



**European Commission
United Nations Development Programme
International IDEA**

***Overview of Media Regulations and Media
Monitoring Regulations***

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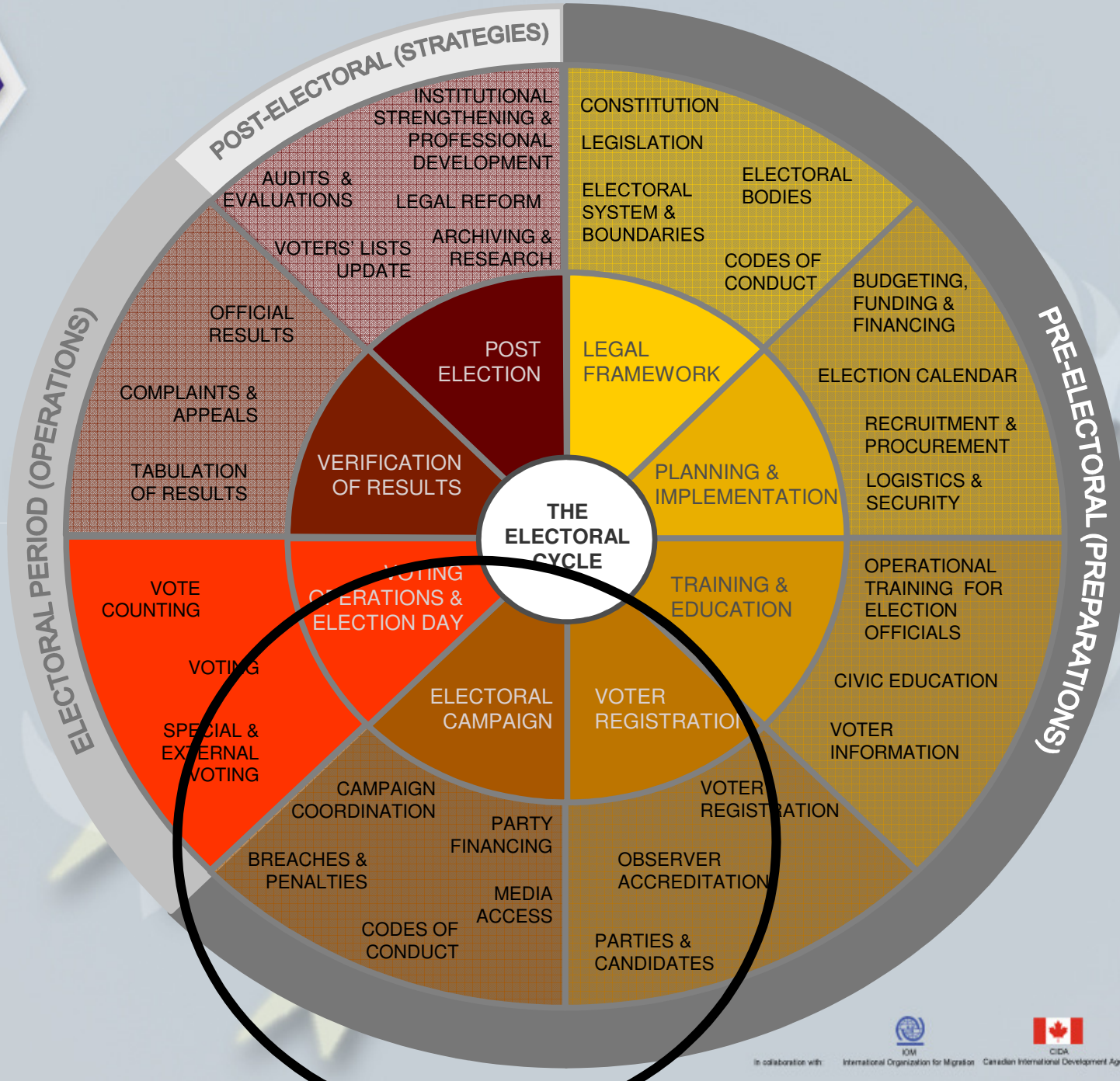
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Legal References

