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## The ACE Encyclopaedia: Media and Elections

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The media are essential to democracy, and a democratic election is impossible without media. A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices. Furthermore, media acts as a crucial watchdog to democratic elections, safeguarding the transparency of the process. Indeed, a democratic election with no media freedom, or stifled media freedom, would be a contradiction in terms.





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The ACE Encyclopaedia is comprised of 13 topic areas that cover key steps of the electoral cycle in depth. (This series presents each of these topic areas in print.)

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## 1. Overview of Media and Elections - The Importance of the Media to Elections

### 1.1 Roles the Media Play in Elections

The media are essential to democracy, and a democratic election is impossible without media. A free and fair election is not only about the freedom to vote and the knowledge of how to cast a vote, but also about a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself in order to make informed choices. Furthermore, media acts as a crucial watchdog to democratic elections, safeguarding the transparency of the process. Indeed, a democratic election with no media freedom, or stifled media freedom, would be a contradiction in terms.

The 2005 the yearly World Press Freedom Day international conference produced a declaration that stressed “independent and pluralistic media are essential for ensuring transparency, accountability and participation as fundamental elements of good governance and human-rights based development”. Furthermore, the declaration urges member states to “respect the function of the news media as an essential factor in good governance, vital to increasing both transparency and accountability in decision-making processes and to communicating the principles of good governance to society”.<sup>[1]</sup>

In order to fulfil their roles, the media need to maintain a high level of professionalism, accuracy and impartiality in their coverage. Regulatory frameworks can help ensure high standards. Laws and regulation should guarantee fundamental freedoms essential to democracy, including freedom of information and expression, as well as participation. Meanwhile, provisions such as requiring government media, funded out of public money, to give fair coverage and equitable access to opposition parties, help ensure appropriate media behaviour during elections.

The media have traditionally been understood to refer to the printed press as well as radio and television broadcasters. In recent years however, the definition has become broader, encompassing new media including online journalism, and social media. Citizen journalism is widely gaining traction, including in countries where traditional media is either controlled or strictly regulated.

A prime concern of media coverage of elections is the right of voters to full and accurate information, and their rights to participate in debates and dialogue on policy matters and with politicians. Inherent to this task is the entitlement of parties and candidates to use the media as a platform for interaction with the public. Furthermore, the Electoral Management Body (EMB) has a need to communicate information to the electorate – and to a variety of other groups, including the political parties and candidates. The media themselves have a right to report freely and to scrutinize the whole electoral process. This scrutiny is in itself a vital safeguard against interference or corruption in the management or conduct of the electoral process.

The relationship of the EMBs to the media is hence a multifaceted one, including:

- As communicator: the EMB will invariably want to use the media as a vehicle for communicating its messages to the electorate.
- As news story: the EMB will be a focus of media interest throughout the election process. The media will be interested in the information that the EMB can provide, as well as trying to scrutinize the EMB's performance and the efficiency and integrity of the elections.
- As regulator: the EMB may in some instances be responsible for developing or implementing regulations governing media behaviour during elections (especially relating to direct access to the media by parties and candidates). It may also be responsible for dealing with complaints against the media.

This brief example from Senegal in 2012 brings to life the roles of media in elections:

This election has attested to the proper functioning of the democratic system in Senegal but also confirmed the important role that media can play in regularity, transparency and reliability in the polls. Journalists went to the polls to report live, interviewing observers, members of the polling stations and the public, to check whether everything was going normally. They also reported irregularities, fraud and threats of violence to get authorities to respond. Groups of thugs who were plotting to disrupt the vote during the first round were arrested after the media reported on it. And all day long, you had people and political leaders calling the radio and TV stations to tell them about any cases of wrongdoing, so that journalists could fact-check and report. The greatest role the media played in the election process was after the voting was over. In the evening, radio and television stations and online press provided live results that were posted at polling stations. This helped to prevent fraud and to quickly confirm the need for a second round. [ii]

The Media and Elections topic area explores the many dimensions and nuances of media within electoral contexts. It is written with a wide audience in mind: EMB commissioners and staff, donors, candidates, governments, students, voters, and members of the media.

The topic area includes an introduction of media's Core Roles in the context of elections, as well as discussion of human rights and gender considerations. A brief History of Media and Elections is provided, and an in-depth look at the current international Media Landscape, including media ownership.

A chapter titled Legal Framework for Media and Elections provides substantial discussion of the different models for a regulatory framework for the media in elections, ranging from an independent electoral commission to a specialized media regulator, such as a broadcasting commission or a voluntary media council or press complaints body. It looks at different rules that apply to public and private media.

The topic area includes a chapter on EMB Media Relations, addressing look at the ways in which electoral management bodies can develop their own strategies to enable them to get their

messages across through the media. It discusses how media mapping, audience research and message development are crucial to this task and explains media relations strategy in relation to the electoral cycle.

The topic area also explores basic techniques and uses of Media Monitoring during an election campaign, outlining both quantitative and qualitative methodologies and looking at how media monitoring has been used by different bodies such as EMBs or observer missions.

Media Development explores media professionalism, elections training, as well as general support and advocacy necessary for media to develop into viable participants in democratic processes.

Lastly, thirteen Case Studies are provided to give examples of the way specific countries have experienced and managed media and elections.

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[i] "World Press Freedom Day 2005; Dakar Declaration", *UNESCO*, accessed August 08, 2012, <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/previous-celebrations/worldpressfreedomday200900000/dakar-declaration/>

[ii] "Media Play a Key Role in Senegal's Election", *International Center for Journalists*, May 07, 2012, <http://www.icfj.org/news/media-play-key-role-senegals-election>

## 2. Overview of Media and Elections - The Importance of the Media to Elections

### 2.1 Roles the Media Play in Elections

The media play an indispensable role in the proper functioning of a democracy. Discussion of the media's functions within electoral contexts, often focuses on their "watchdog" role: by unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies, the media can inform the public of how effectively they have performed and help to hold them to account. Yet the media also have other roles in enabling full public participation in elections:

- by educating voters on how to exercise their democratic rights;
- by reporting on the development of an election campaign;
- by providing a platform for the political parties and candidates to communicate their message to the electorate;
- by providing a platform for the public to communicate their concerns, opinions, and needs, to the parties/candidates, the EMB, the government, and to other voters, and to interact on these issues;
- by allowing the parties and candidates to debate with each other;

- by reporting results and monitoring vote counting;
- by scrutinizing the electoral process itself, including electoral management, in order to evaluate the process's fairness, efficiency, and probity;
- by providing information that as far as possible avoids inflammatory language, to help prevent election-related violence.

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 countries. A report by the Cairo Institute for Human Rights Studies put it this way:

The media plays a major role in keeping the citizenry abreast of current events and raising awareness of various issues in any society. It also has an extremely significant impact on the public's views and way of thinking. The media is the primary means through which public opinion is shaped and at times manipulated. If this is the media's role then in normal course of events, it becomes even more vital in exceptional periods, one of which is electoral junctures, when the media becomes a primary player. Elections constitute a basic challenge to the media, putting its impartiality and objectivity to the test. The task of the media, especially national media outlets, is not and should not be to function as a mouthpiece for any government body or particular candidate. Its basic role is to enlighten and educate the public and act as a neutral, objective platform for the free debate of all points of view.<sup>[i]</sup>

It is for this reason that election observation teams, for example, routinely comment upon media access and coverage of elections as a criterion for judging whether elections are fair. Monitoring the media during election periods has become an increasingly common practice, using a combination of statistical analysis and the techniques of media studies and discourse analysis to measure media's role in an election.

The numerous ways in which media ensure democratic electoral processes generally fall into one of the following categories:

- Media as transparency/watchdog
- Media as a campaign platform
- Media as open forum for debate and discussion/public voice
- Media as public educator

Each of these categories is explored in separate sections.

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<sup>[i]</sup> "Media and Parliamentary Elections in Egypt: Evaluation of Media Performance in the Parliamentary Elections" *Human Rights Movement Issues* 26, (Cairo, Egypt: Cairo Institute for Human Rights Studies, 2011): 27

## 2.2 Media as Watchdog

In today's politics and society at large, media is essential to the safeguarding transparency of democratic processes. This is often called its 'watchdog' role. Transparency is required on many levels including for access to information; accountability and legitimacy of individuals, institutions and processes themselves; and for rightful participation and public debate.

Transparency as required for access to information means that an electorate is provided necessary and comprehensive information so as to make informed choices as well as be able to hold officials and institutions accountable. This includes access to legal and operational proceedings as well as information about officials and institutions. Specific to elections, an EMB for example, is obligated to inform the public on their actions, decisions, and plans. Individuals appointed or elected to an EMB body are public figures who should be working in the interests of the public. As such, information regarding their affiliations, histories, and performance while in office, is to be freely accessed by the public.

Media acts as a mechanism for the prevention and investigation of allegations of violations or malpractice. This watchdog role extends from accountability of officials and their actions while 'in office' to entire processes. For example, media presence at voting and counting centres is critical to preventing electoral fraud, given that full measures protecting freedom of speech are guaranteed, and that media are free to act independently and with impartiality.

An election cannot be deemed democratic unless the public is fully able to participate and is unhindered in exercising choice. As such, media are vital in ensuring that there is a public, i.e. *transparent*, platform for debate and participation in the discussion. Candidates are to represent the public. Transparency of an election helps ensure that this indeed is so. Furthermore, transparency of individual processes (such as voting, counting, registering, candidate nomination, campaigning and so forth) further protects and enables public participation in these processes.

A poignant example, involving elections in Serbia in 2000, illustrates these key aspects of transparency:

In Serbia, several important independent media outlets contributed to the decline of Milošević's popularity. The B-92 radio station had offered unsparing professional coverage of Milošević and his regime since 1989. B-92 cofounder Goran Matić also played an instrumental role in establishing a regional radio and television network to distribute independent news broadcasts. The ANEM network, a media cluster consisting of a news agency, several independent dailies and weeklies, and a television station, helped to give Serbians news from outside state-dominated channels. Critical coverage of Milošević's wars, his economic policies, and his government's violent arrests and abuses of young protestors helped to undermine his support within the population. In September 2000, independent media coverage of official vote fraud brought outraged Serbians into the streets. At the time, Milošević had closed B-92, but ANEM and Radio Index in Belgrade ensured that there was no let-up in coverage. Without these media outlets, popular mobilization would have been much harder. [i]

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[i] Michael McFaul, "Transitions from Postcommunism" *Journal of Democracy* 16 (July 2005): 11-12

## 2.3 Media as a Campaign Platform

Candidates and Parties have an explicit right to provide the electorate information regarding their attributes, political agendas, and proposed plans. Besides meeting directly with members of the electorate, candidates and parties accomplish this task through campaigns via media. It is paramount to democratic electoral processes therefore, that all candidates and parties are provided equal access to media for this endeavour.

Candidates and parties use the mass media for campaigning through sponsored direct access spots, paid political advertising, televised debates, use of social media, and other mechanisms. They also hope the media will voluntarily cover them because of the newsworthiness of their campaign activities. Political parties expend vast human and financial resources on planning and executing mass media campaigns. The NDI Political Campaign Planning Manual[i] gives an idea of the extent of organisation involved.

The media have several roles in realising contestants' right to campaign:

To create a level playing field is the first role. This entails equal access to state broadcasters and other state resources:

Among the most effective, but least analysed, means of autocratic survival is an uneven playing field. In countries like Botswana, Georgia, Kyrgyzstan, Malaysia, Malawi, Mozambique, Senegal, Singapore, Tanzania, and Venezuela, democratic competition is undermined less by electoral fraud or repression than by unequal access to state institutions, resources, and the media.

An uneven playing field is less evident to outside observers than is electoral fraud or repression, but it can have a devastating impact on democratic competition.[ii]

Levelling the campaign playing field is one of the main justifications for regulation of media during elections. For more information, see the section on National-level Law and Regulations on Media and Elections.

Another key role of media in campaigning is balanced reporting, ensuring that candidates receive fair coverage. This is one reason why robust media monitoring is so important toward ensuring fair and free elections. Media professionalism and media literacy are also fundamental to this achievement.

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[i] *Political Campaigning Planning Manual: A Step by Step Guide to Winning Elections* (Washington DC: National Democratic Institute for International Affairs, 2009)

[ii] Steven Levitsky and Lucan A. Way, "Why Democracy Needs a Level Playing Field", *Journal of Democracy* 21 (Jan 2010): 57

## 2.4 Media as Open Forum for Debate and Discussion/ Public Voice

While candidate and party campaigns are of course a form of debate, there are also other voices that are to be heard within public forums. As enshrined in the International Covenant on Civil and Political Rights, all people have the right to express opposing ideas and opinions.<sup>[i]</sup>

The role of media in providing this platform for debate and discussion is therefore vital. Media provide a mechanism for regular citizens to be heard and to therefore influence political agendas and campaign platforms, and sometimes garnering support and influencing fellow voters. Forms can include:

- Members of the public, lobby groups, experts with different perspectives, and candidates being interviewed by the media for their views on certain policies;
- Talkback radio and television in which the public air their opinions;
- Contestants' websites, Facebook pages, and so on, where the public can interact with them directly;
- News reports on press conferences, protests and other events held by interest groups;
- Media surveys of public opinion;
- Citizen journalism;
- Debates on blogs, Twitter, and social media sites;
- Letters to the editor.

This role as a forum for public debate is a complex one in post-conflict situations, as the line between debate and conflict needs to be carefully managed by professional media, which is not always present. As one report on media in the context of elections and political violence in East Africa states:

The media serve as a forum for competing political actors to vie for power and to offer alternatives to the national project. This is both a strength and weakness.

It is a strength because it means that the media, and the press in particular, can be a valuable space for reconciliation and dialogue between competing political perspectives. When perspectives are engaged effectively this can help to reduce polarization, and further define and consolidate the state- and nation-building agenda.

But the media's ability to serve as a forum is a weakness for fragile states that may not have the institutions to manage this kind of discussion.<sup>[ii]</sup>

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[i] "International Covenant on Civil and Political Rights", *Office of the United Nations High Commission for Human Rights*, accessed August 16, 2012, <http://www2.ohchr.org/english/law/ccpr.htm>

[iii] Nicole Stremmler and Monroe E. Price, *Media, Elections and Political Violence in Eastern Africa: Towards a Comparative Framework*, An Annenberg-Oxford Occasional Paper in Communications Policy Research (Annenberg-Oxford, 2009), 28

## 2.5 Media as Public Educator

Media's role as a public educator is in essence a combination of media's three other roles with a few added aspects. For example, media as a mechanism for transparency ensures voters are provided information necessary to fully evaluate the conduct of officials as well as the process at large. Media as a campaign platform ensures the public is educated in political agenda's of all participating parties and candidates equally. Media as open forum for debate and discussion ensures that voters can educate other voters, politicians, and officials.

Media also educates through the transmission of voter information. This might be through direct negotiation with EMBs and NGOs for broadcast of educational material (see Encyclopaedia topic area: Voter Education for more information). It also happens indirectly. For example, when media report on an electoral event, details such as the location of voting sites, the necessity of voter registration, how the count will be conducted, and so forth, may be provided to the audience. This is one reason why it is very important that an EMB communicates frequently with all media, providing them with the necessary facts and figures to ensure accurate reporting.

Media also play an important analytical role, which enhances their ability to play their other roles, as watchdogs, forums for debate, and so on. For example, if media simply re-post or re-broadcast an EMB press release, transmission of information to the electorate may still warrant useful, but lacking in scope and context. Without analysis of the press release in relation to on the ground events, results, or opposing opinions, for example, the information received by the media audience is one-dimensional. In ensuring that the public has the level of informational detail required to make informed choices or action, media utilize various tools of analysis. These include:

- Opinion polls;
- Research and scrutiny of policies, records and reports;
- Investigative journalism;
- Use of expert input and opinion;
- Assess community needs and opinions;
- Measure candidates/parties deliveries against promises.

## 2.6 Gender, Media and Elections

Women and men tend to be treated very differently by the media, worldwide. Similarly, men and women tend to have vastly different experiences of participating in political processes. Men are more visible and dominant in both media and elections; and gender stereotypes prevail in both. These differences are mutually reinforcing in the sense that less visibility of women in



the media impacts their political success; and less women politicians means less news stories focusing on women leaders.

Women's participation in politics – as voters, candidates, politicians, civil society activists, and in other roles – is important because it allows women to exercise their fundamental civil and political rights. It is also important because it allows countries to draw on the full range of human resources available to it to progress; and helps to ensure that women's and girl's needs are adequately met in policy-making processes. Gender stereotypes and discrimination are damaging to both men and women because they constrain individuals and society as a whole.

The UN's Special Rapporteur on Freedom of Expression acknowledges this problem, saying:

central to the issues of equal access for women to rights, equal opportunities for the enjoyment of rights, and equal treatment in that enjoyment is the actual extent to which women may exercise their rights to opinion, expression and information without discrimination and the degree to which women actually enjoy the right to participation in public life. The Special Rapporteur states again that the problem does not lie in the manner in which international human rights standards have been elaborated but rather in the restrictive and traditional interpretations and applications of human rights law. The Special Rapporteur emphasizes that it is not acceptable for women still to be dependent on men to represent their views and protect their interests nor is it acceptable that women continue to be consistently excluded from decision-making processes that not only affect them but society in general. [i]

Women's participation in political processes has improved in most countries in recent decades. The percentage of women in parliament increased four-fold in the half-century to 1995.[ii] Nevertheless, in 2012 the percentage of women in parliament even in established democracies is still well below parity (India 11%, United States 17%, Denmark 39%).[iii] Many countries – particularly new democracies - now have policies that directly promote women candidates, often through voluntary or mandatory quota systems. Most democracies now have universal suffrage in which women have the same rights as men (even if there are more barriers to exercising them, in many countries); and civic and voter education usually targets both men and women.

Gender stereotyping and limitations to participation continue to express themselves in many ways in political life. While women's participation as members of parliaments is growing, women are less likely to hold ministerial positions or the highest office in the country (president, prime minister, etc.). When women do hold ministerial positions, they are more likely to hold stereotypical 'women's' portfolios such as social welfare rather than economics, politics, or security.[iv]

A number of factors continue to contribute to the slow progress of women in politics. As stated in a media monitoring manual by IDEA and UN Women:

[s]everal studies indicate that the citizens support women candidates, yet the failure to promote their leadership in their own political organizations, the smaller sums of money available for

their campaigns, and the cultural conditioning factors that assign them a greater responsibility in family tasks all stand in the way of their full participation.<sup>[v]</sup>

Gender discrimination is also compounded by the general news media. According to the Global Media Monitoring Project, in 2010 men were 79% of news subjects, and “[n]ews continue to portray a world in which men outnumber women in almost all occupational categories, the highest disparity being in the professions”, with obvious implications for the visibility of women in politics. The media sector has improved in some ways, however, with a growing number of female reporters in all issue areas – including ‘hard’ topics such as security, politics and economics. Women reporters were 6% more likely than male ones to have women as subjects in their stories.<sup>[vi]</sup>

It is increasingly recognized that media have a key role to play in women’s participation throughout political life. In 1994 the Inter-Parliamentary Union stated that the media can “help to instil among the public the idea that women’s participation in political life is an essential part of democracy (and) can also take care to avoid giving negative or minimizing images of women and their determination and capacity to participate in politics, stressing the importance of women’s role in economic and social life and in the development process in general.”<sup>[vii]</sup>

In most countries political competition during elections is played out in the media, and the media thus play a key agenda-setting role. As emphasized in the media monitoring manual mentioned earlier, media does this by determining “issues and individuals they consider newsworthy day after day...whether a candidate is present or absent, and the type of coverage they get when they are present, all condition their chances of getting elected, since the voters extract the information they need for making their political decisions from the media.”<sup>[viii]</sup>

A number of studies have been carried out on media coverage of female candidates, revealing that even when there are a reasonable number of women candidates they are often neglected by the media. A study by International IDEA and Asociación Civil Transparencia of Peru’s 2006 elections revealed that:

- [e]ven though women accounted for 39 per cent of all candidates for Congress, they obtained only 19 per cent of print media coverage, 22 per cent of television coverage, and 26 per cent of radio coverage.
- Among the programmatic issues, gender equality accounted for a very small percentage of coverage (print media 0.97 per cent, television 1.3 per cent, and radio 1.6 per cent).

The Uruguay elections of 2004 and 2009 revealed similar biases:

- In general, only 3.8 per cent of political figures who featured were women, and 96.3 per cent were men. This is despite the fact that women accounted for 10.6 per cent of all the figures who were taken into account during the monitoring (2004).

- While women accounted for 22.6 per cent of all candidates, they garnered only 13.6 per cent of appearances in the campaign news in the print and broadcast media (2009).
- The issues grouped under the category 'gender and women's interests' accounted for 3.5 per cent of the programmatic issues recorded.<sup>[ix]</sup>

The media's multiple contributions to elections can also be applied to addressing gender discrimination and promoting equal participation, for example:

- Media as watchdog: media can include questions of gender discrimination in its accountability remit. Is the EMB properly addressing access for female voters? Are political parties practicing gender stereotyping and discrimination?
- Media as civic educator: media can increase its use of a range of images of women and men in different roles, challenging stereotypes.
- Media as campaign platform: in their interactions with political parties, media can encourage parties to put forward female spokespeople and use a range of images of women and men.
- Media as public voice, analyst and interpreter: media can encourage dialogue that includes a diversity of voices, and provide analysis that uses women as experts and includes a gender lens on a range of topics.

Other action is being taken on a number of fronts to address the compounded problem of women's lack of visibility in elections-related media:

- Monitoring of media reporting of women candidates by NGOs, EOMs, EMBs, and others, and using monitoring results to raise awareness;
- Incorporating gender training into training of elections- and political-reporters and other media personnel, including "raising the awareness of journalists and media outlets as to their importance as agents of social change for building more equitable societies, and helping them move away from visions of reality that highlight men while failing to portray the presence and contributions of women in the different areas of social life";<sup>[x]</sup>
- Hiring more female news and general media staff;
- Incorporating gender issues into capacity building for political party communications departments and spokespeople;
- Improving civic and voter education at all levels to include an understanding of gender equality and participation of women and men.

[i] "Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain", *UN Economic and Social Council*, January 29, 1999, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.1999.64.En?OpenDocument#IIE](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.1999.64.En?OpenDocument#IIE)

[ii] "Women in Politics: 30 Years in Retrospect", (Data sheet), *International Parliamentary Union*, 2006, accessed August 23, 2012, [http://www.ipu.org/pdf/publications/wmninfokit06\\_en.pdf](http://www.ipu.org/pdf/publications/wmninfokit06_en.pdf)

[iii] "Women in national parliaments", *Inter-Parliamentary Union*, accessed August 30, 2012, <http://www.ipu.org/wmn-e/classif.htm>,

[iv] "Factsheet: Women's political participation", *International Women's Democracy Center*, accessed August 21, 2012, [http://www.iwdc.org/resources/fact\\_sheet.htm](http://www.iwdc.org/resources/fact_sheet.htm)

[v] Beatriz Llanos and Juana Nina, *Electoral Coverage from a Gender Perspective: A media monitoring manual*, (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), 11

[vi] "Who makes the news", (report highlights) *Global Media Monitoring Project*, 2010, accessed August 23, 2012 [http://www.medinstgenderstudies.org/wp-content/uploads/highlights\\_en.pdf](http://www.medinstgenderstudies.org/wp-content/uploads/highlights_en.pdf)

[vii] "Plan Of Action to Correct Present Imbalances In The Participation

Of Men And Women In Political Life", *Inter-Parliamentary Union*, March 16, 1994, <Http://Www.Ipu.Org/Wmn-E/Planactn.Htm>

[viii] Beatriz Llanos and Juana Nina, *Electoral Coverage from a Gender Perspective: A media monitoring manual*, (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), 11

[ix] Ibid

[x] Beatriz Llanos and Juana Nina, *Electoral Coverage from a Gender Perspective: A media monitoring manual*, (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), 10

## 2.7 Additional Resources

### Additional Resources

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Larry Diamond "Liberation Technology", *Journal of Democracy* 21 no. 3 (July 2010)

Philip N. Howard and Muzammil M. Hussain "The Role of Digital Media", *Journal of Democracy* 22, no. 3 (July 3, 2011)

Ross Howard, *Media + Elections, An Elections Reporting Handbook*, (IMPACS Associate, 2004)

Michael Karanicolas, "Regulation of paid advertising: A survey", Centre for Law and Democracy (March 2012), <http://www.law-democracy.org/wp-content/uploads/2012/03/Elections-and-Broadcasting-Final.pdf>

Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, (Dusseldorf: European Institute for the Media, 1995)

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Johanna Martinsson, *The Role of Media Literacy in the Governance Reform Agenda*, (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2009)

Susan D. Moeller *Media Literacy: Understanding the News*, Center for International Media Assistance, (Washington DC: National Endowment for Democracy, 2009)

Robert Noris, *Media Monitoring to Promote Democratic elections: an NDI handbook for citizen organizations*, (Washington DC: National Democratic Institute for International Affairs, 2002)

Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", Committee for the Study of the American Electorate, n.d.

Bill Ristow, "Cash for Coverage: Bribery of Journalists Around the World," A Report to the Center for International Media Assistance, Center for International Media Assistance (CIMA) and National Endowment for Democracy (NED), September 28, 2010

Frank Smyth, *Journalist Security Guide* (Committee to Protect Journalists, 2012) [cpj.org/security/guide.pdf](http://cpj.org/security/guide.pdf)

*Empowering Independent Media, US Efforts to Foster Free and Independent News Around the World*, Center for International Media Assistance, eds. Marguerite H. Sullivan (Washington DC: National Endowment for Democracy, 2008),

Nicole Stremlau and Monroe E. Price, "Media, Elections and Political Violence in Eastern Africa: Towards a Comparative Framework," Programme in Comparative Media Law and Policy, Centre for Socio-Legal Studies, University of Oxford, Center for Global Communication Studies, Annenberg School for Communication, University of Pennsylvania Stanhope Centre for Communications Policy Research, London, October 2009

Dr Andy Williamson, Dr Laura Miller & Freddy Fallon, *Behind the Digital Campaign*, (London: Hansard Society, 2010)

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*Election Reporting Handbook*, International Federation of Journalists (n.d.)

<http://www.ifj.org/en/articles/election-reporting-handbook>

“*Guidelines for Election Broadcasting in Transitional Democracies*”, (London: ARTICLE 19, 1994)

*Handbook for Journalists, Reporters Without Borders/UNESCO* (n.d.) <http://en.rsf.org/handbook-for-journalists-17-04-2007,21744.html>

“*Handbook on Media Monitoring for Election Observation Missions*” (Organization for Security and Cooperation in Europe ODIHR, 2012) <http://www.osce.org/odihr/92057?download=true>

“*Media and elections in Sudan: Monitoring the coverage of Sudan 2010 elections, Period 13 February to 31 October 2010*,” Sudan Media and Elections, December 2010, Consortium

*Media and the Elections Process*, Reuters Foundation [webworld.unesco.org/download/fed/iraq/.../media\\_elections\\_en.pdf](http://webworld.unesco.org/download/fed/iraq/.../media_elections_en.pdf)

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### 3. The Media Landscape Today

#### 3.1 Where Do People Get Their Information?

Media is everywhere. There are hundreds of thousands of traditional (broadcast and print) media outlets across the globe. In Russia alone, there were 35,000 registered newspapers in 2010 and roughly 10,000 radio and TV stations by 2004.<sup>[1]</sup> The growth of the Internet, satellite transmission, and mobile phone services has rendered it impossible to gauge the true extent of media outlet proliferation. Furthermore, new media, such as blogging, Twitter, Facebook and so forth have added an expansive dimension of what media means today and who has access to it.

In this age of media diversity and reach it is easy to assume therefore that we live in a "global village" - a single, undifferentiated information society. Nevertheless, access to information by people - and voters in particular - differs enormously depending on national and subnational contexts. Across the globe, aspects such as politics (both current and historical), media literacy, access to electricity, wealth, geographic location, and culture all contribute to the wide array of national-level media landscapes. The nature of the media landscape will largely determine the nuances of the role that the media play in an election. These nuances include reach, political inclinations, and tendencies to set the terms of political debate.

Media mapping is important for most election stakeholders, in order to understand what media is available, what its strengths and weaknesses are, and who has access to it. A thorough media mapping exercise for a given country need do more than look at local media: it needs to at least attempt to account for the vast array of media that streams in from international sources. An examination of presence and coverage of media is also not enough. A proper analysis also needs to account for the affect that characteristics such as ownership, wealth, political history, legal framework, and culture have on the dynamics of a media landscape. A comprehensive understanding of the many layers and nuances of media landscape is particularly important for the implementation of democratic elections. According to one analyst, “[...] access to accurate and objective information is more important than ever for a healthy democracy to flourish. This access is crucial to improve conditions for trust among citizens, media, and state, and to implement and sustain the governance agenda.”<sup>[ii]</sup>

One of the most pivotal influences to media landscapes is wealth and economic prosperity. This affects both ownership and reach of media. For example, in an area where there is little opportunity for advertising revenue, there is often a dearth of independent local media unless funding is provided directly from external sources, for example from wealthy individuals or donors. Often independent (private) media will be concentrated around urban areas with little to no reach beyond them. Although decreasingly so, there are still areas of the world where the only national media that is available in rural areas is state or government media. The term ‘digital divide’ has been coined to refer to inequalities between populations in terms of access to modern media.

Increasingly media throughout the world, except in the poorest countries, fall under the control of multinational media companies. Access to multinational media companies is also on the rise, often despite matters of economics. For example in Afghanistan prior to 2002, access to broadcast media was limited to a network of state owned outlets except for a smattering of multinational AM radio stations such as BBC and Voice of America (VoA). Over the course of the next ten years, the landscape had altered dramatically, with a flourish of independent and private national broadcasters. Yet, even in areas where there is still little reach of national media, access to multinational media via satellite has, in varying degrees, altered access to information.

However, wealth is not the only factor which influences layout of media presence. Political and cultural traditions are also a significant determinant. Most European countries, for example, have a strong tradition of state or public ownership of broadcasting. France only legalized private broadcasting in the 1980s. Not surprisingly, countries with a history of military or single-party rule may have developed their own tradition of state control of the media. During the 1960’s and 70’s private media in Latin America was often associated with military dictatorships. A country’s historical context of media affects audience trust tendencies, which in turn influences listenership/readership. This has the potential to either encourage or discourage the development of certain types of media.



Another critical dimension of the media environment is the strength of the traditions and legal framework of political freedom and respect for freedom of expression. Preferably the media will operate under the protection of strong constitutional and statutory guarantees of freedom of expression and access to information. For example, the extent to which the allocation of broadcasting frequencies is a fair and transparent process is likely to have a significant influence on how the broadcasters discharge their responsibilities at election time. Similarly, a history of censorship or physical intimidation of the media is likely to loom as a constant threat over journalists and editors in their election coverage.

Access to international media can also be greatly affected by the legal policies of a country. The North Korean government, for example, has been successful in remaining almost entirely isolated from the international media scene. There is currently (2012) no broadband data network in the country, and Internet satellite receivers are not permitted except in extremely controlled circumstances or for government and elite use.

Countries with economic prosperity, a history of pluralism, freedom of expression and independence will have had the opportunity to cultivate diverse and stable media as well. Professional standards may also be higher (although the sometimes weak ethics of media in advanced democracies show that the correlation is not an exact one). Most importantly, the combinations influences and histories will set the stage as to how effectively and fairly the media will be able to cover an election.

Understanding the media landscape of a given country also includes understanding *how people use media*. As well as the availability of media, there are other factors at play, such as people's personal preferences, work location and routines, overall trust in news sources as well as general media literacy. Two brief examples from the developing world show what wide



variation there can be in terms of how people get information. A study conducted by Altai in 2010 in Afghanistan found that only 13 percent of the population turned to the printed press for information. This low percentage was a result of literacy levels and access.<sup>[iii]</sup> A study in 2012 in Nigeria found that while radio usage was generally the same in rural and urban areas, and that 4 out of every 10 respondents said they listened to the radio on their mobile phones within the week prior to the survey, more urban residents watched TV in a given week than rural residents.<sup>[iv]</sup> These differences distinguish one country's media usage patterns from another, and affect media usage during elections. In addition to, and in some instances instead of, electronic or print media, direct personal communication remains greatly important in election campaigns and processes.

Yet, even in these instances, the media still have an important role in communicating political information. Even when rural communities do not have direct access to independent media, the information generated by the press will still go into general circulation and may reach the rural voters at some stage. "Information gatekeepers" may themselves rely on media as a source of news and will therefore pass on what they glean from the press. Therefore, although word of mouth may be the direct source of political information in some instances, the media will likely contribute importantly to the mass of information in circulation.

Audience analysis is often quickly out-dated however, as preferences and access change so rapidly in today's media environment. A study by the Pew Research Center in the US in 2008, for example, found that there was an almost two fold jump in Internet news consumption, from 24% to 40%, in just one year.<sup>[v]</sup>

General news consumption does not translate cleanly into election-related news consumption. For example, a report issued in 2006 exploring global audience reaction to and affinity for political campaign ads found that "political advertising is the most derided form of political communication."<sup>[vi]</sup>

While popularity of political advertisements may be low, there are indications that people turn to specific media for their general election information. The impact of social media on voters' choices is the latest area of intense research focus. One study found that of the 82% of U.S. adults who are social media users, 51% will use social media to learn more about the candidates of the U.S. presidential 2012 elections.<sup>[vii]</sup> What is difficult to ascertain of course, is to what degree this 'learning' actually changes vote choices.

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[i] "Media Landscape: Russia", *European Journalism Centre*, accessed August 08, 2012, [http://www.ejc.net/media\\_landscape/article/russia/](http://www.ejc.net/media_landscape/article/russia/)

[ii] Johanna Martinsson, *The Role of Media Literacy in the Governance Reform Agenda*, (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2009), 3

[iii] "Afghan Media in 2010, A Synthesis," report by Altai Consulting (funding by USAID), (2010), 101 - 102

[iv] "Nigeria Media Use 2012" *Gallup and Broadcasting Board of Governors*, accessed August 23, 2012, [www.bbg.gov/wp-content/media/2012/08/gallup-nigeria-brief.pdf](http://www.bbg.gov/wp-content/media/2012/08/gallup-nigeria-brief.pdf)

[v] "Internet Overtakes Newspapers as News Outlet" *The Pew Research Center*, December 23 2008, <http://www.people-press.org/2008/12/23/internet-overtakes-newspapers-as-news-outlet/>

[vi] Margaret Scammell *Political advertising: Why is it so boring?* (2007 online version), 4-5 accessed August 13, 2012, <http://eprints.lse.ac.uk/2540>

[vii] "Get on Twitter and Facebook, or Get Out of the Race; New Digitas Study Finds Six in Ten Social Media Users Expect Candidates to Have a Social Media Presence," *PR Newswire*, October 31, 2012, <http://www.prnewswire.com/news-releases/get-on-twitter-and-facebook-or-get-out-of-the-race-132939343.html>

### Image:

*Ghana's election on the BBC* by [bbcworldservice](#) is licensed under a [Creative Commons Attribution-Noncommercial 2.0 Generic License](#).

## 3.2 Media Literacy

Media literacy is vital to ensuring that media coverage of elections is effective in informing an electorate, and that the media is itself held accountable. The Center for Media Literacy defines the term as follows:

Media Literacy is a 21st century approach to education. It provides a framework to access, analyze, evaluate, create and participate with messages in a variety of forms — from print to video to the Internet. Media literacy builds an understanding of the role of media in society as well as essential skills of inquiry and self-expression necessary for citizens of a democracy.[i]

Media literacy development goes beyond simply increasing the knowledge and skillsets of media consumers, however. It also includes targeting information holders, such as government officials, and, more specifically to elections: EMB officials, candidates, and political parties, in order to improve their understanding of and relationship with media. These bodies and individuals are often prone to withholding information out of suspicion toward the media's intentions, or fear of negative repercussions. However, this fear or suspicion is often a result of a lack of training and experience in dealing with media. Understanding that "[m]edia literacy is an alternative to censoring, boycotting or blaming "the media","[ii] is instrumental to fostering democratic processes and practices. The chapter [EMB Media Relations](#) within this topic area provides more information on how EMBs can more fully appreciate the values and resources of a free and media-friendly environment. It also provides tools on how to use these resources.

The sustainability of free and independent media is reliant on media literate audiences and information providers. Media literacy includes understanding how to use the quickly changing media landscape. This is particularly relevant in today's age of social media, and ever developing media technology. Media literacy also involves recognition of the use of, and power of, subtext. Subtext is the context or background of the primary message and may include

images, background audio, and framing, each of which conveys specific messages, associations, and insinuations. In short, media literacy is about developing critical thinking skills and overall awareness. This in turn fosters pluralistic media as well as media who are challenged to improve upon professionalism. Media literacy gives rise to a population who understand the media landscape as a whole, including the impacts of legal frameworks and the importance of media safety.

The following provides just some of skills inherent to media literacy:[\[iii\]](#)

- Understanding what media is available for access, and how to access it;
- Understanding how to operate media and pass on information;
- The ability to identify the creator, as well as intentions, of media messages;
- Recognition of commercial interests behind messaging;
- Recognising the impact of media monopolies on media impartiality;
- Understanding the inescapable influence of values and views of the media makers;
- Understanding “tools of persuasion”;
- Recognising the role of culture in media messaging development;
- Recognising the impact on culture by media message;
- Recognising the difference between text and subtext;
- Understanding how media affects our thoughts and attitudes;
- Recognising that there is always a larger story or picture to what is being presented;
- Recognising bias, misinformation, or inaccuracies;
- Recognising “filters” that we use when interpreting media messages, such as our own experiences or educations;
- Developing skills to create ones own messages;
- Understanding the power and role that citizen journalism plays in today’s media landscape as an additional category of information providers. This role is especially in the contexts of limited (or entirely absent) freedom for traditional media;
- Recognizing the different impacts of time-based media (such as movies) as opposed to static media (such as photos);
- Understanding how audience memory works – what they will remember immediately after consuming a message and what they remember months later;
- Understanding how emotion plays into message interpretation and memory;
- Recognising how messages can be manipulated to enhance emotional responses (including the use of frames, angles, and lighting);
- Understanding the impact of legal frameworks on media messaging;

- Knowledge of the tenants of media professionalism such as balanced reporting, right of reply, and protection of source identities;
- Understanding the impact of self-censorship (the power of fear) on media messaging;
- Understanding how to advocate for positive change in the media system.

It is clear that much of the above critical thinking is vital to voters making informed opinions. In addition, media literacy is important in conflict and post-conflict situations as a safeguard against hate-speech in otherwise volatile circumstances. An audience that is educated in the tenants of media professionalism is more likely to demand high quality media content. Media literacy is also important for new or transitioning democracies. In these circumstances legal frameworks are usually under development and will greatly impact the future state of independent and free media. Furthermore, citizens may experience a rather sudden explosion of news sources and media formats after decades or more of controlled and sparse media. The greater the media literacy, the more prepared audiences (and information providers) will be in deciphering messages and recognizing value and credibility.

However, while there have been considerable concerted development efforts across the world to enhance media professionalism and encourage media independence, the same cannot necessarily be said for efforts to increase media literacy.

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[i] Ibid

[ii] Ibid (<http://www.medialit.org/about-cml#history>)

[iii] Much of this list was drawn from the *Media Literacy Project* free resource, accessed August 15, 2012, <http://medialiteracyproject.org/resources/introduction-media-literacy>

### 3.3 Radio

While the media landscape is ever expanding and diversifying, radio remains the most prevalent and accessible form of media worldwide. Where FM radio is sparse or non-existent, AM radio is often still accessible. Already in 2002, 95% of the world's population was covered by analogue radio signals.[i] The advent of satellite radio has also greatly expanded the variety of radio programming available to individuals worldwide.

Although satellite radio remains relatively expensive, traditional radio is popular because of its relative cheapness. A handheld radio will still need batteries, but these costs are a fraction of those associated with other forms of media. Furthermore, a lack of electricity is not necessarily a limiting factor for radio. Radio also transcends limitations due to literacy. This makes it a particularly vital source of information for rural or poor areas, or contexts where women are less likely to be literate than men.

A Gallup poll conducted in 23 countries in Sub-Saharan Africa in 2008 revealed that 59% of respondents claimed national radio to be their most important source of information about national events, while a further 9% turned to international radio over other forms of media for this information. Combined, this contrasts starkly to the 3% who utilized newspapers, or the 1% who utilized the Internet, as their most important source of news on national events.<sup>[ii]</sup>

However, although radio prevails as the most accessible source for information on a global geographic level, individual countries show wide variations in radio consumption (despite the general lack of consistent statistics in many countries). For example, in the United States, where in 2012 an estimated 96.7% of households owned a television set<sup>[iii]</sup> - a number comparable to the percentage of Americans tuning into radio every week (93%), the average amount of time an American spent watching TV as opposed to listening to radio was nearly two-fold (33hrs/week versus 14hrs 46min/week).<sup>[iv]</sup>

In addition to understanding access to radio specific to a country, is the importance of understanding an audience's access to types of programming. This includes recognizing the impact of ownership of radio programs and stations. Discussion on ownership of media is provided on the page [Media Ownership and Elections](#).

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<sup>[i]</sup> "Target 8: Ensure that all of the world's population have access to television and radio services", from *Monitoring the WSIS Targets; A Midterm Review*, (Switzerland: International Telecommunications Union, 2010), 157, [http://www.itu.int/ITU-D/ict/publications/wtdr\\_10/material/WTDR2010\\_Target8\\_e.pdf](http://www.itu.int/ITU-D/ict/publications/wtdr_10/material/WTDR2010_Target8_e.pdf)

<sup>[ii]</sup> Cynthia English "Radio the Chief Medium for News in Sub-Saharan Africa", (Washington DC: GALLUP World, June 23 2008), <http://www.gallup.com/poll/108235/radio-chief-medium-news-subsaharan-africa.aspx>

<sup>[iii]</sup> Neilson estimates as cited on *National Association of Broadcasters*, accessed August 15, 2012, <http://www.nab.org/documents/resources/broadcastFAQ.asp>

<sup>[iv]</sup> Neilson and RAB estimates as cited on *National Association of Broadcasters*, accessed August 15, 2012, <http://www.nab.org/documents/resources/broadcastFAQ.asp>

### 3.4 Television

In locations where it is both accessible and *affordable*, television continues to be the most popular form of media. According to the International Telecommunications Union in 2009, there were significant regional differences in television ownership. Europe, the Americas, and the Commonwealth of Independent States all showed household ownership as 95% or more. Arab States, and Asia and the Pacific, showed lower statistics of 82% and 75% respectively. Estimates for Africa were well below those of other regions, with only 28% ownership.<sup>[i]</sup>

Categorization of television ownership per region can be misleading however, as statistics for countries within the regions can vary dramatically. A 2007-2008 comparison of radio and television set ownership clearly shows that ownership of the former far surpasses that of the latter for the majority of 50 of the world's "least developed countries." Yet many of these

countries fall into the general regions listed above which show overall high (consolidated) television ownership. Some countries which did not demonstrate this trend were Bangladesh, Cambodia, Djibouti, Laos and Myanmar, where television ownership was near equivalent to radio ownership or indeed surpassed it. Furthermore, individual statistics demonstrate that significant proportions of these countries' population do not own either a radio or a television set; in many cases television ownership was well below 30%.<sup>[ii]</sup>

Nevertheless, television remains one of the most dynamic and ever-expanding forms of media. In addition to terrestrial television programming (by way of transmission towers), there is now satellite programming available to viewers. Satellite transmission has made television 'global' in characteristic, in that satellites cover large regions of the world. This has had a dramatic effect on how international news and general programming is viewed and consumed. It has also plays a pivotal role in opening up access to information in otherwise relatively closed countries, countries with limited media freedom. For example, in 2009 in Egypt, satellite television penetration was 43% (by comparison, broadband penetration was 7.4%),<sup>[iii]</sup> allowing residents access to non-state media, as well as to independent media that was not indirectly controlled by way of self-censorship and fear. Similarly, in 2009, 74% of the population in Syria had access to satellite television (only 0.5% had access to Internet broadband).<sup>[iv]</sup>

Terrestrial television has also diversified. Analogue television, transmitted through electromagnetic waves, is slowly giving way to digital terrestrial programming, a process that began in the 1990s. Digital programming allows for transmitted code to be compressed, which in turn allows for a greater amount of channels to be broadcast within one bandwidth. Not only has this change made for a sizable increase in programming available to viewers, but it has allowed for diversification of how television programming is accessed: on a computer through the Internet, on a mobile phone, or at home over a regular television set.

Due to extremely high costs that are involved, countries have staged switchover to digital broadcasting. The Netherlands was one of the first countries to fully switch off analogue broadcasting, followed shortly by Finland, Andorra, Sweden and Switzerland. The United States made a complete switch in 2009 after a process that took almost 10 years. At an International Telecommunications Union conference in 2006, nations of Europe, Africa and the Middle East agreed to phase in digital broadcasting. A statement released by the conference stressed that

...digitization of broadcasting in Europe, Africa, Middle East and the Islamic Republic of Iran by 2015 represents a major landmark towards establishing a more equitable, just and people-centered information society. The digital switchover will leapfrog existing technologies to connect the unconnected in underserved and remote communities and close the digital divide.<sup>[v]</sup>

As of mid 2012, roughly twenty-five European countries, including Estonia, France, Malta, Slovenia and Spain, had made the switch. European countries such as Greece and Ireland had not yet made the change.<sup>[vi]</sup> These Wikipedia pages show the on-going progression of digital switchover across the

world: [http://en.wikipedia.org/wiki/File:Worldmap\\_digital\\_television\\_transition.svg](http://en.wikipedia.org/wiki/File:Worldmap_digital_television_transition.svg) [vii] and [http://en.wikipedia.org/wiki/Digital\\_television\\_transition](http://en.wikipedia.org/wiki/Digital_television_transition)

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[i] "Target 8: Ensure that all of the world's population have access to television and radio services", from *Monitoring the WSIS Targets; A Midterm Review*, (Switzerland: International Telecommunications Union, 2010), 159, [http://www.itu.int/ITU-D/ict/publications/wtdr\\_10/material/WTDR2010\\_Target8\\_e.pdf](http://www.itu.int/ITU-D/ict/publications/wtdr_10/material/WTDR2010_Target8_e.pdf)

[ii] As cited in Ibid, 166

[iii] Jeffrey Ghannam, *Social Media in the Arab World: Leading up to the Uprisings of 2011, A Report to the Center for International Media Assistance*, (Washington DC: National Endowment for Democracy, 2011), 26

[iv] Ibid, 31

[v] "Target 8: Ensure that all of the world's population have access to television and radio services", from *Monitoring the WSIS Targets; A Midterm Review*, (Switzerland: International Telecommunications Union, 2010), 160, [http://www.itu.int/ITU-D/ict/publications/wtdr\\_10/material/WTDR2010\\_Target8\\_e.pdf](http://www.itu.int/ITU-D/ict/publications/wtdr_10/material/WTDR2010_Target8_e.pdf)

[vi] Petros Iosifidis, "Mapping Digital Media: Digital Television, the Public Interest, and European Regulation", *Reference Series 17* (London: Open Society Media Program, 2012): 12-13

[vii] Thumbnails at the lower half of the webpage demonstrate the progression of world maps according to digital switchover updates.

### 3.5 Print

Within traditional media (print and broadcast), print media displays the greatest diversity of all, in both ownership and content. Print media ranges from daily to weekly newspapers, from news magazines to a range of special interest publications. Print media also includes one-off publications such as fliers and leaflets. Out of all of the mass media formats, print media is also the oldest, as written text on stone, cloth or paper.

In today's world print has a smaller audience than other forms of mass media. This is due in part to literacy levels, access, and wealth. Simple personal preference is also a factor. For example, in China – where earliest known print media originated – one calculation in 2009 determined that 81.5% of the population was literate. Total circulations of daily and non-daily print publications were 202 per 1000 citizens, roughly 20%, while radio and television sets hovered around 32 and 31% respectively.[i] Another calculation placed the number of radios and televisions sets as more than double the number of daily and non daily-circulations.[ii] What calculations like these do not account for of course is the number of people who will read one print publication, or the number of people who will listen to one radio set or watch one television set. However, it is clear from the various angles of statistics around the world, one can safely assume that more people listen to the radio or watch television than do those who read a publication.

This does not make print media any less valuable nor less necessary to the overall pluralism of the media landscape however. Print media has a history of being privately owned rather than government or state owned and is therefore may be less likely to be considered biased (depending on individual country contexts). Furthermore, print media in a sense has more longevity, as it exists for longer periods of time. Consumers of print media also select only what they want to read, unlike radio or television where the audience can sometimes be exposed to additional and involuntary information. Information that is consumed out of interest may be more easily remembered than involuntary information. In addition, a number of studies have shown that in many contexts, even if readership is less than television viewership, newspapers set the agenda in terms of topics and debates for other media – and for politicians. This may be due to the fact that print media can often afford for more in-depth stories. It may also be a result of print media's more 'serious' profile than other forms of media, habits of politicians in terms of media use, and assumptions by politicians about the power of newspapers.[iii] [iv] While this influence may be changing with the new media revolution, it probably still remains true to an extent.

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[i] "China Basic Data", *Press Reference*, accessed August 24, 2012, <http://www.pressreference.com/Be-Co/China.html>

[ii] "Asia > China > Media", *NationMaster*, accessed August 24, 2012, <http://www.nationmaster.com/red/country/ch-china/med-media&all=1>

[iii] Stefaan Walgrave and Peter Van Aelst, "The Contingency of the Mass Media's Political Agenda Setting Power: Toward a Preliminary Theory," *Journal of Communication* 56 (2006):92, <http://www.m2p.be/publications/00101132.pdf>

[iv] "Newspapers, at least in Belgium in the 1990s, appear to have a larger political agenda-setting effect than TV news. This need not indicate that television does not matter, of course. But our results suggest the importance of newspaper content in the empirical study of agenda setting by mass media. Now, Belgium is not a "TV-centric" country, like the United States, for example, and newspapers are an important forum for public and political debate. In countries such as the United States, we might find stronger TV effects. We nevertheless suspect that newspapers have some intrinsic qualities that make them prone to setting the political agenda in any post- industrial democracy." As found in: Stefaan Walgrave, Stuart Soroka and Michiel Nuytemans "The Mass Media's Political Agenda-Setting Power: A Longitudinal Analysis of Media, Parliament, and Government in Belgium (1993 to 2000)", *Comparative Political Studies* 41 (2008): 814, originally published online September 17, 2007, <http://www.m2p.be/index.php?page=publications&id=56>

### 3.6 New Media

New media consists of the Internet, mobile phones, social media such as blogs and micro-blogs (such as Twitter and Sina Weibo), social networking websites like Facebook, video-sharing sites such as YouTube, and others. In other words, new media is a broad term that describes a range of media that are utilized for many different purposes. Some of the things that make new media different from traditional media (radio, television, newspapers and magazines) include:



- They are usually interactive;
- They use digital, online and mobile technology;
- They are often audience-created and user-driven;
- They function in real-time;
- They are usually borderless;
- The information is often short-lived;
- They are more difficult to regulate – and to censor;
- The infrastructure for publishing or broadcasting is usually cheaper for individuals to access;
- They do not always adhere to journalistic standards and ethics.

However, the line between traditional media and social media is often blurred, with most ‘traditional’ journalists using the internet as a key source of information for stories; and many traditional media creating online editions or transforming into fully multi-media outlets. Traditional media also utilize ‘citizen journalism’ pieces – for example CNN’s *iReport* which invites any viewer to contribute stories. Traditional media sometimes rely on personal mobile phone images and video to cover hard-to-access stories such as military violence against democracy protesters. Large media organisations like the BBC require most of their correspondents to have skills in a range of traditional as well as online and interactive media. Almost all major news organisations now have significant online versions, many of which are interactive.

There are many views on the overall impact of new media, but few contest the fact that it has spurred further globalization, allowed for communities of interest (political and otherwise) to better organize and communicate despite geographical distances, changed the face of traditional journalism, and blurred the lines between published and personal communication. In addition, new media has allowed individuals, groups, and smaller companies to challenge traditional media monopolies – which have become a growing concern of democracy advocates worldwide - by using the borderless and relatively inexpensive infrastructure of the Internet to voice alternative perspectives.

New media offers new opportunities for elections stakeholders. Like any technology, it also has limitations and challenges however. This section reviews the impact and relevance of new media to the each of the key roles mass media play in elections.[i]

## New Media as Watchdog

New media has begun to play a key part in reinforcing transparency in democratic processes, including elections. Short Message Service (SMS), i.e. text messaging, is now being used around the world by many election monitoring groups for quick gathering and disseminating of information on election irregularities, quick-count processes, as well as other purposes. In Montenegro in 2005, an SMS-based quick-count process helped defuse tensions regarding the integrity of the referendum election count, and thereby helped persuade voters trust the official referendum result.<sup>[ii]</sup>

Citizens use new media to monitor electoral fraud. In the 2012 elections in Mexico, social media networks were used to expose vote-buying, including video posted across social media networks of a warehouse stuffed with grocery give-aways, allegedly intended to bribe voters. In addition, “[a]t least three groups...set up sophisticated websites where citizens [could] upload complaints and videos or other material to document irregularities. There [were] also social media sites for reporting alleged fraud in real time.”<sup>[iii]</sup> As a further example, in the 2012 presidential elections in Russia, activists created a new social media platform ‘Citizen Control’ specifically designed to bring all social groups together to monitor the elections.<sup>[iv]</sup>

Social media is also used to improve candidate behaviour and improve candidate-voter interaction. In Malaysia in 2012, Transparency International (TI) asked all elections candidates to sign a voluntary ‘Election Pledge.’ TI stated “[t]he purpose of the pledge is to recognize that it is the responsibility of every candidate to fight corruption, practice good governance and uphold the rule of law. The pledge also emphasises the crucial role citizens play in monitoring their politicians by providing a platform where the public can monitor and comment on candidates’ performances.”<sup>[v]</sup> What was unusual about this pledge was that it actually *required* candidates to open Facebook and Twitter accounts and to interact with voters on them.

Traditional media’s watchdog role is significantly enhanced by its utilization of new media as both a source of information and a mouthpiece for elections reporting. By monitoring social media discourse, observing citizen journalism postings, and by creating new media of their own through blogs and micro-blogs on official media websites, traditional media’s elections investigations have become faster, more diverse, and more interactive.

Social media has also been utilized extensively to monitor hate speech, as well as social media ‘buzz’ that might lead to or signify elections violence. It has also been used to monitor and map on-going elections-related conflict. Tools have been created especially for this purpose. For example, the Ushahidi cloud-sourcing software gathers data from SMS, Twitter and email and combines it on a map using Google maps to show the geographical spread and scale of violence.<sup>[vi]</sup> Similarly in Zimbabwe, Sokwanale digitally mapped reports of election violence and intimidation.<sup>[vii]</sup>

## New Media as Public Educator

The decentralized, multi-media, and interactive nature of new media has opened up its potential as a public education tool. For example, EMBs, international democracy promotion organisations, civil society groups and others have made extensive use of YouTube and other video sites to share civic and voter education videos.<sup>[viii]</sup>

EMBs have Facebook profiles to attract new voters and provide information to existing ones, as well as to get feedback. Elections New Zealand, for example, has an active Facebook page with 10,000 likes<sup>[ix]</sup> and the Jamaica EMB's is also considerably active.<sup>[x]</sup> The UK Electoral Commission puts out almost daily tweets on Twitter with announcements of key dates, guidelines, highlights from reports, and so on.<sup>[xi]</sup> There are also a few independent websites that promote voter registration, such as Rock the Vote in the US.<sup>[xii]</sup>

### New Media as Campaign Platform

Creative use of new media for political campaigning continues to grow, and candidates and parties now use a full range of tools to woo voters. Many political parties and candidates of course have their own more-or-less sophisticated websites. British Prime Minister David Cameron used the 'Webcameron,' an Internet video diary, to appeal to voters in the 2010 UK elections and beyond.<sup>[xiii]</sup> All the UK parties used 'viral' advertisements, which spread through online social media, as a key part of their campaigns in the same elections.<sup>[xiv]</sup> Barack Obama famously used social media to raise funds and spread campaign messages for his successful 2008 U.S. presidential campaign, which some call the first 'Facebook election'. According to one news article, 60% of people preparing to vote in the 2012 US presidential elections said they expected candidates to have an online presence.<sup>[xv]</sup> In addition, in some contexts the fact that new media is cheaper for campaigning than traditional media means that smaller parties can 'punch above their weight' in terms of campaign exposure. It has yet to be demonstrated that this advantage equates to better electoral performance however. In the 2007 French presidential elections, candidate Ségolène Royal, who ran against Nicolas Sarkozy, spent more money than any other candidate on a diverse and interactive new media campaign, thereby generating a large amount of public online activism which likely gave her a higher profile than had she focused on traditional media.<sup>[xvi]</sup> <sup>[xvii]</sup>

Online campaign techniques differ not only in medium but also in message, tone, and timeframe. It appears that it is not so much the quantity of new media usage by candidates that appeals most to voters, but the quality and interactivity. This suggests that new media has provoked greater expectations of political candidates for direct (online) interaction. The 2010 UK elections saw demands for dialogue by middle class mothers with politicians online<sup>[xviii]</sup> In the 2008 elections in Macedonia, leading parties use of new media for campaigning was also 'unprecedented,' however, commentators expressed disappointment that 'the "social" portion is absent in their use of social media.' The blog posts are mainly transcripts of their rally speeches, and the content is basically recycled from their TV commercials and other uses such as to be fed to traditional media, analysts, journalists and similar actors, but not blogs per se. The posts are long, different audiences are targeted in each post, and personal experiences or input from the politicians is lacking."<sup>[xix]</sup>

There is greater pressure from audiences for online media to be succinct (particularly with regard to micro-blogs) and comical (particularly in viral videos).[xx] Also, counter-intuitively, campaigning using social media can take a long time, in that candidates need to build social media profiles, a process which takes weeks or months. New media campaigning often requires the ‘long campaign’ model, in which politicians maintain social media presence in pseudo-campaigning modes between elections. According to some analysts, this suggests that new media campaigning might privilege incumbents, depending on the regulatory environment and the extent to which candidates and potential candidates are pro-active online.[xxi] Indeed, new media offers the potential of ‘perpetual campaigns’.[xxii]

New media activity can be an accurate predictor of electoral outcomes - or not. The losing candidate in the Egyptian run-off presidential election received almost triple the number of Twitter mentions as the winning candidate, so in this case Twitter mentions certainly did not translate into electoral victory.[xxiii] However in the 2010 elections in the UK, social media monitors such as Tweetminster’s analysis fairly accurately predicted the winners and losers in the electoral debates. Election campaign managers now use monitoring of social media (called sentiment analysis) extensively to understand voter opinion patterns. One commentator on the 2012 US presidential elections stated that “[t]he 2012 campaign may not be *decided* by social media...but those tools offer a wealth of information about the national mood....Twitter [is] a focus group in the wild — hundreds of thousands of tweets, offering raw responses to each debate or speech, as seen on cable TV.”[xxiv]. The campaign led by Goodluck Jonathan in Nigeria (2011) was credited with the successful use of social media.

