



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 23 August 2004

Study no. 285 / 2004

Restricted
CDL-EL(2004)013
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMMENTS
ON MEDIA MONITORING DURING
ELECTION OBSERVATION MISSIONS

by

Mr Owen MASTERS (Expert, United Kingdom)

TABLE OF CONTENTS

I.	Introduction	3
II.	Role of Media	4
III.	Protection of Freedom of Expression	4
IV.	International Standards of Media during Elections	5
V.	Types of Media and Election Coverage	7
VI.	Media Ownership Politics and Elections	8
VII.	Media Context	9
VIII.	Regulation of Media Coverage during an Election	10
IX.	The new Media and the Internet	13
X.	Legal Framework for Media – Election Regulation and Election Administration	14
XI.	Guidelines for Media Analysis	15

I. Introduction

1. This report has been compiled after taking into account much of the content of ODIHR document “Guidelines on Media Analysis During Election Observation Missions”, and CDL-EL(2004)005 “Media Monitoring During Election Observation Missions” of 20 April 2004. The report has also recognised recommendations of the Committee of Ministers of the Council of Europe (Recommendation No. R(99)15 to member states, on measures concerning media coverage of election campaigns).

2. The ODIHR document “Guidelines on Media Analysis During Election Observation Missions” is very comprehensive, and includes most of the issues contained in CDL-EL(2004)005 “Media Monitoring During Election Observation Missions” of 20 April 2004.

3. However, this revised report also contains proposed amendments to the ODIHR document as follows:

- Page 2 - References to ODIHR EOMs should also include CoE EOMs.

- Page 5 - Bullet Point 3 to be amended to read:

Respect for the fundamental principle of editorial independence of the media, in particular printed and private media, and in their right to express a preference. This assumes a special importance during election periods.

- Page 8 - 5th Bullet Point to be amended to read:

Access of candidates and political parties particularly in respect of public Media, should follow the principle of equality of opportunity.

- Page 9 - 1st Bullet Point to be amended to read:

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.

- Page 29 - Guidelines –Autonomy – Amend to read. . .newspapers and broadcasters.

This is a fundamental principle that should be respected, particularly in respect of printed and private media and their right to express a preference.

Page 29 - Guidelines – Journalists rights – 5th Line ...cases of repression. Suggest adding:
..... repression, and those responsible should be held accountable

- Page 30 - Final Paragraph Line 3 amend to read:

..... equal time to all of them, but ensuring that they have equal access and

- Page 34 - Box – Private Electronic Media – Amend by adding:

Where equal access is provided for one or more parties and candidates, then equal access and treatment should be available to all parties and candidates. Coverage must follow the criteria of balanced and impartial reporting.

- Page 34 - Box- Private Print Media – Add 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

- Page 48 - Box – Final Paragraph – Amend by adding:
Any restriction should comply with Article 10 of the European Convention of Human Rights.
- Page 51 - 3.4.14 – Right of Reply – Amend by adding:
... in the following days during the election campaign period ...
- Page 52 - 3.4.16 – Minorities – Amend by adding:
... of concern. Broadcasts should not take place during unsocial hours
- Page 56 - 4.3 – Reference to OSCE commitments should be amended to read OSCE/CoE commitments.

II. Role of Media

4. There is increasing recognition of the important role of the media in modern society, especially at elections. The influence of the media is particularly noticeable on the conduct of elections, in communications with the public, and the outcome of an election.
5. This report will contain information on the problems and choices of media monitoring, including the quality of the coverage, information gathering, and analysis on the interpretation of data. In addition reference will be made to specific features of the coverage of elections, which may include the granting of free airtime to political parties and candidates, dissemination of opinion polls, paid political advertising, days of reflection, and the right of reply.
6. During elections the media can assist voters in making informed choices of the parties and candidates they wish to support. The media is also a means to provide access for political contestants to communicate with voters. However, there must be equality of opportunity for all parties and contestants. It is generally accepted that journalism must be of a standard, which will ensure the provision of accurate and objective journalism.
7. Media Monitoring is an effective tool to measure how the political parties are treated by the media, and how the media are treated by the politicians. Credible media monitoring projects provide citizens with information on the reporting of the whole election process.
8. Election observation missions now include media monitoring/analysis as an accepted tool to observe elections. Furthermore, in newly emerging democracies, or in post-conflict countries, media monitoring projects are undertaken to establish the conduct of media in election and non-election periods.
9. The report is also an overview of the main issues in media observation and analysis, as experienced by ODIHR and Council of Europe Election Observation Missions.

