

The Agency for Audio and Audiovisual Media Services, pursuant to Article 152 of the Law on Audio and Audiovisual Media Services ("Official Gazette of the Republic of Macedonia No.184/13,13/14), and in accordance with the Agency's Conclusion No.02-812/2 dated 7 February 2014, at the 7<sup>th</sup> session held on 7 February 2014, prepared the consolidated text of the Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during the election processes.

The consolidated text of the Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during the election processes encompasses: the Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during the election processes No.01 - 564/1 dated 28 January 2014 and the Methodology No. 01-564/2 dated 7 February 2014, amending the Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during the election processes.

## **METHODOLOGY FOR MONITORING ELECTION MEDIA COVERAGE THROUGH RADIO AND TELEVISION PROGRAMME SERVICES DURING THE ELECTION PROCESSES**

**(Consolidated text)**

### **LEGAL FRAMEWORK**

The Election Code ("Official Gazette of the Republic of Macedonia" No.: 40/06, 63/08, 136/08, 148/08, 155/08, 44/11, 51/11, 142/12, 31/13, 34/13 и 14/14) with the last amendments from 2014, incorporates the rules for media coverage in the period from the announcement of the elections until their completion and the provisions relating to the monitoring of the Agency for Audio and Audiovisual Media Services, whereby the Rulebook for the conduct of broadcasters in the period before the start of the election campaign and the Rulebook for equal representation in the media coverage during the election campaign cease to be valid.

The definitions of election media coverage and the forms of election media coverage are included in Article 2, items 22 to 27. The meanings and scopes of these terms are the same as those that have been given so far in the Rulebooks. In addition, item 21 determines the duration of the election process, and item 28 defines the term "election media coverage" as "promoting (directly or indirectly) the positions, programmes, platforms, achievements, activities etc. of political parties, coalitions, groups of voters and their representatives." Thus, the term that already existed in Article 69 -a of the Code, acquired its necessary clarification, which was so far found in the bylaws.

One of the significant changes to the methodology for monitoring by the Agency is found in the new Article 8-a paragraph 2 indent 2. Thereby, in the 20 days period before the start of the election campaign until the end of the elections, it is prohibited to hold public events to mark the commencement of construction or launching of facilities financed by the budget, by public funds, by public enterprises or other legal entities with state capital, in infrastructure (roads, water-supply, transmission lines, sewage, playgrounds, etc.) or facilities for social activities (schools, kindergartens, etc.). Thereby, it is established that the prohibition on holding public events does not apply to the provision of a "public statement of a public official or candidate for public office holder at a rally, interview at a medium, media debate or answer to a reporter's question."

Article 69-a defines the term (paragraph 1) and duration (paragraph 2) of the election campaign.

Article 75 is completely modified and it prescribes the obligations for all broadcasters that will cover the elections to do so in a fair, balanced and impartial manner (paragraph 1), to provide all participants in the campaign equal conditions for access to all forms of election

media coverage (paragraph 2) and not to use programmes designed for minors for election media coverage (paragraph 3).

Article 75-a is modified and it includes the principles of how - under different election processes (presidential, parliamentary, local) - balance in the coverage of the campaign in all forms of election media coverage is to be provided, that is, it is specified when the principle of equality and when that of proportionality in accordance with the number of certified lists of candidates (paragraph 1) shall apply. It is also established that, in making the assessment on the balance of the campaign, the intensity of the campaign shall be taken into consideration (paragraph 2), and that the principles of proportionality or equality through which balance is achieved, shall not apply for paid political advertising.

The new Article 75- b provides that from the date of the announcement of the elections until their completion, the reporting on the regular activities of the government and of all entities that are entitled by law to perform public authorisations in broadcasters' programmes must not be in the function of anyone's campaign.

The prohibition to editors, journalists, programme facilitators and presenters to be simultaneously engaged in the development of programmes of broadcasters and in the campaign activities of campaign participant is contained in the new Article 75- c.

The requirement for broadcasters to record the output signal of their programme, to keep it for 30 days after the elections and, at the Agency's request, to submit a recording within 48 hours after the receipt of the request, is included in Article 75-d.

Article 75-e prohibits the broadcast of paid political advertising from the time of the announcement of elections to the start of the election campaign (paragraph 1). Exception are the notices for collecting signatures to support the candidacy by a group of voters which may be shown within the limit for commercial advertising of 12 minutes in an actual hour. They may only contain basic information on the collection of signatures (but not of the candidate/s), to have a clearly indicated contractor and not to last longer than 8 minutes (paragraphs 2 and 3). Paragraph 4 contains the prohibition on broadcasting advertising funded by the budgets of: the state, municipalities, the City of Skopje and all entities entitled by law to perform public authorisations, in the period from the announcement of the elections until their completion.