- United Nations Declaration of Human Rights**
- ICCPR**
- European Convention of Human Rights**
- Castells Judgement 1992, cited in Council of Europe 2001**



An apparent paradox

In order to ensure freedom of expression, a fairly detailed degree of regulations is necessary



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Key Functions

- Disseminate information about the manifestos, characteristics and quality of political parties and candidates;**
- Provide a platform for debate and critical evaluation of what the political parties and candidates represent and promise;**
- Carry out voter education, to make sure the voters are informed not just of their choices in an election, but how to make those choices effectively;**
- Encourage voter participation;**
- Do all of the above in a way which is impartial, balanced and fair.**



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Media Regulation

- National protections of human rights – the Constitution**
- Media laws and laws on advertising, which regulate media behaviour generally**
- Election laws, which often contain guarantees of freedom of political expression, as well as descriptions of the responsibilities, rights and obligations of the media during elections**
- Specific rules and regulations for media coverage of elections, usually outlined by the Election Management Body**
- Specific professional codes of conduct covering principles of independence, balance and objectivity**





Media regulation dilemmas

To give free airtime, or not to give free airtime?

To give equal airtime or measured airtime?

Equal access vs Equitable access

Who is responsible for the content of political advertising?

Campaign Silence?





Media and the EMB

The relationship of the EMB to the media is hence a fairly complex one. Potentially, election authorities may stand in three distinct relations to the media:

- As regulator**
- As communicator**
- As news story**





Media Monitoring Actors

Who monitors the media?

Four main groups may undertake monitoring of the media during elections:

- Electoral management bodies**
- Independent media regulatory authorities**
- International electoral observation missions**
- Civil society organisations.**





EU EOM Media Monitors in Sierra Leone 2007



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Media Monitoring Methodology

European Union Election Observation Missions rely on media monitoring guidelines drafted by the OSCE/ODIHR, the European Commission and the Council of Europe and adopted by the Council for Democratic Elections and the Venice Commission in 2004.

1. Freedom of expression, including **the right to communication and the right of the media to collect, report and disseminate information**, news and opinions, is a fundamental right.
2. Respect for the fundamental principle of **editorial independence of the media**, in particular printed and private media, and in their right to express a preference. This assumes a special importance during election periods, and applies in particular to regulations on media coverage of elections.
3. There should be no legal or administrative obstacle to obstruct access to the media within the electoral process.
4. The **promotion of diversity** as a primary goal of broadcast regulation, including gender equality, equal opportunity for all sections of society, and equal access to the airwaves.
5. Attacks on, and harassment of journalists must be condemned and those responsible should be held accountable.
6. The right to freedom of expression is enshrined in a number of declarations, treaties and conventions. States that are signatories to these documents, or members of organisations which produced such declarations, have the moral duty, and sometimes legal obligation to comply with such provisions.



Media Monitoring Methodology

Media monitoring methodology

The methodology employed for the media monitoring is both quantitative and qualitative.

Broadcast media

Radio and television are monitored during peak time viewing hours and include monitoring of all programming within this time framework.

Print media

Newspapers are monitored daily to assess the coverage of candidates and parties standing for election.



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Tone

Clear criteria must be established for the monitors' definition of positive, negative and neutral coverage. The definitions must be as straightforward as possible because this is the most subjective area of monitoring.

- Positive***
- Neutral***
- Negative***

The tone of political candidates/parties about themselves or others is not what is being monitored, but rather the manner in which the media provides them with a platform. A critical question does not necessarily make a programme negative in content. It is part of the job of a journalist to ask difficult questions of political candidates. However, should the tone of the journalists' questions be monotonously critical and even insulting, then the interview could be considered to be "negative".



Assistance to Media

- Training for Editors and Journalists in Covering Elections**
- Competitions for Grants to Make Election Programmes and Voter Spots/Ads**
- Create dialogue between media/journalists' associations/parties and the EMB**
- Make sure the media know the rules**
- Support professional local civil society media monitoring**
- Media and Results Centre**



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