as contrasted with the right to express, opinions. The African Charter does not explicitly protect the freedom to hold opinions without interference.

⁴ ARTICLE 19, Guidelines for Election Broadcasting in Transitional Democracies, London August 1994.

⁵ THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS, AMERICAN CONVENTION ON HUMAN RIGHTS AND AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN, EUROPEAN CONVENTION ON HUMAN RIGHTS.

⁶ ARTICLE 19, Freedom of Expression Handbook, International and Comparative Law, Standards and Procedures, ARTICLE 19, London 1993.

c) Right to Seek, Receive and Impart Information and Ideas

The Universal Declaration, the International Covenant and the American Convention all protect the right "to seek, receive and impart information and ideas". The European Convention does not expressly protect the right to "seek" information and ideas, but is widely assumed to protect this right implicitly. The African Charter does not expressly protect the right to impart information or to receive opinions and ideas, but discussions of the African Commission suggest that these rights may be implicitly protected.

d) Kinds of Information and Ideas Protected

The protection of the International Covenant and the American Convention extends to information and ideas "of all kinds ... [expressed] either orally, in writing or in print, in the form of art, or through any other media", whereas Article 10 of the European Convention, by its terms, protects only "information and ideas" and states that it does "not prevent States from requiring the licensing of broadcasting, television or cinema enterprises". However, it is widely accepted that the European Convention's protection includes the concepts expressly included in the International Covenant and the American Convention. The European Court of Human Rights has applied Article 10's protection to expressions made orally, in writing and in print, and has referred to Article 19(2) of the International Covenant in supporting its conclusion that the European Convention protects artistic expression.⁽²³⁾ The European Court has also referred to the text and drafting history of Article 19 to support its conclusion that the European Convention fully protects the content of broadcasts, and permits regulation only of its technical aspects.⁽²⁴⁾

e) Permissible Grounds for Restrictions

The Universal Declaration, International Covenant, American Convention and African Charter all set forth essentially the same three-part test for determining the legitimacy of restrictions on freedom of expression: (1) any restriction must be provided by law; (2) it must serve one of the legitimate purposes expressly enumerated in their texts; and (3) it must be necessary. ⁽²⁵⁾ The grounds for permissible restriction under the African Charter are formulated differently (though they may well be interpreted to impose similar requirements in practice) (...)

Relation Between the Right to Freedom of Expression and Other Treaty Rights

The right to freedom of expression protected by the four human rights treaties considered here must be read in light of the treaties as a whole. Thus, the scope of the right is limited by some provisions (in addition to those set forth in the articulation of the right itself), and expanded by others.

Freedom of expression may be limited by the right to a fair judicial hearing; ⁽²⁶⁾ the right to privacy; ⁽²⁷⁾ and provisions which permit derogations from the right to freedom of expression, in time of war or other public emergency, but only to the extent strictly required by the exigencies of the situation.⁽²⁸⁾ All four of the treaties have provisions which permit restrictions on freedoms when exercised for the purpose of destroying or unlawfully limiting the treaty rights or freedoms of others. ⁽²⁹⁾

Freedom of expression is extended by the prohibition of discrimination in all four of the treaties. Thus states parties are bound to ensure the rights recognized by the treaty without discrimination on any ground. ⁽³²⁾

In addition to these common principles, it is possible to identify standards present in a number of documents whose legal standing varies. In spite of their different nature, all these principles represent the general normative framework within which the media analysis is carried out.

- Any restrictions on the right to freedom of expression must be applied within strictly defined parameters. Restriction must be necessary for respect of the rights or reputations of others and for the protection of national security or of public order (*ordre public*), or of public health or morals⁷.
- Prior censorship constitutes an unacceptable limitation of the right to freedom of expression⁸ and the law should authorise limitations to this right only in exceptional circumstances⁹.

⁷ International Covenant on Civil and Political Rights

⁸ American Convention on Human Rights.

⁹ European Court of Human Rights stated "the Contracting States enjoy a certain margin of appreciation in assessing the need for an interference, but this margin goes hand in hand with European supervision, whose extent will vary according to the case. Where there has been an interference with the exercise of the rights and freedoms guaranteed in paragraph 1 of Article 10, the supervision must be strict, because of the importance of the rights in question; the importance of these rights has been stressed by the Court many times. The necessity for restricting them must be convincingly established." Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Autronic AG judgment of 22 May 1990, Series A No. 178, para. 61.

- Freedom of the media constitutes a fundamental prerequisite to freedom of expression.¹⁰The press, and by extension the electronic media, have a dual obligation “to impart information and ideas on matters of public interest. Not only do they have the task of imparting such information and ideas: the public also has a right to receive them”.(...) “Were it otherwise, the press would be unable to play its vital role of public watchdog.”¹¹
- The right to freedom of expression cannot be limited by any indirect means, such as abuse of government or private control over the mass media¹².
- The right to freedom of expression includes freedom of political debate, the existence of which is “at the very core of the concept of a democratic society”¹³.
- States have an obligation to guarantee access to information, particularly with regard to information held by government and any kind of public information¹⁴.
- Freedom of communication in relation to public affairs and political discussion is indispensable to the accountability of political representatives and government officials¹⁵.
- The limits of criticism towards politicians and representatives of the government are wider than those towards a private citizen¹⁶.
- States and governments are subject to a double obligation in order to guarantee freedom of expression in a democratic society: they shall refrain from interfering in the workings of the media and, when necessary, they shall impose positive measures to promote pluralism of the media and to protect them from attacks or undue pressures¹⁷.
- There should be enhanced protection for political opinions, the truth of which, unlike facts, cannot be proved or disproved¹⁸.
- The media have the duty to publish opposition views, respecting criteria of balance and non-discrimination¹⁹.

¹⁰ Inter-American Court of Human Rights, Adv. Opn. OC-5/83 of 13 Nov. 1985, Series A no. 5, reprinted in 7 Human Rights Law Journal (1986), 74 and in 8 EHRR 165: "It is the mass media that make the exercise of freedom of expression a reality."

¹¹ European Court of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Lingens judgment of 8 July 1986, Series A No. 103, para. 41, Thorgeirson v.Iceland, Judgment of 25 June 1992, Series A no. 239, para. 63. Cf., H. Thorgeirsdóttir, Comments on Media Monitoring During Election Observation Missions, Venice Commission, Council of Europe, 2004 (*in* CDL-AD(2004)047).

¹² American Convention on Human Rights.

¹³ European Court of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Castells judgment of 23 April 1992, Series A No. 236 para. 43, Strasbourg 2001.

¹⁴ Declaration on the Freedom of Expression and Information, Council of Europe, Committee of Ministers, April 1982: “The member states of the Council of Europe, (...) II. Declare that in the field of information and mass media they seek to achieve the following objectives: (...) c. the pursuit of an open information policy in the public sector, including access to information, in order to enhance the individual's understanding of, and his ability to discuss freely political, social, economic and cultural matters. ” Also, Council of Europe, Committee of Ministers, Recommendation (2002)2 to member states on access to official documents (2002).

¹⁵ Australian Capital Television Pty Ltd v. The Commonwealth; New South Wales v. The Commonwealth (No. 2) 66 ALJR 695, 703 (per Mason CJ), 1992.

¹⁶ European Court of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Lingens judgment of 8 July 1986, Series A No. 103, para 42 stating “the limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance”.

¹⁷ See: UN Human Rights Committee, 461st meeting - 27 July 1983, UN Doc. A/38/40, 109. European Courts of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Özgür Gündem judgment of 16 March 2000, Reports 2000-III, para. 43.

¹⁸ European Court of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 18, Lingens judgment of 8 July 1986, Series A No. 103, para 46 “The existence of facts can be demonstrated, whereas the truth of value-judgments is not susceptible of proof”.

- Access of candidates and political parties particularly in respect of public Media, should follow the principle of equality of opportunity²⁰.
- Political parties and candidates have the right of access to the state/publicly owned media, particularly the broadcast media, during the election campaign²¹.
- The media have a duty to offer a right of reply to statements that are inaccurate or offensive, and they must be able to exercise this right of reply during the campaign period.²² As a matter of fact, this obligation is particularly important during the election campaign as all views should be put across and reported correctly to the voters in order to allow them to make an informed choice²³.

¹⁹ European Court of Human Rights, Case Law concerning Article 10 of the European Convention on Human Rights, Human rights files No. 1, Appl. No. 4515/70, Sc. X and the Association of Z. v. the United Kingdom, Decision of 12 July 1971, Yearbook 14, p. 538. "(...) the freedom to impart information and ideas, included in the right to freedom of expression guaranteed by Article 10, cannot be taken to include a general and unfettered right for any private citizen organisation to have access to broadcasting time on radio or television in order to express their point of view. It has indicated, however, that the denial of broadcasting time to one or more specific groups of persons may, in particular circumstances, raise a problem under Article 10 (considered in isolation or in conjunction with Article 14 prohibiting discrimination). Such a problem may, in principle, arise if, at election time for instance, one political party were excluded from broadcasting facilities while other parties were given broadcasting time. This broadcasting time may be subject nevertheless to certain criteria which are determined by the broadcasting company in the framework of its editorial policy."

²⁰ Council of Europe, Committee of Ministers, Recommendation No. R (99) 15 of the Committee of Ministers to Member States, on Measures Concerning Media Coverage of Election Campaigns (Adopted by the Committee of Ministers on 9 September 1999 at the 678th meeting of the Ministers' Deputies). Also Inter Parliamentary Union, Declaration on Criteria For Free and Fair Elections N. 154, Geneva March 1994: "(3) States shall respect (...) that parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public-service media; that the necessary steps are taken to guarantee non-partisan coverage in State and public-service media". Also, Council of Europe, Venice Commission, Guidelines on Elections, adopted at 51st session (Venice, 5-6 July 2002), para c.: "Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, (...). In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections."

²¹ "The international standards and case-law make clear that governments have a negative obligation not to interfere with the imparting of information by the media or by willing speakers. While none of the international tribunals has directly examined the positive obligation of a government during a campaign period to broadcast views of political candidates on government-controlled channels, international norms discernible from a range of state practice confirm that this obligation is indeed widely-recognized. Several national courts have concluded that political parties are entitled to have access to broadcasting time as an essential aspect of the right to freedom of political communication, in light of the tremendous impact of radio and television on public opinion and the public service nature of government-owned media." ARTICLE 19, Guidelines for Election Broadcasting in Transitional Democracies, London August 1994.

²² American Convention on Human Rights: article 14, para 1 "Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish."

²³ Information/Education Division of the United Nations Transitional Authority in Cambodia (UNNTAC), Media Guidelines for Cambodia, Under the UNTAC Mandate, Section D "Elections," Paragraph 3 (F): "Ensuring Fair Access To The Media, Including Press, Television And Radio, For All Political Parties Contesting In The Election," Un Doc. A/46/608 [Annex 1]; S/23177 [Annex 1] (30 October 1991): article 8. "Media outlets should give parties, groups or individuals whose views have been misrepresented or maligned by a publication or broadcast the "right of response" in the same outlet". Article 9. "UNTAC strongly encourages the various media to present a balance of views, to solicit a wide spectrum of opinion from the Cambodian community and to publish as much information as possible about the history, finances and platform of a political party or candidate. A democratic media seeks to publish views and counterviews at the same time, in order to address all aspects of an issue. When opposing ideas are contained in the same broadcast or article, a "response" may not be necessary."

- Media should not be considered liable for publishing unlawful statements pronounced by politicians if they are not endorsing such statements.²⁴ International conventions and treaties explicitly classify advocacy for hatred, discrimination, and slander as unlawful statements and as such they prohibit them. However the responsibility should be ascribed only to the individual making the statement without holding liable the media publishing it. “Holding media outlets liable for speech, even speech that violates international standards, requires editors to pre-screen all broadcasts and, owing to the vagueness of standards, to act as censors. During election periods when it is crucial that political parties be able to publicize their platforms, (...), the various competing rights may be better balanced by holding liable only the political party or individual responsible for the broadcast.”²⁵ In addition, considering media liable could lead them to forms of prior censorship or self censorship that are explicitly disfavoured by international law.

The reports of the United Nations Special Rapporteur on Freedom of Expression are of particular relevance, providing additional guidelines to be observed during the electoral campaign²⁶. In his annual report for 1999²⁷, the Special Rapporteur enunciated a number of principles that should be respected in order to ensure a transparent, open and pluralistic electoral campaign in the media. Obligations set forth in this document include:

- “A monopoly or excessive concentration of ownership of media in the hands of a few is to be avoided in the interest of developing a plurality of viewpoints and voices;” (point 16)
- “State-owned media have a responsibility to report on all aspects of national life and to provide access to a diversity of viewpoints; State-owned media must not be used as a communication or propaganda organ for one political party or as an advocate for the Government to the exclusion of all other parties and groups;” (point 16)
- "In pre-election periods, and in the interest of ensuring the most fully informed electorate possible, the State must ensure that media are given the widest possible latitude. This can be best achieved when, *inter alia*:
- Media inform the public about the political parties, candidates, campaign issues and voting processes; government media are balanced and impartial in election reporting, do not discriminate against any political party or candidate in granting access to air time and ensure that news, interviews and information programmes are not biased in favour of, or against, any party or candidate;

²⁴ Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain, UN Doc. E/CN.4/1999/64 29 January 1999.

²⁵ ARTICLE 19, Guidelines for Election Broadcasting in Transitional Democracies, London August 1994

²⁶ The Special Rapporteur was established by the United Nations Commission on Human Rights in 1993. The Special Rapporteur is in charge of promoting the implementation and the exercise of this right to freedom of expression and protecting media professionals. The current Special Rapporteur is Mr Ambeyi Ligabo (Kenya). In the exercise of his mandate, the Special Rapporteur pays particular attention to: (a) Detention of, discrimination against, or threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including professionals in the field of information; (b) Activities of political opposition parties and trade union activists, whether a group or an individual; (c) Actions against the media (print and broadcast) or impediments to their independent operation; (d) Actions against publishers and performers in other media, including books, magazines, film and theatre and the studio arts; (e) Activities of human rights defenders (e.g. lawyers, community activists); (f) Women's human rights, within the context of obstacles - including laws and practices - which impede the right of women to express their views and be heard, participate in the decision-making process, have equal standing before the law, and seek and receive information on matters of particular relevance to them such as family planning and violence against women; (g) Obstacles to access to information at the local, regional and national levels on projects and initiatives proposed by the Government to advance the right to development and obstacles to participation in the decision-making process, as well as obstacles to access to information on other subjects such as environmental and health impact studies, national budgets, social spending, industrial development projects and trade policies.

²⁷ Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain, UN Doc. E/CN.4/1999/64 29 January 1999.

- Censorship of any election programme is not allowed and the media are encouraged to broadcast and/or publish election-related programmes and are not penalized for programmes critical of the Government, its policies or the ruling party;
- The media are exempt from legal liability for provocative statements by candidates or party representatives; the right of reply is provided, as well as correction or retraction, in cases where defamation is alleged; the manner and extent of remedy is determined by an independent body;
- There is a clear distinction between news and press conferences related to functions of office and activities by members of the Government, particularly if the member concerned is seeking election;
- Air time for direct access programmes is granted on a fair and non-discriminatory basis; the time allocated to parties or candidates is sufficient for them to communicate their messages and for the voters to inform themselves about the issues, party positions, qualifications and character of the candidates;
- Programmes provide an effective opportunity for journalists, current affairs experts and/or the general public to put questions to party leaders and other candidates, and for the candidates to debate with each other;
- Media, and especially government media, engage in voter education, including by providing information on how to use the voting process, when and where to vote, how to register to vote and verify proper registration, the secrecy of the ballot, the importance of voting, the functions of the offices under contention and other matters; and
- Print and broadcast media make available reports and programmes that will reach the largest number of voters possible, including in minority languages and for those who may have been traditionally excluded from the political process, such as ethnic or religious minorities, women and indigenous groups.” (point 17).

Also, the UN Special Rapporteur pointed out that any regulatory mechanism and body, whether for electronic or print media, should be independent from political parties and autonomous of government.²⁸

Recommendation 99 (15) issued by the Committee of Ministers of the Council of Europe²⁹ constitutes another important reference for the assessment of election campaign coverage by the media. In particular, this document sets out principles to promote fair media coverage of an election.

Provisions related to the print media

The legal framework regulating media coverage of the election should not affect the editorial independence of the private print media, included their possibility to express political preferences. On the contrary public or state print media should be subjected to the obligation to fairness, balance and impartiality. They should also avoid any kind of discriminations or political bias in favour or against candidates and political parties. If print media accept to offer pages for paid political advertisement, they should respect the principle of “equal opportunity” and non-discrimination for the contestants that want to purchase advertising space.

Provisions related to the broadcast media

The legal framework regulating electronic media during the election campaign should not impede the expression of pluralistic and diverse opinions and views. However, while respecting the general editorial independence of electronic media, the regulatory framework should also set rules forcing the broadcasters – both private and public - to carry out fair, balanced and impartial electoral coverage. These rules should be enforced during both the official campaign period and the period prior to the beginning of the official campaign (if the period prior to the official beginning of the election campaign is defined under the national law).

Provisions for the newscasts and current affairs programs should ensure fairness, balance and impartiality. This normative framework can be either a result of a self-regulatory mechanisms implemented by the media or a product of norms enshrined in the domestic electoral and media laws. Electronic media should not offer any privileged coverage to

²⁸ Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain, UN Doc. E/CN.4/1999/64 29 January 1999.

²⁹ Council of Europe, Committee of Ministers, Recommendation No. R (99) 15 of the Committee of Ministers to Member States, on Measures Concerning Media Coverage of Election Campaigns (Adopted by the Committee of Ministers on 9 September 1999 at the 678th meeting of the Ministers' Deputies).

public authorities (including government officials). The bodies in charge of monitoring the compliance of the media with the provisions regulating the electoral coverage should remedy this kind of shortcomings.

As for the other programmes, broadcasters should pay attention not to give an unfair advantage to politicians invited to talk shows or other type of similar programmes as these programmes might also have a certain influence on the perceptions and behaviour of voters³⁰.

Allocation of free airtime to political parties and candidates on state/publicly owned broadcasters is not compulsory. However, whenever the free airtime is made available, it should be allocated on a non-discriminatory basis observing transparent and impartial criteria.

Paid political advertising: political parties and candidates: when paid political advertisement is allowed, all contestants should have the possibility to purchase airtime, on equal conditions as for their position in the schedule and the rates of payment. Paid political advertisement should be clearly recognisable as such by the public. Provisions limiting the amount of political advertisement candidates and parties are allowed to purchase can be introduced in the regulatory framework.

Provisions related to both the print and broadcast media

Electoral silence: it is not compulsory to introduce a reflection period (usually 24 hours before the beginning of the vote) in the regulatory framework. However, when a provision that prohibits spreading of partisan electoral messages is present, all media should respect it.

In publishing opinion polls, the media should present results in an unbiased manner and should publish all the available information, thus providing the public with the elements to produce an assessment about the value of the poll. Particularly, the media should report information on the political party or other organisation or person which commissioned and paid for the poll, the organization conducting the opinion poll, the size of characteristic sample of population and the date and/or the period the poll was carried out. Any restriction by member States forbidding the publication/broadcasting of opinion polls on voting intentions on Election Day or a number of days before the election should comply with Article 10 of the European Convention on Human Rights. With regards to exit polls, member States may consider prohibiting reporting by the media on the results of such polls until all polling stations in the country have closed.

The right of reply

Given the short duration of an election campaign, any candidate or political party who is entitled to a right of reply under national law should succeed in exercising this right within the campaign period.

Measures to protect the media at election time

Non-interference by public authorities: public authorities should refrain from interfering in the activities of media professionals with a view to influencing the elections.

Protection against attacks, intimidation or other unlawful pressures on the media: public authorities should take appropriate measures for the effective protection of media professionals and their premises. However, this protection should not obstruct them in carrying out their work

The Inter American Commission on Human Rights has stressed the importance of the protection of journalists and the media. Its Declaration on Principles of Freedom of Expression pays particular

³⁰ Council of Europe, Explanatory Memorandum to the Recommendation on measures concerning media coverage of election campaigns:

“40. Certain types of programmes that are not directly linked to the campaign coverage, such as talk-shows, political parodies with puppets or “politically-motivated” feature films should also be given attention because they might have an influence on voting intentions. Such programmes can sometimes give a candidate or a political party an unfair advantage. 41. This is again an area that primarily has to be addressed by broadcasters themselves via internal guidelines. The Recommendation therefore only suggests that special care should be taken with entertainment programmes that may have an influence on voters, so that certain parties or contenders do not obtain an unfair advantage.”

attention to conditions preventing media to carry out their duty in a democratic society. This declaration represents a basic text for interpreting Article 13 of the American Convention on Human Rights. “Its adoption not only serves as an acknowledgment of the importance of safeguarding freedom of expression in the Americas, but also incorporates international standards into the inter-American system to strengthen protection of this right.”³¹

- “Prior conditioning of expressions, such as truthfulness, timeliness or impartiality, is incompatible with the right to freedom of expression recognized in international instruments.
- Every social communicator has the right to keep his/her source of information, notes, personal and professional archives confidential.
- The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.
- Privacy laws should not inhibit or restrict investigation and dissemination of information of public interest
- Monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity which ensure the full exercise of people’s right to information. In no case should such laws apply exclusively to the media. The concession of radio and television broadcast frequencies should take into account democratic criteria that provide equal opportunity of access for all individuals.
- The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans, the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law.”³²

The African Commission on Human and Peoples' Rights has highlighted additional obligations to be respected by its Member States in order to protect a pluralistic media system.

“(…)III Diversity

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things:

- availability and promotion of a range of information and ideas to the public;
- pluralistic access to the media and other means of communication, including by vulnerable or marginalized groups, such as women, children and refugees, as well as linguistic and cultural groups; (...)

V Private Broadcasting

States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression.

2.The broadcast regulatory system shall encourage private and community broadcasting in accordance with the following principles:

- there shall be equitable allocation of frequencies between private broadcasting uses, both commercial and community; an independent regulatory body shall be responsible for issuing broadcasting licences and for ensuring observance of licence conditions;
- licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting; and
- community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves.

VI Public Broadcasting

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles: (...)

³¹ Office of the Special Rapporteur for Freedom of Expression, <http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/documents/eng/oasissues.asp>.

³² Inter-American Commission on Human Rights, Declaration of Principles on Freedom of Expression, approved at 108th regular sessions, October 2000.

- the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods. (...)

VIII Print Media

1. Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.

2. Any print media published by a public authority should be protected adequately against undue political interference. (...)

3. Media owners and media professionals shall be encouraged to reach agreements to guarantee editorial independence and to prevent commercial considerations from unduly influencing media content.

IX Complaints

1. A public complaints system for print or broadcasting should be available in accordance with the following principles:
- complaints shall be determined in accordance with established rules and codes of conduct agreed between all stakeholders; and

- the complaints system shall be widely accessible.

2. Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of the courts.

3. Effective self-regulation is the best system for promoting high standards in the media. (...)

XI Attacks on Media Practitioners

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.

2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.

3. In times of conflict, States shall respect the status of media practitioners as non-combatants. (...)

XIV Economic Measures

1. States shall promote a general economic environment in which the media can flourish.

2. States shall not use their power over the placement of public advertising as a means to interfere with media content.

3. States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole.”³³

1.2 SELECTED OSCE COMMITMENTS

“Since 1975 the OSCE has created a large set of human rights norms and standards which are generally reflective of traditional human rights norms and concepts as enshrined in other human rights treaties and declarations. However, building on these, the OSCE has also developed a number of standards that are highly innovative both in terms of style and substance.”³⁴

OSCE commitments include specific provisions related to freedom of expression and free media.

“While these documents do not have the character of legally binding treaties under the international law, they represent political commitments, adopted by consensus and binding on each participating State.”³⁵

Appendix one of this publication provides digests and citations of many international documents that illustrate recognition of international rights to a free and independent media and to the rights of citizens to information about politics and government.

³³ African Commission on Human and Peoples' Rights , Resolution on the Adoption of the Declaration of Principles on Freedom of Expression in Africa, October 2002.

³⁴ ODIHR, OSCE Human Dimension Commitments A Reference Guide, Warsaw 2001.

³⁵ ODIHR, OSCE Human Dimension Commitments A Reference Guide, Warsaw 2001.

The key provisions emerging from the OSCE commitments in the field of freedom of expression and freedom of the media can be summarised as follows:

- Free media are one of the basic conditions for a pluralistic and democratic society.
- The right to freedom of expression is a fundamental human right and a necessary condition of a democratic system. Therefore, autonomous and pluralistic media are essential to a free and open society and to hold those in power to account.
- Independent and free media are of particular importance in safeguarding human rights and fundamental freedoms.
- The implementation of OSCE commitments in the field of media should be strengthened to ensure a genuinely free system for citizens.
- Freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions, is a fundamental human right.
- The public shall enjoy freedom to receive and impart information and ideas without interference by public authorities, regardless of frontiers, including through foreign publications and foreign broadcasts.
- Media should enjoy unrestricted access to foreign news and information services.
- Any restrictions of the right to freedom of expression shall be prescribed in accordance with international standards. Any limitations to freedom of expression shall be respectful of four main principles:³⁶
 1. **Legality:** any restriction to the freedom of expression must be defined by law.
 2. **Legitimacy:** legitimate purposes include securing respect for the rights and freedom of others, preventing disorder or crime, protecting national security and public order, as well as public health or morals.
 3. **Necessity:** imposed limitations shall be necessary in a democratic society.
 4. **Proportionality:** any provisions implying restrictions of the right to freedom of expression shall be proportionate to the aim that such restrictions pursue.
- Attacks on and harassment of journalists must be condemned and those responsible should be held accountable.
- Participating states pledge to take measures to protect journalists engaged in dangerous professional missions.
- The participatory rights of individuals and groups include their right to unimpeded access to the media on a non-discriminatory basis.
- No legal or administrative obstacles shall obstruct access to the media within the electoral process.
- Access to the media shall be guaranteed on a non-discriminatory basis for all political forces and individuals participating in the electoral process.

The OSCE Representative on Freedom of the Media follows relevant media developments in the participating States and advocates and promotes full compliance with OSCE principles and

³⁶ CSCE, Copenhagen Document of the Conference on the Human Dimension, para. 24. Copenhagen, June 1990: "The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law."

commitments in respect of freedom of expression and free media. The following issues have often been emphasized in the statements of the Representative:

- A free media and an independent, effective judiciary play mutually reinforcing roles in a democracy³⁷;
- The use of criminal defamation laws, including their abuse by politicians and other public figures, is intolerable. Criminal defamation laws should be repealed and replaced with appropriate civil defamation laws³⁸;
- The abuse of public finances by governments and public institutions with the purpose of influencing the content of media is unacceptable³⁹;
- It is the responsibility of media owners to respect the right to freedom of expression and, in particular, the editorial independence of journalists⁴⁰;
- Promotion of diversity, including gender equity and equal opportunity for all sections of society to access the airwaves, is a primary goal of broadcast regulations⁴¹;
- Broadcast regulators and governing bodies must be protected against political and commercial interference⁴²;
- Undue concentration of media ownership should be prevented through appropriate measures⁴³;
- There should be a separation of political activities from the media interests of those politicians and members of government who own a media outlet.

1.3 THE COUNCIL OF EUROPE STANDARDS

In the European context, the Council of Europe plays a fundamental role in setting legal standards for the whole continent.

The European Convention on Human Rights

As regards the coverage of elections by the media, any regulatory framework should respect the fundamental principle of the right to freedom of expression protected under Article 10 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights. Any restriction to the freedom of expression of the media should be set down in law, be necessary in a democratic society and be proportionate to the aim of protecting one of the interests listed under § 2 of Article 10.

In several judgments⁴⁴, the Court has stressed the fundamental role of the press in imparting opinions and ideas to the public and in acting as a public watchdog. In particular, the Court has stated that the limits of acceptable criticism are wider for politicians than for private individuals.

³⁷ Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, N. 190, December 2002.

³⁸ Ibidem.

³⁹ Ibidem.

⁴⁰ Ibidem.

⁴¹ Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, N. 193, November 2001.

⁴² Ibidem.

⁴³ Ibidem.

⁴⁴ *Lingens v. Austria*, judgment of 8 July 1986, Series A 103, *Oberschlick c. Austria*, judgment of 23 May 1991, Series A 204, *Oberschlick (2) c. Austria*, judgment of 1 July 1997, Reports 1997-IV.

Since the exercise of freedom of expression carries with it duties and responsibilities, the Court has recognised that in disseminating ideas the potential impact of the medium concerned is an important factor and that it is commonly acknowledged that the audiovisual media have often a much more immediate and powerful effect than the print media. In this perspective, the Court has considered that the methods of objective and balanced reporting may vary considerably, depending among other things on the media in question. However, according to the Court, the media are completely free to choose the technique reports to be adopted by journalists⁴⁵.

Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns

Given the special dimension of the role played by the media at the time of elections and the shortcomings existing in the legal frameworks and practices of many European countries, in 1999 the Committee of Ministers of the Council of Europe adopted a Recommendation on measures concerning media coverage of election campaigns.

Member States are encouraged to adopt measures to implement the principles of fairness, balance and impartiality in the coverage of election campaigns by the media. They also need to strike a right balance between the respect for the editorial independence of the media and the need for certain rules to ensure fairness by the media during election times. According to the Recommendation, the margin of discretion for member States to act is quite large, but the principles and the objectives are the same.

The Recommendation covers to some extent all types of media. All type of political elections taking place in member States are included. However, due consideration is given to the significant differences between the print and the broadcast media.