Article 75-f refers to a part of the rules for paid political advertising that are valid during the election campaign. The broadcasters, in paragraph 1 shall be allowed an additional 12 minutes of an actual hour, designed exclusively for broadcasting paid political advertising, by limiting the time for one participant in the campaign to 8 minutes. They need to define the price lists five days from the announcement of the elections (paragraph 2) and in the same deadline to submit them to the Agency, the State Election Commission (SEC), the State Audit Office and the State Commission for Prevention of Corruption (paragraph 4); until the beginning of the campaign to announce them at least twice in their programme ( paragraph 3), they may not be changed during the campaign (paragraph 5), and are required to provide equal access to paid political advertising to all participants in the election process (paragraph 6).

In Article 76, to the existing five paragraphs two new paragraphs are added. The first five paragraphs lay down the liabilities: paid political advertising to be separated, clearly labelled and with a clearly marked contractor (paragraphs 1 and 2), and bans: minors shall not participate in it, it shall not be broadcasted in the news, special news programmes, educational programmes and programmes for children and in transmissions of religious, sports, cultural, entertainment and other events and shall not be broadcasted by the Public Broadcasting Service (paragraphs 3, 4 and 5). Paragraph 6 is banning special news programmes (informative - political programmes by their genre conducted as interviews, debates or TV/radio duels, current - informative programmes, current - informative programmes with documentary approach and thematically specialised information programmes) to be used as paid political advertising. Paragraph 7 indicates that the SEC campaigns to educate voters and for free and democratic elections are not paid political

advertising, and should be separated from the other programme with a clearly designated contractor.

Article 76-a is modified. It stipulates that the Public Broadcasting Service in cooperation with SEC shall inform voters on the manner and technique of voting (paragraph 1). Paragraphs 2 and 3 lay down the rules for the news programme, whereby the daily-informative programmes of MRT become an exception to the principle of achieving balance of Article 75 -a . Namely, it introduces the principle of distribution of the news time of MRT in thirds : one third of the daily events of the country and the world, one third of the campaign activities of political parties from the government and one third of the activities of political parties of the opposition (paragraph 2) and thus determines that the time shall be distributed according to the results of the last parliamentary elections in the thirds intended for the campaigns of the ruling and the opposition party (paragraph 3). Paragraph 4 reaffirms the obligation of the Public Broadcasting Service regularly to inform citizens with impaired hearing about the election. The time for free political representation, which is an obligation of the public service should be deployed in accordance with the principles of balance defined in Article 75-a (paragraph 5); on television services it shall be broadcasted in the period from 16:00 hrs. to 23:00 hrs. (paragraph 7) on the date and in the order determined by a lot (paragraph 6). Paragraph 8 introduces another case where the public service is an exception to the principle of balance of Article 75-a, as it determines that 3 hours of free political representation of government and opposition parties in accordance with the results of the last parliamentary elections shall be broadcasted on the Assembly channel. Free political representation should be clearly marked throughout the entire broadcast (paragraph 9).

The amended Article 76- b refers to the rules regarding the election silence, that is, that the election media coverage ceases in the days of silence (paragraph 1) , broadcasters report on the election process (paragraph 2), but so as not to break the silence they shall not broadcast “any information, photographs, audio and audiovisual materials related to or involving election participants, any forms of media reporting that are openly or surreptitiously in the function of someone's election campaign and may affect voters' decision, data revealing the identity of political entities and/or individuals involved in incidents or other irregularities on the election day and statements by candidates in the election process, the participants in the election campaign, representatives of political parties, and office holders in government bodies” (paragraph 3).

The new Article 76-c defines the obligations of the Agency: to monitor the reporting of broadcasters from the day of the announcement of the elections until the completion of the voting (paragraph 1), to initiate legal proceedings against the broadcaster within 3 days after the violation of the Election Code has been detected (paragraph 2), and in the event of detecting a violation of the provisions on balance by the Public Broadcasting Service, to submit a proposal for initiation of proceedings for dismissal of the Director of MRT (paragraph 6). In paragraphs 3, 4 and 5 the deadlines for action by the courts of first and second instance and the deadline for appeal are prescribed.

Article 75-d refers to the issue of funding the legal obligations of the Agency – the funds, on a special account shall be provided by the Budget of the Republic of Macedonia (paragraph 1), they shall be used only for activities during the election process (paragraph 2), and those funds that have not be used, shall be return to the Budget (paragraph 3 ).

The rules for announcing results of public opinion surveys are specified in Article 77, that with the amendments has an additional, third paragraph. The results are published not later than five days before the voting in both rounds (paragraph 1), on election day only after 19:00 hrs. (paragraph 3), and articles must contain data that shall support the scientific basis and relevance of the research, that is: name of the party that commissioned and paid the survey, the research institution, the methodology, the period and the size and structure of the sample (paragraph 2 ).

#### **PERIODS, SCOPE AND MANNER OF IMPLEMENTATION OF THE MONITORING**

The specification of the periods of monitoring, media coverage, the sample of their programme that shall be analysed and the manner of its implementation shall be determined in the concept for monitoring of media coverage adopted individually for each specific election process.

The dates for each of the periods of monitoring of the election processes (from the announcement of the elections to the campaign, the first and second round of the election campaign and the election silence) depend on the decision for announcement of each elections separately.

