

**POLITICAL
PLURALISM DURING
ELECTION
CAMPAIGN**

2014

POLITICAL PLURALISM DURING ELECTION CAMPAIGN AS AN ASPECT OF MEDIA PLURALISM

Introduction

Political pluralism, or "fair and diverse representation and expression ... of different political and ideological groups in the media, including minority views and interests",¹ is referred to as an inevitable element of media pluralism in democratic societies, in every recommendation, research or act on this subject, including *The Manual for Media Pluralism Assessment (Internal Pluralism)*². This document was adopted by the media regulatory body of the Republic of Macedonia in December 2012, and was prepared with expert assistance within the TAIEX mission dedicated to the promotion of media pluralism and diversity. Taking the indicators for assessing media pluralism of the European Commission's *"Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-based Approach"* as a starting point, the *Manual...* establishes the political pluralism as one of the six areas through which plurality of the Macedonian media sphere is measured, by making a selection of relevant indicators.

To present the image of political pluralism during election campaign, this analysis provides answers to questions related to these indicators. Given that the basic set out or establishment of the ground principles and rules of the game for any field is always found in the regulation, this analysis primarily examines indicators of political pluralism provided by the legislation, and then illustrates the actual situation with specific examples.

The legal framework comprises primarily (but not exclusively) the *Law on Audio and Audiovisual Media Services*³, the *Law on Media*⁴ and the *Electoral Code*⁵. The first

¹ *Manual for Media Pluralism Assessment (Internal Pluralism)*, p.4, available in English at:

http://www.avmu.mk/index.php?option=com_content&view=article&id=665&Itemid=97&lang=en.

² *Ibid.* The act relies on the document *Measuring Media Plurality: Ofcom's Advice to the Secretary of State for Culture, Olympics, Media and Sport* of 2012 and the European Commission's *Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk-based Approach*, of July 2009.

³ Available in English as *Law on Audio and Audiovisual Media Services* at:

http://www.avmu.mk/index.php?option=com_content&view=category&layout=blog&id=61&Itemid=99&lang=en.

⁴ Available in English as *Law on Media* at:

http://www.avmu.mk/index.php?option=com_content&view=article&id=1158%3A2014-01-03-08-51-48&catid=61%3Azakoni&Itemid=99&lang=en.

⁵ Available in English as *Electoral Code (Consolidated Version)* at:

http://www.avmu.mk/index.php?option=com_content&view=article&id=1202%3A2014-02-03-09-08-49&catid=152%3Aizbori2014&Itemid=99&lang=en.

two acts entered into force on 3 January 2014, while the third one, underwent significant changes in the beginning of 2014. One of the most crucial changes was that the rules for media coverage of electoral processes became an integral part of the Code, instead of being regulated by bylaws, as had been the case before. The practical examples offered consist of comparative indicators on the manner in which the Public Broadcasting Service and the national terrestrial television stations covered the parliamentary elections in 2011 and 2014, to see how the guaranteed editorial independence and commitment to pluralism in reporting function in practice.

Legal framework on media pluralism

Political pluralism in the media, as indicated by its definition, is twofold: "On one hand it implies the capacity and ability of all social segments that have different political/ideological forms or interests to turn to/ to reach the public through the media (owned by them or close to them, or owned by third parties) and on the other side of the spectrum to (political and ideological) views, attitudes and interests covered and presented in the media"⁶.

This duality of the term means that obligations should be legally provided in general - for all the actors who play a role in ensuring media pluralism, and then more specifically - for political pluralism.

One of the segments in the general framework is the Agency for Audio and Audiovisual Media Services which, as a regulatory body that monitors compliance with the Law on Audio and Audiovisual Media Services (LAAMS) and the Law on Media (LM), includes among its competences both the protection and development of pluralism through the existence of various, independent and autonomous audio and audiovisual media services, and the provision of transparency in the broadcasters' work, encouraging freedom of expression and protection of citizens' interests in the area of audio and audiovisual media services (Article 6, LAAMS).