Provisions related to print media

The legal framework regulating the media coverage of elections should not affect the editorial independence of private print media including their right to express political preferences. On the contrary, when print media are owned by public authorities, they should be subjected to the obligations of fairness, balance and impartiality. They should also avoid any kind of discrimination or political bias in favour of or against candidates and political parties. If print media accept to offer pages for paid political advertisements, they should respect the principle of “equal opportunity” and non-discrimination for those who wish to purchase advertising space.

Provisions related to broadcast media

The legal framework regulating electronic media during election campaigns should not impede the expression of pluralistic and diverse opinions and views. However, while respecting the general editorial independence of electronic media, the regulatory framework should also set rules obliging the broadcasters – both private and public - to carry out fair, balanced and impartial electoral coverage. These rules should be enforced during both the official campaign period and the period prior to the beginning of the official campaign (if the period prior to the official beginning of the election campaign is defined under national law). This does not mean that each broadcasting

⁴⁵ Jersild v. Danmark, judgement of 23 September 1994, Series A 298, § 31.

channel is obliged to offer coverage of election campaigns; however, where coverage is provided, either voluntary or under an obligation, it should be done in a fair, balanced and impartial manner.

Provisions for newscasts and current affairs programmes should ensure fairness, balance and impartiality. This normative framework can be either a result of a self-regulatory mechanisms implemented by the media or a product of norms enshrined in domestic electoral and media laws. Electronic media should not offer any privileged coverage to public authorities (including government officials). The bodies in charge of monitoring the compliance of the media with the provisions regulating electoral coverage should remedy these kinds of shortcomings.

The allocation of free airtime to political parties and candidates on public broadcasting services is not compulsory. However, whenever the free airtime is made available, it should be allocated on a non-discriminatory basis observing transparent and objective criteria.

Paid political advertising

When paid political advertisement is allowed, there should be the possibility to purchase airtime, on equal conditions as for their position in the schedule and the rates of payment. Paid political advertisement should be clearly recognisable as such by the public. Provisions limiting the amount of political advertisement for candidates and parties are allowed to purchase can be introduced in the regulatory framework.

Provisions related to both print and broadcast media

According to the Recommendation, it is not compulsory to introduce a reflection period (usually 24 hours before the beginning of the vote) in the regulatory framework. However, when a provision that prohibits the spreading of partisan electoral messages is present, all media should respect it.

In publishing opinion polls, the media should present results in an unbiased manner and should publish all the available information, thus providing the public with the elements to produce an assessment about the value of the poll. Particularly, the media should report information on the political party or other organisation or person which commissioned and paid for the poll, the organization conducting the opinion poll, the size of the sample of population and the date and/or the period the poll was carried out. Any restriction by member States forbidding the publication/broadcasting of opinion polls on voting intentions on election day or a number of days before the election should comply with Article 10 of the European Convention on Human Rights. With regard to exit polls, member States may consider prohibiting reporting by the media on the results of such polls until all polling stations in the country have closed.

The right of reply

Given the short duration of an election campaign, any candidate or political party who is entitled to the right of reply under national law should be able exercise this right within the campaign period.

Measures to protect the media during election time

Non-interference by public authorities: public authorities should refrain from interfering in the activities of media professionals with a view to influencing the election.

Protection against attacks, intimidation or other unlawful pressures on the media: public authorities should take appropriate measures for the effective protection of media professionals and their premises. However, this protection should not obstruct them in carrying out their work.

1.4 EU COMMITMENTS FOR THE PROTECTION OF FREEDOM OF EXPRESSION

In the realm of human rights, the European Union has stressed the importance accorded to freedom of expression and its protection in a number of documents.

The Charter of Fundamental Rights of the European Union represents the enunciation of fundamental rights set as a basis of the European Union; those rights constitute the minimal common denominator of European shared values. The provisions included in the Charter are not binding for third countries; nevertheless they outline the principles that the EU deems fundamental with regards to its constitution and action.

In the Charter, Article 11 states:

“Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.”

The right to freedom of expression and information enunciated in Point 1 explicitly recalls Article 10 of European Convention on Human Rights. Point 2 asserts the application of freedom of expression and pluralism to the mass media.

In several communications to the Council and the Parliament issued since 1995, the European Commission has established strategies focussed on strengthening the consistency and the value of the human rights and democratisation policies of the European Union. Particularly, in its relations with third countries the EU has stressed that:

“The Commission’s action in the field of external relations will be guided by compliance with the rights and principles contained in the EU Charter of Fundamental Rights (...), since this will promote coherence between the EU’s internal and external approaches (...) Since 1992, the EC has included in all its agreements with third countries a clause defining respect for human rights and democracy as ‘essential elements’ in the EU’s relationship. This clause is unique in bilateral agreements. This approach has been further developed in the Cotonou agreement signed with African, Caribbean and Pacific (ACP) countries (...) which is based on respect for human rights, democratic principles and the rule of law, and on good governance.”⁴⁶

“(...)enshrining human rights as an essential element of the Community’s relations with third countries enhances cooperation and improves the visibility of its initiatives, many of which are entrusted to specialist organisations, such as the reinforcement of the rule of law, the consolidation of the legal system, support for freedom of expression, the defence of vulnerable groups and support for the grassroots.”⁴⁷

⁴⁶ COM(2001) 252 final - Communication from the Commission to the Council and the European Parliament: the European Union’s Role in Promoting Human Rights and Democratisation in Third Countries, Brussels, 8 May 2000.

⁴⁷ COM (95)216 Commission Communication on the Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries, Brussels 23.05.1995.

“The Vienna World Conference underlined the importance of free press for the provision of ‘objective, responsible and impartial’ information on human rights. Restrictions on this freedom are symptomatic of serious human rights abuse, and the suppression of free media indicates a profound lack of respect for democracy.(...) As the European Parliament’s Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy has argued, “A free press is essential for a society to work in a democratic way. The existence of independent journalists ensures that governments and institutions are held accountable for their actions.”⁴⁸

In the same document, the Commission has clearly defined the support to the strengthening of democratisation, good governance and the rule of law as one of the thematic priorities of its action:

“This should focus on (...) ; the development of pluralist political processes; a free media(...); the rights of freedom of association and assembly; and support for electoral processes including observation by domestic and EU observers.”⁴⁹

In a number of communications and documents the EU has pointed out the fundamental role accorded to media pluralism and freedom of expression within the electoral process as one of the main pillars of a genuine democratic system:

“Building on previous experience and existing work, the EU should adopt a strategy which: (...)– promotes pluralism, both at political level and at the level needed to maintain the pluralist nature of society. (...) Equally important will be the promotion of an independent and responsible media, and respect for the rights of freedom of association.”⁵⁰

“To avoid the EU being drawn into a situation where its presence might give credibility to a flawed election process, full account should be taken of the relevant political and legal factors in situ. Minimally acceptable conditions should normally include: (...)

- freedom of expression to criticise the government;*
- reasonable access to the media for all contesting parties and candidates.”⁵¹*

The EU has also recognised as a priority the protection of journalists and media professionals:

“Journalists and media professionals are uniquely placed to promote human rights and democratic values and are at the forefront of the fight to protect these rights. They are often, as a result, particularly vulnerable to abuse, and deserving of protection. The Parliament has highlighted that in several States journalists are sentenced to jail by the governments as a means to silence criticism.”⁵²

⁴⁸ COM(2000) 726 final - Report from the Commission on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles in External Relations for 1996 – 1999, Brussels 14.11.2000.

⁴⁹ Ibidem.

⁵⁰ COM(2000) 191 final - Communication from the Commission on EU Election Assistance and Observation, Brussels, 11.4.2000.

⁵¹ Ibidem.

⁵² Ibidem.

II. MEDIA AND ELECTIONS: AN OVERVIEW

Freedom of thought, expression and communication are necessary conditions for a democratic society. There is a correlation between the development of free and active media and the level of freedom of the political system: the media can more easily flourish in open societies than in authoritarian ones. It is not of great importance to establish which of the two – free media or a democratic society – is the precondition for the other: “whether evolution of democratic institutions makes free media possible or whether free media are a prerequisite for meaningful transitions to democratic institutions. (...) At some point in every transition, a free and independent media sector is vital. (...) Development of “free and independent” media can itself take many forms, and freedom and independence can have many gradations. It is important to know what kind of press in what kind of society will perform the functions necessary for the process of building democratic institutions to proceed healthily.”⁵³

In modern democracies the media carry out fundamental political, social, economic, and cultural functions. They cover issues of public interest and have a central role in forming public opinion. Some authors have argued that the mass media hold the actual power to circulate ideas among citizens.⁵⁴ It is an idea close to the concept of the media as a “market place of ideas”: a variety of media gives citizens access to a diversity of information and ideas, thus enabling them to have personal opinions on issues and participate in public life⁵⁵.

The media are a fundamental element of the democratic system. They provide candidates, politicians and parties with coverage and an arena for public debate. They disseminate a variety of information and opinions. Media are tools of power and influence; in this respect there are two different models within which the role and the power of the media can be observed and analysed, one where the media are controlled by the few and the powerful – a model referred to as hegemony – and one that serves the interests of the citizenry at large – a model devoted to pluralism.

In a democracy, the media are asked to be socially responsible.⁵⁶ This implies not only positive expectations (what the media should do) but also a number of responsibilities (what the media should not do)⁵⁷ that are necessary to serve better the interests of society: “In short the media in a

⁵³ M. E. Price and P. Kruger, *The Enabling Environment for Free and Independent Media*, Programme in Comparative Media Law & Policy, Oxford University 2000.

⁵⁴ J. Habermas, *Strukturwandel der Öffentlichkeit*, Hermann Luchterhand Verlag, Neuwied 1962.

⁵⁵ P. Dahlgren, *Television and the Public Sphere*, Sage, London 1995.

⁵⁶ D. Mc Quail, *Mass Communication Theory*, Sage Publications London 2000.

⁵⁷ Commission on Freedom of the Press, *A Free and Responsible Press: A General Report on Mass Communications- Newspapers, Radio, Motion Pictures, Magazines, and Books*, University of Chicago Press, Chicago 1947. The Hutchins Commission, established in 1947 in the United States, elaborated the concept of social responsibility of the press, and by extension the electronic media, and the consequent services the media should provide: “a truthful, comprehensive, and intelligent account of the day’s events in a context which gives them meaning; a forum for the exchange of comment and criticism; the projection of a representative picture of the constituent groups in the society; the presentation and clarification of the goals and values of the society; full access to the day’s intelligence.” According to the Commission these scopes should have been reached through voluntary self regulation of media professionals, even if a superior intervention on behalf of the government could have been acceptable. The Hutchins Commission represent a cornerstone in the field of the media as it was the first inquiry, later followed by many other examples, to investigate on the unfitness of the media to fulfil its duties towards the society.

democracy must foster deliberation and diversity, and ensure accountability.”⁵⁸ The main function of the mass media in democratic nations is to cover political facts and events in the most objective, impartial and open way, promoting a variety of views and opinions as well as interpreting news in order to make the public understand the relevance of the information they receive. This is the main principle underlying the idea of advocacy journalism, aimed at promoting the participation of citizens in public life. In this regard, the media promote and protect the rights and expectations of citizens through their watchdog role.

2.1 THE RELATIONSHIP BETWEEN THE MEDIA SYSTEM AND THE OTHER SOCIAL SYSTEMS

2.1.1 *Media, politics and public opinion*

Any analysis of how the media fulfil their obligations to voters and candidates should take into consideration the political and social context in which the media operate. This context is shaped by a variety of factors⁵⁹:

a) Strength of the right to freedom of expression. This factor includes problems related to freedom of the press; the use of harassment, attacks or pressures against independent media; the use of courts and vexatious lawsuits to impede journalists in their activities; the lack of proper regulation of the media; government control over essential resources such as printing houses or distribution systems. In countries where journalists are targets of intimidation, violence or repression, the fairness of the election coverage is likely to be undermined by the lack of security for media professionals. Also, a climate of intimidation is likely to encourage self-censorship among journalists. Similarly, in a country with a short history of democratic elections the quality of the media coverage could be affected because of a lack of experience and poor professional standards.

b) Connections between media and politics. This factor includes the extent to which the political authorities try to control state/publicly owned media; the misuse of instruments such as renewal of licences, financing, or registration to influence media activity; or the direct involvement of media groups and owners in the electoral race. Direct and indirect forms of pressure that the government exerts on the media are an important element affecting the freedom of the mass media. This capacity to operate freely depends to a great deal on the kind of relationship the media develops with the political powers. Blumler and Gurevitch⁶⁰ proposed a schema to classify the relationship between the media and political entities. This may vary in four ways:

- **The degree of state control over mass media organisations.** This can take several forms, such as control over appointment of media personnel, control over financing of media enterprises or control over the content of media coverage.
- **The degree of partisanship displayed by mass media.** This can be determined by looking at: party involvement in media ownership and management, political partisanship in the editorial policies of newspapers or the party affiliations of readers.
- **The degree of integration of media and political elites.** There are informal mechanisms by which these two groups can influence each other because of their political affinity and social-cultural proximity. “[O]ne of the obvious consequences deriving from the tendency in

⁵⁸ R. McChesney, “Making Media Democratic”, <http://www.bostonreview.net/BR23.3/mcchesney.html>.

⁵⁹ R. Gritti, *Post Comunismo e Media*, Meltemi Roma 2001.

⁶⁰ Blumler and Gurevitch, *Crisis of public communication*, Routledge, London and New York 1995.

politics and the media to develop a mutual and very close relationship is a deep integration between the two elites of professionals.”⁶¹

- **The extent of respect for journalistic ethics within media institutions.** Adherence to journalistic standards and ethics by media professionals is a powerful mechanism to guard against media and journalists being transformed into political weapons serving the goals of politicians.

c) The relationship between the media and public opinion. This factor deals with how far the media are able to impose or suggest cultural and political ideas and with the ability of the public to receive and digest this information in a critical manner. If citizens are to be actively involved in the public sphere and to be aware of their right to receive correct and timely information, the media should be accountable and responsible. Accountable and responsible media will report according to ethical and professional standards, trying to inform voters in an accurate, objective and timely manner.

2.1.2 Media and the economic background

The strength of the market is another relevant factor that influences the media system. The development of a viable media market, with a mixture of public and private media offering a diverse range of views and managed by highly professional journalists constitutes a necessary condition for creating a mature environment in which the media can operate effectively.

However, this final element needs to be understood alongside the increasingly influential role played by large corporations in media ownership. This carries with it the twin dangers of media supporting a political agenda that favours the corporate interests of their owner, or the active involvement in politics of media owners, most famously in Italy. Herman and Chomsky proposed a “propaganda model” to explain how media filter out news coverage that does not serve the interests of corporations and governments.⁶² According to this model, news is filtered in five ways:

- **Ownership:** The media are becoming increasingly concentrated in their ownership, with a smaller number of corporations owning a variety of different media outlets.
- **Advertising:** The main source of income for media is advertising, which creates pressure for editorial policies to correspond to the views and interests of corporate advertisers.
- **Sources:** Government, official and corporate voices predominate as the source of news in mainstream media.
- **Flak:** Critical views or unpleasant facts are greeted with a barrage of denials and counter-information from official sources.
- **Ideology:** When this theory was first formulated, Herman and Chomsky identified anti-communism as the common ideological position of the corporate media and Western governments. An updated version would focus on the acceptance of free market economics or the “war on terrorism” as common and unquestioned ideological benchmarks.⁶³

Herman and Chomsky argued that this was not a conspiracy but an institutional bias:

⁶¹ F. Roncarolo, “Monitoring the Press: Problems and Tools of the Analysis Form”, Paper presented at NEEDS Training Course in Media Monitoring, Pavia 2003.

⁶² Edward Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, Pantheon, New York, 1988.

⁶³ Noam Chomsky, “What Makes Mainstream Media Mainstream” ZMedia Institute, June 1997, <http://www.zmag.org/zmag/articles/chomoct97.htm>.

“The raw material of news must pass through successive filters, leaving only the cleaned residue fit to print. They fix the premises of discourse and interpretation, and the definition of what is newsworthy in the first place...”⁶⁴

More generally, a number of authors recognises the influence that the market may have on media performances. The relevant dimensions to be taken into consideration with regards to the relationship between media and the market can be summarised as follows:

- the control of the ownership: the equation between private ownership and independence of the media can be misleading; as a matter of fact, media owners may have their own political or economical agenda affecting the genuine independence of reporting.
- The concentration of the ownership that may have a twofold effect on journalistic autonomy and media pluralism. Firstly, concentration may reduce diversity and competition among media outlets; secondly, it may “undermine the editorial independence in favour of corporate editorial lines.” “Competition law may prevent monopolies in media markets but such laws are economic laws and they may guarantee competitive marketplaces but not diversity of ideas and opinions circulating within these markets. (...) A well functioning economic market is not sufficient to secure an independent, free and pluralistic press. More is needed than competition law to break up monopolies.”⁶⁵
- The influence of the private and state advertisers: the entrance of advertising industry in the media system has undoubtedly represented an opportunity in terms of additional resources for news gathering and a factor contributing to emancipate journalists from state authorities’ economical control and influence. However, the growing importance of advertising as the main source of revenues for media implies a number of potential risks such as the reduction of the diversity of contents and the direct influence of advertisers on the production of news to maximise audience ratings.
- The labour status of journalists: “(..) strong and free journalism cannot exist where journalists live in conditions of want (...) bad pay and conditions are also a threat to freedom of the press because they encourage corruption within media. (...) [and] also drives many good journalists out of the profession as they look for other ways to earn a living.”⁶⁶ A lack of security – as for instance precarious working conditions and the absence of measures protecting working rights - may also affect the independence of the journalistic profession.
- The availability of technical facilities: the quality of news reporting may be affected by the lack of structures and tools that are necessary to the work of journalists.

2.2 JOURNALISM: SELF REGULATION AND ETHICAL ISSUES

Another dimension influencing the characteristics of the media system is the strength of journalistic professional standards and the existence of forms of self-regulation.

The media have a duty to inform voters in an accurate, fair and professional manner. Journalists accustomed to operating in repressive political systems have less experience with professional

⁶⁴ Herman and Chomsky, *op. cit.*, p. 2.

⁶⁵ H. Thorgeirsdóttir, Comments on Media Monitoring During Election Observation Missions, Venice Commission, Council of Europe, 2004 (*in* CDL-AD(2004)047).

⁶⁶ C. Warren, Why Journalists Need Their Union, International Federation of Journalists, 2003, <http://www.ifj.org/default.asp?index=177&Language=EN>

standards than those working in an open and democratic environment. “In countries where the broadcast and print media have been traditionally subject to control and undue political influence, particularly from the state, and sometimes from a single-party government, adjusting to multi-party conditions is never easy.”⁶⁷ Often, in transitional democracies, the media display a tendency to misuse their power by publishing inaccurate or unfounded stories. “However, the experience of an authoritarian regime may not be entirely negative. In many cases courageous independent journalism has played an important part in bringing dictatorships to their knees. Journalists who have successfully investigated and published sensitive stories in such a media environment will have developed professional skills that are unmatched by their colleagues in friendlier circumstances. In the context of an election, the professional challenge will be to bring these skills to bear on a new and unfamiliar set of stories to be reported”⁶⁸.

If the media are to be socially responsible, this implies that media professionals will adhere to codes of conduct and professional standards. Professional standards are reflected in a number of self-regulatory mechanisms (professional orders, associations, codes of conduct and handbooks of good practices) chosen by journalists to:

- Make their activity more professional by establishing a set of criteria and responsibilities that should guide their activity.
- Protect themselves from interference by political authorities.
- Protect themselves from critics and external interventions that might threaten their autonomy.

A summary analysis of codes of conduct – which are different depending on time and place - illustrates how their contents define what journalism is supposed to do and which are the values assumed as common in journalism .⁶⁹ It is important here to stress the fact that not all of these norms are legally enforceable. However, the analysis of self-imposed normative benchmarks represents a “way of revealing to what rules code subjects want to publicly commit and for breach of which to be held accountable.”⁷⁰

In this regard journalists should:

	Principles
Professional standards	<ul style="list-style-type: none"> • Offer reliable information. • Produce information that is should true, clear, timely, verifiable, substantiated and accurate. • Distinguish between facts and opinions. • Use newsworthiness as the basic principle ruling editorial policies. • Exclude prejudice, bias, discrimination, sensationalism. The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins. • Refrain from endorsing or using any hate speech

⁶⁷ International Federation of Journalists, Declaration of Principles on the Conduct of Journalists, Adopted by 1954 World Congress of the IFJ. Amended by the 1986 World Congress.

⁶⁸ ACE Project, Media and Elections, www.aceproject.org

⁶⁹ D. Mc Quail, Mass Communication Theory, Sage Publications London 2000.

⁷⁰ Programme in Comparative Law and Policy, Self-Regulation of Digital Media Converging on the Internet: Industry Codes of Conduct in Sectoral Analysis, Oxford University Centre for Socio – Legal studies, Oxford 2004.

	<ul style="list-style-type: none">• Rectify any published information that is found to be harmfully inaccurate.• Respect the privacy.• Resort to fair means in gathering information is gathered Defend their independence from pressures from owners, advertisers and any other outsiders.• Refuse to receive or be influenced by bribes or inducements.• Protect confidential sources of information.• Be aware of their responsibilities towards the public, the sources of information, the state, the advertisers, and protect their professional integrity.• Defend the rights of the public.
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Freedom of the press requires journalists, editors, producers and proprietors to take responsibility for the content and form of their messages as well as the consequences of publishing them.

Most such codes are drawn up and implemented at a national level. Nevertheless, there are some examples of international codes, declarations, recommendations and guidelines dealing with ethics in journalism such as: the Decalogue of Journalistic Deontology drafted with the patronage of UNESCO; the International Federation of Journalists' Declaration of Principles on the Conduct of Journalists; UNESCO's Declaration of Windhoek of 1991, and the Resolution N. 2 on Journalistic Freedoms and Human Rights issued by the Council of Europe in 1994.

Media performance during elections primarily depends on the context in which the media operate and on the level of media autonomy and diversity. Therefore, no code of conduct will guarantee professional and fair coverage of elections unless the political, social and economic system allows journalists to carry out their duties freely. "Over and above these considerations, (...) media self-regulation does not operate in a vacuum and ordinary law provides a backdrop. The experiences (...) suggest that the effectiveness and sustainability of self-regulatory bodies depends on how the line between statutory control and self-regulation is drawn (and kept under review)."⁷¹

2.3 THE MEDIA IN THE ELECTORAL PROCESS

People are often influenced in their political perceptions by what they learn from the media.

"Yet the media can also play a more specific part in enabling full public participation in elections, not only by reporting on the performance of government, but also in a number of other ways:

- by educating the voters on how to exercise their democratic rights.
- by reporting on the development of the election campaign.
- by providing a platform for the political parties to communicate their message to the electorate.
- by allowing the parties to debate with each other.
- by reporting results and monitoring vote counting."⁷²

Two analytical dimensions are central when observing the role of the media in the election process:

⁷¹ Programme in Comparative Law and Policy, Self-Regulation of Digital Media Converging on the Internet: Industry Codes of Conduct in Sectoral Analysis, Oxford University Centre for Socio – Legal studies, Oxford 2004.

⁷² ACE Project, Media and Elections, www.aceproject.org

- the degree of media **autonomy**, in particular their freedom from political or corporate interference.
- The degree of media **diversity/pluralism** in content, views and formats⁷³. More in detail, “*external pluralism* can be defined as pluralism achieved at the level of the media system as a whole, through the existence of a range of media outlets or organisations reflecting the points of view of different groups or tendencies in society. (...) The contrary term, *internal pluralism*, is defined as pluralism achieved within each individual media outlet or organisation (...).”⁷⁴

In this framework, three kinds of interrelated rights and complementary duties are considered: the rights of voters, the rights of parties and candidates and the rights of the media themselves.

2.3.1 The rights of voters

Voters have the right to be informed about the political alternatives. The actual impact of media coverage on the electorate is a controversial issue as it will always be unclear how far the media can influence the voting patterns of the electorate.

People can get their political information and form their political views from a variety of sources complementary to traditional mass media. In addition, particularly in repressive regimes where the media are controlled by the government, voters might mistrust the information they receive from the state-controlled media. Even in developed democracies where television has become the main forum for candidates during the election campaign, it is difficult to clearly isolate the impact of the media on voting behaviour. However, “the media are not the sole source of information for voters, but in a world dominated by mass communications it is increasingly the media that determine the political agenda, even in less technologically developed corners of the globe.”⁷⁵ Therefore, independently of the extent to which media can influence the electorate, voters are to be provided with all the information they need to exercise their right to vote. The right of voters to make an informed choice implies that the media should inform them in a professional and accurate manner on the platforms and views of the different candidates and on the events of the electoral campaign and the electoral process, including vote count and election results. Also, the media should assist in explaining to the electorate how to exercise their right to political participation, particularly how to vote.

2.3.2 The rights of candidates and parties

Candidates and parties have the right to communicate their platforms and their views. Politicians should have access to the media to inform the electorate about their policies and opinions on matters of public interest. The media also provide an arena in which candidates can debate. How exactly this right of access will be realised will vary depending on the number of contestants; the provisions related to public and private media; the kind of elections; the cultural and political traditions of a country; and the kind of media. Candidates can be covered in a variety of formats and can have access to the media in a number of ways; what really matters is that they should have the opportunity to inform the voters about their policies and that there is no discrimination against them.

⁷³ In addition to protecting the freedom of media, it is necessary to protect the freedom within the media.

⁷⁴ D. C. Hallin – P. Mancini, *Comparing Media Systems Three Models of Media and Politics*, Cambridge University Press, Cambridge 2004.

⁷⁵ ACE Project, *Media and Elections*, www.aceproject.org

While the political parties and candidates enjoy the right of access to the media, they should not abuse it. Politicians should be aware that their right of access to the media should not limit or be detrimental to the freedom of expression of journalists. Therefore, in accessing the media, the political parties or candidates should be responsible and should not misuse their position to gain greater or more favourable coverage. One of the basic principles underlying the freedom of expression of journalists is a real editorial independence from pressures on the part of governmental or private interest groups or state agencies. Above all, media owners or managers linked to political parties should not abuse their positions to put pressure on journalists to favour a particular political party or candidate.

2.3.3 *The freedom of the media*

The media have the freedom to inform the public about the campaign and express their opinions. The media should also have a freedom to cover all relevant issues of the elections including the work of election administration, alternative policies and platforms, activities of candidates, problems and incidents occurring during the election campaign, the vote count and the announcement of the election results. In addition, the media have freedom to take an active role in the process of informing voters by offering them a diverse range of views, which include those of journalists and political analysts. The media should have the freedom to criticise politicians for their platforms or their public record. A number of factors determine to what extent the media succeed in informing the public in a correct, accurate, transparent and balanced manner. Media managers and owners should accept the principles of journalistic ethics and independence and they should not exert pressure on their employees to act at variance with these principles. However, as the European Court of Human Rights has stressed, the state is the ultimate responsible of diversity of news and views in the media⁷⁶.

2.4 TYPES OF MEDIA AND ELECTION COVERAGE

Which media are the most important source for electoral information will vary from country to country. The role, importance and impact of each medium is a result of a number of historical, technical, cultural, economic and political factors.

In developed and most transitional democracies television may be the most influential medium of communication, with the largest audience. However, in some countries radio still reaches more people than television. Radio broadcasting in poorer countries reaches more people than any other media, as it is relatively easy and cheap. Radios can rely on battery power rather than electricity and, as with television, can reach an illiterate population.

The growing importance of television is one of the most important characteristics of developed democracies in the late 20th century. In the mid 1960s, for instance, US citizens gained most information from the print media, whereas by the end of the 1980s two thirds of Americans gained

⁷⁶ “The Court has frequently stressed the fundamental role of freedom of expression in a democratic society, in particular where, through the press, it serves to impart information and ideas of general interest, which the public is moreover entitled to receive (see, for example, *mutatis mutandis*, the *Observer and Guardian v. the United Kingdom* judgment of 26 November 1991, Series A no. 216, pp. 29-30, para. 59). Such an undertaking cannot be successfully accomplished unless it is grounded in the principle of pluralism, of which the State is the ultimate guarantor. This observation is especially valid in relation to audio-visual media, whose programmes are often broadcast very widely.” ECHR, *Informationsverein Lentia and Others v. Austria* (no. 1), judgment of 24 November 1993, Series A no. 276, p. 16, § 38.

information from television, less than a half of them from the print media and only about 20 % from radio.

Despite the rise in influence of television, the role of the print media should not be underestimated. The print media are appropriate for the distribution of abstract ideas and details. Print media maintain an important role in interpreting events and presenting comments that influence other media forms. In this way the broadcast and print media play a complementary role. While television can reach large segments of the population, print media may be dominant in analysing and forming public opinion.

The media can be classified according to many criteria (structure, type of ownership, formats, scope). For the purposes of this document, they are classified by the type of medium – print or electronic - and the kind of ownership. These two elements have considerable impact both on the performance of media in an electoral campaign and the regulations the media are subject to.

2.4.1 The electronic media

The electronic media are usually subject to a higher degree of control by public authorities than print media. This is usually justified by two main arguments:

- The need to guarantee the fair allocation of limited public resources (airwaves and frequencies).
- The need to impose a certain level of public obligation on broadcasters. Broadcast media (television in particular) are considered more than a simple tool of communication, as they are an essential instrument to promote social, cultural and political objectives. It is therefore important to regulate their activity to protect society against any risk of biased information.

The globalisation of mass communications and changes imposed by digital technology have modified this argument to an extent, since they seem to offer greater scope for media diversity. However, these new developments only highlight a new set of issues affecting media freedom, including the concentration of media ownership and the “digital divide”, with the consequent need to take steps to guarantee universal access.