Social media can also pose risks for candidates. There have been cases of candidates posting comments on social media forums that have backfired. Perhaps thinking that Twitter reached mostly a sympathetic audience, perhaps firing Tweets too quickly off-the-cuff, or overestimating the tolerance on social media for bad jokes, young Scottish candidate Stuart MacLennan was sacked by the Labour Party after posting Tweets that “described old people as ‘coffin dodgers’, branded one woman a ‘boot’ and joked about slavery.”[xxv]

### **Media as Open Forum for Debate and Public Voice**

In many countries, new media has become one of the most vibrant platforms for people to voice views, share information, interact with leaders, and debate key elections issues. New media offers the advantages of being ‘democratic,’ allowing anyone to post their opinions on blogs and micro-blogs, share links, send and forward emails, create websites, and so on. It also has the advantage of working in real-time, thereby allowing people to keep up with dynamic and ever changing developments. Finally, new media is also much more difficult to censor or silence, as governments cannot easily suspend blogger “licences”, raid offices of Twitter users, or prosecute someone for posting links on Facebook.

The use of new media in the Arab Spring uprisings is an example of the contribution of these new tools to political change. As some analysts writing in mid-2011 put it:

Seeing what has unfolded so far in the Middle East and North Africa, we can say more than simply that the Internet has changed the way in which political actors communicate with one another. Since the beginning of 2011, social protests in the Arab world have cascaded from country to country, largely because digital media have allowed communities to unite around shared grievances and nurture transportable strategies for mobilizing against dictators. In each country, people have used digital media to build a political response to a local experience of unjust rule. They were not inspired by Facebook; they were inspired by the real tragedies *documented* on Facebook. Social media have become the scaffolding upon which civil society can build, and new information technologies give activists things that they did not have before: information networks not easily controlled by the state and coordination tools that are already embedded in trusted networks of family and friends.[xxvi]

New media continued to be important in the wave of elections following the Arab Spring revolutions. While acknowledging that the Internet was still only a luxury of the wealthy and therefore should not be overly emphasised, one Egyptian commentator noted that during the lead up to the presidential elections social media was dominated by elections opinions and debates. He observed that Facebook “[u]sers posted images with political messages defending their own candidates or criticising their opponents, adding their own commentary.” Meanwhile, popular activists wrote opinionated blogs, regular news media carried out non-stop real-time online coverage, speeches from presidential candidates were shared on YouTube, and Twitter was buzzing with micro-debates on the elections.[xxvii]

New media has provided voice to segments of society whose voices might otherwise not be heard. For example in the UK, one pollster dubbed the 2010 election the ‘Mumsnet election,’ in which “the parenting website... was changing political debate. Mumsnet’s infamous webchats force politicians to address parents as equals, on issues of Mumsnetters’ choosing: with other social media it has... given ordinary women the confidence to challenge politicians in new ways....the internet shapes the battleground for female votes.”[xxviii] This is an interesting example of the amplifying effects between new and traditional media, in that interactions on a website with a relatively small audience were picked up by the traditional news media which then increased the online interactions.

Uncensored debate on new media has started to impact electoral outcomes. The *Malaysiakini* online journal in Malaysia is an example of new media which provided an alternative voice and has had a significant electoral impact. “In March 2008, the [ruling party] made its worst showing at the polls in half a century, losing its two-thirds parliamentary majority for the first time since independence. Facilitating this was the growing prominence of online journalism, which diminished the massive BN advantage in media access and “shocked the country” by documenting gross police abuse of demonstrators, particularly those of Indian descent.”[xxix]

New media has also allowed traditional media to dodge censorship. According to an article in *Journal of Democracy*, for example, “[w]hen Venezuelan president Hugo Chávez forced Radio Caracas Television off the air in May 2007, it continued its broadcasts via YouTube.”[xxx]

New media lends itself to informal and ironic opposition too. For example during the UK 2010 general election campaign one of the most successful independent sites was a satire of a major party's election billboards. Using what was felt to be an overly 'airbrushed' photograph of the party leader, visitors to [mydavidcameron.com](http://mydavidcameron.com) could create and publish their own digital versions of real posters, complete with amusing slogans.

### Regulation of New Media

Are the regulatory practices and styles of reporting that have developed over the years for conventional media equally applicable to 'new' media? When it comes to regulating the behaviour of new media, many of the assumptions that underlie the regulation of conventional media simply do not apply. For example, the space to publish material on the Internet is literally infinite, compared with the assumption behind broadcasting regulation that the frequency spectrum is a finite resource that must therefore be shared. The convergence of traditional and new media also means that governments face the challenge of where and how to draw the line with regulation. Are opinionated blogs to be regulated as third party campaigning? Can blackout periods be enforced beyond the country's borders or even within country borders? And so on.

Certainly there is growing international consensus about rights to freedom of expression and information in new media. In 2011, the UN Human Rights Committee recommended:[\[xxxix\]](#)

“the states take all necessary steps to foster independence of...new media and ensure access of individuals to them (para 15)...and specifically indicated that “operation of websites, blogs or other internet-based, or other information dissemination system [sic], including systems to support such communication, such as internet service providers or search engines” (para 43), need to be compatible with paragraph 3 of Article 19 of the Covenant.”[\[xxxix\]](#)

Paragraph 3 covers the very limited circumstances under which freedom of expression may be restricted, namely to protect the rights of others and for national security reasons.

Like other advances in media technology in the past, new media are seen as a threat by some governments. As UN Human Rights Commissioner Navi Pillay stated in 2012:

The Internet has transformed human rights movements. States can no longer exercise control by claiming a monopoly over information. This has resulted in a backlash effect and intensified attempts to unduly restrict access to online content or Internet as such....there is also a real concern that methods to identify and track down criminals may be used to crack down on human rights defenders and suppress dissenting voices.[\[xxxix\]](#)

Ultimately, the Internet and other new technologies are carried on media (such as telephone lines) that are owned by governments or large corporate owners, and that often require some kind of licensing to operate. For example in Turkey, according to an Open Society Foundations report,

The most significant threat to news diversity and quality remains the repressive legal restrictions under which journalists operate. If anything, this has intensified in response to the rise of digital media. Article 301 of the Turkish Penal Code, makes it illegal to insult Turkey and national identity and has been used as a cover for internet censorship.<sup>[xxxiv]</sup>

The regulatory challenge posed by new media so far has been the following: old media can be regulated in a way that does not constitute censorship and enhances, rather than restricts, freedom of expression. Such regulation of new media has proven impossible. New media can be regulated, but the content of the Internet, for example, is so diverse and widespread that regulation has been heavy-handed and has amounted to censorship: interception of emails, closure of web sites, and pressure or legal action against Internet service providers.

The Internet poses a challenge to traditional views of media conduct in elections. Pre-polling blackouts on campaign coverage, for example, are difficult to police because of unregulated web sites. Meanwhile, in the 2012 French elections, an embargo on reporting results was ignored by online media in neighbouring Switzerland and Belgium, which published results 90 minutes early, thereby making that clause in French law almost impossible to enforce.<sup>[xxxv]</sup> A characteristic of the Internet that makes it difficult to regulate is its international nature. Attempts by national regulators to close down websites are met by the creation of mirror sites (replicas) beyond the country's borders. Self-regulation by new media users is also more difficult if not impossible, and new media has sometimes ignored conventions that have been widely accepted by 'traditional' media (for example by not reporting exit polls before voting has ended).

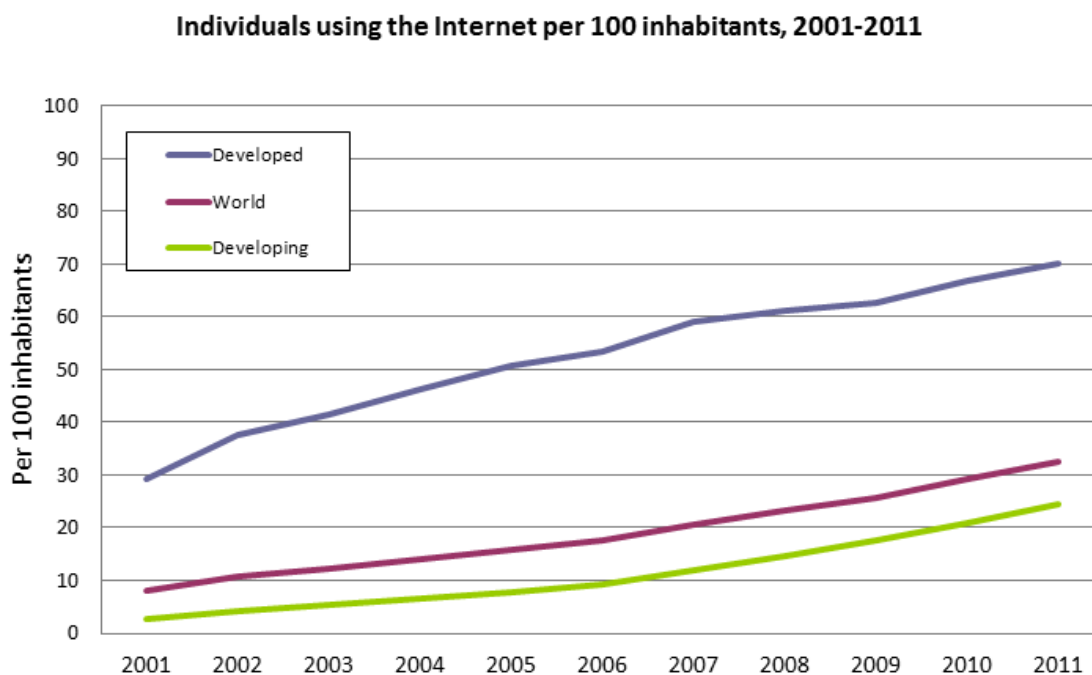
It is generally currently accepted that it is difficult to do anything specific to regulate new media around elections. The law defines what is and is not acceptable in terms of campaigning and other media-related activities. Therefore all media, traditional and new, as well as political actors need to abide by that law. In New Zealand, an attempt was made to specifically regulate third-party blogs during the pre-campaign period:

In the run-up to the 2008 general election, the New Zealand Electoral Commission requested that a citizen campaigner shut his 'dontvotelabour.org.nz' website down because it was in contravention of the EFA [Electoral Finance Act, 2007]. Its author, a pro-life activist, did not want to display his name and address on the website and eventually redefined it as a 'blog' to exploit ambiguities in the EFA. Meanwhile, adverts protesting against polytechnic funding cuts were withdrawn because their producer – a local mayor – was required to register as a third-party; campaigners feared that newspapers challenging government legislation on other matters would be forced to register as third parties in the run-up to elections.<sup>[xxxvi]</sup>

New Zealand attempted to keep a tight reign on third-party online activity that resulted in protest from the mass media and freedom of speech advocates, and the law was eventually changed. "As the New Zealand experience has shown, attempting to cover all possibilities risks appearing draconian and undemocratic and is, therefore, doomed not only to failure but to ridicule."<sup>[xxxvii]</sup> While it is impossible to regulate for all possibilities, registered candidates, political parties and third-parties can be held to campaign rules for online campaigns as much as possible.

## The Scope and Limitations of New Media in Elections

New media, like all technology, has disadvantages and limitations when it comes to elections. As with traditional media, access to new media is uneven around the world. While Internet use is growing in most countries, a much smaller percentage of people have access to it in developing than developed countries, as the graph below indicates. The United Nation’s International Telecommunication Union (ITU) quantifies the status of Internet growth in the developing world as follows: “In developing countries, the number of Internet users doubled between 2007 and 2011, but only a quarter of inhabitants in the developing world were online by end 2011”.<sup>[xxxviii]</sup> The ITU’s table below gives a useful summary of the growth of Internet use in different types of countries.<sup>[xxxix]</sup>



Meanwhile, mobile phone usage is the fastest-growing technology around the world. Around 86% of the world’s population now has access to a standard (2G) mobile phone, which can be utilized for calls and SMS, a communications potential which is being exploited in all sectors of economic and political life in most countries. The third and fourth generation of mobile phones (mobile-broadband or 3G and 4G phones) are in fact a convergence of phone and Internet technologies and global access is also growing fast. However, disparities are huge with this latest technology, with only 8% of people in developing countries owning a 3G or 4G phone in 2011.<sup>[x]</sup>



Thus traditional media continue to be the primary source of elections information around the world.[xli] There are, of course, combinations of media that have great potential in developing countries, for example the commonly used combination of radio and SMS which does not require internet access at all. A range of such combinations has been used to enhance elections-related interactions, to distribute civic and voter education, and for other goals.[xlii]

In addition to limited access, use of new media is affected by culture, regulation, demographics and other factors.[xliii] In the run-up to the US presidential elections of 2012, in a country with extensive Internet penetration, most research showed that television was still the most important media. "Social media has been much heralded but relatively little used by average voters and average citizens," according to the Pew Research Center. "[O]nly 2 percent of people sought election news from Twitter, 3 percent from YouTube and 6 percent from Facebook."[xliv] On the other hand, other research found that social media would still play an important part in determining election results, with almost 40% of voters using information on social media to help determine their voting decision.[xlv]

In the UK, where the three major parties now use sophisticated online campaigning, new media's limitations were evident in the 2010 elections. According to an article in *The Economist*, "[e]pisodes of WebCameron [Conservative candidate David Cameron's web diary] [were] among the most-watched in the news and politics category of YouTube; his appearance at a south London college [the week of March 18, 2010] attracted 15,000 views in its first two days. But evening television news bulletins [drew] millions—as will, it is hoped, the three televised debates between the party leaders in the run-up to the election."[xlvi]

In conclusion, while it raises new challenges and dilemmas, in general new media holds out much potential for all elections stakeholders, including EMBs. This potential is growing as global access to new media grows, as do innovative ways of utilising it.

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[i] It is important to note that digital media are now utilized by EMBs in several ways which are not discussed in this topic area as it does not relate specifically to mass media. For example, some EMBs now use the Internet and SMS for voter registration and for voting.

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[iii] "Worries about vote-buying despite Mexican reform," *The Guardian*, Sunday July 1, 2012, <http://www.guardian.co.uk/world/feedarticle/10314939>

[iv] Taiciya Bekbulatova "Russian Election: With Watchdog Website, Students Channel The Power Of The People," *Worldcrunch*, February 24, 2012. <http://www.worldcrunch.com/new-website-hopes-be-russian-elections-monitoring-facebook/4754>,

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[vi] *Ushahidi*, accessed August 24, 2012, <http://ushahidi.com/>

[vii] "Mapping Terror in Zimbabwe: Political Violence & Elections 2008" *Sokwanele*, June 18, 2008, <http://www.sokwanele.com/map/electionviolence>

[viii] See the following YouTube examples: (Philippines) "Voters Education Animation Project", *BouncingBall, Inc.*, uploaded February 24, 2010, <http://www.youtube.com/watch?v=8kHkYUFm5nA> and (USA) "How to Vote" *Howcast*, uploaded September 28, 2008, <http://www.youtube.com/watch?v=AQbr2Y4YUAc>

[ix] "I Vote NZ" *NZ Electoral Commission* Facebook Page, accessed August 24, 2012, <https://www.facebook.com/IvoteNZ>

[x] "Electoral Commission of Jamaica" *Electoral Commission of Jamaica* Facebook page, accessed August 24, 2012, <https://www.facebook.com/electionsja>

[xi] "Electoral Commission @ElectoralCommUK" *UK Electoral Commission* Twitter page, accessed August 24, 2012, <http://twitter.com/ElectoralCommUK>

[xii] *Rock the Vote*, accessed August 24, 2012, <http://www.rockthevote.com/>

[xiii] *Webcameron*, accessed August 24, 2012, <http://www.conservatives.com/video/webcameron.aspx>

[xiv] Gaby Hinsliff "Web 2.0: the new election superweapon," *The Observer*, April 10, 2012, <http://www.guardian.co.uk/politics/2010/apr/11/new-media-election-campaign>

[xv] "Election 2012: How Social Media Will Convert Followers into Voters", *PCMag*, January 30, 2012, <http://www.pcmag.com/slideshow/story/293078/election-2012-how-social-media-will-convert-followers-into-v>

[xvi] Dr Andy Williamson, Dr Laura Miller, and Freddy Fallon, *Behind the Digital Campaign*, (London: Hansard Society, 2010), 36

[xvii] The authors note that there was in fact some speculation that Ms. Royal's multimedia campaign gave voters the impression that she had a "dispersed leadership style ultimately failed because it made her seem weak and indecisive." (Ibid, 36)

[xviii] "The Mumsnet Election", *Mumsnet*, accessed August 21, 2012 <http://www.mumsnet.com/media/mumsnet-election>

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[xx] Gaby Hinsliff, "Web 2.0: the new election superweapon", *The Observer*, April 10, 2012, <http://www.guardian.co.uk/politics/2010/apr/11/new-media-election-campaign>

[xxi] Dr Andy Williamson, Dr Laura Miller, and Freddy Fallon, *Behind the Digital Campaign*, (London: Hansard Society, 2010), 31

[xxii] Ibid, 44

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[xxiv] David Folkenflik "For election news, voters still turn to old media," *NPR*, February 08, 2012, <http://www.npr.org/2012/02/08/146565911/tvs-king-web-fails-to-dominate-election-coverage>

[xxv] Haroon Siddique and Severin Carrell, "Election 2010: Labour sacks candidate Stuart MacLennan in Twitter row", *The Guardian*, April 9, 2010, <http://www.guardian.co.uk/politics/2010/apr/09/stuart-maclennan-sacked-twitter-general-election>,

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[xxvii] Lara Fawzy, "A revolution and a presidential election: Egypt's social media mania", *Memeburn*, March 07, 2012, <http://memeburn.com/2012/07/a-revolution-and-a-presidential-election-egypts-social-media-mania/>

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[xxix] Larry Diamond "Liberation Technology", *Journal of Democracy* 21 no. 3 (July 2010):73

[xxx] Ibid:76

[xxxi] These recommendations were made in the UN body's "General Comments on ARTICLE 19 of the International Covenant on Civil and Political Rights". General Comments are the Human Rights Committee's interpretations of ARTICLE 19's meaning and guidance for parties to implement the covenant

[xxxii] "ARTICLE 19 welcomes general comment on freedom of expression," (statement) *ARTICLE 19*, August 05, 2011, <http://www.article19.org/resources.php/resource/2631/en/un:-article-19-welcomes-general-comment-on-freedom-of-expression>

[xxxiii] ""The World is Moving Online": Promoting Freedom of Expression"

*UN Office for the High Commissioner for Human Rights*, March 09, 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/TheWorldMovingOnlinePromotingFreedomOfExpression.aspx>

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[xxxv] Scott Sayare "French Media Question Election Reporting Rules," *New York Times* April 20, 2012, <http://www.nytimes.com/2012/04/21/world/europe/french-media-question-election-reporting-rules.html>

[xxxvi] Dr Andy Williamson, Dr Laura Miller & Freddy Fallon, *Behind the Digital Campaign*, (London: Hansard Society, 2010), 31

[xxxvii] Ibid

[xxxviii] "Key statistical highlights: ITU data release June 2012", *International Telecommunications Union*, accessed August 21, 2012, <http://www.itu.int/ITU-D/ict/statistics/material/pdf/2011%20Statistical%20highlights%20June%202012.pdf>

[xxxix] "Internet user statistics" *International Telecommunications Union*, accessed August 21, 2012, <http://www.itu.int/ITU-D/ict/statistics/>

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[xlii] "Target 8: Ensure that all of the world's population have access to television and radio services", from *Monitoring the WSIS Targets; A Midterm Review*, (Switzerland: International Telecommunications Union, 2010), [http://www.itu.int/ITU-D/ict/publications/wtdr\\_10/material/WTDR2010\\_Target8\\_e.pdf](http://www.itu.int/ITU-D/ict/publications/wtdr_10/material/WTDR2010_Target8_e.pdf)

[xliv] Katrin Verclas, *A mobile voice: the use of mobile phones in citizen media*, (MobileActive and Pact, November 2008), <http://mobileactive.org/files/A%20Mobile%20Voice-The%20Role%20of%20Mobile%20Phones%20in%20Citizen%20Media.pdf>

[xliii] Dr Andy Williamson, Dr Laura Miller & Freddy Fallon, *Behind the Digital Campaign*, (London: Hansard Society, 2010)

[xliv] "For Election News, Voters Still Turn To Old Media," *National Public Radio*, 8 February 2012, <http://www.npr.org/2012/02/08/146565911/tvs-king-web-fails-to-dominate-election-coverage>

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### 3.7 Media Ownership and Elections

Ownership has an enormous bearing on the nature of a media outlet's elections coverage – or, for that matter, any political coverage. State and government owned media are under direct state or ruling party control and may therefore tend toward favouring incumbent parties or candidates. Public Service Broadcasting (PSB) acts independently of any political body, but is often financially supported by the state. Privately-owned (whether corporate or otherwise) media may be independent, but may also serve the political interests of their proprietors. In some countries, these proprietors might be political parties and candidates themselves. Community media may tend to focus only on specific issues that pertain to the specific "community" it serves. The nuances go further: economics, trust, and historical context all contribute to the dynamics of differently owned media. Yet, undoubtedly, it is the establishment of the right diversity and balance within the media ownership landscape that is one of the keys to fostering democratic processes in any given country, not least fair and free elections.

First, it is important that we know what is meant by each of the media types:

- Public media: This refers to two types: public service broadcasting (PSB) which is focused on the public good and is independent; and state-owned media which is controlled and

funded by the state (tax-payers) and may be more or less focused on the public good, but is sometimes simply a mouthpiece for the government of the day.

- Private and corporate media: Private media are those that are independently owned, for-profit, and funded mostly from advertising and sales. They range in size from international conglomerates to small local outlets.
- Community media: These are usually small outlets that are community-owned and -oriented, participatory, and non-profit.
- Party and politician-owned media: These cover the range of different types of mass media created by parties, from small party propaganda sheets to media owned by rich politico-businesspeople.

All of these ownership types include both traditional and new media. There are significant overlaps between the above ownership models, and the categorisations are simplified here for ease of discussion.

### Media Ownership in the Context of Elections

A country's portfolio of media ownership is likely to have a significant bearing on a range of electoral issues, including questions such the extent to which political advertising is permitted, citizens' access to civic and voter education as well as campaign material, and the extent to which elections are covered in a balanced and fair manner.

In the United States, where private media is predominantly owned by mega corporations, access to media by parties and candidates is organized by way of paid advertising. Similarly in Finland, where commercial broadcasting developed rather earlier than in most of Europe, has a far freer approach to paid political advertising than most European countries. Unlike its neighbours, Finland provides no free airtime on public media and allows contestants to purchase unlimited private airtime.<sup>[i]</sup> Conversely countries such as Britain and Denmark, with a strong tradition of public ownership of the media, do not allow paid political advertising at all, and instead have a system of free direct access broadcasts on private broadcasters.

Licensing of broadcasters is one way in which governments manage media ownership and promote media pluralism. Many countries have some form of regulation in place. For example, in Australia:

The cross-media ownership laws brought in by the federal Labor Government in 1987 was the start of modern media change. The laws strictly prohibited the control of more than one commercial television license or newspaper or commercial radio license in the same market, thus aiming to reduce the potential for undue media concentration.<sup>[ii]</sup>

Such regulations are not easy to implement fairly, however, and can be victims of political competition. In Australia "these changes also led to increased concentration in some markets,

and were widely seen as rewarding Labor allies,”<sup>[iii]</sup> and were later rolled back when the other major party gained power, which then led to further concentration of ownership.

In addition, due to their influence and reach, broadcasting licenses for private radio and television often include clauses with various requirements related to elections. For example, the Equal Time rule in the US Communications Act (1934) requires broadcasters to provide an equivalent opportunity to any opposing political candidates who request it; and forbids broadcasters to censor campaign advertisements. Other regulations require private broadcasters carry paid political advertising (see the section on Provisions Affecting Both Public and Private Media).

Media ownership directly affects media’s important watchdog role during elections. State and government media are sometimes measurably biased in favour of the incumbent parties or candidates. This is particularly the case in newer or transitional democracies such as Cambodia in 2007.<sup>[iv]</sup> During the 2012 Russia elections, the fact that most broadcast media was owned by either the government or by powerful pro-Putin businesspeople, translated into overwhelming bias in election coverage.<sup>[v]</sup> Much of the discussion about "regulation" of the media in elections is in fact to address this problem - ensuring that publicly funded media operate with due independence of the government of the day - rather than trying to restrict the operations of media that already enjoy full editorial independence.

Media ownership also affects the voters’ right to information. Voters’ access to information on elections is limited in some countries by poor diversity of media ownership, or by lack of policy-making and investment that ensures that media reaches a majority of the population. As well as the impact of media concentration, insufficient information can be caused by a lack of infrastructure and disillusionment or mistrust by the public in the media on offer.

### Media Ownership in the Global Context

The proportion of state (or government) to private media ownership is sometimes mistakenly seen as a direct reflection of a country’s political and social freedom: dictatorships or authoritarian regimes with controlled media versus democracies with fostered pluralism of ownership. The reality is more complex. Numerous influences are responsible in determining the degree of media freedom in any given country, including legal, economic, political and cultural environments. Ownership also varies within countries as economic and democratic development proceeds (or regresses).

However there are some discernible recent trends. According to the editors of *Negotiating Democracy: Media Transformations in Emerging Democracies*<sup>[vi]</sup>, in the developed world, “the restructuring of telecommunications “markets” exploded in the 1990s” with an “unprecedented number of international mergers and acquisitions among transnational media corporations, which aggressively pursued the opportunities that privatization provided.” As a result in some of the most developed democracies, including Australia and the United States, a few large companies own the vast majority of private media.<sup>[vii]</sup> In middle-income countries these are mirrored by “the national and regional dominance of some of the world’s most powerful “second-tier media firms” of newly industrialized nations, such as Brazil’s Globo,

Mexico's Televisa, Argentina's Clarín and Venezuela's Cisneros Group—Latin American firms that have “extensive ties and joint ventures with the largest media TNCs, as well as with Wall Street investment banks”.[viii]

Newly emerging democracies have experienced their own dynamics in terms of media ownership:

Other regional trends, such as those in sub-Saharan Africa, Eastern Europe, parts of Asia, and even to some measure in the Middle East, bear witness to a transition into democratization that has emerged alongside the dismantling of national broadcasting systems and the reformation of the role of the press connected to authoritarian regimes, the promotion of private independent and pluralistic media, and/or the proliferation of new media channels... Yet despite a push to privatization above all else] mass media have served remarkably well as a means to globalize the democratic exchange of ideas and issues capable of challenging authority and of fostering an atmosphere of optimism. And while the degree to which a civic discourse has found a way to take root varies, when it does arise it is often in conjunction with citizen-based media.[ix]

Most Western European democracies had, until recent decades, state monopolies of broadcasting. Britain legalized private commercial broadcasting as recently as the 1950s. The establishment of the BBC in the 1920s was perhaps a stepping-stone toward this privatization, arguably the world's first form of ‘public services broadcasting’: state subsidized but independent of the government and acting at the behest of the public. France, Germany, and Denmark did not allow privatization of media until the 1980s. Britain and France are particularly important examples due to their extensive colonial legacy that influenced the organization of broadcasting and media in scores of countries. In Britain and France, there is a strong distinction between broadcasting, with its strong public service history, and print media, which has a distinctly “privately-owned” history. However, in some long-standing democracies - for example in Sweden and Norway - there is a tradition of state funding of the print media as well. According to the Swedish government, subsidies to secondary newspapers are “important for the diversity of media at local and regional levels.”[x]

Conversely, in Latin America, *private* media were often closely identified with those in power – specifically the military dictatorships of the 1960s and 1970s. Similarly, under the Suharto dictatorship in Indonesia (until 1998), private media were tightly controlled, while the state owned a large media machine in its own right. In addition, the Suharto family bought directly into major media businesses. Far from facilitating pluralism, these private media advocated suppression of media. Indeed, many would argue that the large corporations (as discussed on the page Private and Corporate Media) dominating the US media are not conducive to the expression of alternative political viewpoints. Whatever the truth of such contentions, it is clear that there is no dependable correlation between the extent of private ownership and pluralism.

Economics also play an important part in determining the structure of media ownership. Public versus private broadcasting is sometimes more indicative of national financial resources rather than gauges of media freedom. Public media (whether state, government or public service broadcasting) has been particularly strong in the early stages for many emerging democracies

due economic conditions that make it more difficult for private broadcasters to start up operations.

The size of the advertising ‘cake’ varies according to economic conditions. Most private<sup>[xi]</sup> - and some public - media are dependent upon advertising to make their business sustainable. The public sector is often important in media in poorer countries for two reasons: the small advertising cake often means less private media, and a dominant public broadcaster; and where there is advertising revenue for private media, it is often from government agencies, or donors working with government. In wealthier countries, companies now use the Internet to advertise their goods and services. This has led to further drops in advertising revenues for traditional media.

In many countries in Africa, for example, as well as parts of Asia and Latin America, this explains why until recently national radio stations, broadcasting on medium- and long-wave frequencies, were almost entirely a state-owned phenomenon. Even where broadcasting regulations permitted - and often they did not - neither private broadcasters nor advertisers had much interest in broadcasting to the entire nation. Instead, private advertisers were primarily interested in reaching an urban audience with disposable income - the type of audience served by private FM stations (most of which primarily broadcast music). The fast growth of private and new media in these countries is now changing the public versus private paradigm, however. Nonetheless state-owned broadcasters are still important and in some cases remain the only choice for listeners.

Technological developments such as satellite and cable television and the Internet complicate the media ownership landscape further. Economic factors are still at play: those who can afford to subscribe to a pay channel or use the Internet will generally not be among the poorest. Local cable and satellite providers are subject to the same political and economic constraints as those broadcasting on terrestrial channels, in that they are dependent on advertising and subscriber revenues to survive and grow. Mass media using the Internet and other new media can often publish or broadcast more cheaply than in the past, and they are freer from some of the regulatory and constraints that are imposed on traditional mediums. Meanwhile, multinational broadcasters such as Al Jazeera, Cable News Network (CNN) and the British Broadcasting Corporation (BBC) can play an important role in breaching broadcasting monopolies. That is why some countries have prohibited ownership of satellite dishes (a prohibition that was circumvented in one memorable north African case by the widespread substitution of couscous pans). Internet news sites also help to challenge broadcasting monopolies, though caution should be exercised in celebrating pluralism on the Internet. In Australia, for example, “all but one of the 12 news sites in Australia’s top 100 most visited sites are owned by major existing media outlets.”<sup>[xii]</sup>

Cultural and attitudinal factors also impact on media ownership. For example according to a report published in the *Political Research Quarterly* in 2009, “in postauthoritarian African democracies [audiences] trust government-owned broadcast media more than they trust private broadcasters [despite] the public media’s lack of independence as well as a history of state propaganda.” The report suggests that this trust gap is due to a number of factors such as audiences’ levels of political sophistication, support for incumbent leaderships, and illiberal



attitudes. The study also found that audiences also tended to prefer public broadcasters in countries with lower corruption and greater press freedom.[xiii] This trust gap no doubt impedes, to a certain extent, the growth of private media.

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[i] Christina Holtz-Bacha and Lynda Lee Kaid, *Political Advertising In*

*International Comparison*, (Sagepub, 2006), 10

[ii] Rob Harding-Smith, *Centre For Policy Development Issue Brief:*

*Media Ownership And Regulation In Australia*, (Sydney: Centre for Policy Development, August 2011) [http://cpd.org.au/wp-content/uploads/2011/11/Centre for Policy Development Issue Brief.pdf](http://cpd.org.au/wp-content/uploads/2011/11/Centre_for_Policy_Development_Issue_Brief.pdf)

[iii] Ibid

[iv] "Final Assessment and Report on 2007 Commune Council Elections, Committee on Free and Fair Elections in Cambodia", (*Comfrel* election observation report, 2007), accessed August 22, 2012, <http://www.comfrel.org/images/others/1188360503COMFREL%20CCE%20Report%20Final%20without%20Pictures.pdf>

[v] "Russian Federation, Presidential Election 4 March 2012", (OSCE/ODIHR Election Observation Mission Final Report, Warsaw, 2012), 13 <http://www.osce.org/odihr/elections/90461>

[vi] Patrick D Murphy, "Media and Democracy in the Age of Globalization", *SUNY Press*, 2007, <http://www.sunypress.edu/pdf/61516.pdf>

[vii] See graphs of media ownership in the US and Australia at *Teach Media*, accessed August 25, 2012, [http://www.aph.gov.au/binaries/library/pubs/rp/2007-08/08rp01\\_5.jpg](http://www.aph.gov.au/binaries/library/pubs/rp/2007-08/08rp01_5.jpg) and <http://www.teachmedia.org/wp-content/uploads/2012/02/Media-Ownership-2011.png>

[viii] Patrick D Murphy, "Media and Democracy in the Age of Globalization", *SUNY Press*, (2007):6, <http://www.sunypress.edu/pdf/61516.pdf>

[ix] Ibid

[x] "Press Support", *Government Offices of Sweden* website, accessed August 22, 2012, <http://www.sweden.gov.se/sb/d/14476>

[xi] With the exception of some state-subsidised private media, for example in Scandinavia as described above.

[xii] Rob Harding-Smith, *Centre For Policy Development Issue Brief:*

*Media Ownership And Regulation In Australia*, (Sydney: Centre for Policy Development, August 2011),1 [http://cpd.org.au/wp-content/uploads/2011/11/Centre for Policy Development Issue Brief.pdf](http://cpd.org.au/wp-content/uploads/2011/11/Centre_for_Policy_Development_Issue_Brief.pdf)

[xiii] Devra C. Moehler and Naunihal Singh, "Whose News do you trust? Explaining trust in private versus public media in Africa", *Political Research Quarterly* 64 no. 2, (December 16 2009):1

### 3.7.1 Public Media: State, Government and Public Service Broadcasting

The state, specific governments, or the public, own a large proportion of the world's media - especially radio and television. The term “public media” is often used to refer to these forms of media ownership. There are important distinctions between these forms however.

- **Public Service Broadcasting (PSB)** uses public money to broadcast in the interests of the public as a whole. They are often established by law, but they are non-partisan, not supporting a particular party including the incumbent ruling party. PSBs are not-for-profit.
- **State and government media** are owned by the state or the government of the day (and financed out of public money) and directly controlled by it. It may perform a public service function or it may be a propaganda instrument of the state or government. State and government media is also generally not-for-profit.

These media may be financed out of one or all of these sources:

- A license fee paid by television viewers
- The government budget
- A programming fee paid by partner stations
- Public subscriptions and grants
- Commercial advertising

These different revenue sources have potential implications for the broadcaster's day-to-day independence. A license fee, advertising, and other revenues that do not go directly through the government budget may make it easier for the broadcaster to maintain a distance from government (although many still depend on government mechanisms to collect license fees).

UNESCO defines **Public Service Broadcasting (PSB)** as “broadcasting made, financed and controlled by the public, for the public. PSBs are neither commercial nor state-owned; they are free from political interference and pressure from commercial forces. Through PSBs, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy.”<sup>[i]</sup>

Widely-accepted principles for PSBs include:

- Universal accessibility (geographic)
- Universal appeal (general tastes and interests)
- Particular attention to minorities

- Contribution to sense of national identity and community
- Distance from vested interests
- Direct funding and universality of payment
- Competition in good programming rather than numbers
- Guidelines that liberate rather than restrict programme-makers

PSBs may be mainly funded by television license fees, as is the case for the British Broadcasting Commission (BBC); directly by the government, for example the Australian Broadcasting Commission; by individual subscribers, grants and programming fees as is the case for National Public Radio (NPR) in the US; or at least partially from commercial sources, as is the case with the Australian Special Broadcasting Service (SBS). What PSBs have in common in terms of funding is that they are not dependent on advertising.

PSBs are often established by government through acts of parliament, and while some are subject to broad oversight by the state, most also have strict guarantees of independence written into their constitutions. The Swedish PSB for example, SvT, is kept at arms-length from the state by being owned by a foundation, not the state, and by directly collecting license fees from the public, not via the government. However it is subject to broad oversight by a parliamentary committee as a check-and-balance mechanism.

In transitional democracies there have been some bold attempts to rapidly retrieve and modernize the public service ideal, after a history of heavy-handed state control. In South Africa since 1993 the public broadcaster has statutory independence and even, at one stage, had its board members appointed after public hearings.<sup>[ii]</sup>

However others struggle to achieve true public service broadcasting. In the former Soviet Union, “PSB development...is still affected by local transitional challenges [as well as] coping with global challenges of [the] media environment.” In Latvia in 2011 for example, “PSB policy making is still oriented to the value for officials or elite rather than for the public,” with PSBs still operating as “paternalistic broadcasters that tend to function as public educators “from above.”<sup>[iii]</sup>

**State- and government-owned broadcasters**, directly controlled by the state, were a common model in the Soviet Union (and later in many countries that followed its lead). In the post-Soviet era, these broadcasters have often proven difficult and slow to reform. In Latvia for example, two decades since independence the distinction between public service broadcasting and state broadcasting remains unclear to many parliamentarians.<sup>[iv]</sup>

French and British colonisers took their public broadcasting model overseas, but it did not travel well, and colonial broadcasters enjoyed little independence. After independence, many

post-colonial governments continued with the same tradition of broadcaster-as-government-propagandist.

Public service broadcasting was founded on a belief that still holds true in most of the world: the private sector alone cannot guarantee pluralism in broadcasting. The trouble is that public media have largely failed to do that too. In many countries, the advent of private broadcasting has made governments even more determined to cling onto editorial control of the public broadcaster.

Public, state or government media are usually broadcasters. But there are still some government- and state-owned newspapers in existence. They do not enjoy the same economic rationale as public broadcasters and often function as little more than government propaganda sheets. There are exceptions, and Uganda is an interesting example. The largest newspaper in the country is New Vision, in which the state holds a controlling stake. The paper is known to have a level of editorial independence, professionalism, and for publishing a range of views – though this independence was questioned when New Vision was accused of pro-government bias in the 2011 elections.<sup>[v]</sup> Fortunately, there is also a range of independent private media in Uganda that voice alternative views.

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[i] "Public Service Broadcasting", UNESCO website, accessed August 22, 2012, [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=1525&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=1525&URL_DO=DO_TOPIC&URL_SECTION=201.html)

[ii] Robert Britt Horwitz, *Communication and Democratic Reform in South Africa*, (Cambridge: Cambridge University Press, 2001), 171,

[iii] Ieva Beitika, "Development of Public Service Broadcasting: Local And Global Challenges and the Public Value", *Media Transformations* (Vytautas Magnus University), May 2011, 59, [http://www.balticmedia.eu/sites/default/files/Beitika\\_MT\\_2011:5.pdf](http://www.balticmedia.eu/sites/default/files/Beitika_MT_2011:5.pdf)

[iv] Ibid

[v] "Freedom of the Press 2012 Findings Released," *African Centre for Media Excellence*, May 11, 2012, <http://www.acme-ug.org/news/item/241-freedom-of-the-press-2012-findings-released>

### 3.7.2 Private and Corporate Media

Unlike public media, **private media** is distinctly *for profit*. Private media is sustained by commercial revenue. **Corporate media** is simply private mass media that is controlled by a corporation as opposed to individuals. For example, while in the 1980s roughly 50 different corporations controlled the vast majority of private media in the US, in 2012 this had consolidated to six mega corporations: Time Warner, Walt Disney, NBC Universal, CBS Corporation, Viacom, and Rupert Murdoch's News Corp. Another company, Clear Channel owned over 1000 radio stations.

Private and corporate media cover the spectrum of media types:

Private *broadcasters* range from giant multinational corporations run by some of the richest and most politically powerful people in the world to small, local FM stations. In most cases, broadcasting will be under the terms of a license granted on a periodic basis by a public authority. How prescriptive or restrictive are the terms of that license will also vary, often laying down certain terms under which news or current affairs can be broadcast. Sometimes this will include prescriptions as to what election coverage should be carried. There may also be an explicit public service component to the license - for example, obliging the licensee to carry voter education programmes.

Private *print media* is also extremely diverse, ranging from daily to weekly newspapers and magazines, to special-interest publications and journals, relying on advertising and sales for revenue. Even in situations where the state retains a large stake in broadcasting, the print media are usually in private hands. Even in authoritarian contexts, at least some newspapers in any country are likely to conduct serious news investigations and to comment in a reasonably sophisticated manner on political developments.

But private newspapers often still have their own political agendas, which may not necessarily be a democratic one. A notorious example was the Chilean newspaper *El Mercurio*, which, aided by the CIA, campaigned against the elected government in 1973 and in favour of a military coup - a clear case where the press dismally failed to promote political pluralism.

Even in mature democracies, newspapers are perhaps more likely than broadcasting stations to endorse a political candidate or party explicitly, although political culture varies from country to country. In many countries explicit editorial endorsement of a political choice would be unthinkable; in others it is regarded as normal. Journalistic ethics would still demand that news reportage of fact be strictly separated from the expression of editorial comment. Nevertheless, a chosen political agenda will almost inevitably affect the selection of which news is to be covered. The usual argument, however, is that the existence of a variety of newspapers reflecting different viewpoints will ensure a better-informed public and a free interplay of political ideas.

*Media convergence* means that the concepts of separate print, broadcast and online media are starting to become obsolete. Many outlets which were traditionally one thing or another are now operating across a range of mediums.

Corporate media is big business. The past half-century has witnessed the expansion of large media conglomerates owning a wide range of media as well as other business interests (and of non-media conglomerates buying into the media industry). The result of these developments has been a media landscape that is often far removed from the ideal of the neutral “fourth estate” – press that are independent and detached from the political process. The media owners have a partisan interest in the political process in the same way that any company will have. Thus in a sense the line between private, or (supposedly) independent media, and state-owned media is blurred.

Nevertheless, private media play a crucial role in all the various aspects of media’s contributions to the democratic process, including elections. Not all private media are monopolised by large

conglomerates, particularly in the developing world. Those that are owned by large conglomerates also exercise independence and objectivity at least some of time.

### 3.7.3 Community Media

In many parts of the world, community media are a rapidly growing phenomenon. Community media usually refer to, at minimum, the following characteristics:

1. Community ownership and control
2. Community service
3. Community participation
4. A non-profit business model<sup>[i]</sup>

Community media can be print or broadcast, as well as online and may publish in local languages. Community newspapers have a long history in some contexts, with small print runs and volunteer writers and editors allowing for affordable publication. Community radio stations now proliferate as a model for promoting local-level development and civic education, spurred by liberalizing of licensing regimes and the increasing affordability of technology. Community television stations are also increasing in number. In some countries, national public broadcasters will also play a community role, carrying material produced by (or aimed at) particular local communities, or communities of interest.

The definition of ‘community’ is often questioned when discussing community media. What exactly is a community? Traditionally it has been assumed to refer to a geographical community. But in South Africa, for example, with one of the widest networks of community radio in the world, the term is also used to refer to a community of interest, especially among disadvantaged sectors of society. Thus there might be a ‘women’s community’, a ‘gay community’ or a ‘community of people with disabilities’. There may also be community media aimed at people of a certain religious faith.<sup>[ii]</sup> In the Solomon Islands, Vois Blong Mere (‘Women’s Voices’) is a non-profit community radio organisation broadcasting for the past ten years, focusing on women’s voices in all aspects of life. Virtual communities also challenge the definition of community. They are social media-based and transcend geographical boundaries, yet count as communities of sorts. Given that they often adhere to the four broad principles of community media mentioned above, some uses of social media usage can also be considered community media.

The significance of this for elections is immediately apparent. Community media, almost by definition, have a limited but loyal audience. For purposes of voter education, community media is very important, especially as they can reach sections of society that may be bypassed by more traditional media.

The terms of community broadcasting licences often prohibit explicit political campaigning. It is particularly important for a regulatory authority to monitor compliance with the terms of a licence during election periods.

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[i] Jean Fairbain, *Community Media Sustainability Guide: the Business of Changing Lives*, (Arcata California: Internews, 2009),7  
<http://www.internews.org/sites/default/files/resources/InternewsCommunityMediaGuide2009.pdf>

[ii] Richard Carver and Ann Naughton (eds), *Who Rules the Airwaves? Broadcasting in Africa*, (London: ARTICLE 19 and Index on Censorship 1995),93. See also <http://www.amarc.org> (World Association of Community Radio Broadcasters).

### 3.7.4 Party and Politician-owned Media

Essentially, political party media fall into one of three categories, and it is for a regulatory authority to decide which:

- Propaganda sheets that do not fall under a media regulator, but may be monitored if, for example, they constitute campaign spending, which may be limited by law.
- Conventional private media that just happen to be owned by a party. In that case, they will have to conform to the prevailing standards or regulations for other private media.
- Government media, in a situation in which the ruling party and government have been intertwined. In that case, media using public funds should conform to the same standards as any other public media - which in practice probably means that they cannot campaign for the party at all.

Political party-owned media are most often newspapers. In many countries, political parties are not allowed to own broadcasting stations, since this is deemed to be an unfair allocation of a national resource - the frequency spectrum - to a narrow political interest. In Turkey, for example, the 2011 Law on Establishment of Radio and Television Enterprises and their Media Services, states that “A broadcasting license cannot be granted to political parties [and a range of other entities]” and that they cannot be “direct or indirect shareholders of media service providers.”<sup>[i]</sup>

Another type of media straddles the distinction between party and private media. Individual politicians, or business leaders with political aspirations, own media that appear to be regular outlets. Politician-owned media has become common practice in Ukraine, where advocates for freedom of expression are gravely concerned about pluralism in media ownership and the control of key broadcasters by wealthy political oligarchs and their families. In Italy, Silvio Berlusconi’s broadcasting stations successfully promoted his ambition to become his country’s Prime Minister. These politician-owned media are conventional private media that are subject to the same laws and regulations as any other, yet the potential conflict-of-interest and the question of a pluralism of views in major media are causes for concern.

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[i] “Law on the Establishment of Radio and Television Enterprises and their Media Services”, law number 6112 Turkey, as found on *WIPO Resources* webpage, accessed August 25, 2012, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=241854](http://www.wipo.int/wipolex/en/text.jsp?file_id=241854)

### 3.8 Media Safety

The safety of media personnel and property is paramount to safeguarding democratic processes. Attacks on journalists and media outlets harm more than just the individuals targeted; attacks have a ripple effect throughout the entire media community, and where the media acts as a public mouthpiece, silencing the media means silencing the public. Attacks on media take many forms. Journalists may be explicitly censored through withdrawal of licenses, publishing bans, imprisonment, and other means. They may also feel pressured to increase self-censorship by adjusting the content of coverage, or by choosing not to cover events or issues entirely. A common, although frequently un-reported, attack on media takes place through simply firing, or threatening to fire, media personnel for political or personal gain. On the other hand, journalists may feel pressured into covering topics that they are uncomfortable with. For example, according to an interview in one report on media in Kenya,

“Sometimes inflammatory material is broadcast because the stations don’t have the expertise to deal with controversial subjects.” Journalists in Kenya also do not enjoy proper legal protection... “If a powerful politician walks in your door and demands air time, who will dare to say ‘no’?”<sup>[i]</sup>

Violence directed at journalists and media can take many forms, including arrests, beatings, rape, and murder. Violence and manipulation also come in the form of attacks against family members, arson or destruction of offices or equipment, confiscation of equipment, and attacks on sources of information. Female journalists face somewhat different security situations in many contexts, and are at higher risk of sexual violence. Journalists face threat of unintentionally exposing valuable and sensitive information by way of third party access to computers, memory drives, telephones and so forth. In addition to surveillance of text messages, emails and phone calls, perpetrators of attacks (government or otherwise) use malware (downloaded through fake links or attachments in emails for example) to track the victim’s activities and enable the attackers to identify sources or conspirators. Software is also used to access information on confiscated items and, in some cases, is not even needed at all. As an example,

[In 2011], British journalist and filmmaker Sean McAllister met with a 25-year-old dissident and computer expert in Damascus who goes by the pseudonym "Kardokh." *Columbia Journalism Review* reports that Kardokh had agreed to be interviewed on camera, with the understanding that McAllister would blur his face before publishing the footage. But in October 2011, Syrian security agents arrested McAllister, seizing his laptop, cell phone, camera, and the footage for his documentary--including images and contact information that could be used to identify the activists he interviewed. When Kardokh heard that McAllister had been arrested, he immediately packed his bags and fled to Lebanon. Kardokh reports that several of the activists he had put in touch with McAllister had been arrested and at least one had disappeared.<sup>[ii]</sup>

In addition to being victims of targeted attacks, journalists often place themselves in the midst of sensitive or volatile situations – such as transitional elections. They are often victims of violence at the hand of mob-mentality, war, and conflict, and often with little to no protection



from authorities. During 2007, one of the deadliest years for journalists, at least eighteen journalists were killed while covering war or dangerous assignments. At least another 51 were murdered that year in connection to political, human rights, corruption, and other media coverage.<sup>[iii]</sup>

Every year Reporters Without Borders releases a Press Freedom Index, a compilation of attacks on media personnel throughout the world. For 2011/2012, the countries with the worst index ratings continued to be Turkmenistan, North Korea and Eritrea.<sup>[iv]</sup> The government under President Issaias Afewerki of Eritrea, the country with the lowest index rating, continued to stifle any media freedom whatsoever through routine arrests and deaths of journalists. As of August 2012, at least 32 journalists were still in prison. Some have been in prison for more than 10 years, and each has been without charge or trial.<sup>[v]</sup>

Countries like Iran and China, Vietnam, Sudan, Burma, and Belarus follow close behind with abysmal track records of media safety and freedom. Violence against the media has been closely associated with movements for democratic change and free and fair elections, for example the Arab Spring uprisings. <sup>[vi]</sup>

While, at the time of writing, there are no comprehensive statistics for worldwide attacks on journalists during elections, a close look at individual country records, as well as statistics on media personnel killed for covering political issues, illuminates the fact that election campaigns are one of the most dangerous periods of time for media.<sup>[vii]</sup> Furthermore, attacks during elections are often subtle, covered up, or intentionally confused, out of perpetrators' fears of losing public support during the elections. In other words attacks on journalists will often be wrongfully blamed on non-election related violence or causes. This may also be a period when governments are reluctant to curb climates of impunity for fear of losing political support, or stirring up unrest. Indeed impunity often outright flourishes during election periods.

For example, attacks on journalists spiked in the lead up to the 2011 elections in the Democratic Republic of Congo. Many of the attacks were at the hand of candidates and political activists who, unhappy at coverage of opposition leaders and candidates, chose not to utilize right to reply and instead attacked journalists themselves.<sup>[viii]</sup>

One of the worst attacks on media in history was elections-related: the slaughter of 57 individuals including 32 journalists in 2009 in the town of Ampatuan in Southern Philippines. The victims were accompanying a convoy of supporters of a local politician who was seeking to be a candidate for provincial councils. Gunmen in support of a local rival (the mayor) attacked the convoy and disposed of the bodies in mass graves.<sup>[ix]</sup> Impunity continues to create fear among media and the general populations in the area as surviving witnesses continue to be killed as the trial proceeds.<sup>[x]</sup>

In addition to being direct targets of attacks, journalists are also often the victims of more generalized election violence such as riots or proximity to car bombs or rocket attacks directed at voting sites or transportation of sensitive voting material. As an example, in early 2012 roughly 100 Indian journalists were attacked by up to 4000 voters who were angry at elections

results. The journalists were forced to lock themselves in a school for several hours until the violence had died down.[xi]

The period immediately following an election can also be extremely dangerous for journalists, as exemplified in the crackdown on independent media after President Yoweri Museveni took office in Uganda after the February 2011 elections.[xii] Similarly, the period after the July 2012 Mexico presidential elections has been particularly brutal for journalists.[xiii]

Given the vital role media plays in ensuring fair and transparent processes and the crippling effect safety can affect this role, it is essential that media are provided the tools, the knowledge, and resources to best protect themselves while covering elections. Media safety is an important aspect of media development initiatives in the developing world, as according to a Committee to Protect Journalists guide to media safety, “[n]early nine in 10 work-related fatalities since 1992 have involved local journalists covering news in their home countries... And more than 95 percent of journalists jailed worldwide are local reporters, photojournalists, bloggers, and editors...”[xiv] Most importantly, journalists must understand that they have the right to decline risky assignments.

Media safety includes basic preparedness skills and first aid training. Media development agencies, security agencies, and/or EMBs (or other stakeholders) should provide training courses which cover the following where relevant:

- Health precautions (including any necessary vaccinations and contact information of health facilities in the area);
- First aid training;
- Safety training in conflict situations (including shoot-outs, road blocks, and kidnapping) and war zones;
- Safety tips for reporting on large crowds and understanding mob mentality;
- Tools for dealing with detention and arrest;
- Mine and Unexploded Ordinance awareness training;
- Communication tools while journalists are field based;
- Safety guidelines for female journalists reporting in conservative environments, or environments where women are targets of assaults;
- Tools to deal with traumatic stress;
- Guidance for providing and receiving post assignment debriefing.

Media safety also requires that media staff develop acute awareness of the socio-political environment and potential volatilities at hand. Professionalism can also be a significant factor of media safety, as media can often unintentionally (or intentionally) incite further violence or insecurity, through inaccurate or inflammatory reporting.

EMBs should develop policies and guidelines on media safety in the election process, including briefing EMB staff (particularly voting centre staff) on media rights, presence and

safety. Where necessary, EMBs should liaise with security agencies in order to establish any special measures required to protect media personnel at elections sites. EMBs, media development agencies and donors should coordinate to ensure adequate funding and resources are provided for journalist safety. (More information on media training and professionalism is provided in chapter [Media Development](#).)

What is ultimately required however, is concerted advocacy and dedication on the part of all stakeholders to ensure a legal framework wholly supportive of media freedom and rights, and furthermore, that a country's government and system has the resources as well as will power to implement this framework.

Any physical attack or interference with a journalist is likely to be a crime under the ordinary law of the country. There are also obligations under international law to protect journalists (see the section on [Protecting the Safety of the Media in International Law on Media and Elections](#)). In view of the particular importance of the media in elections, some countries create specific offences related to attacks on journalists during elections.

However, as important as what the law stipulates, is the message that is clearly communicates to all those taking part in the elections. Journalists' organizations, such as the International Federation of Journalists, usually recommend that governments (and electoral authorities) give a clear public statement at the start of the election campaign, informing all parties and the law enforcement agencies that the media are an essential part of the democratic process - and that anyone preventing them from going about their business will be dealt with using the full force of the law. Of course, the danger to journalists is not limited to over-enthusiastic party activists - often they are at risk from law enforcement officials trained in the ways of dictatorship, hence the importance of clear public instructions as well as necessary implementation (attacks are fully investigated and the perpetrators brought to justice).

Codes of conduct for political parties are a device sometimes used in situations where violence is likely. These too should include a clear statement on the importance of the media to the election process and the need to refrain from attacks on them.

Physical protection of journalists may be more difficult, since an intrusive police presence may interfere with the media's freedom to gather information. However, law enforcement officials should also be under instructions about the responsibility to protect journalists against attack, physically if necessary. (More information on media rights and legal frameworks is provided in [Legal Framework for Media and Elections](#).)