The number of media included and a copy of their programme to be analysed, as well as the number of external associates engaged depend on the type of elections (presidential, parliamentary or local) and the monitoring period (before the campaign, in the first round, or the second round).

The manner of implementation refers to the technical aspect of monitoring - the signal reception of programme services, recording, using input and data processing software, etc., that is, it comes to matters subject to continuous improvement and modernisation.

## **GOALS OF THE MONITORING**

Given that the Election Code establishes rules under which broadcasters should operate from the date of announcement of elections, during the election campaign and during the election silence, the general goals of monitoring are to follow whether and to what extent broadcasters:

- ☞ will provide fair, balanced and unbiased media coverage;
- ☞ will allow participants in the election campaign a level playing field for access to all forms of media presentation: news, special informative programmes (interviews, debates, TV/radio duels, current-informative programmes, current-informative programmes with documentary approach and thematic informative programmes), free political representation and paid political advertising.

For the monitoring to meet its objectives, the results obtained should answer the following questions:

- ☞ Does the news respect the quantitative and qualitative principles for achieving balance in reporting on the campaigns of the participants in the election process?
- ☞ Do broadcasters comply with the ban that reporting on the activities of the authorities must not be in function of election media coverage of any political entity during the entire period from the announcement of the elections until their completion?
- ☞ Do the special election informative programmes respect the rule for ensuring balance, fair and impartial treatment?
- ☞ Do broadcasters respect the rule that editors, journalists, programme hosts and presenters engaged in preparing programmes must not simultaneously participate in campaign activities of participants of the election campaign?
- ☞ Are the rules for announcing results of public opinion surveys complied with?
- ☞ Are the rules for broadcasting paid political advertising respected?
- ☞ In the event of broadcasting free political representation, are the rules respected?
- ☞ Are there any violations of election silence?
- ☞ Do broadcasters comply with other rules for their programmes established by the Election Code?

## **SCOPE**

### **A. Prior to the initiation of the election campaign**

The 24-hour programme of televisions and radios is being monitored from the day of the announcement of the elections, until the beginning of the campaign, and analysis of the programme or article is performed if possible infringement is noticed.

☞ In the whole period it is monitored whether there is:

- Election media presentation,
- Reporting on the activities of officials in the function of someone's election media presentation,
- Paid political advertising,
- Advertising financed by budgetary funds,
- Simultaneous participation of editors, reporters, hosts and presenters in radio and television programmes and pre-election activities of the participants in the campaign,
- Advertisements for collecting signatures in support of the nomination of independent candidates, presented contrary to the established rules,
- Articles on the results of public opinion surveys about the election process and whether they contain all the necessary elements.

☞ In the period of 20 days before the campaign, it is being monitored whether there is reporting on public events banned under Article 8-a paragraph 2, indent 2 (start of construction or launching facilities built with budgetary/public funds). If any, how they are coded and what action shall be taken depends on whether they are a critic of such unlawful activity or a promotion thereof. For those events that are allowed - interview, debate and response to a reporter's question – it is monitored if they are in the function of somebody's election media presentation.

☞ From the moment of confirmation of the list of candidates in the elections by the competent authorities, it is monitored whether they are complying with the prohibition on appearance of confirmed candidates in the programmes, given that the public presentation of the confirmed candidates in the pre-election period signifies an election campaign, and the campaign starts 20 days before election day (Article 69-a).

### **B. and C. First and second round of election campaign**

During the election campaign for both rounds, the programme of broadcasted from the start of the campaign until the end of voting shall be monitored, in order to determine whether and how/how much they adhere to legal obligations.

During the election campaign period all forms of election media coverage shall be analysed: daily - informative programmes, special informative programmes such as programmes aimed at informing citizens on the voting method and technique and the exercise of the voting right, and informative-political programmes implemented by genre as interviews, debates or TV/radio duels, current-informative programmes, current-informative programmes with documentary approach and thematic informative programmes, as well as forms of direct approach to voters, such as free political representation and paid political advertising. The content of programmes that are not related to elections shall also be analysed, if election campaign participants and/or representatives of government bodies, state institutions and organisations and legal and other persons entrusted by law to perform public authorisations, participate or appear in them.

☞ During the election silence, the entire programme shall be monitored, so as to determine whether there is content that violates it.

## METHOD

The content analysis technique shall be used, which provides both quantitative and qualitative indicators for media coverage of the election campaign. In addition, in cases where it is necessary to perform a detailed qualitative analysis (for example, on the tone and framing of the article) discourse analysis shall also be used.

### **DAILY – INFORMATIVE PROGRAMMES (NEWS PROGRAMMES, CENTRAL NEWS)**

The monitoring of reporting on the election campaign in daily-informative programmes is focused on several issues that are regulated by the election legislation.

The first issue is the balance in reporting that has a quantitative and qualitative aspect. The quantitative aspect refers to the volume or *time* that the broadcaster separates in the news about the activities of a certain candidate or participant in an election campaign, and the qualitative approach on *the tone of reporting and the framing*.