III. Protection of Freedom of Expression

10. Over the years both the Council of Europe and OSCE have developed a number of commitments.
11. These commitments are many, and examples include:

1. Freedom of expression, including the right to communication and the right of the media to collect, report, and disseminate information, news and opinions.
 2. Individuals and groups should have the right of participatory access to the media.
 3. Respect for the fundamental principle of editorial independence of the media, in particular printed and private media, and in their right to express a preference. This assumes a special importance during election periods, and applies in particular to regulations on media coverage of elections.
 4. There should be no legal or administrative obstacle to obstruct access to the media within the electoral process.
 5. The promotion of diversity as a primary goal of broadcast regulation, including gender equality, equal opportunity for all sections of society, and equal access to the airwaves.
 6. 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.
 7. Media should enjoy unrestricted access to foreign news and information services.
 8. 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 right.
 9. Attacks on, and harassment of journalists must be condemned and those responsible should be held accountable.
 10. Access of candidates and political parties to public and private media should follow the principle of equality of opportunity.
 11. Regulatory frameworks should be established where political parties and candidates are permitted to buy advertising space from the media.
 12. The media has a duty to offer a right of reply to statements that are inaccurate or offensive, and the exercise of this right must take place during the campaign period.
12. The right to freedom of expression is enshrined in a number of declarations, treaties and conventions. States that are signatories to these documents, or members of organisations which produced such declarations, have the moral duty, and sometimes legal obligation to comply with such provisions.

IV. International Standards of Media during Elections

13. Freedom of the media constitutes a fundamental principle of freedom of expression, which is protected under Article 10 of the European Convention on Human Rights. In addition it is one of the conditions for all pluralistic and democratic societies. The press and the electronic media are required to impart information, and ideas on matters of public interest. The media must also ensure that such information and ideas can be accessed by the public. Media commissions or any other form of regulatory mechanism, both for print and electronic media, should be independent from political parties, and have an arms length relationship with the government.
14. The media are indeed a fundamental element in a democratic society, in that they disseminate a variety of information and opinions. It has long been recognised that the media are tools of power and influence. In daily life the media undertake social, economic, cultural and political functions. It has been suggested that the media is a “market place of ideas” where a variety of media can provide citizens with a diversity of information.

15. During election periods the media is an essential element of the democratic system, and has many responsibilities including the covering of political facts and events in the most objective, impartial and open way. There is also a responsibility for promoting a variety of views, opinions, in addition to reporting the news.

16. Voters have the right to be informed on political alternatives in order to make an informed choice. Responsible media should provide politicians and parties not only with coverage, but a forum for debate. Freedom of communication in respect of political discussion and public affairs, are indispensable to the accountability of political representatives and officials. Furthermore the media must also ensure that such information and ideas can be accessed by the public.

17. In democracies the media should be socially responsible in order to serve the interests of society. The media should adopt guidelines of good practice; develop codes of conduct and other self regulatory measures to ensure responsible, accurate, and fair coverage of electoral campaigning.

18. States and governments in order to guarantee freedom of expression in the media, must refrain from interfering in media functions, and when necessary impose positive measures to protect the media from undue pressures.

19. In ensuring fair treatment for all political contestants, the following guidelines should be taken into account:

1. The public media must provide all parties and candidates in elections equal access, and they should comply with the provisions for electoral coverage as set by national legislation. Furthermore the public media should adhere to journalistic ethics and professional standards,
2. Private electronic media should comply with the provision of election coverage as set by national legislation,
3. Where access by the private media is granted to one or more parties and candidates, then equal access and treatment should be available to all parties and candidates. Coverage must follow the criteria of balanced and impartial reporting,
4. Private broadcasters should adhere to journalistic ethics and professional standards,
5. The private print media 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.