In terms of broadcasters, LAAMS (Article 61) emphasizes a number of principles to which they should adhere in their functioning, including as follows: equal rights and freedoms regardless of one's political affiliation; objective and unbiased presentation of events along with equal treatment of different views and opinions, enabling the audience to freely form their opinions on specific issues and events; respecting the

⁶ In the *Manual for Media Pluralism Assessment (Internal Pluralism)*, page 4, (in accordance with the definition in the Indicators Study ...), available in English at: http://www.avmu.mk/index.php?option=com_content&view=article&id=665&Itemid=97&lang=en.

confidentiality of sources of information; guaranteeing the right of reply and correction; autonomy, independence and responsibility of editors, journalists and other writers when making the programmes and creating the editorial policy. In this manner, the basic journalistic standards, the observance of which is a matter of professional ethics, also become a legal requirement for media professionals employed in any sector of broadcasting - public, commercial, non-profit.

Because of the special role of the public broadcasting service, LAAMS defines further obligations for the Macedonian Radiotelevision - MRT (Article 110) and standards and principles (Article 111). The former concern the fact that MRT is obliged to produce and broadcast programmes that actively contribute to the creation and development of free opinion and informing the public, and will be the engine of democratic processes in the country. It must not advocate or protect the stands or interests of any particular political party, or any political, religious or other groups, and the programmes it creates and broadcasts should be protected from the influence of the government, political organisations or other centres of economic and political power. It should ensure constant, accurate, full, unbiased, fair and timely reporting of all important events and developments including the political ones; promote and advance the culture of public dialogue and provide an arena for a broad-based public debate on matters of public interest. It should contribute to the respect and promotion of fundamental human rights and freedoms, privacy, dignity, reputation and honour of the individual, tolerance, understanding and respect for diversity, a sense of peace, justice, democratic values and institutions, protection of minors, gender equality, curbing discrimination and promotion of the benefits of civil society. The latter directly prescribe that MRT should adhere to the principle of political balance and pluralism of views; that journalists should be politically independent and autonomous and that the views or interests of a particular political party, association, personal interest, religion or ideology should not be advocated or favoured, while the opinion and beliefs of others should equally be accepted. Furthermore, emphasis is placed on the principles of truthfulness, impartiality and thoroughness of the information, which should be presented clearly and unambiguously, so that citizens are free to form their opinion. LAAMS also emphasises that MRT, as a public broadcasting service, is "independent from any state body, other public legal entity or enterprise and should be impartial towards them in its editorial and business policy" (Article 104).

In addition to the regulatory safeguards for editorial independence, also considered as important indicators of the Public Broadcasting Service's independence are the

procedures for appointing members to its bodies, as well as its financing mechanisms. These issues are regulated in a separate chapter of LAAMS, whereby the selection procedure and rules, as well as criteria for members, their responsibilities, the acts and the manner of operation of the MRT bodies - the Programme Council, the Supervisory Board and the Director and Deputy-director - are prescribed by several articles.

The role of the Programme Council (Articles 116 to 124) is to protect the interests of the public and ensure achievement of MRT's interests, goals and competences, in terms of the programme content. However, the Council must not review the shows or other parts of the programmes before they are aired, because this would constitute interference in the editorial and journalistic autonomy and independence (Article 116). When selecting the thirteen members of this MRT body, care should be taken that its composition reflects the diversity of the Macedonian society in several aspects, including gender. Members are appointed and dismissed by the Assembly of the Republic of Macedonia (Article 117), but are proposed by several authorised bodies (Inter-University Conference, the Albanian and Turkish theatres, respectively, journalists' associations, the Association of the Units of Local Self-Government and the Parliamentary Commission on Election and Appointment Issues).

LAAMS also prescribes the basic rules for selection and work of the members of the Supervisory Board, as a body that supervises MRT's material and financial operations (Articles 125 to 129). The selection, based on a competition, through a procedure and under conditions set out in the Statute of the Public Broadcasting Service, is performed by the Programme Council.

This is also the case with the election of a Director and Deputy-director of MRT. The fundamental aspects of the operation of the Director, as a MRT body that represents and acts on the behalf of the Public Broadcasting Service (inter alia) are also stipulated in LAAMS (Articles 130-132).

This law clearly stipulates the criteria to be met by the individuals holding a position in any of the MRT bodies, specifies their competences, determines which functions are incompatible with the membership in these bodies, as well as the conditions under which their mandate may be terminated early, thus providing legal guarantees for their independence.