Television has been both a participant and a witness to the changes in many political systems. It is the central medium for political and electoral information (at least in industrial and post-industrial societies). Today it is unimaginable to think about politics without a televised stage. Political action, including election strategies, need television to win over public opinion, to legitimise policies and to set a campaign agenda.⁷⁷

Radio usually uses a greater number of frequencies than television. This, combined with the lower cost of establishing a radio station, may allow for greater diversity in radio broadcasting.

The main difference within the electronic media is between those that are publicly and privately owned. This distinction has consequences for the degree of control and regulation imposed on them by public institutions.

⁷⁷ G. Mazzoleni, *La comunicazione politica*, Il Mulino, Bologna 1998.

The state/publicly owned broadcasters⁷⁸

The underlying idea of public service broadcasting⁷⁹ is that the private sector alone cannot ensure pluralism in the broadcast sphere. The strength of this idea and of its consequent implementation varies according to different regional contexts. The European model of a strong public service broadcasting system contrasts with the experience of the United States, where public service broadcasters are far less significant than the private ones, and with the model that existed in the Soviet Union, where the aims of the state broadcaster coincided with those of the Communist Party.

Public broadcasters tend to be held to higher standards of responsibility with respect to principles of universality, diversity, independence, and distinctiveness from other kind of broadcasters and accountability⁸⁰. The stricter regulation imposed on these broadcasters is justified by the need to protect them from undue interference or control of the government, thus enabling journalists to freely operate according to their obligation to the public. However, in many countries public or state broadcasting channels remain under tight government control.

While all media are expected to offer responsible and fair coverage, it is particularly incumbent upon state/publicly owned media to observe more rigorous standards since they belong to all citizens. The citizens pay fees and the public media has the legal and moral obligation to serve the interest of the general public, not partisan or private interests. Using state/publicly owned media to promote a certain political party or candidate is therefore an illegitimate manipulation of the public using the public's own resources. The state media are more vulnerable to such pressure from the authorities especially in those countries where they have not yet been transformed into truly independent public service broadcasters. State-controlled broadcasters are often paralysed by frequent interference by political powers.

Publicly funded broadcasters should provide a complete and impartial picture of the entire political spectrum in their coverage of an election, given that they are obliged to serve the public and offer a diverse, pluralistic and wide range of views⁸¹.

Private broadcasters

Although broadcasters owned by private interests are commercial enterprises, they are generally asked to comply with certain obligations (particularly during the election campaign). The licence

⁷⁸ Public broadcasters are financed with public money and they offer a universal service (directed to all the public), accountable to the nation as a whole. They do not back or favour any party or the government. State broadcasters are also financed with public money but they are owned by the state or the Government and are under the direct control of their owners. What is important here is the fact that, whatever ownership they have, these broadcasters, being mainly financed with taxpayers' money, either as an allocation from the state budget or as a fee paid by citizens, have stronger obligations than private ones with regard to their production and coverage.

⁷⁹ At the European Conference of Ministers on mass media, ministers of the member states of the Council of Europe acknowledged that public broadcasting is a decisive factor of plural communication accessible to all (Prague, December 1994).

⁸⁰ European Council, Treaty of Amsterdam, Protocol on the System of Public Broadcasting in the Member States, 1997. Council of Europe, Committee of Ministers, Guidelines on the Guarantee of the Independence of Public Service Broadcasting: Recommendation No. (96) 10.

⁸¹ Council of Europe, Committee of Ministers, Recommendation No. R (99) 15 of the Committee of Ministers to Member States, on Measures Concerning Media Coverage of Election Campaigns (Adopted by the Committee of Ministers on 9 September 1999 at the 678th meeting of the Ministers' Deputies).

they are provided with, assigned on a periodic basis by a public authority, may include certain requirements in relation to news, information and current affairs programmes and voter education.

In any case, the relevance of private broadcasters as sources of information in the election campaign will partly depend on the importance – in terms of penetration, coverage and audience – of the public broadcasters. For instance, where the public/state media are alone in covering the entire national territory while private broadcasters cover only limited geographical areas, the importance of the latter will be limited. In contrast, in states with a weak tradition of public broadcasting, private broadcasters are likely to be the main source of election information for voters.

Owners sometimes have strategic and political interests, often expressed openly and publicly. These might have an effect on the fairness of their electoral coverage. Also, in some cases politicians and members of the government own television and radio companies or are employed in these media.

Private broadcasters should also abide by standards of impartiality in their news and current affairs programmes. The primary role of the private broadcasters is not to counter-balance biased coverage in the state media. However, given their popularity, they may often supplement public media by offering a more diverse range of views. All private broadcasters, irrespective of their audience share, coverage area or whether they operate thematic or pay-channels, should offer fair and accurate coverage of elections⁸².

2.4.2 The print media

Since its origin, the newspaper was conceived as an independent source of information, an adversary of the authorities and a watchdog of the government. Print media today are usually privately owned. They come in a variety of formats including daily and weekly newspapers, magazines and specialised publications. Private ownership does not necessarily mean that journalists are protected from pressures from their editors or political forces.

With the growing commercialisation of the media market, party or state publications, still present in many countries, have generally reduced their penetration and readership.⁸³ A partial exception to this trend is observable in repressive regimes, where the public press, often acting as a mouthpiece of the government, is still the main source of written information. In these systems, the private or independent press may be the sole source of alternative information. Consequently it is often under threat from the authorities.

Private print media are generally entitled to a larger degree of partisanship than the publicly financed press and the broadcasting media. Print media often play an even greater role than the electronic media in acting in the public interest as watchdogs and opinion makers. As a consequence, they have the right to have their own political agenda as well as the right to be critical towards politicians. It is generally accepted that the press may explicitly support a political opinion. Also, the general practice of self-regulation adopted by the print media (through codes of conduct and press councils) can be interpreted as the need for the press not to be bound by rules set by external bodies and to be responsible itself for its editorial choices. Therefore, even during an

⁸² Ibidem.

⁸³ Ibidem.

election period, print media have fewer obligations to be balanced towards candidates and political parties; consequently they are subjected to less stringent regulation than electronic media.

The arguments used to justify this position are:

- Print media do not benefit from a public and limited commodity such as airwaves. Therefore their public obligation to impartiality and balance is commensurately less than that of electronic media.
- Print media have lower set-up costs than electronic media; therefore diversity of the print media is easier to achieve.

In some transitional democracies, however, some print media outlets are still owned by a public authority. These are under an obligation to offer a broad perspective representing a variety of political views⁸⁴. There is no justification for publicly funded newspapers becoming “party newspapers” of the ruling powers.

2.4.3 The new media and the Internet: a general perspective

New media and communication technologies potentially open a new phase for political communication, radically changing the relations among candidates and voters. Some authors report on the characteristic elements of the new media compared with traditional media as television and press. Bentivegna (2002), for instance, noted the following:

- Low costs. While the costs of using traditional media are significantly increasing, thus minimising the chances of small parties and poorer candidates reaching their audiences, the new technologies offer a wide range of extremely cheap communication alternatives. Web Sites, mailing lists and newsletters are cheap.
- Speed. New technologies drastically reduce the time needed to reach the audience.
- Absence of frontiers. The new channels of communication can potentially reach everywhere in the world, overcoming physical and geographical restraints.
- Multimedia. The opportunity to use a mixture of written text, data, pictures, movies, sound and images makes the communication more dynamic.
- Direct communication. The creation of a direct channel of communication between politicians and citizens may reduce or reshape the role of media professionals in the electoral process.
- Interactivity: Citizens can question their political representatives on issues of interest and potentially receive personalised answers.
- Simultaneous vertical and horizontal communication. Political forces can spread messages to *many* people at the same time in a vertical communication similar to the traditional media. At the same time, new technologies offer the public an opportunity to communicate on equal terms among themselves. A communication model defined as *many-to-many* emerges in opposition to the *one-to-many* model of the traditional mass media.

The new media offer the political system the chance to diversify the campaign for different target audiences in a very simple and effective way. A *net-cast* model, opposed to the traditional *broad-cast* model, enormously facilitates the dissemination of specific messages to some segments of the

⁸⁴ Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe

population. There is similar potential in the use of text messages to cellular telephones, a technique that political campaigners in some countries are beginning to exploit.

The Internet has undoubtedly widened the possibilities of informing a larger section of the population by creating more opportunities for ordinary voters to generate political news and opinions. However, although the future potential is enormous, social inequalities still limit the impact of the new technologies. The digital divide - unequal access to the new technologies because of cultural and economical factors – is still an undeniable obstacle to a constant and generalised use of the Internet. The same applies to a lesser degree to the use of cellular telephones in political communications. These are more widely available in poorer countries and in poorer sections of the population, often because of the limited availability of land lines (which is itself one of the factors limiting Internet access).

So far political parties and candidates have scarcely exploited the potential of the Internet to communicate with voters. The traditional media, particularly television, are still the main channels used to convey information and messages to the electorate even in western countries.⁸⁵ However on occasion the Internet may, regardless of its range and accessibility, play a significant role during election periods.

A potentially controversial issue related to the role and obligations of the Internet in the electoral process deals with what regulations should be imposed on web sites, particularly with regard to election blackout and opinion polls. The matter is part of a wider debate about the degree of freedom the Internet should enjoy and the extent to which regulations can realistically be applied to this medium. Generally, any control over the freedom of Internet users and publishers has been widely frowned upon. The World Wide Web is a pluralistic and unlimited media environment accessible by everyone. The Internet remains largely unregulated and many argue that it is neither possible nor desirable to regulate it.

The multiplication of channels producing political communication, their non-stop accessibility, the end of the monopolistic role of journalists as gatekeepers and producers of the news, the weakening of the media in their position as mediators between public opinion and politicians and the interactivity of this new tool can all potentially promote a more direct exchange of opinions and information between voters and parties. The Internet is an important resource for journalists as well. Media professionals, particularly in countries where poor or restricted sources of information exist at the national level, can use the Internet to find alternative sources.

Election authorities are already using the Internet to publicise information about the electoral process, included the voters' list, complaints received, the vote tabulation and the announcement of results.⁸⁶

The potential strength of the Internet is witnessed by the frequent attempts by repressive regimes to control access to the World Wide Web through several mechanisms, such as direct state ownership of Internet providers, the control of their archives or the effort to obstruct access to “politically

⁸⁵ For a more extensive review of the election campaign on the Internet: S. Bentivegna, *Politica e nuove tecnologie della comunicazione*, Laterza, Milan 2002

⁸⁶ For instance, the Central Electoral Commission in BiH during general elections of October 2002 and the Central Electoral Commission in Albania for Local Elections of October 2003.

subversive” web sites. Also, the content providers of many web sites may be subject to the same pressures as journalists of the traditional media

III. GUIDELINES FOR MEDIA ANALYSIS: SENSITIVE ISSUES, BENCHMARKS AND BEST PRACTICES

When assessing the role of the media in the electoral process, the media analyst needs to take into account a number of elements. Media analysis much more than simply monitoring the content of media coverage of an election campaign. This coverage will be dependent upon the legal framework, as well as the context in which elections take place. The importance of public media, private broadcasters and print outlets may vary a lot, depending on the degree of autonomy and diversity of the media.⁸⁷

To give an adequate assessment of the role of the media during an election campaign the media analyst will need to focus on three main areas:

1. A study of the legal framework for the media,
2. Observation of the media landscape and the relation between media and authorities.
3. Monitoring of the media coverage of the election campaign.

The overall assessment should primarily be based on compliance with international standards and OSCE commitments. Here the fundamental question is: were the rights to freedom of expression of voters, candidates and the media respected during the electoral process?

In addition to this fundamental benchmark, the assessment can be based on two other yardsticks:

- compliance with national legislation, which in turn should be in accordance with international standards⁸⁸. The central questions to be answered are: was the legal framework in accordance with the political and legal commitments undertaken by the country? If so, were the national legal provisions respected?
- comparison with previous elections held in the same country. In this case the question is: compared to previous elections was any improvement/worsening observed for freedom of expression and media coverage?

3.1 THE LEGAL FRAMEWORK, ELECTION REGULATION AND ELECTION ADMINISTRATION

Especially in new democracies, a clear regulatory framework may be needed for media coverage of elections. Because of the weakness of the democratic system, self-regulatory measures are seldom sufficient to ensure pluralism and fair access to all contestants.

⁸⁷ G. S. Goodwin-Gill, *Free and Fair Elections International Law and Practice*, Interparliamentary Union, Geneva 1994. The author states: "States should: take the necessary steps to establish the rights and institutional frameworks for periodic and genuine free and fair elections, in accordance with their obligations under the international law; and the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals." (p. 84-85)

⁸⁸ "In short, laws and constitution of a country should be in line with its international commitments (...). OSCE/ODIHR, *Handbook for Domestic Election Observers*, ODIHR, Warsaw 2003 (p.18)

The most important aspect of any media regulations during elections is to find the right balance between respect for editorial independence and the need for certain rules to guarantee fairness by the media. Voluntary measures adopted by media professionals themselves, in particular in the form of campaign codes of conduct or internal guidelines on good practice for responsible and fair coverage of electoral campaigns, are useful complements to state legislation or rules⁸⁹.

At the broadest level in election and referenda campaigns, the legal rules of the game determine the overall context, such as the regulation of campaign finance and advertising, the formal directives governing political broadcasting and freedom of the press, as well as the frequency, number and levels of elected office under contest within the electoral system.⁹⁰

The legal and electoral background are the outcome of a variety of national traditions and practices. No universal model could produce the same results in different contexts. However, there are some basic principles that should inform the set of rules, practices and behaviours for the legal framework and election regulation.

	Guidelines
Consistency of the legal framework	The legal framework regulating media and the campaign during the election process should be consistent with the principles set forth by international law in the field of freedom of expression. If there is inconsistency, the legal framework should be reviewed and brought in line with international standards. Similarly, internal contradictory or conflicting laws should be amended in order to fully guarantee the

⁸⁹ Council of Europe, Committee of Ministers, Recommendation No. R (99) 15 of the Committee of Ministers to Member States, on Measures Concerning Media Coverage of Election Campaigns (Adopted by the Committee of Ministers on 9 September 1999 at the 678th meeting of the Ministers' Deputies).

⁹⁰ R. Niemi and P. Norris, *Elections and Voting in Global Perspective*, Sage, London 2001.

	rule of law.
Media regulation	<p>The norms regulating media during the election campaign should be clearly stated and should leave no room for manipulation or misinterpretation. Regulation should be aimed primarily at protecting voters' and candidates' right to freedom of expression. Any limitations on media coverage should be imposed only for this purpose.</p> <p>Areas of regulation may include elements that can unduly affect voters such as the dissemination of opinion polls, electoral blackout, hate speech, unequal access, and unfair treatment.</p> <p>Regulations should not be overly restrictive and they should not unnecessarily impede media in their reporting and news coverage. During the drafting process, party and media representatives should be consulted in order to produce a set of rules based on the consensus of all the actors involved.</p> <p>Also, a system of self-regulation may be more advisable when conditions facilitate responsible and mature journalistic coverage⁹¹.</p>
Supervisory body	<p>The body implementing the regulation for media coverage during elections should be independent, credible and legitimate for all competing political forces. The appointment of its members cannot be under the exclusive control of the government. The appointment of the media regulatory body should comply with the principles regulating the appointment and the activity of the overall election administration⁹². These principles include the need for:</p> <ul style="list-style-type: none"> ➤ Members to be suitably qualified and impartial, ➤ Appointment procedures to be transparent, ➤ Members to behave independently and impartially, ➤ The public (including domestic and international observers) to have access to documents and decisions, ➤ Protecting members against arbitrary removal. <p>The body entitled to supervise media coverage may be:</p> <ul style="list-style-type: none"> ➤ A self-regulatory body, such as the voluntary press councils existing in many states. ➤ The permanent media regulatory body. The body can work autonomously or in a joint effort with the election administration institutions. ➤ A body specifically created for the election period, the task of

⁹¹ As stressed in Chapter 2, the extent to which journalists can carry out their duties is deeply influenced by the legal framework guaranteeing autonomy and freedom of expression, the market conditions and regulations as well as by the existence of consolidated professional culture and ethics.

⁹² OSCE/ODIHR Draft Paper, "International Standards and Commitments on the Right to Democratic Elections: a Practical Guide to Democratic Elections Best Practices", Warsaw 2002.

	<p>which is to regulate and supervise media coverage only during the election campaign.</p> <p>➤ The main election administration body, such as the central electoral commission.</p> <p>The implementing body should have the experience, the facilities, the know-how and the mandate to monitor the respect of the rules, to investigate alleged violations and to impose effective remedies when violations take place.</p>
Complaints	<p>The implementing body should act upon complaints of candidates and parties or whenever it records a violation, regardless of whether it has received any complaints.</p> <p>Procedures should be established to receive and act on complaints from candidates and political parties about unfair or unlawful media coverage. These procedures should be timely, clear and accessible in order to give complainants a prompt remedy.</p> <p>Sanctions imposed by the supervisory body should be commensurate with the gravity of the offence committed by the media outlet. These should not include imprisonment or any measure that could prevent the media from carrying out their activities or by encourage self-censorship among journalists.</p>
Appeals	<p>The media or the complainants should have the right to contest decisions of the implementing body through a timely, accessible and prompt judicial appeal mechanism.</p>

Nigeria: the supervisory body for broadcasting media

The government regulatory authority for the broadcast media is the National Broadcasting Commission (NBC). In the run up to the elections, in spite of the actions it undertook and the warnings it disseminated, federal and state-owned broadcasters did not observe guidelines on equal opportunity and airtime and many did not refrain from “glamorising government functionaries”. For this reasons, one of the key recommendations issued by the EU EOM stated: “The NBC should implement sanctions against violations of the law impartially. The NBC should have a more transparent mechanism for dealing with complaints and addressing the problem of media violations during elections. With greater transparency and a public mechanism for dealing with complaints against media and breaches of the Broadcasting Code, the NBC could take a more forthright role in regulating media coverage of elections in a system that would allow checks and balances. The NBC should be independent and have sufficient resources to be able to guarantee that the media cover the elections according to the principles of fairness, balance and impartiality.”⁹³

Nicaragua: the role of the Supreme Electoral Council in supervising the election campaign

“The negative campaign in the media violated the basis ethical rules through insults and conscience manipulation (referring to the tragic events that still affect the collective memory). The public TV channel played an important role not only in the negative campaign but as well using government positions as partisan propaganda. Although the CSE had showed on other elections to have the power to stop inadequate messages, this time it failed to issue any rule against messages to be considered damaging for the dignity of the person portrayed.”⁹⁴

⁹³ EU, Nigeria National Assembly Elections April 2003, Presidential and Gubernatorial Elections April 2003, State Houses of Assembly Elections May 2003– Election Observation Mission Final Report, Brussels 2003.

⁹⁴ EU, Nicaragua Presidential and Parliamentary Elections November 2001 – Election Observation Mission Final Report, Brussels 2002.

3.2 MEDIA LANDSCAPE AND THE ROLE OF AUTHORITIES

Within the electoral process, the state, and particularly the government of the day, have a dual responsibility:

- Not to interfere unduly in the activities of the media and not to impede journalists in their functions.
- To promote and favour pluralism and freedom of the media.

Parties and candidates should also comply with certain fundamental duties in order to respect the freedom of expression of the media. They should not interfere in the editorial policy of independent and public media by any direct or indirect means of pressure. They should respect the laws regulating the campaign and the media, including those provisions related to the electoral blackout. When disseminating the findings of opinion polls, political parties should take into account the provisions regulating them. In addition, parties should be aware of the functions performed by the media in a democratic system and the role they play as watchdogs. Media can be a resource for politicians, but they can also criticise politicians, questioning their policies and investigating sensitive issues. Candidates, parties and public personalities should accept this function as an essential mechanism of democracy, even when they receive negative or critical coverage.

Even within well-established democracies it is normal for government and political parties to try to influence media coverage. This becomes especially problematic when the party exerting the influence is the one in power. Depending on the level of democracy, political forces will use one of two means to influence media coverage (or a combination of the two):

1. Overt repression of the media, by censorship, harassment of journalists, undue detention of media professionals or manipulation of the licensing or registration system.
2. Pressures exerted on the media. These techniques of influence are more subtle, including a variety of different but complementary strategies:⁹⁵
 - Information management: using “methods of manifest or hidden manipulation of information on behalf of politicians in power. Information is a political weapon, and its selective diffusion, restriction and/or distortion on behalf of governments is a crucial element for the control of public opinion.”⁹⁶ This strategy includes the attempt to indirectly influence the appointment of the management of a public broadcaster, personal pressures on editors or journalists to get coverage of certain issues, or to avoid it, and promises of funds for the media outlet.
 - Media management: establishing good relations with journalists in order to get visibility for the government and its ministers, thus maximising the access and coverage provided by the media.
 - News management: producing events and issues that the media will have to cover. Incumbent government officials (both at central and local level) enjoy a general advantage in election campaigns because of their institutional position.

Media analysis needs to consider those interventions that are the outcome of negative and positive obligations states have in order to uphold media diversity and their autonomy from political and

⁹⁵ G. Mazzoleni, *La comunicazione politica*, Il Mulino, Bologna 1998

⁹⁶ B. McNair, *An Introduction to Political Communication*, Routledge, London 1995.

economical forces. Legislation and policies setting preconditions for pluralistic and independent election coverage may include:

	Guidelines	
	<i>Positive obligations</i>	<i>Negative obligations</i>
Diversity	<p>The government should:</p> <p>promote and facilitate diversity in the ownership of media outlets, particularly broadcasting media.</p> <p>Limit media monopolies through curbs on cross-media ownership and possibly facilitate finance for smaller initiatives such as community media. Governments may establish specific media authorities and invest them with powers to act against harmful concentration operations⁹⁷.</p> <p>guarantee - in order to promote media pluralism - subsidies to media in the form of direct and indirect incentives, such as fiscal reductions⁹⁸.</p> <p>Introduce broadcast licensing laws that include measures aimed to open the airwaves and to grant licences to minority groups or interests.</p>	<p>The government should not:</p> <p>adopt restrictive licensing or registration requirements.</p> <p>Keep state monopoly over informative resources (broadcasting, the press, news agencies and printing houses).</p>
Autonomy	<p>The government should:</p> <p>create a legal environment promoting professional autonomy and freedom of information.</p> <p>Decriminalise the libel and defamation law⁹⁹.</p> <p>Adopt laws guaranteeing professional secrecy for journalists such as protecting the confidentiality of sources.</p>	<p>The government should not:</p> <p>interfere – directly or indirectly – with the editorial independence of newspapers and broadcasters. Any kind of limit to freedom of expression should comply with the three-part test for determining the legitimacy of restrictions (necessity, legality, legitimacy) as well as with the principle of proportionality as set by the Copenhagen document. The decision to limit freedom of</p>

⁹⁷ Council of Europe, Explanatory Memorandum to Recommendation No. R (99) 1 on measures to promote media pluralism, Strasbourg 1999.

⁹⁸ Although state support for the media can provoke a certain level of dependency by the media on state aid.

⁹⁹ Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, N. 190, December 2002

	<p>Adopt laws guaranteeing access to information. Journalists have the right of access to public information and institutions.¹⁰⁰</p> <p>Investigate, prosecute and punish illegal actions intended to interfere with media freedom or to restrict the free exercise of journalism. States should guarantee journalists' right to carry out their functions. Any kind of repression against journalists (attacks, harassment, intimidation) constitutes a clear violation of their human rights not only as individuals but also as representatives of a fundamental social institution. In those cases, those responsible should be held accountable. States have the duty to protect journalists and to investigate cases of repression. Similarly, any episode of direct or indirect pressure on journalists or editors should be considered as interference in the freedom of the media.</p> <p>Encourage professionalism in all media by supporting educational and training opportunities for journalists.</p>	<p>expression may be subject to judicial review.</p> <p>Prevent journalists from exercising their right to criticise politicians and public figures by providing government officials with special protection.</p> <p>Take measures or actions promoting or causing censorship and self-censorship among journalists</p> <p>Limit freedom of expression by any means such as threats, intimidation, arbitrary closure of media outlets, power cuts, police searches and confiscation of material, damage of printing facilities or television and radio transmitters, heavy taxes, monopolies on paper and distribution, unequal conditions for state media as opposed to other media and pressure on advertisers</p> <p>Resort to administrative harassment against the media, especially through tax and other financial regulations.</p>
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Governments may introduce measures aimed at protecting other subjects' rights, namely voters and candidates, but always in compliance with the principles of legitimacy, necessity, legality and proportionality. Among the main provisions:

	Guidelines
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¹⁰⁰ Council of Europe, Committee of Ministers, Recommendation (2002)2 to member states on access to official documents, 2002.

<p>Others' rights protection</p>	<p>Provisions against libel, defamation.</p> <p>Provisions protecting the privacy and guaranteeing the right of reply.</p> <p>Provisions on sedition and hate speech.</p> <p>Provisions regulating political communication and election coverage.</p>
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3.3 MEDIA COVERAGE

3.3.1 *Pluralism and regulation*

A persistent problem during an election campaign is how far the media should be regulated in their coverage of candidates and parties. Media coverage of elections involves diverse and complex issues that can be handled both by regulation or self-regulation, or even left unregulated in some nations.

One issue that needs to be addressed is whether external regulation or self-regulation is required. Journalists do not usually favour any kind of external restrictions or impositions limiting their editorial freedom. On the other hand, the autonomy of the media system may not be established enough to safeguard journalists and editors from the pressures and influence of the political authorities. In such cases an external regulation may guarantee the rights of voters and candidates to receive and impart information.

A second issue is: which media should be regulated? The obligations on the public media flow from two main assumptions:

1. Public media are financed with taxpayers' money and should therefore be considered a public resource.
2. Being a public resource means that public media cannot be used for partisan purposes. Their editorial policy must be based on criteria of universality, independence, and accountability. Election coverage should satisfy the principles of equal access and equal treatment for all contestants.

The obligations of private broadcasters are more variable and more difficult to define. During the election campaign, the degree of editorial freedom that should be accorded to private broadcasters is related to the overall set-up of the media system: best practices adopted for the regulation of private media coverage during the election campaigns are related to the degree of diversity in the media landscape.

However, political impartiality in broadcasting is considered essential to give a true and accurate picture of the progress and conduct of elections. Giving equitable treatment to all parties involved in the elections does not necessarily mean devoting equal time to all of them, but rather ensuring that they have equitable access thus guaranteeing that all significant viewpoints and political parties are heard. It means a democratic debate in the broadcast media.

The final goal of pluralism, guaranteeing voters sufficient and varied information on political alternatives, can be achieved with different means. In an ideal situation, a media system completely

autonomous from the political system will be able to offer the public a wide range of different opinions and ideas. However, when the degree of diversity is not that high, because of a limited number of private operators or because of concentration of ownership, states should promote the voters' right to receive pluralistic information by enforcing some obligations for the private media, similar to the ones established for the public sector. In such a situation, rules should ensure an internal pluralism within each broadcaster if the editorial policies of the private media are not giving audiences a broad enough spectrum of ideas and opinions. Therefore, editorial freedom might be limited by states in order to guarantee the voters' and candidates' rights.

On the other hand, a media system with high diversity may not necessarily need a complex set of regulations to obtain the final goal of pluralism. Although a variety of media outlets does not automatically mean that editorial policies differ, a pluralistic system is more likely to ensure the voters' right to receive diverse and varied information as well as the candidates' right to put forward their platforms.

The guarantee of pluralism: Germany

One of the main sources of jurisprudence for the media is the Federal Constitutional Court. In Germany, the broadcasting sector is shared between the public service and two big private companies, monopolising the market. The Court stated that, operating such a system; the state must ensure that the constitutional requirements of pluralistic reporting are fulfilled by the totality of the programmes offered. Even private stations are not exempt from this obligation.

3.3.2 The advantage of the incumbent

Being part of government means a larger degree of attention from the media because of their need to cover the activities of the government, which may include official events, meetings and policies implemented. Events can be genuine and relevant (such as national celebrations or anniversaries), genuine but marginal (such as opening of public buildings) and pseudo-events (occasions created or managed by the government with the aim of getting better or wider media coverage). Also, the government is the main policy maker, and coverage is necessary to keep the public informed.

Members of the executive act in the interest of the whole nation, but, on the other hand, they represent a political party. This dual identity becomes particularly problematic during an election campaign, in relation to two rights:

1. The right of equal opportunities to access for candidates, a right that has to be balanced with the freedom and obligation of the media to cover government activities.
2. The right to equal treatment for candidates. News related to the incumbent government may sometimes be framed in a positive light because of the kind of events covered (for example, official meetings, international summits, etc.).

Also, and this is a trend that can often be observed in transitional democracies, members of the government can try to disguise election campaign activities or propaganda within the framework of their institutional activities or public information campaigns. During an election campaign, it is not rare to observe government ministers inaugurating buildings, giving speeches to students, organising international meetings or launching a new programme against drug addiction to obtain additional coverage by the media.¹⁰¹ The distinction between these two kinds of activities is not

¹⁰¹ G. Mazzoleni, *La comunicazione politica*, Il Mulino, Bologna 1998. Mazzoleni reports the case of Helmut Kohl who, during 1990 election campaign, skilfully organised his international meetings with President Bush, President

always simple, even for the independent media. “The root of the problem of ‘incumbent’s advantage’ is that there is usually no clear and natural distinction between the actions which a president, government minister or legislator takes in the natural course of carrying out his or her official duties and the action he takes in order to be re-elected.”¹⁰²

All these strategies of pressure can be part of a pattern of abuse of public media. While there is universal recognition that incumbency has certain advantages, incumbent candidates should not misuse state resources, whether material or human, to promote their political parties or candidature.