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

21. All media should permit replies and corrections within their programmes or publications. 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 an opportunity to reply in the following days, but this should be during the election campaign.

22. National minorities must be given reasonable access to state-owned public media to express their views. Broadcasts should not take place during unsocial hours, but at reasonable times of the day. It is also a matter of serious concern, when there are restrictions affecting the ability of national minorities to access the media, lack of coverage in areas populated by national minorities, lack of candidates from national minorities, or no broadcasting in the language of national minorities. Private media should not discriminate against any candidate or party on the basis they represent national minorities.

23. Discussion programmes, such as interviews or debates, supplement the normal; news coverage of elections and are important for voters to make direct comparison between candidates. These programmes should be organised in a fair manner, but at the same time permit editorial freedom on the format, number of participants and length of programme. However, the distribution of time should be under editorial control, but guarantee equality of opportunity to all contestants, as well as the coverage of a plurality of views.

24. 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 many, and differentiated. The participation of contestants in these programmes should not be conditional upon payment of any fees.

25. Voter education programmes are vital in providing information to citizens. Programmes containing voter information should always be separate from political messages. Public broadcasters should carry voter information under different formats, and at times when they can reach the widest audience. These programmes should provide voters with clear understandable and unbiased information on:

1. Voters lists: how and where to register, how to check the list, how to file a complaint,
2. Nature of election – local, presidential, parliamentary, referenda,
3. The type of election system,
4. Voting procedures, and where to vote,
5. Basic rights and duties: secrecy of the vote, provisions related to proxy or family voting.

26. Private broadcasters may be required to transmit voter education programmes under the terms of their broadcasting licence or according to electoral legislation. Private broadcasters should follow the same principles ensuring unbiased, clear, and understandable information.

27. The private print media although not obliged by law, should provide voters with accurate information in respect of voting procedures.

V. Types of Media and Election Coverage

28. In politics the media are a fundamental element in the democratic system, providing parties and candidates with coverage, and at the same time providing an arena for dissemination of information, and public debate. However, the media has many responsibilities including the covering of political facts and events in the most impartial and open way. There is also the

responsibility of promoting a variety of views, opinions in addition to interpreting news. This will enable the public to better understand the information they are receiving.

29. Voters have the right to be informed on political alternatives in order to make an informed choice. The behaviour of media coverage on the electorate is a controversial issue. There are many opinions, but there is no definite answer to the question related to the power of the media, to influence voters on their choice. The right of voters to make an informed choice in an election implies that the media should inform them in a professional and correct manner. Information should be provided, on the platforms, views of the different candidates, the events of the political campaign, the counting of votes, and election results.

30. Which media is the most important, will vary from country to country, and although in poor countries radio will reach more people than any other media, television is of growing importance. However the role of the print media should not be underestimated. The print media play an important role in interpreting events, and presenting comments which may influence the electorate.

31. The main difference in the electronic media is between those that are publicly and privately owned. The distinction has consequences for the degree and control, and also regulations imposed on them by public institutions.

32. While all media are expected to offer responsible and fair coverage, it is the state/publicly owned media that appears to observe more rigorous standards, as they belong to the citizens. The citizens pay fees, and therefore the public media has the legal and moral obligation to serve the interest of the general public. 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 can be more vulnerable to pressure from authorities, especially in those countries where they have not been transferred into a truly independent service broadcaster.

33. Candidates should have the right of access to the media, to communicate their platforms and views, and inform voters of their proposals and matters of interest. Alongside such rights of access to the media, and benefits from the coverage of the media, come responsibilities, not to abuse such rights.

VI. Media Ownership Politics and Elections

34. There are two central elements which determine the quality of media during elections:

1. Media independence – in particular their freedom from political or corporate interference,
2. Internal media diversity in content, views and formats.