An important segment of the public broadcasting service's independence is its financing. MRT's financial resources are located as follows: the broadcasting fee, the broadcast of audio and audiovisual commercial communications, sale of programmes

and services, donations and the Budget of the Republic of Macedonia (Article 105). Thereby, it is specified that donations must not affect the editorial independence of MRT, while the Budget funds are used for transmission and broadcasting of some of the programme services (Article 109), and for achieving and maintaining a higher level of programme and technical and technological development, pursuant to the Law on State Aid Control. Spending the funds available to MRT must be transparent, cost-efficient and effective. To this end, the Public Broadcasting Service shall submit financial reports and annual statements as part of annual operation reports to the Assembly of the Republic of Macedonia (Article 106).

Another important aspect of political pluralism are the citizens, because the entire point of the media's efforts to provide access to a range of political views is precisely the creation of conditions for the citizens to be able to form their own stands freely, by having as many information at their disposal as possible. Therefore, the Macedonian Radio Television must publish all of its key acts, reports, programmes and decisions, i.e. it must ensure that the public is informed about its activities and be able to influence its work (Article 113).

Citizens, as a regulatory mechanism that (among other things) is important for preventing media bias, have the right to reply and correction of information aired by the broadcasters or published in the print media. This has been elaborated in the *Law on Media* where Articles 17 - 28 stipulate the terms and conditions, as well as the content and the technical aspects of airing/publishing a correction or reply, the right to appeal, persons responsible, etc.

In addition, as a system for checking the compliance with legal provisions, the Agency has developed a way of responding to submissions and complaints by the citizens, which is being implemented as stipulated by the *Law on Handling Complaints and Proposals* and the *Rulebook on the Manner of Handling Complaints and Suggestions* by the Ministry of Justice.

Rules on ensuring pluralism, largely refer to media professionals. Hence, one of the indicators of political pluralism concerns their professional associations. In the Republic of Macedonia there are two professional associations: the Association of Journalists of Macedonia (AJM) and the Macedonian Association of Journalists (MAJ). These two associations propose members to the Agency's Council and the Programme Council of the Macedonian Radio Television.

Legal framework for political pluralism during elections

In LAAMS, electoral processes are mentioned in two provisions. One is Article 96, prescribing that, during election campaigns, the broadcasters and the Agency shall be governed by the obligations and requirements stated in the regulations governing elections – thus redirecting them to the Electoral Code. The other provision concerns the Public Broadcasting Service which is never allowed to broadcast audiovisual commercial communications for political parties, coalitions and their representatives, independent candidates or holders of political office, electoral processes included, (Article 53 of LAAMS).

As already indicated in the introductory part of the analysis, the *Electoral Code* underwent several important changes just before the 2014 Presidential Elections and the Early Parliamentary Elections that were announced somewhat later, when the first election process was already underway. One of the most crucial modifications to the *Code* refers to the regulation of media reporting, which is now prescribed in full by this Act, with some of the provisions concerning the obligations that apply to all broadcasters in general, others containing special rules regarding the Public Broadcasting Service, still others stipulating the actions of the Agency. The amendments abolished the *Rulebook for the Conduct of the Broadcasters in the Period Before the Start of the Election Campaign* and the *Rulebook for Equitable Access to Media Representation during the Election Campaign* - acts that were adopted by the regulatory body for media and were part of the previous election regulations.

All notions important for broadcasters' reporting at the time of an election process - from announcing the elections until announcing the results - are defined in Article 2 of the *Electoral Code*. There, Paragraphs 21 - 28 specify what is meant by: election process; forms of election media coverage; daily-information programmes; direct access to voters; free political representation; paid political advertising; special information programmes; and election media representation.

The general rules concerning broadcasters, which constitute the basis of the *Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during Election Processes (Consolidated Text)*,⁷ under which the Agency performs the monitoring of media coverage during the election processes, are elaborated in a number of provisions, starting with Article 75. This

⁷ *Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during Election Processes (Consolidated Text)* available in English at: http://www.avmu.mk/index.php?option=com_content&view=article&id=1202%3A2014-02-03-09-08-49&catid=152%3Aizbori2014&Itemid=99&lang=en.