The other issues relate to: the manner of reporting on the regular activities of the authorities, publishing results of public opinion surveys, and the respect of the general professional rules, for example, marking the authors of the articles (Article 14 , Law on Media “Official Gazette of RM” 184/2013), or the ban on broadcasting content that jeopardizes national security, constitutional order, which calls for aggression and conflict or discriminates (Article 48 , Law on Audio and Audiovisual Media Services “Official Gazette of RM” 184/2013) etc.

#### **Quantitative aspect of balanced reporting**

The quantitative analysis of balance in reporting involves measuring and categorising (coding) of articles associated with the activities of participants in the election campaign, reports on the activities of the authorities during the election campaign, editorial reviews on the election campaign, editorial articles and brief comments on the candidates, political parties or government officials, articles on public opinion surveys etc. and their incorporation into a special software for data processing.

The exception is the news of the Public Broadcasting Service, where all articles shall be measured and coded into a software, so as to determine the compliance with the rule for the division of time into thirds .

After the performed control of input data, statistical analysis procedures shall be applied to obtain cross-data on the time that broadcasters have separated for different candidates, that is, participants in the election campaign.

#### ***Principles of balance: proportionality and equality***

There are two principles according to which in different election processes, broadcasters provide balance in reporting: proportionality and equality (Article 75-a of the Election Code). It is important to emphasise that the broadcasters are not expected to provide balanced reporting on the various political parties in each daily-informative programme, but during the entire election campaign. In the Explanatory Memorandum to Recommendation No. R (2007) 15 of the Council of Europe, on the measures related to media coverage of election campaigns it has been determined that “ ... this principle should be measured in terms of the entire programme service of a broadcaster , during certain period of time, not in each programme. Broadcasters should provide balance and represent the different political views during the entire period of the campaign.”

Which of the two principles shall be applied depends on the type of election and whether a national, regional or local broadcaster is concerned, whether they are from the commercial or public sector:

1. For the presidential elections the principle of equality shall be followed, that is, all broadcasters that choose to report on the elections, should provide approximately the same time volume in the news for all presidential candidates in the first and second round, naturally, taking the intensity of their campaign into consideration.

2. For parliamentary elections broadcasters follow the principle of proportionality, in accordance with the number of confirmed candidate lists. Practically, this means that all broadcasters (national, regional and local) that follow the campaign should allocate approximately the same time volume in the news for participants in the election campaign with the same number of certified lists of MP candidates and with similar campaign intensity.

3. Balance for local elections is provided through a combination of the two principles - equality and proportionality as follows:

- for the election of a mayor, all broadcasters that follow the elections provide balance in accordance with the principle of equality for all mayor candidates in the first and in the second round of elections;

- for the election of members of the municipal councils and the City of Skopje, broadcasters at the state and regional level should provide balance, in accordance with the principle of proportionality by the number of confirmed lists of candidates for members of municipal councils and the City of Skopje, and broadcasters at the local level - in accordance with the principle of equality. Thereby, the intensity of activities within the campaign shall be taken into consideration.

Operationalized at the level of broadcasters with different coverage, this definition of balance implies that:

a. Broadcasters at the national level covering the election campaign in the daily-informative programmes, should report on the activities of all participants in the election campaign in all election units. Thereby, at the mayoral election, they shall provide to the candidates, whose campaigns have roughly the same intensity, approximately equal time representation, and at councillor elections, they shall provide approximately the same representation for those who have the same number of confirmed lists of candidates and lead a campaign with roughly the same intensity.

b. Broadcasters, at regional level, covering the election campaign in the daily-informative programmes, should report on the activities of all participants in the campaign who have submitted lists for the municipalities in their region. Thereby, all mayor candidates whose campaigns have roughly the same intensity should receive approximately equal time, and approximately the same representation should be provided to the participants in a campaign that have the same number of confirmed lists of candidates for members of the councils, whose campaigns approximately have the same intensity.

c. Broadcasters at the local level covering the election campaign in the daily-informative programmes, should report on the activities of all participants in the election campaign that have submitted lists in the election unit that the particular broadcaster covers. Approximately equal time shall be provided to all the mayor candidates and campaign participants whose campaigns have roughly the same intensity.

4. Notwithstanding article 76-a, paragraphs 2 and 3, the Public Broadcasting Service shall provide equal access, and thus balanced division of time, so that one third of the news should be dedicated to daily events of the country and the world, one third to the campaign of the ruling parties and one third to the campaign of the opposition parties, whereby the

time in the separate thirds shall be allocated according to the number of MP seats that each of the parties had won in the previous parliamentary elections<sup>1</sup>.

That, operationalised for the programme services MRT1, MRT2, the first programme of Macedonian Radio - Radio Skopje and the Programme in the languages of the ethnic communities of Macedonian radio means that:

a. The third of the news that is intended for reporting on daily events in the country and the world includes the time devoted to the stories of daily political events, social issues, civil society, the economy etc. excluding sports (even if it is an integral part of the news as a whole and not separated).

b. In the third of the campaign activities of the ruling political parties the time of the articles individually for each of the parties forming the ruling coalition is distributed in proportion to the number of MP seats in the composition of the Assembly, at the time when the decision to call the elections was adopted.

c. In the third of the campaign activities of the opposition, the time is distributed proportionally with the number of MP seats that each of the opposition parties individually have in the composition of the Assembly at the time the decision to call the elections was adopted.