The media should be consistent in separating the activities of incumbent powers from the activities they pursue as the representatives of political parties running in the election. No privileged treatment should be given to public authorities by the media during election campaigns. The ability of the media to resist this influence largely depends on their strength and autonomy. In contexts where the media system is not strong enough to counterbalance the influence of political power, measures to protect journalists’ autonomy may be needed to limit or prevent the government’s advantage. Strict rules for government coverage on broadcast media can include measures such as banning ceremonies attended by the government, a right of reply by opposition parties on news of public interest,¹⁰³ setting proportions of coverage among government, majority and opposition parties within news coverage and informative programmes.

Strict regulation should be carefully adopted as “the intention of right rules about amounts of coverage on television news may be subverted. If a television producer is prejudiced against one party, he may report boring parts of speeches of politicians of that party while presenting a more interesting and appealing set of news clips about his favoured party. Equal time on news programmes does not guarantee equally favourable treatment.”¹⁰⁴

France: regulation of government officials

In order to reduce any risk of manipulative use of official positions, the Conseil Supérieur de l’Audiovisuel - CSA¹⁰⁵ issued very detailed rules for the Presidential Elections of 2002. In particular, interventions of any candidate holding official positions were regarded as electoral communications and therefore calculated within the airtime allocated to that candidate. The same rule was applied for officials, who were not candidates, but who supported one of the presidential candidates. The only exception to this norm was when candidates were talking as part of their institutional duties (without mentioning their past activity or their political platform).

In addition, the CSA prohibited candidates from using their allocated airtime to show film of themselves inside official buildings, as this might benefit those candidates holding official positions.¹⁰⁶ As the CSA stated,¹⁰⁷ “This restriction aims at impeding any misappropriation of official symbols by a candidate. It allows the application of the basic principle of neutrality of the State towards candidates, which is the corollary of the principle of equality.”

Azerbaijan: the coverage of the incumbent President

Gorbachev and other high officials from neighbouring countries. In this way, his rival, Mr. Lafontaine, was overshadowed by the reports on official activities of the incumbent Chancellor.

¹⁰² M. Pinto-Duschinsky, “Mass Media and Elections”, http://democracy.ru/english/library/international/eng_1999-5.html

¹⁰³ Ibidem.

¹⁰⁴ Ibidem.

¹⁰⁵ The CSA was established in 1989 with the scope to promote pluralism and freedom in the broadcasting sector. It is the body in charge of regulating and monitoring media coverage during elections.

¹⁰⁶ CSA Decision N. 202-110 of 12th March 2002 and Decision N. 202-228 of 23rd April 2002.

¹⁰⁷ CSA, Election du Président de la République, Rapport sur la Campagne Electorale à la Radio et à la Télévision, Paris 2002.

The OSCE/ODIHR final report on the 2003 presidential elections in Azerbaijan noted that the State TV in its news and analytical coverage overtly supported Ilham Aliyev, who received coverage far beyond what was reasonably proportionate to his role as Prime Minister. Opposition candidates were largely ignored. In the four weeks preceding the election, Ilham Aliyev received 2 hours and 36 minutes of coverage during prime time news on State TV, all positive or neutral in tone. Heydar Alyiev received some 46 minutes. In the same period, all other candidates combined received a total of only 12 seconds.¹⁰⁸

Cambodia: the coverage of the ruling party

The EU final report on the Cambodia Commune Council Elections in 2002 stressed that “Electronic media, which is the most important media in the country, failed to adequately cover the election campaign. Coverage focused extensively on the activities of government. When political parties were covered, coverage focused primarily on the CPP. In this respect the media failed to ensure voters were provided with adequate and quality information to enable them to make an informed and free choice on election day. (...) It is possible to conclude that the framework for media coverage was unable to guarantee any semblance of balanced media coverage. Electronic media (State TV and Radio and the two main Private TV stations) offered coverage with a strong bias in favour of the Government and the CPP. To illustrate this point: The EOM recorded the news programming of the three major TV stations over a period of one month. After careful analysis of the recorded programmes there was not a single second of visual coverage of Sam Rainsy in the news. Given that there were only three main parties competing in the election, and only one of these is a major opposition party it would have been reasonable to assume that some coverage of its national leader was warranted.”¹⁰⁹

3.4 THE REGULATION OF MEDIA COVERAGE DURING ELECTIONS

A further problem concerning the regulation of media coverage relates to its objectives. What kinds of programmes should be regulated? According to which criteria? The main areas of concern are free access, paid political advertisements, news and current affairs coverage, campaign debates, and voter education.

Where self-regulation does not provide for this, states should adopt measures to ensure that public and private broadcasters, during the election period, are fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates¹¹⁰. An obligation of broadcasters to be fair, balanced and impartial, does not mean that every individual programme must be balanced, but that such a principle should be applied over the whole programme service of a broadcaster, during the overall campaign period.

The following outline tries to set basic guidelines that should be taken into account when observing the media coverage of an election campaign.

3.4.1 General obligations

	General obligations
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¹⁰⁸ OSCE/ODIHR, Azerbaijan Presidential Elections October 2003 - Election Observation Mission Final Report, Warsaw 2003.

¹⁰⁹ EU, Cambodia Commune Council Elections February 2002 – Election Observation Mission Final Report, Brussels 2003

¹¹⁰ Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe.

Public Media	<p>They should provide parties and candidates in elections with equal access and fair treatment. Coverage must follow criteria of balanced, pluralistic and impartial reporting.</p> <p>They should comply with the provisions for election coverage as set by national legislation.</p> <p>Public media should adhere to journalistic ethics and professional standards.</p>
Private Electronic Media	<p>They should comply with the provisions for election coverage as set by national legislation.</p> <p>Private broadcasters should adhere to journalistic ethics and professional standards.</p>
Private Print Media	<p>Private press should be allowed a wider degree of partisanship and opinion than the electronic media. However the press should comply with the provisions for election coverage as set by national legislation and to journalistic ethics and professional standards. Any regulations on media coverage of elections should not interfere with the editorial independence of newspapers and magazines, or their right to express a political preference.</p>

Self regulation: the benchmark of the BBC Rules

The United Kingdom provides the best known examples of media self-regulation. The fact that these regulations are self-made by the media does not imply a lack of precise guidelines on the ethics and conduct of journalists. The concept of impartiality is stated in the values, standards and principles of the BBC Producers’ Guidelines:

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should be open-minded, fair and show a respect for truth.

The BBC is committed to providing programmes of great diversity that reflect the full range of audiences’ interests, beliefs and perspectives. Representing the whole spectrum is a requirement on all programme genres from arts to news and current affairs, from sport to drama, from comedy to documentaries, from entertainment to education and religion. No significant strand of thought should go unreflected or under represented on the BBC.

In order to achieve that range, the BBC is free to make programmes about any subject it chooses, and to make programmes which explore, or are presented from, a particular point of view.

The BBC applies due impartiality to all its broadcasting and services, both to domestic and international audiences. (...)

The duty of impartiality has been defined in all the different genres, as well as in the news programmes where, for example, “a reporter may express a professional, journalistic judgement but not a personal opinion. Judgement must be recognised as perceptive and fair. Audiences should not be able to gauge from BBC programmes the personal views of presenters and reporters on controversial issues of public policy.”

Considering the allocation of time among political subjects in election periods, the distribution is based on the parliamentary representation (number of seats in Parliament) and on the potential representation, calculated on the number of candidates in the single-mandate constituencies. In a system with a long tradition of democratic values, self-regulation has the advantage of allowing media operators to discuss among themselves and therefore build confidence on the rules without undue interference from the political system.

A mix of internal rules and external regulation: the Italian public broadcaster

In Italy the law on “Dispositions for equal access to mass media and for political communication during electoral and referenda campaign” provided broadcasters (both public and private) with some indications related to political programmes. The implementing rules issued by the Autorità per le Garanzie delle Comunicazioni regulated the election campaign on the private and public electronic media. During the 2001 Parliamentary Elections, the Parliamentary Commission of Control (the institutional body supervising the behaviour of the public service broadcaster RAI) drafted rules on political communication for RAI. In addition, in 1998 RAI itself issued an internal code of behaviour specifying duties and obligations of public service operators. This internal regulation included such issues as the reporting of opinion polls, the duty of fairness and impartiality of journalists hosting debates and political programmes and the duty to balanced treatment for election contestants. In order to evaluate the actual pluralism of its programmes, the public broadcaster organised its own supervision via media monitoring which was carried out by an external institution¹¹¹ over the whole year (and not only during the election campaign period).

External regulation: the rules in France

France is well known for having one of the most regulated kinds of election campaigns from a media perspective. The French broadcasting regulatory authority, the Conseil Supérieur de l’Audiovisuel (CSA), usually adopts very detailed rules for media coverage of candidates and parties. Rules provide broadcasters with indications for all programmes including entertainment and newscasts. On the occasion of the 2002 Presidential Election, the CSA issued a recommendation¹¹² according to which radio and television services had to take care that candidates and those supporting them received equitable access and presentation. The editorial staff were obliged to constantly pay attention to balance and honesty when publishing reports, commentaries and presentations on the elections. The principle of equality applied to newscasts, information programmes and special news editions. As for any other kind of programmes, the CSA strongly recommended that no candidates should be invited at all if the principle of equality could not be respected.

Self-regulatory measures by media professionals - Slovak parliamentary elections in 2002

Given the absence of proper media regulations and the desirability of a fair, peaceful and well-regulated election, and also to avoid aggravating political tension and discord, a Slovak media watchdog MEMO 98 drafted a *Code of Conduct for the Media and Political Contestants* based on international documents and best practices for the media coverage during the elections. All the registered political parties and a majority of media outlets signed it and voluntarily agreed to adhere to the Code. By signing the Code, political parties and the media made a commitment to accept, respect, observe and contribute to free and fair elections. While the Code was not a legally binding document, MEMO 98 believed that it was better to put public pressure on those who violated the rules of the game, which was much more closely followed by all those who had signed the Code. The breaches of the Code were assessed by an Independent Panel of two Czech media experts as well as by MEMO staff.

3.4.2 News coverage

Fairness and impartiality is of particular importance in news, current affairs or discussion programmes given that some people form their voting intentions on the basis of such programmes¹¹³.

In their election newscasts the media should adopt a balanced and impartial attitude. When offering broadcast time, the media should not discriminate for or against any of the candidates or political

¹¹¹ In 1995 the Osservatorio di Pavia was given the task of monitoring the RAI channels. Since then the Osservatorio has monitored all programmes broadcast by public television. The media monitoring results are used both by RAI management and the Parliamentary Commission of Control.

¹¹² CSA, Recommandation N. 2001-4 du 23 octobre 2001 du Conseil supérieur de l’audiovisuel à l’ensemble des services de télévision et de radio en vue de l’élection présidentielle, Paris 2001.

¹¹³ Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe

parties. This obligation also implies that hosts and journalists participating in the process of shaping programmes providing news and information will behave impartially. They should not favour or disfavour a political party or a candidate and should avoid commenting on politicians' statements or activities in the newscasts. A basic principle of journalistic ethics is the necessity to differentiate between news and opinion. It is vital to ensure that the two forms of journalism are not mixed together. A piece of news is information about facts and data, whereas an opinion implies thoughts, ideas, faith, or attitudes on the part of the companies running the media, editors, or journalists¹¹⁴. Differentiation between information and comment implies that a message should allow receivers to tell facts from opinions.

The media should also offer a balanced presentation of information on political subjects. Balance means that each party has an opportunity, proportional to its political weight, to present facts or to comment on any given event or issue. If a party refuses to comment on an issue at hand, or all attempts to contact a party representative fail, this should be mentioned in the news item.

The media should provide accurate, fair and undistorted information on electoral contestants. Journalists, editors, producers, and proprietors should make sure that the information they publish is truthful and ethical. The facts should be presented without distortion and in context. If a report is published that is inaccurate, a correction should be published with equal prominence as soon as possible.

So far as is reasonably possible, the media should also ensure that every piece of news contains only facts that are verified by independent sources identified in the news item. The media should not distort facts. In determining the order of importance of the individual pieces of information it will impartially and objectively distinguish between relevant and irrelevant information.

The media should not manipulate picture or sound so that the choice of words, or other means of expression, a change in tone, a shift in stress or editing distorts the meaning or value of the report. The media should not broadcast a report based on unverified information, rumours or with an intention to create a scandal. If it decides that such a story is still important enough to publish, despite the fact that it cannot be verified, it should do so with a warning saying that the facts could not be verified.

	News coverage High editorial control of the media
Public Media	<p>The public/state media have an obligation to produce fair, objective and balanced coverage of current events and election-related news. This obligation may be imposed either by self-regulation or by law.</p> <p>The right to report is a fundamental aspect of journalistic news making. The main discussion related to news is about whether news coverage in the public media should be strictly regulated, regulated only in relation to election coverage or not regulated at all. In countries where freedom of expression has a stable tradition, all the political actors trust the system and there is a well-established practice of self-regulation, no other external provision will be required. In nations with a history of</p>

¹¹⁴ Resolution 1003 on Ethic of Journalism – Parliamentary Assembly of the Council of Europe

	<p>government control over the state media or where there is lack of confidence among political parties, journalists and institutions, stricter regulation may be necessary in order to protect public media from undue interference.</p> <p>Many approaches can be used to ensure a diversity of voices: opinions of the government or the majority party should be counterbalanced by the opinion of the opposition; coverage of public events or statements made by the ruling parties on issues of public interest should be counterbalanced by the coverage of the opposition parties' views and vice versa. Comments – either reported by the presenter or made by external experts - should be clearly distinguished from facts and they should reflect a variety of views.</p>
Private Electronic Media	<p>The main issue as regards private broadcasters is related to the balance between their nature as a commercial enterprise and their use of national public airwaves creating some obligations of public service. In some countries, the allocation of a licence carries a certain level of public obligation.</p> <p>From a theoretical point of view, the private media as a whole, should guarantee pluralism of information, views, ideas and opinions. Therefore, several independent media, with diversified editorial lines, can serve the purpose of producing a pluralistic system of information and access (external pluralism). However, in case of high concentration of ownership in the private sector (monopoly/oligopoly) or a limited number of private broadcasters, regulation may be required to ensure a minimum level of pluralism in the coverage of contestants (internal pluralism).</p> <p>Whatever degrees of editorial freedom private broadcasters enjoy, journalists should adhere to professional standards of coverage as well as to professional ethics.</p>
Private Print Media	<p>Private print media are not bound to specific election regulations concerning the allocation of space among political forces.¹¹⁵ However, journalists should adhere to professional standards of coverage as well as to professional ethics.</p>

News coverage in the United Kingdom

According to the Independent Telecommunication Commission Programme Code, news programmes must be presented with due accuracy and impartiality. Reporting should be neutral and news judgements based on the need to provide viewers with a careful account of events. In reporting on issues of political controversy, the main opposing views on the issue should be given. Editorial freedom will decide whether a range of conflicting views is reported within a single piece of news or whether it is acceptable to distribute them over a series of different news items.

News coverage in 2002 General Elections in Bosnia

¹¹⁵ Chapter 2, sub para. 2.2.2.

The Election Law and the Rules on media representation of political subjects during the election period issued by the Communication Regulatory Agency stated:

(...) media shall provide equitable representation of all political parties, coalitions and candidates, including parallel covering of information valuable events and equitable presentation with other means. During the election period, information on regular activities of political parties shall be presented on the news broadcast only if such activities are of great significance for the wider public. Information on regular state activities or activities of government authorities shall not be used for promotion of any political subject.

Therefore all the main broadcasters (private and public) decided to cover election-related activities of parties within separate electoral news editions broadcast in the evening, while in their newscasts only non-electoral or political events were covered (included government officials in their institutional duties). In this way, broadcasters managed to comply with the stringent provisions on equitable and fair representation of all candidates. Journalists were deeply dissatisfied with these rules that, in their view, undermined their editorial freedom. The aim of these regulations was to create a level playing field among contestants, “(...) nevertheless, the formats chosen to cover candidates were often dull or unimaginative, and may have reduced public interest in the campaign”¹¹⁶

3.4.3 *Current Affairs and Political Information Programmes*

Discussion programmes, like interviews or debates, supplement the normal news coverage of elections and are important because they enable the public to make direct comparisons between candidates. These types of programmes should be organized in a fair manner. However, the decision on how such fairness should be achieved (for instance, deciding the format, the number of participants, the length etc.) should be left to the initiative of the broadcasting organization itself¹¹⁷.

Televised debates provide the best forum for an exchange of views, although non-participation by one of the front-running candidates or parties always reduces their value to the electorate. An opportunity for the public debate of different viewpoints provides voters with a better understanding of the choices available to them on election day. During debates or talk shows, it is natural to hear partisan statements, personal opinions and viewpoints – or criticism of government policy. As a supplement to news, these programmes offer commentary, debate, or an opportunity for competing interests to present their opinions directly to viewers and listeners.

While talk shows are an exciting opportunity for the expression of diverse ideas, if left totally without some balanced views, they can mislead, misrepresent and misinform many viewers. Although it could be dangerous to assign government the power to adjudicate “fairness” in the market place of ideas, it is even more dangerous if a talk show host or moderator does not allow for diversity of views.

	Political Information Programmes Balance between the editorial freedom of the media and the right to equal opportunities for political forces
Public Broadcasters	Public broadcasters, in order to comply with their obligation to provide voters with sufficient and effective information, should organise programmes (debates, panel discussions, talk shows) in which: ➤ Candidates and parties can present their alternative platforms and

¹¹⁶ OSCE/ODIHR, Bosnia and Herzegovina General Elections October 2002 - Election Observation Mission Final Report, Warsaw 2003.

¹¹⁷ Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe

	<p>debate them.</p> <ul style="list-style-type: none"> ➤ Journalists, the public, experts and analysts can ask questions on specific issues. <p>These programmes should be largely under the editorial control of the media regarding the choice of topics and the format. However, the distribution of time should guarantee equity of opportunity to all contestants as well as the coverage of a plurality of views. Therefore the same principles guiding the allocation of free airtime among contestants should be applied in order to ensure their right of access and debate.</p> <p>While the journalists hosting the programme have the duty to be impartial, non-political guests, such as other journalists, political analysts, experts, ordinary people, can express their own personal opinions. What is required is that represented opinions on controversial matters are several and differentiated.</p> <p>The participation of contestants in these programmes shall not be conditional upon the payment of any fees.</p>
Private Electronic Media	<p>Private broadcasters have the freedom to produce informative programmes on elections and candidates. Once they decide to do so, they should comply with the same principles of balance and impartiality regulating the public broadcaster. The participation of contestants in these programmes should not be conditional upon the payment of any fees.</p> <p>Stricter regulation may be imposed when the level of diversity of the private electronic media is low and their internal pluralism needs to be ensured.</p>

3.5.4 Direct Access

	Direct Access (free or paid) Low editorial control of the media
All media	<p>An initial issue regarding direct access relates to its format and content:</p> <ul style="list-style-type: none"> ➤ Format. The regulatory body may determine the format of airtime to ensure that a serious political message is disseminated or that the conditions of equality among candidates are met. However, any restrictions imposed on the format shall not prevent the freedom of expression of candidates. ➤ Content. The control over content is much more problematic. In principle, any kind of prior censorship should be avoided. On the other hand media have the right to protect themselves against the dissemination of any illegal or improper material (particularly as regards hate speech and defamation). One of the possible solutions is the drafting by the regulatory body of a precise list of restrictions to freedom of expression of

	candidates. These limits shall be consistent with the principles set by international standards (necessity, legality, proportionality, legitimacy). An alternative might be not to supervise the content at all thus leaving the responsibility with the candidates who run the consequent risk of having their slots refused. Media should not be responsible for the actual content of free airtime spots; such liability should lie solely with the political party that submitted the material.
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The supervision of direct access programmes: the examples of the United Kingdom and France

In Britain, parties eligible for free airtime can choose a range of broadcast lengths of which the minimum is two minutes and 40 seconds. These programmes must be clearly labelled. The content of the broadcast is the parties' responsibility. Radio and TV stations have the right to refuse slots not complying with their taste and decency standards. However, this principle may be challenged after the party Pro-Life Alliance appealed against a BBC decision to refuse to air one of its electoral broadcasts. The judgement by the Appeal Court contested the BBC decision by stating:

It concerns the question, what constraints may lawfully be imposed upon the choice of a registered political party as to the content of a party election broadcast ("PEB") to be transmitted on television on its behalf at the time of a general election. It is difficult to think of a context in which the claims of free expression are more pressing. (...)The importance of freedom of expression in the context of political speech is hard to exaggerate. I have already cited *Bowman* but in truth it is unnecessary to travel to Strasbourg to find statements of compelling force at the highest level emphasising the vital importance of free political communication. The principle is resoundingly articulated by the House of Lords in *R -v- Secretary of State for the Home Department, ex parte Simms* [2000] AC 115, *Reynolds -v- Times Newspapers Limited* [2001] 2 AC 127, and *McCartan, Turkington Breen -v- Times Newspapers Limited* [2001] 2 AC 277. When it comes to election time and PEBs, of course, the need for freedom of expression is at its very highest. Although I think it possible to contemplate circumstances in which the broadcasting authorities might properly decline to transmit a PEB on grounds of taste, decency and offensiveness - that indeed may well have been true of the 1997 video which Mr Anderson QC acknowledges was significantly different - I am quite certain that this was not such a case.¹¹⁸

The control over the format and the content of direct access in France is more regulated. The CSA supervises the production of election broadcasting, establishes the conditions for their production and defines rules for the content of messages. Candidates cannot endanger public order or the security of people and goods, attack the dignity of human beings and the dignity of individuals, ridicule other candidates or their supporters or make an attempt to reveal secrets protected by law. However, during the last presidential elections, some restrictions, namely the prohibition against the use of flags or of showing any combination of the colours blue, white and red, were repealed.

3.4.4 Free Airtime/Space

It is a practice in many countries for the public service broadcast media to offer, at no cost, free airtime for political candidates or parties to communicate their messages to the electorate. It is considered to be a direct form of communication between politicians and voters, without any intermediary role by the media. One of the main advantages of giving free airtime is to allow smaller parties or minor candidates to have an opportunity to deliver their electoral messages, as they otherwise do not get significant coverage by the media. Contrary to the paid time, which is sometimes not affordable by small parties or minor candidates, the lack of finances should not be an obstacle to access the airways. In addition, free airtime can to a certain extent substitute for a lack of balanced coverage by certain media.

118 The Supreme Court of Judicature Court of Appeal (Civil Division) on Appeal from the High Court of Justice Administrative Court , *Prolife Alliance v. BBC Neutral* Citation No: [2002] Ewca Civ 297 Case No 2001/1265/Qbacf.

	Free Airtime/Space
<p>Public Media</p>	<p>Parties and candidates should be provided with direct access in the public media free of charge. No registered contesting parties and candidates should be excluded from receiving free airtime. The amount of time allotted has to be enough to allow candidates to effectively communicate and illustrate their platforms to the public.</p> <p>The allocation of time can be on an equal basis or on a proportional basis according to the specific context in which the elections are taking place. When the number of contesting parties is limited, strict equality may be applicable. For presidential elections, referenda and for first democratic elections, the criteria of strict equality better fits the need to provide all contestants with a level playing field.</p> <p>When the number of contesting parties and candidates is high, a proportional formula may be adopted. The criteria to define proportions can be based on a number of yardsticks: votes obtained by parties in the same kind of past elections, the number of seats in parliament, a threshold based on the number of candidacies filed in a minimum of constituencies.</p> <p>Direct access should be broadcast/published when it is likely to reach the widest audience. Also direct access has to be disseminated on a non-discriminatory basis. Therefore it is not acceptable to broadcast the direct access of some candidates only late at night or early in the morning while other candidates' slots are broadcast during prime time.</p> <p>Whatever system is adopted, the criteria on which the time is allotted to the different contestants should be clearly specified, transparent and justifiable. Formulas should be objective, clear and not subject to misinterpretation. An independent body should adopt and implement it in consultation and agreement with all political forces and media representatives.</p> <p>The process for the allocation of free airtime needs to be fair and transparent. The order of appearance should guarantee non-discrimination against any of the parties. Ways to achieve this aim include holding a lottery to establish the order of broadcasting or the rotation of the parties according to a defined schedule.</p> <p>An independent body able to effectively and promptly remedy any violations should monitor the compliance with provisions regulating the allocation of free airtime.</p>
<p>Private Electronic Media</p>	<p>Private electronic media are not usually obliged to allot free airtime to election contestants. However, when they decide to offer airtime or they are obliged by law to do so, they should comply with the same provisions as those regulating the public broadcaster.</p>

	Payment for airtime can become a sensitive issue. The basic question is: who will pay and how? The lack of any kind of reimbursement for media outlets can have negative effects on their financial situation, especially in those elections where there are many contestants and therefore the total amount of time allotted is large. The election administration body may allocate part of its budget to cover this kind of expense.
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Free airtime: recommendation to Kazakhstan

Free airtime can be an important tool to guarantee a level of equal opportunity among contestants. However, the rules and implementation mechanism for allotting time should be transparent, objective and non-discriminatory. Free airtime can be a unique opportunity for the candidates to have access to the media. This is particularly true in emerging democracies, where the influence of public authorities on the media is still significantly high and there is no significant tradition of independent media. The OSCE/ODIHR EOM in the 1999 Parliamentary Elections observed shortcomings in the definition of these criteria in the Republic of Kazakhstan. The Mission Final Report recommended the implementation of the existing criteria in a more transparent and fair process. The way the media complied with the obligations of free airtime was not satisfactory, because of the lack of instructions and clear formulas with an implication of government interference.

The Election Law guarantees candidates the right to present their message to the public with a fifteen-minute address on the state television. Many candidates complained about the regulatory framework suggested by the CEC to apply this rule. However, TV stations also had a number of practical difficulties to overcome. The criterion used to fulfil the list of requests by candidates on a “first come, first served” basis was not totally satisfactory. Distribution of airtime should be implemented through a more transparent and equal process. In some countries that provide free airtime, slots are drawn by lot, with time granted on an equal basis within a particular time slot.¹¹⁹

Free airtime: Parliamentary Elections 2000 in Belarus

Even when free airtime is fairly distributed among electoral contestants, other kind of programmes, particularly news programmes, can easily jeopardise the balanced treatment received in the free time. In many countries, news and information programmes have a greater influence on the public. Thus the fair distribution of free time will not satisfy the aim of giving the electorate the variety of political views needed to make an informed choice. During Belarusian Parliamentary Elections in 2000, all candidates appeared in a five minutes slot on the state television to inform voters about their platforms. However, candidates were not covered in any other programmes, not even in TV news programmes, which were monopolised by coverage of President Lukashenko.¹²⁰

Free airtime: Parliamentary Elections 2003 in Russia

The OSCE/ODIHR final report on the 2003 State Duma election in Russia noted that the state TV channels complied with legal provisions on allocation of free time for all contestants. However, two registered parties were barred from taking part in the draw due to their failure to meet a legal obligation to have reimbursed the State-funded media for the free airtime and space they were given in the 1999 elections¹²¹. The OSCE/ODIHR consider this rule to be problematic, given that all registered parties had already demonstrated their serious commitment to political activism by collecting 200,000 signatures or paying a deposit that would, in any case, be forfeited if the party obtained less than 3 % of the votes. The threat of having to reimburse the cost of pre-election broadcasts in the public arena is likely to act as a significant obstacle to the emergence of new political parties. One party (SLON) complained to the EOM that they had decided not to use their allocated airtime for fear that they might not have been able to reimburse the cost of free

¹¹⁹ OSCE/ODIHR, Republic of Kazakhstan Parliamentary Elections October 1999 - Election Observation Mission Final Report, Warsaw 2000.

¹²⁰ OSCE/ODIHR, Belarus Parliamentary Elections October 2000 - Technical Assessment Mission Final Report, Warsaw 2001.

¹²¹ According to the Electoral Code, any party or bloc that fails to secure 2 % of the votes in the federal contest must reimburse the cost of this facility. If they fail to do so, they are not allowed free airtime or print space in the following election.

advertising in the state media. SLON and other 14 parties or blocs on the federal proportional list failed to garner more than 2 % of the votes cast.¹²²

3.4.6 Paid Advertising

Paid political advertising is another opportunity for all political parties or candidates to disseminate their messages through the media. While voters undoubtedly need as much information about contestants as possible to make an intelligent choice, paid advertising may give an unfair advantage to those parties or candidates who can afford to purchase more airtime or space. Although paid political advertising is widely accepted in print media, many states do not allow it in the broadcast media.

	Paid Advertising
<p>Public Media Private Electronic Media</p>	<p>The debate concerning paid political advertising is still continuing, the positions reflecting cultural, historical and political traditions. Whereas in some countries, like the US or Finland, paid advertising is the main means of direct access for candidates, many European countries explicitly prohibit it.</p> <p>The argument in favour of paid advertising lies in the protection of freedom of expression. From this perspective, political parties should not be limited in their right to have access to the media and any kind of restrictions on paid advertising should be considered an undue limitation of the individual right to freedom of expression.¹²³</p> <p>The argument against paid advertising is primarily based on the fact that it does not guarantee equal opportunities among contestants. Allowing parties to purchase airtime dramatically increases their campaign expenses thus favouring the richest and biggest parties. Paid advertising risks increasing the advantage of the ruling party over the opposition in those nations in which government positions are a basic source of financing. Also paid advertising, because of its proximity to commercials and the recourse to emotive appeals, risks misleading voters thus depriving them of the possibility of making an informed and rational choice. Because of their nature, paid adverts favour image and neglect substance, simplifying complicated issues and impoverishing the content of election communication. Finally the usage of paid slots may undermine the autonomy of the media from parties' influence, particularly regarding private broadcasters whose main source of finance is advertising.</p>

¹²² OSCE/ODIHR, Russian Parliamentary Elections December 2003 - Election Observation Mission Final Report, Warsaw 2004.