The following are resources for information on statistics of media attacks as well as media safety guidelines.

The website for the [Committee to Protect of Journalists](http://www.cpj.org/), (<http://www.cpj.org/>) provides statistics (including impunity ratings per country), reports and information on attacks on media around the world each year (<http://www.cpj.org/killed/2012/>). They also provide in-depth

reporting and advocacy for media freedom. The **Journalist Security Guide** is a handbook on covering news in dangerous situations and includes information on digital security: ([cpj.org/security/guide.pdf](http://cpj.org/security/guide.pdf))

**Reporters Without Borders** (<http://en.rsf.org/>), advocates of media freedom and security, provides a yearly **Press Freedom Index**, ([http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043)) ranking countries according to their performance in media safety each year. The Reporters Without Borders **Handbook for Journalists** provides advice on how journalists can stay safe in dangerous situations (<http://en.rsf.org/handbook-for-journalists-17-04-2007,21744.html>).

The **International Press Institute** (<http://www.freemedia.at/home.html>) is a network of media individuals dedicated to the furtherance of press freedom and media safety.

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[i] Quote belongs to Keith Somerville, journalism lecturer at the UK's Brunel University, as cited in: Linawati Sidarto, "ICC – Kenya: the role of media in hate crimes", *International Justice Desk*, April 5, 2011, <http://www.rnw.nl/africa/article/icc-kenya-role-media-hate-crimes>

[ii] Eva Galperin, "Don't get your sources in Syria killed", *Committee to Protect Journalists*, Guest Blogger, May 21, 2012, <http://cpj.org/security/2012/05/dont-get-your-sources-in-syria-killed.php>

[iii] "Yearly statistics 2007", *Committee to Protect Journalists*, accessed August 16, 2012, <http://www.cpj.org/killed/2007/>

[iv] "Press Freedom Index 2011 – 2012", *Reporters Without Borders*, accessed August 16, 2012, [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043)

[v] "Detained Eritrean journalist admitted to hospital in serious condition", *Reporters Without Borders*, April 2012, <http://en.rsf.org/erythree-detained-eritrean-journalist-06-04-2012,42276.html>

[vi] "Press Freedom Index 2011 – 2012", *Reporters Without Borders*, accessed August 16, 2012, [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043)

[vii] For breakdown of beats covered by media victims, 1992 to present see *Committee to Protect Journalists*, <http://www.cpj.org/killed/2012/>

[viii] "Attacks on Journalists on the Increase Since Start of the Election Campaign", *Reporters Without Borders*, November 4, 2011, <http://en.rsf.org/democratic-republic-of-congo-attacks-on-journalists-on-the-04-11-2011,41343.html>

[ix] Alia Ahmad, "CPJ's Press Freedom Awards remember Maguindanao" *Committee to Protect Journalists*, November 24, 2010, <http://cpj.org/blog/2010/11/cpis-press-freedom-awards-remember-maguindanao.php#more>

[x] Bob Dietz, "Third witness to Maguindanao massacre killed" *Committee to Protect Journalists*, June 1, 2012, <http://cpj.org/blog/2012/06/third-witness-to-maguindanao-massacre-killed.php>

[xi] "Crowd Attacks Indian Journalists Covering Elections" *Committee to Protect Journalists* March 6, 2012, <http://cpj.org/2012/03/crowd-attacks-indian-journalists-covering-election.php>

### 3.9 [xii] Grace Natabaalo, “Uganda falls dramatically in press freedom rankings”

*African Centre for Media Excellence*, January 25, 2012, <http://www.acme-ug.org/news/item/200-uganda-falls-dramatically-in-press-freedom-rankings>

[xiii] A. Jay Wagner, “One Month After Mexico’s Presidential Elections, Attacks on Journalists and Media Continue” *International Press Institute*, July 31, 2012, <http://www.freemedia.at/home/singleview/article/one-month-after-mexicos-presidential-elections-attacks-against-journalists-and-media-continue.html>

[xiv] Frank Smyth, *Journalist Security Guide: Covering the news in a Dangerous and Changing World*, (Committee to Protect Journalists, 2012), 3, [cpj.org/security/guide.pdf](http://cpj.org/security/guide.pdf)

## 3.10 Relative Importance of Different Media

### 3.10.1 Media Ownership and Elections

### 3.10.2 "New" Media

#### 3.10.2.1 Cellular Telephones and Election Campaigning

Cellular telephones are potentially a very important medium for electoral communication, for two reasons:

- Ownership and access to cellular phones (cellphones, mobiles, handphones...) far outstrips access to landlines. This disparity is especially apparent in poorer countries, but it is a general phenomenon
- Cellphones have a potential as a “broadcasting” medium that is not comparable to traditional landlines. Whereas the landline could be used for voice calls and transmitting documents, the cell phone can send and receive text messages, audio and video files.

The use of cellphones in political campaigning or broadcasting is not yet well developed, but the potential is obvious. So far this has focused on the use of text or short messages (SMS). There are two well-documented examples from the Philippines. In 2001 President Joseph Estrada was forced to resign after a popular campaign against him orchestrated by SMS. Then, in the 2004 presidential elections, SMS was a very popular campaigning tool for the main candidates.

It is hard to see how SMS could easily be brought within the regulatory ambit without resorting to heavy-handed censorship. Also, SMS, like email, can easily be “spoofed”. This means that messages can be sent from masked or fake addresses (as with email “spam”), making the regulator’s task even more difficult.

What has so far been confined to SMS could rapidly develop through audio and video files, with the development of “third generation” (3G) phones capable of exchanging these easily. This is a point where Internet-based techniques (such as podcasting) and cellular telephony overlap. Political broadcasts could be distributed by a mixture of media, to be watched or listened to on telephones or personal stereo players.

These technologies are potentially available to all the players in election campaigns. Parties can use them to distribute campaign material; media can enhance the audience for their broadcasts; and electoral managers can use them to educate the public and increase political participation, especially among young voters.

### 3.11 Existing Media Regulatory Frameworks

## 4. Legal Framework for Media and Elections

### 4.1 Legal Principles

A growing body of law, both at a national and international level, governs the role of media in elections. It is important to understand that this jurisprudence is overwhelmingly directed at regulating behaviour of governments in relation to the media, rather than in regulating the media themselves.

The fundamental principles set out in international law embrace two aspects:

- the right to freedom of expression and freedom of information, and
- the right to participate in the government of the country, through elections.

The original form these principles are found in Article 19 and Article 21 of the Universal Declaration of Human Rights, adopted by the United Nations in 1948. Since then, they have been echoed in a number of UN and regional human rights treaties. Decisions by various treaty bodies, such as the UN Human Rights Committee, the European Court of Human Rights, and the Inter-American Commission on Human Rights, have further refined these principles, making them an increasingly rich and applicable source of legal guidance.

A further source of international law on media and elections is found in the decisions by other types of international institutions. For example, in 1999 the United Nations Special Rapporteur on Freedom of Opinion and Expression established guiding parameters for the role of media in elections as well as obligations of governments to guarantee media pluralism.

The approaches of other international bodies, such as UN administrations in internationally supervised elections, also provide a source of "soft law". This means that the laws do not have binding power over UN member states, but instead provide an important indication of prevalent international standards.

In addition to international laws and treaties, national legislation may also provide guidance and parameters for media activity and respective regulatory bodies. In many countries, especially those with a common law system, decisions of other countries' courts may be invoked as a source of

guidance and precedent. Again they have no binding power, but, depending on the seniority of the court whose decision is being cited, judges will take serious note of its reasoning and findings.

## 4.2 International Law on Media and Elections

Both media and elections are underpinned by a number of fundamental and interdependent human rights. These rights are held by: voters, candidates and media themselves.<sup>[i]</sup> They are laid out in key international and regional human rights conventions, including the United Nations Declaration of Human Rights (1948), Article 19, which protects freedom of expression at all times, and Article 21, which protects political participation and voting. These are echoed in the International Covenant on Civil and Political Rights. Implicit in these rights are also the prohibitions in human rights law against discrimination against women, the disabled, and vulnerable groups.

Looking at relations with the media from the perspective of the electoral management body, two other important principles come into play: transparency and confidentiality.

- Transparency means that the operations of the EMB are open to public scrutiny and hence accountability.
- Confidentiality means that the security of the EMB's operations are safeguarded against those who have no right to unauthorized information and who may undermine the integrity of the election process.

Clearly these principles may come into conflict in practice. Complete transparency and confidentiality are clearly incompatible. However, establishing the precedence of these principles in any given case may be less difficult than it might at first appear. It will almost invariably be true that the plans and activities of the EMB should be open to public scrutiny. It will, without exception, be true that the vote itself should be secret. The borderline cases that fall in between are likely to be few.

The UDHR imposes obligations upon all members of the international community. But, as a declaration, it is only what is termed customary international law, in other words, it is not binding in itself, but is 'general practice accepted as law,' as defined by the international court of justice. With the adoption of the International Covenant on Civil and Political Rights in 1966, these same provisions were amplified and given the force of binding and enforceable law over all those states that ratified.<sup>[ii]</sup> Article 19 of the ICCPR states in part:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.<sup>[iii]</sup>

Article 25 of the ICCPR states in part:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 [distinctions of any kind such as race, colour, sex, language, political or

other opinion, national or social origin, property, birth or other status] and without unreasonable restrictions:

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.<sup>[iv]</sup>

Taken together, these two provisions have been understood to impose an obligation on governments to ensure the diversity and pluralism of the media during election periods.

There are also accepted limitations on freedom of expression, for very particular circumstances:

The great majority of activities [ie. the exchange of ideas or information as protected by freedom of expression] are completely harmless but it is clear that the notion of ‘seeking, receiving and imparting information or ideas’ also encompasses activities which few societies could tolerate, such as incitement to murder, unauthorised graffiti on public walls or the sale of pornography to children.<sup>[v]</sup>

There is a ‘three-part test’ that is applied in deciding whether a particular limitation on freedom of expression is acceptable:

First, the interference must be in accordance with a law; second, the legally sanctioned restriction must protect or promote an aim deemed legitimate in international law; and third, the restriction must be necessary for the protection or promotion of the legitimate aim.<sup>[vi]</sup>

The main regional human rights treaties - the European Convention on Human Rights, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights<sup>[vii]</sup> - contain a similar combination of guarantees to the right to freedom of expression and information and right to political participation without discrimination.

The documents adopted by the Conference on Security and Cooperation in Europe go a step further. In the Copenhagen Document of 1990, the participating states of the CSCE committed themselves to ensure:

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.<sup>[viii]</sup>

The CSCE documents are not treaties and therefore do not have the same binding force. They have, however, been accepted as part of customary international law and therefore impose obligations on participating states.

The decisions of both international and national tribunals give greater detail and substance to these broad principles on media and elections. They can be summarized as follows:



- The media play a vital watchdog role in holding governments accountable and ensuring the effective functioning of a democracy.
- Governments are obliged to ensure the existence of a democracy that ensures media pluralism, especially in elections.
- Freedom of political debate is a fundamental right.
- Political parties and individuals have a right of access to government media during election campaigns.
- Government media are obliged to publish opposition views.
- There exists a right of reply, correction, or retraction in response to wrong statements in the government media.
- There may be limits on the legal liability of the media if they reproduce unlawful statements.
- Political expression may be restricted only for extraordinary reasons.
- There is enhanced protection for criticism of politicians and government.
- There is enhanced protection for political opinions.
- There is a right to an effective remedy for those whose rights have been violated.
- Governments are obliged to protect the safety of media.

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[i] *Handbook on Media Monitoring for Election Observation Missions* (Poland: Organization for Security and Cooperation in Europe ODIHR, 2012), 13, <http://www.osce.org/odihr/92057?download=true>

[ii] As of 2012, 167 countries had ratified the ICCPR

[iii] "The Universal Declaration of Human Rights" *UN.org*, accessed August 27, 2012, <http://www.un.org/en/documents/udhr/history.shtml>

[iv] "International Covenant on Civil and Political Rights" *Office of the United Nations High Commissioner for Human Rights* website, accessed August 27, 2012, <http://www2.ohchr.org/english/law/ccpr.htm>

[v] "Limitations", *ARTICLE 19*, accessed August 21, 2012, <http://www.article19.org/pages/en/limitations.html>

[vi] Ibid

[vii] At the time of writing, it is expected that the ASEAN Declaration of Human Rights for Southeast Asia will be completed in 2012. It is anticipated that this declaration will provide similar provisions as those discussed in this section.

[viii] "Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE" (1990), 6, <http://www.osce.org/odihr/elections/14304>

### 4.3 Media and Democracy

It is the mass media that make the exercise of freedom of expression and information a reality.<sup>[i]</sup>

The words of the Inter-American Court of Human Rights succinctly state a principle that is now universally acknowledged in international law: the exercise of freedom of expression in a democracy has little meaning if it can only be exercised on an individual level. Freedom of expression is not only about what you are allowed to tell your neighbour - or to hear from him or her. Crucially, it is also to do with the expression of facts and opinions and receiving of information through the media.

The international tribunal that has gone furthest in developing this approach is the European Court of Human Rights. It has concluded that media freedom is vital for keeping citizens informed:

Freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders. In particular, it gives politicians the opportunity to reflect and comment on the preoccupations of public opinion; it thus enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society.<sup>[ii]</sup>

The media inform the public about matters of public interest and act as a watchdog over government:

it is ... incumbent on [the press] to impart information and ideas on matters of public interest. Not only does it 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".<sup>[iii]</sup>

According to the European Court, then, there are two aspects to this democratic role of the media: to inform the public and to act as a watchdog of government. This role does not impose particular duties on any particular newspaper or broadcasting station. Rather it imposes a duty on governments to ensure that the media are able to carry out these functions. This principle clearly has practical implications in the election context.

Governments may regulate the technical aspects of broadcasting, according to the European Court. Frequencies should be allocated in a fair and non-discriminatory manner. The media are subject to the law of the land - in matters such as defamation or incitement - but as a general rule governments may not restrict the contents of the media.

[i] "Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, Inter-American Court of Human Rights", Adv. Opn. OC-5/83 of 13 Nov. 1985, Series A no. 5, reprinted in *Human Rights Law Journal* 7 (1986):74 and in *EHRR* 8: 165.

[ii] *Castells v. Spain*, Judgment of 23 April 1992, Series A no. 236, para. 43.

[iii] *Thorgeirson v. Iceland*, Judgment of 25 June 1992, Series A no. 239, para. 63.

#### 4.4 Obligations of Pluralism

The media in an election play a key role, not only as a means of scrutinizing government actions, but also ensuring that the electorate has all the necessary information at its disposal to make an informed and democratic choice. Governments have an important negative obligation not to impede the media in playing these functions. In addition, and at least as importantly, governments have a positive obligation to facilitate media pluralism in order to expose the public to the widest variety of sources of information. Indeed, the obligation contained in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), guaranteeing freedom of expression and freedom of information, applies only to governments and certainly not to individual media organizations.

As the Human Rights Committee (HRC) stated in its 1983 General Comment on Article 19 of the ICCPR:

Because of the development of the modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression...[i]

The HRC elaborated on the point in its 2011 General Comment, stating:

The State should not have monopoly control over the media and should promote plurality of the media. Consequently, States parties should take appropriate action, consistent with the Covenant, to prevent undue media dominance or concentration by privately controlled media groups in monopolistic situations that may be harmful to a diversity of sources and views.[ii]

The UN Rapporteur for Freedom of Expression has listed both commercial pressures and government regulation as threats to media pluralism and public interest content. Some of the key challenges to independent media in 2010 that the Rapporteur identified included growing concentration of ownership, cost-cutting measures by private owners, existing broadcasters gaining access to new digital frequencies during the digital switchover, thereby exacerbating concentration, and political interference in the media.[iii].

Jurisprudence from countries as varied as Ghana, Sri Lanka, Belize, India, Trinidad and Tobago and Zambia underlines the twin points that media monopolies are an unacceptable interference with freedom of expression and that publicly-funded media have an obligation to convey viewpoints other than that of the government of the day. A number of these judgments (Zambia, Belize and Trinidad and Tobago) refer to the right of political opponents of the

government to have their viewpoint heard in the public media. This right extends to other types of minority as well. The following recommendation is drawn from a UN report on minority rights:

Members of different groups should enjoy the right to participate, on the basis of their own culture and language, in the cultural life of the community, to produce and enjoy arts and science, to protect their cultural heritage and traditions, to own their own media and other means of communication and to have access on a basis of equality to State-owned or publicly controlled media.<sup>[iv]</sup>

It is important to stress that the role of the media is not just as a vehicle for expression in the narrow sense. The media are important also as a means to enable the public to exercise their right to freedom of information; and this right is closely linked to media pluralism, because without it the public cannot access a diversity of information. Detailed guidelines produced by the United Nations reflecting best international practice on pluralism and access to the media include those issued by the UN Transitional Authority in Cambodia. These stated:

An independent and free media should have a diversity of ownership, and it should promote and safeguard democracy, while opening opportunities and avenues for economic, social and cultural development.<sup>[v]</sup>

In the most definitive statement from a United Nations authority, the UN Special Rapporteur on Freedom of Opinion and Expression, Abid Hussein, concluded in his 1999 annual report:

"There are several fundamental principles that, if promoted and respected, enhance the right to seek, receive and impart information. These principles are: 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; 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..."<sup>[vi]</sup>

The Special Rapporteur then went on to list a series of obligations on the State to ensure "that the media are given the widest possible latitude" in order to achieve "the most fully informed electorate possible":

- There should not be bias or discrimination in media coverage
- Censorship of election programmes should not be allowed
- Media should be exempt from legal liability for provocative statements and a right of reply should be provided
- There should be a clear distinction between news coverage of functions of government office and functions as a party candidate

- Air time for direct access programmes should be granted on a fair and non-discriminatory basis
- Programmes provide an opportunity for candidates to debate each other and for journalists to question them
- Media should engage in voter education
- Programmes should target traditionally disadvantaged groups, which may include women and ethnic and religious minorities.

More information on this topic can be found in the section Media Ownership and Elections.

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[i] Adopted by the Human Rights Committee at its 461st meeting on 27 July 1983, UN Doc. A/38/40, 109.

[ii] "General Comment No. 34, Article 19: Freedoms of Opinion and Expression", (Human Rights Committee 102<sup>nd</sup> Session, Geneva, July 11-29, 2011), 10, (UN doc. CCPR/C/GC/34) <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>. Note: The HRC has made only these two General Comments on Article 19 of the ICCPR. The HRC's General Comments are intended to provide interpretations of the meaning of the Articles for parties to use in their implementation.

[iii] "Report of the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression. Addendum, Tenth anniversary joint declaration: Ten key challenges to freedom of expression in the next decade," (UN General Assembly, UN doc. A/HRC/14/23/Add. March 25, 2010) [http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.Add.2\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.Add.2_en.pdf)

[iv] "Positive ways and means of facilitating the peaceful and constructive solution of problems involving minorities (Report by Special Rapporteur Asbjorn Eide)", (Addendum 4, UN Doc. E/CN.4/Sub.2/1993/34/Add.4) part II, paras 11 and 12.

[v] "Media Guidelines for Cambodia", UN Transitional Authority in Cambodia (UNTAC) (1992),

[vi] "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)

## 4.5 Freedom of Political Debate

Freedom of political debate has been recognized by international courts, other international bodies, and national tribunals as a fundamental right. The European Court of Human Rights noted in 1978: "freedom of political debate is at the very core of the concept of a democratic society".<sup>[i]</sup> Freedom of political debate means the ability to openly discuss political matters in public or in the media, based on the fullest possible access to information about political issues. It is an expression of a range of fundamental freedoms.

In 1992 the European Court of Human Rights elaborated on freedom of political debate, indicating that not only is expressing opinions and receiving information important, but so is media as a forum for interaction between politicians and the public:

Freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders. In particular, it gives politicians the opportunity to reflect and comment on the preoccupations of public opinion; it thus enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society.<sup>[ii]</sup>

Part of the importance of political debate is as a way of giving the electorate information that allows it to exercise its political choice. The UN Technical Team on the Malawi referendum of 1993, which chose between a single and multi-party system, stated: "If voters are to make an informed choice at the polling station, then an active exercise of the freedom [of expression] is essential."<sup>[iii]</sup> The Enugu High Court in Nigeria made a similar observation:

Freedom of speech is, no doubt, the very foundation of every democratic society, for without free discussion, particularly on political issues, no public education or enlightenment, so essential for the proper functioning and execution of the processes of responsible government, is possible.<sup>[iv]</sup>

And the Israeli Supreme Court stated:

Real democracy and freedom of speech are one. Freedom of speech enables each individual to crystallize his or her autonomous opinion in the decision-making process vital in a democratic state. The essence of democratic elections is premised on being able to reach informed opinions, evaluating them and exposing them to open debate ...<sup>[v]</sup>

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[i] *Lingens v. Austria*, Judgment of 8 July 1986, Series A no. 103, at para. 42.

[ii] *Castells v. Spain*, judgment of 23 April 1992, Series A No. 236, §43.

[iii] "Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi" (15-21 Nov. 1992), para. 26.

[iv] *The State v. The Ivory Trumpet Publishing Co.* [1984] 5 NCLR 736, High Court, Enugu, 31 Jan 1983.

[v] *Zeveli v. Central Committee for the Elections to the 13th Knesset, and Association for Civil Rights in Israel v. the Israeli Broadcasting Authority*, HC 869/92 and 931/92; 46(2) Piskei Din, 692.

#### **4.6 Right of Access to Government Media**

There is a growing weight of decisions by national tribunals on the right of opposition parties to access to the government media. There is a clear trend towards recognizing that governments have an obligation to ensure such access. This was the approach taken by the UN Special Rapporteur on Freedom of Opinion and Expression in his 1999 report.

In 1991, the High Court Zambia was called to rule on an issue related to access to government media. The point under dispute was a directive issued by President Kenneth Kaunda in the weeks before the country's first multi-party elections in 1991. This instructed the three government-controlled newspapers not to report statements by leaders of the main opposition

party or to accept its advertisements. The court held that the directive violated the constitutional guarantee of freedom of expression:

Since the petitioners were not allowed to publish their views on political matters through the government newspapers, and by necessary implication even through the radio and TV, they were denied the enjoyment of their freedom of expression ...[\[i\]](#)

The court then made a more general comment on the proper role of publicly-owned media:

In the case of newspapers they are supposed to be run on the basis of journalistic principles and ethics free from any outside interference. These principles dictate the coverage of all newsworthy events regardless of the source of such news. Anything less than this, and it is very easy for the general public to assess whether or not a given newspaper is working according to sound journalistic principles and ethics, is not acceptable from a publicly owned medium - print or other.[\[ii\]](#)

The High Court of Trinidad and Tobago had earlier made a similar finding in relation to television. The state-owned television station had refused to broadcast a pre-recorded speech by an opposition member of parliament. The court ruled that this action violated the right to freedom of expression:

With television being the most powerful medium of communication in the modern world, it is in my view idle to postulate that freedom to express political views means what the constitution intends it to mean without the correlative adjunct to express such views on television. The days of soap-box oratory are over, as are the days of political pamphleteering ...[\[iii\]](#)

International observer missions and supervisory and advisory groups have taken a similar approach. The UN observer mission at the 1989 Nicaraguan elections, for example, stated that it was necessary for "all political parties [to] have equitable access to State television and radio in terms of both the timing and the length of broadcasts."[\[iv\]](#) The UN Technical Team for the 1993 Malawi referendum made a similar recommendation:

In the case of government-owned media, it is customary that equal access, both in terms of timing and length of broadcast, should be given to the competing sides to put forward their arguments.[\[v\]](#)

(Note that in this case the recommendation was for "equal" rather than "equitable" access since this was a referendum where the choice was between two propositions rather than a number of political parties.)

Likewise, in the UN-supervised elections in Cambodia in 1993, the UN Transitional Authority in Cambodia (UNTAC) was concerned to ensure fair access to the media, as set out in its election guidelines: In the exercise of its responsibilities under the Agreement, UNTAC will ensure "fair access to the media, including press, television and radio, for all parties contesting the election".[\[vi\]](#)

More information on this topic can be found in the section [National-level Law or Regulations on Media in Elections](#).

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[i] Arthur Wina & Others v. the Attorney-General (1990) HP/1878 (High Court: Lusaka).

[ii] Ibid

[iii] Rambachan v. Trinidad and Tobago Television Co. Ltd and Attorney-General of Trinidad and Tobago, decision of 17 July 1985 (unreported).

[iv] "Establishment and Terms of Reference of the UN Observer Mission to Verify the Electoral Process in Nicaragua (ONUVEN), The Situation in Central America, UN GAOR, 44th Sess., "Threats to International Peace and Security and Peace Initiatives,"" (UN Doc. A/44/375 (1989)) Annexe 1, at 3.

[v] "Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi" (15-21 Nov. 1992), para. 27.

[vi] "Media Guidelines for Cambodia", UN Transitional Authority in Cambodia (UNTAC) (1992), pream. para. 4.

#### 4.7 Publishing Opposition Views

The obligation on publicly-owned or government-controlled media to publish or broadcast the views of the opposition derives from the prohibition of discrimination in the enjoyment of rights. This is strongly stated in the International Covenant on Civil and Political Rights, as well as in other human rights treaties. It means that if the ruling party has an opportunity to exercise its right to freedom of expression through the government media, then the opposition must be given the same opportunity.

The European Commission of Human Rights rejected an application by an association that had been refused air-time during an election by the British Broadcasting Corporation (BBC). The Commission stated that although there was not, in its view, a general right of access to the broadcast media, political parties should be given such access on an equitable basis:

It is evident that the freedom to "impart information and ideas" included in the right to freedom of expression under Article 10 of the Convention, cannot be taken to include a general and unfettered right for any private citizen or organization to have access to broadcasting time on radio or television in order to forward its opinion. On the other hand, the Commission considers that the denial of broadcasting time to one or more specific groups or persons may, in particular circumstances, raise an issue under Article 10 alone or in conjunction with Article 14 of the Convention [prohibiting discrimination]. Such an issue would, in principle, arise for instance if one political party was excluded from broadcasting facilities at election time while other parties were given broadcasting time.[i]

This is a common sense view that is reflected in remarks by the United Nations Special Rapporteur on Freedom of Expression, as well as in policy or practice in many countries. It



guarantees the continued editorial independence of the media, at the same time as providing a minimum standard of access by political parties.

Meanwhile, the authors of Ghana's 1992 Constitution regarded this matter as important enough to enshrine it in its highest law. The Constitution states:

(11) The state shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.

(12) All presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people.

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[i] X and the Association of Z v. the United Kingdom, European Commission on Human Rights, Admissibility Decision of 12 July 1971, App. No. 4515/70, 38 Collected Decisions 86 (1971).

#### **4.8 Right of Reply to Media Reports during Elections**

Right of reply is the right to defend oneself against public criticism in the same media in which the criticism was aired. Article 19, an international organisation for freedom of expression, elaborates:

There are two basic categories of the right to reply. The first, which could more exactly be called a 'right of correction', is limited to a right to point out erroneous information; the media outlet's editors are required to correct the mistake, but may do so in their own words.

The second is a right for the aggrieved individual to demand newspaper space or broadcast time from the media outlet in order to 'set the record straight'. This second manifestation of the right of reply clearly constitutes a far greater interference with the 'right not to speak'.<sup>[i]</sup>

The idea of creating legally enforceable right of reply or correction has never found much favour with freedom of expression campaigners. They fear that it might stifle free and robust expression, and violate the prerogative of editors to decide what and what not to publish - clearly something that is particularly needed in the context of elections. However, both international advisory bodies and national courts have sometimes favoured such a mechanism, especially in instances where the criticism in question originates from government-controlled media, to which the opposition may have limited access.

The American Convention on Human Rights requires its state parties to introduce either a right of reply or a right of correction. Article 14 states:

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.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.<sup>[ii]</sup>

The European human rights system, too, recognises the virtue of the right of reply. In a case in 1989, the European Commission of Human Rights stated “in a democratic society, the right of reply constitutes a guarantee of the pluralism of information which must be respected.”

The UN Special Rapporteur on Freedom of Opinion and Expression has cautioned against a government-mandated right of reply, and stated that the right should in any case be limited to allegedly false facts:

The Special Rapporteur is of the view that if a right of reply system is to exist, it should ideally be part of the industry’s *self-regulated* system, and in any case can only feasibly apply to facts and not to opinions.<sup>[iii]</sup>

In some instances, right of reply is applied more forcefully to public media. The High Court and Court of Appeal in Belize found in favour of a right of reply in a case with a particular relevance to elections. The Belize Broadcasting Authority (BBA) had refused permission to a senior opposition politician and the director of a television station to broadcast a series of programmes replying to government statements on the economy. The High Court ruled that the BBA had acted arbitrarily, stating:

Today television is the most powerful medium for communications, ideas and disseminating information. The enjoyment of freedom of expression therefore includes freedom to use such a medium.<sup>[iv]</sup>

The Court of Appeal supported the High Court's ruling and held that the BBA's refusal to broadcast the programmes violated the applicants' constitutional rights to both freedom of expression and protection from discrimination. Political parties must be given the opportunity to reply on television to statements made by the government that "provide information or explanation of events of prime national or international importance or ... seek the co-operation of the public in connection with such events." Only where there was a "general consensus of opinion" would the opposition not have a right of reply.<sup>[v]</sup>

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[i] "Right of Reply," *ARTICLE 19*, accessed August 24, 2012, <http://www.article19.org/pages/en/right-of-reply.html>

[ii] "Article 14, American Convention on Human Rights", *Inter-American Commission on Human Rights*, 22 November 1969, <http://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

[iii] "Right of Reply," *ARTICLE 19*, accessed August 24, 2012, <http://www.article19.org/pages/en/right-of-reply.html>,

[iv] *Belize Broadcasting Authority v. Courtenay and Hoare*, Court of Appeal, 20 June 1986; (1988) LRC (Const.) 276; 13 Common L Bull (1987), 1238.

[v] Ibid, citing Halsbury's Laws of England (4th edn, Vol. 8, para. 1134)

#### 4.9 Limits to Liability of Media During Elections

Both journalists and politicians are concerned – rightly – with the issue of defamation. Specifically, how far are the media legally liable if they report statements by politicians that are subsequently found to be defamatory?

In his 1999 report, the UN Special Rapporteur on Freedom of Opinion and Expression came down firmly in favour of exempting the media from liability for publishing unlawful statements made by politicians in the context of an election. The type of statements envisaged might include those that were defamatory or incited to hatred. This does not mean that there would be no liability for such statements - the person who made them would still be liable - but that the media would be free to reproduce them without, for example, having to review every party election broadcast or advertisement before transmission.

The Special Rapporteur was offering a clear guideline on a matter that has been hitherto unclear and controversial. Thus, for example, the United Nations Transitional Authorities in Cambodia in its guidelines took precisely the opposite view, assuming that media would be legally responsible for statements that "incite discrimination, hostility or violence by means of national, religious, racial or ethnic hatred".<sup>[i]</sup>

The Special Rapporteur was reflecting a growing trend in national courts and legislatures. The Danish Parliament passed a law exempting the media from liability for publishing statements inciting racial or national hatred, providing that they themselves did not intend to promote hatred. This followed the conviction of a journalist who had been convicted and fined for broadcasting a television interview with members of a racist gang. He applied to the European Commission of Human Rights, which ruled his application admissible.<sup>[ii]</sup>

The Spanish Constitutional Court similarly found that a newspaper could not be held liable for publishing a statement by a terrorist organization:

Both the right of the journalist to inform and the rights of his readers to receive full and accurate information constitute, in the last resort, an objective institutional guarantee, which effectively prevents the imputation of any criminal will on the part of those who only transmit information.<sup>[iii]</sup>

This reasoning is important, because it stresses that the argument against applying liability to the media in such cases is primarily to do with protecting the public right to receive information.

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[i] "Media Guidelines for Cambodia", UN Transitional Authority in Cambodia (UNTAC), (1992).

[ii] *Jersild v. Denmark*, App. No. 15890/89, decision on admissibility issued 8 Sept. 1992.

[iii] Egin case, STC 159/86, Boletín de Jurisprudencia Constitucional 68, at 1447 para. 8.

#### 4.10 Restrictions on Political Speech

Freedom of expression is not an absolute right and it may be limited in certain circumstances. But such limitations must conform to clearly defined standards. Almost invariably it will not be legitimate to restrict political speech before it is spoken. So, while a person who is defamed may have a legal remedy, it is not acceptable to apply prior censorship to politicians' words to ensure that they do not contain defamatory content.

Article 19 of the International Covenant on Civil and Political Rights provides in paragraph 3 a number of grounds on which the right may be restricted.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights and reputations of others; (b) For the protection of national security or of public order, or of public health or morals.

Article 20 of the ICCPR may also be relevant on occasions. This prohibits propaganda for war and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

The UN Technical Team on the Malawi Referendum applied these principles to national law governing a poll campaign. It stated that an restriction on freedom of expression: should not be so vague or broadly defined as to leave an overly wide margin of discretion to the authorities responsible for enforcing the law, since uncertainty over legal boundaries has a dampening effect on the exercise of this right [to freedom of expression] and may encourage discrimination in ... [the restrictions'] application.[i]

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[i] "Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi" (15-21 Nov. 1992), para. 29.

#### 4.11 Criticism of Politicians and Government

International tribunals - and increasingly national ones as well - are clear that politicians and governments may be subject to greater criticism and insult than ordinary private individuals and that consequently the law will offer them less protection. This is due to the fact that politicians bear great responsibility for leadership and representation of their constituents and their country, and because they have greater access to remedies than most ordinary people. Of course the situation that has so often prevailed is the opposite: government officials often invoking charges such as criminal defamation against critics.

International law also distinguishes between factual allegations and opinions. Political opinions may only be restricted in the most extreme circumstances. They cannot be restricted on the grounds that they are "untrue" since, as the European Court of Human Rights observed, to require someone accused of defamation to prove the truth of an opinion "infringes freedom of opinion itself".<sup>[i]</sup>

The European Court of Human Rights has ruled unanimously that because "freedom of political debate is at the very core of the concept of a democratic society ... the limits of acceptable criticism are accordingly wider as regards a politician as such than as regards private individuals." In addition, "the limits of permissible criticism are wider with regard to the Government than in relation to a private citizen, or even a politician." Penalties for defamation in such cases would only apply where the accusations are "devoid of foundation or formulated in bad faith." The court also stated:

While freedom of expression is important for everybody, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests. Accordingly, interferences with the freedom of expression of an opposition Member of Parliament... call for the closest scrutiny on the part of the Court.<sup>[ii]</sup>

The civil law of defamation can legitimately be used to protect reputations against reckless and malicious allegations. But increasingly, national courts have ruled that the scope of defamation law must be such that it does not prevent the media from carrying out their proper function - or stifle vigorous political debate. The historic judgment of the United States Supreme Court in *New York Times v Sullivan* (1964) established the principle that there should be greater latitude in criticizing a public official, even to the extent of mistaken or inaccurate statements, provided that these were not made maliciously. The court pointed out that public figures had far easier access to channels of communication to counteract false statements.<sup>[iii]</sup> In recent years, this approach has been adopted, in different ways, in a wide variety of other jurisdictions, including the United Kingdom, Australia, Pakistan, India, and Zambia.<sup>[iv]</sup>

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<sup>[i]</sup> *Lingens v. Austria*, Judgment of 8 July 1986, Series A no. 103.

<sup>[ii]</sup> *Castells v. Spain*, Judgment of 23 April 1992, Series A no. 236

<sup>[iii]</sup> *New York Times Co. v. Sullivan*, 376 US 254 (1964).

<sup>[iv]</sup> Joanna Stevens, "Sullivan's Travels", *Southern African Media Law Briefing*, 2 no. 1, April 1997.

#### **4.12 Right to an Effective Remedy**

International law provides that any person who believes that their rights have been violated shall be entitled to an effective remedy in a national tribunal. In relation to media and elections, this means that there is an expectation that the courts will be able to deal with any unjustified restrictions on media coverage, denial of access to the media, denial of the right of reply,

defamatory or inflammatory material, or any other issue where media, parties and candidates, or the electorate feel that their rights have been infringed.

Inherent in the notion of a remedy is the idea that it will actually offer the complainant a timely and practical solution. This is especially important in the context of an election. If, for example, defamatory or inaccurate information is broadcast, the remedy required will not be a correction or even monetary compensation at some distant future date. The important thing is that it should be corrected while it is still fresh in the electorate's collective mind (and while it is still relevant to the outcome of the poll).

So, while the normal courts will still be the ultimate arbiters of whether rights have been infringed, many countries also have administrative procedures that will be able to deal with complaints more rapidly. These may be regular complaints mechanisms operated by a broadcasting regulator or a media council. Or they may be special procedures that are only in place during election periods.

When the body that decides the complaint is administrative (rather than judicial) in nature, then it should be separate from the body complained against. This would apply, for example, in the case of complaints against a broadcaster.

The UN Technical Team for the Malawi Referendum recommended that "a recourse mechanism should be present providing for independent review of cases where restrictions on this right [to freedom of expression] have been applied." [1]

[1] Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi (15-21 Nov. 1992), para. 29.

#### **4.13 Protecting the Safety of the Media**

Journalism is a dangerous occupation. Statistics collected by media freedom organizations show that each year dozens of media professionals are killed or injured in the course of their work. Elections can be dangerous for journalists, and tense and sometimes violent campaigns or announcement of results can expose those trying to report honestly and accurately.

The responsibility for protecting the physical security of everyone within its territory rests with the government, which has a particular obligation in relation to the media. It was in recognition of this that the 1993 World Conference on Human Rights resolved:

The World Conference encourages the increased involvement of the media, for whom freedom and protection should be guaranteed within the framework of national law.[1]

There are a few basic steps that governments can take to ensure this protection:

- Repeal all laws restricting media freedom.
- Make it a specific offence to carry out violence or threats against the media.

- Ensure that all reports of violence or threats against the media are investigated promptly and those responsible brought to justice.

International Humanitarian Law (Geneva Conventions) makes specific reference to the protection of journalists, stating “[j]ournalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians”<sup>[ii]</sup> and provided with the same protection as civilians. Additional protection is provided to war correspondents who are accompanying, or affiliated with, armed forces. In such cases correspondents are afforded prisoner of war status if captured, and other rights equivalent to civilian members of armed forces.<sup>[iii]</sup> The International Committee for the Red Cross has a dedicated hotline for journalists (and their employers and families) in trouble in conflict situations. Thus journalists covering elections in conflict-affected areas are protected under international law, although implementation of these protections by national governments often remains inadequate.<sup>[iv]</sup>

In addition, an electoral management body can promote a code of conduct that stresses the importance of both political parties and security forces allowing journalists to go about their work unimpeded.

See [section Media Safety](#) for more information

[i] “World Conference on Human Rights, Vienna Declaration”, para. 26.

[ii] “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977”, (Diplomatic Conference of Geneva of 1974-1977), Article 79, <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>

[iii] “Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949”, (Diplomatic Conference of Geneva of 1949), Article 4 A (4), <http://www.icrc.org/ihl.nsf/FULL/375>,

[iv] “How does international humanitarian law protect journalists in armed-conflict situations?” (Interview), *International Committee for the Red Cross*, July 27, 2010 <http://www.icrc.org/eng/resources/documents/interview/protection-journalists-interview-270710.htm>,



Many countries have nothing in their laws to govern the behaviour of the media during elections and see no reason why they should. Others see some measure of special media

regulation during an election as being part of the process of "levelling the playing field". Still others are somewhere in the middle, with a system of voluntary self-regulation, whereby the media agree to adopt a series of self-limiting regulations because of the special demands of an election period.

Even in long-established democracies, there are widely divergent views on how far the media should be subject to formal regulation in election periods. The US tradition is one of minimal regulation, while the European one tends more towards the establishment of enforceable rules. One reason for the difference is that Europe, unlike the United States, has a history of state involvement in domestic broadcasting. The implication of this is that the precious resources of broadcasting and the frequency spectrum should be used fairly to reflect the views of the different candidates and not improperly favour the ruling party. As in its broader approach to media freedom issues, the US view is generally that the "marketplace of ideas" is most readily achieved by recourse to the economic marketplace. Thus, the pluralism of many privately owned media is assumed in itself to ensure that the full spectrum of political views find their voice.

But whatever the differing political culture as regards media regulation, it is generally acknowledged that the media have a vital role to play in communicating information to the electorate. This makes it rather surprising that so few electoral laws deal to any great extent with the media. The absence of formal statutes or regulations might indicate a mature media environment in which there is a free interchange of political ideas in the press and over the airwaves and where every party has fair access to the media to get its ideas across. Or it might not.

Zimbabwean electoral law, for example, makes no mention of the media at all. In every election in the country's history, the state has had a monopoly of broadcasting (which is under tight government control) and, for most of that time, a monopoly of the daily newspapers too. The absence of any specific regulation of the media in elections, far from "levelling the playing field", has allowed the government to "move the goal posts". For example, the refusal of the Zimbabwe Broadcasting Corporation (ZBC) to run opposition advertisements during a referendum in February 2000 prompted the opposition to seek a High Court order against the broadcaster. They succeeded in doing so, but arguably it should not have been necessary. In subsequent parliamentary elections, the ZBC decided not to run political advertising at all - until election day, when it broadcast advertisements for the ruling party, too late for other parties to respond. Under election law (though possibly not under Zimbabwean broadcasting law), the ZBC was entitled to do this. [1]

In situations where large sections of the media are either publicly owned or under the control of one particular political interest group (this may in practice be the same thing), then it probably makes sense for the law to set out some basic rules for election coverage. These will often differ in their provisions for public and privately owned media. The areas that the law (or subsidiary regulations) may cover include the following:

- how time or space will be allocated to candidates and political parties



- whether paid political advertising is to be permitted
- what duty the media have to carry voter education material or candidate debates
- whether there is to be a right of reply to factual misrepresentation in the media

In addition, the regulations may deal with other more specific issues such as:

- news blackouts or "reflection periods"
- restrictions on reporting of opinion polls
- policies on "hate speech" and defamation

The law or regulations will probably create a statutory body with responsibility for oversight of the media during election, or will assign that responsibility to some existing body such as the electoral commission or broadcasting regulator. Included in the law, there is likely to be some speedy mechanism for dealing with complaints about media coverage.

[1] Media Monitoring Project Zimbabwe. Election 2000: The Media War, Harare, 2000, p. 11.

**Image:**

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#### **4.14 Who Should be Involved in the Drafting Process?**

Laws are made by the legislature, so in principle the answer to this question is simple. In practice it is less so. Any law that "regulates" the media is profoundly sensitive, even when the purpose of regulation is to ensure pluralism in the media and a full voice to different political viewpoints.

In any event, good legislative practice involves consultation and the following are the main stakeholders to be consulted in drafting laws or regulations on the media and elections:

- The media themselves - directly, as well as through professional bodies and trade unions.
- The political parties - since part of the purpose of regulation is to ensure that they have fair access to the media.
- Any existing regulatory body, whether it be a broadcasting regulator involved in the distribution of frequencies or a media council responsible for the development and enforcement of professional standards.

- Election administrators - many aspects of the media's work during elections depend on a close working relationship with those responsible for supervising and administering the election.
- The electorate - since it is they whose information needs are ultimately at stake. To consult "the electorate" as a whole is clearly problematic, but it should be possible to identify representative organizations, for example of those who may have special information requirements. These might include national or ethnic minorities, women, the illiterate or people with disabilities.

#### 4.15 A Specified Campaign Period?

If there is to be some regulation of what the media may or may not do during an election, then this is likely to apply to a specified campaign period. There will be a given period of official campaigning during which the regulations will apply, while otherwise normal practice will prevail. Many countries have campaign periods with clearly defined lengths; others vary depending on when the election is called, when parliament is dissolved, and other factors. The United States is unusual in having no defined campaign period.

Some examples of campaign lengths are as follows:<sup>[i]</sup>

- In Canada, the minimum length for a campaign is 36 days, and the longest ever was 74 days (in 1926);
- In Australia, the campaign must be a minimum of 33 days (the longest ever was 11 weeks in 1910);
- In France, the official election campaign usually lasts no more than 2 weeks;
- In Japan, campaigning is allowed for 12 days;
- In Singapore, the minimum length is 9 days;
- In Israel, the electoral law relating to media coverage covers a time frame of 150 days before the election, and during the 30 days immediately before the election, no campaigning is permitted in cinemas or on television.<sup>[ii]</sup>

A clearly defined campaign period is logical, perhaps, but can still be rather problematic. For example, voters may be just as much influenced by what they learn about candidates, parties, and platforms from the media at an earlier period, and not just what they learn during the official campaign period. For this reason (among others) media monitoring teams often start their work well in advance of the official campaign period.

Indeed, political wisdom (and experience prior to the 2000 election) in the United States has it that the candidate who is leading on Labor Day (in September) will win the presidential election (in November). So nothing that happens in the final two months of the campaigning (longer than most countries' official campaign period) has much influence. The American

approach is to have no designated campaign period at all - indeed roughly two years out of every presidential term are taken up with campaigning. But this would not suit most countries.

Few countries have election periods quite as closely defined as Estonia, where the law relating to the obligations of broadcasters in the election creates a clearly separated pre-election and election period, with the latter then subdivided into four further periods, each with its own different reporting rules: the application period, the election campaign, the voting period, and the period of determining and publishing the election results.

But the application of such strict regulation presupposes that there will be a set date for the election. In many countries, particularly those that have an electoral system based on the British one, choice of the election date lies with the incumbent head of government. Alternatively, in most systems, an election may be precipitated by an event such as parliamentary vote of no confidence. In such cases, it will be impossible to apply media regulations that extend beyond a fairly limited campaign period.

The best option, perhaps, is for the system of electoral media regulation to be well meshed with the general system of media regulation - ensuring that the media are pluralistic, vibrant, professional, and free from censorship at all times, not just during campaign periods

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[i] These were the campaign lengths that applied as of August 2012

[ii] Akiba A. Cohen and Gadi Wolfsfeld, "Overcoming Adversity and Diversity: The Utility of Television Political Advertising in Israel", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha, (London/Thousands Oaks: Sage Publications, 1995)

What we refer to here as the "publicly owned" media covers a variety of different phenomena: from media that are under tight government control of their editorial content to those that are funded out of money raised from taxes and licence fees, but with a statutory guarantee of their total independence from the government of the day (see section on [Media Ownership and Elections](#) for more information). The media or election law usually treats public media similarly - and as distinct from the private media, which are held to have different obligations.

Public media, by virtue of their source of funding, are a resource for the entire electorate. It is generally accepted that they should not be politically partisan in their editorial coverage. This was the view set out by the UN Special Rapporteur on Freedom of Expression, in his 1999 report, when he spoke of the obligation of the state-owned media to give voice to a variety of opinions and not to be a propaganda organ for one particular political party. Also, they have particular obligations to provide civic education, as well as to provide a platform for the different political parties.

This point is fundamental. Use of a public resource for partisan political campaigning carries all the same legal and ethical implications whether the resource is funds, a vehicle, a building, or a radio station. That is why there are so often clear laws or regulations protecting public media against government interference.

The obligations of the private media are far fewer. The essence of a free media environment is that broadcasters and journalists are not told what they may or may not say or write. The best guarantee that the variety of political ideas are communicated freely and accurately is often understood to be for the media to be allowed to get on with their job unhampered. But this does not mean that private media have no obligations at all. Professional journalistic standards will demand accurate and balanced reporting, as well as a clear separation of fact and comment.

Broadcasting stations usually have their licences allocated by a public body. This will often come with terms attached about whether they are allowed to support any political party; what, if any, news coverage they are allowed to broadcast; and other conditions such as whether they have an obligation, for example, to broadcast public service announcements such as voter education spots.

Likewise, any general laws or regulations relating to media reporting will probably apply equally to both public or private media: for example, provisions relating to "blackout" periods before the vote or the coverage of opinion polls. Similarly, general legal provisions such as the law of defamation - although they may be somewhat modified in their effect during the campaign period - will still apply equally to both public and private media.

#### **4.16 Provisions that Affect Both Private and Public Media**

Although a regulatory system will probably make a distinction between public and private media, a number of aspects of the law or regulations governing the media in elections are likely to affect both sectors. These may include:

- An expedited procedure for hearing complaints against the media by the public or political parties;
- Any regulations relating to the reporting of opinion polls;
- Policies relating to "hate speech", defamation, media liability for the statements of politicians and other related issues;
- Any policy on news blackouts before or during the election;
- Journalists' right of access to election events;
- Accreditation of journalists;
- Provisions to ensure the safety of journalists.

A regulatory authority may place different obligations on the private and public media over matters such as whether they carry voter education or direct access materials. But a usual practice is that where private media carry such coverage - even when they are not obliged to - they should conform to the same standards of equity and impartiality as the public media.

#### 4.17 Implementation Mechanism for Media and Election Regulations

One of the most important practical aspects of the law or regulations on media in elections is who is responsible for implementing it. There will often be much greater day-to-day contact between editors and the regulatory authority responsible for media during elections than there would normally be with, for example, a broadcasting regulator. The relationship is likely to be (or at least should be) a collaborative one.

There are several possible approaches that can be taken:

- An existing regulatory body may be given responsibility for the specific issues that arise during election periods.
- The media may set up their own regulatory body, possibly in collaboration with the political parties themselves.
- The existing electoral supervisory body, such as an electoral commission, may take on this responsibility, sometimes through a specialized sub-committee.
- A specialist body may be set up specifically to regulate the media during elections.
- The responsibility may be assigned to the judiciary.

This presentation is inevitably a little schematic. It is quite common for different aspects of electoral coverage to be regulated by different bodies. In Poland, for example, regulating the broadcasting of free direct access slots is the responsibility of the State Electoral Commission, while responsibility for campaign coverage rests with the usual broadcasting regulator, the National Broadcasting Council. [1] The advantage of such an approach is that it separates areas where the regulator may have to develop strict and binding rules from those matters of professional practice that are best left to the media themselves to determine. The disadvantage is that two different regulatory bodies are operating in two closely related areas, with the danger that they may step on each other's toes.

Whatever system is adopted, the media (and anyone else affected, such as an individual complainant) will have a right of appeal to a higher independent body, usually a court of law.

[1] Karol Jakubowicz, "Poland and the 1993 Election Campaign: Following the Line of Least Resistance", in Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, European Institute for the Media, Dusseldorf, 1995.

#### 4.18 Implementation Mechanism: Existing Media Regulatory Body

Often an existing regulatory body will take on the function of supervising aspects of media coverage of elections, either on its own or in conjunction with the election administration itself.

This was the approach taken, for example, in the South African elections in 1999. The Independent Broadcasting Authority (IBA), the constitutionally mandated body that regulated all public, private, and community broadcasting, issued regulations governing a series of issues:

- Advertising and election broadcasting;
- Timing of election broadcasting;
- A formula for allocating election broadcast time to different parties;
- General observations on the quality of coverage expected.

The latter section includes this general observation:

Every broadcaster who transmits news or current affairs programmes in respect of the elections shall do so in an impartial and objective manner and in a manner which treats all parties fairly.

In an annex to the regulations, the authority went on to elaborate what were the responsibilities of broadcasters (and the role of the IBA):

The Authority does not intervene in the news and programming operations of the broadcasters. Broadcasters' role during elections does not differ from their normal journalistic role during non-election periods. Normal ethical considerations will continue to apply. A distinguishing feature of the election period is the obligation to achieve equitable coverage of political parties without abdicating news value judgments.

Italy is another country where the existing media regulators have principal responsibility for supervising media coverage of elections. In that case, there are two separate bodies: a Parliamentary Oversight Committee that has responsibility for public broadcasting, and AGCOM, an independent non-government regulator for radio, television, and the press, which is responsible for the privately-owned media. Both institutions make regulations governing coverage by the respective media sectors in elections.

#### **4.19 Implementation Mechanism: Media Self-Regulation**

Many in the media would see a system of self-regulation in elections as an ideal solution. This clearly works best where there are well-entrenched independent media and a long tradition of democratic elections, so that the solutions adopted to the problems of election coverage are sanctified by long-established practice.

Perhaps the best-known example of this approach is in Britain, where direct access Party Election Broadcasts are allocated by a Broadcasters Liaison Group, which was formed in 1997 and comprises of representatives of each of the broadcasters who make airtime available to registered political parties. The BLG works closely with the Electoral Commission to ensure a consistent approach.

However, it has not only been long-established democracies that have adopted a self-regulatory approach. Before the independence elections in Namibia in 1989, the state-controlled South West Africa Broadcasting Corporation (as it was then known) invited political parties to join a

standing committee to consult on election coverage. The committee agreed on a schedule of direct access slots, although it was not able to address the problem of biased news coverage.[i]

Hungary in 1990 also adopted a self-regulating approach. National television and the news agency, in collaboration with representatives of 12 political parties and the Independent Lawyers Forum, drafted a voluntary Electoral Code of Ethics. All the major parties adopted the code, along with most major news organizations.[ii]

The state-owned Polish Radio and Television adopted a mixed approach. Allocation of direct access broadcasting is the responsibility of the State Electoral Commission, but in their campaign news coverage, radio and television are answerable only to the National Broadcasting Council, the general regulatory body. The management of Polish Radio and Television have issued detailed guidelines to staff, including the following:

[Polish Radio and Television should] provide comprehensive coverage of the campaign and information about the candidates. News and current affairs programmes should provide extensive information about the parties, their election platforms and candidates, without any bias in favour or against any party and without promoting any set of political views. The main principle should be equality of access which puts channel controllers, programme departments and regional stations under an obligation to maintain records of the amount of airtime devoted to particular parties or candidates and to make sure that principle of equality is honoured.

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[i] Karen Siune, "Political Advertising in Denmark", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha, (London/Thousands Oaks: Sage Publications, 1995).

[ii] *Guidelines for Election Broadcasting in Transitional Democracies* (London: ARTICLE 19, 1994), 38

#### **4.20 Implementation Mechanism: Electoral Commission**

In many instances, responsibility for implementing regulations on the media during election campaigns rests with the main electoral supervisory body itself. This is often seen as appropriate if the electoral supervisory body has sufficient guarantees of independence, as well as the expertise to conduct the specialized work of media regulation.

Malawi, which held its first democratic elections in 1994, offered a positive example of an electoral commission in a new democracy that, by an effective show of independence, was able to ensure that the different political parties and candidates received a fair share of coverage from the government-controlled broadcaster. But it was able to do this not only through a display of political will, but also because it had established a specialized media sub-committee that had the experience and expertise to deal with the broadcasters.

Using the electoral supervisory body may be a preferable option in a small country where a plethora of overlapping institutions is not an attractive or cost-effective choice. In Barbados, for example, it is the Electoral and Boundaries Commission, the body with overall responsibility for the election, which is also responsible for regulating media coverage.

Nicaragua's 1987 Constitution established a Supreme Electoral Council as an independent branch of government - separate from the executive, legislature, and judiciary. Its responsibility includes applying the mass media law during elections and administering a complaints procedure. It established a specialized Mass Media Department to deal with broadcasters, in particular trying to negotiate changes in practices that are the subject of complaints.<sup>[i]</sup>

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<sup>[i]</sup> *Guidelines for Election Broadcasting in Transitional Democracies*, (London: ARTICLE 19, 1994), 38

#### **4.21 Implementation Mechanism: Elections Media Commission**

A number of countries have opted to create a specialized body whose responsibility is to regulate media during election periods - that is, it is neither a general election administration body nor a general media regulatory body. This option has been seen most often in transitional elections in which the role of the media is expected to be particularly problematic for some reason.

Thus, South Africa, in 1994, established an Independent Media Commission in addition to a widely respected Independent Electoral Commission (IEC). The law establishing the IMC went to some lengths to ensure the independence and competence of the commission through its membership. The chairperson was to be a judge or senior lawyer, while at least two other commissioners (out of a maximum of seven) were to have media experience - one in print and one in broadcasting. The commissioners were to be persons of high standing who "when viewed collectively, represent a broad cross-section of the population of the Republic". Various categories of people were disqualified from being commissioners, including state employees, office bearers in political parties, and those with a financial interest in the media.<sup>[i]</sup> But it was a solution that was only adopted and retained for the one election. In subsequent South African elections, responsibility has rested with a combination of the IEC and the independent broadcasting regulator.

The Media Experts Commission (MEC) in Bosnia-Herzegovina was also a specialized body for regulating the media in elections. It was only in existence for a short transitional period. Part of its rationale was that inflammatory material in the media of the former Yugoslavia had played a significant part in inciting violence, resulting in civil war and the break-up of the federal republic. Where the MEC was unique was that it was an international body, operating under the Organization for Security and Cooperation in Europe (OSCE), rather than being part of and answerable to any Bosnian structure. The MEC was in existence for two years, from 1996 until 1998.