Having regard that:

Article 76-a, paragraphs 2 and 3 of the Election Code does not provide time in the daily-informative programmes of the Public Broadcasting Service for covering of the campaign activities of candidates to a group of voters and candidates of political parties that did not participate in the last parliamentary elections;

The provision does not distinguish between the functions and specifications of the programme services of MRT, that is it prescribes that MRT should ensure a balanced division of time on all its services, so that one third of the news will be dedicated to daily events of the country and the world, one third for the campaign of the ruling parties and one third to the campaign of the opposition parties, whereby within the specific thirds, the time shall be distributed in accordance with the number of MP seats that each of the parties had won in the previous parliamentary elections;

The position and responsibilities of the Public Broadcasting Service in the society that are clearly stipulated in the Law on Audio and Audiovisual Media Services, resulting from the Election Code, assume that it adheres to the principle of political balance and pluralism of views, that is to provide information on the whole election process and on all participants in the election campaign;

Upon consultation with the stakeholders, the following shall be recommended to the Public Broadcasting Service:

1. In each edition of the news of the Public Broadcasting Service, to provide additional 5 minutes to cover the campaign activities of the candidates not included in Article 76-a, paragraphs 2 and 3 of the Election Code, or candidates of a group of voters, and candidates of parties that did not participate in the last parliamentary elections;

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<sup>1</sup> Refers to: MRT 1 (Central News at 10.00 hrs., Central News 1 at 17.00 hrs., Central News 2 at 19.30 hrs. and Central News 3 at 23.00 hrs.); MRT2 (News at 12.00 hrs., Central News 1 at 18.30 hrs., Central News 2 at 22.00 hrs.); Macedonian radio - the first programme service (Morning Journal at 7.00 hrs., Noon Radio Journal at 15.30 hrs. and Radio 22 at 22.00 hrs.) Macedonian radio - third programme service (Radio Central News at 16.00 hrs., Radio Central News at 21.00 hrs.).



2. To ensure equal division of time between the candidates, and if there is only one candidate, to allocate no more than one third of these 5 minutes, that is 1 minute and 40 seconds for that candidate, and
3. In the news on the radio and television programme services intended to foster the cultural identity of minorities living in the Republic of Macedonia, the time in the thirds intended for the campaigns of the ruling parties and opposition parties to be distributed inversely in terms of the allocation of time in the news of the first television programme service of MRT and the first radio programme service of Macedonian radio.

The total time for the news shall not include the time for the general announcements and the themes.

### ***Reporting on the activities of government officials***

The monitoring analyses the media coverage of the activities of the authorities (President of RM, the Assembly, the Government and local government). The articles in which government officials appear are divided into two categories: regular activities of the authorities and activities of the authorities for the purpose of the election campaign.

The time broadcasters devote to the regular activities of government officials during the election campaign is a very important aspect in measuring balance. In the Recommendation R (2007) 15 of the Council of Europe, regarding the measures related to media coverage of election campaigns it has been determined that “broadcasters must not give preferential treatment to government officials in the course of daily news programmes.”

Government officials are also representatives of political parties. This duality of political identity is particularly evident during election campaigns, due to two important aspects: (1) how to ensure a balance between the exercise of the right of candidates and participants in the election campaign to equal opportunities for access to media representation and the right and obligation of the media to report on the activities of the government, and (2) how to ensure equal media treatment of candidates and participants in the campaign, given that the context of reporting on the activities of the government is most frequently positive due to the nature of the events on which it is being reported (for example, an important international event, official meetings, sessions, etc.).

To effectuate the guidelines provided in the European documents, in accordance wherewith provisions that the government officials shall not be given preferential treatment in the media coverage should be introduced in the election legislation, modifications were made to the Election Code in Article 8-a paragraph 2 indent 2. Namely, 20 days before the start of the election campaign, a ban on holding public events aimed at marking the start of construction or launching of facilities financed by the budget, by public funds, from public enterprises or other legal entities with state capital, in infrastructure (roads, water-supply, transmission lines, sewage, playgrounds, etc.) or facilities for social activities (schools, kindergartens, etc.) is introduced. The ban shall last until the end of elections.

The media are expected to be persistent and consistent in the effort even before the ban comes into force to distinguish between the regular activities of government officials and the activities they run as representatives of political parties for the purpose of election media presentation, regardless of the fact whether they refer to infrastructure and facilities of social activities or are from another type of promotional appearances. Therefore in Article 75-b , the Election Code provides that in the period from the date of announcement of the elections until their completion, the regular reporting on the activities of state bodies, bodies of the municipalities and the City of Skopje, the state institutions and organisations, as well as the activities of legal and other entities to whom the public authorisations are given by law, may not be in the function of election media coverage of any political entity.