35. The strength of the right to freedom of expression can be affected by problems experienced by the media. These can be attacks or pressures against independent media, the use of courts and lawsuits with which to impede journalists in their activities, government control over essential resources such as printing houses, the supply of paper, and distribution systems. The repression of journalists, harassment, and intimidation, is likely to encourage self-censorship by journalists. Furthermore in newly emerging democracies, or in post-conflict countries, it is often poor professional standards among journalists, which can affect media coverage during elections.

36. Where there are connections between media and politics, it can be an element affecting the freedom of the mass media. An example can be the extent in which political authorities try to control the state/public media. The misuse of instruments in the renewal of licences, financing, or registration, can be used to influence media activity.

37. Democratic society faces a number of challenges in the coming years in respect of a free and independent media. Among these are:

1. The main source of income for private, and in some cases state media is advertising. This creates pressure for editorial policies to correspond to the views and interests of corporate advertisers.
2. The media are becoming increasingly concentrated in their ownership, with a smaller number of corporations owning a variety of different media outlets not only in one country, but throughout the world.

38. Although broadcasters owned by private interests are commercial enterprises, they should also comply with certain obligations (particularly during an election campaign). The public authority providing the licence should ensure that certain requirements are complied with, in relation to news information, current affairs programmes, and voter information. Often a private broadcaster may not cover the entire national territory, and then the importance of private broadcasters can be limited. However in many countries the private broadcaster has equal coverage to the public media, and should also comply with impartiality.

39. Private owners sometimes have strategic and political interests, often expressed openly and publicly, and in some cases politicians and members of the government own television and /or radio companies. Such ownership could affect the perceived fairness of the electoral coverage. Private broadcasters should comply with standards of impartiality in their news and current affairs programmes. Private broadcasters, irrespective of their audience share, coverage area, should offer fair and accurate coverage of the elections. Should private broadcasters decide not to provide election or political coverage, then this would be reflected in the conditions of a broadcasting licence.

VII. Media Context

40. Within the electoral process, the state, and particularly the government have a dual responsibility:

1. Refrain from interfering in the activities of the media, and not to impede journalists, and other media personnel in their functions, with a view to influencing the elections.
2. To promote pluralism and freedom of the media.

41. Parties and candidates also have responsibilities and should 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 pressure. They should also respect the laws regulating the campaign, and electoral blackout.

42. Guiding principles in order to ensure and promote a mature media system include:

1. Governments should promote and facilitate diversity in the ownership of media outlets, particularly broadcasting media. It should avoid restrictive licensing or registration requirements, limit media monopolies through curbs on cross-media ownership, and facilitate finance for smaller initiatives such as community media
2. Political and corporate powers should not interfere – directly or indirectly – with the editorial independence of newspapers and broadcasters
3. States should guarantee the rights of journalists to carry out their functions. Any kind of repression against journalists and their sponsors (attacks, harassment, intimidation) constitutes a clear violation of their human rights, not only as individuals, but as representatives of a fundamental social institution.
4. Journalists should adhere to standards of professionalism and ethic when carrying out their activities
5. No censorship is acceptable
6. Any measures or actions promoting or causing self-censorship among journalists, should be considered as an attack on their editorial freedoms

43. Political impartiality in broadcasting is essential to provide a true and accurate picture of the progress and conduct of the elections. Giving equitable treatment to all parties involved in the elections may not mean devoting equal time to all of them, but rather making sure access is provided, ensuring that all significant viewpoints are heard. This will provide democratic debate in the broadcast media.

44. The current government has a larger degree of attention from the media because of their need to cover activities of the government, which may include official events, meetings, and inauguration of project implemented. Events can be genuine and relevant (such as national celebrations or anniversaries); others can be marginal; such as the opening of public buildings, and events managed by the government with the aim of getting a wider media coverage. However, as the government is the main policy maker, coverage is necessary to keep the public informed.

45. The media have a responsibility to be consistent in separating the activities of the incumbent powers, from the activities they pursue as representatives of political parties contesting the election. No privileged treatment should be given to public authorities by the media during election campaigns.