Afghanistan establishes an Electoral Media Commission (EMC) to regulate media at least 60 days before each election. Comprising of five members drawn from different backgrounds, the Media Commission:

- Monitors the coverage of the electoral campaign by the mass media;



- Addresses complaints that allege breaches of fair reporting and coverage of the political campaign, and other violations of the Mass Media Code of Conduct;
- Sets up and oversees presidential candidates' roundtables that provide each presidential candidate with free-of-cost airtime on radio and television;
- Verifies the silence period in the media during the 48 hours before the commencement of polling and on E-day.[ii]

This EMC uses two Codes of Conduct (one for private and one for public media) that journalists must sign if they wish to receive accreditation to electoral events. It has the power to assess complaints against the media and give orders to the media if it believes the Codes of Conduct have been violated. However according to some observers, the EMC has lacked the teeth or institutional relationships to ensure that many of their orders were followed up in a timely manner.[iii]

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[i] "Independent Media Commission Act, 1993" [No. 148 of 1993] - G 15182, Articles 4 - 6

[ii] "Electoral Media Commission", *Independent Electoral Commission of Afghanistan* webpage, accessed September 3, 2012, <http://www.iec.org.af/eng/content.php?id=6&cnid=31>

[iii] For example, see "Final Report: Presidential And Provincial Council Elections, Islamic Republic Of Afghanistan, 20 August 2009", (European Union Election Observation Mission, 2010) [http://eeas.europa.eu/afghanistan/docs/2010\\_election\\_observation\\_afghanistan\\_final\\_report\\_0809\\_en.pdf](http://eeas.europa.eu/afghanistan/docs/2010_election_observation_afghanistan_final_report_0809_en.pdf)

## 4.22 Implementation Mechanism: Judiciary

In some countries responsibility for administering elections may lie with a specialized branch of the judiciary. Uruguay, for example, has an Electoral Court that administers the vote, can rule on disputes between the parties and can investigate challenges to the election results. It may also consider complaints about election campaigning in the media, including attempts to pressure the media into biased campaign coverage.

This is a common model in Latin American countries. In Costa Rica, for example, elections are run by the Supreme Electoral Tribunal, which also has responsibility for regulating media coverage. The tribunal is an independent constitutional body composed of judges, with its finances approved by the legislature. It is entirely independent of the executive branch of government. The exercise of its authority over the media has not been without controversy. In 1999, the Supreme Electoral Tribunal instructed a privately owned television channel, Teletica Canal 7, to invite all 13 presidential candidates to appear on a scheduled debate, rather than just the top four candidates as the station had planned. The Supreme Court refused to hear the station's appeal on the grounds that this was an electoral matter.

The Russian Federation has a specialized "information court" - the Judicial Chamber for Information Disputes. This is not strictly speaking a body that is confined to dealing with media and election issues, since it also functions outside election periods. However, it was established

in 1993 specifically because of the need for a body to resolve disputes that had arisen during election campaigns.

In most instances, whatever the precise mechanism that has responsibility for regulating the media in elections, there will be a right of appeal to a judicial body against the regulator's decisions. Such an appeal may come from the media organ itself, a political party, or an individual complainant. Like any such procedure during an election period, this is likely to be an expedited process. A well-considered judicial decision may not be much use if it is handed down after the election is over.

### **4.23 Complaints Procedure on Media Coverage**

An essential element of most media regulatory bodies, during election periods and at other times, is a complaints procedure. This is a means by which the public, political parties, and the media themselves can seek adjudication on alleged breaches of the law or regulations on election coverage. Since the election period is usually short, complaints mechanisms will need to be geared towards the speedy resolution of complaints. If, for example, the complaint concerns a factual inaccuracy that may influence voters' intentions, there is little use in correcting the error once the election is over.

Complainants will always have the right to take whatever legal proceedings are laid down in the country's laws - a civil suit claiming defamation, for example. And there should always be a built-in appeal process that allows disappointed complainants or the media themselves to seek a higher judgment from an independent court of law. But in general, the emphasis is likely to be on a speedy, no-cost, non-confrontational resolution of disputes. This may be particularly important in a situation in which hostility between parties or communities is great and there are likely to be many issues of dispute. For example, the complaints mechanism in Bosnia-Herzegovina, the Election Appeals Sub-Commission (EASC), was able to deal rapidly with a whole series of complaints referred to it by the Media Experts Commission (MEC) in the 1998 presidential election. This helped to reduce tensions between the different communities, by not allowing disputes between their different parties and media to escalate. This was especially important in light of the significant role played by the media in instigating political violence in the former Yugoslavia.

The variety of complaints procedures is as great as the number of different types of regulatory body. There may not even be a single uniform procedure; and a hybrid system may be used.

Some countries publicise complaints; others do not. In the UK, Ofcom is the statutory independent regulator that regulates UK-licensed TV and radio broadcasters. The Communications Act 2003 ("the Act") requires Ofcom to set standards for programmes on television and radio in areas such as harm and offence, and impartiality. As a result of the Act, in 2005, Ofcom published a Broadcasting Code ("the Code") containing the rules that broadcasters must abide by. This Code applies to all broadcasters licensed by Ofcom and has been regularly revised. During elections in the UK, broadcasters have to comply with the Rules in Section 5 (due impartiality) and Section 6 (elections) of the Code. With regards to overseas elections, broadcasters have to comply with the rules in section 5 only. Most complaints are

dealt with by Ofcom's ordinary procedures, for high-profile complaints are considered by a special Election comprising members of the Ofcom Content Board

As of 1999, for example, the Nicaraguan Supreme Electoral Council received complaints and, through its Mass Media Department, issued private rulings to the media outlets against which findings are made. It only publicized the ruling if the media organ fails to comply.<sup>[i]</sup> In Montenegro, by contrast, publicly-funded media are obliged to publicize any findings of the competent authorities "about any infringement on the principles of equality and objectivity relating to informing citizens on agendas and candidates..."

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<sup>[i]</sup> Viktor Monakhov, "Information Disputes Relating to Election Campaigning Via the Mass Media: The Experience of the Judicial Chamber in the 1999 Election Campaign", in *The Media and the Presidential Elections in Russia 2000*, IFES (Moscow: Human Rights Publishers, 2000)

#### 4.24 News Blackouts

Some countries practice a news blackout (also known as a silence period or a reflection period) on campaign news before or during voting. This means that media must stop covering campaigning, and often that campaigning must stop, for a designated time preceding voting day. The intention is to give voters the opportunity to reflect on their choice, free from the media 'noise.' Often, this is a voluntary arrangement. In places such as France where a blackout is legislated, the regulatory body needs to spend resources enforcing it. In Israel, which has extensive prohibitions on campaign news, the Independent Broadcasting Authority is required to police its observance. The implementation of this prohibition illustrates the dangers inherent in such restrictions: the IBA tends to interpret the application of the law in a particularly strict manner, to avoid being held responsible for its breach.<sup>[i]</sup>

Blackouts are usually 24 hours or less, (for example in Armenia, Bosnia and Herzegovina, Croatia, France, Hungary, Philippines, Russia, Singapore, Spain, Slovenia, Macedonia), but are sometimes longer. In Indonesia, a 3-day blackout is required. Estonian law divides its election campaign into four periods, with a blackout of election campaigning for three of them. The application (or nomination) period, the voting period, and the counting and publication of results are all periods when campaigning is forbidden.

The Media Experts Commission in Bosnia-Herzegovina was an example of a regulatory body that vigorously enforced a blackout from 24 hours before polls opened in the 1998 presidential elections until the polls closed. It did this by issuing clear statements in advance of the blackout period and then relying on the findings of its own media monitoring unit. It concluded that most of the violations of the blackout were a consequence of uncertainty in applying the rules. One television channel, for example, when it broadcast film of candidates at polling stations mentioned the names of their parties - which it was not allowed to do. In one case regarded by the MEC as more serious, a station broadcast interviews with two political leaders. The Organization for Security and Cooperation in Europe referred the case to the Election Appeals Sub-Commission (EASC), the complaints body, which struck nine candidates of the party from its election list. The MEC itself commented that most countries, in most conditions, would

probably regard such an approach as draconian, unnecessary, and an interference with media freedom.<sup>[ii]</sup>

Papua New Guinea has an unusual arrangement when it comes to managing media coverage. Due to the logistical challenges of holding an election in a country of small and sparsely-populated islands, polling is scheduled to take place over a two week period, on a rolling basis around the country. Campaigning, polling, counting, and reporting of results, continues throughout the electoral period – in other words, there is neither a defined campaign end, nor a news blackout. While there are logical reasons for this process, civil society actors are concerned about the undue influence of on-going campaigning and reporting while people are voting.

In this age of globalized media, it is almost impossible to ensure that international media published outside national borders follow blackout rules. When voters have access to the Internet or international television, the blackout becomes meaningless. At the most, the regulatory body can attempt to ask overseas media to respect domestic rules. With social media blackout periods are even more difficult to enforce and breeches even more difficult to sanction.

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[i] Akiba A. Cohen and Gadi Wolfsfeld, "Overcoming Adversity and Diversity: The Utility of Television Political Advertising in Israel", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha, (London/Thousands Oaks: Sage Publications, 1995)

[ii] "Final Report: Media in Elections 1998", (report by Media Experts Commission, 1998), 33-34.

#### 4.25 Regulating Coverage of Opinion Polls

Opinion polls, which gauge voter intentions and attitudes, are an important part of elections coverage in most countries. Publication of opinion poll findings is a subject that arouses strong passions. Established democracies take quite contrary positions on the issue. Sixteen of the twenty-seven European Union countries, for example, ban reporting of polls, although timeframes range from a full month to just 24 hours before election day. Only three countries - Italy, Slovakia and Luxembourg - have bans of more than seven days. In many of the EU countries, legal challenges in recent years have reduced the time period over which the ban applies.<sup>[1]</sup>

Meanwhile in the United States media coverage of opinion polls is regarded as an integral part of free speech in elections and publication is allowed at any time. The problem is that opinion poll results - like almost any other form of expression - are not just the reflection of people's views but may also shape the views of others. That is, people may be influenced in how they vote by what they have learned from an opinion poll... or what they think they have learned.

For this reason, laws or regulations may attempt to control how (or even whether) opinion polls are reported. In Montenegro, for example, publicly-owned media are forbidden to publicize the results of opinion polls or any other projection of the election results. On voting day, it is even forbidden to publicize the results of previous elections.

However, a total ban on reporting opinion poll findings, whether or not desirable, is scarcely practical. France had long had a ban on the reporting of opinion polls in the week before elections (although not at other times). In the 1997 legislative elections some newspapers broke this regulation. They included *Le Parisien* and *La Republique des Pyrennees*. *Liberation* got round the ban by putting the findings of an opinion poll on its Internet site, which is linked to the *Tribune de Geneve* in Switzerland. *France Soir* followed this by publishing a poll before the second round of voting took place.<sup>[1]</sup> This seems a fairly clear case of a law becoming ineffective once it has fallen into disrepute - despite the fact that it had been respected for many years – and the French ban has since been reduced to 24 hours.

In the UK, the broadcast regulator the Office of Communications (Ofcom) Code requires broadcasters to refrain from publishing the results of opinion polls only on election day itself; as do the BBC's editorial guidelines.

With opinion polls, more than most other issues, much hinges on how professionally the findings are reported (for more information, see section on Media Professionalism). The Montenegrin position of imposing a total ban on the public media's reporting opinion polls might find some favour in a situation where distorted reporting could materially affect the outcome of the elections. Generally, however, this is an issue that is best addressed by applying a light touch and encouraging the media to develop their own standards for reporting.

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[1] "Political Opinion Polls," Spotlight, No. 1, 2009, Oireachtas Library and Research Service, [http://www.oireachtas.ie/parliament/media/housesoftheoireachtas/libraryresearch/Polling\\_web.pdf](http://www.oireachtas.ie/parliament/media/housesoftheoireachtas/libraryresearch/Polling_web.pdf)

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[i] Helen Darbishire, "Media and the Electoral Process" in *Media and democracy*, (Strasbourg: Council of Europe, 1998), 96.

#### 4.26 Policies on Hate Speech and Defamation

No issue is more problematic for those concerned with media freedom than "hate speech". The term is generally used to refer to advocacy of national, racial, religious, or other hatred. The issue, in essence, is how far it is proper or acceptable to limit the right to freedom of expression, when the views being expressed support the limitation or infringement of the rights of others.

One of the problems is that this may just be a matter of point of view. One person's "hate speech" will be another's legitimate opinion. There is thus a general reluctance to impose restrictions on what may be said.

This dilemma becomes even more acute in the circumstances of an election. This is for two reasons:

- An election is precisely the moment when a variety of political views should be expressed. To limit expression of some of these views potentially limits not only rights of free speech but also rights of democratic participation.

- On the other hand, the highly charged atmosphere of an election campaign may be precisely the moment when inflammatory statements are likely to have the effect of inciting people to violence - thereby infringing the democratic and free speech rights of others.

These issues are more difficult to address in a country with a history of communal or ethnic violence, where the media are known to have played a role in fanning hostilities. That is why, for example, the matter of "hate speech" was given so much attention in the Bosnian elections of 1998 - the media on all sides having played a considerable role in inciting the wars that led to the breakup of Yugoslavia.

Meanwhile, the 2008 post-elections violence in Kenya was precipitated by longstanding historical issues played out through violence along ethnic lines. However, media have also been accused of fanning the flames in this context (with one journalist even being indicted by the International Criminal Court for his alleged role). Subsequently, a National Cohesion and Integration Act was passed under which a number of people have been indicted for hate speech. The Act and other related laws have drawn criticism from some quarters that they excessively infringe freedom of speech and lead towards a slippery slope of increasing censorship.

The issue of defamation is a similar problem to that of hate speech in one respect: it is an area where freedom of expression may legitimately be limited for the protection of the rights of others. Yet it does not have the same collective implications in an election campaign. Vigorous - and even sometimes insulting - debate is part of the substance of democratic campaigning. International and comparative jurisprudence has established clearly that politicians - especially government politicians - must have thick skins. They should have less protection than the ordinary citizen, not more. From the standpoint of the media in an election campaign, the clear similarity between defamation and hate speech lies in the issue of who will be held liable for any unlawful statement: the media or the person whose words they report.

### **International and Comparative Law**

Neither international law nor the experience of various national courts offers any definitive answer on how to balance freedom of expression and protection of other rights. Precisely because it is a balance, the answer will be determined by national and local circumstances, as well as precise context.

International treaties provide a clear basis for criminalizing advocacy of hatred or discrimination. In extreme circumstances, such as the case of Radio television libre des mille collines in Rwanda, where a radio station incited genocide, journalists have been convicted before an international tribunal for crimes against humanity.

However, the general trend in interpreting this balancing act has been towards promoting many voices to counteract the effect of hate speech, rather than banning those voices that express obnoxious or unpopular views. Experience has shown that laws prohibiting hate speech are often used far more broadly than for their ostensible purpose. The country with the largest

battery of laws prohibiting advocacy of racial hostility was apartheid South Africa. Invariably the victims of these laws were black.

The practice in most jurisdictions where this issue has been considered tends towards prohibiting hate speech only when it constitutes a direct incitement to violent activity. That may not itself be a very easy concept to define, but it contains the idea that no one in election campaigns will be penalized for the expression of opinions - only for interfering with the rights of others.

### **Media Liability**

Discussion of hate speech and the media in elections is really about two separate issues:

- The media reporting advocacy of hatred by campaigning politicians;
- The media directly advocating hatred themselves.

On the former issue, the international consensus is coming down firmly on the side of absolving the media from liability for reporting the remarks of politicians, within the limited time span of an election campaign. This means that a journalist or media house would not be open to either a civil or criminal suit for reporting remarks by a politician that constituted advocacy of hatred. But this would not absolve the journalist from a professional responsibility to balance such statements with countervailing facts or voices.

### **Attempts to Regulate**

When the media themselves directly advocate hatred - especially in circumstances that could constitute incitement - they clearly cannot expect to be absolved from liability. In these circumstances, the regulatory body would be expected to monitor the media's output closely. But this in itself creates practical and ethical problems. For example, how is it possible to distinguish between poor or irresponsible reporting of violent statements and active endorsement of those statements?

As in much else, the distinction between editorial and non-editorial content is important. Non-editorial content - primarily direct access material of various sorts - is beyond the control of the media themselves, generated as it is by the political parties. The regulatory body will have to determine how far, if at all, it chooses to vet the content of direct access items.

Such cases clearly test the limits of freedom of speech and indicate how these dilemmas are exacerbated in election periods.

#### **4.26.1 International and Comparative Law on Hate Speech**

International standards on the issue of "hate speech" are determined by a balance of Articles 19 and 20 of the International Covenant on Civil and Political Rights. The former guarantees:

the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers...

Article 19 then outlines possible restrictions to this right, including "for respect of the rights or reputations of others".

Article 20 states:

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

The American Convention on Human Rights requires states to declare advocacy of hatred on national, racial, or religious grounds a criminal offence. The European Convention on Human Rights and the African Charter on Human and Peoples' Rights do not require hate speech to be prohibited by law, but they allow that it may be.

The Convention on the Elimination of All Forms of Racial Discrimination (CERD) has an even broader prohibition. Article 4 requires all states who are party to the treaty to declare as a criminal offence "all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination,... the provision of any assistance to racial activities", and participation in "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination."

In a case that related to participation in elections (but not to the media), the European Commission declared inadmissible an application from a Dutch right-wing political leader who had been imprisoned for two weeks and had his name removed from the electoral lists for advocating the repatriation of non-white guest workers.<sup>[1]</sup> However, in a case that did relate to the role of the media, the Commission admitted an application from a Danish journalist who had been convicted for broadcasting a television interview with members of a white supremacist youth gang. Danish law was changed as a consequence to exclude liability for journalists unless, by publishing racist ideas, they intended to "threaten, insult or degrade".<sup>[2]</sup>

This distinction is an important one: the attitude of the law (and the regulatory authorities) will be different depending on whether the media are actively advocating hatred or violence or they are simply reporting the advocacy of hatred or violence by politicians and others. The point is fundamental, although this does not avoid the problem of grey areas.

### **Decisions of International Courts**

The principle that incitement to carry out crimes against humanity is itself a crime against humanity dates from decisions of the Nuremberg trials of Nazi leaders in the 1940s. Much more recently, the International Criminal Tribunal for Rwanda has found four journalists or media executives, as well as the former Minister of Information, guilty of incitement to genocide through broadcasts or newspaper articles.



## Decisions of National Courts

The Israeli Supreme Court has found that freedom of expression may be infringed only when there is an imminent probability that the statement will cause damage to public order. It ruled, as a consequence, that the Broadcasting Authority had violated the rights of the leader of an extreme anti-Arab political party by reviewing his statements before broadcasting them.[3]

In Sweden, the Freedom of the Press Act prohibits the expression of threats or contempt against racial, ethnic, or religious groups. The provision is rarely used, but in 1991, a newspaper editor was prosecuted for publishing a letter from a reader expressing racist opinions. The editor's argument was that such views should be allowed to surface, in order that they could be debated. The jury acquitted the editor.[4]

The Hungarian Constitutional Court ruled unconstitutional a provision of the law on incitement to hatred. The provision made it an offence to insult or humiliate the Hungarian nation, or a group of the population based on religion, race or similar features.

The court observed:

Freedom to express ideas and opinions, including freedom to express unpopular or unconventional ideas, is the fundamental condition for the existence of a truly vital society which is capable of self-improvement...

Freedom of expression protects statements of opinion regardless of their implicit value or truth.[5]

[1] *Glimmerveen and Others v. The Netherlands*, App. Nos. D 8348/78 and 8406/78, 4 EHRR 260 (1982).

[2] *Jersild v. Denmark*, App. No. 15890/89, Decision of 8 September 1992.

[3] *Meir Kahane and Others v. Board of Directors of the Broadcasting Authority*, Israeli Supreme Court, 41(3) PD 255 (1987).

[4] H-G Axberger, "Freedom of the Press in Sweden", in *ARTICLE 19, Press Law and Practice*, 1993.

[5] Constitutional Court, *AB Hatarozat*, No. 30/1992 (26 May)

### 4.26.2 Media Liability for Reports of Unlawful Statements

The UN Special Rapporteur on Freedom of Expression and Opinion has strongly stated that the media should not be held legally liable for unlawful statements that they report in the course of election campaigns. This has been a controversial issue in the past, with other international authorities, such as the UN Transitional Authority in Cambodia, taking the contrary view. The

assumption that the media may not be prosecuted in a civil or criminal suit for reporting the words of politicians reinforces a trend that was laid down by, among others, the Spanish Constitutional Court. This approach stresses the right of the public to be informed about what politicians say - even if it is unlawful and potentially incites violence. It must be stressed that this is different from a situation in which the media itself deliberately incites violence.

This removal of liability has implications for both news coverage and direct access programmes. It means, for example, that the newspaper or broadcaster may not refuse to run direct access or advertising material from a party on the basis that it may expose the media organ to prosecution. The Constitutional Court in Germany, for example, decided that that was a matter for the courts to decide, not the media. But it is only reasonable to put the media in that position if they are definitely not liable. If a media organ might be prosecuted for the contents of a direct access broadcast, then they must have the right to refuse to run it. However, since that is not a satisfactory position, being clearly open to abuse, the position advocated by the UN Special Rapporteur is clearly the correct one.

#### **4.26.3 Hate Speech - Operations of the Regulator**

There are several possible ways in which a regulatory body may address the problem of hate speech.

##### **Prior Approval of Direct Access Material**

The regulatory body may require that all direct access material be submitted to it in advance to ensure that it conforms to certain legal or voluntary agreed standards for political speech. Whether such an approach is taken is likely to depend on whether the country has an immediate history of inflammatory speech as a serious political problem. The drawback in principle to such an approach is that it may be seen as an interference in political speech and smack of prior censorship. The difficulty in practice is that it imposes an additional administrative burden on the regulator.

##### **Codes of Conduct**

However no such possibility presents itself in relation to news coverage: international law and practice entirely rejects "prior restraint" or pre-publication censorship. The problem of inflammatory speech will therefore have to be addressed primarily at source - that is, with the political parties and candidates themselves. This would be best achieved with a code of conduct agreed between the parties in advance of the election campaign. Sometimes, as in Cambodia's post-conflict elections, such a code will have the effect of law.

##### **Complaints**

The problem of unprofessional or biased reporting of statements by politicians will have to be addressed primarily through the complaints mechanism established by the regulatory - whether this be a media regulator or an election authority. The most effective remedy will be to allow

correction of inflammatory material through a right of reply. There are useful examples of this from Bosnia and the United Kingdom.

### **Promoting Professional Standards**

The most important measure that the regulator can take to promote balanced and unprovocative reporting of inflammatory statements is to ensure adherence to professional standards among the media. In doing this, collaboration with the journalists' own professional and trade union bodies will be vital. The regulatory body may also wish to engage in training of journalists in election reporting.

#### **4.26.4 Right of Reply to Criticism or Adverse Statements**

A right of reply is not popular with the media, but it has found increasing favour with tribunals and other standard-setting bodies internationally. Journalists may have to accept that this may be the least-worst option. The alternative to balancing views may be to be held responsible for endorsing the opinions of one candidate or another.

The best way of avoiding an enforced right of reply is clearly to ensure balance in coverage. Even the generally unregulated US media have been obliged to comply with a Fairness Doctrine in election reporting that ensures that all the main parties get a say in news and current affairs programmes. Broadcasting stations are obliged to offer "reasonable opportunity for the discussion of conflicting views". [1] The wording is important: "reasonable" rather than equal. Coverage is not measured with a stopwatch. It is simply that all sides of the debate get heard.

Sometimes this general approach of fairness is not adequate. The personal attack rule under the US Communication Act requires that if an attack is made on the personal qualities or character of an individual, then that person should be notified and given an opportunity to respond.[2]

In the South African election of 1994 there was a provision, slightly broader than the US personal attack rule, but based on the same principle. This is a common rule in election laws and regulations and provides a sensible opportunity to achieve balanced debate. It stated that if a criticism were levelled against a political party without that party being given the opportunity to respond at the time, or without its view being reflected, then the broadcasting licensee was obliged to give the party a reasonable opportunity to respond to the criticism.

If within 48 hours of the beginning of the vote a broadcaster intended to broadcast a programme in which a particular political party was criticized, then the broadcasting licensee should give the party the opportunity to respond within the programme, or as soon as possible afterwards. These provisions only applied to coverage under the editorial control of the broadcaster and not to party election broadcasts or political advertisements. [3]

Brazil has a right of reply provision that applies specifically to knowingly making false statements in the course of direct access broadcasts. In this case the offended party can appeal to a judge. If the application is successful the complainant wins an amount of free time for

rebutting the false statement that is then subtracted from the amount of free time granted to the offender.

[1] Robert M. Entman, "The Media and U.S. Elections: Public Policy and Journalistic Practice", in Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, European Institute for the Media, Dusseldorf, 1995.

[2] Ibid.

[3] Article 21, Independent Media Commission Act, 1994.

## **4.27 Journalists' Right of Access to Election Events**

### **4.27.1 Accreditation of Journalists**

The question of who is or is not a practising journalist is one best left to journalists' organizations - although some governments, through an Information Ministry or similar body, have a system for accrediting journalists. Whatever the merits of these different systems, however, sometimes an accreditation system is required for journalists in elections specifically. This is because the media will be entitled to attend events - such as material transportation, or the count - which might not be open to ordinary members of the public.

The preferable system for accreditation of journalists in elections is one that is conducted jointly by the electoral supervisory body and the media regulatory body (if any). Accreditation should be available to all representatives of local, national, and international news organizations on production of credible identification. The accrediting authority should have no discretion to refuse credentials to any bona fide news representative.

The requirement to provide access to accredited media staff should be conveyed to the police or any other body responsible for security in the elections, as well as with electoral staff. Credential I.D.s often consist of a laminated photocard, clearly identifying the bearer as a media representative. Guidelines should also be made known to the political parties, who in turn are expected to ensure their members and supporters facilitated (and did not impede) access by anyone bearing media credentials. In Timor Leste in 2012, journalists were required to present credentials as follows:

Accreditation shall be granted against presentation of a personal identification document, a professional certificate, a certification issued by the media organ for which the media professional works, and the duly filled in identification form to be made available by STAE [the Electoral Commission].[i]

When the approximate date of an election is known in advance, accreditation of most local journalists can be organized in time to avoid a last-minute rush. There should be no limit on the number of media personnel issued with accreditation. News organizations have no obligation to limit the number of journalists who are accredited, although it would be reasonable for organizers of an event to limit the numbers from a particular news organization allowed into

any particular event or location if that is necessary to secure access for the widest range of media.

Although a photocard - visible evidence of accreditation - is no doubt useful at many public events connected with elections, this should only be required as a precondition for attendance in two circumstances:

- when the security of the electoral process is at stake - as at the voting or the count,
- when logistics determine that only a limited number of journalists can have access.

In the latter case, it will be up to the journalists themselves to operate a pool system, whereby they will select which of their representatives attend an event and they then share the information gathered. Election officials can also set up a rotation to ensure that some journalists are always present, allowing the journalists to decide among themselves who will benefit from the various time slots made available.

In other words, accreditation is for the most part an administrative tool that only very occasionally has a security dimension. In general, the principle that anyone can have access to the public electoral process and write or broadcast about it is the paramount one.

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[i] "Code of Conduct for Media Professionals for Presidential and Parliamentary Elections, No. 09/Stae/X/2011," *National Electoral Commission (STAE)* webpage, <http://www.unmit.org/legal/RDTL-Law/Public%20Inst-Regs/09-STAE-X-2011.pdf>

#### **4.27.2 Accreditation of Foreign Media**

Everything that has been said about the journalists' right of access to election events and the process of accreditation apply equally to any foreign media who are present. It is important to stress that this is a matter of principle. The fundamental sources of the right to freedom of expression - the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights - explicitly define this right as entailing the communication and receipt of information "regardless of frontier".

In most instances, there will be foreign correspondents resident in - or at least accredited to - the country on a long-term basis. Since these journalists will invariably have some form of accreditation as a condition of their residence in the country, their further accreditation to cover the election presents little problem in principle or practice. A problem is more likely to arise if the election is a matter of some international interest (as elections do tend to be), with the attendant possibility that large numbers of foreign media staff will arrive at the last minute expecting to be able to cover it.

Precise arrangements will need to be coordinated between the body ordinarily responsible for accrediting foreign media and the organizers of the election. For immigration reasons, all foreign journalists will need to be accredited, but as with domestic media personnel, neither the government nor the electoral administrators should have any discretion to decide who may or

may not come to report the election. Accreditation is an administrative measure, not a means of keeping people out.

Common sense suggests that a measure of prior planning is needed, with an assessment of how many foreign media staff are likely to want to cover the elections. Not only can accreditation be planned in advance, but also other facilities such as the necessary telephone and computer links from the media centre.

A measure of mutual patience and understanding is required. Elections are organized for the benefit of the electorate, not the international media (a fact that the latter sometimes need reminding of). Yet international accountability is part of the process of organizing free and fair elections, and, to this extent, foreign media play a similar role to that of external election observers. It is therefore in the interests of democracy and the election process itself that they are allowed and enabled to do their job.

The media cannot cover elections properly if they are unable to gain access to relevant events and places. This is obvious enough, but unfortunately many countries that are embarking on democratic elections for the first time may have little experience of the culture of media freedom. The purpose of laws or regulations on media in elections - and the function of a regulatory body - is to create an environment in which the media can go about their business freely. Elections are not state secrets to be winkled out by dedicated investigative journalists; rather, they should be conducted in the public eye. There is thus an argument of principle that journalists should be given the fullest access to election events. For the body organizing the election, there are also pragmatic considerations: if the media are present at all relevant events, such as briefings and news conferences, then it will be much easier for an electoral administration to convey its messages and concerns to the public. In addition, transparency will result in more credible elections which means more credibility for election organisers.

For example, the Carter Center, which sent an international election witnessing mission to the ground-breaking 2012 presidential elections in Egypt, regretted the fact that

The [Presidential Elections Commission – PEC] informed the Center that only their election officials can be present at the PEC's Cairo headquarters during the aggregation of national results. The absence of candidate agents, media representatives, and domestic and international witnesses at this crucial juncture of the election process undermines the overall transparency of the election results.<sup>[i]</sup>

In Timor Leste in 2011, the Electoral Commission made the following regulations as part of a Media Code of Conduct:

The right of access provided for in the preceding article shall be exercised in the following terms:

a) For purposes of media coverage, media professionals shall have the right to accede to places where the entire electoral process takes place, including presentation of candidacies, electoral campaign activities, voting, counting of votes and tabulation of results;

b) The right of access shall allow media professionals to watch the counting and tabulation of votes, without prejudice to the provisions of the following norms;

c) Prior to initiating reporting in polling centres, polling stations, and district and national tabulation stations, media professionals shall obtain authorization from the chairperson of the polling centre in order to avoid disturbing the normal functioning of the polling centre.[ii]

In order to ensure access to certain activities of the election - for example, the count - it may be necessary for an electoral administration to establish some form of media accreditation. In principle, however, this should not be necessary for all events, as the ultimate responsibility for determining who is or is not a journalist should lie with the relevant media professional bodies, not the state.

It is important that access be non-discriminatory. It would be unacceptable for example, if journalists from certain media organs were excluded from rallies by certain political parties. It should be an explicit element of the parties' code of conduct that they allow free access of all media to all their public events. It would be worse however, if electoral authorities themselves were to exercise any discrimination in determining which media were given briefing materials or invited to a press conference.

Media right of access are directly tied to principles of freedom of information necessary to a democracy. Freedom of information means, among other things, that the media are entitled to investigate and report critically on the efficiency and probity of election administration. This scrutiny should not be considered interference with the election organization but rather as a means to promote credibility and efficiency. Efficiency results from broad accountability: if the media have good access to those organizing the elections, then they will convey their concerns rapidly to the public. This functions as an effective, no-cost method of voter education.

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[i] "Executive Summary of Carter Center Preliminary Statement on Egypt's Presidential Election", *Carter Center*, May 26 2012, <http://www.cartercenter.org/news/pr/egypt-052612.html>

[ii] "Code of Conduct for Media Professionals for Presidential and Parliamentary Elections, No. 09/Stae/X/2011," *National Electoral Commission (STAE)* webpage, <http://www.unmit.org/legal/RDTL-Law/Public%20Inst-Regs/09-STAE-X-2011.pdf>

#### **4.28 Provisions for Public Media**

In most legal frameworks, regulations apply to both publicly and privately-funded media. In addition to ethical obligations pertaining to all journalists and broadcasters, public media are also accountable to the electorate, who are their funders and, ultimately, their owners. Hence it is usually assumed - and this assumption is decidedly based on international law - that public media should be politically impartial.

There are also obligations that may pertain to public media alone, for example direct access broadcasting. Direct access broadcasting is the term used to describe access given to parties and

candidates to broadcast their campaign material. It is distinguished from election campaign news coverage in that the latter is created or selected by the media outlets. In some frameworks there are no legal requirements for private media to carry direct access broadcasting or advertisements from political parties during an election campaign. Yet, for the public media, there usually is such a requirement. Much of this section is devoted to the issues that arise from these three questions:

- Will direct access be through paid political advertising or free party election broadcasts?
- How will time be allocated between the parties or candidates?
- At what time of day will direct access slots be broadcast?

Another aspect of the responsibility of the public media flows from the government's obligation to inform and educate the electorate on how to exercise their rights in an election - voter education.

The obligations of public media have been well summarized in a series of guidelines developed by the freedom of expression group ARTICLE 19<sup>[i]</sup>. These guidelines have been widely disseminated and adopted since the 1990s.

For descriptions of what constitutes public and private media, see the section on [Media Ownership and Elections](#).

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<sup>[i]</sup> *Guidelines for Elections Broadcasting in Transitional Democracies*, (London: ARTICLE 19, 1994) <http://www.article19.org/data/files/pdfs/tools/electionbroadcastingtrans.pdf>

#### **4.28.1 Allocation of Time to Candidates and Parties**

International standards generally encourage direct access broadcasting, particularly in new democracies.

According to the EU, particularly “in a media system characterised by a private audio-visual media sector shaped along political lines, state broadcasters have a particular responsibility to be a genuine public service and create a forum for all campaign messages during the election period.”<sup>[i]</sup>

An electoral framework will need to stipulate about how media are to allocate direct access broadcasts. Legislation to this extent must be comprehensive and carefully worded. Problems can easily result from vague rules and procedures. For example, according to the OSCE who observed the 2001 election in Kazakhstan, there was “[c]onfusion in the provisions on direct access to airtime regarding candidates and parties and the timing of slots, as well as a failure to differentiate between established and new parties in terms of such access.” This report by OSCE also states that there were no provisions to allow media to refuse to broadcast a campaign advertisement (in defined circumstances), nor to protect media outlets from liability for statements made in campaign advertisements.<sup>[ii]</sup>



## **Paid Advertising, Free Access, or a Mixture of the Two?**

Regulatory frameworks will need to stipulate whether direct access to media by political parties will be free or paid or, as is often the case, a mixture of the two. Sometimes all parties are allocated free direct access but can top this up with paid advertising. Different rules are also often adopted for print and broadcast media.

## **How Is Access Time or Space Divided?**

In a system of paid advertising, this may not be an issue - time is simply allocated to those who can pay. (Many would argue that this is why paid advertising is an unfair option.) However, if direct access broadcasts are to be allocated by a regulatory body, how will this be done? What criteria are required to divide available broadcast time or print space? Is it to be done on the basis of equality, so that every party gets the same time, *or* equitability (fairness), whereby parties are allocated time according to the degree of popular support they enjoy. If the latter, then how is popularity determined? Should access time be allocated on the basis of previous elections (the number of seats currently held in parliament), opinion polls, the number of candidates standing - or some other criterion or a mixture of all of them? Different countries have adopted widely varying systems.

## **Timing of Slots**

Will there be regulation about the times that slots are broadcast? If everyone is to get a chance to broadcast in peak time, how can slots be allocated? What order will the parties be allowed to broadcast in?

## **Who Pays - and Who Makes the Programme?**

Will candidate or party be responsible for making its own broadcast or print content or will the public broadcaster make facilities available? And who foots the bill for the production of this content?

## **Who Decides What is Broadcast?**

Does a regulatory body have any say in the content of direct access broadcasts or political advertising? May the parties and candidates say what they like? What are the limits?

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[i] "Final Report, Parliamentary Elections, Lebanon, 7 June 2009", (European Union Election Observation Mission, 2009), 31, [http://www.eueomlebanon.org/en/files/doc/1253861855\\_Rapport%20final%20EN%20OK.pdf](http://www.eueomlebanon.org/en/files/doc/1253861855_Rapport%20final%20EN%20OK.pdf)

[ii] "Review Of The Legal Framework For Media Coverage Of Elections, Republic Of Kazakhstan," (OSCE / ODIHR report, 2001), <http://www.osce.org/odihr/elections/kazakhstan/14794>

#### 4.28.2 Equal or Equitable Direct Access Coverage?

One of the fundamental decisions to be made in organizing direct access broadcasts by the parties is whether slots are to be allocated on the basis of equality or equity. Equality, clearly, means that every party or candidate gets the same access. Equity means that everyone gets fair access - the idea being that a party with large popular support should have more airtime than one that does not.

##### The Argument For Equality

The argument for equal direct access coverage stipulates that everyone is provided an opportunity to present their point of view to the electorate. It will be the electorate that chooses, rather than a broadcaster or an electoral regulator. This is a simple system to administer and everyone can understand it. It is particularly attractive in a first or second democratic election when there is no sure way of knowing how much support the different parties has. Some countries that use versions of equality in direct access are:

##### France

The formula for allocating direct access broadcast time in the French presidential elections is one of equality for all candidates, who usually number about 14. If no clear winner emerges there is a second round run-off between the two leading candidates, and again air-time is allocated equally between them.<sup>[i]</sup>

##### Denmark

Denmark allocates equal time to all political parties in parliamentary elections, so long as they satisfy certain basic criteria: they must have been registered with the Ministry of the Interior, which requires that they will have collected signatures equivalent to one in 175 of the votes cast at the last election.<sup>[ii]</sup>

##### Norway

In Norway, time is allocated equally, but again certain criteria must be met. Parties must have been represented in one of the last two parliaments, have a national organization and be fielding candidates in a majority of districts. Smaller parties that do not meet this threshold nevertheless have a short programme.<sup>[iii]</sup>

##### Italy

The state broadcaster, RAI gives equal time to all competing parties in an election. However, private commercial broadcasters have no such obligation.<sup>[iv]</sup>

##### Czechoslovakia

In Czechoslovakia's first democratic election, all parties received the same allocation of broadcast time - a total of four hours over a campaign period lasting 40 days. The slots were then divided up into slices of different time lengths. The exact schedule was then determined by lots.<sup>[v]</sup>

### **Armenia**

Armenia gave equal access to each party,<sup>[vi]</sup> but the amount was limited to five minutes for each candidate or party. This avoided the problem of information overload but perhaps created an opposite problem. Was this really enough information for the voter?

### **Japan**

Japan has a system of equal access but with a minimum qualification threshold. In order to receive equal broadcasting time a party must field at least 12 candidates. In the Upper House, however, all candidates receive five and a half minutes of free broadcasting time.

### **Netherlands**

The Netherlands, like Japan, has a system that is a sort of modified equality. In principle all parties have equal broadcasting time. However, the regulatory body, the Media Commissariat, may allocate extra time to parties running candidates in all electoral districts.<sup>[vii]</sup>

### **The Argument Against Equality**

Equality gives a built-in advantage to the incumbent party, which has many other opportunities to convey its policies through the media. What equality does is to promote the no-hope opposition parties at the expense of those with a genuine possibility of ousting the ruling party. Equality may also mean that there is simply too much material being generated for the electorate to absorb. They will get bored and the direct access process may become a waste of time. Again this is likely to favour the incumbent.

Another argument against automatic equal access is that it will encourage frivolous candidates who are only interested in the free publicity.

### **The Argument For Equity**

If direct access is allocated on a fair (or equitable) basis, this ensures that all parties are given an opportunity to speak to the electorate, roughly in proportion to their popular support. This means that the electorate gets to hear the arguments between the main contenders for office, while parties with less support also get a say (but a smaller one).

The main considerations for equitable access are likely to be:

- a party's strength in previous elections
- the number of candidates it is fielding

There is usually a minimum allocation of time to all parties, or at least to those fielding a certain number of candidates. This is an attempt to address the criticism that an "equitable" approach is not very fair to new parties.

These calculations are more difficult to make in a presidential election, where a candidate may be standing for the first time.

Examples of countries that use a system of equity of access are:

### **Greece**

As of 2002, all informative (as opposed to entertainment) television and radio stations, whether public or private, are obliged to provide free airtime of ten minutes each week (not to be shifted or aggregated) for parties and coalitions of parties represented in the Greek and European Parliaments. Non-parliamentary parties are also allowed free airtime, at a rate of five minutes of for political parties with lists in least three fifths of constituencies of the country; and three minutes for parties with lists in at least half of constituencies.<sup>[viii]</sup>

### **Spain**

Spain uses a formula to determine allocation of free airtime. As of the mid-1990s, this formula was: parties that did not win seats in the previous election have ten minutes' broadcasting time. Parties that won less than five per cent of the vote have 15 minutes' broadcasting time. Parties that won up to 20 per cent have 30 minutes and those that won more than 20 per cent have 45 minutes' broadcasting time.

### **United Kingdom**

A committee of broadcasters and political parties at each election reviews the formula for allocation of broadcasting time. It is roughly as follows: all parties fielding 50 or more candidates are allocated one free broadcast. The two main parties receive equal broadcasting time - usually about five ten-minute broadcasts. The third main party receives slightly less - usually four ten-minute slots.<sup>[ix]</sup>

### **Israel**

All parties contesting an election are given a basic allocation of 10 minutes broadcasting time. Parties that were represented in the outgoing Knesset (parliament) receive an additional three minutes for each seat they held.<sup>[x]</sup>

### **Turkey**

All parties contesting the election are entitled to ten minutes broadcasting time. Parties with parliamentary representation may receive an additional ten minutes. In addition, the governing party is entitled to an additional 20 minutes, and the main opposition party to another ten minutes.<sup>[xi]</sup>

## The Argument Against Equity

This system is an obstacle to the emergence of new parties, since it is always based on what support they achieved last time. And what if there was no last time? How is popular support determined in a first democratic election? The system could thus be open to abuse.

## And the Answer?

There is no right or wrong answer to this problem, as can be seen by the variety of solutions in both well-established and new democracies. But the different approaches may suit different political systems better. Here are some further considerations:

- Equality may work better when there are fewer parties or candidates. When there are too many then the "cake" may have to be cut into impossibly tiny slices, or made so large that there is too much election broadcasting for anyone to take in.
- Equality may work better in a new or "transitional" democracy. This perhaps contradicts the previous point, since new democracies often have many parties (and ruling parties in new democracies may encourage this). But the point is that if there has been no previous democratic election, then there will be no commonly agreed measure of how much popular support each party has.
- Conversely, equity may work better in an established democracy where there are clear measures of past electoral support. Or are the equality advocates right, and does this just obstruct the emergence of new political alternatives?

But even these considerations are only pointers. Many established democracies - France, Italy, Denmark - allocate direct access broadcasting in the public media on the basis of equality (in at least some elections). And many new democracies -, Brazil, Namibia - allocated time on a proportional or equitable basis.

Whichever approach is adopted, its success will depend in large measure on the credibility and impartiality of the regulating body that allocates the broadcasts. This is a very strong argument for having the political parties themselves involved in drawing up the regulations governing media and elections. Parties are more likely to be committed to a process in which they have been consulted and have contributed to designing the system.

All these arguments clearly apply primarily to criteria for allocating direct access time - that is, direct access broadcast programmes that are available free to parties. Paid political advertising, where it is allowed, will usually be on the basis that parties can have as much direct access time as they can afford (or as they are allowed within campaign spending limits). But this may not

always be the case. And if limits are to be applied to paid advertising, then the same considerations of equality and equity may apply.

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[i] Anne Johnston and Jacques Gerstle, "The Role of Television Broadcasts in Promoting French Television Candidates", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha (London/Thousands Oaks: Sage Publications, 1995)

[ii] Karen Siune, "Political Advertising in Denmark", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha (London/Thousands Oaks: Sage Publications, 1995)

[iii] Ibid

[iv] Gianpiero Gamaleri "Italy and the 1994 Elections: Media, Politics and the Concentration of Power", in *Media and Elections: a Handbook*, eds. Yasha Lange and Andrew Palmer, (Dusseldorf: European Institute for the Media, 1995)

[v] "Library of Congress, Law Library, Report for Congress: Campaign Financing of National Elections in Selected Foreign Countries" (Washington, DC: July 1995, LL95-4, 95-1354), 58

[vi] "Report: Observation of the parliamentary elections in Armenia (12 May 2007)" (Council of Europe, 2007), <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=11577&Language=EN>

[vii] Kees Brants, "The Blank Spot: Political Advertising in the Netherlands", in *Political Advertising in Western Democracies*, eds. Lynda Lee Kaid and Christina Holtz-Bacha, (London/Thousands Oaks:, Sage Publications, 1995)

[viii] "Greece: Early Parliamentary Elections 4 October 2009", (OSCE/ODIHR Election Assessment Mission Report, Warsaw, 2009),15, <Http://Www.Osce.Org/Odihr/Elections/Greece/41001>

[ix] Brian Wenham "The United Kingdom: Impartial broadcasters and a Partisan Press", in *Media and Elections: a Handbook*, eds. Yasha Lange and Andrew Palmer (Dusseldorf: European Institute for the Media, 1995)

[x] Library of Congress, Law Library, Report for Congress: Campaign Financing of National Elections in Selected Foreign Countries. Washington, DC: July 1995, LL95-4, 95-1354: 58

[xi] Library of Congress, Law Library, Report for Congress: Campaign Financing of National Elections in Selected Foreign Countries. Washington, DC: July 1995, LL95-4, 95-1354: 194

#### **4.28.3 Criteria for Allocation of Direct Access Time**

Applying criteria for allocating direct access broadcasts is primarily an issue for countries wanting to provide equitable (rather than equal) access,. However, in systems of "modified equality", such as in the Netherlands, the regulatory body may have some discretion to allocate additional time to the major parties.

In any system, the first criterion to be established is whether there is a qualification threshold. Even some equality-based systems (such as Denmark, Norway, and Japan) require a form of qualification - such as number of seats contested or a minimum of public signatures.

Equity systems will also have to decide on a qualification threshold. In new democracies, it is more likely that the threshold will be set low, because of the difficulty of knowing what level of popular support each party enjoys. Thus in South Africa, for example, all parties receive a minimum allocation. In long established democracies, the threshold is often higher. The threshold should usually be determined by the number of seats contested, rather than the number previously held, since the latter would be a great obstacle to the emergence of new parties. Hence in the 2010 General Elections in England, for example, the threshold was 89 contested seats, or about a sixth of the total. Allowance was also made for a party that did not fulfil these criteria, but which could 'demonstrate that it has significant levels of current electoral support.'<sup>[1]</sup>

Once the threshold has been established, there are two other criteria that are usually taken into account in allocating time:

- How many seats are the parties contesting (or how many candidates are they fielding)?
- How much popular support have they enjoyed in the past?

In answering the first question, it is immediately clear that this will be determined to a considerable extent by the nature of the election and the electoral system. Presidential elections, for example, are likely to be far more equal in the allocation of broadcasting because they are generally based on a more individual competition than simply a difference of parties. Hence France allocates broadcast time in its presidential elections on a purely equal basis, although Brazil has done so on the basis of the level of parliamentary support for the candidates' parties.

In parliamentary elections, the nature of the voting system clearly determines how significant smaller parties are likely to be to the outcome, which may in turn determine what time allocation they receive. In a first-past-the-post system, a party that wins 10 % of the vote nationwide is likely to be completely marginal (and possibly unrepresented in parliament), while the same party in most proportional representation systems could be an important player. Thus the allocation of broadcasting time under the latter system is likely to tend towards greater equality, or at least a lower threshold for qualification.

But strangely, the classic first-past-the-post model, the United Kingdom, makes a conscious effort to compensate for the inequities of the electoral system in its allocation of time. Thus the third national party, the Liberal Democrats, which consistently receives parliamentary representation much lower than its share of the popular vote, nevertheless receives a time allocation that is actually proportionally higher not only than its number of parliamentary seats, but also than its vote.

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[1] [http://www.broadcastersliaisongroup.org.uk/criteria\\_genelect.html](http://www.broadcastersliaisongroup.org.uk/criteria_genelect.html)

#### 4.28.4 Timing and Length of Direct Access Slots

The timing of direct access slots is clearly of paramount importance. A broadcast when everyone is asleep or at work will be of little use to anyone. As with commercial advertising, everyone will aim for "prime time".

All this is obvious, yet it is surprising how often it is overlooked. In the 2000 Zimbabwe referendum campaign, the Yes vote campaign (supported by the government) almost invariably received slots at around the time of the main evening news. The No campaign had to go to court to get its own broadcasts aired - yet the ruling did not specify when these were to be aired, so they received less advantageous times.<sup>[i]</sup>

The issue may not only be when a slot is broadcast, but also what is on the other channels. In the 2000 presidential elections, Serbian television tried to reduce audiences for broadcasts by opposition candidate Vojislav Kostunica by scheduling them simultaneously with a popular soap opera.

Yet the issue can be exaggerated. In Chile's 1988 plebiscite, broadcasts were deliberately put out at obscure off-peak times in order to dampen down political enthusiasm. But a population denied any active political debate for 15 years was not to be deterred and watched them eagerly.<sup>[ii]</sup>

The key point is equality of access to the best slots, whenever these may be. A popular way of achieving total equality is by drawing lots - an approach that is most common when there is also equality in the amount of time allocated.

A mechanism that found favour in the past was the simultaneous broadcast of party election broadcasts on all channels. This approach has something to recommend it, but has been generally abandoned in favour of a philosophy where viewer choice is sovereign. In practice, the proliferation of television channels in many countries made it unenforceable.

A second issue is the length of broadcasts. There are two competing trends here. Traditionally, the purpose of law and regulations has been to ensure that slots are long enough for parties to get their message across.

But in the age of slick advertising and sound bites, it is increasingly felt that the 10-minute election broadcast is a thing of the past. Previously in the United Kingdom, the main parties were allocated five 10-minute slots - but only actually broadcast for five minutes of each of them. If the rules permitted they would no doubt take 10 five-minute slots, but they do not. So the parties preferred to forego half their time allocation in order not to repel the voters by going on at too great length. More recently, timeslots have been shortened to under five minutes.<sup>[1]</sup>

In the United States, there are moves to ensure a minimum length for political advertisements in order to compel politicians to make appeals to the voters' reason rather than their emotions.



For the regulator, there are two alternative approaches. One is to specify precisely the time slot available - say a five-minute broadcast - and then it is up to the party to fill it. If they choose not to, then they lose the time not used. The second is to give an overall allocation of time that the party can then use as it chooses. The problem with the second approach is that it makes planning on the part of a broadcaster almost impossible.

A third approach might represent a compromise between the two. Parties could be given a total allocation of broadcast time in accordance with an agreed system. That time allocation could then be broken into different length time slots, allowing parties a mixture of lengthy and reasoned argument on the one hand and snappy advertising messages on the other.

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[1] <http://www.broadcastersliaisongroup.org.uk/guidelines.html>

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[i] "A question of balance: The Zimbabwean media and the constitutional referendum" (Media Monitoring Project Zimbabwe report, Harare, March 2000)

[ii] "Guidelines for Election Broadcasting in Transitional Democracies", (London: ARTICLE 19, 1994),16

#### **4.28.5 Who Pays for Direct Access Broadcasts?**

Party election broadcasts, as distinct from political advertising, are usually described as "free". But all this means is that the parties themselves do not pay for the time that is allocated to them. This leaves unanswered two questions:

- Who does pay for the airtime?
- And who pays to make the programme itself?

In practice there are two possible answers to the first question: either the broadcaster is required to provide the time for free, or the government or electoral authority will purchase the time from the broadcasting company. For public broadcasters, the answers will almost always be the first. The charter or regulations governing the public broadcaster will require them to provide this service. In some cases a similar public service obligation might exist for private broadcasting licensees. But in the latter case it is more common that a supervisory body will buy the time on the parties' behalf. This is what happens in Mexico, for example, where the Federal Electoral Institute buys and allocates 15 minutes a month of television and radio time for each party.

In some exceptional circumstances, a third party pays. In Afghanistan for the 2004 and 2005 elections, direct access production and airtime was arranged, managed and paid-for by donors.

The second question - who pays for the programme content itself - is altogether more complex. Usually, the answer is the party, although this in itself may be constrained by legal limits on campaign spending. Costs can be kept relatively low by the use of sympathetic personnel - most famously the Hollywood film directors John Schlesinger, Hugh Hudson and Mike Newell,

who have made party election broadcasts for the main parties in Britain (although in each case the saving on the director's fee was probably more than offset by the high production costs).

If the party makes its own election broadcasts, this clearly favours the richer parties.

An alternative solution is for the public broadcaster to put production facilities at the parties' disposal. This was the approach in the early days of party political broadcasts, which were studio-bound and really just an extension of the old-fashioned ministerial address to camera. It has been revived in transitional democracies where new parties are unlikely to have either the funds or expertise to produce their own broadcasts.

#### **4.28.6 Who Produces Direct Access Broadcasts?**

In certain circumstances – especially transitional elections in poorer countries – political parties may have no facilities to make their own election broadcasts. A well-designed system will take account of this, making sure that parties have easy access to private or (more likely) public broadcasting studios where they can plan and record their material.

In Mozambique in 1994, a number of parties did not have the facilities to make their own election broadcasts and were unaware of the procedures for providing video cassettes to the broadcaster. The result was that their slots went out with a blank screen, or at most a caption urging viewers to vote for the party. [1]

In the Polish elections of 1990, by contrast, state-owned Polish television provided facilities for the parties to produce their broadcasts according to strictly defined criteria. It made available a studio for recording, or a camera team consisting of three technicians and a journalist. (The parties could decide not to have the journalist if they felt that his or her presence would compromise their own editorial control of the broadcast.) The role of the team was purely technical:

Any technical assistance rendered by Polish Television staff which has a bearing on the substantive contents of the broadcast may take place only in the presence of a member of the candidate's staff. Proper note of this must be entered into the production log.

The candidate's staff were allowed to be present at any time during the recording, editing or post-production phases of preparing the broadcast. [2]

[1] Diana Cammack, *Election reporting: a practical guide to media monitoring*, ARTICLE 19, London 1998, p. 4.

[2] Karol Jakubowicz, "Poland and the 1993 Election Campaign: Following the Line of Least Resistance" in Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, European Institute for the Media, Dusseldorf, 1995.

#### 4.28.7 Direct Access in Referenda

In a referendum or plebiscite, many of the complex questions related to allocating of broadcasting time fall away. The choice is a straight yes or no. Since the question will not have been asked before, there can be no question of taking into account previous voter opinion on the matter. Equality and equity coincide: both sides should have equal time to put across their arguments.

This was the conclusion of the UN Technical Team on the 1993 Malawi Referendum:

In the case of government-owned media it is customary that equal access, both in terms of timing and length of broadcast, should be given to the competing sides.<sup>[1]</sup>

Such also was the practice in, for example, the 1988 Chile plebiscite on the restoration of democracy.

However, things may be slightly more complex. Commonly, more than one party may line up on each side of the referendum debate – indeed, sometimes parties may be divided within themselves. Who, then, has a right to speak for each side?

In 1979, a Scottish court had to determine just such an issue in a referendum on devolution of political power. Both the main UK parties were divided on the issue, with members campaigning for both sides in the referendum debate. Broadly speaking, three main parties in Scotland lined up in favour of devolution and one against. The court concluded, nevertheless, that the Yes and No camps should have equal time - party support was irrelevant.<sup>[2]</sup>

Yet more complex issues will arise if different groups support the same proposition in a referendum but from a different perspective and organized in different campaigns. In that case, some of the normal allocation criteria used in elections will have to be brought into play to determine how much broadcasting time each group is allocated. However, the overall principle of equality between the two sides will not be affected.

<sup>[1]</sup> Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi (15-21 Nov. 1992), para. 27.

<sup>[2]</sup> Wilson v. Independent Broadcasting Authority, 1979 SLT 279.

#### 4.28.8 Paid Political Advertising

Whether or not a country allows paid political advertising in broadcasting is likely to depend heavily on the traditions in its style and ownership of broadcasting and consequently the type of regulatory system that has evolved.

The issue of paid advertising for political parties or candidates in print media is generally uncontroversial. The practice worldwide is almost universally the same: advertising is permitted, subject only to other limitations such as campaign spending ceilings and sometimes restrictions on content.

However, the fact that many countries have followed a different course with regard to political advertising on radio and television can be put down to two factors:

- First, the cost of advertising on radio or, especially, television is usually much greater than in the print media.
- Second, broadcasters are either publicly owned or receive their share of the frequency spectrum from a public body.

Of course, neither of these factors in itself automatically leads to a prohibition on political advertising over the airwaves. But they do perhaps explain why the approach has been different.

Broadly speaking, countries with a long tradition of public ownership of broadcasting, such as France, the United Kingdom, and Denmark, have tended to be hostile to paid political advertising. Those with a stronger commercial broadcasting tradition - the United States represents the extreme - have tended to regard political advertising as natural. It is notable that the European country where commercial broadcasting is most dominant - Finland - should also be the one where unrestricted political advertising is permitted.