Based on the aforementioned European guidelines, the monitoring of the daily-informative programmes measures the total media time devoted by the media to all government

activities, in order to obtain a full image of the scope of government presentation in daily-informative programmes. Media during the election campaign can report on the regular activities of the authorities, but thereby they shall make sure that the manner of reporting is not in the function of the campaign of the ruling parties. It may be clearly observed whether an article is in the function of the campaign by the 'favouring' or 'positive' tone of the medium. In the event of articles used for the purpose of the election campaign of the ruling parties, it is undoubtedly a violation of the Election Code.

As for the Public Service, the articles that inform on the regular performance of the office of authority holders enter in the third of the time reserved for daily news.

### ☞ Qualitative aspects of balance

Collecting data on the quantity of the reporting dedicated to the different political entities does not provide an overall image of pluralism represented by media. The public image of political parties, candidates or leaders is not only shaped by the extent of time that is given to them, but the manner in which they are presented. Bearing that in mind, the monitoring of the reporting in the daily-informative programmes will also analyse certain qualitative aspects of balance. The elements on which the evaluation on the quality of reporting will be based rely on the *Guidelines on media analysis during election observation missions* made in 2005 by the Office for Democratic Institutions and Human Rights (ODIHR), the Directorate of Human rights and the Commission for Democracy through Law (Venice Commission) of the Council of Europe and the European Commission, as well as on the *Guidelines for election coverage by broadcasting media in transitional democracies* by "Article 19" .

These monitoring elements will be operationalized as follows:

- ☞ Explicit evaluation of the journalist/editors on the relevant entity;
- ☞ The tone of the report that is measured on a scale of three values (positive, neutral, negative). This assessment is used in cases where the journalist or editor uses explicit words or sentences to express an obvious positive or negative attitude towards a particular political entity.
- ☞ The framework in which it is informed about the relevant entity. The framework represents the value of the journalistic article reporting on the entity, that is the context of the reporting. The notion of "framing" is not connected to the accuracy or falseness of the context, but the light that this context throws on the entity. The constant reporting of one political entity in a problematic context ( for example: violent events, initiated procedures for determining corruption etc.) during the election campaign, may indicate an intention that the entity is to be presented to the public in a negative context;
- ☞ Manipulative use of movies, pictures and sounds: It refers to the consistent use of an angle of shooting whereby the crowd attending the rallies of certain parties or candidates is presented to appear bigger than it actually is, while the angle of shooting of rallies of other participants in the campaign is presented to appear that less people are present. Other similar examples are: broadcasting videos that do not correspond to the event on which it is being reported, in order to favour certain parties or candidates; using accompanying music or visual effects that give a warning, satirical, patriotic or optimistic tone to the article, and use of manipulative tone of voice or sarcasm by reporters and presenters;
- ☞ Choice of words (or sentences) in reporting on political entities, or when presenting information;
- ☞ As a qualitative aspect of balance, the number and total duration of direct speeches that the broadcaster provided to the participants in the campaign, the candidates or government officials, shall also be measured. For example, the medium may release a direct statement of the Prime Minister about something, while the representative of the opposition was only quoted;

☞ Respect for basic professional journalistic standards in reporting.

Other qualitative aspects of reporting (use of comments in the news, the manner of reporting the results of public opinion surveys, the use of 'hate speech', etc..) shall also be monitored, that are assessed by using the procedures of qualitative content analysis or discourse analysis.

### ***Other qualitative aspects of reporting***

#### ***Objective and accurate reporting***

The evaluation of the 'tone' of the reporting indicates whether the broadcaster's attitude to the particular political entity is positive, negative or neutral. However, this is not sufficient to assess whether the medium reports objectively and accurately. The continued false reporting is one of the most serious flaws in media coverage of the campaign that can be determined only through a comprehensive qualitative analysis, which involves more complex methodological procedures (for example comparison of the reporting with the actual events or monitoring the reporting on the same event by several media).

Objective reporting is one of the fundamental principles of professional journalistic reporting and, as such, is not subject to legislation covering elections. These aspects go into the ethical and professional standards and are therefore regulated by journalistic codes, that is, by self-regulation. Thus, although by the Agency's monitoring some qualitative information about objectivity in reporting may be obtained, they may not be used as a basis for action, but only as an additional indication in building the assessments on the qualitative aspect of balance in reporting.

#### ***Comments in daily-informative programmes***

One journalist piece of news or report should consist of facts and data, while the editors' comment means stating of the opinion, ideas and views of the editorial board, the editor or journalist. This distinction is particularly important in the reporting on the election campaign so that the audience can clearly distinguish what is information and what comment. In addition, pursuant to Article 14, paragraph 4, indent 1 of the Law on Media, the broadcaster is obliged to identify the author of each published article, which is particularly important for comments.