VIII. Regulation of Media Coverage during an Election

46. Obligations and regulations for the public media are necessary, as the public media is financed with taxpayer's money, and should be considered a public resource. Obligations and consequent regulation to which the private broadcasting media are subjected are more variable, and problematic to define. During an electoral campaign, the degree of editorial freedom that should be accorded to private broadcasters is related to the degree of diversity in the media landscape. All this can best be summarised by:

1. The public and private media shall provide equal access, with fair, balanced, and impartial coverage for all parties and candidates running for election,
2. The private media must comply with the provisions for electronic coverage as set by national legislation, and they must adhere to journalistic ethics, and professional standards,

3. Private print media should be permitted a wider degree of opinion than the public electronic media. 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.

47. The media have a duty to inform the public in an accurate, fair and professional manner. Journalists accustomed to working in repressive political systems, or in post-conflict countries, have less experience with professional standards than those working in an open and democratic environment.

48. If the media are to be socially responsible, this will require that media professionals develop codes of conduct and other self-regulatory measures, which will set out guidelines. The media should adhere to the codes of conduct and professional standards. Professional standards are reflected in a number of self-regulatory methods chosen by journalists to:

1. Make their activities more professional by establishing a set of criteria, and responsibilities that should guide their activities,
2. Protect themselves from interference by political authorities,
3. Protect themselves from critics and external interventions that may threaten their autonomy.

49. A summary of codes of conduct which are different depending on the time and the place, but could be illustrative of the values common in journalism are:

1. Information produced should be true, clear, timely, verifiable, substantiated and accurate,
2. Refuse to receive or be influenced by bribes or inducements,
3. Defend their independence from pressures of owners and advertisers,
4. Protect confidential sources of information,
5. Be aware of their responsibilities towards the public, sources of information, the state, the advertisers, and protect their professional integrity,
6. Defend the rights of the public.

50. Voters have the right to be informed on political alternatives in order to make an informed choice. The right of voters to make an informed choice in an election implies that the media should inform them in a professional and correct manner. Information should be provided on the platforms, views of the different candidates, the events of the political campaign, the electoral process including the counting of votes, and election results. Candidates should have the right of access to the media, and inform the voters of their proposals and matters of public interest. These rights should be recognised in a non-discriminatory way in conformity with Para. 2.11.

51. Media performance during elections depends primarily on the context in which the media operates, and on the level of media autonomy. Therefore, no code of conduct will guarantee professional and fair coverage of elections unless the political, social and economic system permits journalists to undertake their duties freely.

52. The print media is seen as an independent source of information, and appears in varying formats including daily/weekly newspapers, and magazines. The print media is usually privately owned, and although state print media is still present in some countries, their market share together with their readership has reduced. Private print media are generally entitled to a larger degree of partisanship than the publicly financed press and broadcasting media. The private print media often plays a more important role than the electronic media, in acting in the public

interest as watchdogs and opinion makers. As a result they have the right to their own political agenda, as well as the right to be critical towards politicians. In addition, the general practice of self-regulation adopted by the print media (through press councils and codes of conduct), can be interpreted as the need for the press not to be bound by rules set by external bodies, but to be responsible for its own editorial freedom. Therefore the private print media have few obligations to be balanced towards candidates and political parties; consequently they are subject to less stringent regulation than the electronic media.

53. Arguments used to justify this position are:

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

54. In transitional democracies where some print media is still owned by a public authority, these should be an obligation to offer a broad perspective of political views. Under no circumstances, should publicly funded newspapers become 'party newspapers' of the ruling government.

55. Direct access to the media by candidates and parties must ensure that conditions of equality among candidates are met. Regulations may determine the format of airtime, and the right of media to protect themselves against the dissemination of any illegal or improper material (particularly in respect of hate speech and defamation). Media should not be responsible for the actual content of free, or even paid airtime, such liability should be with the political party, or candidate which presented the material.