This is the rough tendency, but there are many exceptions. Canada, for example, which has a public broadcasting tradition similar to the British, has an approach to political advertising much closer to its southern neighbour. Nor is the issue necessarily to do with whether a public broadcaster accepts commercial advertising. The British Broadcasting Corporation has always maintained a strict prohibition on commercial advertising, but French public broadcasting has permitted it since the 1960s. Each maintains an equally strict embargo on political advertising.

A common pattern, of course, is for the public broadcaster to give free direct access slots according to predetermined criteria, while private broadcasters sell advertising slots to parties and candidates, often according to different criteria. This is the case, for example, in Germany, and was too in Italy immediately after the legalization of private commercial broadcasting.

### **The Argument For Paid Political Advertising**

The argument in favour of paid political advertising is a freedom of speech argument and finds its apogee in the United States. There it is generally assumed that the First Amendment to the Constitution - prohibiting Congress from passing laws "abridging" free speech - protects paid advertising. Indeed, existing campaign contribution limits are often criticized as being in violation of the First Amendment. Other arguments in favour state that paid political advertising promotes a greater quantity and diversity of views and encourages public debate; while simultaneously not being a burden on the tax dollar.

Some research also indicates that political advertising can be educational, for example a study that looked at long-term change (1952 – 2000) in the public's assessments of presidential candidates in the United States, which concluded that

While news may be more sensational and less substantive than in the past, campaign advertising has become more substantive in content and has grown tremendously in reach, frequency, and sophistication.

Indeed, this study argues that

...the public's steady level of information and increased focus on policy in presidential politics reflects the high level of policy content in paid ads, which have compensated for the shift of news coverage toward candidate character, scandal, and the horserace.<sup>[i]</sup>

### **The Argument Against Paid Political Advertising**

The argument against paid political advertising is an equality argument: all parties or candidates should have equal or fair access to direct broadcasting regardless of the state of their campaign finance. Countries that favour an equal direct access system almost always have a prohibition on paid advertising. But so do many, such as the United Kingdom, which operate "equity" systems.

Some argue that paid advertising in fact increases the "dumbing down" of political debate. It is clear that paid commercials are generally much shorter in length than free direct access slots and generally tend to sell a candidate or party (or denigrate the opponent) rather than develop an argument. The difference in length is striking: the average length of paid advertising slots in Finland is 10-25 seconds and in the United States 30-60 seconds. In France, the United Kingdom, and Denmark the length of free slots ranges from five to 10 minutes.

In addition, paid political advertising "can even lead to a political dependence on campaign fundraising, undermining the integrity of the democratic system." In other words, leaders skew their decisions and direct their statements toward those likely to generate donations, instead of acting in the best interests of their constituents.<sup>[ii]</sup>

What is striking, however, is the number of countries that have a mixture of paid and unpaid direct access broadcasting. Usually, the approach will be to allocate parties a basic share of free direct access time, which can then be topped up with paid advertising if the party chooses to do so and can afford it.

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<sup>[i]</sup> Martin Gilens, Lynn Vavreck and Martin Cohen, "The Mass Media and the Public's Assessments of Presidential Candidates (1952 - 2000)", *Journal of Politics* 69, no. 4 (2007):1160, <http://sitemason.vanderbilt.edu/files/hpZoPu/Mass%20Media%20GILENS.pdf>

<sup>[ii]</sup> Michael Karanickolas *Regulation of paid advertising: A survey*, (Centre for Law and Democracy, March 2012), <http://www.law-democracy.org/wp-content/uploads/2012/03/Elections-and-Broadcasting-Final.pdf>

#### 4.28.8.1 Examples of Countries that Allow Paid Political Advertising

The common characteristic of systems in which there is paid political advertising is that advertising is unlimited - parties and candidates can buy as much as they can afford - whereas free direct access broadcasts are limited to a pre-determined share.

But this is not always the case, and a number of countries that operate a mix of paid advertising and free direct access limit the share of the former in proportion to the latter. Canada has a system in which a ceiling is set on the amount of advertising time that each party can purchase, on a basis that is closely akin to systems elsewhere for allocating free direct access time.

It is, in fact, relatively unusual to find a system that is characterized solely by paid political advertising with no free direct access. For many years Finland was an almost solitary example in Europe, with most other examples to be found in the Americas.

Venezuela, for example, allows no political advertising on the two government broadcasting channels, but unlimited advertising on private commercial channels. Political parties generally appear to be prepared to pay the same rates as other advertisers. There is a state subsidy for spending on advertising. The electoral law authorizes the Supreme Electoral Council to contribute to parties' advertising campaigns. The way this has generally worked is that *after* the election the Supreme Electoral Council gives grants to parties that obtained at least 10 per cent of votes cast in congressional elections.

An extraordinary characteristic of the Venezuelan system is that the incumbent administration is also allowed to buy advertising. The administration's commercials are not allowed by law to promote the ruling party - but the government's and the ruling party's commercials can be broadcast one after the other creating a strong argument in favour of the incumbent. In 1978, the government spent almost as much on television advertising as the two main political parties. Venezuela has an extremely high level of spending on political advertising - according to some estimates the highest per capita rate in the world.<sup>[i]</sup>

The United States is the best-known example internationally of a system of paid political advertising. But contrary to first impressions, the US system is far from unregulated. Legislation limiting campaign donations has a particular impact on television advertising, which is by far the largest item in the campaign budget.

But that is not by any means the full extent of regulation. The Federal Communication Act of 1934 as amended requires broadcasters to offer to sell equal time to all candidates for federal office. This must be available at the lowest rate charged to non-political advertisers. Equal opportunity means that stations that sell time to one candidate must give the opportunity to others.<sup>[ii]</sup> These are important principles, which ensure that political advertising does not entirely become the preserve of those with the biggest campaign war chests. They have been emulated in political advertising regulations worldwide:

- Advertising is offered at the lowest rate.

- If advertising space is offered to one candidate it is offered to all.

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[i] Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", (Committee for the Study of the American Electorate, n.d.)

[ii] Robert M. Entman, "The Media and U.S. Elections: Public Policy and Journalistic Practice", in *Media and Elections: a Handbook*, eds. Yasha Lange and Andrew Palmer, (Dusseldorf: European Institute for the Media, 1995)

#### 4.28.9 A Mixed System of Advertising and Free Access

A number of countries provide for a mixture of free direct access broadcasts and paid advertising. This may be an effective compromise between the "freedom of expression" argument that will not allow prohibition of advertising and the "equality of opportunity" argument that says that all parties or candidates should have a voice.

Barbados, for example, has just such a mixed system. Parties and non-party candidates are allowed to buy radio and television advertising to top up their allocation of free broadcasts. But they can only buy slots up to a predetermined number, calculated on the basis of the number of candidates they are fielding. The system for determining this limit is in fact different from that used to allocate free broadcasts, but has the same effect. There is also a time limit on each advertisement (30 seconds on radio and 60 seconds on television).

In Montenegro, the regulations for state media in the elections provide for a mixture of paid and free advertising. Each electoral list is entitled to five minutes direct access time in total, of which two minutes are free and broadcast at times specified in the regulations. The remaining three minutes are purchased at market rates and their broadcast time is a matter of arrangement between the election list and the broadcaster. Presumably, this means that variable rates would apply (as they would for commercial advertisers) depending on when the political advertisement was broadcast.

The Canadian system is also, in effect, a mixed one. Between elections, there is an allocation of free party political broadcasts: 60 per cent for the opposition parties and 40 per cent for the governing party. The exact allocation of these broadcasts is generally made by the parties themselves (although the Canadian Broadcasting Corporation will make the allocation if the parties cannot reach agreement). In addition to these "free time broadcasts", there are occasional ministerial and prime ministerial broadcasts. There is an opposition right of reply to the latter, but not the former. In election periods, however, this system is overlaid by one of paid political advertising. There is a given amount of advertising time available, which is allocated to the parties according to a formula that they agree among themselves. They are then allowed to purchase advertising time up to the limit of their allocation.<sup>[1]</sup>

[1] Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", Committee for the Study of the American Electorate, n.d.

#### 4.28.10 Regulation of Content of Direct Access Material?

The question arises whether the regulatory body should attempt in any way to control the format or the content of direct access programmes, whether they be free party election broadcasts or paid political advertising. There is a strong presumption against any such regulation, given the general hostility of international law to prior censorship of any kind. The arguments in favour of some sort of regulation fall into two categories:

- Regulation of format - usually in order to ensure that a serious political message is conveyed.
- Regulation of content - in order to prevent the broadcast of improper or illegal material.

The latter argument clearly relates closely to the question of the policy adopted on issues of "hate speech". It also relates to the question of how far the media themselves are liable in law for the content of political messages that they broadcast. It is often the media themselves who are most vocally in favour of restrictions on the content of political broadcasts if they fear that they will be subject to legal action as a consequence. They favour a system, such as that in Israel, whereby party broadcasts have to be approved by the Electoral Commission in advance of being aired.

In 1994 the South African Independent Media Commission addressed this issue in a slightly different way. The law laid down that a party election broadcast should not contain material that might reasonably be expected to expose the broadcasting licensee to legal liability. In other words, the onus was on the parties to ensure that their material complied with the law, even though the broadcaster could be liable if illegal material were broadcast. [1]

Barbados law (which is typical of that in a number of countries) sets out a number of specific prohibitions:

- any matter in contravention of the laws of Barbados
- any abusive comment upon any race, creed or religion
- any obscene, indecent or profane matter
- any malicious, scandalous or defamatory matter.

The third of these opens up a particularly perilous area. Attempts to regulate on grounds of "good taste" are notoriously difficult and, of course, highly culturally specific. Few countries, for example, would share the Finnish approach to direct access broadcasting, where negative



campaign messages are strictly prohibited - yet party representatives appear on screen in the nude, within the traditions of Finnish sauna. [2]

Clearly the distinction between regulation of form and content is a slightly artificial one. Some countries propose a minimum length for political broadcasts in order to ensure that there is a serious argument conveyed and not just an advertising message. But others prescribe a maximum limit: Barbados, for example, limits advertising to a maximum of 60 seconds.

Venezuela has, in most respects, an extremely unregulated system of political advertising. Yet the Supreme Electoral Council (SEC) has the power to order the withdrawal of an advertisement that is not in "good taste" or that significantly misrepresents the position of an opponent. The SEC has also prohibited the use of subliminal propaganda or other means of "hidden psychological persuasion" in television political advertising. (This led in turn to an overall ban on subliminal advertising in Venezuela.) [3]

France, which has a far greater degree of regulation in these matters than most advanced democracies, has various formal restrictions that are aimed at affecting the quality of the message conveyed. In the 1988 presidential election, for example, only one of the broadcasts allocated to each candidate could be filmed outside the television studio and only 40 per cent of each broadcast could contain archive film footage. The aim of these restrictions was to ensure that there was a high element of the candidate presenting policies to camera. The regulations also provided that candidate broadcasts could not use archival footage without the consent of those who appeared in them - clearly a way to forestall personal attacks on opponents. [4]

Some countries follow the Finnish example and have an explicit prohibition on personal attacks. (Finland also prohibits product advertising in political broadcasts.) [5] In Costa Rica the Supreme Election Tribunal can order a negative political advertisement off the air if it comprises a personal or unverifiable attack. In one such case in 1990, an advertisement suggested that the incumbent candidate's law degree was acquired illegally. The Tribunal halted the broadcast of the advertisement after one showing.

The French have further regulations that are more content-related and aim, in particular to reduce the incumbent's advantage. For example, in 1988 presidential candidates were not allowed to use the flag or national anthem, or to show the places where they perform their official duties - in other words, the President would have to broadcast from a studio like his opponents and not from the Elysee Palace. [6]

Probably no country has agonized over these matters more than Germany, with its history of "hate speech" and extremist politics and its tight constitutional restrictions on certain types of political advocacy. Yet in political advertising it is accepted that certain types of false statements may be communicated. The Federal Constitutional Court has stated that these are not a basis for refusing political advertising. [7]

It has been broadcasting stations that have tried to refuse material from some parties, especially neo-Nazis. The Federal Constitutional Court partially supported such an approach:

"It is not within the power of a broadcasting station to deny an election slot with the argument that its contents appear unconstitutional, since the competence to decide upon the constitutionality of a party and its announcements lies only with the Federal Constitutional Court. The station has however the right to expect that the party uses its airtime only for legal campaigning, and in particular that no relevant and evident breach of criminal law will take place. The station is therefore entitled to control the content of the slot and - in the case of such a breach of law - to refuse transmission." [8]

[1] Article 29, Independent Media Commission Act, 1994.

[2] Tom Moring, "The North European Exception: Political Advertising on TV in Finland", in Lynda Lee Kaid and Christina Holtz-Bacha (eds.), *Political Advertising in Western Democracies*, Sage Publications, London/Thousands Oaks, 1995.

[3] Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", Committee for the Study of the American Electorate, n.d.

[4] Anne Johnston and Jacques Gerstle, "The Role of Television Broadcasts in Promoting French Television Candidates", in Lynda Lee Kaid and Christina Holtz-Bacha (eds.), *Political Advertising in Western Democracies*, Sage Publications, London/Thousands Oaks, 1995.

[5] Tom Moring, "The North European Exception: Political Advertising on TV in Finland", in Lynda Lee Kaid and Christina Holtz-Bacha (eds.), *Political Advertising in Western Democracies*, Sage Publications, London/Thousands Oaks, 1995.

[6] Anne Johnston and Jacques Gerstle, "The Role of Television Broadcasts in Promoting French Television Candidates", in Lynda Lee Kaid and Christina Holtz-Bacha (eds.), *Political Advertising in Western Democracies*, Sage Publications, London/Thousands Oaks, 1995.

[7] Helmut Druck "Germany: Equality within the Constitution", in Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, European Institute for the Media, Dusseldorf, 1995.

[8] Cited in Ibid.

#### **4.28.11 Political Advertising and Campaign Spending Limits**

An indirect form of regulating paid political advertising in many countries is a limit on campaign spending. Such limits apply widely, and, since television advertising will usually be the largest item in the campaign budget, it is here that the greatest impact will be felt. In Canada, for example, spending limits mean that parties can never use up their allotted share of advertising time. Sometimes these limits are made explicit by law. In the 1994 South African election, for example, it was stated that all political advertising was subject to any legal limitations on campaign spending.

Venezuela, estimated to have the highest per capita spending on political advertising in the world, not surprisingly has no limit on spending. The United States, generally regarded as the home of political advertising, has a fairly complex system to regulate campaign financing, especially in presidential elections. The 1971 Federal Election Campaign Act (amended in 1974 and 1976) established equal federal financing of presidential elections and federal subsidy of primaries. It also set ceilings on what candidates could spend on TV advertising, although these were removed when the law was amended. In an important 1976 case - *Buckley v Valeo* - the Supreme Court upheld the principle of public financing but struck down limits on spending by "political action committees" (PACs) if these were independent from the presidential campaigns themselves. The court also decided that there would be no limit on spending by individuals.<sup>[i]</sup>

The effect of this is to create routes whereby presidential campaigners can bypass the limitations, and PACs are increasingly used as a workaround to ceilings on spending. Donors can give money to parties or political action committees rather than to the candidates themselves. It also means that a wealthy individual, such as the independent Ross Perot in 1992, can stand without any spending cap at all.

All political advertisements in the United States must carry a disclaimer indicating who paid for them.<sup>[ii]</sup>

Japan is another country that makes the distinction between parties and candidates in its control of campaign spending. Candidates themselves are not permitted to buy broadcasting time. Parties, on the other hand, can buy advertising time, provided that their advertisements call for support for the party, not for specific candidates.

Controls on campaign finance can be used as a means of giving opportunities to poorer parties in an environment of paid advertising. In Mongolia's first parliamentary elections in 1990, for example, each party was allocated the same amount of free and paid time. But the government subsidized the paid time of the smaller parties.

It is sometimes proposed that this "topping up" option be used to equalize campaign spending - as a way of enforcing spending limits but not in a heavy-handed manner. The idea would be that spending limits are set. If one party exceeds them, then the others would receive a top-up out of public funds.

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[i] Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", (Committee for the Study of the American Electorate, n.d.)

[ii] Robert M. Entman, "The Media and U.S. Elections: Public Policy and Journalistic Practice", in *Media and Elections: a Handbook*, eds. Yasha Lange and Andrew Palmer (Dusseldorf: European Institute for the Media, 1995)

#### **4.28.12 Government's Duty to Inform - Voter Information**

International law and standards increasingly recognize the obligation of governments and publicly funded media to educate and inform voters about fundamental aspects of the electoral process.

These might typically include:

- how, when, and where to register as a voter
- how, when, and where to inspect the voters' roll
- how to make a complaint about the voters' roll or any other aspect of the election
- what the election is for - who is being elected
- what are the constituency boundaries
- where and when to vote
- how to mark the ballot so that the vote is considered valid
- that the vote is secret

It is essential that all voters are in possession of the basic information that they need to exercise their democratic rights. The obligation on governments to ensure participation in democratic elections "without discrimination" means that they are obliged to make a special effort to inform those who are at a particular disadvantage in exercising their democratic rights. Such groups may include:

- women
- racial, national, or ethnic minorities
- the poor, especially those who are illiterate
- people with disabilities

One of the strongest arguments in favour of public ownership of sections of the media is that this gives the public authorities the means to conduct programmes of information and education. Voter information, voter education, and civic education are among the most important examples of the public service role. National broadcasting stations, which are accessible to the illiterate and often to the relatively disadvantaged, play an especially important part in this.

However, this is also where the obligation on publicly-owned media to behave impartially becomes especially important. It is a fundamental principle of voter education that the information provided should be impartial and not favour any of the participants in the election.

#### **4.28.13 Third Party Campaigning**

Besides political parties and candidates, there are other stakeholders who regularly – and increasingly – become involved in election campaigning. These are lobby or interest groups

known as third parties, and they are important and legitimate elements of the democratic process, as they represent values or concerns held by segments of the public.

Many democracies have found it difficult to create enforceable rules around third party campaigning however. This is especially the case where lobby and interest groups straddle the line between party support and non-partisan lobbying. For example, a survey conducted by the Centre for Law and Democracy found that:

[In America], advertising by third parties...is almost entirely unregulated. The result of this approach in the United States has been a political atmosphere that is significantly influenced by money and where third party organisations – immune not only from spending limits but also, due to their arm’s- length relationship with candidates, from the basic tenets of democratic civility – play an increasingly prominent and ugly role in the discourse.

The depths to which these third party organisations can stoop was vividly illustrated by the attacks on 2004 presidential candidate John Kerry by “Swift Boat Vets for Truth”, a political action group. The group subjected Kerry, a decorated veteran of the Vietnam War, to a bevy of groundless allegations including having lied about his military service and about the engagements for which he was awarded medals. Kerry’s war record had been seen as one of his political strengths, which was problematic for his opponent, President George W. Bush, who had himself avoided military service. Had Bush attempted to attack Kerry’s service directly, he would have been criticised for practising dirty politics and for hypocrisy, given his own history. But since the attacks came from an arm’s length third party, the Bush campaign was able to deny responsibility, and to condemn the attack ads as “deplorable” even while they continued to air. Thus, third party advertising allows for a dirtier brand of politics, enabling candidates to wash their hands of particularly ugly attacks by claiming that they are the work of outside operatives over whom the candidates have no direct control.

Although the United States is the most prominent example of a country with a loose regulatory regime, especially as applied to third party advertising, there are other nations that take a similar approach, including Venezuela, where paid advertising has had a similarly problematic effect. In Latvia, where election advertising laws also do not apply to third parties, there was criticism of the role that third party advertisers played in the 2006 election campaign.<sup>[i]</sup>

Countries with tighter regulatory regimes for campaign spending also tend to extend campaign rules to third party messages “with a partisan political character,” to prevent domination of media outlets by these partisan organisations. Countries including the United Kingdom and Canada apply such rules. Meanwhile, countries such as France, Ireland and Belgian which ban paid political advertising on radio and television, but provide free direct access to political parties and candidates, thereby bar partisan third parties altogether from buying broadcast time.<sup>[ii]</sup>

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[i] Michael Karanicolas, *Regulation of paid advertising: A survey*, (Centre for Law and Democracy March 2012), <http://www.law-democracy.org/wp-content/uploads/2012/03/Elections-and-Broadcasting-Final.pdf>

[iii] Ibid.

#### **4.28.14 Balanced News Coverage**

International law establishes the general obligation on publicly-funded media to report fairly on the election process. In many countries, this obligation will be set out in specific legislation such as the law relating to broadcasting or the electoral law itself. Elsewhere, there may be a general obligation of balance and fairness established in the founding legislation of the publicly-funded media, but how this works in practice is left up to voluntary self-regulation.

The British Broadcasting Corporation, with its "stopwatch rule", is an example of the latter approach. The corporation keeps a record of the time allocated in news bulletins to the different political parties, with the aim of keeping the balance in conformity with the proportional allocation of time for party election broadcasts. The principle of record-keeping is an important one: the public broadcaster (or any other, for that matter) should know exactly what it has broadcast in order to be able to answer any subsequent complaints.

Two transitional democracies are examples of countries that have taken a far more regulated approach towards the public broadcaster. The rationale for this is that the state broadcaster in a new democracy will have little experience of operating independently of government and requires more clearly defined rules to enable it to report in a balanced manner.

#### **Malawi**

In Malawi in 1994, the electoral commission set out very detailed guidelines, which dealt among other matters with news coverage by the publicly funded (and government-controlled) Malawi Broadcasting Corporation (MBC). The MBC was required to provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political Parties during the period of campaigning and thereafter to provide news of the electoral process up to the close of poll.

The guidelines went on to extend this requirement of balance to other special election programming such as debates and phone-ins. They set out extremely detailed provisions for the format and organization of these special programmes.

The guidelines imposed an obligation on the MBC to ensure that parties did not use other programmes to campaign. (In fact this did occasionally happen - for example, when football matches were used as an occasion for songs in praise of the incumbent president.)

And the guidelines contained a strict injunction to the staff of the public broadcaster:

MBC staff, as public service broadcasters, may not broadcast their own political opinions. Any commentaries or assessments must be clearly identified as such and carefully balanced to avoid bias.

#### **Montenegro**

Likewise, the Montenegrin Assembly in 1998 agreed a resolution on the role of state media in election campaigns that established a general obligation on the staff of the public media:

Each editor or presenter of the political-news programs and special programs or columns in the public media founded by the Republic of Montenegro is obliged to independently and objectively present all election list submitters and their candidates throughout the election campaign and to ensure impartiality in relation to all political, social, ethnical/cultural and other agendas presented therein.

But the resolution goes beyond a general obligation to prescribe in some detail how this objectivity is to be achieved. As well as setting out standards for special debate programmes and reporting of opinion polls, the resolution removes certain call-in and panel discussion programmes from the regular schedule and obliges the public media to observe the principles of professionalism and journalist ethics and abstain from inviting/hosting leaders or popular members of the parties to their regular and thematic programs.

The resolution states in great details how many reports the television, radio, and state newspaper must carry. For example:

The Montenegrin Television network and Montenegrin Radio network are obliged to provide 5 footage and/or sound recordings respectively with excerpts from speeches of participants in the election rallies of election list submitters and this shall be increased for one footage and/or sound recordings each on every fourth election rally held.

And so on.

This type of highly detailed regulation of content raises a genuine dilemma. The need for such prescriptions arises because of the history of bias and unprofessional reporting by state and government-controlled media. On the other hand, the impulse towards microscopic content-regulation is itself part of the legacy of political dictatorships. How far regulatory authorities should prescribe how the publicly-funded media report - and how far the media will best learn by making their own mistakes - is an imponderable question to which every new democracy will have to find its own answer.

#### **4.29 Provisions for the Private Media**

Most countries make a clear distinction between private and publicly-owned media in their regulatory systems, and in particular in the obligations that are placed upon them in election periods.

There are a number of different options, as well as a variety of different issues to be addressed.

#### **Different System for the Private Media**

One approach is for the private media to operate in elections under completely different rules. This will apply most often in the area of direct access broadcasting or political advertising. For example, when Italy first introduced private broadcasting the state broadcaster, RAI, continued with the existing system of free direct access broadcasting, while private broadcasters were allowed to carry paid advertising. These media also operated under a different regulator from the public media.

Venezuela similarly operates a system in which public media carry no paid advertising, but the private media do. Likewise, in the quite different, public-dominated Scandinavian broadcasting systems, the private media operate different rules on direct access.

### **Public Service Obligations in Certain Areas**

Another common approach is to impose certain public service obligations on the private broadcast media as one of the terms of a broadcasting licence. This is the system that operates in the United Kingdom, for example. Thus a system of direct access programming that originated with the public service broadcaster is applied, without modification, to private broadcasters. In the UK these obligations apply to the older, terrestrial commercial channels but not to cable and satellite television.

### **Choice Whether to Assume Public Service Obligations**

Also a popular approach is one that imposes no public service obligations on the private media. However, if the private broadcasters choose to run direct access slots, paid political advertising or voter education slots, then they must do this on the same terms as the public media

### **Role of the Regulator**

Whichever of these options is taken, there is a role for the regulatory body in relation to any non-editorial material run by private media: that is, advertisements, direct access slots, voter education etc. The regulator will either be responsible for supervising adherence to any special rules affecting private media - if they follow the first option - or to general rules governing media (the second or third options). There does not exist the same basis for regulation of content in the private media as there is in the public. Hence the regulator will not intervene with the private media to ensure balanced news coverage. However, the private media are likely to be obliged to adhere to the same policies on hate speech and defamation, as well as being subject to a complaints procedure.

In principle a pluralism of ideas and political viewpoints is best maintained by having private media that are unfettered and able to go about their business without interference. The first responsibility of the regulatory body is to facilitate this. It is only when the private media behave in a manner that, through unfairness, obstructs the flow of information to the electorate, that the regulator will be empowered to intervene. And this will almost always apply in relation to non-editorial, rather than editorial, content.



### 4.30 The Gap between Law and Practice

It is important to note that provisions laid down in law are often breached, contradicted or ignored in practice - in all sectors. Governments sometimes do not create necessary implementing regulations to bring a law into effect. In other instances they might pass contradictory laws or regulations, or they might interpret legislation in ways in which it was not initially intended, or in ways run which counter to freedom of expression principles. In yet other cases, legislation might be in place but is simply ignored altogether.

Thus many countries have constitutions with strong guarantees of freedom of expression but weak implementation of those guarantees. For example constitution of the Ukraine enshrines freedom of expression, however the government has at times practiced extensive censorship and intimidation of the press, for example what freedom of speech organisations called in 2012 the harassment of the country's only independent television channel, TVi.<sup>[i]</sup> In Thailand, the constitution provides for freedom of expression but also allows for wide-ranging curbs on that freedom when acting to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. In addition, a controversial and frequently used lese-majeste law makes it a crime punishable by 15 years jail for criticizing, insulting, or threatening a member of the royal family.<sup>[ii]</sup> Defamation is a criminal offense; despite the fact that there is a growing international consensus that criminalization of defamation is a rights violation.<sup>[iii]</sup>

Legal consistency is also an issue. In Lebanon in 2010, one journalist noted that

[...]regulatory frameworks [were], in the words of Minister of Information Tariq Mitri...“scattered and inconsistent,” “contradictory,” and “old and outdated.” Indeed, laws governing media in Lebanon can be found in the penal code, the Elections Law, the Law of Publications, the Military Justice Code, and the Audio-Visual Media Law, creating a logistical nightmare of overlapping jurisdictions.<sup>[iv]</sup>

Conversely, there are also instances of official legislation that contravene freedom of expression rights but are not upheld in practice. For example, Norway, which in 2012 ranked 2<sup>nd</sup> in the world in terms of press freedom,<sup>[v]</sup> still has a law against blasphemy - an out-dated restriction on freedom of expression. However there have been no cases of legal action pertaining to this law since 1933.

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[i] “Ukraine: The authorities should stop harassing independent television channel TVi,” (statement) *Freedom House* webpage, undated, accessed August 24, 2012, <http://www.freedomhouse.org/article/ukraine-authorities-should-stop-harassing-independent-television-channel-tvi>,

[ii] “Country Reports for Human Rights Practices, Thailand 2011”, *Department of State (USA)* webpage, accessed August 24, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186310#wrapper>,

[iii] “Libel law violates freedom of expression – UN rights panel”, *The Manila Times*, January 30, 2012, <http://www.manilatimes.net/index.php/news/top-stories/16100-libel-law-violates-freedom-of-expression--un-rights-panel>,

and

"Critics Are Not Criminals Campaign Against the Criminalization of Speech", *Committee to Protect Journalists* webpage, accessed August 24, 2012, <http://cpj.org/campaigns/defamation/cat.php>

[iv] Marwan M. Kraidy "Media Reform in Lebanon: New Media, New Politics?" *Sada* blog, January 26, 2011 <http://www.carnegieendowment.org/2011/01/26/media-reform-in-lebanon-new-media-new-politics/6bhn>

[v] "Press Freedom Index 2011-2012" *Reporters without Borders* webpage, accessed August 28, 2012, [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043)

## 5. EMB Media Relations

Open and consistent communication with media, voters and the general public facilitates an improved public image for the EMB. A positive image has obvious advantages in all aspects of EMB work. However, in a democratic election, the EMB is also *obligated* to communicate, for the following reasons:

- The public has a right to information about elections: how they can exercise their right to vote, how the electoral process is being managed, when the electoral stages are to take place, how they can become candidates, what the results are, and so on;
- The EMB is accountable to all stakeholders in the electoral process, including the voters and the candidates or political parties. With accountability comes an obligation to be transparent in its workings.

One of the primary ways this information is provided to wider audiences is through direct interaction between EMBs and media who are covering the election. Media provide a vital conduit for information to the public while simultaneously acting as watchdogs of the process. It is often the latter that leads to an environment of distrust -and sometimes, outright hostility- between EMB officials and members of the media. Indeed, mistrust is often the single greatest obstacle to effective collaboration between electoral managers and the media.

A lack of constructive communication between an EMB and the media is a serious problem, making the policy and regulatory role of the EMB much more difficult to achieve. It will also create obstacles to accurate media reporting of the electoral process. Yet, far more serious than a breakdown of communication between an EMB and the media is the impact that this can have on the EMB's overall capacity to communicate with the electorate. Media relations, important as they are, only form part of a larger media strategy. This overall strategy includes civic education, voter information, voter education, among other aspects. An EMB's media work will be more effective if it is clearly placed within a well-considered approach to media relations.

Before proceeding, it is important that the reader has a clear understanding of the differences and overlaps of four main areas of EMB communications: voter information, voter education, civic education, and media relations. These definitions are taken from the topic area: Voter

Education that can also be found in the Encyclopaedia. Please refer to this topic area for more detailed information on these EMB activities.

Voter Information refers to basic information enabling qualified citizens to vote, including the date, time, and place of voting; the type of election; identification necessary to establish eligibility; registration requirements; and mechanisms for voting. These constitute basic facts about the election and do not require the explanation of concepts. Messages will be developed for each new election. These activities can usually be implemented quickly (although sufficient planning is still required). Election authorities are typically required to provide this type of information, although contestants in the election and civil society organizations will also do so.

Voter Education typically addresses voters' motivation and preparedness to participate fully in elections. It pertains to relatively more complex types of information about voting and the electoral process and is concerned with concepts such as the link between basic human rights and voting rights; the role, responsibilities and rights of voters; the relationship between elections and democracy and the conditions necessary for democratic elections; secrecy of the ballot; why each vote is important and its impact on public accountability; and how votes translate into seats. Such concepts involve explanation, not just a statement of facts. Voter education requires more lead time for implementation than voter information and, ideally, should be undertaken on an on-going basis. Election authorities and civil society organizations most often provide this type of information.

In societies where there have been major changes to electoral systems, processes, and procedures, and in the case of the newly enfranchised and first time voters, both voter information and voter education programmes will need to thoroughly address both facts and concepts.

Civic Education deals with broader concepts underpinning a democratic society such as the respective roles and responsibilities of citizens, government, political and special interests, the mass media, and the business and non-profit sectors, as well as the significance of periodic and competitive elections. It emphasizes not only citizen awareness but citizen participation in all aspects of democratic society. Civic education is a continual process, not tied to the electoral cycle. Voter information and voter education, however, may be part of larger civic education endeavours. Civic education may be carried out through the school and university system, through civil society organizations, and perhaps by some state agencies, although not necessarily the election authority.

Media Relations involves a process of communication with media outlets and journalists who in turn create media coverage of electoral affairs as part of their normal work of producing news and current affairs. The Media Relations Department (also called a press office) is the first stop for media who have questions, concerns, and complaints; and the department that writes press releases, organizes press conferences, and provides media interviews. Unlike for voter information, voter education, and civic education, the EMB Media Relations Department does not have direct control over what is broadcast by the media; instead they act only to guide it by providing accurate, comprehensive and timely information. However, all of these areas of communication overlap in that they are attempts to provide the electorate the information they

need in order to vote in an informed manner. Messages between each of these activities should be coordinated and compatible. Media relations are often termed *public relations*. There are notable differences between the two terms. Media relations deals specifically with the media, while *public relations (or sometimes called public affairs)* is responsible to a larger audience, including regular citizens who might require information from the EMB. For the purposes of this topic area, the discussion involves media relations specifically. However, it is also recognized that overlap will occur and that some EMBs will merge the two tasks into one department.

The overlap is even greater in the age of convergence of information and communication technologies. For example, the EMB team that manages its website may well be responsible for posting press releases and news stories written by the EMB, election results which are accessible by the media as well as the broader public, at the same time as hosting online voter registration services and brochures that explain the electoral system. In other words there is a certain degree of convergence between the media (website), the content (voter information and education, media relations), and the users (both media and the general public) in this example.

Despite this convergence, media are a distinct and crucial stakeholder and target audience, and their needs are often different from those of the public at large. In addition, media plays many roles. They are not just a mouthpiece for EMB education campaigns, but also a crucial and (usually) independent observer of the electoral process.

EMBs work in a constant cycle. Once a country has gone through its initial, transitional democratic election, it will be bound into an endless process of election organization: legislative (two houses perhaps), presidential, regional, local – even, in the case of Europe, international. There may be plebiscites or referenda. There may be votes on particular proposed laws. Democracy, in its nuts and bolts, is hard work. And the work does not stop. Communication with the media is crucial to this cyclical process, and while continual, each of the steps of the process requires careful planning.

Media relations planning benefits greatly from a pro-active and well-thought-through approach, rather than simply relying on well-tested techniques – press releases, news conferences, etc. Successful media relations strategies tend to start with overall objectives, messages and a clear understanding of the audience layout.

There are, of course, different approaches to media relations planning and implementation. Effective approaches are likely to have the following steps in common (in more or less this order):

- Establish an EMB Media Relations Department with qualified staff;
- Establish objectives and overall goal of EMB media relations;
- Analyse the EMB and Media Relations Department's strengths and weaknesses;
- Conduct consultation with media and relevant stakeholders;
- Chart the electoral cycle/phases;

- Analyse the audience;
- Map the media (what media exists and where, who their audiences are, what are their strengths and weaknesses);
- Understand the techniques and tools of media relations and outreach;
- Establish messages according to the phases, the audiences, the media layout, and communication techniques at your disposal;
- Develop a media strategy for disseminating messages (including specific mechanisms and timeframe);
- Implement the strategy, while:
  - Continuing to monitor media coverage, assess of audience feedback, and conduct stakeholder/media consultation;
  - Continue to foster media relations as influenced by the monitoring, feedback, and consultation above.

Most of these steps go hand in hand with what other communication-related bodies in the EMB will also be required to do. For example, voter information, voter education and civic education all require solid understanding of the layout of audiences and the profiles of media that reach them. Furthermore, messages should be developed that can effectively impact these audiences. This further underscores the point that the Media Relations Department or office should make a concerted effort to be in close communication and collaboration with each of these other EMB activities.

Each of these steps is explored in the following pages.

## 5.1 Establishing an EMB Media Relations Department

Included in the establishment of an EMB overall, is the creation of a specific department that can focus entirely on relations with media. A Media Relations Department (sometimes called a press office) will be the focal point for media outlets to receive timely and on-going information on election management progress. In some cases this department is incorporated into a larger public relations (or public affairs) department that deals with both the media and the general public. For the purposes of clarity and consistency with the larger topic area “Media and Elections” this discussion only explores media-specific relations. As discussed previously, a Media Relations Department is distinct from voter information, voter education, and civic education department(s), yet many of the activities of each benefit from collaboration or consistent communication between them.

The physical structure of a Media Relations Department is determined by the size of the task as well as the resources that are available to the EMB. A department may or may not include a media or press centre (see section [Media Centre](#) below for more information), where media can gather for events such as press conferences or briefings. This addition is dependent on funding, available space and security considerations, but often provides a valuable resource to the Media

Relations Department, limiting event preparation time, ensuring consistency (for media as well as department staff), and equipment reliability.

In some cases, there will be a central department headquarters with satellite field offices where most of the media relations staff will be located. In this case, a small headquarters will suffice. In other instances however, most of the media activity will take place in a central location and therefore the office facilities will need to adequately allow for many more staff.

Needless to say, efficient Media Relations Departments (including any satellite offices) are equipped with key fittings including reliable and fast speed internet hook up, computers, fax machines, copiers, scanners, landlines and cell phones and so forth.

Perhaps even more important than physical fixtures however, is staffing. Usually there will be at least one spokesperson who will be the main communicator with media for any “on record” exchanges. These are discussions between the media and the individual that the media are free to quote from or broadcast as is. This person will also provide responses to media requests for statements or comment on issues. Often the spokesperson is an elections commissioner, reflecting the importance and seniority of this position. The spokesperson will be the “face” of the EMB, it is therefore vital that this person be neutral, skilled in diplomacy and able to respond succinctly and clearly to (sometimes sensitive) questions from the media. The perils of an EMB spokesperson who acts in a partisan manner was highlighted in the presidential elections in Timor Leste in 2007, when the EMB spokesperson, also an Elections Commissioner, spoke out in favour of one candidate and criticized another, which reportedly damaged the reputation of the EMB. [i]

In addition to a spokesperson(s), the number of department staff will depend on the amount of work that is to be done. There will need to be enough staff present to adequately cope with any surge in media requests, particularly around sensitive phases of the election such as voting day itself, the counting period, and the announcement of results. There are also often staff members dedicated to research who can provide regular briefings to the larger department staff on news items of the day or the week. There might also be experienced message and news item developers, who write can in newsworthy and succinct styles. Staff members with journalism, public relations, or related backgrounds offer valuable expertise to the task of writing press releases, talking points, media networking, and so forth.

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[i] “Democratic Republic of Timor-Leste, Final Report: Presidential and Parliamentary Elections, April, May & June 2007”, (EU Election Observation Mission report, 2007),17 [http://www.eeas.europa.eu/eueom/pdf/missions/final\\_report-timorleste-2007\\_en.pdf](http://www.eeas.europa.eu/eueom/pdf/missions/final_report-timorleste-2007_en.pdf)

## **5.2 Establishing an EMB Media Relations Department’s Mandate and Framework**

Different EMB Media Relations Departments will have different mandates, depending on the scope of responsibilities. In some cases, a Media Relations Department might be responsible

for media monitoring, for example ensuring campaign broadcasts regulations are adhered to. More information on media monitoring and the various bodies who implement it can be found in the chapter Media Monitoring.

A Media Relations Department is also likely to be responsible for accrediting media, enabling them to be present at electoral events such as voting centres and count or results centres. Furthermore, the department may be tasked with drawing up regulations, including the accreditation process as well as internal procedures such as determining who (within the EMB) can speak to the media and when, how field staff and/or other staff are to respond to approaches by media, a code of conduct for department staff, and so forth. They may even have a regulatory role, tasked with creating and enforcing a Code of Conduct for elections reporting, sometimes in collaboration with media organisations.

There are the above considerations, as well as many more, that EMB media relations staff will want to explore while creating an overall mandate and regulatory framework to work within. It is advantageous to determine this mandate, and regulatory framework, well in advance of any major electoral events.

### 5.3 Developing a Media Relations Strategy

A media strategy is a roadmap for EMB media relations; it is a result of a variety of crucial considerations, namely:

1. EMB strengths and weaknesses;
2. Consultation with a range of stakeholders;
3. Charting the electoral cycle / phases;
4. Audience analysis;
5. Media mapping;
6. Tools and techniques; and
7. Message development.

Essentially, the strategy is one overall plan of action that specifies the “when, how and to whom” of engagement with the media. Each of these components is critical to ensuring an effective strategy, and should be completed prior to finalising the strategy. As such, they are explored in greater detail in subsequent pages.

A strategy need not be overly restrictive in its content. In other words, it is not necessary to detail everything such as how many news releases the EMB is going to issue, or who is going to speak at press conferences. These are questions that can be resolved as the strategy moves forward in implementation. Furthermore the media relations department should hold regular internal gatherings as well as occasion gatherings with other EMB departments, to ensure that

the strategy continues to be relevant and practical to election operations and decisions, and that the strategy is mutually understood by the EMB at large.

In summary, an EMB developing a media strategy may consider the following questions:

- Is the strategy proactive or reactive?
- Is it low profile or high profile?
- Is it local or national? (Does it reach the intended audiences?)
- What are the major communications opportunities?
- What are the major communications impediments?
- What communications strengths are available in the EMB?
- What other organizations can the EMB collaborate with (NGOs, community groups and others)?
- Are the primary and secondary audiences and sub-categories clear?
- What are the most effective media for reaching the primary audience?
- What are the key messages to be conveyed to those audiences? Are they practical and do they complement the media format for distribution? Have they been tested on audiences? Who is likely to be critical of the EMB's running of the election?
- What might their key messages be?
- Are there sufficient consultations scheduled into the strategy?
- Does the Media Relations Department have a Media Centre at its disposal? If not, have agreements been made with other providers of adequate media space?

Now that the groundwork has been laid, implementation of the strategy is likely to be relatively straightforward. The key will be ensuring that the strategy remains relevant to the situation and any new developments, that media relations staff remain alert to the election and media landscape, and that relationships with the media are fostered and strengthened.

### 5.3.1 Analysing Your Strengths and Weaknesses

An effective media strategy is based on a realistic assessment of the strengths and weaknesses of the EMB. These strengths and weaknesses will obviously include the attributes and resources of the EMB itself such as its level of funding or access to trained and experienced staff.

Just as important, however, is an evaluation of how the EMB is perceived by the world outside; and how the EMB perceives other stakeholders. Does the EMB have a high profile? Is it trusted by the public? By the media? Is it perceived as professional and competent? Is it seen as being independent of the government of the day? Conversely, what is the perception inside the EMB about the media? What are current relationships like? How is the general public perceived and understood by the EMB? These are all important questions that should be answered honestly. If there are negative perceptions of the EMB these need to be addressed. If the EMB perceives the



media as an adversary to be avoided at all cost, or the public as ignorant or hostile, these attitudes also need to be addressed. Any media relations plan will need to include strategies for dispelling mutual misinformation, misunderstanding and mistrust.

The following is an adaptation of a real SWOT exercise carried out by an African electoral commission in the course of a media relations planning exercise: [SWOT table example](#)

One common tool for evaluating strengths and weaknesses is to chart them out using SWOT analysis. SWOT stands for:

- Strengths
- Weaknesses
- Opportunities
- Threats

### 5.3.2 Consultations with Media and Relevant Stakeholders

Media strategy planning works much more effectively if media and other relevant stakeholders are involved. Consultation with media may happen naturally through the course of a Media Relations Department's normal activities (such as at press conferences or through one-on-one meetings), but there are other, perhaps less obvious, stakeholders who should also be considered as valuable contributors:

- Political parties and candidates;
- Non-governmental organizations, especially those responsible for defending media freedom or monitoring media output, or will be directly involved in election administration or support;
- Donors;
- Representatives of voters themselves, such as community organizations.

The EMB media relations process would benefit from a consultation process that takes place prior to the establishment of a media strategy. However, to be most effective, the EMB may want to consider continuing these consultations through the entire process of the electoral cycle.

There are a number of reasons why consultations (both pre-operations and during-operations) can be beneficial:

- **To develop media related regulations.**

Consultations offer a chance for the EMB to sit down with media and stakeholders to develop media related regulations and codes of conduct. These legal frameworks will work best when all those affected, particularly in this instance the media and political parties, are involved in the planning process.

- **To draw up timetables.**

It is important for both the media and EMB to understand each other's differing priorities and deadlines.

- **To establish open and trusting relationships.**

It is impossible to overstate the importance of dedicated time to establishing open and genuine relationships between the EMB and media (and stakeholders) *prior* to operations. Consultations can help overcome mistrust and establish these relationships, which in turn can be crucial for troubleshooting problems and can paving the way for smooth relationships when press coverage of elections heat up, and the electoral calendar gets busy.

- **To become familiarized with the media profiles and personalities.**

This is a good opportunity to get to know who you are dealing with, the media organizations who show intent to be involved in election coverage, the personalities and relationships between media organizations.

- **For insight.**

The media can offer the EMB insightful advice on which techniques work best in which circumstances, and for which media organizations. This includes language use, audience profiles, as well as formats (for example press conferences versus pre-recorded messages, and so forth).

- **To assess election-knowledge level of the media.**

A consultation will provide the EMB a general picture of the degree to which media and stakeholders are “election literate” (understand the processes and rules). This can influence the EMB's plan for election reporting training or similar.

- **To learn who is doing what.**

Consultations will provide participants with an understanding of ‘who is doing what’, such as election reporting training, investigative journalism training, special media programming, and so forth.

- **To establish a media monitoring plan.**

This is a good opportunity to establish a media monitoring plan as well as to discuss candidate/party access to media, if this is something that is within the mandate of the Media Relations Department.

The number and frequency of consultations is determined by the circumstances at hand. Perhaps the situation is conducive to implementation of a series of all-inclusive consultations, or maybe it is more manageable and appropriate to divide the stakeholders and media into categories, and hold gatherings separately. Similarly, perhaps the series of

consultation should be pre-scheduled throughout the electoral process (such as monthly), or maybe it is better to hold them in an ad-hoc manner as issues arise. Certainly a pre-scheduled series would ensure greater participation however, as stakeholders and media are better equipped to plan ahead. Here are two examples of how stakeholder consultations might work in practice. The first demonstrates the benefits of EMB involvement, which the second illustrates the pitfalls of EMB absence from the coordination and consultation process.

As an example consultation process, before the Tanzanian parliamentary elections of 2000, the Media Council<sup>[i]</sup> convened a meeting of media, journalists, non-governmental groups concerned with media freedom and the National Electoral Commission. This gathering drew up a Code of Conduct for media coverage of the elections. The Media Council and other NGOs then organized a media monitoring project that was aimed at determining how far the media complied with the Code of Conduct. It reported regularly throughout the campaign, before issuing a final report after the elections.

The final report was only released after a further consultation, involving all the same stakeholders, along with political parties and candidates. The monitoring findings were thoroughly debated and the Code of Conduct evaluated, with lessons drawn for future elections.<sup>[ii]</sup>

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[i] According to its website, the Media Council of Tanzania “is an independent, voluntary non-statutory body with the objective of assisting and maintaining freedom of the media in the United Republic of Tanzania.” (see: <http://mct.or.tz/mediacouncil/>)

[ii] *Media Council of Tanzania* webpage, accessed August 29, 2012, <http://mct.or.tz/mediacouncil/>

### 5.3.3 Charting the Electoral Cycle/Phases

#### 5.3.3.1 Pre-Election Period

This period, not surprisingly, is a thoroughly preparatory one. Unfortunately this is usually the phase that is most neglected, despite the number of “lessons learned” from elections that emphasize its importance. One of the common reasons it is neglected is a lack of funding, or resources in general, particularly in countries in transition to democracy that are approaching their first or second elections. Unless well-established, an EMB is likely to be busy focusing on securing funding, hiring staff, fixing facilities, and so forth during these crucial weeks or months. Yet, by overlooking the preparatory stage and delving straight into an electoral cycle, the Media Relations Department risks being continuously one step behind the game and scrambling to make up for the lack of a clear and targeted plan.

This is the time to conduct audience analysis, media mapping, message testing, and finally to devise a comprehensive strategy. In addition, this period is the time for the EMB to be consulting, communicating and educating both media and stakeholders about their rights and

responsibilities during the elections, the relevant laws and regulations, complaints mechanisms, and so on. The EMB may be involved in media briefings and trainings on these issues, organised by themselves or others.

For the implementation of a single election, there are a number of processes or phases that are involved. In some cases more than one kind of election is held at the same time, creating an even further complicated set of phases. If the EMB Media Relations Department has a clear understanding of what these phases are and what each entails, specifically with regard to engagement with media, they will be better able to fashion messages accordingly. These phases will be different for different countries and different kinds of elections, however the following are fundamental to all democratic elections:

- Pre-election period;
- Pre-campaign period;
- Campaign period;
- Voting day;
- The count and results;
- Post-election period.

Much of the preparation for media relations during these phases can be done in advance. Even when the exact content of media materials cannot be predicted, the schedule of communications can be included in a comprehensive plan that can be developed at a very early stage in the election process. This plan will be the EMB media strategy and is discussed in section [Developing A Media Relations Strategy](#) earlier. Having an overall plan for the phases will allow the whole process to run more smoothly by, for example, establishing exactly the moments when a press release needs to be distributed or a media briefing held.

The following is an in-depth look at of each of the phases.

### ***5.3.3.2 Pre-Campaign Period***

The notion of "pre-campaign" of course presupposes that there is a specified campaign period. Some countries, such as the United States, effectively impose no limits on the time of campaigning. Of course, in many systems, there may be little gap between different sets of elections: presidential, legislative, local, or provincial - even, in the case of the European Union, supranational.

But under any electoral system, there are issues that relate to elections and the media that occur, essentially, in the months leading up to elections. These are primarily:

- Candidate nomination
- Voter registration
- Voter information, voter education and civic education

There might also be other pre-campaign tasks such as boundary delimitation, establishing electoral legal frameworks, population censuses, and so forth. The EMB will need to communicate to the public, through the media, on all these issues.

### **5.3.3.3 Campaign Period**

This period is guaranteed to be an intense one, involving preparation for voting itself, along with a variety of campaign issues. If the EMB has regulatory responsibilities in relation to the media, these will also come to the fore during this phase.

For the media themselves, the start of the campaign period is when election coverage really takes off. A pre-organized EMB Media Relations Department will be better equipped to cope with the sudden media interest, than one that still has loose ends. Similarly, if an EMB is responsible for monitoring the media, it is recommended that all legal frameworks and an effective monitoring system are established well before the campaign period begins. By this stage the fundamental regulatory questions will already have been answered, with the media and contestants clearly understanding their roles and responsibilities:

- What laws or regulations govern media coverage of the campaign?
- Who is responsible for implementing these?
- What are the regulations governing direct access broadcasting?
- What are the regulations governing paid political advertising?
- What are the policies on hate speech and defamation, and any miscellaneous provisions on issues such as news blackouts and opinion polls?
- What is the mechanism if any member of the public, a political party or the media themselves has a complaint?

At this point the process of accreditation of journalists, if there is one, is also started.

A Media Relations Department will also be involved in numerous other communication activities. They will be holding press conferences, releasing press releases and statements, holding media tours and so forth, in order to provide media with accurate and comprehensive information about the operations and decisions of the EMB, as well as progress of the election in general. Spokespersons and media relations staff members will be fielding questions on a wide variety of topics such as:

- Campaign laws;
- Complaints mechanisms and decisions;
- Polling station preparation;
- Voter education and voter information preparation;
- General logistics (such as transportation of ballots, or sensitive material);
- Counting procedures

In many cases, media relations staff members will need to know how to direct media to relevant authorized bodies for various issues. For example, if an electoral complaints body is separate from an EMB, the Media Relations Department will direct media to that body for issues concerning complaints. This might also be true in instances where there is an established candidate vetting process by a third party.

#### **5.3.3.4 Voting Day**

Once the polls have opened, the role of the media changes from what it was during the campaign period - and specific rules may be devised to govern this shift. In practice, the shift may have taken place earlier, with a blackout placed on political campaign reporting, opinion poll reporting, direct access broadcasts, or advertisements - or all of these. There are, of course, a variety of factors that may influence the vote as it progresses. Voter turnout is an important issue, since high or low turnouts are generally reckoned to favour one party or another. Reporting turnout may sometimes also be the subject of some restriction.

Commonly, an EMB will hold several press conferences on Voting Day, at the opening of polling, the close of polling, and at other times depending on the need. There may, for example, be incidents that need to be responded to publicly, such as violence at polling booths, logistical problems such as flooding, integrity issues such as accusations of fraud. To maintain its reputation, and to prevent escalation of problems, it is important that an EMB responds to these issues as quickly as possible to reassure the public about measures being taken. It might also be issuing statements from EMB officials aimed at encouraging people to vote, and confidence in the process. A Media Relations Department might post regular updates on the EMB website to give up-to-the-minute information on the progress of the polls. A Media Centre at an EMB might be hosting elections reporters as a hub for reporting on Voting Day.

Media Relations staff might also be actively engaged in ensuring that the media clearly understand their rights of access to the voting process and are complying with these guidelines. They will do this through consistent communication with voting centres around the country, as well as with media. They might also have as many staff as possible, rotating through voting centres. This serves a dual purpose: to monitor whether media are respecting regulations, as well as to provide media an opportunity for interviews with an EMB staff member if EMB regulations do not allow voting staff to talk to media.

#### **5.3.3.5 The Count and Results**

The transparency of the count, and the public announcement of results are some of the most important tasks of an EMB. The election result is the news the whole country – and sometimes the world – has been waiting for, and is sometimes marked by clamouring and conflicting news coverage.

Depending on the circumstances and specific procedures of an election, the count period might be a matter of hours to a matter of days, or even weeks. The length of this period greatly affects the nature and size of a Media Relations Department's task.

In cases where the count is only a matter of hours, or at the most a day, an EMB Media Relations Department is likely to release continual updates on the count's progress until finally announcing the final and official results. During this time, media will usually be present at

counting centres, results centres, or both. Depending on the regulations on media reporting during the count, there might be a media coverage silence or it may be buzzing with activity such as speculated results, opinion polls, results from exit polls and so forth. For more information on reporting of exit polls and opinion polls please refer to Reporting on Opinion Polls.

On the other hand, the counting period might take a number of days or even weeks before official results can be announced. In other cases, preliminary results might be announced, after which there is a period for an election complaints process to conclude before official results are announced. This process can take months such as during the Afghan presidential, parliamentary and provincial council elections in 2009 and 2010. The role of EMB media relations during drawn out count periods is likely to be more challenging than during short counts. This is because of the sensitivities and suspicions that tend to be born out of protracted processes. This is one particular time when it is advantageous for EMB media relations staff to remain alert to media trends, and fully informed of all count operations. This will also be a period of time when transparency is absolutely critical to the legitimacy of the election.

There is much that can be done on the part of an EMB to promote accurate and professional results reporting. What is particularly important when results emerge gradually is that all results are reported promptly and accurately. This facilitates public scrutiny of the counting process and lessens the possibility of manipulation of the count.

Chain of command is also paramount when results are reported. All EMB staff and commissioners need to know who is in charge of announcing results, when and where they will be announced. In Papua New Guinea in 2012, accusations were made that Voting Centre staff were asking for bribes from journalists to provide information on election results.<sup>[i]</sup> These practices must be avoided and sanctioned by an EMB.

The provision of a Media Centre will enormously facilitate media access to results, especially if the counting process is centralized. The facilities and procedures in decentralized count centres will also greatly determine the degree to which media are able to report accurate figures.

There may be simultaneous results-generating activities that the media will be engaged in. These include exit polls, unofficial quick counts and opinion polls. It is important that an EMB Media Relations Department is aware of what these are, which ones are going on, and how they may impact the overall public debate.

All in all, the count period is an extremely busy one; an EMB Media Relations Department is likely to have "all hands on deck" with staff members working around the clock to ensure media are provided accurate and timely information.

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[i] "Interference in Media Reporting of Elections in PNG," *International Federation of Journalists Asia Pacific*, July 16, 2012, <http://asiapacific.ifj.org/en/articles/media-interference-in-electoral-reporting-in-png>

### 5.3.3.6 Post-Election Period

The post-election period is a time for evaluation, capacity-building, planning and consultation for an EMB Media Relations Department. In addition, the post-election period may throw up a number of issues where an EMB is required to communicate with the public. This may be the case, for example, if there are disputes over the probity of the election process or challenges to the official results. But in some instances, as discussed above, merely communicating the results may be a long drawn-out process, resembling more of a post-election than current-election environment.

While any formal *regulation* of the media on elections-related matters usually ends with the announcement of the result, involvement with media continues. As it happens, a Media Relations Department might stay busy much longer than other EMB departments (such as logistical departments), and will likely remain engaged with media until any lingering disputes or results are concluded.