#### ***Reporting on public opinion surveys***

The reporting on public opinion surveys related to ratings of parties and candidates and the possibility to win the forthcoming elections is an issue of particular importance during the election campaign. The broadcasting of articles that explain the results of the surveys can sometimes be aimed at manipulating with the opinion of voters, especially when the surveys are unrepresentative (conducted online or via televoting), or when commissioned or conducted by organisations that are biased. Therefore, the public opinion surveys based on which ratings are determined and projections about the outcome of the elections are made, should be conducted on a scientific basis, on a sample of respondents, by independent research organisations or institutes. The reporting on public opinion surveys must be objective and impartial and contain all the necessary elements, so that the audience may be able to assess their reliability.

#### ***Hate speech***

During the monitoring the emergence of a possible 'hate speech' in reporting on the election campaign shall also be subject to observation. Refraining from the use of any hate speech

falls within the basic journalistic standards, but is also regulated by international standards and partly with the provisions of the Law on Audio and Audiovisual Media Services.

The general principles that define hate speech are clearly established in international conventions and charters. In the Recommendation R (97) 20 of the Council of Europe, the term 'hate speech' includes " ... all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred, based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people with immigrant backgrounds." Hence, direct references to violent actions should be explicitly prohibited in the legislation of each country. Although the responsibility for such statements ultimately is of an individual or a political entity giving that statement, the medium should inform professionally, that is place the statement in an appropriate context and clearly show that it does not support it. This means that the media should be held accountable when they themselves are the source of hate speech, or when they broadcast such statements without providing balance by supplying an opposing view, dissociate themselves or provide adequate contextual explanation which will reduce their effect. Taking that into consideration, " the media should refuse any overt or covert statement of intolerance and carefully consider whether the publication of that statement can lead to insult and ridicule based on gender, racial, linguistic, religious, national, ethnic social or other affiliations."<sup>2</sup>

Legal provisions for hate speech should be determined taking the specific situation of each country into consideration: for example, in post-conflict areas more stringent restrictions may be imposed in order to avoid new tensions between communities. Accordingly, in the definition of hate speech the specific social context and the potential impact of the message on the audience should be taken into consideration.

Provisions that prohibit 'hate speech' are incorporated in Article 48 of the Law on Audio and Audiovisual Media Services, pursuant whereto: "The audio and audiovisual media services may not contain programmes that endanger national security, promote the violent overthrow of the constitutional order of the Republic of Macedonia, call for military aggression or armed conflict, promote or spread discrimination, intolerance or hatred based on race, sex, religion or nationality."

One of the biggest problems during election campaigns is the extent to which hate speech has to be prohibited. It is recommended to set minimum limits for individual freedom of expression, since the election campaign is a moment when it is necessary to hear different opinions and views, even when expressed in a more aggressive way. This deviation from the regular rules regarding 'hate speech' is justified by the short duration of the election campaign and the fundamental importance of the freedom of political debate as a condition for free and fair elections. Therefore, it is recommended that the media be free of responsibility for that 'hate speech' which is part of a campaign run by the political entities, that is not a direct reference to violence or the overthrow of the constitutional order, or stimulation of national, racial, gender or religious hatred and intolerance. The recommendation media to be free of responsibility for broadcasting different types of mutual accusatory messages of political entities (insult, slander, etc.) is based on past experience and case law according to which the use of such statements is regarded as appropriate in the political context, especially due to the existence of the possibility to exercise the right to reply or correction of such statements.

The evaluation of this qualitative aspect of reporting shall be built on the basis of the qualitative discourse analysis of the actual content (statement, message and the like), whereby the context in which it was expressed, the international standards and the

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<sup>2</sup> *Guidelines for media analysis during election observation missions* made in 2005 by the Office for Democratic Institutions and Human Rights (ODIHR), the Directorate of Human Rights and the Commission for Democracy through Law (Venice Commission) of the Council of Europe and the European Commission, available at [http://www.venice.coe.int/docs/2005/CDL-EL\(2005\)043-e.asp](http://www.venice.coe.int/docs/2005/CDL-EL(2005)043-e.asp)

provisions stipulated in the Law on Audio and Audiovisual Media Services shall be taken into consideration.

### **SPECIAL INFORMATIVE PROGRAMMES**

The Election Code (Article 2, item 27), defines the following as Special informative programmes:

- ☞ programmes designed to inform citizens about the manner and technique of voting and exercising the right to vote, and
- ☞ informative-political programmes: interviews, debates and TV/radio duels, current-informative programmes, current-informative programmes with documentary approach and thematic informative programmes.

The first category of informative programmes is a special obligation of the Public Broadcasting Service under Article 76 –a paragraph 1 of the Election Code.

For interviews, debates and duels the obligation for providing conditions for equal access, balance, fairness and impartiality stipulated in Articles 75 and 75-a of the Code shall be valid. Thereby, the obligation for equal approach and balance do not apply to each particular programme, but to the succession of interviews, debates or duels that the broadcaster will organise during the election campaign.