56. General provisions on hate speech are clearly stated in international treaties and conventions. However, one of the problems in an election campaign is the extent to which this kind of speech should be prohibited. It is advisable to impose minimum limits to individual freedom of expression, as the election campaign is the time when a variety of views can be expressed, even in an expressive manner. Provisions on this matter should take into consideration the specific situation of every country, particularly in post conflict countries, where restrictions may be imposed to avoid new tensions or violence among the population. The concept of hate speech should be related to the potential effect of the message on the audience. Direct incitement to acts of violence that may be acted upon should be restricted. Liability for expressions of incitement rests with the individual or party making the statement, provided that the media report it professionally.

57. Free airtime/space is a common practice in many countries often through the public media. Where this takes place, no registered parties or candidates should be excluded from receiving free airtime. Whenever such airtime is granted, this should be done in a fair and non-discriminatory manner, on the basis of transparent and objective criteria. The criteria to define a proportional formula could be based on the number of candidates standing, or on results in previous elections. During presidential elections, referenda, and for the first democratic elections, then the criteria of strict equality should be adopted. The compliance with provisions regulating the allocation of free airtime should be monitored by an independent body able to remedy any violations promptly.

58. Private electronic media are not usually obliged to allot free air time to election contestants. However when they decide to offer free air time, or they are obliged by law to do so, they should comply with the same provisions as the public broadcaster.

59. Paid political advertising is another opportunity for the political parties and candidates to disseminate their message through the media. In states where political parties and candidates are permitted to buy advertising space for electoral purposes, there is a requirement for some regulatory frameworks to be in place. Paid advertising may give an unfair advantage to those parties or candidates who can afford to purchase more airtime or space. If paid advertising is permitted it should comply with some basic rules:

1. It should guarantee to all contestants consistent and equal rates
2. Media should identify in a clear way paid airtime or sponsored slots, in order to allow voters to be aware of the political nature of the programme
3. Limits to the quantity of paid airtime parties are permitted to purchase may be imposed.

60. The issue of paid advertising in the print media is not so problematic. However, the press should follow the principle of equal opportunity. Paid advertising by political parties and candidates must be offered at consistent and equivalent rates. Limits to the amount of paid advertising parties are entitled to purchase may be imposed.

61. When publishing or broadcasting the results of opinion polls, the media should provide the public with the following information:

1. The name of the political party or other organisation or person who commissioned the poll
2. The methodology employed in conducting the poll
3. The sample and margin error of the poll
4. The date and period when the poll was conducted

62. Some countries prohibit the dissemination of opinion polls for a certain period before election day. All media should comply with rules regulating the dissemination of polling information before, after, or during voting. Any restriction forbidding the publication /broadcasting of opinion polls (or voting intentions), on voting day or a number of days before an election, should comply with Article 10 of the European Convention of Human Rights. Similarly, in respect of exit polls, consideration should be given to prohibiting the reporting of such polls, until all the polling stations have closed.

63. The media should respect provisions in determining a reflection period on or before election day. If there is an electoral blackout decided by law, the election administration could specify rules and instructions to journalists on how to report political facts during the silence period.

IX. The new Media and the Internet

64. The new media enables the political system to diversify their campaign for different target audiences through the internet, and the potential use of text messages to mobile phones. The internet has widened the possibilities of communicating with a larger section of the population, by creating opportunities for voters to generate political views and opinions.

65. The traditional media, particularly television is still the main channel to communicate with the electorate, and political parties have yet to fully exploit the potential of the internet.

66. A 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 in respect of election blackout, and opinion polls. This matter is part of a wider debate on the degree of freedom the Internet should enjoy, and the extent to which regulations can be realistically applied to this medium. The World Wide Web is a pluralistic and unlimited media environment accessibly to everyone. The Internet remains largely unregulated, and many argue that it is neither possible, nor desirable to regulate it.