### 5.3.4 Audience Analysis

Defining the audience is an essential step in developing a media strategy. This step lays down much-needed groundwork for the entire media strategy. An EMB must know *whom* they want to target in order to be effective in their outreach. This might seem too obvious to need doing: the audience is the electorate, of course. However, there are three reasons in particular why defining the audience is indispensable:

- In practice many EMBs do not follow the logic of tailoring their media strategy to their audience. Instead they take the easiest or familiar opportunities to communicate their message through the media, without considering whether they are really reaching the people they want to speak to, or whether the intended audience understands the message;
- Equally, many EMBs tend to talk not to their primary audience but to many secondary audiences – political parties, the media themselves – who are more demanding and often easier to reach;
- The audience is not a single undifferentiated mass. Breaking it down into its component parts will help EMBs to devise the different messages that are required by these different sections and identify the different media that should be used. It is easy to make assumptions about which media are the most 'important' in a given context. But audiences have markedly different levels of access to media, and taste for media, depending on their geographical location, gender, age, and other factors. For example in the Solomon Islands, one study found that most people in the capital have access to some form of regular news media, however outside the capital access varies enormously. Furthermore, the study found that economic and



cultural factors – such as less mobility to go into town to watch television in a public place – mean that women tend to have less access to all forms of mass media than men.[1]

In general terms, then, defining the audience is not difficult. An EMB will wish to communicate information to the entire electorate at different points during the electoral process. The messages will vary, as will the means of communicating these, but this something to consider later in the planning cycle. However, it is useful to have a clear understanding of primary and secondary audiences as well as the sub-categories within each. The primary audiences are voters, while the secondary audiences are those who will relay messaging to voters. Sub-categories are defined by the fact that they either require different messages or can only be reached by different media than the main electoral audience as a whole.

Examples of important primary audience sub-categories:

- Voters outside the country;
- Voters with disabilities;
- Minority voters;
- Female voters;
- Illiterate voters;
- First-time or potential new voters;

In each of these examples it is clear that there is likely to be a distinct message, as well as a different medium to be used. Hence, for example, voters overseas will need information about casting a postal or proxy ballot. They may not be able to be reached through the national media of their home country, so other channels of communication will need to be found. First-time voters may require detailed information about registering to vote, as well as the mechanics of voting. They are likely to be reached more effectively through those media targeted at young people. And so on.

Examples of secondary audience sub-categories include:

- Candidates
- Political parties
- Media
- NGOs
- Donors
- Observer groups
- Government bodies

Each of these groups is classified as secondary, not because they are of lesser importance, but because they are a means of getting the message across to the primary audience *and* because there are specific messages that an EMB may wish to communicate to them.

What is most important is that an EMB Media Relations Department is aware of profiles of the various audiences at hand, where they are, their individual needs or circumstances, and understands how this factors into the overall outreach programme. A clear understanding of this landscape will allow an EMB to craft effective and accurately targeted messages.

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[1] "Audience Market Research in Solomon Islands: Qualitative and Quantitative Research Report," (report for Solomon Islands Media Assistance Scheme, 2010), <http://www.usaid.gov/foi/documents/solmas-report.pdf>

### 5.3.5 Mapping the Media

A resource of substantial benefit to any EMB media relations endeavour is a comprehensive and up-to-date "map" of the media layout in the country. Without a clear grasp of this layout, EMB outreach will be stunted at best.

Media mapping is not only a process of charting geographical locations of media outlets or even their coverage footprints (although these are critical elements of it); it is also an in-depth look at aspects such as:

- Media ownership;
- Media usage, particularly at different levels of society or within different target groups;
- Types of programming;
- Listener trust in media sources;
- Media policies (perhaps different locations have different policies);
- Media contact information.

All of this information will enable any EMB communications body, but specifically for the purposes of this discussion an EMB Media Relations Department, to make informed decisions on the nature and reach of outreach to media. It also provides the department valuable insight into how media ownership and trust might impact EMB messages. An EMB's media strategy might change, for example, if it becomes clear that only opposition newspapers are attending EMB press conferences, or if only the government broadcaster, which is biased towards the ruling party, is accessible in rural areas.

Media mapping can be a time consuming activity and requires a fair degree of specialized skill and experience. For example, any credible gauge of media usage or trust would involve surveys and sample analysis. Mapping coverage requires special software and knowledge on

how to use it. An EMB Media Relations Department may be in a position where they do not have the resources or necessary staff skills to conduct a complete a media mapping exercise on their own. It might also be the case that an EMB does not have the funds to outsource this activity to an external research organization. However, an EMB can often make use of what has come before, combining a collection of research results so as to get the most complete picture as possible.

In many countries, media audience data is now captured for a range of different purposes. Media development organisations, behaviour change communications projects, advertising agencies, opinion polling outfits, government information departments, media peak bodies, international and domestic civil society organisations and others carry out surveys which are quite often available online, or sometimes able to be purchased. Some organisations, such as The Asia Foundation in Afghanistan, carry out broader regular surveys that cover a range of issues, including media usage, from which this information can be extracted and analysed. If this type of data is currently not being collected, an EMB may want to consider encouraging a partner organization to collect it as part of their programming, as this information has multiple uses. EMBs can also carry out their own smaller research projects to get a sense of audience reach of different media, including the extent to which EMB material is reaching its intended public. Here is an example of a 2009 (released in 2010) media mapping exercise in Rwanda, conducted by Search for Common Ground and funded by the European Commission and USAID: [www.sfcg.org/programmes/rwanda/pdf/Media\\_Mapping\\_Report.pdf](http://www.sfcg.org/programmes/rwanda/pdf/Media_Mapping_Report.pdf)

One of the key purposes of this media audience mapping is to understand audiences that may be falling through the gaps of an EMB's current media work, which will often include women and minority groups, remote and rural areas. Innovative strategies will need to be used to address this, including considering technologies which the EMB may not have used before such as SMS (many rural poor now have mobile phones but not access to mass media), face-to-face processes, and other activities, some of which are explored in the Voter Information and Civic Education section of the Encyclopaedia.

One aspect of media mapping that an EMB Media Relations Department will almost certainly want to compile itself, is a media database. This will be the basis for contacting the media for press conferences, briefings, tours and for delivery of information such as press releases and statements. It is advised that an EMB Media Relations Department compile this database on their own rather than utilizing other list-serves or databases, as it is more than likely that only certain journalists will be tasked with election coverage. A Media Relations Department will want to directly contact relevant journalists in addition to sending information to outlets *in general*. While the department might initially use other lists in order to get started, best practices demonstrate that a targeted, organized, and easy to use database of elections-specific media will make media relations a less complicated or haphazard process.

### **5.3.6 Tools and Techniques of Media Relations**

There is a diverse range of techniques and tools that EMBs can utilize to reach audiences through media and ensure that messages are on target, accurate, and effective. This portfolio includes media briefings, press conferences, press releases, briefing packs, websites, new media, press tours, and so forth. It is important to emphasize these points about developing and implementing such techniques:

- Whenever possible media relations should be handled by a Media Relations Department (or, failing that, by a specialist media officer, preferably with experience of working with the media).

The techniques of media relations are part of a larger media strategy that an EMB develops. The Media Relations Department is a component, albeit a vital one, in a larger effort of outreach to voters and transparency in election administration. It is therefore essential that a Media Relations Department remain closely coordinated with other EMB departments such as the voter and civic education, legal framework, operations, observation, and gender departments. Not only will many of the questions that a Media Relations Department will face be about these other departments and their activities, but lack of coordination can also lead to conflicting messages that will undermine the EMB's credibility in the eyes of the public.

- While EMBs need to have the capacity to react quickly to events, most techniques of media relations can be prepared in advance and their use planned carefully.
- In addition to staying informed about activities of other EMB departments, a Media Relations Departments will benefit from closely watching political and social happenings in the country that are of relevance to, or might influence, the elections. This will ensure that media relations staff members are not caught off guard when media brings issues to their attention and requests a comment (whether or not the questions warrant comment). Staying informed will also allow a Media Relations Department to predict questions or concerns which might arise and devise responses to potential scenarios.

Various techniques and tools available to EMBs will be examined on separate pages:

- Briefing packs;
- Pre-recorded audio and video material;
- Press releases and press statements;
- Websites;
- Press conferences;
- Media briefings;
- Media tours
- Media Centre;

- Interviews;

#### 5.3.6.1 Briefing Packs

Preparing a package of basic information for the media can be an immense time saver, while simultaneously helping to ensure that media are informed and their reports are accurate. Journalists need to know a substantial amount of background information: the number of registered voters (per electoral district, if that applies), the names of the candidates, the offices being contested, the results last time, the number of broadcast slots and their timing, electoral legal framework, and so on. Journalists may need even more basic political, institutional, and demographic information. In addition, they will want to know what facilities and resources are at their disposal such as a Media Centre, regular briefings, press badges, and so on.

This is all valuable information to include in a briefing pack (sometimes called a briefing package). Most, if not all, of this information can be compiled in advance of the campaign and the election itself. Much of the material may double up with information that is made available to others, such as election observers.

Here is a typical checklist of material that might be included in a briefing pack:

- Election timetable
- List of candidates
- Background on Electoral Management Body (history, mandate, profiles of members)
- Registered voters – nationally and by constituency or electoral division if relevant (note, in some countries this information if released publically could
- List of constituencies or electoral divisions (if relevant) and polling locations
- Results of past elections (if relevant)
- List of sitting members of legislature (where relevant)
- Registration procedures
- Voting procedures
- Counting procedures
- Digest of electoral law and relevant regulations and procedures
- Media monitoring body and/or commission
- Electoral dispute mechanism body and/or complaints body (and legal mandates)
- Sample electoral materials

- Party campaign code of conduct
- Journalists' code of conduct
- Voter education material produced by EMB
- Frequently Asked Questions
- Contact details of headquarters and field offices
- Briefing schedule and other information on Media Centre

### **5.3.6.2 Prepared Audio, Video, and Print Material**

An effective EMB Media Relations Department is one that is proactive rather than reactive. This means that staff not only stay informed of events and trends, but also pre-equip themselves with messaging for outreach. Preparing audio, video, and print material in advance is one way of ensuring that an EMB gets its own message across in exactly the way that it chooses.

A voter/civic education department will be preparing an array of educational messages to be aired or distributed through slots on public broadcasters (sometimes as a license condition for private broadcasters, or through bought airtime/advertising slots). While a Media Relations Department need not duplicate these efforts, it may consider bolstering them by acting as a conduit for voter and civic education to reach a large array of media outlets. This effort would need to be in collaboration with any voter/civic education department.

However pre-recorded audio and video material as well as print hand-outs that are *media relations specific* is also a way for a Media Relations Department to ensure that media receives accurate messages promptly. This technique goes back to the need to be ahead of the game. For example, if a Media Relations Department has been informed that the EMB management body has decided not to open a polling location due to security concerns, the Media Relations Department might consider crafting a video clip, audio clip and press release that explains the reasoning behind the decision as well as any efforts to remedy or compensate for the decision. This is an example of being proactive, and may safeguard the media relations staff from being caught off-guard by media questions or unable to adequately explain the situation. It also signals to media and electorate that an EMB is taking extra care to be prompt with communication, and transparent.

The advantages of pre-preparing electoral material are the following:

- EMBs can decide exactly what is its message and formulate this message in its own words;
- EMBs can be pre-emptive in the case of sensitive issues;
- EMBs can provide the materials in advance to broadcasters;
- EMBs can use creative techniques to convey its messages.

A common way of distributing pre-recorded material is to put it on the EMB website along with a written statement. It can also be given out on CDs or in other recorded formats.

### **5.3.6.3 Press Releases and Press Statements**

Press releases and statements[i] are an example of pre-prepared material, but warrant discussion of their own due to their specific nature and frequency of output.

Press releases/statements are essential tools of EMB media relations. These easy to use documents allow media to run accurate and timely news. Some media organizations will publish or broadcast a press release/statement in its entirety, or publish large sections of it intact. This is an advantage for the EMB as it guarantees that its message is transmitted as intended.

There is a subtle difference between a press release and a press statement, although organizations often use the two terms interchangeably. A press release is generally used for new information such as an announcement or update. Press releases are also useful for conveying information such as statistical data, lists of candidates, or lists of polling sites. A press statement is utilized for a reactionary statement. In other words, if an event has taken place and an EMB wants to make a public comment on it (such as support, or disapproval), this would be done in the form of a statement.

Press releases/statements can be distributed by a variety of means: email, hand delivery, fax, post, or posting on the notice board of a Media Centre. They may often accompany press conferences as a way of ensuring that detailed information is recorded accurately. More information is provided in Press Conferences.

There is a delicate balance in how often to issue press releases and statements. The danger of too many, with little information of significance, is that the media will lose interest and neglect to see vital information when it does finally arrive. The danger of not enough is that the press officers will be left constantly responding to questions. The precise balance will be a matter for an EMB Media Relations Department. This is an important discussion area to bring up during consultations with the media, as they will be able to provide useful advice on the amounts of information an EMB is putting out. See section Consultations with Media and Relevant Stakeholders for more information.

### **Writing a Press Release/Statement**

One reason why it is useful to have press officers with journalism experience and training is that authoring press releases, as well as a statement, requires an understanding of how audiences “tune into” and consume information. Journalists in most countries are trained to write stories in an “inverted pyramid” style, starting with a lead paragraph that conveys the essence and essential fact of the story, which is then developed in detail in subsequent paragraphs. Aside from making it clear to the reader from the outset what the story is about,

this also allows an item to be cut from the bottom upwards, without losing its essence. These are the qualities of an effective press releases and statements as well.

Like a good news story, a press release or statement should be presented in plain language, not jargon. It should also be concise and to the point. The average journalist does not necessarily have an attention span any longer than the average newspaper reader, so it is not safe to assume that they will read the press release come what may.

Another significant reason for writing a press release/statement like a news story is to have a written record. There also is a hope that it will be used directly in a print article (online or on paper), or be read aloud on broadcast media. This is another reason to keep the release/statement short. In poorer countries, where editors often scramble to fill their news rolls each day, they may be grateful for a ready-made piece of well-written copy.

[i] There are many different terms: press release, press statement, media release, press announcement, news release, etc. Some practitioners use these interchangeably, while others separate the uses and meanings depending on length, content, goal and timing of the release. Here we describe two kinds – press release and press statement – commonly used by EMBs, acknowledging that many EMBs (and other organisations) use other terms and types.

#### **5.3.6.4 Websites and New Media**

An EMB website provides an efficient one-stop location for media, electorate and greater public alike. An EMB website will have many different sections, one of which should be media relations (or public relations). This is a place to post press releases/statements, pre-recorded audio and video material, news articles of relevance (that are neutral or explain the work of an EMB), contact information, invitations to press conference and briefings, election footage and so forth. By maintaining a website, a Media Relations Department can create, in effect, a virtual briefing pack. Moreover, it is one that can be constantly updated by the addition of new material as it becomes available. It will also be possible to run a results service through the web site.

In addition, EMBs are increasingly taking advantage of other new media to communicate with the traditional media and the public. Many have active Facebook pages and Twitter accounts. Some will respond to media inquiries and feedback by email, or even SMS. Some opt for announcing press conferences by SMS to their list of media contacts. As access by media and the public to new media grows, so will the need and potential for EMBs to utilise it for media relations.

Of course, levels of access to the Internet and other new media vary dramatically from location to location and this should be taken into account (See the section on New Media for information on Internet access around the world, and on EMBs' utilisation of new media). It is important that any information distributed via a website is simultaneously distributed via other means, guaranteeing that outreach is nationwide and/or accommodates lack of Internet resources. Something a Media Relations Department might also want to consider is the provision of access to a public computer(s) at EMB field departments, and subsequently inform media in these areas that they can access EMB information freely at these locations.



### **5.3.6.5 Press Conferences**

A press conference is a means of conveying more information than can be carried in a single press release. It is also a way providing a venue for all media to gather and ask news questions of an EMB during one occasion. As such, press conferences are also good opportunity to place senior officials in the election administration before the public (in the form of the media) to explain the electoral process.

Broadcasters like press conferences, of course, because a press release will only give them "white copy" - that is, a story with no picture or sound. At a press conference, broadcasters will be able to record and film. If a customized Media Centre is available, then this will make the practical requirements of broadcasters easier to meet. (Establishing a Media Centre is further explored below). Otherwise, the organizers of a press conference will have to prepare for the needs of television and film crews, radio journalists, and photographers.

A usual format for a press conference is for the spokesperson, a commissioner, or other representative of an EMB to make a statement, which is then open to questions from journalists. Someone other than the official making the statement should chair the press conference. It is useful to establish a clear timeframe for the conference (and to start promptly - journalists have deadlines). A chairperson should ensure that journalists from a variety of different media, with different political viewpoints, have a chance to ask questions. Sensitive and balanced chairing will create a trust between the media and the authority holding the press conference.

A Media Relations Department should ensure that any senior EMB official is adequately informed of media trends surrounding issues that both intended to be discussed at the press conference as well as those that are not. This is because journalists may bring up other issues, or maybe just questions that the official is not prepared for. A Media Relations Department may also want to provide talking points to officials who are speaking to help guide the discussion and provide a reference point for specific messages.

Speakers at press conferences should also be skilled in deflecting questions, declining questions, or changing the subject, if topics seem inappropriate or disruptive to the context of the press conference. This skill walks a very fine line; evasion of questions can also be counter productive, fuelling suspicion or accusations. Speakers should also constantly uphold the ethical code of members of an EMB, in terms of neutrality, transparency, and accessibility.

There should be plenty of supporting material provided at a press conference. This includes contact information for the EMB Media Relations Department, briefing packs, press releases and or statements (including older ones where relevant), and so forth.

### **5.3.6.6 Media Briefings**

A media briefing is different than a press conference in that it usually just involved members of a Media Relations Department and members of the media. Media briefings are not normally meant for broadcasting. In other words, they are usually completely "off the record". "Off the record" is an understanding between media and sources that direct quotes, source names, or

identifying information cannot be provided in any media coverage. Media briefings are less an opportunity for “news” and more an opportunity to ensure media understand a concept, a ruling, a decision, or a process. It is an informal setting for members of media and EMB staff to discuss confusing or complicated issues. With detailed briefings, as with other information for the media, invitations should be issued to all media, regardless of political persuasion or ownership.

#### **5.3.6.7 Media Tours**

Media tours provide an excellent opportunity for media to witness processes and facilities first hand. Tours are similar to press conferences only in that they involve an assembly of a larger group of media at once. However, media tours need not be open to all media at once, as this could become unmanageable or would disrupt on-going processes at the locations of the tours. Instead, a Media Relations Department may choose to implement a fixed number of spots that media need to sign up for in advance.

Media tours can be of any facility or process that allows media to get an inside view of processes. This is good for transparency and it provides participants video or audio footage for their own broadcasts. Examples of media tour locations and events include:

- Operations centres (sometimes including packaging and shipping of sensitive materials);
- EMB general facilities and offices;
- Distribution of voter education material;
- Voting material (pre or post election) storage areas (where this does not pose a security risk but rather provides indication to the public of safe storage);
- Data collection centres.

Media relations staff members need not prepare statements for these tours. Instead they will simply guide media participants through the sites, explaining the various steps to the processes as well as answering general questions.

#### **5.3.6.8 Media Centre**

A Media Centre is a media-friendly location for an EMB to conduct its engagement with media. This means that it has the necessary space, quiet or privacy, accessibility, and fittings for events such as press conferences, media briefings, individual interviews and so forth.

The practicability of having a Media Centre, and the facilities that are put into it, will depend entirely upon the resources available to the electoral authorities. There is no doubt that if the funding is available to provide such a centre, then the quality of media coverage will improve. Gathering the media in a single centre makes many of the basic functions of media management - press releases, press conferences, briefings, etc - much simpler. Donors are

sometimes willing to provide funding for at least a modest Media Centre, particularly if it is seen as building the long-term capacity of the EMB. For many electoral authorities, however, it is simply beyond their capacity.

A Media Centre should include some or all of the following:

- Internet connections, telephones and faxes;
- Computers for media use (and which are linked to a counting results service);
- Television monitor screens;
- Pool feeds for audio and video so that individual journalists do not have to struggle to place their microphones on the speaker's podium or jostle for limited camera space;
- Radio and television studios for conducting interviews.

Where space constraints dictate, it is reasonable to establish time slots and sign-up procedures to ensure that all journalists will have at least some access to these facilities.

Depending on circumstances a single Media Centre may not be enough for the entire country. While in other countries this is not at all practical. In India, for example, the Election Commission of India requires there to be a media room in each counting centre, as well as a Media Centre with full facilities in each State.

It is useful to have a Media Centre up and running well before the election so that journalists will become familiarized with the facility and the briefing schedule prior to Election Day. Contacts with service providers (e.g., the telephone company) should be undertaken well in advance to ensure that the Centre is up and running on schedule. It is also best to maintain the Centre in operation at least until the final announcement of official results.

#### **5.3.6.9 Interviews**

One-on-one interviews allow members of the media to have a more in-depth and focused discussion with EMB media relations staff members or officials. If an interview is with a non-media relations staff member, it is best if it is still scheduled through the Media Relations Department. An EMB interviewee may benefit from reviewing talking points to guide his or her answers, prior to participating in the interview and should be experienced with talking with media. A Media Relations Department may suggest certain topics to focus; a skilled interviewee will know how to redirect conversations back to these topics when faced with questions they wish not to answer, are not authorized to answer, or are not constructive to answer.

Interviews can be live or pre-recorded depending on the resources of the media organization as well as the preference of interviewee.

### 5.3.7 Message Development

Individuals who are planning a media strategy are usually advised to define a clear and simple message, reducible to a single slogan. This works for many organisations, from a company selling a product to a group lobbying for policy change. Electoral managers, by contrast, have a large number of different messages that they need to communicate to different audiences at different stages in the campaign through different mediums.

While an EMB Media Relations Department will need to devise a schedule of key messages, most of these will not be deliverable as brief “sound-bites”; primarily due to the nature of direct engagement with media rather than outreach through advertisements or media spots (which is what voter education would utilize example).

Instead, a strong media relations plan uses a list of key messages, drawn up according to election phase and target audience, as its backbone, but incorporates them as determined by media profiles (from media mapping exercise) and the particular format of delivery (such as a press conference or press statement).

Much of the core list of messages will correspond directly with those of the voter information and education department. There will be a number of others however that may directly target media themselves (such as pertaining to polling day coverage, or campaign silence).

The main benefits from drawing up a list of core messages to guide the process is to ensure message accuracy with other communication activities of an EMB, to reinforce outreach to the electorate and stakeholders, and to ensure timely information on the various processes of the EMB in general.

Staff member’s understanding of the media present, the audience they reach, and the format of the delivery, each influence the message. For example, while a press conference or press release may be opportune methods to announce deadlines, new developments and results, they might not be the most effective means for encouraging new voters to register. Instead, a more targeted approach might be to invite a media outlet with a high listenership of young adults - perhaps a university radio outlet or such - for a one on one interview.

It is also worthwhile for an EMB Media Relations Department to determine messages for different scenarios. What would their response be in different instances of accusations made by members of the press, if the official results are delayed, if voting centres are not opened or need to close early due to security concerns? While an EMB Media Relations Department can only conduct limited speculation of potential events, it is worthwhile to think through various scenarios in order to be as prepared as possible.

## 6. Media Monitoring

Media monitoring involves collecting data and carrying out analysis of elections-related content of print, broadcast and online media, and presenting the results. As well as being a tool for regulation, media monitoring also provides broader benefits to an electoral process. These include evaluating the extent to which elections were fair in terms of freedom of expression by

the media, voters and candidates; acting as an early warning system for elections-related violence; promoting the participation of women and minorities; and enhancing media literacy of elections officials and the public at large.

Despite the importance of media monitoring, it has only recently become standard practice in the management of elections. The importance of media monitoring in assessing electoral integrity and democratic development is highlighted by these quotes from observer missions:

#### **Armenia 2012, OSCE / ODIHR**

In many cases, TV channels broadcast in their news the same campaign material already used by contestants in paid political advertising, instead of relying on their own material...Such practices damage the credibility of media reporting, undermine the autonomy of the media from the political sphere, and weaken the diversity of media outlets. Where this occurred, the unclear distinction between news and political advertising deprived the viewers of independent reporting.[i]

#### **Cambodia 2007, Comfrel**

The vast majority of political coverage [on state-owned media] (around 93%, equal to 167 hours 15 seconds) is dedicated to covering the activities of the Royal Government of Cambodia, including the Prime Minister. Additionally, [other than two specific programs funded by UNDP and the EMB] the state media do not appear to be open to parties other than the ruling political party: the great majority of political party airtime is dedicated to the CPP (about 82%). This unbalanced coverage made for an uneven playing field, meaning that other parties found it difficult to compete with the ruling party through the media. [ii]

Comfrel also noted minimal coverage of women in politics, and no coverage of disabled, youth or indigenous candidates in any media.[iii]

#### **Nicaragua 2010, European Union EOM**

The media...are not only reflecting the profound polarisation that characterises the Nicaraguan political scene, they are becoming active parts of this polarisation. The media appears to be one of the battlegrounds of the next political phase. The two main newspapers in Nicaragua, the dailies La Prensa and El Nuevo Diario, due to their historical importance and tradition, are the media dictating the media political agenda in the country.[iv]

#### **Sudan 2010, SMEC**

The number of hate speech cases and use of inflammatory language in the media increased significantly as Election Day approached, and continued after the election date, albeit with less intensity. While defamation of political actors was the main type of hate speech prior to the elections, calls for violence and accusations of electoral rigging were the main types of hate speech after Election Day. Both the political actors and the media were responsible for conjuring up hate speech.[v]

As these diverse examples from around the world demonstrate, media monitoring is key to understanding the quality of electoral processes.

### **What do media monitors do?**

Media monitoring has become a common feature of elections since the mid-1990s. Monitoring usually uses "quantitative analysis" or "qualitative analysis" of media content, or both. The first is the least complicated and controversial, and often has the greatest impact. Quantitative analysis simply entails counting and measuring election coverage in the media - number and length of items devoted to different parties, length in column inches, timing and number of direct access programmes and so on. The amount of coverage each party or candidate receives is usually the first criterion that will be looked at in order to evaluate allegations of bias.

Qualitative analysis is, as the name suggests, an approach that measures the quality of the coverage that parties and candidates receive. This kind of analysis applies predominantly to news coverage, although it should also be applied to voter education. Qualitative analysis will look at language use in content as well as the overall message conveyed by the content. Qualitative analysis will provide depth and context to quantitative findings. For example, it may not be very useful to say that Party X has received a certain percentage of news coverage, if a large part of that coverage is biased in its content. Inevitably, the measurement of bias is more subjective than simply counting minutes, seconds or column inches accorded to each candidate.

Media monitoring organisations – be they national civil society groups, international or domestic observer teams, EMBs or others – now often use fairly similar methodologies. International NGOs, such as the European Institute for the Media, and national organizations, such as the Osservatorio di Pavia (Italy), MEMO98 (Slovakia), the Media Monitoring Project (South Africa), and the National Democratic Institute for International Affairs (United States) have popularized easy, effective and surprisingly subtle monitoring methodologies and created a large pool of people familiar with their use.

Media monitors usually focus on a combination of major television, radio and print. Recently some monitors have started to look at social media as well.

Who monitors the media?

Generally, three main groups undertake monitoring of the media during elections:

- Electoral Management Bodies (EMBs);
- International electoral observation missions
- Domestic observation groups and civil society organisations

Other bodies that monitor media during elections can include media peak bodies (such as Rwanda's High Council of the Press<sup>[vi]</sup>), media regulatory bodies (such as the Independent Communications Authority of South Africa<sup>[vii]</sup>), and internal monitoring by media agencies themselves who are concerned with ensuring fair coverage.<sup>[viii]</sup> The publicly-funded Australian Broadcasting Commission, for example, sets up an Election Coverage Review Committee prior to each national election. This Committee is made up of senior ABC managers, which meets weekly during the election period and gives input to editors on the ABC's on-going performance and adherence to law and standards of elections reporting.<sup>[ix]</sup>

The purpose in each instance may be rather different. EMBs and media regulatory bodies will normally monitor the media in order to determine whether they have adhered to the regulations or laws governing media behaviour during elections. If they have a direct regulatory function, they will use their monitoring findings to make sure that media comply with the required standards and to warn or discipline media outlets if appropriate.

International observers are also concerned with media compliance with local rules and laws. However, they are also concerned with monitoring the contribution of media to a free and fair election, and ensuring that universal rights to freedom of expression are upheld. Observers have no powers of enforcement or interference however, and will adjust the timing and tone of their recommendations accordingly. International electoral observation missions contribute to media monitoring by including analysis of fair media coverage into their overall external assessments of the conduct of the elections.

Domestic observer groups and other civil society groups may have more leeway in how they they can monitor election coverage. These domestic bodies can utilize more varied or in-depth methodologies to determine different types of media bias. EMBs, by contrast, are often restricted to a simple analysis of the allocation of time to parties and candidates. Civil society monitors usually have a strong understanding of the local contexts, actors, languages and so on. Many have good networks with the domestic media and can communicate with them quickly and directly about their findings. For example, the civil society group Sudan Media and Elections Consortium published biweekly Media Monitoring results before, during and after the 2010 elections. This means that civil society monitoring can often be used as part of an effort to raise journalistic standards or to address other issues while the election campaign is still going on. Some organisations may be interested in specific issues such as hate speech, electoral violence, or the representation of women or minorities during elections, and focus on those issues.

Media peak bodies and media agencies will tend to focus their monitoring on ensuring balanced coverage in order to uphold the credibility of media outlets and the media sector as a whole, and to ensure adherence to the law.

The efforts of these different monitoring groups can be complementary, coordinated and even co-operative. In some cases, as in Malawi's first multi-party election in 1994, an EMB may take notice of civil society media monitoring and use its powers to try to make media coverage fairer. In other instances, the EMB may hire a civil society or private monitoring group to be its eyes and ears. The Indonesian Election Supervisory Board, the government's broadcasting

regulator, and the independent Press Council cooperate directly by setting up a joint committee to carry out media monitoring.<sup>[x]</sup> In the Ukrainian presidential elections of 2004 there was media monitoring from both intergovernmental groups and local human rights and media freedom organisations. Local observation groups published their findings regularly (as well as on a broader set of issues). Their conclusions were bolstered by findings by international monitors.

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[i] "Republic of Armenia: Parliamentary Elections 6 May 2012" (OSCE/ODIHR Election Observation Mission, observation report, Warsaw, June 26, 2012),<sup>9</sup> <http://www.osce.org/odhr/elections/91643>

[ii] "Final Report of the Media Monitoring: Commune Council Elections 1 April 2007", (Committee for Free and Fair Elections in Cambodia monitoring report, 2007), 13

[iii] Ibid

[iv] "Republic of Nicaragua – Regional Elections, 7 March 2010, Final Report," (European Union Election Expert Mission observation report, April 2010),<sup>13</sup>

[v] "Media and elections in Sudan: Monitoring the coverage of Sudan 2010 elections, Period 13 February to 31 October 2010," (Sudan Media and Elections monitoring report, December 2010),<sup>10</sup>

[vi] Eugene Kwibuka, "Press Council to ensure fair election coverage", *The New Times*, June 12, 2012, <http://www.newtimes.co.rw/news/index.php?i=15041&a=9158>.

[vii] ICASA monitors broadcasters only. For an example of an ICASA elections monitoring report [see here](#).

[viii] Sometimes Press Councils are officially asked to do the monitoring work, See for example, [Nepal](#).

[ix] See example ABC report: [http://www.abc.net.au/corp/pubs/documents/ABC-ECRC-Chairman\\_Report\\_FederalElection2010.pdf](http://www.abc.net.au/corp/pubs/documents/ABC-ECRC-Chairman_Report_FederalElection2010.pdf)

[x] "Pantau Iklan Kampanye, Panwaslu Gandeng KPI dan Dewan Pers (Monitoring Campaign Advertising, the Election Supervisory Board, the Indonesian Broadcasting Commission, and the Press Council work together)", *Media Indonesia*, May 31, 2012,

## 6.1 Media Monitoring by Electoral Management Bodies

Electoral management bodies may choose to monitor media coverage for a number of reasons:

- To determine whether law or regulations on access to the media are being respected – for example, in the allocation and timing of free direct access or advertising slots, the observance of "reflection periods", respect for regulations on content of advertising and direct access and so on;
- To review more broadly whether political parties and candidates are receiving fair access and coverage, for example in news coverage;



- To identify any emerging issues relating to electoral management or the conduct of the campaign that the EMB itself may have to address;
- To see how the activities of the EMB itself are being reported.

The first two reasons entail gathering extensive quantitative data - in effect, a full-scale media monitoring project. The other two can be achieved by a more casual and non-systematic review of media coverage, of a type that the EMB may anyway conduct as a matter of routine practice.

As official bodies, media regulatory agencies tasked with media monitoring during elections tend to have similar goals and mandates to EMB media monitoring. Sometimes media regulatory agencies focus only the type of media in their remit, for example broadcast media.

As experience of media monitoring grows, and methodologies are more widely disseminated, it has become more common for EMBs (or other regulatory bodies) to contract outside experts to monitor the media, or to collaborate with them. These may be university media studies or other social science departments or civil society organisations.

## **6.2 Media Monitoring by International Election Observation Missions**

Media monitoring has become a common component of international election observations missions (EOMs), since the late 1990s. This development within observation missions is testament to growing recognition of the importance of fair media access to the overall credibility of an election process, and the health of democratic institutions.

Some organisations, such as the Organization for Security and Co-operation in Europe (OSCE), the Commonwealth Secretariat, and the European Union, invariably include a media team in their EOMs. Commonwealth bodies such as the Commonwealth Press Union have themselves undertaken media monitoring, quite separately from the EOMs organised by the Commonwealth Secretariat.

EOMs often task one or more members of the core observation team to develop an overall analysis of the media scene and its potential impact on the election. This ‘overview’ understanding of the media environment – ownership, laws, past history of restrictions on media activity – provides the background for interpreting the quantitative data gathered in the course of monitoring.

A media analyst in the core team is often responsible for training a team of monitors. These will usually be nationals of the country concerned, because of the requirement that they have the necessary language skills, as well as an understanding of the local political scene. In addition their participation may increase the domestic skill base in media monitoring.

The value of incorporating media analysis into international EOMs is that this makes for a more comprehensive evaluation of the overall credibility of an election. For both media and election managers within the country, international media monitoring findings can be used as a

comparison with the conclusions from domestic media monitoring, as well as providing benchmarks for media coverage of future elections.

### **6.3 Media Monitoring by Domestic Observer Groups and Civil Society Organisations**

Domestic observation groups and civil society organisations and have a broad range of incentives for monitoring media coverage of an election. Their primary aim is likely to be the same as that of an electoral management body or international observation mission: to ensure that news coverage is fair and professional and that different parties and candidates have access to the media.

Beyond this, like international observers, they may be concerned, for example, with the content of electoral coverage. What topics do media reports cover? How far do these reflect the particular agendas of parties or candidates? Is electoral debate portrayed in a professional and dispassionate manner or do the media inflame partisan sentiments by their language or the style of their coverage?

Do the media actually meet the information needs of voters (an obvious question, but one that is perhaps asked too infrequently)? Are the positions of parties and candidates evaluated from viewpoint of the voter – see Voter’s Voice Reporting – or are the media complicit with the candidates in the uncritical presentation of their policies? Are the media playing an effective educative role? Do they tell voters what they need to know about where, how and why to vote?

How far are the interests and voices of minority or marginalized groups reflected in the media? Are women’s voices being adequately heard in the election campaign through the media? If not, why not? Are the media reflecting social gender bias uncritically, or are they making an effort to challenge it?

The range of issues that civil society media monitors and domestic observer groups have tackled is broad. Seldom is a media monitoring operation going to be able to address all these issues. What they can do, however, is to bring their particular expertise to bear upon particular aspects of media coverage. Sometimes this area of expertise will be in the area of the media itself. NGOs concerned with media freedom and with professional standards are often engaged in monitoring. The purpose may be both to defend the media against political interference, whether from governments or private proprietors. Or it may be to promote professionalism in coverage.

On other occasions, the relationship between civil society monitors and media has been more difficult. Hostility between government media and civil society monitors is common. The latter are accused of promoting their own quasi-political agenda. Sometimes private media houses exhibit a similar reaction – for example in Moldova in 2005 – questioning the qualifications and bona fides of a monitoring group that produced critical findings.

On occasions, monitoring groups will address other issues too. An example of a broader focus came in media monitoring of the Ukrainian presidential election in 2004. One NGO, Equal

Access, conducted comprehensive media monitoring focusing solely on media access allocation to candidates. In parallel, two other organisations, the Institute of Mass Communication and the Kharkiv Human Rights Group, ran a monitoring project that addressed other issues in addition to the allocation of time and space to candidates. They looked at coverage of issues of particular concern to minority ethnic groups – including Crimean Tatars – and at the representation of women in election coverage. Their findings were hardly surprising – under-reporting of minority concerns and a low frequency of women’s voices as news sources. These findings however, provide an important baseline information if these issues are to be tackled in future.

Domestic organisations monitoring the media can often do so for a longer period than international agencies or EMBs are able to. They are also better equipped to look at subnational elections which may be of less interest to other monitors. For example, the non-government Committee for Free and Fair Elections in Cambodia monitored media coverage of the 2007 Commune Council elections for three months including the campaign and counting periods. They revealed major bias in the reporting of these elections.[1]

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[1] “Final Report of the Media Monitoring: Commune Council Elections 1 April 2007”, (Committee for Free and Fair Elections in Cambodia, monitoring report, 2007)

#### **6.4 Media Monitoring by Media Peak Bodies or Individual Media Outlets**

Media peak bodies, journalist unions, or professional associations, are consortiums made up of media organisations and/or individual journalists and editors. These bodies are usually fully independent of governments. They are often keepers of a code of conduct (and sometimes a specific elections code of conduct) which member organizations and individuals must ratify. In some cases media organisations cooperate with the EMB to produce a code of conduct for elections reporting, and in this case may be asked specifically to monitor its implementation. These consortiums have a particular interest in election media monitoring to ensure that codes are adhered to, thereby protecting the reputation of the media large. The issue of safeguarding reputation is often particularly the relevant in countries or regions emerging from conflict or an authoritarian past, and as such media feel compelled to actively monitor, as well as promote and demonstrate impartiality and professionalism.

In Tanzania’s 2000 elections, a media monitoring project was initiated by the Media Council, a voluntary professional body, in conjunction with other NGOs concerned with media freedom and professionalism. The project began with a conference, attended by representatives of the main media, which drew up a code of conduct for election coverage. The purpose of monitoring was explicitly to examine whether coverage complied with the standards that the media themselves had agreed upon. Inevitably, media houses often disputed the findings of the monitors. However, they also proved ready to engage in dialogue, which can only have benefited the quality of coverage.[i]

In addition, individual media agencies often establish internal rules and guidelines for elections reporting, such as the British Broadcasting Corporation (BBC); and / or carry out extensive

internal monitoring of their elections coverage, for example the Australian Broadcasting Commission (ABC).

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[i] "Interim Report, Elections 2000 Media Monitoring Project", (Media Council of Tanzania monitoring report, Tanzania, November 2000), 3 <http://aceproject.org/main/samples/me/mex23.pdf>

## 6.5 Media Monitoring Methodology

Media monitors – whether electoral administrators, international observers, civic activists or academics – should address a number of practical and methodological questions before embarking on their project:

- What are the overall goals of the monitoring? Is the monitoring intended as a process of constructive intervention in election implementation – for example, to require the media to adhere to professional standards – or is it intended primarily to document whether media coverage was fair and balanced? Does the monitoring provide a broad look at the media's contribution to free and fair elections, or more narrowly at certain aspects?
- Who is the target audience for results? What format will the results take? How often will results be reported? What resources are available or needed, and what is the best way to allocate them for the monitoring tasks?
- What media are to be monitored? Will it be just public media, or all media? Will it be just broadcasting outlets or print media? Will monitor social media be monitored? Will it be a selection of media or all major national outlets? Will we consider sub-national media?
- Which parts of the media output are to be monitored? Will it be specified news bulletins, all output during particular times of the day, or all output?
- What content will be monitored (and with what purpose): news, advertising, free direct access slots, special programming, voter education, or all of these?
- Will the monitoring seek to gather only data about how much time was allocated to the different parties or candidates or will it also look at other aspects of coverage, such as the use of language, the selection of news stories, and so on?

The answers to each of these questions have an important impact on the monitoring methodology that is adopted.

Most media monitors employ methodologies that utilise a technique known as 'content analysis'. This kind of analysis is essentially quantitative in nature. In other words, it is

concerned with elements of media output that can be measured and counted. Content analysis has sometimes been criticized for reducing media coverage to what is measurable, omitting important aspects such as tone and language, or identifiers such as audio or visual. There are many things that content analysis cannot do – most simply and obviously, it cannot reveal whether news coverage was accurate or inaccurate.

Typically, quantitative monitoring of media election coverage will focus time allocation according to the various parties and candidates. This may then be qualified by an assessment of whether the coverage is favourable or unfavourable. Although these measures may also be quantified, they are essentially qualitative judgments.

Some monitoring methodologies introduce other types of quantitative measures in an attempt to avoid relying on monitors' assessments of whether coverage is positive or negative. They may, for example, count the sources that journalists use, assigning them to different political or social categories. This may be a more objective measure of balance. They may classify media items by topic. This can be useful since, in an election campaign, political parties often campaign not only with different positions but also on different issues. The media's selection of topics may therefore be a sensitive indicator of their political sympathies.

Another aim of quantitative monitoring may simply be to measure the amount, and perhaps timing, of political advertising or free direct access programming. This may be to ensure that what is actually published or broadcast conforms to the laws or regulations governing direct access.

### **6.5.1 Media Monitoring and Media Analysis**

Monitoring solely the output of the media will never provide a complete picture regarding level of professionalism and degree to which the electorate are being appropriately informed. Media monitoring should always be part of a broader process of media analysis. Indeed, many monitoring findings will be inexplicable without placing them in context. Without the context, quantitative and qualitative findings of media monitoring will be meaningless.

Specifically, media analysis examines the following factors:

- **Media environment:** Who owns the media? What are their political leanings? What is the structure of any publicly funded media? How do the media make their money? What is the audience for different media outlets? Does the public have good access to a range of media?
- **Media law:** What is the legal environment in which the media operate? Are there generalised restrictions on media freedom? Does the law relating to media and elections enable the media to report freely or does it restrict them? Are any restrictive laws in regular use?

- Professional standards and traditions: Does the country have a tradition of media freedom? Is there a long history of independent professional journalism? Is there professional regulation of the media (for example through a code of conduct and a self-regulatory complaints procedure)? Have most journalists received professional training? Are journalists paid decent salaries and to what extent is 'envelope journalism' a problem?
- Attacks on the media: Have journalists been allowed to go about their work unhampered? Have there been attacks on journalists by government agents? By supporters of different political parties? Have journalists been arrested and imprisoned?
- Informal controls over the media: Do the government or important political figures exercise informal political control over what appears in some media outlets? Does this happen through bribes and inducements? Threats and penalties? Self-censorship? Or a combination of all of these?
- Overall impact of media on the elections: To what extent has the sum of these issues impacted on the conduct of the elections, and their broader contribution to the democratic process?

### 6.5.2 Quantitative Media Monitoring Methods

Quantitative media monitoring methodology is often described as content analysis. This has been an influential, but not universally accepted, approach to media studies for more than half a century.

The various criticisms of content analysis generally charge that such analysis entails imposing arbitrary and inflexible categories upon content which may in reality be subject to subtler interpretations. Hence, for example, content analysis takes no account of how an audience will understand a message conveyed through the news media. It simply undertakes a quantitative analysis of that message. Quantitative analysis implies the selection of elements of the content of media output that can be counted. In many examples of academic content analysis, the indicators selected may be words. Researchers will measure the frequency with which certain words, or combinations of words, feature.

Whatever the validity of the criticisms of content analysis, the fact is that it is often used in media monitoring in the context of elections. The analysis very seldom focuses on selection of words. Rather, monitors will identify and count one or more of the following variables:

- Frequency with which parties or candidates are mentioned.
- Length of time allocated to parties or candidates.

- Frequency with which various other political or social actors are mentioned.
- Frequency or time allocated to different topics.

There are a number of other variables that monitors might wish to identify. These might include: gender of cited sources, geographical origin of the story, the time that an item is broadcast, the position of an item in a news bulletin and so on.

Different methodologies will incorporate different indicators. The common characteristics of any well-chosen indicators, however, will be that they are **reliable** and **valid**.

**Reliability** means that there will be the same results, whoever the monitor is. In other words, there will be a scientific classification system that can be replicated in most instances. For example, measuring the amount of time directly spoken by a particular candidate is reliable. Classifying topics according to a predetermined set of codes is also reliable, provided that monitors are trained in how to apply that classification system and will usually – say 95 times out of 100 – yield the same result.

**Validity** means that the data gathered actually show what they are supposed to show. For example, a mere counting of the sex of the voices cited by the media is unlikely to be a valid measure of gender bias. Too many other factors would have to be taken into account: general social attitudes towards women, the gender distribution of candidacies in the different political parties, and so on. Likewise, the amount of time allocated to a particular candidate would not be a valid indicator of bias on behalf on the part of a media outlet. (Other considerations would need to be taken into account, such as the content of the coverage.)

### **Quantitative monitoring – some possible approaches**

All quantitative media monitoring of election coverage is likely to focus on the time allocated to different parties or candidates. Exactly how this will be computed is a matter of choice, with various advantages or disadvantages to the differing approaches.

Many European media monitoring organisations – including the European Institute of the Media, the Osservatorio di Pavia and MEMO98 – use an approach that is predicated upon the frequency of mention of a number of predetermined “political subjects”. Each mention of these subjects within the monitoring period will be logged separately and the amount of direct speech times allocated will be recorded. Each mention will also usually be classified as positive, negative or neutral towards the “subject”.

A slightly different approach is not to count frequency, but to break broadcasting bulletins and publications into “items”. An item will normally correspond to a story within a news bulletin or a newspaper, or a political advertisement. All overtly identified sources for the item will be recorded, both by name and by category (such as political party). Direct speech times will also be counted. The entire item will be assessed to determine whether it favours and/or opposes any candidates or parties. The advantage of this method is that counting the number of sources for

each item and evaluating their diversity gives an objective measure of the professionalism of media coverage. The disadvantage is that it does not strictly count the frequency of mentions of a party or candidate. Methodologies of this type are used by organisations such as the Media Monitoring Projects in South Africa and Zimbabwe and ARTICLE 19, which does media monitoring in Africa and Eastern Europe.

Each of these methodologies has to address the common problem of how to assess whether a mention of a political subject or an entire news item (depending on the exact methodology) favours or opposes a candidate or party. Some methodologies use a scale of assessment, in which the monitor places the item somewhere on a measure between +2 (very positive) and -2 ((very negative), passing through positive, neutral and negative.

There is clearly always going to be an issue of reliability. How will it be possible to ensure that monitors apply the same evaluation? This can only be achieved through training and practice. This will determine the margin of error in evaluating items on the scale.

### **Determining positive and negative coverage**

The more fundamental problem, however, is how to apply objective criteria. It is important, first, to understand that evaluating whether an item or speech is positive or negative about a particular party or candidate is *not* the same as determining if it is biased. The measurement of bias comes only when it is possible to assess the aggregated measures of positive or negative coverage.

One effective approach is to use two sets of criteria in determining whether an item is positive or negative: *context* and *content*.

The first of these, *content*, refers to the way in which the story is framed. For example, if a story is about a politician appearing in court on charges of fraud, the frame is clearly negative. (Note that this has nothing to do with whether the story is accurate or fair.) If the politician is rather receiving the Nobel Peace Prize, the frame is positive. If the politician is addressing a political rally, the frame is most likely to be neutral.

The second criterion, *content*, refers to the overt facts and tone of the story. If the politician charged with fraud makes a particularly effective speech from the dock, this may be positive (despite the negative framing of the story). If the journalist says that the politician did not deserve to receive the Nobel Prize, this is negative, despite the positive framing. More commonly, of course, the framing and content coincide.

If context and content do coincide, then it is clear how the item will be classified. If the context and content lead to opposite conclusions (one positive, one negative), then they will cancel each other out and the item will be classified as neutral. If either content or context is neutral, while the other is positive or negative, then the latter will determine how the item is classified.

### **Other quantitative methods for evaluating coverage**



In the second family of methodologies already described, there are a number of other quantitative indicators that can be used:

- Number of sources is an indicator of journalistic professionalism. Distribution and balance of sources may indicate political bias.
- Gender of sources may be a useful indicator if carefully interpreted.
- Geographical distribution of stories may be significant in some instances.
- Selection of topics is likely to be important.

The final point – selection of topics – may often be a sensitive quantitative indicator of the political inclinations of the media. Political parties usually campaign on somewhat different issues from their opponents. The selection of stories covered by the media will often suggest how far they subscribe to the political agenda of one party or another.

Statistics on sources say something about balance, but not automatically about bias. A one-source story is unbalanced, but it need not be biased. If the governor of the central bank announces a rise in interest rates, no other voice is required because it is a straight news item. (Good journalistic practice might suggest that a comment from the political parties and independent experts would be helpful.) On other hand, coverage of political violence that only quoted from one party would probably be biased.

### 6.5.3 Qualitative Media Monitoring Methods

Quantitative analysis alone will not adequately explain strengths and weaknesses of media coverage. It is not enough to claim that the ruling party is receiving more media coverage than the opposition - there may be good reasons for this, such as larger public support, and therefore interest. Similarly, a simple count of news items may conceal the fact that some parties' coverage "quota" may include items that show them in a negative light

Extremely important aspects of election coverage are not readily susceptible to quantitative monitoring. Reporting of inflammatory speech, for example, will require close textual analysis of the approach that the media uses.

Monitors also analyse content of voter education material to ensure that party political messages are not being conveyed. Often monitors compare the treatment of the same stories in different language services. Often in post-colonial contexts, indigenous language content that is broadcast is remarkably different that of in colonial language broadcasts. The latter will to some extent, be for external consumption. Broadcasters and politicians might assume that international monitors do not pay attention to what is conveyed in local languages.

One very important consideration for monitors to address is the extent to which media reporting is accurate. Media monitors measure bias by comparing media reporting to their own understanding of events, as influenced by a variety of sources. 'Source monitoring' is when the media monitors attend a newsworthy event, such as a political rally or a press conference, in order to see how media coverage compares with their own perceptions. The Internet has made it easier for monitors to compare domestic coverage with international reporting on an election. The two sometimes bear little similarity to each other.

Evaluating implicit messages contained within media coverage is at the same time important, difficult and highly contentious. Subtleties of language and visuals convey a variety of messages that are not always absorbed by an audience in a conscious manner. For example, pro-government media may have a president 'state' something while his opponent only 'alleges'. Reporting does not have to be inaccurate to be an improper influence on the audience's perceptions. In South Africa before the 1994 election, for example, monitors noticed that coverage of African National Congress demonstrations consistently noted the amount of litter left behind by the participants. The message was that the ANC was disruptive and irresponsible. Foreign news items can also be used to encourage a particular interpretation of domestic news. In Malawi in 1994, coverage of opposition parties on the state broadcaster was placed alongside news of the Rwandan genocide. The subliminal message was that an end to one-party "stability" would lead to bloodshed.

Television has complex visual vocabulary. Figures who are regarded as authoritative - such as incumbent politicians - may be portrayed at an upward angle, while others are filmed at a level angle or from above. Figures in authority will more often address the camera directly, while others will address an unseen interviewer to one side of the camera and thus will not address the viewer directly. Ordinary interviewees - opposition members, trade unionists, or a member of the general public - will usually be interviewed in the open air. Government members will be seen in their office, often shuffling papers and apparently engaged urgent and important activity. An office background tends to emphasise the authority and expertise of the interviewee. And so on.

Graphics and logos that accompany news broadcasts may also convey a message. In the Zimbabwean elections in 2000, a special current affairs programme that ran through the campaign period had as its logo the tower at the Great Zimbabwe ruins - exactly the same as the symbol of the ruling party.

## 6.6 Monitoring New Media

New media and social media are growing in importance as tools for campaigning, voter education, policy debate, opinion polling, and scrutiny of elections – in other words, all the roles played by traditional media but with more decentralized, interactive and user-driven mediums. A description of the roles of new media can be found under [New Media](#).

Should new media be monitored as part of elections media monitoring? Given their increasing importance and impact on electoral processes in many contexts, it is logical that they should be monitored. However tools to do so are still nascent, and the challenges of monitoring social

media are both substantive and logistical. The prospect of monitoring new media elicits a number of substantive questions such as: Given the convergence of new media and more formal, traditional media, at what point does elections-related regulation kick in? (Some regulatory systems now have answers to this question, making the monitors' job easier). How is it possible to judge if and when new media is important enough that it needs to be monitored? Is it necessary to monitor both formal new media (such as the online versions of newspapers) as well as informal social media (such as personal blogs), even if these are not regulated under elections-related laws? Logistical questions need to also be considered such as: What social media should be monitored? Will the monitoring be cost-effective?

A few recent international Election Observation Missions have acknowledged the roles new media plays, and commented on them, but have not included them as part of formal media monitoring. The 2011 EEAS mission to Nigeria, for example, acknowledged that

[t]he seven largest dailies have their on-line editions, which alongside with citizen journalists' reports posted on-line became a meaningful source of information during the elections. Different types of social media (like Twitter and Facebook) were broadly used by both electorate and politicians, since more than 40 million Nigerians have access to the Internet. [i]

The 2012 OSCE/ODIHR mission to Russia stated that

[t]he penetration of Internet continues growing and it is increasingly becoming a source of alternative information [with 50% internet penetration amongst Russian adults]. In particular, social media are evolving as a forum for political debate and are used as a new tool for mobilizing and organizing people. [ii]

Both of these missions, however, carried out formal monitoring only on traditional media.

There are now many social media monitoring (SMM) tools that trawl blogs and social networks for key words, and are primarily used by the private sector to track 'buzz' about brands. Currently, SMM tools are used in elections mainly to track voter intentions and electoral campaign issues, for example in the lead-up to the US Presidential elections of 2012.[iii] Social media have also been monitored by organisations interested in preventing electoral violence in real-time by monitoring keywords cropping up in social media, for example in Nigeria in 2011.[iv] Election media monitors can use SMMs to find out, for example, whether campaign and direct access rules are being broken, whether voter education and political campaigns over social media are reaching wide audiences, whether in general freedom of speech is thriving, or if there is censorship or self-censorship in the social media environment

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[i] "Nigeria: Final Report, General Elections April 2011", (European Union Election Observation Mission, observation report, 2011), 30 [http://eeas.europa.eu/eueom/pdf/missions/final-report-nigeria2011\\_en.pdf](http://eeas.europa.eu/eueom/pdf/missions/final-report-nigeria2011_en.pdf)

[ii] "Russian Federation Presidential Election, 4 March 2012", (OSCE/ODIHR Election Observation Mission Final Report, 2012),12

[iii] One example of such tracking is Meltwater Buzz. See: <http://election2012.meltwater.com/index.php/wordcloud/index/all/2012-05-11#>

[iv] Michael Terrazas “Crowdsourcing Democracy through Social Media,” *Georgia Tech College of Computing* (blog), October 11, 2011, <http://www.scs.gatech.edu/news/crowdsourcing-democracy-through-social-media>

## 6.7 Reporting Media Monitoring Findings

The way in which media monitoring findings are reported is a crucial aspect of media monitoring methodology. Exactly how this is approached will vary depending on the type of monitoring exercise and who is conducting it.

For example, international election observation missions usually do not report their findings until the election is over (or at least the campaign is complete) except perhaps for a single interim report. An electoral management body or a national non-governmental organisation is more likely to want to report their findings on a regular basis – as often as once a week, or even daily in the later stages of an election campaign. The reason is that their purpose in reporting is to have an impact on media coverage, either as a regulatory authority or as a pressure group.

All reports – even short weekly reports – will need to contain certain standard elements, even if they may be very brief in a shorter report:

- A summary of findings.
- A description of the project and methodology.
- A presentation of data and findings.
- Conclusions and recommendations.

Longer reports will all also include information about the overall media landscape (including such elements as any violations of media freedom).

All serious media monitoring reports will have certain common elements in their style and presentation. The language used should always be neutral and politically non-partisan. Conclusions and observations will be presented clearly and substantiated by the statistical data and other evidence presented. The limitations and possible weaknesses of the data should also be explained.

Data will be more clearly comprehensible if it is presented graphically – for example as bar or pie charts. However, care should be taken with this. Absolute data should also be shown as percentages to help readers understand their significance. But percentages should also be qualified by showing the absolute data on which they are based. It is all too easy to write something like: “There was 100 per cent more coverage of Party A than of Party B.” But perhaps there were just two stories about one party and one about the other.

Recommendations are also important. If the report is a reflective one covering the whole election period, these will be aimed at future changes in media practice and perhaps also the law and regulations governing the media in election periods. For interim reports, recommendations are likely to be more specifically focused in order to encourage the media to report more fairly.

## Distributing reports

In most cases it is now easiest to distribute regular media monitoring reports by email. But in doing so, do not ignore the important audiences that may not be readily accessible by this medium. Here is a quick check-list of the possible audiences for media monitoring reports. They will vary, of course, depending on local circumstances as well as the nature of the monitoring exercise.

- Media houses.
- The electoral management body.
- Political parties.
- Media regulatory bodies.
- Relevant non-governmental organisations.
- Professional media bodies (such as journalists' unions, voluntary media council etc).
- Civic and community organisations.
- Observer and monitoring groups and missions.
- Diplomatic and donor bodies.