¹²³ In the US, in the case Buckley v. Valeo, a decision of the Supreme Court declared that provisions of Federal Campaign Act related to limits to electoral expenditures were unconstitutional. The Court stated that that free use of all available money represents for every candidate an unsuppressible resource to let the electorate know his/her ideas. However, this decision disregarded prevailing opinions on the matter and suffered from major internal dissent.

	<p>If paid advertising is permitted, it should comply with some basic rules:</p> <ul style="list-style-type: none"> ➤ it should be guaranteed on an equal basis to all contestants, by offering consistent and equivalent rates. ➤ Rates should be the lowest for the requested time period within the media schedule. ➤ Media should identify in a clear way paid airtime or party sponsored slots in order to allow voters to be aware of the propagandistic nature of the programme. <p>Limits to the quantity of paid advertising parties are entitled to purchase may be imposed, as well as limits to the amount of airtime media are allowed to broadcast daily. Another way to regulate paid political advertising is to impose limits on campaign expenditures of political parties and candidates. In some cases the state, to consolidate the principle of equal opportunity, may allow paid advertising and decide to partially finance it.</p>
<p>Private Print Media</p>	<p>The issue of paid advertising is not so problematic for print media. Nevertheless, the press should follow the principle of equal opportunity: paid advertising must be guaranteed on an equal basis to all contestants by offering consistent and equivalent rates. Print media should identify material that has been paid for in a clear manner. Limits to the quantity of paid advertising parties are entitled to purchase may be imposed, as well as limits to the amount of paid pages the media can publish daily.</p>

Paid political advertising: recommendation to former Yugoslav Republic of Macedonia (FYROM)

The OSCE/ODIHR recommended in the Final Report of the EOM for the 2002 Parliamentary Elections “paid political programmes and advertising should be permitted only under equal conditions of access and manner of payment.” During the time band monitored by the media unit of the mission in the election campaign “MTV1 devoted 66% of its paid political advertising to the ruling coalition and 23% to the opposition. On AI TV, the SDSM led coalition purchased 45% of the paid political advertising, while the ruling parties, as announced, did not ask the station to air paid programmes. The biggest share of paid advertising on Sitel TV was again given to SPM with 46% of the time.”¹²⁴ The lack of transparency in the transaction fees as well as on the campaign expenses of the parties raised some concerns about the conditions of payment and manner of payment; moreover, the ruling parties purchased space for paid advertising only on the state-owned broadcaster, considerably government-controlled even during the campaign and the SPM party purchased space almost only on Sitel TV; Dragan Ivanov, the owner of Sitel TV is the son of the leader of the Socialist Party (SPM) Ljubisav Ivanov – Zingo.

Paid political advertising: the US

In the United States paid political advertising is allowed for every kind of office. The Federal Election Campaign Law and the Communications Act clearly state that no obligation is imposed upon broadcasters to allow the use of their station by any candidate for public offices. However, it states: “If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: (...) such licensee shall have no power of

¹²⁴ OSCE/ODIHR, Former Yugoslav Republic of Macedonia Parliamentary Elections September 2002 - Election Observation Mission Final Report, Warsaw 2002.

censorship over the material broadcast under the provision of this section.”¹²⁵ Broadcasters are also obliged to publicly set the same conditions with regard not only to rates but also to conditions of broadcasting (time band, frequency, etc.). The issue of paid advertising is a sensitive one even in the US as the massive recourse to paid propaganda on TV and radio produces “capital-intensive campaigns; for example, about 60% of expenditure in recent presidential campaigns has been devoted to paying for producing and airing TV and radio commercials”.¹²⁶

Paid political advertising: the case of 2003 Presidential Elections in Armenia

The OSCE/ODIHR final report on the 2003 presidential election in Armenia stated that the cost of paid political advertising, US\$120 per minute, was very high by local standards, limiting candidates’ possibilities of campaigning in the media. The rate emerged from an unusual price-fixing agreement among public television and five private television stations that offered airtime for political advertising. This rate for political advertising was approximately three times higher than comparable rates for commercial advertising on private television.¹²⁷

Paid political advertising: the case of 2004 Parliamentary Elections in Sri Lanka

According to the national regulatory framework, there are no limits for paid advertisement that election contestants can purchase both on public and on private broadcaster. For Parliamentary Elections, the two main political forces (UNF and UPFA) invested large funds in paid advertisement, thus increasing further on the disadvantage of small parties, which were already penalised in news coverage and current events programmes. For this reason, one of the main recommendations issued by the EU EOM stated: “ Paid advertising by political parties should be under the control of an independent institution. The content of such advertisement must not include inflammatory language. Limits to advertisement might be imposed on the quantity of paid advertising that parties are entitled to purchase, as well as on the amount of airtime the media are allowed to broadcast daily.”¹²⁸

3.4.7 Entertainment and other programmes

Programmes that are not directly linked to the elections, such as talk shows, political parodies with puppets or “politically-motivated” feature films should also be given attention because they might have an influence on voting intentions and give a candidate or a political party an unfair advantage¹²⁹.

	Entertainment programmes or other programmes High editorial control of the media
Public and Private Electronic Media	These kinds of programmes should not offer candidates a platform to campaign and they should consider not covering political communication on election-related issues.

3.4.8 Infotainment programmes

	Infotainment programmes High editorial control of the media
Public and Private Electronic Media	Infotainment is a format that mixes entertainment formats with some informative contents. These programmes should follow the same guidelines outlined with regard to the informative programmes for its informative segments. Entertaining parts of the programmes should be guided by the principles regulating entertainment.

¹²⁵ US Federal Election Campaign Law, Title 47. Telegraphs, Telephones, and Radiotelegraphs, Sec. 315. Candidates for public office (a) Equal opportunities requirement.

¹²⁶ R. Niemi – P. Norris, Elections and Voting in Global Perspective, Sage, London 2001.

¹²⁷ OSCE/ODIHR, Armenia Presidential Elections March 2003 - Election Observation Mission Final Report, Warsaw 2003.

¹²⁸ EU, Sri Lanka Parliamentary Elections April 2004 – Election Observation Mission Final Report, Brussels 2004.

¹²⁹ Recommendation No. R/99/ 15, Committee of Ministers, Council of Europe

3.4.9 Satirical programmes

	Satirical programmes High editorial control of the media
Public and Private Electronic Media	<p>Satirical programmes tend to, and should be allowed to, target political subjects. A certain degree of unfairness and unbalance is innate in the very nature of satire: its mission has much to do with challenging those in authority by making fun of them. Members of the executive should be the main targets for this negative coverage; therefore satirical programmes represent an occasion in which the incumbent party finds a limit or a counterbalance to its advantage.</p> <p>In repressive regimes, a matter of concern is when satire attacks only members of the opposition or independent candidates; in these cases satire loses its original function by becoming an instrument, rather than an adversary, of the political authorities.</p> <p>Targeted subjects have the right to appeal to the judiciary, under the civic defamation law,¹³⁰ if they think their rights (i.e. privacy or reputation) have been violated. However, as noted, international and comparative jurisprudence increasingly recognises that there is a wider margin of criticism of public figures, such as politicians, than of private individuals. Any restrictions to the content of satirical programmes should be carefully defined in order to guarantee genuine freedom of expression. Such provisions should not leave margins of interpretation leading to censorship or self-censorship.</p>

Limits to satirical programmes in the United Kingdom

The use of recordings of parliamentary proceedings is partially limited in the United Kingdom: “Parliamentary rules for the use of coverage of proceedings state: no extracts of Parliamentary proceedings may be used in any light entertainment programme or in a programme of political satire; (...)” ITC (Independent Television Commission) Programme Code (4.4).

3.4.10 Voter Education

Voter education programmes, notwithstanding whether commissioned by the Election Commission, public broadcaster or some other organization, should always be impartial and accurate and should inform voters about the elections. These programmes should always be clearly separated from any partisan messages.

¹³⁰ “All Member States should review their defamation laws in order to ensure that they do not restrict the right to freedom of expression and to bring them into line with their international obligations. At a minimum, defamation laws should comply with the following standards: the repeal of criminal defamation laws in favour of civil laws should be considered, in accordance with relevant international standards; (...) objects such as flags or symbols, government bodies, and public authorities of all kinds should be prevented from bringing defamation actions; defamation laws should reflect the importance of open debate about matters of public concern and the principle that public figures are required to accept a greater degree of criticism than private citizens; in particular, laws which provide special protection for public figures, such as desacato laws, should be repealed (...)” Joint Declaration - Current Challenges to Media Freedom of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, N. 195, November 2000.

Voter Education Low editorial control of the media	
Public Media	<p>The public broadcasters should carry voters' education, under different formats (slots, programmes, etc.) during the time they are likely to reach the widest audience. These programmes should provide voters with unbiased, clear and understandable information about:¹³¹</p> <ul style="list-style-type: none"> ➤ Voters list: how and where to register, how and where to check the list, how to file a complaint about it. ➤ Nature of the election: local, presidential, parliamentary, referenda, general. ➤ The kind of electoral system and its consequences for the attribution of votes. ➤ Voting procedures: where and how to vote. ➤ Basic rights and duties: secrecy of the vote, provisions related to proxy or family voting. <p>In particular contexts, a part of the voters' education campaign should be targeted to traditionally discriminated or disadvantaged groups in order to encourage and help them to participate in the electoral process.</p>
Private Electronic Media	<p>Private broadcasters may be required to transmit voters' education programmes under the terms of their broadcasting licence or according to electoral legislation. In this case, private media shall follow the same principles ensuring unbiased, clear and understandable information. Reimbursement for airtime can become a problematic issue. A possible solution, aimed at avoiding negative financial effects for the private broadcasters, is the allocation of part of the election budget for covering this kind of expense.</p>
Private Print Media	<p>Private print media, even if not obliged by law, should provide the voters with sufficient and accurate information about voting procedures. The election administration may buy some space for publishing official communications relevant to voters' education.</p>

YROM 2002

During the campaign for parliamentary elections, the State Election Commission, in a joint effort with the International Federation for Election Systems (IFES), produced a number of voters' education slots. The slots were focused on the most relevant aspects of the voting: one was targeted at the whole population providing general information on the day, time and kind of election. Another spot, based on the basic rights of the voter, explicitly aimed at explaining the banning of family voting and the consequent right of women to vote on their own. In a very dynamic style, one education programme carefully explained all the correct voting procedures: how to vote, the document required, the use of transparent ink to avoid re-voting, etc. Another programme was produced to promote free voting as a good practice to solve quarrels among the different ethnic groups. Finally a spot was mainly targeted at young people, spreading the message of the importance of voting as a participatory right.

All the spots produced were well done and effective in giving correct information in a simple, synthetic and modern way. The media broadcast the voters' educational programmes extensively before the election day.

¹³¹ ACE Project, www.aceproject.org.

3.4.11 Opinion Polls

It is difficult to measure the actual impact of public opinion polls on the results of an election. However, in order to avoid undue influence on voters, the media should offer the public adequate information to make a judgement on the value of the opinion polls: the name of the party or organization that commissioned the poll, the name and methodology employed by the pollster, the sample and margin of error and the date the poll was conducted. To avoid possible manipulations and to allow the public to have some period of reflection, some countries have provisions forbidding the dissemination of public opinion polls on the day or the immediate days preceding the election. The same practice applies to exit poll results that could only be disseminated after all the polling stations have closed.

Opinion Polls	
All Media	<p>When publishing or broadcasting the results of opinion polls, the media should provide the public with the elements enabling it to produce an assessment about the value of the poll:</p> <ul style="list-style-type: none"> ➤ The name of the political party or other organisation or person which commissioned and paid for the poll; ➤ The organisation conducting the poll and the methodology employed; ➤ The sample and margin of error of the poll; ➤ The date and/or period when the poll was conducted. <p>Some countries prohibit the dissemination of opinion polls for a certain period before the election day. All media should comply with rules regulating the dissemination of polling data before or during the voting¹³².</p>

BBC policies on opinion polls during election campaign

During the campaign our policy takes into account three key factors:

- That polls should not be ignored during the campaign. They are part of the story and audiences should be informed about them;
- But, context is essential, and so is the language used in reporting them; and
- Polls can be wrong. There are real dangers in only reporting the most “newsworthy” polls – i.e. those that, on a one-off basis, show dramatic movement.

So, the rules about reporting polls (chapter 35 of Producers’ Guidelines) need to be scrupulously followed. They are:

- Not to lead a news bulletin or programme simply with the results of a voting intention poll;
- Not to headline the results of a voting intention poll unless it has prompted a story which itself deserves a headline and reference to the poll’s findings is necessary to make sense of it;
- Not to rely on the interpretation given to a poll’s results by the organisation or publication which commissioned it: look at the questions, the results and the trend;
- To report the findings of voting intentions polls in the context of trend. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster’s findings. Poll results which defy trends without convincing explanation should be treated with particular scepticism and caution;
- Not to use language which gives greater credibility to the polls than they deserve: polls “suggest” but never “prove” or even “show”;

¹³² However, any restriction should comply with Article 10 of the European Convention of Human Rights.

- To report the expected margin of error if the gap between the contenders is within the margin. On television and online, graphics should always show the margin of error;
- To report the organisation which carried out the poll and the organisation or publication that commissioned it. In addition, during the campaign the BBC will:
- Pre-select the main polls;
- Report the selected polls on a regular basis on the same outlets throughout the campaign;
- Report even single polls in context. For example, on television the graphic will never be separated from the explanatory piece;
- Take particular care with newspaper reviews. Polls should not be the lead item in a newspaper review and should always be reported with a sentence of context (e.g. “that’s rather out of line with other polls this week”).¹³³

The Producers’ Guidelines make it clear that care must be taken to ensure that a poll commissioned by the BBC is not used to suggest a BBC view on a particular policy or issue. It is particularly important that a BBC poll is not used to imply BBC intervention in a current controversy. For this reason we will not commission voting intention polls in any medium during the election campaign. The Chief Political Adviser before the start of the campaign will issue detailed guidance as to how this policy should be implemented in practice.

3.4.12 Electoral Blackout

The electoral blackout or the so-called “day of reflection” is a short period of time (usually a day) preceding the elections to allow voters to “absorb and digest” all the information received during the electoral campaign and to make a choice on their vote without pressures. It is prohibited to disseminate any partisan electoral messages during this period.

	Electoral Blackout
All Media	The media should comply with the provisions determining a reflection period on and before the election day. If there is an electoral blackout decided by law, the election administration might be required to specify rules and instructions to journalists on how to report political facts during the silence. However the responsibility for respecting the electoral blackout also rests with parties, which should avoid any campaign activity during that period.

FYROM 2002

When the election blackout is required by the national law on election, the election administrations or the regulatory bodies might be required to provide some instructions to the media on how to report during the election silence. The Broadcasting Council of the Republic of Macedonia issued some instructions for the implementation of Article 48 of the Law on Election Members of the Parliament and Article 27 of the Decision for Equal Access in the Media Presentation. The text aimed at defining the concepts adopted in the legislation:

Article 48, paragraphs 2 and 3 of the Law:

The Broadcasting Council is obliged to monitor the programmes of the electronic media in the Republic of Macedonia during the period of campaign silence and on the day of the Elections.

The Broadcasting Council is obliged, immediately after registering a violation (agitation, broadcasts of information related to the electoral campaign, advertisements designed for presentation of party programmes and broadcasts of party symbols), to report to the Ministry of Transportation and Communications, i.e. the Directorate for Telecommunications.

Article 27 of the Decision:

During the period of campaign silence, which starts on September 14 at 00:00 hours, and ends on September 15 at 19:00 hours, all forms of media presentation of the organisers of electoral campaigns shall cease.

¹³³ Guidance for all BBC Programme Makers during the General Election Campaign, www.bbc.co.uk/info/policies/producer_guides.

In their information programmes during the campaign silence period, the media shall not broadcast information, statements, releases issued by politicians, political parties, candidates in the Elections, organisers of electoral campaigns and Campaign Headquarters, as well as other forms of reporting which are, openly or in a covert manner, in the function of the electoral campaign and may influence the decisions of the voters.

1. Article 48 of the Law lists as violations that may appear in the programmes of the electronic media during the days of campaign silence (campaign silence violations): agitation, information related to an electoral campaign and advertisements designed for presentation of party programmes and symbols.

- As “agitation”, for and against, we shall understand all forms of media presentation of organisers of electoral campaigns, candidates running in the elections, political parties and holders of public offices, related in any way to the electoral campaign. As agitation we shall also understand all other on-air presentations of party symbols, signs and other propaganda material.
- As “information related to an electoral campaign” we shall understand news reports and other programmes which present:
- Information on any form of campaign activities that took place before the deadline for the start of the campaign silence period;
- Statements and releases of the organisers of electoral campaigns, political parties or candidates running in the Elections;
- Information on the activities of the holders of Government offices and officials related to the electoral campaign (opening of new buildings and infrastructure objects, promotion of projects, results and achievements, either in the form of reports in regular or special broadcasts, etc.).
- As “advertisements designed for presentation of party programmes and party symbols” we shall understand all forms of paid political propaganda (announcements, releases, political advertisements, recordings or segments of recordings of rallies and other public appearances of the participants in the electoral campaign).

2. Article 27, paragraph 1 of the Decision provides that, during the campaign silence period, all forms of media presentations of the organisers of electoral campaigns (free presentations, paid political propaganda, debate programmes, interviews, etc.) shall cease.

According to Article 27, paragraph 2:

- (1) During the campaign silence period, the electronic media shall not stop reporting on other events of importance to the society, including the Elections as the most important political event;
- (2) In the reporting on the voting and the other electoral activities, the media should also report on the possible violations of the voting procedures, as well as on eventual incidents inside or out of the balloting stations;
- (3) The media should pay attention to possible abuses, constructed and unfounded mutual accusations of the organisers of the electoral campaigns, political parties, campaign headquarters and other entities, in order to avoid a situation where the media themselves shall be used to campaign on the Ballot Day;
- (4) If there are statements and releases on the eventual incidents, issued by organisers of electoral campaigns, campaign headquarters or representatives of political parties, those should be broadcast after the Ballot stations are closed, i.e. after 19:00 hours.

3. The provisions of Article 48 of the Law and Article 27 of the Decision also cover the presentation of contents in the tele-text features or on the web sites of the electronic media.

4. In order to implement the responsibilities listed in article 48 of the Law and article 27 of the Decision, the Broadcasting Council conducts monitoring of the radio and television programmes of all electronic media that are licensed to broadcast programmes on the territory of the Republic of Macedonia. This monitoring operation provides for recording and transmission of audio and video contents to all regions with legal radio and TV stations to the seat of the Broadcasting Council in Skopje.¹³⁴

3.4.13 Hate Speech

The media should refuse all open or furtive expression of intolerance and should consider carefully if publication of such expression is conducive to defamation and ridicule based on sex, race, colour, language, faith and religion, affiliation with national or ethnic minority group, social difference or other opinion. Further, media should refrain from publishing or broadcasting of anything that promotes or incites racial hatred or causes public disorder.

¹³⁴ Broadcasting Council of fYROM, Instructions for the Implementation of Article 48 of the Law on Election Members of the Parliament and Article 27 of the Decision for Equal Access in the Media Presentation September 10, 2002.

	Hate Speech
All Media	<p>General principles defining hate speech are clearly stated in international treaties and conventions. One of the biggest problems during an election campaign is the extent to which this kind of speech should be prohibited. It would be advisable to impose minimum limits to individual freedom of expression as the election campaign is precisely the moment when a variety of views, even when expressed in an aggressive manner, should be disseminated. Provisions on this matter should take into consideration the specific situation of every country: in post-conflict areas, for example, restrictions may be imposed in order to avoid new tensions among the populations.</p> <p>The concept of hate speech should thus be related to the potential effect of the message on the audience. Direct incitement to acts of violence that might be acted upon could be restricted.</p> <p>Liability for expressions of incitement rests with the individual or party making the statement, provided that the media report professionally, place the statement in context and do not endorse it. Media can be also held liable if they clearly support this kind of incitement – for example if they do not balance hate speech with any alternative message that would mitigate its effect.</p>

Provisions on hate speech in 2002 General Elections in Bosnia and Hercegovina

According to the legal framework adopted for general elections, media were explicitly prohibited from using any material that, in its content or tone, could carry a clear and immediate danger of inciting ethnic or religious hatred among the communities, or any other type of disorder that would hamper the election process. This regulation might appear to be a strong limitation of the freedom of expression of individuals during the election campaign. Nevertheless, it represents a legitimate attempt to set rules on this matter in a country where the media played a substantial role in fomenting racial hatred during the civil war.

3.4.14 Right of Reply

	Right of Reply
All Media	<p>All media should permit replies and corrections within their programmes or publications in the following days during the election campaign period. This rule relies on the same principle of balanced and fair treatment of the contestants, which should be respected by all media during the campaign. If a political subject is attacked by another politician (or anybody else) in a programme where he/she is not present, it is reasonable to offer the person attacked a chance to reply in the following days.</p>

3.4.15 Gender issues and women politicians

	Gender issues and women politicians
All Media	<p>The media should reflect and support the participation of women in the</p>

	<p>electoral process and promote the awareness of public opinion on women's issues and women candidates. They should not discriminate against candidates and politicians because of their gender. The crucial role of the media is particularly evident during the electoral campaign when the images of individual candidates are being formed, and when the issues of the campaign are being characterised and prioritised. The media's treatment of women as candidates and political players, and the manner in which they influence public opinion on women's issues constitute two indicators of the effective participation of women in politics. The following shortcomings are of particular concern:</p> <ul style="list-style-type: none"> ➤ Women candidates receiving less total coverage than their male counterparts, and less prominent coverage. ➤ Women candidates receiving less coverage of their political positions on issues and more on their personal characteristics and appearance than their male counterparts. ➤ Women candidates portrayed within their traditional roles as wives and mothers. Such images can be imposed by the media or might be promoted by political advertising controlled by the parties or candidates themselves. ➤ The regular devaluation of the importance of women's issues.¹³⁵
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3.4.16 Minorities

	Minorities
Public media	<p>National minorities should be given reasonable access to state-owned public media to express their views of concern. Broadcasts should not take place during unsocial hours. Restrictions affecting the ability of national minorities to access the media - a lack of media coverage in outlying areas populated by the national minority, no broadcasting in language of national minority, a lack of access for candidates/parties from national minorities or unequal coverage for candidates/parties from national minorities - should be considered a matter of concern. Public media should not portray national minorities' political representatives and issues within stereotypes that may negatively affect their credibility and importance to voters¹³⁶.</p>
All private media	<p>Private media should not discriminate against any candidates or party on the basis that they represent national minorities. Private media should not portray national minorities' political representatives and issues within stereotypes that may negatively affect their credibility and importance to voters.</p>

¹³⁵ For a more complete analysis of the media, women and elections: OSCE/ODIHR Draft Paper, Handbook for Monitoring Women's Participation in Elections, Warsaw 2003.

¹³⁶ For a more complete analysis of the role of the media in promoting minority participation: OSCE/ODIHR, Guidelines to Assist National Minority Participation in The Electoral Process, Warsaw 2001.

IV. MEDIA ANALYSIS WITHIN ELECTION OBSERVATION MISSIONS: A METHODOLOGICAL OVERVIEW

4.1 ORIGINS, REASONS AND DEVELOPMENT OF MEDIA ANALYSIS WITHIN EOMS

During the last decade the analysis of the media system, and its relationship with the political system, have become an essential part of the methodologies used in Election Observation Missions. Acknowledgement of the importance of the media in an electoral campaign, particularly in fulfilling the goal of democratic elections, has led to refinement of the methods used for assessing the role the media play in the electoral process. The systematisation of analytical techniques in this field coincides with the effort to find standardised approaches to long-term observation, which is recognised as being as important as short-term observation on election day.

The choice of a standardised approach to election observation is important because of:

1. The need to situate observation of **election day** within the context of the entire **election process**.
2. The need to support **quantitative** observations with **qualitative** analysis of the contexts in order to achieve a thorough understanding of the objects under observation.
3. The need to produce precise and realistic **recommendations** at the end of the EOMs on how to improve the whole election system .

In this continuing effort to standardise the tools for evaluating the overall election process, media analysis has become a central aspect of observation, suggesting a multi-method approach, able to combine the advantages of quantitative and qualitative research. “Free and fair elections as an integral element of established democracies or as a process on the way to democratisation are not to be judged by what happens on polling day alone.”¹³⁷

The work of different international institutions active in the media field, as well as the experience of many private media institutes, supported ODIHR’s effort to identify valid and reliable instruments to analyse the media system.

Since 1998, media analysis has been a part of Election Observation Methodology. Since then, every EOM has employed a media analyst. The media analyst has established a professional media monitoring team and used the main findings of the monitoring in the official documents of the mission, including a preliminary statement and a final report.

4.2 TASKS OF THE MEDIA ANALYST WITHIN EOMS

Media analysis includes a study of the level of **autonomy** of the media system from the political system and the level of **diversity** among the different media outlets.

The degree of autonomy of the media system from the influence of governing officials and political parties needs to be evaluated. The degree of autonomy will in practice be determined by a

¹³⁷ G. S. Goodwin-Gill, Codes of Conduct for Elections, Interparliamentary Union, Geneva 1998.

combination of the practical pressures on journalists and the body of laws and regulations on the media.

The level of diversity of the media outlets indicates how heterogeneous the media landscape is, in terms of the number of different media actors both public and private, and also in terms of ownership of assets.

Any assessment of media conduct during an election campaign should consider the media system as a whole, in order to give an answer to some key questions. As mentioned in the previous chapter, the basic rights of three actors should be taken into account when producing an evaluation on media performance during the electoral process:

1. The voters' right to receive information on political alternatives and the electoral process;
2. The candidates' and political parties' right to impart information on their platforms and views;
3. The media's freedom to spread information and express their views on issues of public interest.

The media analyst should produce an assessment on the basis of some fundamental questions based on the principles set forth by international standards:

The right to receive information

- Did voters receive sufficient accurate information from the media to make an informed choice?
- Did voters have the opportunity to consult a variety of sources of information with different points of view?
- Did the media provide voters with sufficient information on the election administration and voting procedures? Were voter education programmes sufficient to effectively and accurately inform the electorate about the voting process?
- Did the public/state media comply with their obligations to inform the public on relevant issues of the electoral process?
- Were state media free to play an impartial, fair and objective role in covering all candidates and political parties, or was there a selective approach to providing information on selected events where topics were chosen not because of their information value, but to portray a favoured party in a positive light and its opponents in a negative light?
- Was there any preferential treatment in favour of/or against a particular candidate or political party?
- Were the provisions, as set out by the national legal framework (including in relation to opinion polls and electoral blackout), respected by the media and the political parties?
- Was there any prejudice in reporting based on racial, ethnic or religious issues?

The amount of time allotted to contestants by the media is one useful indicator of whether political information was sufficient to enable a citizen to make an informed choice. In contexts where knowledge of voting procedures is poor, either because of limited democratic experience or because of substantial changes in the electoral system, the media's contribution to informing the public about the voting process becomes vital. The voter education programmes should explain in a simple manner all the procedures.

The right to impart information

-
- Repression
 - Did the media face any kind of censorship or obstruction by the authorities?
 - Did anyone impose direct censorship?
 - Were journalists forced to adjust their comments or criticisms to what is considered acceptable by the authorities? Were they engaged in self-censorship?
 - Were any media or journalists penalized or harassed in any way for broadcasting programmes or publishing articles merely because they were critical of government, its policies, or ruling authorities?
 - Pressures
 - Did the media face any kind of interference with their editorial policy from political parties and public authorities?
 - Are journalists ready to "cross the line of objectivity" in return for money or other personal benefits?
 - Are journalists competent and responsible enough to have adequate proof before releasing any information?

Freedom of expression includes the right to impart information and ideas through the media. Every country should include in its legislation, even at the constitutional level, the rule that censorship is forbidden. The media analysis should investigate whether the implementation of this fundamental right has been effectively accomplished.

- Were election contestants and political parties able to present their candidacies and platforms to the electorate through the media?
- Did election contestants and political parties have equal access, on a non-discriminatory basis, to the public/state owned media?
- Were election contestants and political parties fairly treated by state-owned or public media?
- Were election contestants and political parties subjected to the same conditions (rates, time, etc.) for paid advertisement?
- Were the different kinds of TV programmes (such as news programmes, debates, free airtime, paid political advertisements, etc.) biased and if so in favour of whom?

States should ensure **equitable access on state-owned and public media** to competitors running for the elections. Media monitoring should produce reliable findings on the amount of time devoted to each political actor.

The public/state media outlets should give balanced and impartial information, ensuring **fair treatment** of the political contenders. Media monitoring should also consider some possible indexes on the tone of the coverage.

Other basic questions related to the performances and the role of private media include the following:

- Did private media comply with the obligations as set forth in the national legal framework?
- Did the private media provide the public with coverage of the election campaign and election related issues? If so, were they impartial? If biased, did they favour the ruling party in government or any other political party?
- Is there any intentional manipulation of the privately owned media by its owners or other partisan forces?

Private media do not have the same obligations as state-owned media. However, a certain level of regulation on the coverage of the campaign is often included in national legislation. A general overview of the editorial content of private outlets through media monitoring will provide the basis for an evaluation of the media system as a whole.

In order to reach an adequate assessment of the role of the media during an election campaign the media analyst should do three main things:

1. Study the legal framework for the media,
2. Observe the media landscape,
3. Monitor the media coverage of the election campaign.