The balance in these programmes is achieved by respecting the principles of Article 75-a, in a way that is already described above for the daily - informative programmes. For the presidential election the principle of equality is applied, for the parliamentary elections the principle of proportionality, according to the number of confirmed candidate lists, and for the local elections the principles of equality for all mayor candidates in all municipalities and councils at the local level, that is the principle of proportionality in accordance with the number of confirmed lists of candidates for members of municipal councils and the City of Skopje, for broadcasters at the state and regional level. If the broadcaster duly invited candidates or representatives of participants in the campaign to participate in the programme, and they themselves did not use the right of access, the medium should clearly emphasise that during the broadcasting of such informative programmes. In these cases it is expected that a certain imbalance will occur, for which the broadcaster is not held accountable. Exceptions are cases where this situation is used to implement and repeat numerous special informative programmes only with representatives of one option at the elections, whereby media themselves create imbalance.

Pursuant to Article 76, paragraph 6 of the Code, the special informative programmes or interviews, debates and duels should not be used as a form of paid political advertising. Special informative programmes are forms of media presentation under the editorial control of the broadcaster, their goal is objective and more comprehensive informing of the public about the candidates and the election campaign and therefore may not be used in the form of paid political advertising, primarily because of the professional and ethical aspects of journalism. In the journalistic forms of coverage of the campaign the role of the journalist may not be reduced to the formal role of 'presenter' or 'moderator' in the interests of a particular political entity, especially if they are paid. On the contrary, the role of the journalist is, considering the interests of citizens, to disclose the views of the political parties and expose them to the critical eye of the public.

### **FORMS OF DIRECT ACCESS TO THE AUDIENCE/VOTERS**

For the forms of direct access to voters (free political representation and paid political advertising) it is typical that the candidates or the participant in the election campaign directly

communicate their political messages to voters without editorial intervention of journalists or the broadcaster.

The rules for paid political advertising (PPA) are defined in the Election Code:

- ☞ In the period from the announcement of the elections to the beginning of the campaign, as well as in the periods of election silence in the first and second round PPA may not be broadcasted, with the exception of announcements/advertisements for collecting signatures for independent candidates in the period to their confirmation by the competent authorities;
- ☞ The announcements/advertisements for collecting signatures for independent candidates are broadcasted within the time for economic marketing, whereby not more than 8 minutes within an actual hour may be dedicated to one independent candidate, they contain basic information about that for whom and where the signatures are being collected, excluding additional data for the candidate;
- ☞ The commercial broadcasting companies covering the elections, during the campaign may broadcast up to 12 minutes of paid political advertising within an actual hour, whereby up to 8 minutes may be dedicated to one participant in the election campaign;
- ☞ Programmes for minors must not be used for paid political advertising;
- ☞ Participation of minors is not allowed in PPA;
- ☞ The Public Broadcasting Service must not broadcast paid political advertising;
- ☞ PPA must not be broadcasted in daily-informative programmes, children's and educational programmes, transmission of religious, sports, cultural, entertainment and other events and in special informative programmes;
- ☞ PPA must be properly and clearly marked as "paid political advertising" and clearly separated;
- ☞ Within all forms of PPA the ordering party must be clearly marked;
- ☞ All participants in the campaign must have equal access to the time for PPA of broadcasters, five days after the announcement of the election the price lists must be defined and submitted to the competent authorities, to be published within their own programme (at least twice before the campaign) and shall not be changed during the campaign;
- ☞ The campaigns of the State Election Commission aimed at educating voters to exercise their right to vote and for fair and democratic elections shall not be considered PPA;

The following shall be monitored regarding free political representation:

- ☞ If commercial broadcasting companies decide to broadcast free political representation, they shall be obliged to respect the principles of proportionality, that is equality;
- ☞ The Public Service is obliged to provide free representation in the two election rounds according to the principle of equality for presidential candidates, the principle of proportionality according to the number of confirmed lists for parliamentary elections, or a combination of the principles of equality and proportionality for local elections;
- ☞ Exception is the Assembly Channel where 3 hours of free political representation of the ruling and opposition political parties shall be broadcasted with internal division of the time, in accordance with the results of the last parliamentary elections;
- ☞ The broadcasters need to determine the date and order of broadcasting by a lot;
- ☞ On the television services of the Public Broadcasting Service, free representation is broadcasted between 16:00 and 23:00 hrs.;
- ☞ The free representation must be properly and clearly marked as "free political representation" during the broadcast.

## ELECTION SILENCE

During the election silence the programmes of all analysed media are recorded and observed. So as not to violate the election silence, broadcasters in reporting on the election process should not broadcast:

- ✎ Any information, photographs and audio and audiovisual materials relating to or involving participants in the elections;
- ✎ Any forms of media reporting that are openly or surreptitiously in the function of someone's election campaign and may affect the voters' decision;
- ✎ Data that reveal the identity of political entities and/or individuals involved in incidents or other irregularities on election day;
- ✎ Statements of candidates in the election process, the participants in the election campaign, representatives of political parties and office holders in government bodies.

No. \_\_\_\_\_

\_\_\_\_\_ 2014

Skopje

**Agency for Audio and  
Audiovisual Media Services  
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\_\_\_\_\_  
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