X. Legal Framework for Media – Election Regulation and Election Administration

67. In new democracies a clear regulatory legal framework is needed for media coverage of elections. Because of the weaknesses of the democratic system, self-regulatory measures are seldom sufficient to ensure pluralism and fair access to all contestants. Regulations for the media during an election campaign should leave no room for manipulation or misinterpretation. Regulations 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. Regulations may include elements that can unduly affect voters such as the dissemination of opinion polls, electoral blackout, hate speech, unequal access, and unfair treatment. Regulations should not be overly restrictive, and they should not unnecessarily impede media in their reporting and news coverage. It would be wise to consult both media, and political party representatives during the drafting of regulations, thereby agreeing on a set of rules to which all actors have been involved.

68. 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 must not be under the exclusive control of the government.

69. The body entitled to supervise media coverage may be:

1. Self-regulatory body, such as a voluntary press council,
2. A body specifically created for the election period,
3. The main election body such as the Central Election Commission.

70. The implementing body should act on complaints of candidates and parties, or whenever it sees a violation, regardless of whether it has received complaints. The media or the complainants should have the right to contest decisions of the implementing body through timely, accessible and prompt judicial mechanism.

71. Where self-regulation does not provide criteria on what kind of programmes should be regulated, states should adopt measures ensuring that public and private broadcasters during the election period, present programmes which are fair, balanced, and impartial. This would apply to news and current affairs programmes, including discussion programmes, such as interviews or debates.

XI. Guidelines for Media Analysis

72. Media analysis is much more than simply monitoring the content of media coverage of an election campaign. The coverage will be dependent on the legal framework, as well as the context in which the elections take place. To give an adequate assessment of the role of the media during an election campaign, the media analyst should consider the media system as a whole, and there will need to focus on three main areas these are:

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

73. The overall assessment should primarily be based on compliance with international standards, and the basic rights of the three key actors should be taken into account when producing an evaluation of the media 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 freedom of the media to spread information and express their own views on issues of public interest

74. In addition to the above, the assessment can be based on two other yardsticks:

1. Compliance with national legislation, which in turn should be in accordance with international standards. 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?
2. Comparison with previous elections 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?

75. The media analysis should be able to produce findings on the level of the autonomy of the media system from the political system, and the level of diversity among the different media outlets.

76. In analysing the media landscape of a country, it will also be necessary for observation of the political environment. It will then be possible to make an assessment of the relationship between the political parties, and the media during the election campaign. In assessing the media landscape of a country, it is necessary to consider many factors including:

1. How many print and electronic media are operating in the country
2. Variety of public/state owned media, either electronic or print
3. Number of licences issues by the state at national or local level
4. Number of pirate stations operating, if any
5. The geographical coverage of the existing media
6. Hours of broadcasting, or frequencies of publication for every media outlet
7. Number of media dedicated to specific ethnic/linguistic minorities living in a country
8. The structure and transparency of ownership
9. Links between politicians and media

10. Number and ownership of news agencies, printing houses, and system of distribution

77. The media analyst should monitor and record any violations of freedom of expression of journalists and media associations. Any reported or observed violations should be recorded and verified. There may be occasions when the victim of harassment, violence, threats may be reluctant to file an official complaint.

78. Content analysis is a methodology used to measure the messages that the media convey. Focussing on the content of media messages is a useful way of measuring media performance and identifying bias. Elements taken into consideration for content analysis can be:

1. How many times a particular politician was mentioned,
2. How long was a party election broadcast,
3. How many times was a particular word used to describe a particular politician,
4. How many women candidates were quoted,
5. How many times was a particular campaign issues reported.

79. The main goal in 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.

80. There will also be a requirement to analyse the content of the coverage, whether it is positive, negative or neutral.

81. Following analysis, the information should be included in reports which are easy to understand, and to read, but based on well grounded verifiable analysis. This can be through tables, charts and diagrams. Whatever format is used to present the results, short commentaries that stress the main findings resulting from the data should be added.

82. Media monitoring should produce reliable, objective results and conclusions. It is important that the findings of media monitoring are not only credible in themselves, but also that they are perceived as such. Monitors should be aware that their activity is the basis for reports, which may affect not only judgements on the election campaign, but also the credulity of the monitored media, and the public trust in them.