4.3 THE DOCUMENTARY ANALYSIS: OBSERVING THE LEGAL FRAMEWORK FOR THE MEDIA

The legal framework regulating the media is a fundamental element shaping media activity and status in a given context. In order to understand this environment, a media analyst should examine the following documents:

- The constitution;
- Media laws;
- Other laws within civil and criminal codes relating to the media;
- The electoral law or code;
- Rules and regulations on media coverage issued by the election administration;
- Rules and regulations issued by the media regulatory bodies;
- Self-regulation instructions issued by associations of journalists or similar organisations.

The legal analysis should be undertaken with two different objectives:

1. To determine how far the legislative framework is in compliance with international standards. The media analyst should produce evidence on consistency and inconsistencies between the local legal framework and commitments and relevant international documents protecting freedom of expression.
2. To determine how far the overall body of different laws and regulations on media are coherent and internally consistent. For example, when the Constitution of a country assimilates into its text a norm consistent with international protected rights, any other laws should not contradict the same norm.

In liaison with the legal expert of the EOM, the media analyst should produce a general assessment of the legal framework regulating the media. Whenever the EOM experts identify legal inconsistencies, they should develop a set of recommendations in order to promote improvements.

While a supreme law such as the Constitution should embody international commitments on freedom of expression, subsidiary rules and regulations may vary from country to country. Each country has the right to autonomously decide the degree of regulation it wants to impose on the media. However the rules defining the obligations of the media, both during the election campaign and during the non-election period, should be consistent with the principles ensuring their free activity. Therefore, rules and criteria for allocating time to election contestants should be in line with international standards. The media analyst has the duty to make an evaluation of these provisions, as well as on how well they were respected.

A detailed acquaintance with the norms relating to the media and elections in a country is also necessary to assess whether media outlets and political actors respect the provisions set forth for the election period. The overall process of observation should facilitate the gathering of evidence of infringements of the law. The media analyst should keep records of all the complaints filed by the media or by political actors with regard to freedom of expression and access to the media. The media analyst should also investigate cases that arise. If necessary, he/she should address the competent authorities and follow the judicial procedure.

4.4 FIELD RESEARCH: OBSERVING THE MEDIA LANDSCAPE

An analysis of the media landscape of a country, as well as observation of the political environment (which is under the responsibility of the political analyst in an EOM) is the precondition for any assessment of the relationship between the media and the political system during an election campaign. Any interpretation of the role of the media can be misunderstood if taken out of context. Contextual methods enable the media analyst to understand the phenomenon in its historical, political, social and cultural environment.

Field research and qualitative interviews are useful to:

- Obtain specific knowledge not retrievable with quantitative techniques,
- Explore the context of the media election observation in order to come up with an appropriate research design,
- Validate the results obtained through quantitative techniques and help interpret them.

The election process does not take place in a vacuum. The context needs to be carefully investigated. The media analyst should meet some key people in order to acquire a deeper knowledge of the media landscape. Meetings can be scheduled with:

1. Institutional actors, for example, members of the Ministry of Information and/or Telecommunications, state committees on the press, bodies in charge of media related issues within the electoral commission, special committees on media, broadcasting councils, etc.
2. Representatives and associations of print and electronic media, for example, directors, editors-in-chief, prominent journalists, representatives of news agencies, publishing and printing houses, unions of journalists, etc.
3. National and international associations (government or non-governmental) operating in the media sector, including all the active groups permanently or temporarily based in the host country.

The media analysis should consider contextual data such as the following:

- Description of the media landscape
 - How many electronic and print media are operating in the country.
 - Types of the public/state-owned media, either electronic or print.
 - Number of licences issued by the state at national and local level.
 - Number of pirate stations operating in the country, if any.
 - The geographical coverage of the existing media.
 - The audience and readership ratings of the media, when institutional or professional surveys are available.
 - Hours of broadcasting or frequencies of publication for every media outlet.
 - Dimensions of the media companies in terms of employees and collaborators.
 - The kind of media, targeted audiences and their potential impact on the public.
 - Number of media specifically dedicated to specific ethnic/linguistic minorities living in the country.
 - The economic conditions of the media, the general market, the presence of specific subsidies or tax breaks.
 - The structure and transparency of ownership (concentration versus variety).
 - Number and ownership of news agencies and printing houses.
 - Structure and control of the distribution system for print media.
 - Licensing requirements for broadcasting media.
 - Any kind of link or overlap between political actors and media outlets.
 - The extent of new media and internet access in the country

Some of this information can be obtained by reviewing official documents of the state, reports on the media environment produced by universities, associations of journalists, international organisations, local or international NGOs or other active groups in the media field. Meetings with representatives of the media and other experts can reveal additional information.

The media analyst should keep records and obtain documentation of all relevant events affecting - freedom of expression:

- Events limiting Freedom of Expression including observations as to:
 - Whether the media experiences impediments or obstructions to their activity.
 - Whether the media face any kind of direct or indirect censorship.
 - Whether the media are under direct or indirect pressure from governing officials or political parties.
 - Whether the state media are under pressure from the managing board regarding their editorial choices.
 - Whether the private media are under pressure from owners regarding their editorial choices.
 - Whether journalists have been or are being physically intimidated and whether harassment can be ascribed to a precise will to fetter them in their activity.
 - Whether journalists have been subjected to unjustified detentions and imprisonment.
 - Whether lawsuits against the media and journalists have a sound legal basis.
 - Whether the media receive hidden fees for favouring a party or candidate.

Qualitative interviews with journalists should also focus on some topics related to the campaign:

- Journalists' opinion on the regulations, if any, of media coverage during the elections.
- Whether journalists have received specific training in election coverage.
- How journalists are planning to cover election events.
- The kind of programmes electronic media plan to broadcast to cover the elections.
- When rules allow it: on which basis the electronic media decide to assign airtime to candidates.
- What are the rules regulating paid advertisement and what are the rates applied.
- Whether the media issued any internal code of conduct or instruction for journalists to cover election events.
- Whether the media received complaints from political parties and candidates for the way they cover the campaign.

Field research and meetings with journalists, media experts, national and international organisations working on media and others, allow the media analyst to come to a general assessment on the level of professionalism of journalists. If some shortcomings in terms of professional capacity emerge during the observation period, the media analyst should encourage and recommend improvements and support the adoption of training programmes. Nevertheless, lack of professionalism, while sometimes comprehensible because of decades of repression and control on the media by state authorities, cannot excuse breaches of journalists' responsibility to be fair and balanced in their treatment of the candidates running for elections.

4.4.1 Monitoring media related complaints and violations of Freedom of Expression

In the course of the electoral process candidates, political parties, media professionals, who are targets of discrimination or violations of their rights, might file complaints in order to receive redress. Keeping track of these complaints is important when assessing the confidence of political and media actors in the process. Is there a system for promptly and effectively providing remedies to those whose rights are violated?¹³⁸: "Challenging an election (...) should, however, not to be perceived as a reflection of weakness in the system, but as a proof of the strength, vitality and openness of the political a system."¹³⁹

The media analyst should not interfere in the process. When complainants are addressed to the EOM, for example, instead of to the competent body, the media analyst should limit him/herself to recording the complaint without intervening in the dispute. On the other hand, when aware of a complaint, the media analyst should gather as much information on it, trying to keep impartial. To obtain a comprehensive overview of the object of the dispute, the media analyst should meet all sides involved. The media analyst should work in close co-operation with the legal analyst as well as the election expert.

Media related complaints should be gathered in written copies and archived. They should be also classified in a specially designed form (in hard copy or electronic version), verified and followed up.

¹³⁸ For an exhaustive review on election disputes, see OSCE/ODIHR, Resolving Election Disputes in the OSCE Area: Towards a Standard Election Disputes Monitoring System, ODIHR, Warsaw 2000.

¹³⁹ OSCE/ODIHR, Resolving Election Disputes in the OSCE Area: Towards a Standard Election Disputes Monitoring System, ODIHR, Warsaw 2000, (p. 7).

The form should include relevant information such as:

- The date the complaint was filed.
- The name of the complainant.
- The name of the body or the person the complaint was filed against.
- The name of the body the complaint was filed at.
- The location of the body the complaint was filed at.
- The place the alleged wrongdoing occurred.
- The object of the complaint.
- The legal ground on which the complaint was filed.
- A short comment on the complaint on behalf of the media analyst or the observers reporting it.
- The date on which the competent body will hear the complaint.

A sample table for media related complaints

Date	Complainant	Accused	Filing body	Location of the filing body	Location of the wrongdoing	Object of the complaint	Legal basis	Comments	Follow up and verifications
12/07/2003	People's Party (Mr. Jones)	TV Plus Coventry	Broadcasting Council	London	Coventry	The TV refused to broadcast the People's Party's slot (free airtime)	Article 78 of the Electoral Code requiring all TV stations to broadcast 5 minutes of free airtime	The party wants to have its slot broadcast. They are accusing TV Plus of biased coverage. This refusal represents an evidence of this attitude	The case will be discussed on 20/07/2003. EOM will attend the session. The EOM Media Monitoring Unit verified that the slot was not broadcast. The slot does not contain any unlawful content. The EOM media analyst will meet the editor in chief of TV Plus on 15/07/2003

The media analyst should monitor and record any violations of freedom of expression of journalists and media associations. Also in this case, any reported or observed violations should be recorded in a form, verified and followed up. On some occasions, the victim of the abuse (harassment, violence, threats) may be reluctant to file an official complaint. The media analyst should be aware of some basic principles of conduct in order to protect the people that provide information: "At a minimum, the action or inaction (...) should not jeopardize the safety of victims, witnesses, or other individuals with whom they come into contact, ..."¹⁴⁰

¹⁴⁰ University of Minnesota, Training Manual on Human Rights Monitoring, <http://www1.umn.edu/humanrts/monitoring/>

4.5 CONTENT ANALYSIS: MONITORING MEDIA COVERAGE OF THE ELECTION CAMPAIGN

Content analysis is a methodology used to measure the messages that the media convey. Provided that it is used in the context of a broader analysis of the media landscape and political context, content analysis can be a very useful way of measuring media performance and identifying bias.

Content analysis, by its very nature, is quantitative. That is, it is concerned with identifying aspects of the content of media messages that can be counted. It focuses, therefore, on what one scholar referred to as the “manifest content”. It is not concerned with hidden messages or symbolic meaning but with quantifiable elements of media output:

- how much time was devoted to a particular politician;
- how long was a party election broadcast;
- how many times a particular word was used to describe a particular politician;
- how many women candidates were quoted;
- how many times a particular campaign issue was reported;

and so on.

Critics of content analysis see this focus on “manifest content” as a weakness.¹⁴¹ However, serious content analysis does not consist of counting things just because they can be counted. For example, to measure how much time is devoted to different candidates is important in themselves.

Where the criticisms have some validity is that quantitative measures have their limits. There may be a valid explanation why one candidate is given more time than another. The quantitative measure is objective, but it may not indicate bias. Equally, measuring the allocation of time does not tell us how that time was used. Coverage may be negative.

It is for these reasons that quantitative content analysis cannot be used on its own, but is simply one tool for the media analyst. The main goal of the use of content analysis in media monitoring of political communication during an election campaign is to understand the degree of pluralism of the media system under observation. Media monitoring will measure the exact amount of time/space that every media outlet devotes to political contestants. Be aware, however, that the simple measurement of the airtime/space does not provide a clear picture of the level of pluralism. A content analysis model should include some indexes on the quality of the coverage, in order to acquire knowledge as to whether the coverage is positive, negative or neutral.

A more detailed media monitoring methodology will be set out in the next chapter. It is important to note that a good content analysis methodology must satisfy two basic criteria of social science research: validity and reliability.

Validity means that the things we are measuring actually tell us what we think they are telling us. For example, if we count the number of times women candidates are quoted, will this tell us whether the media have a gender bias? Not necessarily. If women’s voices are under-reported there are several possible explanations for this. It might be media bias, but it may equally be that parties are not giving their women candidates a prominent voice in the campaign. On the other hand,

¹⁴¹ For more on this issue, see Appendix 2.

identifying that the incumbent president always appeared before the opposition candidate in a news bulletin would be a valid indication of imbalance on the part of the broadcaster.

Reliability means that the content analysis technique – assigning a code, or measuring time – would always yield the same result whoever was doing it. This suggests that the technique is sufficiently objective that it will always work the same way, irrespective of the personal views of the individual monitor.

In order to be useful and credible, content analysis must be both valid and reliable.

Media monitoring will allow the EOM media analyst to answer some of the basic questions about the role of the media in the electoral process, and will give the media analyst the necessary evidence for the assessment of media performance during the campaign.

4.7 THE MEDIA UNIT WITHIN AN EOM

A media unit of an election observation mission is usually composed of a media analyst and a number of national media assistants.

4.7.1 Co-operation between the Media Analyst and the other members of the Core Team

The media analyst should co-operate with the other members of the Core Team. The activities and the findings of the media analysis are an integral part of the EOM. Therefore, the multilateral exchange of information among experts is vital. Some interactions are particularly important:

- Media analyst – Head of Mission.
The media analyst should provide the Head of Mission with reports on the media coverage of the EOM. The way the media represent the role of the international mission and its observers can be a sensitive issue in terms of legitimacy and credibility. The media analyst should also regularly update the Head of Mission on the findings of the media monitoring.
- Media analyst – Legal Analyst.
The media analyst will require the advice and expertise of the legal expert during the study of the legal framework regulating the media. The co-operation between the two experts will also be important when media-related complaints are brought to courts by parties and candidates. Any follow-up of such complaints should be monitored in liaison with the legal expert.
- Media analyst – Election Analyst.
The media analyst will co-operate with the election expert to get the officially approved list of candidates and any instructions or decisions of the electoral commission related to the media. The media analyst should provide the election expert with information about any voters' education campaign in the media and about news related to election administration.
- Media analyst – Political Analyst.
The media analyst should communicate with the political analyst for any information on parties, coalitions, media-related complaints filed by parties and candidates. Information about financing and limits on campaign expenditures of parties and election contestants can be relevant when paid political advertisements are allowed by the national law. The media analyst

should provide the political analyst with the general agenda of the media on political and election issues as well as any opinion polls published.

➤ Media analyst – Long-term observer (LTO) coordinator and LTOs

The LTO coordinator can ask the LTOs in the field to gather information about local media and problems faced by journalists limiting their freedom of expression. In some cases, LTOs may be asked to collect recorded or print material for the media-monitoring unit. The media analyst may provide the LTO coordinator with news on election administration and election campaigns at the local level, stories related to incidents or other security issues happening in the regions.

4.7.2 Working with the national media assistants

The national staff is essential to the work of the media analyst. Media analysis, and particularly media monitoring, is teamwork for which the contribution of every member is crucial. Media assistants perform a variety of tasks - translations, interpreting, media monitoring, advising - for which reciprocal confidence and co-operation are indispensable.

When hiring the national staff the media analyst should look for some basic requirements in order to select the most appropriate people. All media assistants should be familiar with the political context and the media situation of the country. They should also have some experience in media studies or social research. Even more importantly, media assistants must not be members of political parties or movements in order to avoid any kind of speculations and allegations concerning their impartiality. “The team doing the monitoring will have to be familiar with all the languages being broadcast, as well as understanding the politics of the country - including political nuances in coverage that most outsiders would not grasp. This means, in practice, that the monitors must be nationals of the country. But at the same time they must be impartial - and be seen to be impartial. This is especially difficult in a transitional democracy. (...) But this type of political activism must be abandoned for the duration of the project.”¹⁴²

The length of the training, particularly for media monitoring, may vary according to the level of experience of the media assistants. Generally, the training can be divided into two phases:

1. Intensive training, lasting about three days. In this phase the media analyst will explain the purposes of all the activities of the media analysis, the methodology for media monitoring, the kind of output media monitoring is supposed to produce. The training will include both theoretical and practical sessions that will be conducted under the constant supervision of the media analyst. It is important that media assistants understand the methodology of media monitoring, the methods for data collection, and the steps they have to follow when analysing political communication. Written copies of the methodology, with examples and case studies, will be distributed and discussed.

2. Control training, lasting about four days. In this phase the media analyst will closely work with the national staff on media monitoring in order to verify the degree of reliability among them. As explained above, reliability is one of the basic conditions for a valid research project. The scheme below represents the requirements guaranteeing reliability:

Table 1 Outline of the basic requirements for measurement systems

¹⁴² ACE Project, Media and Elections, www.aceproject.org

TYPES OF RELIABILITY	EXPLANATIONS
Intra-observer (stability)	over time
Inter-observer (reproducibility)	different coders
Accuracy	systematic deviations from a norm

Some tests can be applied to evaluate the degree of reliability in a research design. The basic ones that can be used during the training of media monitors are submitted here.¹⁴³

Table 2 Outline of the tests for the evaluation of reliability

TYPES OF RELIABILITY	RELIABILITY DESIGNS
Stability	test-retest
Reproducibility	test-test
Accuracy	test-standard

In addition to the written methodology of media monitoring, the media assistants should be provided and get acquainted with laws and rules regulating media coverage during the election campaign, the Election Observation Handbooks and methodology as well as any other documents necessary for a full comprehension of the goals of their activity as well as of the overall aim of an EOM.

All media assistants are supposed to be trained on the same activities. It is important that each of them is able to execute any of the tasks required for this position. Media assistants should be pushed to work as a group and to consult each other on problematic issues as a matter of routine. However, after the training phase is over and the media analyst feels confident of the reliability of the media monitors, it is possible to define specialised positions within the media unit, according to specific individual competencies and attitudes.

If the situation requires regional media monitoring, the regional media monitors should be trained as well according to the pattern described above.

In the course of their activity media assistants may be required to compile reports on a regular basis, particularly for qualitative remarks and observations on the media coverage of the election campaign. This practice favours commitment, involvement and a sense of responsibility in addition to providing timely, accurate information.

4.5.3 Code of conduct

Media monitoring should produce reliable and objective results and conclusions. It is of basic importance that these findings are not only credible in themselves but also that they are perceived as such.

For this reason, it is important that both the media analyst and the national media staff adhere to standards of professional behaviour. The duties and responsibilities of national media assistants are included in the terms of reference of their contracts. In addition, when hired, they should become familiar with the observer code of conduct enclosed in the Election Observation Handbooks.

¹⁴³ K. Krippendorff, Content Analysis: An Introduction to its Methodology, Sage London 1981.

ODIHR OBSERVER CODE OF CONDUCT

“Listed below are some general principles and rules, which all observers are required to follow:

Observers will maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any contentious issues in the election process;

(...)

Observers will not display or wear any partisan symbols, colours, or banners;

(...)

Observers will base all conclusions on well documented, factual, and verifiable evidence, and should fill out a statistical survey form of polling stations visited;

Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;

(...)”

National media assistants should conform to behaviour guaranteeing the neutrality and the impartiality of their observation:

- “act in a strict neutral and unbiased manner in relation to national authorities (...), parties, candidates, the voters, and the press and the media.
- Avoid doing anything that could indicate, (...), partisan support for a candidate, political party, political actor or political tendency.
- Disclose (...) any relationship that could lead to a conflict of interest with their duties (...).
- Not accept any gift or favour from a political party, organisation, or person involved in the election process.
- (...)
- Not express a view on any subject that is likely to be an issue in the election.
- (...)
- Not wear, carry or display any party symbols or colours of partisan nature.”¹⁴⁴

A mission’s statement about the goals and the code of conduct of the media monitoring team should be drafted and used as a set of guidelines in the observation of the media. Media monitors should adhere to a code of conduct, written or informal, guaranteeing the seriousness and the impartiality of their work. Monitors must follow standards of:

- professional commitment,
- objectivity,
- accuracy,
- impartiality.

They may have their own political opinions, but they should not let them interfere in their work; data recording and analysis should not be affected by personal political preferences.

¹⁴⁴ International IDEA, Ethical and Professional Observation of Elections, International IDEA, Stockholm 1997.

Monitors should be fully aware that their activity is the basis for reports that may affect not only judgements on the election campaign, but also the credibility of the monitored media and the public trust in them. The responsibility of the monitors is far beyond the simple act of recording time and space.

In addition, the fact of being perceived as partisan or biased will have a negative impact on the credibility and the impact of the findings. In contrast, an impartial organisation will get more credit and the results of its project will have a greater chance of having a positive impact on the media situation.

V. METHODOLOGICAL GUIDELINES FOR MONITORING MEDIA COVERAGE

Media monitoring attempts to produce reliable information about political and electoral communication in the media. It takes into account not only the quantity of time or space devoted to political subjects, but all the factors shaping a campaign in the media. Elections are not just about candidates, but also about issues, proposals and different kinds of pressures.

This chapter describes a media monitoring methodology commonly used by election observation missions. Media analysts will wish to study this methodology in detail, although general readers will be able to acquire some familiarity with the scope and approach of media monitoring simply by reading this introductory section.

Media monitoring focuses on different objects, including:

- the coverage of political subjects and groups;
- the quality of coverage;
- the main bias of coverage;
- the campaign issues;
- civic education materials produced for voters;
- infringements of laws regulating and protecting media coverage.

If properly conducted, media monitoring is a practical and constructive instrument for supporting the democratic nature of elections. Findings and conclusions of media monitoring may have an influence on the awareness and behaviour of four main target groups:

- regulatory bodies controlling media activity;
- politicians and candidates;
- citizens, voters and associations of civil society;
- journalists and media professionals.

It is important that media monitoring should adhere to professional methodological standards, with rigour in gathering and interpreting data. This brief overview is not a comprehensive presentation of the methodological framework of media monitoring or the ways in which monitoring results can be used. Rather it is a broad introduction to the media monitoring methodology used in EOMs. Media analysts on EOMs will already have experience of media monitoring. This chapter will give an introduction to the specific methodology used by OSCE/ODIHR.

The questions that a media monitoring project seeks to answer can be summarised like this:

Table 3 Outline of the basic questions at the basis of media monitoring

WHO	Relevant subjects
WHERE	Media outlet, programme, kind of programme, page, etc.
WHEN	Day, time start time end time categorised
HOW MUCH	Calculation of: time/space direct speech/interview space
WHAT	Topics of communication

HOW	Tone of coverage
-----	------------------

The monitoring exercise will use a combination of quantitative and qualitative methods.

As indicated in the previous chapter, quantitative analysis involves counting and measuring aspects of media coverage and recording it in a matrix of data. Then it can be subjected to statistical analysis.

The following is a list of aspects of the media campaign coverage that can usefully be measured in this way:

- Number of mentions received by each political subject (such as a candidate or other politicians).
- Length of time or amount of space given to each political subject.
- Positive, negative or neutral references to each subject.
- Time or space given to direct speech or interviews with each political subject.
- References to different topics.
- Order of placement of news items on different candidates, parties or topics.
- Gender balance of media coverage of candidates.

With slight modifications to the basic methodology, it would also be possible to measure:

- Geographical origins of different monitored items.
- Number and identity of different sources within each monitored item.

Although it is important to recognise the limitations of quantitative analysis, it will be clear from this list that it can nevertheless yield much useful information. All the items listed can be counted either by media outlet or across all the monitored media. This will allow the media analyst to locate specific media where there is a problem of imbalance, as well as evaluating the impact of that imbalance across the media as a whole.

All these different measures can be combined to allow more detailed analysis (a process known as “crossing variables”). Hence, it will be possible to address a wide variety of issues from a quantitative point of view. This might include:

- How often a particular candidate is quoted on a particular topic.
- How often a woman candidate appears in the lead item of a news bulletin.
- How many and which sources are used for stories featuring different parties or candidates.

And so on.

As discussed in the previous chapter, there are two essential conditions for making this quantitative analysis credible. One is its **reliability**. Any monitor should assign the same codes to a monitored item and achieve the same results. This is achieved in two ways: one is by devising a system of coding that is as clear and unambiguous as possible. The other is by thorough training of monitors. After they are trained there should be a period of controlled monitoring where the media analyst can test the reliability of their monitoring.

The other precondition for the credibility of monitoring results is **validity**. This means that the data and other monitoring findings correspond accurately to phenomena in the real world outside. Again, there are two ways in particular that this can be achieved: one is by careful identification of variables so that they are a useful and valid representation of the reality. The other is by combining the quantitative data with a qualitative analysis.

Usually it is quantitative findings that have the greatest impact. The parties, public and media themselves will be most interested by how much coverage one candidate or party received compared with another. Yet there are many other important aspects of media coverage of elections that should be monitored, but are not susceptible to quantitative analysis. Here are some examples:

- **Accuracy:** the quantitative measure of “tone” will show whether references to a party or candidate are positive, negative or neutral. But this, in itself, will not show whether the media are reporting accurately. Persistently inaccurate reporting is one of the most serious deficiencies in campaign coverage and can only be identified through qualitative analysis. The media analyst can do this through a number of methods. It will be particularly important to compare media coverage with the observations made by the rest of the election observation mission: this will be a way of testing the accuracy of media reporting of events that observers may themselves have attended. Another important method will be to compare coverage of the same events in different media. This will not in itself show which media are reporting inaccurately, but discrepancies will be a good indication of issues that need further investigation.
- **Omissions:** Distorted reporting often consists of a failure to cover important stories and issues. The media analyst will use similar methods to identify stories that have not been covered: comparison between different media outlets and reference to the rest of the EOM
- **Hate speech:** How the media report inflammatory language in the election campaign will be the object of scrutiny by the monitoring project. This is a fine judgement that will have to be made with reference to the actual words spoken, the context and the national law and ethical standards.
- **Misleading headlines and graphics:** Measuring the content of items will not always succeed in identifying one of the most common ways of misrepresenting parties or candidates in an election campaign. Headlines that are sensational or do not accurately reflect the content of a story can be far more influential than the story itself, however accurate that may be. Likewise, the juxtaposition of a story with unrelated visual material – photographs or video footage – can also be influential, both positively or negatively. Even ostensibly neutral graphics can be sensitive. In one monitored election, the logo for the state broadcaster’s campaign news was almost identical to the symbol of the ruling party.
- **Ethical issues:** all the above issues are, to some extent, related to the professional or ethical standards of journalism. Other issues may also arise that require comment from the mission. For example, there may appear to be a relationship between favourable campaign coverage and the placing of large amounts of advertising by a particular party or candidate. Or there may be a blurring of the distinction between fact and comment. Opinion poll findings may be reported unprofessionally, or at a time when they are prohibited by law. These too are qualitative issues that quantitative analysis will not detect.

To identify qualitative issues for comment, the media analyst will depend upon the local monitors. As discussed later in this chapter, monitors will have a form (or some other method, such as a log or daybook) in which they can signal these issues for closer attention by the media analyst.

5.1 QUANTITATIVE ANALYSIS: OPERATIONAL STEPS, PROBLEMS AND CHOICES

The media analyst will need to refine the monitoring methodology and prepare detailed coding instructions according to the media and political landscape and the legal framework. In the following paragraphs the main steps of the research project will be briefly illustrated.

5.1.1 *Research interests and goals*

The focus of the monitoring is the media's performance during the election campaign. The goal is to conclude whether the media system in a given country provided the electorate with a sufficient level of coverage on the various political choices in a fair manner. The project will aim to provide a clear and reliable analysis of the distribution of time and space given to each political contestant, based on the precise amount of coverage received and its tone.

5.1.2 *Conceptualisation and operationalisation*

The first phase of the research process is to define the **concepts** relevant for monitoring. For example, one of the most important overall standards that the monitoring will try to address is the level of pluralism in media coverage.

However, pluralism is not something that can be directly measured. Rather, we need to identify some **indicators** that can be practically measured. One indicator of pluralism would be the amount of time, and its quality, devoted to all political actors.

The next step – known as “operationalisation” is to identify all the variables that can be used to measure the indicators. In this example, the indicators would be the measures of time and tone.

In summary:

- Concept: pluralism
- Indicators: allocation of time and quality of the coverage
- Variables: political subjects, time, tone

5.1.3 *Sampling*

Decisions must be made as to which TV channels and radios will be monitored, which newspapers and which period of time for the electronic media (just prime time, 24 hours, etc.).

The duration of the election campaign can vary a great deal depending on the national legislative framework. Whenever possible, the entire election campaign period should be monitored in order to observe the implementation of the rules regulating access and coverage of candidates and parties

throughout the whole electoral process. In those countries where legislation foresees a pre-election period, it would be preferable to undertake media monitoring for this phase as well.

Deciding on a sample will be affected by resource limitations. The sample should provide reliable information on the general trends of the media coverage. If there is a media expert in the Needs Assessment Mission¹⁴⁵, they may gather information necessary to make a credible and well-informed choice on which media are to be monitored.

The media analysts should study the media environment before choosing the outlets that will be monitored. This will include looking at:

- Number and variety of media outlets operating in a country.
- Ownership (public/state-owned or private) of the media outlets.
- Geographical range (national or local level) of the media outlets.
- Audience/readership ratings of the media outlets.
- Hours of broadcasting or frequency of publication of the media outlets.
- Kind of media, targeted audiences and their estimated impact on the public and the political elite.
- Number of media specifically targeting ethnic/linguistic minorities living in the country.