Article provides the basis by which all televisions and radios that decide to cover the elections shall be guided – namely, to report in a fair, balanced and unbiased manner, thus enabling equal conditions for access to all forms of election media representation for all the participants in the campaign, bearing in mind that election media representation shall not be present in the programmes for minors.

To assess whether a medium has reported in a balanced manner or not, it is necessary to determine the principle that should be respected. Different types of elections - presidential, parliamentary, local - have different specificities, due to which the principles for achieving balance are not the same. It also matters if a national, regional or local medium is concerned. When electing a president of the state or mayors (as a segment of local elections), the principle of equality is applied: all candidates shall be given equal time. This principle also applies to the manner in which the local media cover elections for municipal council members (the other segment of the local elections). As regards parliamentary elections and national and regional media's reporting on local elections in terms of electing the members of the municipal councils, the principle of proportionality applies, based on the number of candidate lists validated by the competent electoral authorities. Naturally, given that the political arena has entities that differ in size and approach to campaigning - the intensity of the campaign is also taken into consideration when assessing the balance.

One of the novelties implemented for the first time in 2014 Elections, was that the Electoral Code prescribed different rules for the newscasts of the Public Broadcasting Service, instead of the principles of equality or proportionality. Namely, a principle for distribution of MRT's news coverage into thirds was established: one third for daily events in the country and the world, one third for the campaign activities of the ruling political parties and one third for the activities of the opposition political parties. Additionally, the time into the thirds intended for the campaigns of the ruling and the opposition parties, respectively, will be distributed according to the results of the last parliamentary elections (Article 76-a, paragraphs 2 and 3). The Electoral Code also determines other obligations of the Public Broadcasting Service, such as: to inform voters about the manner and technique of voting; regularly inform citizens with impaired hearing about the elections, and broadcast free political representation, on a date and by order determined by means of a draw, from 16:00 to 23:00 hrs. (when it comes to its television services), which will be clearly marked throughout the entire broadcast and where the time will be distributed in accordance with the principles of balance referred to in Article 75-a (equality or proportionality).

The election legislation also established one more novelty: the Parliamentary Channel should broadcast three hours of free political representation of the parties in government and in opposition each in accordance with the results of the last parliamentary elections.

The attempt to implement these novelties revealed a need for clarification, especially as it was not envisaged in which third and for how long MRT would report on independent candidates and those entities that had not participated in the last parliamentary elections. MRT must inform about these entities to fulfil its obligation for political balance and pluralism of views, that is, to provide information about the entire electoral process and all participants in the election campaign. In addition, the Code does not take into consideration that MRT has television and radio services that have the ethnic minority communities as their target audiences. In order to resolve this ambiguity for MRT, consultations with all stakeholders were conducted, and additional specification was offered in the *Methodology for Monitoring Election Media Coverage through Radio and Television Programme Services during the Election Processes (Consolidated Text)*⁸. It recommends that, in every daily-information programme, MRT shall allocate additional 5 minutes to report on independent candidates and on entities who did not participate in the last parliamentary elections, whereby the time will be evenly distributed. In case when there is only one entity, the time for that entity shall not be more than one-third (1 minute and 40 seconds). Furthermore, considering TV and radio news in the languages of ethnic minority communities, it recommends inverse application of the rule for dividing the time into thirds intended for the campaigns of the ruling and the opposition parties, respectively, compared to the distribution of the time on MRT1 and on the Macedonian Radio's First Channel.

When it comes to election coverage in the news (in all media), there is one issue which is raised in every election process, resulting from the dual positioning of some of the politicians during elections, since candidates of the governing parties retain their offices during the election process. So, the media, on the one hand, have the right to report on the regular activities of the government office holders so that the public could be informed about how they perform their functions. However, on the other hand, such a reporting during the election process may result in additional time for the candidates of the ruling parties, used to promote their achievements. As a result, the Code provides that, from the date of announcing elections until their completion, reporting on the regular activities of the Government and all entities

⁸ Ibid. page. 8-9.

legally entrusted to perform public competences, should not be used in the purpose of anyone's campaign (Article 75-b). In a further attempt to clear this issue, a ban is introduced on holding public events that mark the start of construction or launching of facilities financed with funds from the Budget, public funds, public enterprises or other legal entities holding state capital, such as; infrastructure facilities (roads, water supply lines, power lines, sewage systems, sports terrains, etc.) or facilities for social activities (schools, kindergartens, etc.). This ban applies during the period of 20 days before the start of the election campaign until the end of the elections, but it does not apply to: "public statement of a public official or candidate for public office during a rally, and interview in the media, a debate in the media or an answer to a journalist's question" (Article 8-a, Paragraph 2, Indent 2).