## 6.8 Examples of Elections Media Monitoring Reports and Media Monitoring Guidelines

***Media and Parliamentary Election in Egypt*** is a media monitoring report on the 2010 Egypt Elections published by the Cairo Institute for Human Rights Studies: <http://www.cihrs.org/wp-content/uploads/2012/02/Elections-Report.pdf>

***Final Report of the Media Monitoring: Commune Council Elections 1 April 2007*** is a media monitoring report published by the Committee for Free and Fair Elections in Cambodia (Comfrel): [http://www.comfrel.org/eng/components/com\\_mypublications/files/4397221187756051Book\\_of\\_Media\\_Monitoring\\_Report\\_Final.pdf](http://www.comfrel.org/eng/components/com_mypublications/files/4397221187756051Book_of_Media_Monitoring_Report_Final.pdf)

***Media and Elections in Sudan; Monitoring the coverage of Sudan 2010 elections***, is a monitoring report produced by the Sudan Media and Elections Consortium and the United Nations Development Program: [http://www.i-m-s.dk/files/publications/1704%20SudanSMEC\\_final07-01-2011.pdf](http://www.i-m-s.dk/files/publications/1704%20SudanSMEC_final07-01-2011.pdf)

European External Action Service observation reports with significant media monitoring components can be found at [http://eeas.europa.eu/eucom/missions/index\\_en.htm](http://eeas.europa.eu/eucom/missions/index_en.htm)

Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR) election observation reports with significant media monitoring components can be found at <http://www.osce.org/odihr/elections/>

OSCE/ODIHR has developed a *Handbook on Media Monitoring for Election Observation Missions*: <http://www.osce.org/odihr/92057?download=true> (2011) OSCE/ODIHR and the Venice Commission have also provided *Guidelines on Media Analysis During Election Observation Missions* describing international and regional standards underpinning observation work, techniques of media analysis and basics of media monitoring methodology: [http://www.venice.coe.int/docs/2009/CDL-AD\(2009\)031-e.pdf](http://www.venice.coe.int/docs/2009/CDL-AD(2009)031-e.pdf).

The National Democratic Institute (NDI) published *Media Monitoring to Promote Democratic Elections: An NDI Handbook for Citizen Organizations* to provide organizations tools and skills necessary to media monitoring: <http://www.ndi.org/node/12997>

A media monitoring manual, titled *Election Coverage from A Gender Perspective: A Media Monitoring Manual*, was published by International IDEA and UN Women: [http://www.idea.int/publications/election\\_coverage\\_gender\\_perspective/index.cfm](http://www.idea.int/publications/election_coverage_gender_perspective/index.cfm)

## 7. Media Development

Media development is the process of strengthening the capacity and quality of media. This process includes advocacy, technical assistance, education as well as many other activities that address the media sector as a whole. The Center for International Media Assistance (CIMA) provides the following recommendation:

Media development requires an integrated approach. Professional development is critical, but insufficient; well-trained journalists need supportive laws; editors need supportive publishers; and owners need managers with business skills to make their enterprises sustainable. A public that understands the value of quality journalism and government officials who understand the role of an independent press are equally important. Change will happen faster if all the factors—professional development, economic sustainability, legal-enabling environment, and media literacy—are addressed simultaneously.<sup>[i]</sup>

Election coverage will almost always benefit from concerted efforts toward media development in general. Here are some of the key points explored in this chapter:

- Media professionalism is the conduct of media coverage and activities according to high standards of ethics, accountability, legality and credibility, while exercising rights such as freedom of expression and information. Media professionalism is an essential ingredient to democratic election processes.
- There is often a dearth of training and experience in election reporting. Journalists often do not have professional journalism degrees, and have limited exposure to professional training. Where journalists do have access to education and training, the topic of elections is quite often a minor component of the training, often subsumed under 'political reporting' or a similar topic. Many journalists gain skills in election reporting from on-the-job

experience, or from courses organised by stakeholders in the lead-up to elections. These courses may be useful, or may be limited in scope.

- To promote quality media and enhance its role in democratic societies, many other important activities are carried out worldwide. These include:
  - o Advocacy and Legal Support
  - o Business Development
  - o Media Infrastructure
- Planning is very important to election coverage. Elections are challenging stories, requiring major redeployment of human and financial resources. Much of what needs to be done can be foreseen before the beginning of an election campaign.
- Journalists and editors need to keep sight of specific ethical issues that may arise in election reporting. Sometimes media organisations will come together and formulate a voluntary code of conduct for election coverage, in consultation with other stakeholders – notably EMBs and political parties. Sometimes media outlets will formulate internal codes of conduct that apply just to their outlet.
- Journalists need to develop understanding of media strategies adopted by political parties to communicate their messages. Journalists will need to be careful not to become unwitting servants of the parties’ media campaigns, while still maintaining capacity to explain parties’ behaviour to the public.
- Accurate and innovative election reporting takes public interest as its starting point and priority. , As part of this effort, it includes not only the voices of contestants but also of voters and the general public.

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[i] David E. Kaplan, *Empowering Independent Media, U.S. Efforts to Foster Free and Independent News Around the World. Inaugural Report: 2008*, ed. Marguerite H. Sullivan, (Washington DC: National Endowment for Democracy, 2008), 8

## 7.1 Media Professionalism

Media professionalism is the conduct of media coverage and activities according to high standards of ethics, accountability, legality and credibility, while exercising rights such as freedom of expression and information.

An important element in a media environment is the degree of professionalism and experience of journalists and other media practitioners. It is common that journalists in a country that has only recently emerged from a highly restrictive political system will lack many of the skills and professional standards of their counterparts in a country with a long history of media freedom. However, the experience of an authoritarian regime may not be entirely negative. In many cases, courageous independent journalism has played an important part in pressuring dictatorships to open up the political space. 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.

Most of the ethical and professional issues that journalists encounter in covering elections are variants of what they confront in their everyday working lives. However, these issues and dilemmas may present themselves in particular ways during elections.

Examples of such professional dilemmas might include:

- **Newsworthiness v. balanced and thorough coverage:** News coverage is typically driven by considerations of what is unique or remarkable and therefore of particular interest in an event. Yet electors require fair and balanced presentation of the manifestoes and agendas of the different parties (which may be far from distinct or interesting). How can the media reconcile their news function with their public service function?
- **Transparency v. integrity of the election process:** One of the reasons that the media play an essential role in democracies is that they are able to scrutinise and expose malpractice in elections. However, proper administration of an election also depends on security and confidentiality. Balancing these two elements is an issue for lawmakers and those responsible for drawing up electoral regulations. However it is also a day-to-day practical issue for journalists themselves.
- **Reporting inflammatory speech:** Politicians are more likely to express extreme and inflammatory sentiments during election campaigns – with the intention of impacting large



audiences. Yet, it is perhaps paradoxical that while election campaigns are occasions where these sentiments frequently have negative impact or consequences, campaigns are also occasions when freedom to express differing political views is of utmost important. The regulatory implications of this dilemma are for policymakers to resolve. For journalists the challenge is to report inflammatory political speech in a manner that is both accurate and least likely to provoke violence.

- **Resourcing elections coverage:** In the developing world in particular, media outlets often operate with minimal resources, and journalists are often poorly paid. This provides a number of ethical problems for editors. For example, what should a media outlet do if there are not enough journalists (or supporting communication equipment and funding) to cover an election? For some, one answer has been to allow journalists to receive 'per diem' or 'honoraria' or other material reward for covering a story, sometimes by a candidate or contestant, a practice which although widespread is in fact bribery and detrimental to independent reporting.

The following pages explore the following elements of media professionalism:

- Codes of conduct
- Legal issues in election reporting
- Accuracy in election reporting
- Impartiality in election reporting
- Responsibility in election reporting

### 7.1.1 Codes of Conduct for Media in Elections

Codes of conduct provide essential principles to guide actions of media and journalists. A code of conduct may be declared by an association or trade unions of journalists, a media house, a regulatory body (such an EMB), or by individual journalists. Such codes are most effective if they are the outcome of a collective process, however, in which journalists and editors themselves participate. There are overarching codes of conduct such as that agreed by the International Federation of Journalists (<http://www.ifj.org/en/pages/about-ifj>). This code of conduct enunciates several principles that will be relevant to journalists in election coverage:

- Accuracy
- Impartiality

- Honesty and resistance to corruption
- Avoiding the use of language or sentiments that promote violence or discrimination
- Correction of inaccurate factual reporting

A code of conduct for election reporting will likely include a mixture of general ethical standards, applicable in all circumstances, and those specific to election periods. This is a possible check-list of standards, derived from International IDEA's (<http://www.idea.int/>) proposed code of conduct (which is itself based upon many existing codes from different countries):

- The first duty of a journalist is to report accurately and without bias.
- A journalist shall report only in accordance with facts of which s/he knows the origin. A journalist shall not suppress essential information.
- A journalist shall observe professional secrecy regarding the source of information obtained in confidence.
- A journalist shall report in a balanced manner. If a candidate makes an allegation against another candidate, the journalist should seek comment from both sides wherever possible.
- A journalist shall do the utmost to correct any published information that is found to be harmfully inaccurate.
- As far as possible, a journalist shall report the views of candidates and political parties directly and in their own words, rather than as they are described by others.
- A journalist shall avoid using language or expressing sentiments that may further discrimination or violence on any grounds, including race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.
- When reporting the opinions of those who do advocate discrimination or violence, a journalist shall do the utmost to put such views in a clear context and to report the opinions of those against whom such sentiments are directed.
- A journalist shall not accept any inducement from a politician or candidate.
- A journalist shall not make any promise to a politician about the content of a news report.
- A journalist shall take care in reporting the findings of opinion polls. Any report should wherever possible include the following information:
  - who commissioned and carried out the poll and when
  - how many people were interviewed, where and how were they interviewed and what is the margin of error
  - what was the exact wording of the questions.
- A journalist shall regard the following as grave professional offences:

- plagiarism
- malicious misrepresentation
- calumny, slander, libel or unfounded accusations
- acceptance of a bribe in any form in consideration of either publication or suppression.

Many of these standards are examined in greater detail in the following pages. The following are examples of election-specific codes of conduct:

- A code of conduct used during the 2010 parliamentary elections in Egypt can be found in Annex 1 of this report by the Cairo Institute for Human Rights Studies: ([www.cihrs.org/wp-content/uploads/2012/02/Elections-Report.pdf](http://www.cihrs.org/wp-content/uploads/2012/02/Elections-Report.pdf))
- A code of conduct used in the 2011 Zambian elections can be found here: [http://www.elections.org.zm/journalist\\_code.php](http://www.elections.org.zm/journalist_code.php)
- A code of conduct from the National Electoral Board of Ethiopia (as of 2012): <http://www.electionethiopia.org/en/directives/237-code-of-conduct-for-the-mass-media-and-journalists-on-the-manner-of-reporting-about-elections-regulation-number-62010.html>
- A 2010 Tanzania elections code of conduct for media: <http://ebookbrowse.com/media-code-of-conduct-for-election-reporting-tzmainland2010-pdf-d45532656>
- A 2011 Timor Leste election code of conduct for media: <http://www.unmit.org/legal/RDTL-Law/Public%20Inst-Regs/09-STAE-X-2011.pdf>

### 7.1.2 Legal Issues in Election Reporting

A thorough understanding of the laws governing elections is a precondition for reporting elections.

Senior editors and executives involved in planning coverage will need to know what their legal obligations are. What, for example, are the laws or regulations relating to content of either direct access programming or news coverage, and systems can a media house put in place to meet its obligations? Media personnel will also want to know reporting or access restrictions in place for the various stages of an electoral process. For example, will journalists have access to the count and will there be restrictions on reporting results prior to an official results

announcement? More information about regulations can be found in Legal Framework for Media and Elections.

Editors and journalists will also need to be well versed in an EMB's operational and procedural plan for the elections. For example, staff will want to know what provisional precautions exist to safeguard the security of ballot boxes and ballots, including sourcing of seals, boxes and ballots; the existence of databases for tracking ballot stub serial numbers; plans for ballot box transportation; and provision of storage facilities.

If journalists are to report accurately – and hold election administrators to account – they should also become familiarized with the electoral system employed in an election. If this seems obvious, the reality is that all too often reporters simply do not understand how the system works. For example, they are unable to analyse the criteria for delimitation of electoral boundaries to determine if delimitation has been carried out fairly. Furthermore, journalists often do not understand how an election result is reached, particularly in elections involving more complicated formulae than “first past the post” systems.

Most of these areas of knowledge can be addressed through journalist training as well as other vital elements of media development such as incorporation of electoral law into university degree programs, advocacy for electoral legal frameworks that encourage media access to electoral events (thereby also encouraging learning and skill building), building electoral law literacy within the general public, and so forth.

### **7.1.3 Accuracy in Election Reporting**

Accurate reporting requires close attention to a plethora of details such as correct spellings of candidate names, precise numbers of attending audiences at election events, exact quotes and attribution, and so forth.

Journalists also have a broader responsibility to place words and events into a clear and accurate context. A news report can easily become skewed in favour or against a particular candidate if context of a statement is not accurately provided or portrayed. Often this task will require a journalist or editor to place one candidate's remark in correct correlation to statements of other candidates.

The media will always compete to get a story quickly. However, journalists also have an ethical responsibility not only to be timely but also accurate in doing so. There are pragmatic reasons for this, as well as principled ones. Media or journalists who are cavalier with facts will lose trust, and as a result will often face obstacles in gathering further information.

### **7.1.4 Impartiality in Election Reporting**

One measure of quality election reporting is impartiality. Impartial reporting is closely related to accuracy. Accurate reporting is a precondition to impartiality; however, it is not a sufficient alone. One-sided reporting that conveys the position of a favoured party or candidate without

reporting alternative positions is biased election coverage. A news story that includes different points of view is always going to be a stronger and more balanced one.

It is sometimes a challenge for media to establish balance within a particular story. For example, a journalist may be assigned to a particular party campaign and will not have opportunity to seek comment from other parties. In such cases, editors are responsible to make sure that different party positions on the same issue are reported. This is done by compiling composite stories or by running parallel stories that portray the different positions.

One characteristic of impartial election coverage is separation of fact and comment. In other words, if a journalist or editor expresses his or her own opinion, it should be labelled as such. This applies even to campaign journalism. A media outlet may endorse a candidate, party, or political position however they impartial election coverage obliges coverage still be accurate, even when such accuracy may undermine that endorsement. This ethical obligation lies with individual journalists and editors, as well as with higher management of a media outlet.

So is it ethical for journalists and editors to voice opinions? Generally speaking, credible newspapers – both print and online – will often have opinion sections in which editors and others make statements of their views, often clearly in favour of a particular party or candidate. According to an NDI media monitoring manual, “[i]n many countries, there are a large number of private newspapers and magazines that present a wide variety of political views. Political parties may even print and distribute newspapers to present their views”<sup>[i]</sup> none of which is fundamentally unethical so long as readers know the source of the content and are provided with a range of options and perspectives. For example, the highly respected international news magazine *The Economist* frequently endorses a particular candidate, for example Barack Obama in the US in 2008 and Nicolas Sarkozy in France in 2012.

When it comes to bias, expectations differ for public media (particularly public radio and television stations) and print media. Public broadcast media is usually expected to provide a wider range of views and less editorial content. This is because public media are owned by the public, often have a large national audience, and can be quite influential, particularly in contexts where audiences have limited choices, including limited access to new media.

Finally, an important measure of journalists’ impartiality is that they do not hold prominent office in any political party or movement. Journalists are as entitled as anyone else to political beliefs and loyalties, however any work-related affiliation to politics will compromise a journalist's credibility as an impartial chronicler of events.

It goes without saying that the acceptance of bribes is neither responsible nor impartial journalism. Yet this topic warrants special attention due to the prevalence of bribery in electoral processes and in journalism in general. While “cash for coverage” may be a conventional form of bribery, other forms exist that do not involve exchanges of money. These other manifestations of bribery may be subtle, such as provision of transportation, resources, or gifts.

Here are a few examples of media bribery. These have been drawn directly from a report by the Center for International Media Assistance (CIMA), *Cash for Coverage: Bribery of Journalists Around the World*:

In South Africa, a journalist admitted in an affidavit that he and several others had set up a media relations firm that received cash payments for helping an African National Congress official in his struggles with party rivals...he described receiving payments of 5,000-10,000 South African Rand...He understood, he said, that he “could not write negative reports about [the candidate] or his allies.”

[...] In Lebanon, “the practice of ‘gifting’ journalists remains widespread... “Certain politicians have a budget for bribes. Depending on your rank and the media you work for, it could be a car or a laptop.” [ii]

It is poor practice for journalists to accept any form of inducement in exchange for writing favourable reports of politicians or prominent individuals. Just as equally, promising negative or no coverage of opposing candidates is also unethical. Some of the ways in which cash-strapped media organisations have tried to overcome the problem of inducement are through: enforcing strict hiring and firing policies that prohibit journalists from receiving bribes; providing ethics training for all staff members; providing non-salary incentives to compensate poorly-paid journalists (for example training programmes and other professional development); advocacy for investment in, and donor funding of, media and media development. In addition, press councils and media ombudsman can uphold a code of ethics that contains measures for sanctioning journalists who accept bribes. Furthermore, stakeholders are beginning to increase advocacy for salary transparency within the media sector. Overall, international advocacy and recognition of the seriousness and pervasiveness of bribery of media has increased substantially in recent years.

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[i] Robert Noris, *Media Monitoring to Promote Democratic elections: an NDI handbook for citizen organizations*, (Washington DC: National Democratic Institute for International Affairs, 2002), 3

[ii] Bill Ristow, *Cash for Coverage: Bribery of Journalists Around the World*, (Washington DC: National Endowment for Democracy, 2010), 9

### 7.1.5 Responsibility in Election Reporting

Journalists have various ethical obligations, both to society as a whole as well as individuals with whom they have professional contact. These responsibilities are the same with election reporting as with any other reporting. For example, journalists are obligated to protect the confidentiality of sources if requested to do so as well as in instances where the source may be in danger. Similarly, a journalist cannot resort to dishonest or illegal methods of gathering information.

The serious nature of this responsibility is a result of the seriousness of media’s overall task of exercising rights to freedom of expression and information – crucial human rights that are

essential to the functioning of democracy. In other words, it is not ‘just a job,’ and impacts a society directly.

It is crucial, for example, that media coverage be fact based and not derivative. Too often inaccurate observations are widely disseminated through repetition. Journalists often use cuttings libraries or the Internet and reproduce claims that they are unable to substantiate, creating rumour-mills. Often well-established and reputable media outlets are just as to blame as small and ill-resourced outlets, in this regard.

Credible journalists also exercise responsibility in how they report damaging allegations against individuals or social groups. They allow those affected a chance to respond, creating a balanced and non-inflammatory report. Furthermore, they are aware of potential impacts of their reports. Inaccurate reporting may swing the outcome of an election. Inflammatory media reports can also cause protests or violence.

## 7.2 Elections Reporting Training

In order to report elections in a professional manner, journalists benefit from adequate training, support and practice. Some additional areas of knowledge that journalists need for elections reporting include:

- An understanding of the political and electoral system
- An understanding of the overall electoral process
- Familiarity with electoral law, especially as it affects media reporting
- Understanding of the role of the media in covering elections
- Knowledge of the country’s election history
- Detailed knowledge of the mechanics of voter registration, boundary delimitation, the vote, the count and any other issues of relevance (such as the use of technology in voting or the use of postal votes, if these are potential matters of controversy)
- The contestants, their power-bases, relationships, leadership, and so on
- The differing roles of men and women in the elections, and actions being taken to ensure women’s participation
- Types of reporting that are fairly specific to elections (such as reporting opinion polls)
- Election coverage and safety
- New media in the context of election coverage, candidate campaigns, citizen journalism, etc . . .
- Investigative journalism in the context of elections
- Public attitudes to the candidates and the elections
- Audience needs for information on the elections

Journalists covering elections tend to come from a range of backgrounds. Some have joined media organisations as young cadets, with or without first obtaining a university degree; some are autodidacts who have written or broadcast their way into a professional journalism job. Some have university-level journalism education; others have received a number of on-the-job short courses; and some have received no formal training at all. Those with university education may have had exposure to elections-relevant course content, for example political science or public policy, while others may have degrees in less directly related subjects. In many countries, there are few educational institutions that offer specialised journalism courses.

Yet, despite the imbalance or the considerable variations between programs, the number of journalism education and training programs is growing around the world. A survey conducted in 2008 by the University of Oklahoma and backed by the Knight Foundation had amassed information on 2850 programs. Roughly 21% of these programs were in Asia and the Pacific, surpassing the 19.3% in North America.<sup>[i]</sup> The World Journalism Education Council (WJEC) is currently compiling a database of journalism education programs worldwide. At the date of this Media and Elections encyclopaedia update (2012) WJEC had amassed information regarding 2332 educational programs roughly 50% of which were in North America and Europe.<sup>[ii]</sup>

A statistic of educational programs does not indicate quality or nature of said programs, however. In some countries there is journalism training, however it may cater to an authoritarian establishment that does not encourage, or permit, democratic practices. Furthermore, where a wide range of quality long- and short-term courses are available in journalism, they may not specifically cover elections reporting.

A variety of institutions such as media development NGOs or EMBs, may provide election reporting training courses or workshops, thereby compensating for any lack thereof in formal education. These courses are usually a few days to a few weeks in duration and may take place in-country or internationally. In-country training carries with it the advantage that more journalists can attend. International training may provide journalists access to resources not available in-country, and provide them with diversity as a learning experience. Training courses usually provide journalists a few key tools necessary for election reporting, but occasionally result in duplication of content between offered courses. Furthermore, there may be few opportunities for journalists to attend more advanced courses that allow them to systematically increase their skill levels. Ideally, election related training should be implemented over the course of entire electoral processes. This ensures that trainees are able to fully grasp a variety of tools and challenges unique to each phase.

There are a number of potential questions to be addressed when institutions or organizations plan training courses:

- What is an affective and reasonable duration for a course?
- How can the training be made relevant and specific to the conditions (including degree of media literacy) of the country concerned?
- What security concerns have the potential to impact the training courses?



- Will the security/political environment allow journalists to put new elections reporting skills to practice?
- How will participants be selected – will they have to sit an entrance test, be nominated by their institutions, etc.?
- Will it be possible to reach enough journalists to have an impact?
- Will female journalists be allowed to attend training, and what can be done to ensure that they are able to participate?
- When can journalists be trained to have the maximum benefit but not interfere with their actual reporting duties?
- What kind of follow-up activities can be carried out to ensure that training is part of a wider media development programme?

There are no simple answers to these questions. However, they can best be addressed if training is organized with close consultation with the most important stakeholders: the EMB, media regulators, media proprietors, and journalists' professional bodies and trade unions. A media mapping exercise can also be useful as a precursor to training programmes, to ensure that media that have the greatest impact are invited to the training, and that a plurality of media participate.

There are a number of useful resources for journalists and trainers regarding tips and training for professional election coverage:

A recent publication released by the Center for International Media Assistance (CIMA) titled *Covering Elections: The Challenges of Training the Watchdogs*, provides an overview of election reporting training as well a substantial list of example courses in different countries. It can be found here: <http://cima.ned.org/publications/covering-elections-challenges-training-watchdogs>

The International Federation of Journalists has produced a number of valuable resources for journalists to draw from for election reporting (and in general). These include a code of ethics as well as an *Election Reporting Handbook* found here <http://www.ifj.org/en/articles/election-reporting-handbook>

The *Handbook for Journalists During Elections* prepared by Reporters Without Borders, provides a comprehensive guide to election reporting including nuances of each step of an election as well as in depth guidance on campaign coverage. [http://en.rsf.org/handbook-for-journalists-during-20-07-2012\\_43063.html](http://en.rsf.org/handbook-for-journalists-during-20-07-2012_43063.html)

The *Handbook for Journalists*, also by Reporters Without Borders, provides advice on how journalists can stay safe in dangerous situations ([http://en.rsf.org/handbook-for-journalists-17-04-2007\\_21744.html](http://en.rsf.org/handbook-for-journalists-17-04-2007_21744.html)).

The *Journalist Security Guide* by the Committee to Protect Journalists is a handbook on covering news in dangerous situations and includes information on digital security: ([cpj.org/security/guide.pdf](http://cpj.org/security/guide.pdf))

Although the Institute for Media, Policy and Civil Society (IMPACs) is no longer in operation, their publications are still valuable resources for media personnel. Of particular importance to this discussion is their 2004 publication titled *Media + Elections, An Elections Reporting Handbook* found [here](#).

The **BRIDGE** (*Building Resources in Democracy, Governance and Elections*) training modules are primarily aimed at election administration personnel, support providers, observers and other stakeholders. These trainings are also valuable to members of media as they provide an in-depth look at the processes and mechanisms of each step of an electoral process. This level of detailed knowledge will greatly aid any journalists endeavouring to cover an election. Furthermore, one module is dedicated to Media and Elections, exploring the role of a Code of Conduct as well as working relationships between the EMB and the media. More information can found at <http://bridge-project.org/>

*Media and the Elections Process* by the Reuters Foundation, provides useful and easy to read information on electoral processes such as voting systems, counting systems, issues pertaining to electoral boundaries or campaign financing, and so forth and can be found [here](#).

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[i] David E. Kaplan, *Empowering Independent Media, U.S. Efforts to Foster Free and Independent News Around the World. Inaugural Report: 2008*, (a product of the Center for International Media Assistance) ed. Marguerite H. Sullivan, (Washington DC: National Endowment for Democracy, 2008),48

[ii] "World Journalism Education Census", *World Journalism Education Council* webpage, accessed August 30, 2012, <http://wjec.ou.edu/census.php>

### 7.3 Rights, Advocacy and Legal Support

An important part of Media Development is working to improve the legal environment for media. As explained by American non-profit the Center for International Media Assistance (CIMA):

Legal assistance plays a pivotal role in creating the environment necessary for independent media. Despite its importance, the legal-enabling environment has not received enough attention. Regulatory reform, the decriminalization of libel and other onerous laws, passage and enforcement of freedom of information laws, and punishment of those who attack journalists are among the key measures needed to protect and nurture independent media. Also important are training programs for judges and legislators on the importance of protecting the media.[i]

While CIMA, and many others, conclude that too little is invested in this key area, a number of international and national advocacy organisations are devoted to conducting research, advocacy, training and programming on some of these issues. For example, the UK-based non-profit organization Article 19 campaigns worldwide for freedom of expression. An important part of Article 19's work is providing in-depth legal analysis of domestic, regional and

international legislation that impact media freedom, including as it relates to elections. In 2011, for example, Article 19 carried out an extensive review of the draft Electoral Code of the Ukraine from a media perspective, providing recommendations to the government and stakeholders.<sup>[ii]</sup> At a domestic level, media peak bodies, human rights organisations, and others also carry out legal analysis to promote positive regulatory reform for media activity.

Meanwhile, achievement toward the implementation of freedom of expression is measured annually by organisations like Reporters Without Borders (also known as Reporters sans Frontières - RSF) and Freedom House. Each of these organizations provides press freedom indices to assist international, regional and domestic organisations in understanding and advocating for press freedom. In addition, the international organization Committee to Protect Journalists tracks and exposes attacks on journalists, in addition to providing direct support to journalists under threat. Advocacy is carried out by journalist organisations at the domestic level, such as the Uganda Journalists Association, the Hong Kong News Executives Association, and similar bodies worldwide. Non-government organisations (NGOs) working in a wide range of sectors also work to promote freedom of expression.

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[i] David E. Kaplan, *Empowering Independent Media, U.S. Efforts to Foster Free and Independent News Around the World. Inaugural Report: 2008*, (a product of the Center for International Media Assistance) ed. Marguerite H. Sullivan, (Washington DC: National Endowment for Democracy, 2008),<sup>7</sup>

[ii] *Memorandum on the Draft Election Code of Ukraine* (London: ARTICLE 19, 2011) <http://www.article19.org/data/files/pdfs/reports/memorandum-on-the-draft-election-code-of-ukraine.pdf>

## 7.4 Business Development

A diverse media landscape requires media that is well managed and financially sustainable. This is a particular challenge in contexts where media have been suppressed, and where weak economies result in limited investment in media and/or the advertising market. To quote CIMA:

Experts broadly agree that more should be done to ensure that media enterprises are sustainable. Business practices bolster independent media's efforts to survive and contribute to a stronger marketplace. A commitment to long-term support is widely seen as integral to crafting successful media development strategies.<sup>[i]</sup>

CIMA lists the key problems and possible solutions to this issue as:

Key problems:

- Media enterprises are too often unsustainable

- Business skills are not always stressed
- Local media markets can be distorted by aid
- Capital is often unavailable for projects
- Advertising revenue can be very low

#### Key solutions:

- Integrate sustainability into projects
- Increase training in management, advertising, and market research
- Find entrepreneurial local partners
- Make available low-interest loans
- Develop the advertising market<sup>[ii]</sup>

There is much that can be done by domestic and international actors address this issue. For example, the US-based Media Development Loan Fund provides low-interest loans to media in developing countries to boost independent media.<sup>[iii]</sup> Another example is media development in Afghanistan, where NGOs such as Internews work with media managers to provide business development training, while independent news syndicators, such as Salaam Watandar, coordinate advertising for networks of – often tiny – community radio and television stations, thereby boosting the stations’ revenue. The Timor-Leste Media Development Centre is another country-example of a domestic organization providing business development to “help community radio stations become financially sustainable through training in fundraising and financial management.”<sup>[iv]</sup>

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<sup>[i]</sup> David E. Kaplan, *Empowering Independent Media, U.S. Efforts to Foster Free and Independent News Around the World. Inaugural Report: 2008*, (a product of the Center for International Media Assistance) ed. Marguerite H. Sullivan, (Washington DC: National Endowment for Democracy, 2008),7

<sup>[ii]</sup> Ibid.

<sup>[iii]</sup> *Media Development Loan Fund* website, accessed August 30, 2012, [www.mdlf.org](http://www.mdlf.org)

[iv] "Timor-Leste Media Development Centre (TLMDC)", *The Communication Initiative*, submitted January 18, 2006, <http://www.comminit.com/democracy-governance/node/131460>

## 7.5 Media Infrastructure

The World Bank describes media infrastructure as follows:

A functioning media infrastructure is the basic underpinning for the rest of the media sector. This does not necessarily mean a host of sophisticated broadcasting or other media systems. Vibrant media sectors exist even in the least developed countries; indeed, in some developing countries that lack traditional telecommunications infrastructure, cell phone infrastructure has enabled people to 'catch up' with the information age more quickly. Infrastructure is not limited to the traditional media components of broadcast and print; it may include the transportation system (to deliver print goods), the telecommunications system (which is rapidly converging with broadcast and cable to form the backbone of the digital information era), cable and other networks, radio towers, financial infrastructure, and even social institutions such as literacy and the culture of communication in a country.

Even in environments where sophisticated systems exist, however, people may not be able to access reliable news and information. A comprehensive media development program will first seek to determine the news and information needs of a population, then recommend the infrastructure improvements that will have the greatest effect.<sup>[i]</sup>

Media infrastructure development can be costly and technically complex. Often governments, aid agencies, and media development agencies assist in in this effort. The World Bank offers the following guidance for this process:

- Take on media infrastructure projects in consultation with (as appropriate) governments, local community groups, the outlets that will use the infrastructure, and others who may be affected.
- Infrastructure can encompass anything from multi-user transmission systems to individual stations and studios. Building a transmission system may require multiple consultations, such as with the national government over law and regulation, with local governments over land use issues, with the intended users of the system, and with the surrounding community (which is the group most frequently left out of consultations).
- Programs to build infrastructure must understand the regulations governing such installations and plan for the resultant effects, including cost and technology issues.
- Infrastructure planning should be predicated on a thorough needs assessment, in which the community is surveyed on key questions. How do people obtain information? What mode of information transmission is most trusted, and why? What type of regulatory environment governs the intended infrastructure? What type of media infrastructure will

best serve the needs of the population now and into the future, and what will the community actually use? Planning may sometimes entail skipping older infrastructure (traditional telecom/broadcasting) in favor of digital infrastructure.

- Ensure that local populations/media outlets/institutions will be able to own and operate the infrastructure after the donors leave. Too many media infrastructure projects are built with the assumption that they can be easily transferred when the donors stop maintaining them, but this is often not the case. Donors may need to train key staff and equip them to train others.
- Consider legacy costs of the infrastructure. What are the ongoing operating costs? What upgrades will be required in the future, and what additional capital investment would those require? What future regulatory changes might affect the infrastructure? What is the local availability of service and parts? Be aware that cutting-edge equipment might not stand the test of time.
- Media infrastructure projects can be a vital and necessary step in the media development process.
- However, they should not be viewed as an easy substitute for engaging in the true substance of media development: professional skills development, encouraging sustainability, promoting an enabling environment, and supporting a media-literate civil society. Media infrastructure is not divorced from the political economy of the media system. The factors that affect the independence of the media sector also encompass infrastructure; thus, when possible, encourage nonpartisan ownership and management approaches to infrastructure.
- One or two outlets can sometimes gain a huge advantage based on a donor's infrastructure investment. While this is not necessarily always a bad thing, donors must thoroughly understand the political and market consequences of their investment.<sup>[ii]</sup>

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<sup>[i]</sup> *Developing Independent Media as an Institution of Accountable Governance; A How-To Guide*, (Washington DC: The International Bank for Reconstruction and Development/The World Bank, 2011),7 <http://issuu.com/world.bank.publications/docs/9780821386293>

<sup>[ii]</sup> Ibid,8

## 7.6 Covering an Election

Effective coverage of an election is coverage that is planned. Whether planning entails complex deployment of resources or skilful maximising of scarce ones, election coverage will not work properly without it.

An effective election plan addresses the following questions:

- What resources are available? Is there a special budget for election coverage, or will it have to be met out of the normal editorial budget? What staff are available – is there a budget to hire additional staff or freelancers?
- What is the timetable of the election? When are the crucial phases and to what extent will it be possible to prepare coverage for these phases in advance?
- What are the particular issues in this election and how far will these influence the way in which a particular media outlet organises its coverage?
- What innovations in coverage will the media outlet need to make? What will be distinct features of its coverage?
- What are the interests and needs of the media outlet’s audiences and other key stakeholders, vis a vis election coverage?

The answers to these questions will differ enormously depending on whether the media outlet concerned is, say, an international satellite television network or a local newspaper. Scale of operations will also vary, however planning issues remain essentially the same.

The following checklist highlights issues that editors will need to address before the start of an election campaign (this list is adapted from the International Federation of Journalists’ Election reporting Handbook.<sup>[i]</sup>)

- Key dates of the election process: voter registration, candidate nomination, campaign period, voting day, announcement of results etc.;
- Regulations and laws affecting election coverage during each of these periods.
- Budgets for election coverage and identification of more costly election phases;
- Teams who will cover the election – as well as political staff, other specialised reporters tend to cover particular aspects of the campaign;
- Election coverage management– senior editors who will decide on any sensitive matters that emerge in the course of the campaign;
- Technical and operational arrangements;
- Any additional personnel;

- Resources such as election experts and pundits, who can advise on election matters, training material, or photo and video libraries;
- Reputable companies to run opinion surveys;
- Angles, focuses and priorities that are appropriate to our media outlet and audience;
- Reporting formats, particularly when a media outlet is multi-media;
- Emergency and journalist-safety planning.

As indicated in the checklist, journalists covering an election require different knowledge and tool sets for each of the electoral phases or periods of the election. Not only will content of coverage differ, there will also be variations in rules and regulations applicable to each period. Common electoral phases or periods that journalists will need to contend with are:

- Voter registration
- Candidate nomination and pre-campaign
- Campaign
- Voting
- Counting and Results
- Post-election

Each of these phases is explored in greater detail on subsequent pages.

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[i] Jean Paul Marthoz, "An Editors Model for Election Coverage", chapter three of *Election Reporting Handbook*, (International Federation of Journalists, n.d.), 19-24 <http://www.ifj.org/en/articles/election-reporting-handbook>

### 7.6.1 Voter Registration Period

In countries with a history of democratic elections, voter registration is not necessarily a particular "phase" or "period" of an electoral process but rather on-going. Citizens simply register to vote when they have come of age, have made the decision to take part in elections, or have moved electoral precincts (districts or subdivisions). In countries transitioning into democratic rule however, certain steps must be taken in order for EMBs to establish official lists of voters.

In such instances, this task entails much more than simply establishing registration offices. The public must be informed of their right to vote, the reason for voter registration, and where or how this registration will take place. In cases where it is applicable, voters should also be aware that where they have registered is where they must vote. In some cases voter



registration might be easily combined with a country's existing citizen identification card system. In other instances, an entirely new registration process, and sometimes even a new census, is necessary. Boundary delineation is also necessary, separating voters into precincts or electoral districts.

Where voter registration is an actual event undertaken by an EMB (as opposed to an on going process by government institutions) media play a vital role as both watchdog and vehicle for outreach (voter education) on registration. If voters are not aware of their right to register or, indeed, how to register, or if they are unlawfully not permitted to register, this will negatively impact an election before the process has even taken off. How voter registration is implemented will also greatly affect the credibility and fairness of an election. During this phase, here are just a few issues or questions for media to pay attention to:

- How does an EMB plan to carry out voter registration?
- How informed are citizens of this plan, or their right to vote? Do citizens understand procedures and rules of voter registration?
- Is a registration plan implemented in a manner that is consistent with guaranteeing this right?
- If voter registration does not take place in a particular area, what are the reasons provided by the EMB, and how founded or relevant are these reasons?
- Is there any interference (by political parties, candidates, or their supporters) in the voter registration process?

### **7.6.2 Candidate Nomination and Pre-campaign Period**

The candidate nomination period is sometimes combined with the voter registration period. In truth, both are part of the “pre-campaign” period. Yet there are distinct issues regarding nomination of candidates which the media should pay specific attention to. The media may play a role in informing voters about candidates' platforms at this point; but they are also a source of information for potential candidates. Media will need to be familiar with the process this phase, and should be able to answer the following questions:

- What are the rules, as established by constitutional and electoral laws, regarding candidate or party eligibility for nomination?
- What are the procedures for candidate and party nomination?
- What are the rules for campaign financing?
- What are the profiles and platforms of candidates and parties who are seeking nomination?

- What are the trends in terms of nomination (are there more or less women, young people, minorities, etc. this time? Are there a lot of new small parties, are certain types of parties merging, etc.?)
- Are there any issues, controversies, or complications with the nomination process? What are the different perspectives on these?

This pre-campaign period also involves a number of other key issues that media should follow, such as an EMB's progress in finalizing operational plans, determining voting centre and station locations, and conducting voter education and information.

### 7.6.3 Campaign Period

For the media the start of the campaign period is when election coverage really begins to take off. This is often the longest part of the electoral process, with the greatest media resources allocated, and the greatest likelihood that media will be able to impact the electorate. This is also a period of time when regulatory framework surrounding media and the elections begins to become more complex or nuanced.

Although campaign reporting might reasonably be seen as an extension of normal reporting skills, there are several distinct considerations at point out:

- Parties' media strategies: how do party managers try to manipulate media coverage in order to have their own candidates portrayed in the most positive light and to influence voters in their favour?
- How can political events, such as meetings and rallies, be reported in a way that is simultaneously interesting, newsworthy, fair and informative?
- How should journalists tackle the problem of reporting inflammatory or defamatory speech?
- What are the professional and practical issues involved in reporting opinion poll findings?
- Should journalists boost coverage of women and minority candidates, and if so how?
- How can reporting reflect the preoccupations and priorities of ordinary voters?

#### 7.6.3.1 Party and Candidate Campaign Media Strategies

Parties and candidates frequently use a range of techniques for campaigning, however, journalists should be familiar with, and cast a critical eye on, these techniques in order to ensure they are carrying out incisive and balanced reporting. This is important both in order to ensure that media are not themselves manipulated, but also so that they can explain these strategies to their audience.

Some common approaches parties and candidates use during campaigns can be summarized as follows:

- **Dictate the agenda.** Usually competing political parties or candidates prefer to fight a campaign on familiar terrain. One party may debate an election on the issue of, say, management of the economy. Another may focus on national security. The success of their campaign strategies depends on their abilities to spur media coverage of their chosen issues, and neglect those of the opposition. Journalists should be attentive to these intentions and provide balanced focus on each contender's issues as well as concerns of voters.
- **Use soft news to make parties and candidates appear voter-friendly.** This tactic is as old as politics. Politicians shake hands, kiss babies, drink a pint of beer, go bowling – whatever is the culturally appropriate way to show that they are someone a voter would want to get to know as a friend or neighbour. Voters generally know that these soft news opportunities are staged, yet the tactics are still successful in their intention. Soft news is also a means of avoiding issues that might be potentially damaging to a party or candidate platform. Journalists often face a dilemma, therefore. Soft news is not really proper news – however, media outlets competition by rival media outlets if they do not run it. This is one reason why election coverage can sometimes tend toward superficial and uninformative content.
- **Change the subject.** This is closely related to the two previous points. In instances where events may damage a platform, parties and candidates will hastily seek to shift media focus elsewhere, such as the opposition's shortcomings, or a different manifesto pledge. Incumbent parties are especially well placed to do this, as they can easily divert attention to official events or announcements.
- **Maintain media coverage.** Notwithstanding the points mentioned above, party and candidate media managers generally work on the assumption that there is no such thing as bad publicity. There is an element of truth in this stance during elections. No one ever voted for a candidate they had not heard of.
- **Plant negative stories about the opposition.** Attitudes toward negative political campaigning vary enormously depending on political culture. In most cases, however, verbal attacks on rival parties and candidates are considerably less effective than cleverly placed negative stories. A journalist is therefore responsible, when confronted with negative stories, to ask the question: "who is telling me this – and what are their potential motives?"

The Reporters Without Borders *Handbook for Journalists During Elections* provides these tips in dealing with campaign tactics and rhetoric:

- Do not settle for simply relaying information from a candidate or a party, but try to explain what they are doing.
- Do not simply transcribe press releases and other announcements, even in paraphrase. Instead, compare what they say with what these candidates have accomplished in their previous posts, or with the positions they have taken in previous campaigns. Bring in experts to assess their proposals in light of the needs of the country or community and document possible contradictions and conflicts of interest.
- Put in quotes what is said in press releases or in press conferences and/or attribute them properly.
- Be assertive in press conferences. Do not simply listen. Demand explanations, specifics, examples, numbers and justifications.
- Do not rely on a party's numbers in reporting the attendance at a rally. Compare the party's statistics with estimates of other sources – journalists, residents of the area, members of police forces or anyone else present.
- Learn to recognize events designed by candidates in order to report them in context. Pay attention to the responses of people who are present for a candidate's visit to a school, a hospital or a business. Did his speech prompt any reactions? Were all of these positive? Did those who were visited ask any questions? Were these spontaneous? Remaining after the candidate leaves is a good way to learn more.
- Verify that a candidate's official message corresponds to his or her convictions. If a candidate visits a school to say that he always considered education to be a priority, find out if he has previously initiated projects in this field.
- Clearly distinguish between official activities of government members and their activities as candidate or party member.<sup>[i]</sup>

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<sup>[i]</sup> Herve Barraquand and Martine Anstett. *Handbook for Journalists During Elections* (Paris: International Organization of La Francophonie, nd), 52-53

### **7.6.3.2 Reporting on Political Events**

In most countries, stage-based political events such as town hall meetings, rallies, or public debates, remain an important tool of party and candidate media strategies. These events serve three key purposes:

- To keep the party or candidates in the public eye; and
- To allow the party or candidate a chance to convey political positions directly to voters, unchallenged; and
- To establish an aura of familiarity with voters.

The political rally may do other things as well. Political rallies are often used to showcase the support of a well-known singer, actor, or television personality, thereby increasing a candidate's "likeability" through proximity with popular figures. As such, celebrity endorsements are a common feature of political campaigns.

Each of these aims requires, to some degree, cooperation of the media. Candidates remain in the public eye only if the media cover events. Positions remain unchallenged only if the media fail to report alternative views. This presents journalists and editors with a noteworthy dilemma: rallies are big events and as such are newsworthy; on the other hand however, the substance of such rallies is usually highly predictable and therefore is not newsworthy. Pack mentality tends to win over this dilemma however – the assumption standing that other media will report and therefore so must all outlets.

Subjecting politicians' political platforms to critical scrutiny is still a necessary part of election reporting, however. Mere stenographic repetition of politicians' statements is not adequate journalism. Balance needs to be sought, both through quoting reactions to what politicians say and through ensuring that political events of different parties and candidates are fairly reported. A comprehensive and balanced report on a political rally or other event is likely to include all these elements as well:

- How many people attended the event (the journalist's estimate, not that of the organizing party/candidate or opponents);
- The reaction of the audience to speeches, both as a group and individually;
- The reaction of other parties or candidates;
- Other significant information about the event or providing context and a comprehensive picture, such as disruption, violence, and sources of funding or support.

### **7.6.3.3 Reporting on Campaign Financing and Spending**

The public and media have become increasingly interested in campaign finance in recent years. This is in part because of the growing sums of money spent on campaigns and the challenges of fairly regulating this support. The interest is also a result of concerns regarding the undue influence of money in democratic processes.

Regulations on campaign financing and spending vary considerably from country to country, and indeed between different types of elections within a country. Some countries have detailed legislation regarding campaign financing but very little legislation regarding spending. In the United States, for example, there are number of limitations on how and where campaign money is sourced, while there are no limits for campaign spending. In the Britain, on the other hand, campaign-spending limits are determined by the size of an electoral district.

A journalist covering a candidate or party campaigning will need to become well versed in relevant legislation for that election. They will also want to consider what particular issues are important to the public. Here are a few questions relevant to campaign finance reporting:

- What regulations pertain campaign financing and methods of fund raising?
- What requirements or limitations apply to private or business donations to campaigns?
- What obligations do parties or candidates have for declaring sources of funding?
- What are the sums and sources of funding for different parties and candidates?
- What affiliations do significant campaign funders have?
- What trends and changes occur as a campaign progresses?
- What particular sources of financing are important for the public to know about?
- What regulations pertain to campaign spending?
- How much is each party or candidate spending, and on what?
- What particular spending information is important for the public to know, given the specific context of an election?

In new democracies, campaign finance information might not be readily available to the media or public. Indeed, much of this information might not be reported to the EMB, whether or not it is required. Furthermore, information parties and candidates report on might be difficult to verify. Determining both sources and spending may therefore require some degree of investigative journalism skill. In some circumstances this issue is particularly sensitive, or even dangerous. It is therefore extremely important that both electoral laws and general legislation on rights and protection of media are robust, and furthermore, that enforcement mechanisms are in place.

#### **7.6.3.4 Bottom-up Reporting**

Elections have often been reported in a top-down manner. This means that the media tend to focus on relaying, and perhaps commenting on, manifestoes, pledges, and speeches of parties and candidates. An electorate consumes these messages as relayed by the media and makes its vote choice accordingly. This is not always the case of course, and any top down reporting is increasingly challenged, or offset, through the advantages and diversity of new media, including what is broadcast by established news agencies as well as by citizens themselves (through blogs, Twitter, and other social media sites).

Bottom-up reporting has also been labelled “voters-voice reporting” (coined by the Institute for Media Policy and Civil Society - IMPACS), as well as citizen-oriented journalism. This takes as its focal point concerns of citizens in elections - rather than agendas of politicians or candidates. From this starting point, bottom-up reporting attempts to do two things:

- To inform politicians about what the concerns of voters really are; and
- To inform voters on how effectively politicians are meeting their concerns.

IMPACS argued that, in order to reverse the top down reporting approach, journalists should think like the public, not the politicians. In doing so, journalists seek to discover voters’ preoccupations – which may often be local and ‘un-newsworthy’, as judged by traditional news criteria. IMPACS pointed out that this is usually more challenging work for journalists as it may involve going out and interviewing voters, while simultaneously attending press conferences and political rallies. In addition, bottom up reporting requires substantial background research on the issues.

However, new media has dramatically increased the access of traditional media to the ‘voice’ of the public, and media’s ability to gauge – and engage with – the public and their views. It has also improved traditional media’s ability to promote interaction between candidates and citizens. Perhaps even more significantly, new media has allowed the public to bypass traditional media altogether and create their own forums for discussion, debate, organising, lobbying and so on, on issues they feel are important.<sup>[i]</sup>

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[i] Ross Howard, *Media + Elections, An Elections Reporting Handbook*, (IMPACS Associate, 2004), 20-22

#### **7.6.3.5 Reporting Opinion Polls**

Used properly, opinion polls can be an important way of measuring what voters think about particular issues, parties, and candidates. Newspapers and broadcasters often commission their own polls to give them information about voters' intentions. An opinion poll can also be a means of determining what voters think about a particular issue - or what they think the important issues are. These issues might not be the similar to those deemed important by politicians. Arguably, opinion polls help enhance democratic choice. For example, in a first past the post system, a poll might assist those who wish to vote tactically to ensure certain candidates fail. This is done by not voting for a favourite (or first) choice but instead, voting for a candidate who is more likely to win over a less favourite option.

The danger with opinion polls is that they are often subject to manipulation or inaccuracies at many levels: question choice and wording, sample choice and size, survey timing, and so on, can all impact the results of a poll. This impact is quite distinct from a normal margin of error form of survey, and furthermore. A well-conducted poll is often remarkably accurate. Poll limitations must be clearly understood as well however. That is why media reporting of opinion poll findings demands high professional standards. It is also why reporting on election related opinion polls is often subject to regulation by an electoral supervisory body to make sure that the media are not communicating deliberate falsehoods.

Accuracy, and relevance, is clearly improved if media report the result of all opinion polls, hence minimizing the impact of "rogue" polls, which can occur even with the most professional of polling techniques.

Professional coverage of opinion polls means not only reporting the *results* of the poll, but also addressing a number of key questions about how the survey was conducted - and conveying this information to the audience:

- Who conducted the poll? Are they reputable and independent?
- How many people were interviewed?
- How were they chosen?
- Are the published results based upon the answers of all those interviewed?
- When was the poll conducted?
- What is the sampling error?
- What questions were asked - and how were they worded? In what order were they asked?
- How do the results of this poll compare with other findings?

#### 7.6.3.6 Reporting Hate Speech

One of the greatest professional challenges for journalists covering an election campaign is the question of how to report inflammatory language and sentiments conveyed during political campaigns. From a journalist's point of view, this challenge is a balancing act between two potentially conflicting ethical obligations: reporting accurately and declining to report on anything that will discriminate on racial, religious, national, gender, or other grounds.

In practice, however, and while using professional reporting practices, the dilemma may be more imagined than real. Balance is usually the key in ensuring the critical balance. Balance involves citing differing or opposing viewpoints. It also entails placing the words of politicians in accurate *contexts*.

In certain circumstances, accurate reporting of inflammatory or hateful language or images may serve to undermine intentions of the source, in this case parties or candidates. Often, extremist politicians present themselves to an electorate as "moderate" and simply articulating widely held sentiments (whether it be immigrants, national minorities, gender, or the like). In addition to exposing inflammatory comments and actions of parties and candidates, and thereby potentially undermining their broader credibility, it is also the responsibility of the media to document the consequences of such words and actions. If members of an audience leave a political rally and inflict violence on opponents or supporters, this is vital context that must be reported.

The balancing act of reporting hate speech and actions plays a positive and useful purpose. Not only does it provide an opportunity for factual content of inflammatory messages to be challenged, but it also gives voice to those who are the targets of the inflammatory messages, thereby nulling the dehumanizing effects of hate speech and actions.



More broadly, accurate reporting of hate speech and actions is a valuable early warning tool, indicating the potential for serious social conflict or human rights violations within a campaign. One of the most important arguments *against* banning hate speech is that it provides an opportunity for a society to address causes of, and solutions for, prejudice and hatred, rather than avoiding the topic altogether. Responsible media reporting plays a crucial part in this. For more information, see section Hate Speech – Operators of the Regulator, within the chapter: Legal Framework for Media and Elections.

#### 7.6.4 Voting Day(s)

Once voting centres have opened, the role of the media changes from what it was during the campaign period - and specific rules may be devised to govern this shift. Candidate and party campaigns will have come to an end and in some countries there will be little to no news coverage allowed during this phase. Nevertheless, this period is one of the busiest for newsrooms and journalists alike, as each attempt to gather information on how the vote is progressing and the likely outcome of the election. Journalists will be present at voting centres to ensure they can provide first hand accounts in their reporting. Media outlets might also be conducting exit polls during this period. The vitality of media presence is key to ensuring peaceful, free and fair conduct of voting day or days.

#### Campaign Silence and Coverage Silence Period

In practice, the shift from the campaign period to the ‘voting period’ may have taken place earlier much earlier than voting day itself, through an embargo on political campaign reporting, opinion poll reporting, direct access broadcasts, or advertisements - or all of these. For more information, see section: News Blackouts.

Issues posed by a ban on voting day or period reporting become considerably more complex depending on how long the vote actually takes, as well as how many time zones a country spans. In the later instance, results in one time zone may become available before voting has finished in another. Similarly, if results are tallied on a state-by-state or precinct-by-precinct basis, individual tallies may become available before others.

In essence there are two main imperatives at stake:

- Preserving the integrity of the electoral process and the security of the vote; and
- Ensuring that an early release of information does not influence the vote in any way.

The first of these is more straightforward than the second. It is usually not difficult to strike a balance between allowing the media some sort of special access to report on the voting process while simultaneously ensuring voters' secrecy and security is not breached.

However, ensuring maximum transparency and flow of information without unduly interfering with the process itself can pose more challenging difficult, and as such, a greater variety of approaches have been adopted.

### Media Access to Voting Centres

Media presence at polling stations is important for the media's role as watchdog. Presence is also important in ensuring voters are kept informed of progress of the vote and count. New media has particularly enhanced both of these roles by allowing updates to be filed in real time. In order to safeguard the transparency of the process, it is essential that an EMB facilitate this important presence of media at voting centres.

What the media require, for the most part, is fairly general access - film or still photographs of queues of potential voters, of ballots being cast, and so forth. Journalists are often provided a degree of access that is not granted to the general public. Sometimes non-voters are excluded from polling stations altogether – in an attempt to avoid last-minute intimidation – however journalists and observers who can produce accreditation are exempt from this. Media and observers are subject to the same basic constraints as everyone else however, despite this privilege. This means that actions of journalists within a voting centre (or anywhere else, for that matter) cannot constitute intimidation or influence on the election process. Furthermore, journalists' access to voting centres is only under the control, and with the agreement, of the election officer presiding.

The Electoral Institute of Southern Africa (EISA) produced a useful list of "do's and don'ts" for the media in the 1999 South African elections. Media workers could:

- Show their press card to the presiding officer at polling and counting stations.
- Take photographs and conduct interviews with the agreement of the presiding officer.
- Take part in a "pool" system where large numbers of journalists who want a photograph or an interview with a personality are represented by selected few.

The guidelines also pointed out that some voters might not want to be interviewed or have their photograph taken.

What media workers were not allowed to do was:

- Undermine the secrecy of the vote and orderliness of the election.
- Publish false information with the intention of disrupting or preventing the election.
- Publish information that caused hostility or fear to influence the outcome of the election.
- Publish information that may influence the conduct or outcome of an election.

- Publish the result of an exit poll during voting hours.

The EISA guidelines also pointed out that there were a number of general prohibitions that also applied to media workers, who could not:

- Interfere with the independence and impartiality of the Independent Electoral Commission (IEC).
- Force or persuade anyone to register or not to register to vote.
- Force anyone to support or not support any political party or candidate.
- Take part in illegal political activity.
- Pretend to be a representative or candidate of a political party.
- Pretend to be involved in the IEC.

Provide information about voting, counting of votes, or break the seal or open a ballot box in which there were voting materials.<sup>[i]</sup>

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[i] Raymond Louw, *A Handbook on the Media and Electoral Law*, (Johannesburg: Electoral Institute of Southern Africa, 1999)<http://www.eisa.org.za>

### 7.6.5 Counting and Results Period

Election results are the culmination of an election and the news that everyone is waiting for. It is important that the media report these results accurately and as quickly as possible. It is just as important that EMBs facilitate this process. Reporting results may sound the least complicated aspect of an entire election reporting process, at least in principle. Yet it is remarkable how often this can be the most chaotic or confusing stage of an election, for media and audiences alike. In the Zimbabwe referendum of 2000, not a single newspaper or broadcasting station succeeded in reporting the correct results as issued by the Registrar General's Office.<sup>[i]</sup>

Depending on election procedures, a country's infrastructure, or any unforeseen issues, results counting can last a matter of hours to a matter of weeks. In Afghanistan, counting periods in elections in both 2009 and 2010 took months. Manual counts are especially time consuming processes. A recount, or the proceedings of a complaints mechanism might also delay the announcement of official results.

Any protracted counting period prior to the release of final results, is likely to be a sensitive one. EMBs will usually endeavour to complete all processes as quickly as possible as any delay in results might result in the perception that results have been tampered with. Diligence and promptness is a challenging balance for election officials.

Meanwhile media outlets will often compete with each other to be the first to release predicted results. While poorly founded predictions have the potential to add confusion and potentially harm an electoral process, well-founded predictions have the potential of benefiting and bolstering the process.