This information will allow the media analyst to make a choice regarding:

- **the number of monitored media:** This is the first decision the media analyst needs to make. He/she should decide in advance how many channels and newspapers will be observed. In order to have comparable data, once the sample has been set, it is important to stick to it and not to modify it during the course of the observation period.
- **the time band of observation for the electronic media:** The basic period to be monitored for TV and radio stations is during prime time (18:00 – 24:00) when audiences are normally largest. The selection of the time slots to be monitored may vary from country to country according to the specific programme schedules and the rules regulating the campaign on the media. However whatever time band is chosen, the observation should not be limited to news programmes but should include other programmes broadcast in that time band. Debates, informative programmes, free airtime and entertainment shows may have a role in shaping the opinions of the electorate about candidates and parties. Therefore it is important to monitor how the time is allocated among contestants even in these kinds of programmes. In addition, many regulations also set controls over politicians' access to programmes outside the news category (for example the Albanian Electoral Code for Parliamentary Elections 2001 prohibited candidates from acting as presenters of programmes). Only by observing all types of programmes within the chosen time frame is it possible to record these kinds of breaches of the law.
- **the type of media outlets that will be monitored:** Criteria for choosing media outlets should take into account their ownership. Publicly owned media have stronger obligations than private ones as they are financed with public funds and therefore they should not be partisan in their coverage. Observing state or public media is therefore a priority. The media analyst should also

¹⁴⁵ Need Assessment Missions are part of OSCE/ODIHR election observation methodology. They are deployed shortly after elections are called to advise on a need, type and scale of election observation mission.

include in the sample the main private electronic media, which should be chosen on the basis of their geographical range, audience and potential impact on voters. With regard to print media, all the most important national dailies should be monitored, chosen on the basis of their geographical range, readership and potential impact on voters. In those localities where ethnic or cultural diversity is reflected in different targeted media, it is advisable to monitor minor media outlets that have a considerable penetration and impact on minority groups. This might also be the case for some newspapers that target political or social elites and have small print runs but that are influential in the broader media community.

- **the duration of the observation:** The period of observation is another important factor. Preferably, the pre-election as well as the election period itself should be fully monitored. The problem is that in some cases the pre-election period and election campaign last more than three months. When resources are not sufficient to afford this, the media analyst should undertake the monitoring for long enough to produce meaningful observations that can be generalised to illustrate trends in the entire period. It makes little sense undertaking media monitoring of 10 media outlets for only the final week of the election campaign when the campaign lasts for two months. It is better to reduce the dimension of the sample – by decreasing the number of monitored media outlets - and to increase the period of observation.

The criteria that should be followed in the selection of the sample for quantitative and qualitative analysis can be summarised as follows:

Table 4 Outline of the criteria to define a sample for media monitoring

Quantitative analysis		
Criteria for	Electronic media	Print media
Media outlet	Geographical range Audience/readership Circulation Influence Target public/Penetration Ownership	
Time slot/Page	Largest audience time slot Type of programme: all programmes within the chosen time slot	All pages

However, it is important to note that although describing those media to be monitored as a sample, the observations that are made of them are purely **descriptive** and cannot be used to **infer** the quantity or quality of the coverage in other media outlets that are not monitored. Analysis of an opinion poll or survey is an example of inferential statistics, where the sample stands for a larger group – all voters, or the whole population. However, the statistics used to analyse media monitoring findings are descriptive – that is, they represent nothing other than the media that are actually monitored.

5.1.4 Definition of the unit of context

In the media monitoring project, monitors work with particular sub-sections of the media that they are monitoring, known as the “unit of context”. This in turn is subdivided into “recording units” for the purpose of measuring variables.

The unit of context is every uninterrupted portion of broadcasting or publishing dealing with the same content. This means that it is possible to have quite long units of contexts (for example, an entire programme, like a talk show or a current affairs programme) and some very short units of context (such as a single news story inside a news bulletin).

If this sounds complicated, in practice it will be easy to recognise the beginning and end of each unit of context. Either this will be marked by the beginning or end of a programme or by the less formal, but equally recognisable, division between news items within a bulletin. Units of context in the print media will almost always correspond to a separate article. By convention commercial slots do not interrupt the unit of context. However, the exception to this would be advertisements that include a “relevant subject” - that is, a politician or candidate. These are regarded as units of context in themselves and are analysed separately.

5.1.5 Definition of the recording unit (analysis unit)

The recording unit is that segment of the message devoted to one “relevant subject”. Each recording unit will be related to only one relevant subject. In the same unit of context (for instance a talk show), we have as many recording units as the number of segments of communication devoted to different relevant subjects. So, for example, in a talk show each time a political candidate speaks, this will be defined as a separate recording unit. In a news item, the recording unit will be each separate occasion that the candidate is referred to or quoted. The advantage of using small segments of text as recording units lies in the level of accuracy during the analysis phase. Every recording unit will be recorded separately and coded using the variables chosen in the research design.

This process of coding with variables is crucial. The codes assigned should be clear and unambiguous. **Reliability** means that each monitor should be able to assign the same codes to each recording unit. These variables are particularly important:

- **Definition of the relevant subjects.** The concepts of politicians and candidates are clear. However, the media analyst should give the media monitors very clear instructions on how to translate the concept of “politician” into the variable “relevant subject”. Relevant subjects are all those actors who are members of a party or the government. Before starting with data collection, it is important to get the list of candidates with their party affiliation from the national election administration, as well as the list of the members of the current government. The body of relevant subjects may include:
 - All the members of parliament (one or two chambers depending on the country).
 - All the members of the government (ministers and deputy ministers).
 - All the candidates running for elections (based on the official list presented and approved by election authorities).
 - All the institutional actors (President of the Republic, Speaker of the Assembly).
 - All the members of local administration (mayors and representatives of local assemblies).
 - Members of political parties clearly defined as active politicians (for instance: a leader of a party not running for the elections, not a member of the government or institutions, not elected in local administrations, but still a member of a registered party in the country).
 - All registered political parties.
- The definition of the variables describing the relevant subject.

The media analyst will decide how many variables are to be used to describe relevant subjects. Three kinds of information will always be considered in describing relevant subjects in order to produce the necessary occurrences and statistics: his/her political affiliation, candidacy and sex. These variables allow the monitoring project to determine the distribution of coverage among political parties, or among the candidates running for the election. They will also enable the production of data related to gender balance. It may be useful to add other variables. It may be of interest, for example, to know how frequently candidates from minority groups are reported or cited. This could be added to the list.

One important decision is how to classify members of the government. Representatives of the government have a kind of dual political affiliation: they are usually members of a party but they are also representatives of the executive power. The media analyst should decide under which category the government officials should be labelled. The advantages that go with incumbency are well-known. Therefore, in a media monitoring project, it is important to be able to produce data on the coverage received by the incumbent government in order to assess the advantage it might have enjoyed.

5.1.6 Definition of the measurement system

The best measurement system, in terms of precision, is the use of seconds and square centimetres. If the project simply counts how many times an item occurs, without calculating the length of each item, this can lead to misleading results. The need to give a precise picture of the distribution of coverage among parties and politicians means that time allocated should be measured for the electronic media and space for the press.

The variables that can be used to quantify the amount of coverage devoted to political subjects can be summarised as follows:

- **Time of Attention – Space of Attention:** a measurement of the coverage political subjects receive by the media monitored.
Total time is the measurement of the coverage given by TV and radio to a relevant subject. Total space is the measurement of the overall coverage given by the print media to a relevant subject.
The Time will be calculated by stopwatches or the clock of a video recorder and reported in seconds in the time column of the analysis form for TV/radio. The Space will be calculated in square centimetres and reported in the space column of the analysis form for the press.
- **Direct Speech Time - Interview Space:** a measurement of the access (in its various forms: interviews, statements, advertising, etc.) political subjects were provided with by the media. This is a very useful indicator of the opportunity given politicians to convey their views directly.
Direct Speech Time (DST) is the time when the relevant subject is directly quoted on TV and radio. Interview Space (IS) is the space where the relevant subject is directly quoted in the press.

5.1.7 Definition of the quality of the coverage

Gathering information on the quantity of coverage devoted to the different political subjects does not provide a comprehensive picture of the pluralism displayed by media outlets. The public image of political parties, candidates and leaders is not merely shaped by the amount of time or space they are allotted, but also by the way they are portrayed. For this reason, media monitoring needs to use a general index for the quality of the coverage. The main problem arises because of the need to minimise the subjectivity of the judgement of the monitors when assessing the tone of the coverage (the problem of reliability). Tone is difficult to measure because of its subjective nature. Training of the national media monitors is crucial: it is very important to give them clear instructions on how to record this variable, what are the elements that should be taken into account when assessing tone. Rules to codify tone must be clearly set, and unclear cases should be discussed .

Measurement of the quality of coverage involves a number of concepts that can be translated into variables:

- The explicit judgement of the journalist on the relevant subject.
- The framing by which the relevant subject is covered. “Framing” represents the value of the news story within which the subject is covered, the context in which the subject is reported. The concept of framing is not related to the actual truth or falsehood of the context but on the “light” this context casts on the subject. The constant coverage of a political subject in problematic contexts (for example episodes of violence, lawsuits for corruption, etc.) during the electoral campaign may indicate an intention to provide the public with a negative portrayal of that subject.
- The manipulative use of films, pictures, sounds: “Consistent use of camera angles that make the crowds at certain parties’ or candidates’ rallies appear larger than reality, while angles at other contestants’ rallies make them seem smaller is another example of a content-based finding. Additional examples include: broadcasting film footage that does not correspond with the events reported in order to favor certain parties or candidates; using background music or visual effects that lend an ominous, satirical, patriotic or light-hearted tone to the story; and the use of manipulative voice tones or sarcasm by radio announcers or news anchors.”¹⁴⁶
- The choice of words when covering political subjects or presenting news: “For example, pro-government media may have the President "stating" something, while his opponent only "alleges".”¹⁴⁷
- The respect for basic professional standards of journalism when covering a news story.

The tone is measured on a scale, usually based on either five values (very negative, negative, neutral, positive, very positive) or three values (positive, neutral, negative).

The following tables set out the variables used for media monitoring of both broadcast and print media. In practice, these will usually correspond to the fields on a media monitoring form.

Table 5 Outline of the variables usable for media monitoring of TV and radio

TV/Radio	Description
Name of the media monitor	The specific media monitor who made the analysis for the record
Channel	The name of the channel monitored
Date	The date of the record

¹⁴⁶ R. Norris and P. Merloe, Media Monitoring to Promote Democratic Elections, NDI, Washington 2002.

¹⁴⁷ ACE Project, Media and Elections, www.aceproject.org

Name of the programme	The title of the programme
Kind of programme (according to the law of the country). List of possible labels News Electoral and Political Debate Special News Edition Free Airtime Current Events Programmes Documentary Films Electoral Tribunes Paid Airtime Entertainment Sport Programme Other	The genre/format the TV/Radio programme belongs to
Time start/time band	The hour and minute the programme started at/The position of the programme within the schedule
Relevant Subject	Individuals or collectives with a political role, a governmental role, a role within parties or within political forces
Political affiliation	The party the relevant subject belongs to or the governmental/institutional position the relevant subject covers
Sex	The gender group the relevant subject belongs to
Candidate	The candidacy (or not) of a relevant subject
Time	The measure (in seconds) of the coverage received by a relevant subject
DST	The measure (in seconds) of the direct access for a relevant subject
Topic	The topic the relevant subject is talking about. This is related to the presence of DST and interviews. If there is no DST or interview put 0 (zero) in the topic column of the analysis form.
Tone	The measure of the quality of the coverage received by the relevant subject

Table 6 Outline of the variables usable for media monitoring of the print media

Press	Description
Name of the media monitor	The specific media monitor who has made the analysis for the record
Newspaper	The name of the newspaper monitored
Date	The date of the record
Number of page	The number of the page the relevant subject is mentioned
Kind of page List of possible labels First page Political page Chronicles and current events Foreign Affairs Gossip and Show Business Culture Special Page on Elections	The “genre” of the page the relevant subject is collocated in
Kind of article (according to the specific context of the press in a country). List of possible labels Reportage Editorial News Features Mail from readers Cartoon Paid electoral space Free electoral space	The kind of article in which the relevant subject is mentioned

Kind of format. List of possible labels Headline Article Photo	The kind of format the relevant subject is mentioned in within the article
Relevant Subject	Individuals or collectives with a political role, a governmental role, a role within parties or within political forces
Political affiliation	The party the relevant subject belongs to or the governmental/institutional position the relevant subject covers
Sex	The gender the relevant subject belongs to
Candidate	The candidacy (or not) of a relevant subject
Space	The measure (in square centimetres) of the coverage received by a relevant subject
IS	The measure (in square centimetres) of the direct access for a relevant subject
Topic	The topic the relevant subject is talking about. It is related to the presence of interviews (IS). If there is no IS or put 0 (zero) in the topic column of the analysis form.
Tone	The measure of the quality of the coverage received by the relevant subject

5.1.8 Data collection

The variables coded for each recording unit are filed in electronic worksheets. This is the empirical basis of the research, together with the original archived copies of newspapers and videotapes. In long-term media monitoring projects, the records should be stored in a database, while short term projects can use simple worksheets. Casual errors during this phase can jeopardise the entire media monitoring project. The media analyst should check data on a daily basis for the entire duration of the observation.

Many software applications allow the user to set automatic criteria to ensure that data cannot be entered in a format that is not valid for that particular variable. Also, the software may allow the creation of drop-down menus, so that data capturers can only enter variables from a pre-determined list. For example, at the most simple, a spreadsheet can be set to determine what is a valid date format. It can be set so that the column dealing with the variable Tone will only accept the entries 1, 0 or -1, since these are the only possible values for Tone in a three-step system.¹⁴⁸

The use of specific formulas can also speed up the data storage process, while reducing the possibility of errors. A database can set better relationships among sets of different variables, but a common worksheet also normally allows the user to introduce formulas that automatically relate to different tables (in different sheets).

For example, a worksheet could contain the complete list of political subjects with all their related variables (political affiliation, political coalition, sex, etc.). The matrix with the recording units can recall automatically all the related variables of each political subject every time one of them is inserted in the worksheet.

¹⁴⁸ It is also possible to set this process of validation in relation to other variables in the matrix. If some combination of values is clearly illogical – for example, DST cannot be greater than the time of the recording unit – it is possible to put an automatic alert advising the data capturer to reconsider the value being entered.

Finally, a preliminary report of frequencies of all the variables in the research design can show other errors which should be corrected before analysing the data.

5.1.9 Data processing and analysis

Once the data gathering is complete and values are transposed into a matrix, the media analyst can proceed with data mining using a statistical programme.

Data processing is based on the tabular logic of a matrix composed of:

- VARIABLES in columns (V)
- RECORDS in rows (R)
- CASES in the cells (C)

The model for the matrix

V/R	V1	V2	V3	...	Vn
R1	C11	C12	C13	...	C1n
R2	C21	C22	C23	...	C2n
R3	C31	C32	C33	...	C3n
....
Rk	Ck1	Ck2	Ck3	...	Ckn

An example of a matrix

ID record	Analyst	Channel	Date	Program	Kind Program	Time start	Subject	Time	DST
1	Selma	TV1	12/09/2002	Night News	News	7,00 pm	Smith	19	19
2	Selma	TV2	12/09/2002	Info today	Information	7,00 pm	Connor	31	22
...
9	Vedran	TV3	12/09/2002	Election Ad	Free Advert	8,00 pm	Straw	66	58
10	Vedran	TV1	12/09/2002	Debate PB	Debate	8,00 pm	Blair	53	48

Weighting cases

The media analyst is interested not only in checking how many times the variable “Relevant subjects” appears, but in observing how long they are present. For example, the media analyst needs to be able to say how much time or space Party 3 has received rather than simply saying how many times it has been mentioned (frequency).

Therefore the frequency needs to be weighted by the time. In addition, it can be useful to calculate the relative percentage of this measure as the frequency in absolute values does not immediately facilitate the comparison among the level of coverage received by relevant subjects.

The calculation of percentage values allows the media analyst to compare the distribution of time/space among the different groups.

Example

POLITICAL AFFILIATION	TIME	% TIME
Party 1	631	46,2%
Government	317	23,2%
Party 3	286	20,9%
Institutional	133	9,7%
Total	1367	100,0%

In this way the media analyst will be able to say that the Party 1 has the largest share of coverage and got almost twice the amount of time of Party 3. The media analyst will use time/space and DST/IS as weights to analyse data, in order to provide a report based on these two measures.

Crossing variables

A cross table is a way to compare in a systematic way the distribution of frequency of a variable in another variable, to check their degree of association. On the basis of the matrix the media analyst produces cross tables in order to check the level of the association among the following variables:

- Channel/Newspaper
- date
- programme/ kind of page
- kind of programme
- subject
- sex
- candidate
- political affiliation
- topic
- tone

Crossing variables gives analysis depth and texture. For example, it allows not only to determine how many times a candidate is mentioned and for how long, but also what topics were addressed or in what kind of programme the mention occurred

Basic statistics for media monitoring

What kind of statistics does the media analyst need to assess the pluralism of the media coverage of the election campaign? The best practice is to proceed by following a pattern from general to particular in order to get all the information needed without ignoring any element.

First, the media analyst needs to have an idea of the structure of political communication in the monitored media. The main objectives in this phase are:

- assessing the volume of the coverage devoted to politicians in the period considered,
- assessing the media outlets offering wider coverage to politicians,
- trying to find an explanation for the different levels of attention among the media outlets,
- producing a general analysis of the different editorial policies and formats of the monitored media outlets.

This information can be acquired by processing the following variables:

- Channel/Newspaper
- Date
- Programme/Kind of page
- Kind Of Programme
- Time Start/Page

By crossing these variables the media analyst will produce data related to:

1. The amount of political communication

The first step when analysing data from media monitoring is to calculate the proportion of the political communication in the monitored period in order to have an idea of the weight of the monitored sample.

2. Programmes/Kind of page

A second step is to analyse the schedule of every monitored channel by crossing the variable “Channel/Newspaper” with the variable “Kind of programme/Kind of page”. These statistics show the distribution of programmes and can give some hints about the editorial policy of the TV stations concerning the coverage of elections.

3. The trend of political communication

The third step is to analyse the trend of the total time devoted to politics for every channel during the period considered. In order to have a clearer picture of the distribution of the attention within the individual TV stations it may be preferable to express the values in percentages. In this way the differences among channels over time can be clearly observed.

Coverage and access of political subjects

A second phase of the data analysis will focus on the statistics related to subjects. Variables related to subjects are:

- Subject
- Sex
- Political Affiliation
- Candidate
- Time/Space
- DST/IS
- Topic
- Tone

The basic statistics to be produced in this phase are:

1. Coverage of contestants and non-contestants in the different channels, statistics that will indicate the amount of attention that the monitored media give the candidates.

2. Coverage of political groups in the different channels. By reading these data the media analyst can evaluate both the total time devoted to political groups and the time offered to them for each channel. The media analyst will also produce tables based on the DST/IS in order to compare the differences among channels in the kind of direct access provided to subjects, as well as differences between the direct access given to subjects.

3. Coverage of subjects and groups in the different programmes. For every kind of programme the media analyst will produce a table referring to each media outlet monitored. This is a statistical analysis based on three variables:

- Political affiliation
- Kind of programmes/Kind of page
- Channel/Newspaper

Example

News								
POLITICAL AFFILIATION	TV1		TV2		TV3		Time	% Time
	Time	% Time	Time	% Time	Time	% Time		
Party 2	165	50,0%	181	42,1%	118	38,4%	464	43,5%
Government	55	16,7%	119	27,7%	99	32,2%	273	25,6%
Institutional	0	0,0%	66	15,3%	67	21,8%	133	12,5%
Party 1	110	33,3%	64	14,9%	23	7,5%	197	18,5%
Total	330	100,0%	430	100,0%	307	100,0%	1067	100,0%

The same data have to be produced for the all programmes and pages classified (information, free advert, paid advert, etc.).

4. Tone of the coverage of subjects and groups. When processing this variable the media analyst will weight it with the total time. The same kind of data can be also produced to analyse how political subjects are covered within single programmes or pages.

Example

TV1					
TIME	Tone				Base in minutes
POLITICAL AFFILIATION	Negative	Neutral	Positive	Total	
Party 1	0,0%	40,3%	59,7%	100,0%	24,8
Party 2	58,7%	1,8%	39,5%	100,0%	22,4
Government	4,4%	52,2%	43,4%	100,0%	20,9
Total	20,7%	31,3%	48,1%	100,0%	68,1

TV2					
TIME	Tone				Base in minutes
POLITICAL AFFILIATION	Negative	Neutral	Positive	Total	
Party 1	0,0%	44,4%	55,6%	100,0%	30,1
Government	0,0%	0,0%	100,0%	100,0%	2,0
Institutional	100,0%	0,0%	0,0%	100,0%	1,1
Party 2	0,0%	45,3%	54,7%	100,0%	1,1
Total	3,2%	40,4%	56,4%	100,0%	34,2

As additional information the media analyst can add statistics related to gender representation in the media and to the topics covered by candidates and politicians.

5.1.10 Interpreting data

The interpretation of numeric data needs to be done carefully, taking into account not only what statistical tables show but also possible reasons for the values reported in those tables. The media analyst needs to describe a phenomenon, in this case media performance, but he or she also needs to be able to explain it.

There is no general model to interpret data. What follows are some simple indications that can improve the reading of data and make it easier to analyse them:

- When observing data it is important to read absolute and relative values. Both provide very important information. Using only percentages can sometimes be misleading. For instance, let us say that there are three parties: Party A received 5 seconds of coverage, Party B got 2 hours and Party C received 4 hours. If we observe that the 70% of the time devoted to Party A was negative without considering that the total amount of time devoted to this party was a very short time compared to other parties, we risk over-evaluating the importance of this data.
- When the media analyst finds values apparently “odd”, he/she should find an explanation for them. They might be produced by a mistake in the input phase or in the data recording phase or they might be correct and the media analyst should be able to explain the anomaly.
- Using sets of data that are large enough to be significant. The basic reporting period is the entire campaign, although it is likely that the media analyst will also be required to produce an interim report. Beware of drawing unwarranted conclusions from data covering short periods of time.
- When analysing statistics, only compare like with like. If, for example, the media analyst tries to compare the output of a daily publication with that of a weekly they will get strange and misleading results. A weekly will have many fewer items, of course, But also these items may be very different in their nature. A long feature story, for example, may contain many more sources than a short news item. This does not necessarily make it a “better” story. The analyst should take care not to make misleading comparisons that may be used to buttress tendentious arguments.
- It is important to evaluate data taking into account contextual information too: the legal norms regulating media during the election – both national laws and international standards - are a fundamental framework to interpret findings. The party system, the political context, as well as the relative importance and status of the media outlet monitored, constitute other elements that have to be considered when drafting conclusions.
- Remember that the figures in the worksheet or database are descriptive, not inferential – that is, they describe only the items monitored. It is not possible to use them to infer what might have been contained in other media that were not monitored. Hence the media analyst should always take care not to make claims for statistical findings that are not warranted.
- Qualitative findings provide useful explanations for statistical data. The reasons for a certain trend, a specific value found or a meaningful variation of data can often be explained by using the structured qualitative analysis undertaken during the monitoring.
- A related point is that quantitative data should always be analysed with reference to what was happening in the campaign at the time. The media analyst should constantly keep in mind events and factors in the outside world that may explain the data – especially if there are

surprising results. Over shorter periods, one major event or news story can skew the data significantly.

- Media monitoring findings do not tell you what happened; they only tell you what was in the media. The data can be used to compare the output of different media organisations. These data do not, in themselves, indicate whether or not the media were reporting accurately. To determine that, the media analyst will have to compare data about the media with data about the incidents being reported. These might be statistics on political violence, numbers of rallies for different parties or whatever.

5.1.11 Type of elections

The methodology described for quantitative analysis is usually adopted for parliamentary elections. For other kinds of elections some changes might be needed.

- Presidential election: The basic methodology for media monitoring will not be significantly modified in this case. The allocation of time among candidates for the presidency is here the main benchmark to evaluate the balance of the media coverage. Still, it may also be important to record the time devoted to other relevant political subjects because of the direct or indirect participation of political parties in the presidential race.
- Local elections: In this case, it may be necessary to include some local media outlets in the sample of the media monitoring. Local media can play a substantial role in municipal elections; it is therefore important to monitor those media that can have a sizeable impact on voters in certain areas. Publicly owned local media may assume a particular relevance. They might be subject to specific obligations aimed at ensuring equal access. Within the methodological framework, it could be useful to add the variable “Municipality” (recording the municipality the relevant subject is candidate in) to the analysis form. This variable will allow the media analyst to assess the media coverage of candidates running in the same municipality. Particular attention should be paid to the role of government officials and opposition leaders when they are not candidates but actively campaigning. A politicisation of the election campaign for local elections may imply an intensive participation of national politicians that need to be taken into consideration while observing media coverage.
- Referendum: Most referenda require a threshold (usually 50% plus 1 of registered voters) to validate the result of the procedure. This means that the political role played by forces calling for a boycott will be important and voter turnout will be of particular significance.¹⁴⁹ The media have the task of giving equal access - on a strict equality basis - to the two alternative positions (yes or no) but they should also represent the position of those opposed to using referenda as a method to decide certain issues. (This consideration may also apply in elections where significant political forces are calling for a boycott.) The media analyst needs to record the amount of time devoted to the referendum, how this time is allocated between the two opposing positions (Yes and No) and how the media cover the supporters of both sides. A boycott campaign might not be entitled to any access to the media, but it is likely to receive some media coverage. It is important to keep a record of this coverage

¹⁴⁹ Attention for voters’ turnout and the coverage of any boycotting front should also be paid in those countries where the electoral system foresees a threshold to validate the election.

too. Some adjustments in the analysis form will serve to produce data describing these specific features of the referendum campaign.

Referendum may be included in the list of the topics recorded by media monitors. This will allow the media analyst to evaluate the portion of time devoted to the issue of referendum by relevant subjects.

The voter turnout will be important for the outcome of the poll. The fairness of the voters' education campaign will therefore be important to monitor.

- General or multiple elections: These types of elections include contemporaneous consultations (local, parliamentary, presidential, referenda). All the adjustments described in the previous sections can be included in the methodology.

In addition, in order to distinguish between the different elections, a new variable "Type of election" (recording the specific election the relevant subject is running for) should be inserted.

5.2 THE QUALITATIVE ANALYSIS

This kind of analysis aims at describing situations and phenomena for which quantitative analysis is not necessary but that are relevant for assessing the overall quality of the media coverage of the campaign.

Qualitative analysis of media coverage of the electoral process can involve different topics, among which the most common are:

- The coverage of opinion polls: are they produced according to national provisions regulating the public dissemination of opinion polls? Is the sample used representative of the entire population? Are the questions formulated in an appropriate manner?
- The coverage of exit polls for those countries where voting takes place in different time zones: is the coverage respectful of the closures of all polling stations?
- Voters' education: is there any specific campaign for voters' education? Are they providing voters with correct and clear information on their right to vote and voting procedures? Are they targeted to different audiences, particularly to disadvantaged or groups which are traditionally discriminated against? Are they focused on particular aspects or problems widespread in a specific country?
- Electoral silence: do the media outlets respect the provisions for electoral blackout (if set forth by national regulation)? If not, what are the major violations? Who should be considered responsible for the breach of the law?
- Episodes of hate speech and inflammatory language: does any media outlet spread hate speech? On what occasion? To whom should be attributed the responsibility for this according to international standards and national law? Who were the targets of the hate speech?
- Journalistic style of the media outlets: do journalists tend to mix opinions and facts when reporting? Do journalists try to provide the public with in-depth analysis and accurate information or do they rather tend to report in a superficial and incomplete way?
- Professional conduct of journalists: are journalists responsible for any clearly biased information or coverage, episodes of defamation, partisan declarations or untruthful news?
- News omissions: was any relevant piece of news omitted by the media observed?
- Analysis of the formats used to cover the elections: are there any examples of innovative election coverage? Were satirical programmes or articles produced? Do broadcast/print media produce any programme or article in national minorities' language? Or dealing with national

minorities issues? Do broadcast/print media produce any programme or article dealing with gender issues?

- Coverage of election administration: is the activity of the electoral commission covered? Are the sensitive issues related to the administration of the election covered? Is the coverage promoting confidence in the institutions and the electoral process or is it undermining their legitimacy?
- The advantage of the incumbent government: are there cases in which government officials are campaigning by taking advantage of their institutional functions? Are government officials using their institutional duties frequently enough to raise concern about the authenticity of these occasions? Has any “suspicious” campaign of civic education been launched by the government on the eve of the elections?
- The agenda of the media outlets: what are the topics and stories covered by the main TV news? Is the public broadcaster covering stories favouring a specific party? Are private broadcasters setting an agenda favourable to a specific party?
- Report on any violations (direct or indirect) of the provisions regulating media during the electoral period.
- Kind of election campaign through new media – web sites, email listserves, text messages to cellular telephones etc.

Table 7 Outline for qualitative analysis

Qualitative analysis	
Media outlet to be observed	All the media monitored in the quantitative analysis When necessary, some of the media outlets not included in the sample of the quantitative analysis or influential foreign media
Elements to be observed	Opinion and exit polls reporting Respect of election blackout Voters’ education campaigns Hate speech and inflammatory language Journalistic style and professional standards Style of the formats used to cover elections Coverage of the election administration Advantage of the incumbent government Agenda of news Violations of provisions for media coverage

Example

The agenda of prime time TV news

QUALITATIVE OBSERVATIONS

Analyst

Name of the media outlet

Date

News item (describe the story) and indicate any of the issue relevant for qualitative analysis)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Additional notes

Example

MEDIA MONITORS WEEKLY REPORT

QUALITATIVE OBSERVATIONS

Analyst.....
Name of the media outlet.....
Date.....

EDITORIAL POLICY

Does the media outlet more or less openly support a party/candidate/referendum position? Which one?

Do they broadcast/print any programme/article in a national minority language? Or deal with national minorities issues? If so, describe it/them briefly.

Do they broadcast/print any programme dealing with gender issues? If so, describe it/them briefly.