The *Code* also includes a set of rules regulating the publication of results of public opinion surveys in the daily-information programmes (Article 77). The results are published no later than five days before the vote in both rounds, while public opinion surveys conducted on Election Day can only be published after 19:00 hours, after the polling stations are closed. All articles that inform about public opinion surveys regarding elections must contain data verifying their scholarly basis and relevance, which means that they must indicate the name of the party that commissioned the survey and paid for it, the institution that conducted the poll, the methodology, the implementation period and the size and structure of the sample.

An important indicator of whether all participants in the campaign are provided with equal conditions for access are the regulatory guarantees regarding political advertising. The *Code* provides that the principles of proportionality or equality (Article 75-a) shall not apply to it. Therefore, the following rules have been stipulated (Article 76): paid political advertising must be separated from the other programme, must be clearly marked and clearly identifying the ordering party; minors must not participate in it; it must not be broadcasted during news, special information programmes, educational programmes and children's programmes, or during live coverage of religious, sporting, cultural, entertainment and other events. Also (as already determined by LAAMS), it must not be broadcasted by the Public Broadcasting Service. The *Code* distinguishes between informing and political advertising in terms of two types of programmes. On one hand, it prohibits the usage of special information programmes (information-political programmes realized through genres such as interviews, debates or TV/radio duels, current-information programmes, current-information programmes with documentary approach and thematically specialised information programmes) as paid political advertising - with a

purpose to provide objective information and protection of the journalistic profession from any political influence. On the other hand, it indicates that the campaigns of the State Election Commission on voter education for free and fair elections are not considered as paid political advertising and should be separated from other programme while the ordering party should be clearly marked.

In addition to these general rules, the respect of which on the broadcasters' part will allow political entities equal conditions for access to paid political advertising, when it comes to political advertising, the *Electoral Code* distinguishes among the period from the announcement of elections, until the campaign commencement and the election campaign period. The *Code* (Article 75-e) prohibits broadcasting of paid political advertising during the time from announcement of the elections until the beginning of the election campaign. This is important since, pursuant to LAAMS, outside the election campaign periods, the commercial broadcasters can broadcast paid political advertising within the permitted limits of advertising per hour of broadcasted programme. The *Code* makes one exception - the announcements for collecting signatures to support the candidacy of an independent candidate by a group of voters. These announcements, whereby individuals seek citizens' support to run for elections, can be broadcasted within the limit for commercial advertising of 12 minutes per clock hour and can contain only basic data on the collecting of signatures (but not about the candidate/s). They must have a clearly indicated ordering party and must not last longer than 8 minutes.

During the election campaign, broadcasters are allowed additional 12 minutes per clock hour exclusively intended for broadcasting of paid political advertising, with a time limit of 8 minutes per participant in the campaign. To ensure transparency, price lists should be established five days after the announcement of the elections and should be submitted to the Agency, the State Election Commission, the State Audit Office and the State Commission for Prevention of Corruption within the same period. Each medium is obliged to publish its price list for paid political advertising on its programme at least twice until the beginning of the campaign. Prices must not be changed in the course of the campaign, and all participants in the electoral process should have equal access to paid political advertising.

To avoid influence by the government authorities, in the period from the announcement of the elections until their completion, advertisements funded by the budgets of the state, the municipalities, the City of Skopje and all entities legally entrusted to perform public competences, are banned as well.

On Election Day, and the day before, there is the so-called 'election silence'. This means that election media presentation is not allowed on these days, although broadcasters do report on the electoral process. However, so as not to break the silence, they must not broadcast "any information, photographs, audio and audiovisual materials related to or in which the participants of the elections participate; any forms of media coverage which are openly or covertly in favour of certain electoral campaign and can impact the voters' decision; data that reveal the identity of the political entities and/or individuals involved in incidents or other irregularities on the day of voting, as well as statements by candidates in the election process, participants of the election campaign, representatives of political parties, and officials in the state administration bodies" (Article 76-b).