EMBs will sometimes release gradual results. However, there are also other means for media to predict the final outcome. These include quick counts and exit polls. In some instances these tools can also be valuable in deterring counting fraud through illuminating significant differences between predicted results and final results. This is useful or accurate if quick counts or exit polls were conducted on accurate and credible statistical premises. For example, it is important that the size and nature of sample selections is representative of the electorate. However, even accurate exit polls or quick counts have the potential to harm an electoral process. This is particularly true for exit polls conducted in dangerous circumstances. The following pages provide a discussion of these two methods and include potential dangers of each.

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[i] *Media Monitoring Project Zimbabwe, A question of balance: The Zimbabwean media and the constitutional referendum* (Harare: March 2000).

#### **7.6.5.1 Reporting on Exit Polls**

An exit poll is a survey of people who have just voted – as they “exit” from a voting station or centre. Results allows ‘pollsters’ to predict the overall result.

Advantages of an exit poll are that they provide the public with an immediate gauge of the likely election outcome. This is all the more true given the advantages of immediate broadcast via new media, such as Twitter. Exit polls can act as a valuable safeguard against counting fraud. The potential pitfalls however, are obvious: voters may provide misleading information or refuse to take part, a sample size may not be adequately representative, and so forth. Well-constructed exit polls, however, are usually an extremely accurate means of predicting the result; hence their popularity with the media.

Information gathered in exit polls can often be complex. Detailed demographic information – sex, age, ethnicity, and income, for example – will allow more reliable predictions. Sometimes, exit pollsters also gather additional information about why voters made the choice they did. In reporting exit polls, the same considerations apply as with opinion polls. Only exit polls run by reputable organisations should be reported. Reporting should include information about the location of the polling and sample size, along with the margin of error. However, since exit polls are not, strictly speaking, predictive, there are various other questions to consider:

- Will reporting of exit polls influence those who have yet to vote? This is a particular concern in large countries where voting takes place across different time zones.

- What conclusions should be drawn if the actual voting result does not correspond to the exit poll findings?

Inconsistencies between exit polls and results are only indicative. They do not prove that there was rigging or malpractice. As in Venezuela, further investigation would be needed to establish the cause of inconsistency between results. There would be cause for concern, however, if news media did not try to explore and explain these inconsistencies, as in the US in 2004. And, of course, actually altering exit poll findings is seriously unethical.

What has also become a matter of controversy is the reporting of exit poll results before actual voting has finished. This is particularly an issue in large countries spread across several time zones. The country where this has been a particular issue is the United States – spread across several time zones and with widespread Internet access. The main argument against reporting exit poll findings before the end of voting is that these might influence people who have not yet voted. Journalists maintain that just because they have acquired a piece of information (like an exit poll result) does not mean that they have to publish it immediately. Sometimes journalists may consider it an ethical obligation not to do so. This is a debate that has no definitive resolution.

#### **7.6.5.2 Reporting on Quick Counts**

Unofficial quick counts are a parallel counting mechanism that is important to distinguish from exit polls. A quick count is a partial count of actual results (whereas exit polls are simply a variation of an opinion poll), used to predict the actual full result. A quick count may often be used as a means of forestalling any manipulation of the results. For the media, of course, the interest is similar to that of an exit poll in that a quick count enables them to run an early results story.

Much the same as with exit polls, it is crucial that media report quick counts with precision and contextual information (what count actually measures, where, and how the information was gathered).

#### **7.6.6 Post-Election Period**

Media responsibility in an election does not stop with the announcement of the result. Indeed, it is a continuing story, of important to the public, and includes reporting on electoral disputes mechanisms and the outcome of related cases<sup>[1]</sup>, the inauguration of those who are newly elected, the selection of a new government, and implementation of campaign promises.

Post election reporting is one of the most important elements of election coverage and of political reporting more generally. Reporters in healthy democracies continue to scrutinise electoral authorities and elected officials, through assessing their promises, actions, and policies, as time progresses. It is important for journalism education and training programs to include this on-going ‘watchdog’ role in courses, providing journalists with necessary research, analytical and writing skills to continue to carry out quality reporting of all branches of government between elections.

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[1] See [Electoral Justice: The International IDEA Handbook](#) for more information

## 8. Case Studies

### 8.1 Bosnia: The Operations of the Regulator on Hate Speech

The rules and regulations of the Provisional Election Commission for the 1998 election required, without any ambiguity:

"Media and journalists shall not use inflammatory language, hate language, or language which could incite hate or violence." [1]

The Media Experts Commission (MEC) was empowered to impose "appropriate" penalties for repeated violations of this provision. It was also empowered to refer violations to the media regulatory body, the Independent Media Commission.

The MEC and its local Media Experts Sub-Commissions dealt with a large number of complaints during the election campaign, many of them relating to the use of inflammatory language. The remedy provided in most cases was a requirement that a reply, retraction or correction be broadcast or published. The MEC's report of its activities suggests that these recommendations were largely complied with.

However, to the extent that the MEC was successful in minimizing the incidence of hate speech in the 1998 elections, it was probably through general standard-setting in advance of the elections. The fact that the MEC was also seen as a defender of journalists' freedom of expression helped its credibility. The MEC's own evaluation was as follows:

"More was expected of journalists and more was provided to journalists. Consistently, journalists showed improved accuracy in reporting and greater restraint, particularly with regard to libellous, slanderous and defamatory reporting. Reporting in all media during the election period showed heightened professionalism. Equally noteworthy, journalists credited the MEC with raising the bar on professional standards for journalists. The MEC also made substantial progress in documenting violations of journalists' rights and in establishing this as a significant priority for future action in BiH." [2]

[1] Provisional Electoral Commission, Rules and Regulations, Article 9.35.a, in Media Experts Commission, Final Report: Media in Elections 1998, 1998.

[2] Ibid., p. 14.

## 8.2 Canada: Paid Political Advertising

The Canadian Radio-Television and Telecommunications Commission has devised the following rules for allocating time for paid political advertising:

- There is a limited total amount of time to be purchased - set at six and a half hours in 1990.
- Only parties properly registered with the election authorities are eligible to purchase time.
- The CRTC then calls a meeting of the representatives of all eligible parties to divide the time among them. If the party representatives are unable to reach agreement the CRTC makes its own allocation. In the 1979 and 1980 general elections the formula agreed by the party representatives was composed of the proportion of the vote each party received in the previous general election; the number of seats held in the national House of Commons before dissolution and the number of candidates nominated in the previous elections, with the first two factors double-weighted. This method allows flexibility between elections so that, for example, a different formula could be utilised in the event of a new party fielding candidates at any particular election.
- Once the total time has been allocated, each party is free to purchase as much of its allotted time as it wishes and to use that time as it wishes. However, the overall spending limits set on election spending mean that usually none of the parties is able to purchase its full allocation. [1]

[1] Howard R. Penniman and Austin Ranney, "The Regulation of Televised Political Advertising in Six Selected Democracies", Committee for the Study of the American Electorate, n.d.

## 8.3 Canada: Canada prohibits bloggers from reporting results

The Supreme Court of Canada ruled in January 2006 that the media could not report election results until after all polling stations had closed. Internet sites, including web logs, were included in the ban.

Much of the debate about regulation of the Internet in elections centres on whether it can be considered part of the "media" as conventionally understood. Many argue that the decentralized character of the Internet makes it qualitatively different from traditional media such as newspapers and broadcasting. They say that it is more like a debate than a broadcast – the view taken by the growing number of political bloggers. However, for its 2006 general election, Canada's Supreme Court took the opposite view.

The issue of results reporting is particularly acute in countries such as Canada that straddle several time zones. Polling stations are still open on the Western seaboard after counting is complete in the East.

In 2000, Paul Bryan, a blogger from British Columbia on the West Coast, deliberately broke the law, publishing results on his [electionresultscanada.com](http://electionresultscanada.com) website. This was an offence under section 329 of the Canada Elections Act, which states:

"No person shall transmit the result or purported result of the vote in an electoral district to the public in another electoral district before the close of all of the polling stations in that other electoral district."

Bryan was charged and faced a maximum fine of \$25,000. He challenged the constitutionality of this provision, arguing that it infringed the Canadian Charter of Rights and Freedoms. In February 2003, the Provincial Court of British Columbia ruled that while section 329 did limit the right to freedom of expression, it was demonstrably justified in a free and democratic society. Bryan was subsequently convicted on violating the provision and fined \$1,000.

In October 2003, the Supreme Court of British Columbia found that section 329 did indeed infringe the Charter of Rights and Freedoms. Bryan was acquitted on appeal. Elections Canada and the Attorney General were granted leave to appeal the decision, but the 2004 elections were held before the case could be heard. Elections Canada would not enforce section 329 in order to maintain the uniform application of the Act across the entire country. The media consequently reported the earlier results from the Eastern provinces as they were announced.

In May 2005, the British Columbia Court of Appeal reversed the decision of the Supreme Court and found that section 329 was constitutional. Although the Supreme Court of Canada granted Bryan leave to appeal, this had not been heard by the time the next general election was held in January 2006. Since section 329 was now back in force in British Columbia, Elections Canada announced that the provision would be enforced across the entire country.

A group of media organizations applied to the Supreme Court to suspend the ban, pending Bryan's appeal, on the grounds that the impact of reporting the results would be minimal and should "not justify infringing the expression results of literally several millions of Canadians". However, the Supreme Court ruled that the existing law would stay in place.

The main media organizations had no alternative but to abide by the law. So did most bloggers, but a number pointed out the potential problems:

"Blogging on election day is going to be a tricky thing. In this election, unlike the last one, Section 329 of the Canada Elections Act will be in effect, meaning it will be effectively against the law to blog about election results until 10:00 ET, since blogging is considered transmitting "to the public.""

Writing e-mail or instant messaging or for that matter talking on the phone about election results is fine, since those aren't public transmissions.



But what if you're blogging election results on your LiveJournal and protecting the posts so that only your LJ friends can read it? How big does your friends list have to be before it's considered transmitting to the public? [1]

The last comment highlights how laws fashioned for traditional media do not address the specific characteristics of new media. One of the other peculiar features of the Internet is its international character. Bloggers outside the country – expatriate Canadians and US bloggers – did post

[1] <http://www.cbc.ca/canadavotes/analysiscommentary/blogreport.html>, accessed 23 February 2006.]

#### **8.4 Gambia: The Independent Electoral Commission of The Gambia develops a communications plan**

In early 2004 the Independent Electoral Commission (IEC) of The Gambia decided it needed to develop a communications plan. It identified five key reasons why such a plan was important.

- The IEC had limited resources, in communications as in all its work. A communications plan would allow it to focus those resources, human and material, on the areas of most importance. It would also help it to marshal its resources through preparing materials for distribution to the media. As far as possible the IEC would be able to be proactive in its relations with the media, rather than always reacting to requests. It would be able to put in the work preparing these materials at a time of its choosing, rather than in the busy period just before elections.
- Planning imposes discipline that would help the IEC to think clearly about its objectives, the messages that it wanted to get across and the different audiences for those messages. From there it could determine the most effective media for conveying those messages.
  - Communications planning would allow the IEC to integrate all its communications work – not just media relations, but also voter education, contacts with political parties etc.
  - Communications planning would ensure that all staff and commissioners communicated the same message to the outside world.
  - A communications plan would help the IEC to develop a toolkit of techniques and measures that it could use in its media relations.

The IEC had already gone through a process of strategic planning, which placed it in a strong position to look at its communications needs. It adhered to the following sequence in its planning process, adapted from material produced by the Canadian organization, the Institute for Media, Politics and Civil Society (IMPACS):

- Situation analysis: organizational background
- Situation analysis: external environment
- Objectives of the IEC
- Communication objectives
- Target audiences
- Key messages
- Strategies
- Tactics
- Timing
- Timelines
- Spokespeople

The essence of this approach was that it looked at the strengths and weaknesses of the IEC, along with its communications objectives, before looking at specific messages and target audiences. Only once all this had been established, would they look at the specific techniques to be adopted.

### **Situation analysis: organizational background**

Here the IEC addressed three questions:

- What is the mission of the IEC?
- How do you evaluate the past success of the IEC in performing that mission?
- What indicators do you have of your performance?
- The IEC's mission was to organize free and fair elections. The overall balance sheet was extremely positive, using indicators such as voter turnout, the reaction of international observers, and the reaction of political parties.

### **Situation analysis: external environment**

The IEC then attempted to address questions about how it was perceived in the outside world:

- Is the IEC generally perceived as being effective and competent?
- Is the IEC generally perceived as being trustworthy and reliable?
- Is the IEC generally perceived as being independent?
- Is the IEC generally perceived as being approachable?
- Does anyone communicate messages hostile to the IEC?

It tried to answer these questions from the different points of view of the general public, the media and political parties. The conclusion was that the voters perceived the IEC in a generally

positive way, with most of the negative perception coming from political parties. The view of the media was more mixed.

### **Organisational goals and key objectives**

The next step was to situate the media coverage that the IEC sought within the framework of its overall goals and objectives. It identified its key goal as being to organize free and fair elections. There were a number of interim objectives, or steps on the way to achieving that goal:

- Comprehensive and fair registration
- Level playing field for campaign
- Fair party access to the media
- Informed electorate
- Peaceful, tolerant campaign
- High turnout
- Secrecy of ballot
- Orderly voting
- Transparency/accuracy/credibility of count
- Effective dissemination of results

### **Communications objectives**

Next the IEC addressed a series of questions about how their communications would help to realize these objectives:

- What is the IEC trying to achieve through its communications campaign?
- What does it want people to do with the information provided?
- How will the IEC measure its success?

### **Target audience**

Then the IEC looked at the nature of the audiences for its communications:

- What is the primary audience for the communications campaign? Can that be broken down into sub-groups?
- Are there secondary audiences for the IEC's messages? If so, who?

It concluded that the primary audience was the entire electorate, but that this could be subdivided into urban and rural voters, who would need to be addressed in different ways, perhaps with somewhat different messages. There would also be particular messages to be conveyed to women voters and to young or first-time voters.

Secondary audiences included political parties, the media themselves (for example on reporting rules), international observers and governments in the sub-region.

### Key messages

Communications planning for commercial enterprises, non-governmental organizations or even political parties usually requires a rigid prioritization of message. For EMBs, however, there are a multiplicity of messages, some of which need to be reiterated constantly, while others are specific to a particular period of the electoral cycle. The Gambian IEC identified the following messages as important:

- Don't sell your vote
- Where you register is where you vote
- Who is entitled to vote
- Card is not for sale/no bribery
- Vote is secret
- Do not register more than once
- Respect other's views
- Encourage women to vote
- When to vote
- Where to vote
- How to vote
- Have you registered?
- Nomination deadlines
- Campaign lull
- Exercise your right to vote
- Results

### Strategies

To work out the best strategy for communicating the above messages to the identified target audiences, the IEC carried out a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats). To see their conclusion, have a look at the SWOT-table on the right hand sidebar.

It was concluded that the communications strategy must be proactive. It was necessary to prepare clear messages in advance of when they might be used and thereby reduce the time it would take to respond to media inquiries.

Priority would be given to radio and to traditional media, including social communicators in the rural areas, since these are the media that reach the entire population. Television and newspapers, with an overwhelming urban audience, had a lower priority.

## Tactics

Before determining the precise media techniques that they would use, the IEC considered:

- What was its communications budget?
- Was it possible to supplement that?
- What personnel resources were available?
- What were the other demands on their time? How much time would they be able to devote to external communications?

These techniques were identified as a priority:

- Pre-produced information broadcasts for radio (including mini-dramas). These could be prepared in advance and are re-usable with a long shelf life.
- Comprehensive media kit. This would be prepared in advance, distributed, and updated prior to the election. This would minimize incoming media queries.
- The website would re-use media kit materials, code of conduct, guidelines etc.
- Comprehensive updated media list.
- Other techniques would also be used, but were of lower priority:
  - Press releases
  - Press conferences
  - Paid newspaper advertisements
  - Newspaper columns
  - Letters/rejoinders/clarifications
  - Response to inquiries.

## Timing

The IEC next developed a timetable of dates that would determine when messages needed to be communicated. This was not just the next national elections, but also registration, by-elections and other events.

## Timeline

Next, the IEC put together the information on timing, messages and techniques to create a specific plan stating what needed to be done when and by whom. The information is summarized in the table on timeline information on the right hand side.

## Spokespeople

Finally, the IEC considered who should be responsible for communicating with the media. Past practice had been for the chairman of the IEC to be principal and often sole spokesperson for the commission. This was felt to be cumbersome and to slow down response time. While the chairman remained principal media contact, much of the day-to-day contact was to be devolved to staff. They and other commissioners were to receive training in media interview techniques.

## 8.5 Italy: An Existing Regulatory Body

The Italian parliament in 1993 passed a law (no 515) concerning "Discipline in the electoral campaigns for the election of the House of Deputies and the Senate of the Republic". It governs access to the media by candidates, creating different procedures for the public and private media.

### Public Broadcasting

The public broadcaster, RAI, is answerable to the Parliamentary Address and Surveillance Commission, which is composed of 20 members of each house of parliament. In 1994 the commission issued guidelines for RAI to guarantee "equal opportunities for appearances for all the parties and movements participating in the electoral campaign". It established a viewing centre that allows it to monitor all RAI output during the campaign period. The commission also formulated rules for direct access election broadcasts by the parties on RAI.

### Private Media

A regulatory body known as the Guarantor for Radio, Television and the Press was created by the Italian press law. Its mandate was extended to radio and television in 1990. The Guarantor is appointed by the (non-executive) President of the Republic on the basis of parliamentary recommendations. Law No 515 gave the Guarantor additional powers in relation to elections. In summary these are to:

- Ensure equal access by the political parties to the press and private broadcasters
- Determine the maximum and minimum fees for political advertising.

He or she is obliged to issue a regulation governing electoral coverage.

The Guarantor is assisted by Regional Committees for Radio and Television. Again, these are pre-existing regulatory bodies. They play essentially a monitoring role, informing the Guarantor where the regulations and Law No 515 have been complied with. [1]

[1] Gianpiero Gamaleri "Italy and the 1994 Elections: Media, Politics and the Concentration of Power" in Yasha Lange and Andrew Palmer (eds), *Media and Elections: a Handbook*, European Institute for the Media, Dusseldorf, 1995.

## 8.6 Russia: Complaints Procedure (1993)

The Russian Judicial Chamber for Information Disputes originated in an institution called the Arbitration Court on Information Matters, an ad hoc body established specifically for the 1993 parliamentary elections. The temporary body had proved reasonably successful as an impartial adjudicator of disputes during a controversial period. It was therefore decided to replace it with a permanent complaints body.

The Judicial Chamber for Information Disputes is an independent state body "under the President of the Russian Federation". Its functions are to be carried out without interference from any other body. A number of these functions relate to the role of the media in elections, including:

- helping to assure non-partisan and truthful media coverage of matters of public interest;
- guaranteeing the principle of parity in the mass media;
- helping to apply the principle of political pluralism through television and radio news and political talk shows;
- issuing guidelines to correct mistakes in media reporting on matters of public interest.

Clause 8 of the regulations establishing the Chamber provides that it shall adjudicate on "the disputes and other cases that involve the mass media". The legal basis for resolving these disputes, aside from Russian law, is "the universally accepted principles and rules of international law and requirements of the Russian Federation's international treaties", as well as the standards of journalistic ethics.

Although the body is described as a "Judicial Chamber", its jurisdiction is explicitly separated from that of the normal courts. It can examine any matter within its competence "except for the matters formally referred to in the jurisdiction of courts of the Russian Federation". In practice, this means that a decision of the Chamber can be appealed in a court of law. But it also means that a complainant can take a matter to court instead of to the Chamber - a right guaranteed under the Constitution - or can file a separate court case after the Chamber has already heard the matter. [1]

[1] Viktor Monakhov, "Information Disputes Relating to Election Campaigning Via the Mass Media: The Experience of the Judicial Chamber in the 1999 Election Campaign, in IFES, The Media and the Presidential Elections in Russia 2000, Human Rights Publishers, Moscow, 2000

## 8.7 United Kingdom: The Operations of the Regulator on Hate Speech

**NOTE: PEB regulations have been superseded by the Communications Act 2003. The case study below refers to the situation before 2003.**

In 1997 the Broadcasting Standards Commission in the United Kingdom - the body that considers complaints against broadcasters, including on election matters - received 76

complaints about party election broadcasts by the British National Party (BNP), an extreme far right group.

The complaints described the broadcasts as being racist and "likely to encourage racial hatred or violence, in part because of the nature of the illustrative material used in the television version, and the use of sensational newspaper headlines".

The responses from the broadcasters are an interesting illustration of the difficulties facing the media when they transmit extreme statements. The broadcasters sought prior legal advice on whether the broadcasts constituted incitement to violence and were assured that they did not. The voluntary guidelines for broadcasters on party election broadcasts (PEBs) indicated that the content of the broadcast was a matter for the party, which was not expected to be impartial. The British Broadcasting Corporation stated that the broadcasts promoted a party whose views were "considered offensive by many, but it was not the function of the broadcaster to substitute its judgment for that of the electorate".

The independent London Weekend Television said that it had been placed in an invidious position:

"It was inappropriate and unreasonable to expect or anticipate that broadcasters should take what are essentially public policy decisions as to the propriety of those with racist views being accorded PEBs. Moreover the currently legitimate use of PEB by single issue pressure groups with minute support, propagating views found offensive by many and lowers the esteem with which viewers regard ITV [Independent Television]. However, refusing to transmit the BNP broadcast was not a valid option if society allows the BNP to function as a political party."

Another independent television channel, Channel 5, had required the BNP to make sure that no image was shown of any person who had not consented to being included in the broadcast.

The Commission praised the broadcasters for acting responsibly and did not uphold the complaints. It concluded:

"The requirements of democracy, and the rights of free speech, especially in an election period, mean that PEBs are not programmes in the conventional sense. It is an inevitable part of an election campaign that things will be said which cause offence, as well as disagreement. The Commission fully understands the concern of those who were outraged or made fearful by the broadcast, but it considers that in an election period the balance of rights is tipped in favour of freedom of speech. Ultimately, the electorate makes its judgment on a party's policy at the ballot box."

See United Kingdom: Decision of Broadcasting Standards Commission (1) for the full text of the decision.

## **8.8 United States: bringing the bloggers to heel?**

Successive US Presidential elections have been hailed as marking the advent of the "Internet election". However, the 2004 election did indeed see the arrival of a phenomenon that few had



even heard of four years earlier: blogging. Blogs – a contraction of web logs, or online diaries – were considered by many commentators to have been highly influential. Many of the most celebrated bloggers were political conservatives who were thought to have made a major contribution to the re-election of the Republican incumbent, George W. Bush.

However, even before the 2004 election, a US District Court judge had ruled that the Federal Election Commission (FEC) should apply the law on campaign finance to the Internet. When the Bipartisan Campaign Reform Act (BCRA - popularly the McCain-Feingold law) was passed in 2002, the FEC decided that the Internet should be exempt from its provisions. The McCain-Feingold law was an attempt to address the issues of “soft money” – spending that is ostensibly unrelated to the campaign itself – and “sham issue ads”, that is advocacy apparently unconnected with the campaign that in fact serves to boost a particular candidate.

The case of *Shays v FEC* was brought by the BCRA’s sponsors in the House of Representatives, Christopher Shays and Martin Meehan. Senators John McCain and Russell Feingold filed amicus briefs supporting Shays and Meehan. The congressional representatives argued that the FEC’s regulations applying the BCRA undermined the law and were inconsistent with it. They argued that as candidates they were obliged to seek re-election in unlawfully constituted electoral contests. The District Court found in their favour, striking down 15 FEC regulations, a decision subsequently upheld by the District of Columbia Court of Appeals.

The BCRA defined “public communications” as “any... form of general public political advertising.” Judge Colleen Kollar-Kotelly in the US District Court was particularly critical of the FEC regulation excluding the Internet from this definition:

"To allow such expenditures to be made unregulated would permit rampant circumvention of the campaign finance laws and foster corruption or the appearance of corruption. . . .To permit an entire class of political communications to be completely unregulated irrespective of the level of coordination between the communication's publisher and a political party or federal candidate would permit an evasion of campaign finance laws, thus 'unduly compromising the Act's purposes' and 'creating the potential for gross abuse.'"

The issue is that of “coordinated communications”. In the context of the Internet this could mean, for example, that a hyperlink to a candidate’s website constituted an element of coordination.

Opposition to the court decision among the blogging community has focused on the claim that it would somehow require the FEC to regulate the content of blogs. However, so far bloggers have been assumed to be exempt from regulation by an extension of the “press exemption”. That is, as journalists (of a sort) they are free to express their opinion. Where they may be subject to regulation, however, is in being required to disclose whether they have received money from a campaign committee or candidate. This is relatively straightforward in principle, as is the likelihood that paid political advertisements on the Internet would have to declare who funded the ad, which is the practice with broadcast spots.

However, some aspects of regulation pose greater difficulties. The value of a hyperlink, for example, is difficult, if not impossible, to quantify. If a corporation makes a contribution in kind to a campaign (since they are not allowed to make cash contributions) FEC practice has generally been to value this on the basis of the money raised rather than the resources expended (the cost of postage and envelopes, a secretary's time or whatever). Would the same approach be applied to Internet links? And if so, how would the benefit to the campaign be quantified?

## 8.9 Zimbabwe: An Example Of Unbalanced Coverage

Zimbabwe provides an interesting case study of media coverage of elections because this coverage has been so extensively monitored in recent years. The Media Monitoring Project Zimbabwe (MMPZ), a non-governmental organization, was established in 1999 and monitored a series of controversial polls, starting with a referendum on constitutional reform in 2000.

Although several subsequent elections were marked by heavily unbalanced coverage in the government-controlled media, the 2000 referendum provides a particularly clear example because international standards on allocation of time in referenda are so clear. Each proposition – acceptance or rejection of a new government-sponsored draft constitution – should have received equal direct access air time. News coverage in the government-controlled media should also have reported the positions of each campaign roughly equally.

In 2000, broadcasting in Zimbabwe remained a state monopoly. Both radio and television were run by the Zimbabwe Broadcasting Corporation, formally an independent public corporation. The main daily newspaper, the Herald, was owned by a company, Zimpapers, that was ostensibly controlled by a public trust. In reality, it was well documented that editors were hired and fired by the Ministry of Information. The monopoly enjoyed by the Herald and its sister paper, the Chronicle, over the daily newspaper market had been breached in 1999 by the launch of the privately-owned Daily News. This rapidly acquired a mass readership. There were a number of other private quality weekly newspapers with smaller, predominantly urban readerships.

Quantitative analysis of coverage by ZBC and Zimpapers – media outlets that directly or indirectly used public funds – provided telling evidence of their overwhelming bias in favour of the Yes proposition, acceptance of the draft Constitution. For example, television current affairs programmes devoted 16.12 hours of coverage to the Yes campaign and its arguments, against just 1.33 hours for No (and 1.28 hours of general information on the issue). There were 17 opinion or editorial articles in the Herald favouring the Yes vote and not a single one favouring No. Of the 38 opinion articles across the Zimpapers titles, all favoured a Yes vote.

MMPZ's methodology also places considerable stress on the importance of the sources of information used by news media. Here is the breakdown (typical of the government-controlled media) of sources in stories on the constitution in the run-up to the referendum. It refers to two of the ZBC radio stations:

- Ruling party and government: 53%
- Constitutional commissioners: 18%

- Other Yes voices: 18%
- Newsreader: 6%
- Members of the public: 4%
- Opposition political parties: 1%

These are examples of purely quantitative methods, which seem to tell the story of media imbalance quite clearly. Yet even quantitative analysis requires further explanation. Take, for example, this striking statistic. In the month before the referendum, television ran 139 advertisements for the Yes campaign and just 14 for the No campaign. Clinching evidence of bias – or is it? The figures only have any meaning if the reasons for the imbalance are known. Here are some possible explanations:

- The No campaign may have decided not to place many TV advertisements.
- The No campaign may have had little money to spend on advertising.
- ZBC may have applied different advertising charges for the two campaigns.
- ZBC may have refused to accept advertisements for the No campaign.

In reality, the first of these explanations was not true. The second was true but irrelevant – it was not in fact the reason why so few No advertisements were broadcast. The third of these factors may have been true but was not relevant. (It is unclear that the Constitutional Commission, campaigning for a Yes vote actually paid for its advertising at all.) The reason was the fourth factor: a refusal of ZBC to run No material. The National Constitutional Assembly, the main No campaigner, obtained a High Court order requiring ZBC to run its advertisements, but the corporation still refused to comply. Indeed, its news programmes failed even to report the court's decision. ZBC stated that the No material was “unbalanced” and of low technical quality. (Yet there was no requirement of balance – these were campaigning advertisements.) Later ZBC issued a statement saying that it was legally barred from showing “pornographic material”. The implication was that the NCA's material was pornographic, although no evidence was ever presented for this claim.

The methodological point is this: each quantitative finding only makes sense if it is given context and explained. In other words, media analysis is required, not just media monitoring.

Other failings of ZBC's coverage cannot be depicted in quantitative terms at all. For example, the broadcasters and Zimpapers repeatedly reported the case of a young man in Harare allegedly beaten to death by supporters of the No campaign. This was adduced as evidence of the ill intentions of those campaigning against the draft Constitution. Yet it was clearly documented (in a police statement) that the dead man had died in a traffic accident.

Voter education was another area where the government-controlled media fell short of proper standards. One of the most elementary shortcomings was that it almost entirely failed to explain what the outcome of the referendum would be. It was assumed that the vote would be binding – that if the Yes campaign succeeded the new Constitution would automatically become law. Yet

this was not the case. The effect of a positive vote would simply have been that a Constitution of Zimbabwe Bill would have been placed before Parliament for a vote.

However, there was an even greater failure in the “voter education” material prepared by the Constitutional Commission. In an animated slot purportedly telling voters how to complete their ballot, the box next to the word Yes was shown being filled with a tick. This was a flagrant breach of the principles that voter education should be impartial. But it may have been that the No campaign had the last laugh: voters were actually required to place a cross in the box. A tick would have constituted a spoiled ballot.

However, there was a certain irony in all this. When votes were cast on 12-13 February 2000, Zimbabwean voters rejected the draft constitution by a large margin. MMPZ, in its report on the referendum, remarked on this irony and speculated on the effect of the media coverage. Perhaps voters ignored biased coverage. Perhaps they were repelled by it and voted against the draft for that reason. Perhaps biased coverage reduced the size of the No campaign’s victory. Or perhaps media coverage was irrelevant to voters’ decision-making. MMPZ accepted that its monitoring methodology gave it no basis for reaching any of these conclusions. The question would simply have to remain open. So MMPZ ended with a more modest conclusion. The draft Constitution on which the public voted had scarcely been distributed: “So, to the extent that people voted on the draft and not according to some other factor, they will have done so on the basis of information in the media. And that information was lamentably inaccurate and biased.” [1]

[1] Media Monitoring Project Zimbabwe, *A Question of Balance: The Zimbabwean Media and the Constitutional Referendum*, Harare, 2000.

### 8.10 Egypt: New Media and Election Transparency

There has been considerable worldwide attention given to the fact that new media played a critical role in the wave of Arab Spring revolutions that began in 2011. However, new media has also played a critical role in providing transparency in post-revolution elections as well. This case study provides information on one such election transparency endeavour, highlighting how “netizens” [1] organized to broadcast information about voting day activities in the 2011 Egypt parliamentary elections.

New media is not a *new* phenomenon for Arab Spring revolution countries. Facebook, blogs, Twitter, YouTube and other social networking sites, gained traction there over the years, just as they did elsewhere. However, the revolutions provided an environment that further fuelled dramatic growth and diversification in new media usage. Of course, there is little grounding for claiming that the revolutions were a *result* of new media per-se. Instead, the revolutions were born from a host of circumstances that gave rise to social unrest, including spikes in wheat prices, decades of political repression, poverty, as well as many country-specific circumstances.

However, new media facilitated a hereto-unprecedented means for social unrest to pronounce itself, mobilize support, and organise. New media put information in the hands of regular

citizens and through its internet-based nature, was able to evade strict environments of information censorship in each of the Arab Spring countries. As one dissertation case study on the Egyptian revolution states:

Due to the recent nature of these events, the scholarly and academic discourse is still developing, and there is fairly limited data and analysis of the role of social media in the Arab Spring. This is not to imply that there is a lack of information. What sets the information apart is the nature of its sources: for one of the first times in history the tumultuous events of the Arab Spring have been covered by ordinary citizens via Twitter, Facebook, online blogs, and videos on YouTube, more so than the mainstream media. According to the 2011 Arab Social Media Report, 94% of Tunisians get their news from social media tools, as do 88% of Egyptians. “Both countries also relied at least on state-sponsored media for their information (at 40% and 36% of people in Tunisia and Egypt respectively).” Equally noteworthy, in Egypt there are now more users of Facebook than there are subscribers to newspapers. In addition to Twitter, Facebook, and YouTube, personal blogs have been used as an insider perspective to the ongoing revolutions. The fact that these tools of social networking that have previously had a reputation strictly for socializing are now being used as sources for information and data, speaks volumes of their relevance in contemporary political mobilization.[ii]

While analyses of new media is usually devoted to its use in facilitating these revolutions and political mobilization in general, it is also important to recognize the critical role new media played in providing transparency to elections which came afterward. The parliamentary elections in Egypt that began in November 2011 were the first genuine elections the country had witnessed since the overthrow of the monarchy in 1952. And new media was there to scrutinise and debate those elections.

The groundwork had been laid less than a year before the revolutions began, when one activist organization, U-Shahid (“You are a witness” in Arabic), began organizing a network of social media-savvy citizens to observe the 2010 parliamentary elections, elections which would prove to be fraught with problems, oppressed opposition, stifled independent media, and stacked results.[iii] In this YouTube clip, organizer and well known Egyptian activist Esraa Abdel Fattah explains to Human Rights First, the group’s motivations in calling for reform using new technologies: [http://www.youtube.com/watch?feature=player\\_embedded&v=ANkpNSVplDs#!](http://www.youtube.com/watch?feature=player_embedded&v=ANkpNSVplDs#!)

The organization was up against great odds in their endeavour to monitor the upcoming (pre-revolution) elections. However, that experience gave the activists an opportunity to put methodologies to the test, fine-tune techniques and approaches, and garner support. Once the revolution had taken place, resulting in the overthrow of the Mubarak regime, U-Shahid found itself operating in a new environment in which new media flourished, while local traditional media as well as election observation groups were struggling with the evolving (and oscillating) environment of freedom.

Here is an excerpt from a Christian Science Monitor article on the group’s plans prior to that election:

"Unfortunately most of the indications are very terrible, very negative, very worrying, especially the fight which has been launched against the independent media," says Bahey el-Din Hassan, director of the Cairo Institute for Human Rights Studies.

While that bodes ill for Mr. Mubarak's promise that the election will be clean, a group of bloggers and activists are using the Internet, cellphones, and citizen engagement to create a monitoring process they predict will expose government misbehaviour.

### **How Twitter could tweak the election scene**

The website U-Shahid.org, which means "you are a witness," will plot reports of election irregularities on an interactive map of Egypt. Citizens can submit reports via text message, Twitter, or e-mail, along with photo or video verification. The effort's organizers hope it will push regular citizens toward political participation.

"We think it's a new tool for election monitoring that will attract more people to participate," says Esraa Abdel Fattah, a project organizer and activist who was arrested after she used a social-networking site to help organize a national strike in 2008. "We want them to feel there is something happening in Egypt. They should participate and they should see there is something illegal going on. This election is window dressing to say to the world that we have elections and democracy in Egypt. But we have no democracy. It's fake."

### **125 volunteers to fill a void**

The group has recruited 125 volunteers from around the country, and those people have used their own networks to recruit and train more volunteers. Most of the people involved are regular citizens, not seasoned activists, says Kamal Nabil, director of the Development and Institutionalization Support Center, the Egyptian nongovernmental organization administering the project.

On a recent afternoon, about 35 volunteers gathered for training. As the late-afternoon sun streamed through the window, they learned how to manage the mapping technology and contribute photos and videos through Twitter to report election violations.

They will be filling a void. In addition to barring international election monitors, local civil society groups are expecting obstacles to their own monitoring efforts. The government recently closed a slew of satellite stations and placed restrictions on live television broadcasts and mass text messaging.<sup>[iv]</sup>

On election day, U-Shahid put their expertise to work, stationing citizen journalists at voting stations around the country so as to be able to report findings unhindered and in real time. Their findings were compiled and uploaded to the U-Shahid website. U-Shahid's 600 voting station reports transmitted through social media showed that only in only 5% of locations voting was occurring without incident. The majority of the reports indicated minor voting problems such as voting centres opening late (although some reports indicated considerable delays of more than 6 hours) or missing material (official stamps and so forth). Thirty-five per cent of the

reports were able to expose serious issues such as illegal campaigning, while 4% indicated incidents of violence. A summary report in English can be found at <http://www.u-shahid.com/?p=3986>, and a full version of the report (as well as further data in Arabic) can be found here: <http://www.u-shahid.com/>

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[i] Citizens who are active users of internet communities, such as blogs and social networks.

[ii] Madeline Storck, "The role of Social Media in Political Mobilisation: A Case Study of the January 2011 Egyptian Uprisings" (dissertation at the University of St Andrews, Scotland, December 20, 2011), 5-6

[iii] See for example this BBC report from November 28, 2010: <http://www.bbc.co.uk/news/world-middle-east-11855691>

[iv] Kristen Chick, "Volunteers go hi-tech to map Egypt election irregularities:

President Hosni Mubarak's regime has rejected US calls to allow foreign observers at Egypt elections this weekend. But volunteers, armed with innovative software, are undeterred,"

*Christian Science Monitor*, November 22, 2010, <http://www.csmonitor.com/World/Middle-East/2010/1122/Volunteers-go-hi-tech-to-map-Egypt-election-irregularities>

## **8.11 Nigeria: Media Ownership and its Impact on Elections**

*This case study is an example of the (often hidden) impacts of media ownership and bribery on election reporting, and some measures taken to make election reporting fairer.*

### **Breaking Mould of Election Coverage in Nigeria**

**IWPR programme works with local journalists to improve credibility of political reporting.**

IWPR has sought to tackle two of the main problems bedevilling Nigerian journalism as part of its innovative reporting project that has aimed to enhance local journalists' coverage of Nigeria's elections.

With so much of the news sector controlled or influenced by political interests and poorly paid reporters supplementing their income with bribes from politicians, IWPR's Nigerian Election News Report, NENR, pursued a determinedly independent line and paid its contributors decent rates for their stories.

NENR was established by IWPR and its Nigerian partner, the International Press Centre, IPC, in March 2011 in the run up to national elections later in the year. It continues to hold elected politicians to account in the post-election period and to keep Nigerian journalists up to date with what is happening across the country. It runs up to six political stories every day - which can be accessed in both audio and print format - from contributing journalists.

Editor of the service, and IPC director, Lanre Arogundade said NENR has been breaking new ground in Nigerian election coverage, “We’re offering something quite unusual. We tell our stories without political prejudice and, because of our network of contributing journalists across the country, we can access news and report it fast – often faster than more mainstream sources, like newspapers.”

The audio versions of the news stories are delivered free of charge to the mobile phones of over 1500 subscribing journalists across Nigeria. Those with access to the internet can also view and listen to the stories online at [www.nigerianelectionnewsreport.com](http://www.nigerianelectionnewsreport.com). The website, even in post-election period, has been registering hundreds of hits each day.

Journalists say they like NENR because of its accuracy and brevity. “NENR has been useful; I access the site regularly for brief and straight-to-the-point stories on the elections... the inclusion of audio in all the reports is remarkable,” said Chinedu Echianu from the radio station Vision FM, in Nigeria’s capital, Abuja.

The service directly addresses two of the most pressing issues in Nigerian media, ownership and journalists’ remuneration.

Media ownership in Nigeria is heavily concentrated in political hands. Broadcast media, in particular, are mostly owned by the federal or state governments.

IWPR surveyed 100 working journalists on the impact of media ownership on their journalism, with some 45 per cent saying the owners influenced editorial content a great deal.

Indeed, analysis of media coverage in past Nigerian elections has been damning. The Commonwealth Observer Group said in its report on the 2007 elections that “significant state ownership of the broadcast media negatively impacted on and influenced the coverage in favour of incumbents’ parties”.

It noted that there were also numerous official complaints from candidates who claimed to have been denied airtime or coverage because of political bias of media owners.

NENR has been politically neutral and therefore provided a much needed outlet for stories of public interest in the run-up to the recent election and now, in the post-election period.

Observer groups are yet to pronounce on this year’s election coverage but journalists who contributed to NENR and used its output for their own reports say it was a source of fair and balanced news.

NENR contributor, Bulama Yerima, who comes from the strife-torn state of Borno, where he works for the state- owned radio and TV corporation, said the stories he sent NENR would not have been aired on his station. “I can’t write these stories for my station because of censorship,” he said.



Meanwhile, journalists working for independent outlets exercise a degree of self-censorship: because their wages are so poor, many take bribes from politicians they write about in order to make ends meet.

"Many Nigerian journalists are paid very poorly." Arogundade said. "Often their only source of income is 'thank you's' for the stories they write. But journalism's role in democracy is diminished when those thank yous come from politicians.

"The Nigerian Election News Report offers an alternative income for the Nigerian journalist by rewarding good political journalism and, as a result, provides a source of reliable news for the public at this politically sensitive time."

The service has won praise from the president of the Guild of Editors, Gbenga Adefaye, who understands the day-to-day challenges faced by journalists.

"This service is not just to show your skills - it gives the platform to present your report objectively." he told prospective contributors at the launch of NENR. "What the website will do is improve journalism generally."

That has certainly been the case for Yerima, "The experience is rewarding... the editing skill of the news editors is such that it teaches me a lot."

NENR is the second of a two-part programme funded by the International Republican Institute, IRI, through a grant from USAID and DFID.

The first part was a series of training workshops that prepared journalists across Nigeria to contribute to NENR. IWPR trained over 100 working reporters and 40 trainees. The sessions gave the journalists the confidence to conduct rigorous interviews with politicians, gather views from street, write in-depth reports and cover conflict in sensitive manner.

Journalism professor, Ivor Gaber, was one of the trainers on the course, says the main challenge was to get journalists to think beyond the political horse-trading that dominates election coverage.

"Who is up and who is down within political parties may be fascinating for politics addicts, but in a country with over 50 political parties, it can become pretty tedious. What most people I talk to care about is much more practical – they want to know who will sort out the power shortages, improve roads and transport and improve job prospects for their children. Our workshops encouraged journalists to focus on issues, not political squabbles."

Workshops also included sessions for journalists on how to stay safe – crucial in a country where elections are associated with violence. Journalist, Umar Jibrilu Gwandu, from the Daily Trust newspaper said, "The workshop helped tremendously in shaping the way I cover most of my reports especially in the areas of conflict and security threats."

When northern Nigeria erupted into violence, these skills proved their worth and NENR was able to receive reports from the worst-affected areas.

As Nigeria settles back into post-election life and the violence recedes, IWPR hopes NENR will continue to hold Nigerians to account.

Nigeria has greater oil resources than Qatar and Libya and its geo-political influence extends far beyond its own borders. Yet, democracy has under-delivered for Nigerians. Electricity and power services are notoriously unreliable, personal security is poor and wealth disparities are extreme.

Veronica Oakeshott, who coordinates the IWPR programme in Nigeria, said, “Our mission is to hasten the day when politicians no longer feel they can promise the world and deliver a pittance. When they know their every move is being watched by skilled reporters, they will raise their game, and with it the fortunes of ordinary Nigerians.”

## **8.12 South Africa: Gender and Elections**

*This case study shows the results of media monitoring from a gender perspective in the South African elections of 2009. The monitoring was carried out, and reported on, before during and after the election.*

Elections Through a Gender Lens: A South African Perspective

By

**Colleen Lowe Morna and Deborah Walter**

On 22 April 2009, South Africa went to the polls in hotly contested national elections. Jacob Zuma emerged as the country’s president, with the African National Congress (ANC) just narrowly missing a two-thirds majority.

On the gender front, South Africa soared from 17th to 3rd place in the global ranking of women in parliament, with an 11 per cent increase in women’s representation in the national assembly, rising from 34 to 43 per cent. Only Rwanda (56 per cent) and Sweden (47 per cent) are now ahead of South Africa.

Yet, while the elections and media coverage of them were, by and large, deemed free and fair, some bemoaned the lack of depth in media coverage. Media watchdogs such as the Freedom of Expression Institute raised concerns about the relative absence of serious coverage of the issues involved in the elections. This was also evident in media coverage of gender issues, which constituted a mere 2.4 per cent of election coverage.

For example, much of the media focus on President-elect Jacob Zuma’s polygamous life style centred on who would be the first lady and what it would cost tax payers to have such an extensive first family, rather than what this reflects about his views on the Constitution and women’s rights.

Starting from the premise that freedom of expression means that all views and voices are heard, formal censorship is only one way to silence certain voices. A far more pervasive and worrying form of silencing takes place when the views and voices of certain segments of society are persistently and systematically excluded from the media. That is more often than not the case with gender.

Gender Links (GL)<sup>1</sup>, in partnership with Media Monitoring Africa (MMA), monitored media leading up to, during, and following the elections, and conducted a televised debate on the findings with key editors and stakeholders.

On the plus side, while women constituted only 10 per cent of all sources in the 1994 elections, that figure had risen to 24 per cent in 2009. That is higher than the global average of 21 per cent women news sources in the Global Media Monitoring Project (GMMP) of 2005. However, considering that women now constitute 43 per cent of members of parliament, and 52 per cent of society, the inescapable conclusion is that we are only half way to where we need to be.

The stock response from editors to these kinds of numbers is that they report what is newsworthy. Sure, most political parties are led by men. But South Africa's official opposition Democratic Alliance is led by Helen Zille. And the spokesperson of the ruling African National Congress, Jesse Duarte, is a woman.

What about the voters? How often did media reflect their views? According to Gender Links' Deputy Director Kubi Rama, election media coverage was largely dominated by events, rather than issues. "The issues are what are important and the issues really didn't get much play," said Rama. "How are you going to have improved service delivery, what improvements are there going to be around health or welfare, without focusing on parties' and candidates' positions on such issues?" If hot button issues like poverty, education, crime, gender violence, HIV and AIDS had been covered with due seriousness, and if journalists had bothered to consult them on such matters of life and death, the voices of women would surely have rung loud and clear.

Qualitative analysis of election coverage conducted by GL also yielded several examples of blatant gender stereotypes. Among them were the prominent coverage given to Zille admitting that she used Botox (Sunday Times, 28 December), references to Zille as the "poster girl" and references to the wife of the leader of the relatively new political party, Congress of the People (COPE) – Wendy Luhabe – as the "Sugar behind Shikota" (Mail and Guardian, 31 October).

The male dominance of politics was underscored by several articles bearing the headline "All the President's Men" (for example, the 28 August cover of Financial Times; and an article in The Star on 7 April). Several other articles bearing the title "All the President's Women" – such as the Sunday Independent on 25 January and The Star on 26 January – referred to rumours and allegations concerning a young woman said to be carrying the baby of President Kgalema Motlanthe, who is separated from his wife.

However, there were some positive developments as well. For example, sexist comments like the offside by ANC Youth League leader Julius Malema on women who are raped not asking for taxi money in the morning prompted spirited discussion and a well-positioned piece in the

Mail and Guardian (30 January). This, in turn, prompted a debate on whether or not the personal is political.

To its credit, the Mail and Guardian (M&G) also ran an opinion piece by GL on the subject, which prompted several on-line responses. In addition, the Mail and Guardian Critical Thinking Forum partnered with Gender Links, the Human Rights Commission and Constitution Hill in posing this question to a panel on which all the political parties were represented, providing the substance for an M&G special supplement on Gender and the Elections (20 March).

Similarly, South Africa's public service broadcaster, SABC International, hosted a debate on the place of polygamy in Africa, with two speakers for and two against the practice. The debate took place in front of a regional audience, with questions phoned in by viewers across Africa. Throughout the election period GL ran Gender and Leadership debates that resulted in a checklist for transformative leadership.

Several South African newspapers also ran lengthy profiles of prominent women in politics, including new and emerging leaders in opposition parties. Examples include "Cope's eager new girl on the block" (on Lynda Odendaal) in the Sunday Independent on 21 December; "Woman with her heels on the ground" (on Wendy Luhabe) in the Sunday Independent of 9 November; "The love of my country has guided me" (on COPE's Lyndal Shope) in The Star 7 November; "On the campaign with superwoman" (on Helen Zille) in the Saturday Star of 18 April; and "Die-hard had to eat her words" (on former Deputy President Phumzile Mlambo-Ngcuka) in the Sunday Independent of 29 April.

While white male commentators and analysts predominated in all media, the Mail and Guardian frequently used black female experts and opinion shapers like Nikiwe Bikitsha and Phumla Gobodo-Madikizela, who shed refreshing views on the issues (like the Sunday lunch disputes in Bikitsha's home over whether to vote for COPE or ANC).

The Mail and Guardian also consistently consulted "ordinary" women and men in equal numbers for their views on the elections. The newspaper's election cover, showing Zuma and Zille, and flagging a supplement on women's economic empowerment, is an example of the kind of gender balance that GL and media partners who promote gender equality in and through the media hope will be achieved in future coverage.

Although coverage often ignored the gender dimension, there is indication that there is a growing recognition within the media that addressing both sexes makes good business sense for media houses.

During the post-election debate, Nicholas Dawes, incoming editor of the Mail & Guardian, reflected on the print media's coverage of the elections. "I think it's a very mixed bag as far as gender goes," he said. "There were instances where people made a real effort to try and make sure that women's voices came through more strongly and that questions of gender, both at policy level and in terms of how they play out in our representation of leadership, were represented, but there were clearly other situations that weren't so great." Dawes also highlighted a particular approach that M&G used for a more human perspective on the

elections. “One of our correspondents, Mandy Russo, went to the rural Eastern Cape, discussing with them what their choices were and why they’d made those choices,” explained Dawes. “We also had a series of profiles of ordinary South Africans, looking at the way they were approaching the elections. It was evenly split between men and women and, gender concerns came through there, implicitly or explicitly.”

Izak Minaar, Head of Research at the South African Broadcasting Corporation (SABC), pointed out during a televised debate that women constitute the majority in the country, and that it makes sense for the media to service all audiences, especially the majority. Media monitoring can play a role in helping newsrooms to do so.

“It’s really important that we have people watching over us, checking what we are doing and presenting us with a good analysis as to how we fare in the daily running of the newsroom,” said Minaar. “It’s sometimes difficult to achieve all the goals that you set yourself at the start and I think a regular, good look at how we are doing can help us do better.”

Unfortunately, progress to date continues to be slow, as Sandra Roberts of Media Monitoring Africa pointed out. “In 2009, women constituted 24 per cent of sources and five years ago they constituted 23 per cent. One per cent improvement over five years is not satisfactory at all.”

If women constitute half the population, it’s surely not too much to ask that they be equally seen and heard in the news - at all times but especially during the important process of elections in a democracy. spent some time with a poor family there, and particularly with the women in that household,

Get the rest of the document at:

<http://www.aibd.org.my/node/1097>

### **8.13 Georgia: Media Monitoring Recommendations During Elections**

*This case study from Georgia highlights the way observers can give recommendations during election periods by using the results of media monitoring.*

#### **Media Part of the Debate in Georgian Election**

With just over a week to go before Georgia's parliamentary vote, attention is increasingly focusing on how the country's television reporters are affecting voter sympathies.

"Journalists cover press conferences and air politicians' statements, but that's all," said Maia Mikashavidze, dean of the Caucasus School of Journalism and Media Management in Tbilisi. "There are no follow-up questions why it happened, why he or she said this. ... in the end, the voters suffer because of it."

In its April 2008 interim report on Georgia's election environment, the Organization for Security and Cooperation in Europe's observer mission took issue with coverage of the election campaign. Observer mission media analyst Rasto Kuzel said that monitoring of national

broadcasters Rustavi-2 and Mze (part of the same company as Rustavi-2) and local broadcasters Adjara and Kavkasia "all show [a] lack of balance."

The stations provide "overwhelmingly positive and neutral coverage" for the governing United National Movement, while opposition coverage swings more neutral than positive, he continued.

A string of boycotts during April could have contributed to that imbalance. The nine-party United Opposition Movement ran a nearly month-long boycott of Rustavi-2 and Mze for allegedly biased coverage that was suspended on April 19. In turn, Rustavi-2 announced that it was suspending coverage of the opposition bloc for insults delivered by Movement leader Levan Gachechiladze and supporters. The two sides finally resumed communications on April 28.

The frequent intersection between official and campaign events could also play a role. On May 7, Rustavi-2, Mze, Adjara TV and Georgian Public Broadcasting all aired a 20-minute segment from a meeting between President Mikheil Saakashvili, cabinet members and regional officials about plans to revive Kutaisi, Georgia's second largest city. Promises of such social welfare projects have featured prominently in the National Movement's campaign.

"The media should not only be engaged in [the] positive description of projects which are submitted by the government, but the media should also play a role to question and also [to] offer a critical point of view whether the public money is [used] properly or whether there are some problems," said Kuzel.

As was mentioned in the OSCE's presidential election reports, Kuzel noted, "there is still visibility of political influence on the main TV networks. This, of course, could prevent the media outlet from offering more balanced coverage."

Based on its program lineup, however, Georgian television's interest in mixing up its election coverage would appear to be running strong.

In addition to its popular political talk show PrimeTime, Rustavi-2 has unveiled two new talk shows (Answer the People and Triangle) that focus on political debates and viewer Q&As.

Mze, owned by Rustavi-2, has restricted its election programming to brief news reports about the campaign. Although Imedi TV, once the most popular Georgian TV outlet, has returned to the air, it will not be broadcasting news programs until after the May 21 parliamentary vote.

Meanwhile, Georgian Public Broadcasting, a key target for opposition criticism during the January presidential elections, receives cautious kudos from the OSCE for improving the balance of its campaign coverage.

The station, now headed by a new president and board of trustees, airs election debates twice per week, a political platform presentation show once per week, and offers free airtime for

party presentations three times per week. It has also signed a memorandum with political parties to provide "balanced, impartial and objective" coverage of their activities.

The coverage has already won the approval of one debutante opposition politician. "Public television's coverage is the most objective compared with the others," said Magda Anikashvili, a former Imedi TV anchor now running for parliament with the newly formed Christian-Democratic Movement.

Nonetheless, as with Rustavi-2 and Mze, the OSCE observer mission found that public television "devoted significant and favorable coverage to activities of the authorities, outside the campaign context, thus benefiting candidates with a pro-government orientation."

A recent call by President Saakashvili for government ministers and regional governors to refrain from taking part in the campaign has changed little, she added.

The predominance of United National Movement advertisements sparks much of that frustration. The party dominates paid advertising on television – spots can cost anywhere from \$16,000 for 30 seconds (Rustavi-2; evening PrimeTime talk show) to \$1,500 per 30 seconds (Mze; evening newscast). The United Opposition Movement and the Christian-Democratic Movement are so far the only opposition parties to have taken out fee-based TV ads.

Free time slots – ranging from 30 seconds per hour on private stations to 60 seconds per hour on Georgian Public Broadcasting – are available for parties that received more than 4 percent of the vote in Georgia's 2004 parliamentary elections and 3 percent of the vote in its 2006 local elections.

Billboards are also cause for some rancour.

In an apparent bid to reduce the omnipresence of ruling party ads in Tbilisi streets, Saakashvili recently called for the National Movement to hand over billboard space to opposition parties "to let them introduce to society what they want to do for the country." To date, no party has taken him up on the offer.

One opposition election campaign budget manager, however, says that money is not the main issue. While ad placement companies may not openly refuse to sell ad space to a party, reasons are usually found to block the deal, alleged the Republican Party's election campaign fund manager, Gigla Agulashvili.

"They say that conditions have changed, they delay signing the contract or use other arguments and ways to avoid the deal with us as soon as they get to know who we are," said Agulashvili. "It is hard to say whether it is businesses being careful, trying to avoid possible

**Editor's note:** Nina Akhmeteli is a freelance reporter based in Tbilisi. 12 May 2008, <http://www.eurasianet.org/departments/insight/articles/eav051308b.shtml>

## 9. Contributors to Media and Elections

The Media and Elections topic area was first added to the ACE website in 2001. The topic area's lead writer was Richard Carver of Oxford Media Research Limited and developed under the supervision of IFES.

International IDEA managed the 2006 revision of the Media and Elections topic area for this current version of ACE. Richard Carver was again the lead writer, working under the supervision of Virginia Beramendi Heine. Linda Ederberg and Maiko Shimizu of IDEA provided extensive administrative and copyediting services and uploading material to the website.

The 2012 update to this topic area was carried out by Vanessa Johanson Alpern. Ms. Nellika Little (independent), Dr. Andy Williamson (independent), Ms. Bronwen Harvey (Centre for Democratic Institutions), Ms. Ann Cooper (Columbia Graduate School of Journalism), and Mr. Abdullahi Boru Halakhe (International Crisis Group) are gratefully acknowledged for their input on sections of the topic area.