Describe the weekly agenda of the media outlet: what are the most covered issues and how are they covered?

POLITICAL CONTENT

Did you notice any violation (open or indirect) of the provisions regulating media during the electoral period?

Do they have any critical or analytical approach in providing political information or do they rather tend to report it without any in-depth analysis?

Did you notice explicitly biased information provided by journalists? If so describe this and give details about the episodes.

Did you notice episodes of defamation or partisan declarations made by journalists? If so describe this and give details about the episode.

Did you notice episodes of defamation made by politicians? If so describe this and give details about the episode.

Did you notice any hate speech? By whom? If so describe this and give details about the episode.

NOTES AND REMARKS

The media analyst should decide in advance what issues and events to observe. When this has been decided, he/she should structure a form to be distributed to all the media monitors and to be filled out by them on a regular basis. This procedure aims at producing structured and standardised observations and at avoiding impressionistic approaches. In longer monitoring exercises, where a database is being used, it may be possible to record such qualitative observations in the database. Clearly they have no statistical value, but this will make it easier to search for monitors' analysis of particular issues.

Once forms are completed by all the monitors, it is important to go through their observations and to discuss their findings with them. This is another procedure to avoid basing findings on mere impressions; the comparison of observations and the discussion among monitors and with the media analyst serve as an indicator of the reliability of the survey and the consistency of results. Forms are to be filled in regularly. This discussion should be held whenever monitors deliver their observations.

Results related to qualitative analysis can be reported in several ways: integrated into the comments about statistics or in a separate section devoted to case studies and qualitative observation.

5.3 PRESENTING DATA

Data can be presented in tables, charts and diagrams; the choice among the different options is up to the media analyst.

1. Tables

There are no general rules on presenting tables. Indications here are to be considered as suggestions to produce a user friendly and clear report.

The title of the table should indicate the content of the table

The first column on the left of the table can indicate the labels of the variables the table is reporting.

The order of the labels is usually based on their weight (time or space) and they are sorted in decreasing order, from the one displaying the highest value to the one with the lowest value. Furthermore, it is advisable to present only one kind of calculation, generally those in percentage values. In most cases it is useless to complicate the table by inserting an additional column for other calculations. Tables should always report the totals in row and in columns in order to let the reader understand what is the direction of the percentage. Finally, when using percentage it is necessary to report on a specific row or column the absolute values that the percentages refer to.

**TV: quantity of coverage for political groups - All programmes
12 February – 3 March 2002**

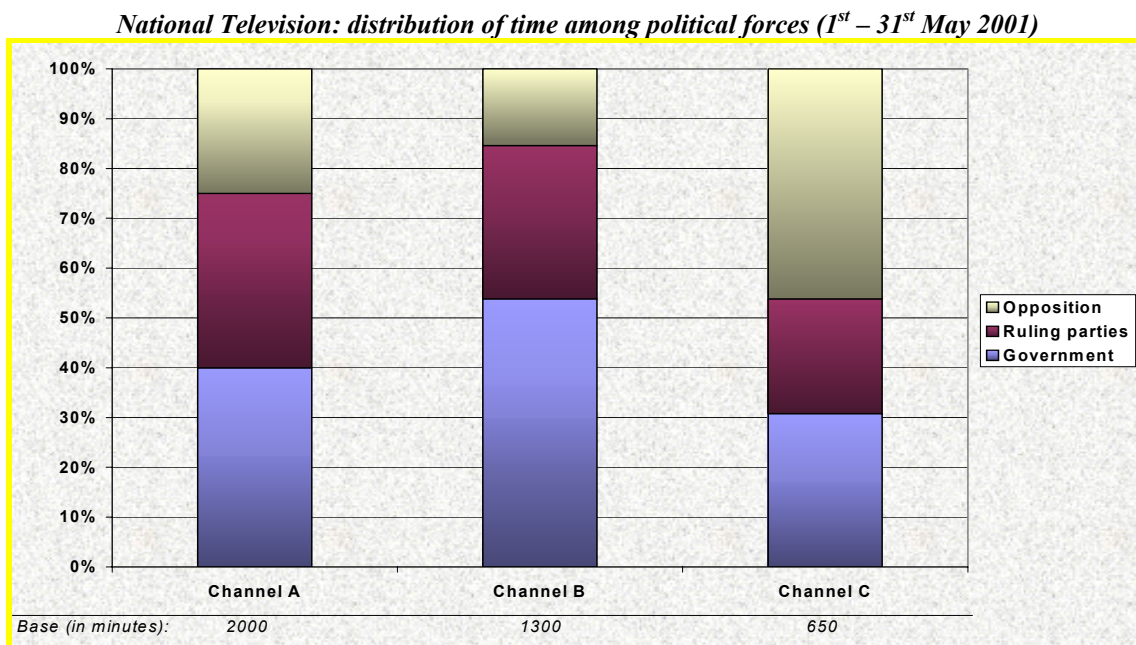
POLITICAL AFFILIATION	TV1	TV2	TV3	Total
Coalition A	32,9%	87,9%	38,4%	50,7%
Party 1	36,4%	3,1%	7,5%	24,5%
Government	30,7%	5,8%	32,2%	22,8%
Institutional	0,0%	3,2%	21,8%	2,1%
Total	100,0%	100,0%	100,0%	100,0%
<i>Base in minutes</i>	<i>68,1</i>	<i>34,2</i>	<i>5,1</i>	<i>107,5</i>

2. Charts

Charts contain the same information as the related tables. However, graphics are useful tools to summarise data and make them easy to read and to understand.

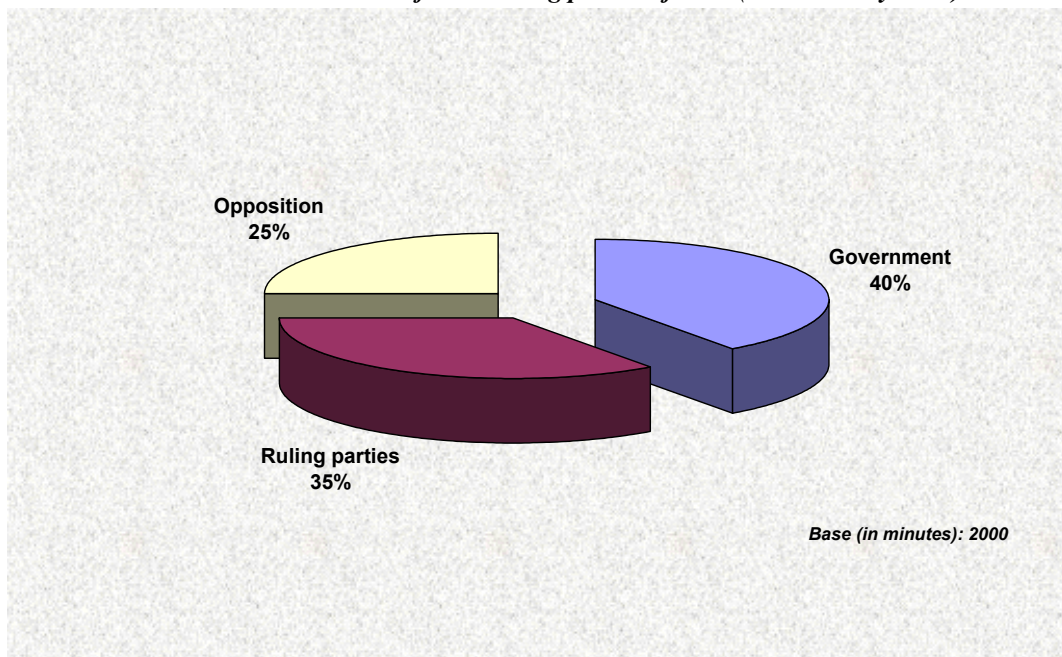
Whatever format is used to present the results, a short commentary that stresses the main findings resulting from those data should be added. Some indications about the details that are included in tables should be reported in charts too, for example, the title, the period covered by the data, and absolute values. The information contained in tables can be expressed by using different kinds of charts: the kind of graph the media analyst chooses depends on the number and the kind of variables used. The bar graph, for example, can contain two variables, while the pie chart expresses just one variable.

The bar chart below can effectively show a comparison among different media outlets.



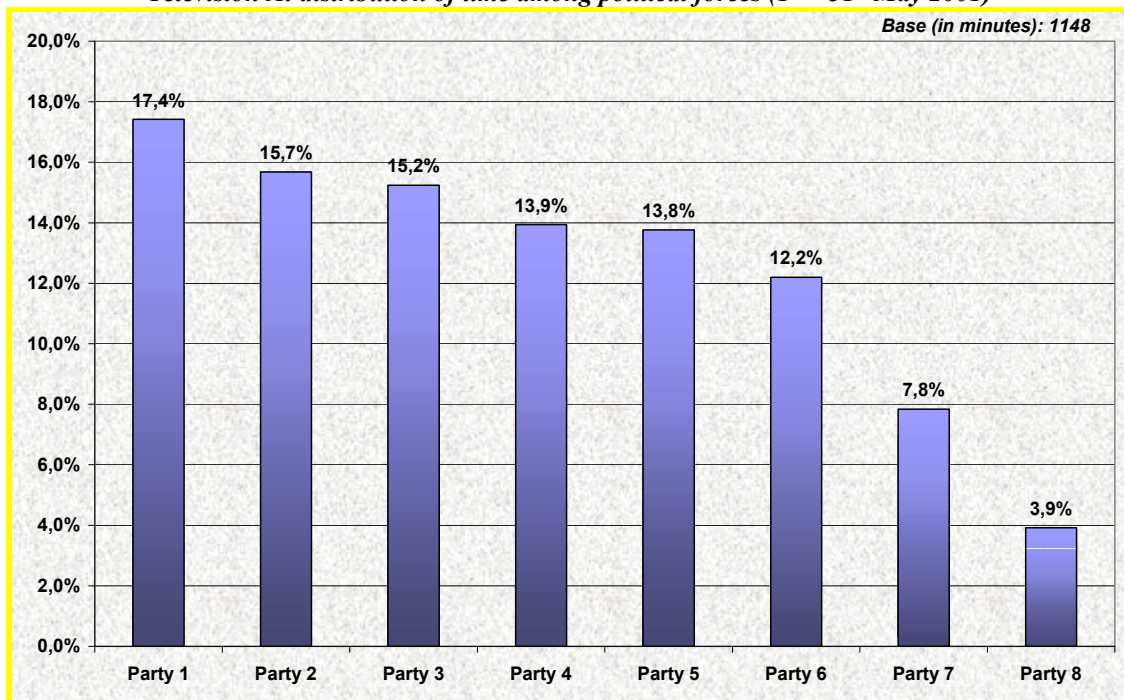
Similar information can be obtained by using as many pie charts as the number of media outlets analysed. In this case the time of attention for political groups for the first channel (channel A of the previous chart) will be:

Television A: distribution of time among political forces (1st – 31st May 2001)



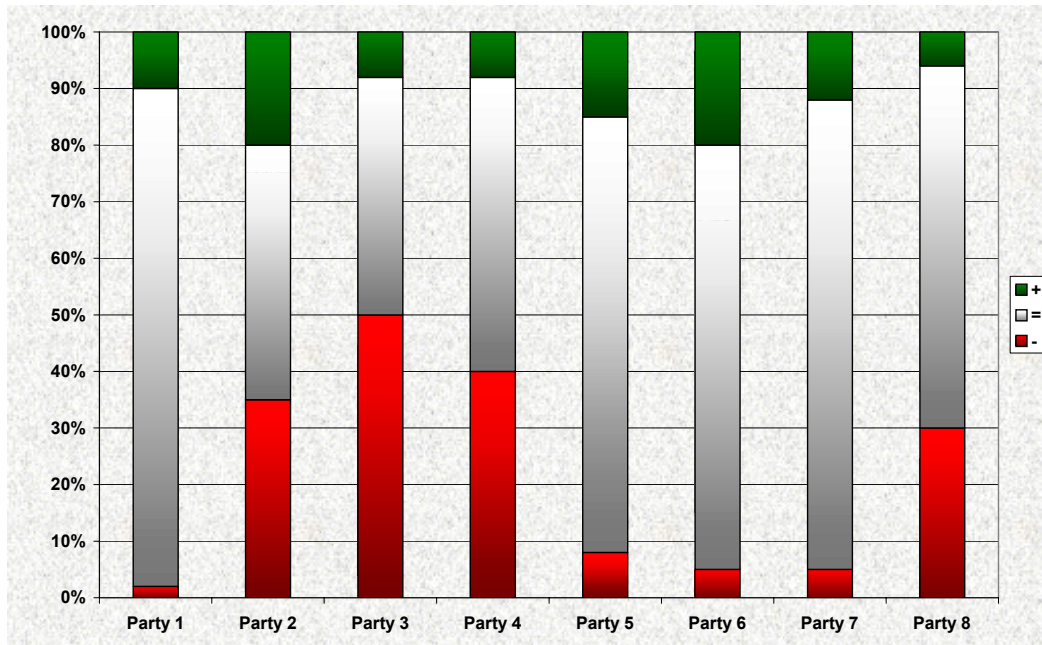
When the number of labels to be displayed in a chart is too high to be easily readable, the media analyst can also use a bar chart with, for instance, just the information on the distribution of time among different political parties.

Television A: distribution of time among political forces (1st – 31st May 2001)



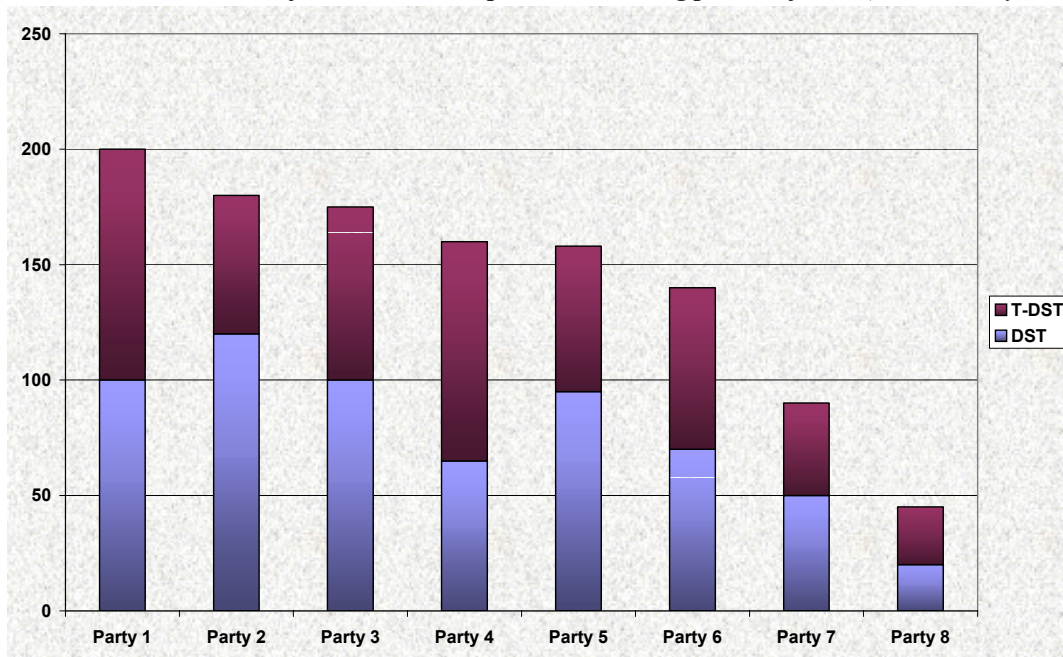
The information on the time of attention for political groups should be always linked to a chart on the quality of the time. A bar chart, again, can effectively fulfil this purpose:

Television A: tone of the coverage of political forces (1st – 31st May 2001)



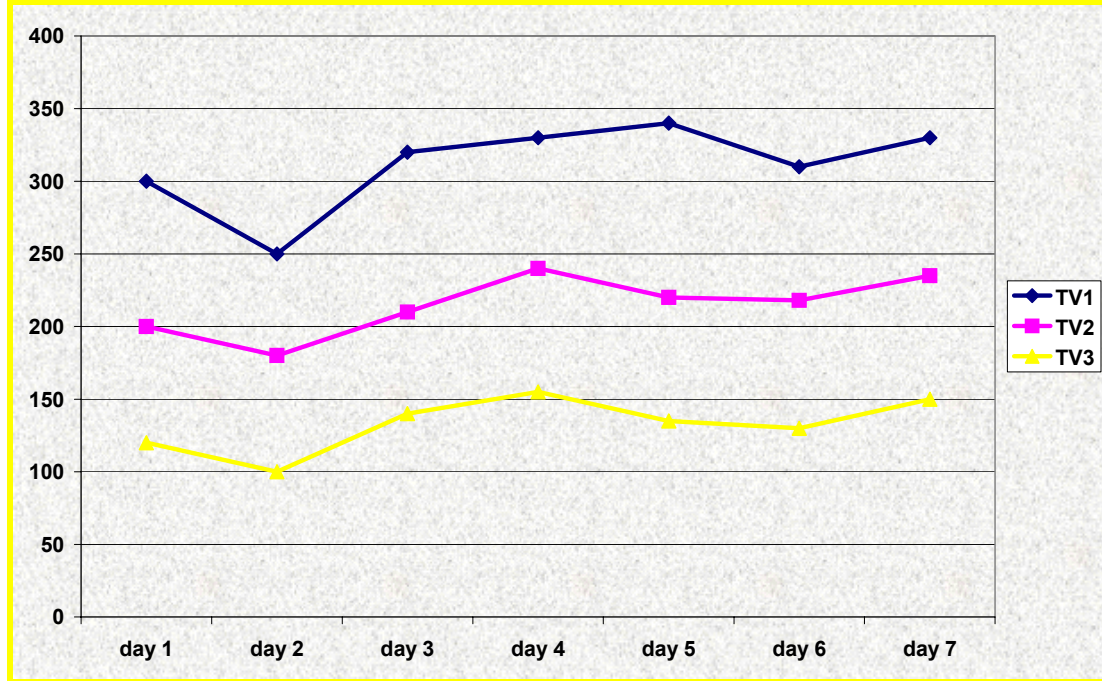
A bar chart combining the quantity of coverage with the Direct Speech Time, both expressed in absolute values, can give a good picture on the level of pluralism displayed by a media outlet.

Television A: distribution of time and direct speech time among political forces (1st – 31st May 2001)



The performance of each media outlet over the time of the campaign, in terms, for instance, of the time devoted to political and election related issues, can be illustrated by trend line graphs:

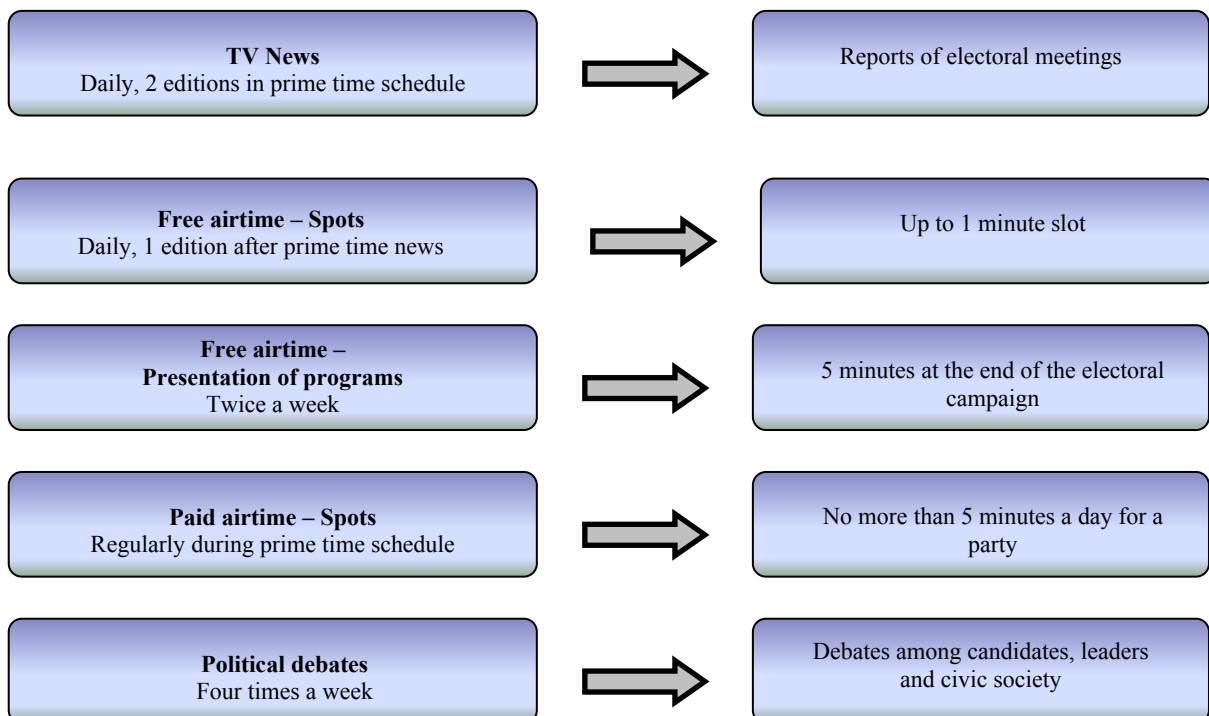
National Televisions: trend of the time devoted to elections and political coverage(1st – 31st May 2001)



3. Diagrams

Diagrams are graphical devices allowing the expression of some concepts in a synthetic and schematic way. They are not usually referred to statistical data as charts and tables, but they are rather used to summarise in a visual form ideas and descriptions of a certain phenomenon. For example, to describe the structure of a TV channels' schedule for election coverage.

FORMAT OF THE STATE TELEVISION COVERAGE OF ELECTIONS



5.4 REPORTING

The media analyst's findings will constitute a section of the final report of the EOM. This will consist not only of the monitoring findings, but also the entire analysis of the media landscape and legal context. The EOM will probably also produce an interim report that will include the preliminary observations of the media unit. It is likely that this initial report will focus more on issues of background, context and law. It is likely to be too early in the campaign to offer more than tentative findings from the monitoring exercise.

Reports issued by the media analyst should be easy to understand and to read, but complete, substantiated and based on well-grounded and verifiable analysis. The language to be used should be neutral and not use loaded terminology. Reports should contain some basic elements of information including:

- A short description of the project.
- An explanation of the goals of the research.
- An overview of the media monitored and the reasons they were chosen.
- An explanation of the methodology and the sample taken into account.
- A summary of the main findings and conclusions.
- An analytical section giving substance to findings and conclusions; this part should include interpretations of data based on tables, charts and diagrams.
- Recommendations to improve media performance and to avoid bias and unbalanced reporting or coverage.

Example Structure for reporting

Section	Content	Goal
Section 1 Summary of findings	Few paragraphs with main conclusions	Making available an easy to read synthesis
Section 2 Introduction	- Media landscape - Media legal framework	Placing and explaining your findings within the specific context in which media outlets operate
Section 3 Description of the project	- Reasons and aims - Media team - Sample - Methodology	Explaining and informing how, why and by whom the project was carried out
Section 4 Presentation of data	Findings and Commentary using: - Table - Charts - Diagrams - Case studies	Providing readers with empirical evidence of your findings illustrated graphically and explained in text
Section 5 Conclusion	- Conclusions - Recommendations	Finalise your work with final considerations and suggestions based clearly on the results
Section 6 Annexes and appendices	All the documents and data excluded from the core report	Making your report complete with all the material you based your report upon

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APPENDIX ONE

International Commitments relating to freedom of expression and access to information.

VIENNA 1989¹⁵⁰

The participating states reaffirm that (...)

34. (...) in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, they will ensure that individuals can freely choose their sources of information

COPENHAGEN 1990¹⁵¹

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will (...)

(7.8) provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(...)

(9) The participating States reaffirm that

(9.1) everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;

(...)

(10.1) respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information;

MOSCOW 1991¹⁵²

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.

(26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

(26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.

(28.9) The participating States will endeavour to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These

¹⁵⁰ OSCE, Concluding Document, Follow-up Meeting Vienna 1989.

¹⁵¹ OSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 29 June 1990.

¹⁵² OSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991.

measures will include tracing mission journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

BUDAPEST 1994¹⁵³

36. The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right.

37. They condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.

38. They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

LISBON 1996¹⁵⁴

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as (...) threats to independent media (–) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

(...)

11. Freedom of the press and media are among the basic prerequisites for truly democratic and civil societies. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations.

ISTANBUL 1999¹⁵⁵

26. (...) We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

27. We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

¹⁵³ OSCE, Concluding Document of Budapest, 6 December 1994.

¹⁵⁴ OSCE, Lisbon Document (Summit Declaration), 3 December 1996.

¹⁵⁵ OSCE, Istanbul Document (Summit Declaration), 19 November 1999.

APPENDIX TWO

CONTENT ANALYSIS – A THEORETICAL PERSPECTIVE:

Berelson (1952) defined content analysis as a research technique for the “objective, systematic, and quantitative description of the manifest content of communication”. Subsequent debate on this method of social research has led to improvements in the quantitative approach with the inclusion of some qualitative tools, with the purpose of achieving a more in-depth analysis of the entire sense of the message. In particular, some limitations of the classical quantitative approach used by Lasswell¹⁵⁶ in “The Language of Politics. Studies in Quantitative Semantics” (1949) were reviewed during the Allerton House Conference (1955), the first American congress on content analysis.

The Allerton House Conference revealed methodological problems:

- A limitation of the analysis to the manifest content,
- An understating of the context of the units of analysis,
- The equivalence of the semantic significance of symbols classified in the same category,
- An excessive and arbitrary reduction of complexity.

The aim of keeping the entire sense of the message, for example, suggested to Osgood (1959) to utilise more sophisticated and qualitative tools such as evaluation assertion analysis and contingency analysis. Moreover, while all content analysis research is basically centred on the message produced, the aim may be to find links between the message and other parts of the environment.¹⁵⁷

The process of coding segments of texts proves the difficulty in balancing between two apparent incompatible goals in research - specificity and depth of understanding. Coding the manifest content of communication is a relatively objective procedure involving the enumeration of specific indicators of some concepts. Coding of latent content involves a more subjective assessment of the underlying meaning in a body of material. Recent models of content analysis try to include some references to the connotations of some segments of communication, instead of limiting the analysis to its denotations. For instance, the use of referential units of analysis instead of simple syntactical units is an attempt to increase the comprehension of the real meaning of a concept. Nevertheless, the main purpose of content analysis remains prevalently descriptive; its models are normally characterised by the presence of a matrix of data, operationalisation¹⁵⁸ of the concepts into variables and utilisation of statistics and data analysis.

¹⁵⁶ Lasswell carried out a series of studies on the relevance of the symbolic contexts of communication in the determination of political action. The main hypothesis was that political power could be adequately understood with a better comprehension of the language of politics, by means of quantitative analysis. Lasswell worked out a systematic and quantitative proceeding/method for the analysis of political communication, which was called “content analysis”. This definition was only later used for any type of content research. This method consists in the identification of symbols or key-ideas in the message and their classification into categories according to their meaning; this is followed by the calculation of the frequencies of the symbols in each category.

¹⁵⁷ C. E. Osgood and E. G. Walker, Motivation and Language Behaviour: Content Analysis of Suicide Notes, in *Journal of Abnormal Social Psychology*, 1959.

¹⁵⁸ “conceptualisation is the refinement and specification of abstract concepts, and operationalisation is the development of specific research procedures (operations) that will result in empirical observations representing those

According to a more technical definition, the procedures of content analysis consist of the deconstruction of the communication unit (text) into smaller segments (recording units) and in the classification of those units in variables, remembering to define the unit of context to which we refer while coding.¹⁵⁹ All the classifications used in the model must respect some basic requirements:

- Exhaustiveness: every case must be coded into one category. Therefore, it should be possible to classify every observation within one of the attributes composing the variable.
- Mutual exclusiveness: every case must be coded only into one category. It must be possible to classify every observation within just one attribute.
- Unity of the “fundamentum divisionis”: every case must be coded on the basis of the same rule. It should be possible to classify every observation in terms of one rule distinguishing the attributes.
- Pertinence: the definition of the attributes of a variable derives from the text content and from the goals we aim at reaching.
- Homogeneity: the units of classification coded in the same attribute should be homogeneous among themselves.
- Objectivity or inter-subjective reliability, that is to say: same results with different analysts.

The usefulness of a content analysis project has to be evaluated according to two classical concepts in social research: validity and reliability. These criteria of quality are a necessary condition to conduct a scientific inquiry.

The term “validity” refers to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration.

Therefore, the validity can be valued in terms of the operationalisation of a concept, in other words the relationship between concepts and their indicators. The higher the semantic content in common between one indicator “X” and its related concept “A” (and consequently X is a good indicator of A and does not indicate any other concept), the greater the degree of validity.¹⁶⁰

On the other hand, we talk about reliability whether a particular technique, applied repeatedly to the same object, would yield the same result each time. In a good research project, every measurement should be stable, reproducible and accurate.

The general advantages of content analysis projects can be summarised as follows:

- they have an “indirect” approach to reality.
- they use “unobtrusive” techniques.
- the units of “observation” can be subjected to repeated analysis without generating modifications.

a valid and reliable research design leads to objective and verifiable results, therefore incontestable.

concepts in the real world”. R. Babbie, *The Practice of Social Research*, Wadsworth Publishing Company, Belmont, California, 1979, p.137.

¹⁵⁹ F. Rositi and M. Livolsi, *La ricerca sull’industria culturale in Italia*, NISS, Roma 1988.

¹⁶⁰ A. Marradi, *Concetti e metodi per la ricerca sociale*, Giuntina, Firenze 1984.