The *Electoral Code* also contains provisions relating to editorial independence. Thus, the editors, journalists, programme hosts and presenters are banned from being simultaneously engaged in the preparation of broadcasters' programmes and in the campaign activities of participants in the campaign (Article 75-c).

All TV and radio services have an obligation to record the output signal of their programme, to keep it 30 days after the elections and submit a recording upon the Agency's request, within 48 hours from receiving the request (Article 75-d). In addition to cases of complaint or request for a right to reply or correction, this is also important for the monitoring of the Agency, which has a responsibility (Article 76-c) to monitor the broadcasters' reporting from the day of the announcement of elections until the end of voting. If it establishes violation of the *Electoral Code*, the regulatory authority is obliged to initiate misdemeanour proceedings against the broadcaster within three days and - if the violation relates to the provisions for balanced coverage of the campaign by the Public Broadcasting Service - submit a proposal to initiate proceedings for dismissal of the MRT's Director. To ensure timely action, the *Code* also prescribes the deadlines for action by the courts of first and second instance and the deadline for appeal.

Due to obligations relating to the monitoring and acting upon detected violations, which the Electoral Code imposes on the Agency during the election process, Article 75-d of the Code specifies that the funds for these obligations are provided from the Budget of the Republic of Macedonia, on a special account, and can be used only for activities during the election process. If certain funds remain unused, they shall be returned to the Budget.

Reporting on elections in practice

Elections are always a time when the level of broadcasters' commitment to the professional principles of objective and impartial reporting, and their readiness to equally treat the activities of all participants in an election campaign in their reporting, is most apparent. Hence, this is a period that is particularly suitable for showing the image of political pluralism that media build.

The media regulatory body performs monitoring of broadcasters' reporting during all elections. It is a complex process, both because of its comprehensiveness and its duration, and involves research based on scientifically-set methodology, during which the manner of media reporting is monitored and evaluated, while imposing measures regarding detected violations. The results obtained are ultimately summarized into reports, which are then published. Two such reports will serve to illustrate how political pluralism functions in the practice, as an aspect of media pluralism. Namely, to show how the Public Broadcasting Service and the national terrestrial TV stations Alsat-M, Alfa, Kanal 5, Sitel and Telma reported during elections, comparison will be made between the monitoring results of their election campaign coverage during the parliamentary elections in 2011 and 2014, respectively. The data are taken from the *Report on the Monitoring of the Media Coverage during the Presidential and the Early Parliamentary Elections in 2014*⁹ and the *Report on Media Coverage during the Early Elections for Deputies in the Assembly of the Republic of Macedonia in 2011*¹⁰.

As already explained above, the public broadcasting service, i.e. the Macedonian Radio and Television, for the first time during the 2014 elections, had to provide equitable access for the participants in the election campaign in the newscast by dividing these daily-information programmes into thirds: one third for the daily events in the country and the world, one - for the campaigns of the ruling party and one for the campaigns of the opposition parties. In this, the time of the thirds allocated to the government and the opposition, respectively, should be distributed in proportion to the votes won at the previous elections (that is, the elections in 2011). To fulfil its role of a public service and the professional obligation to inform on the whole of the electoral process ensuring pluralism of views, MRT decided to accept the recommendations of the Agency's *Methodology for Monitoring Election Media*

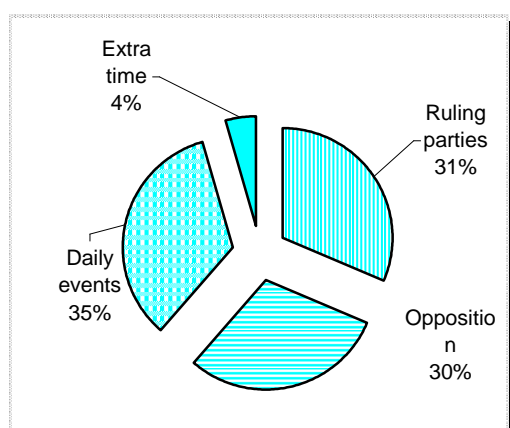
⁹ *Report on the Monitoring of the Media Coverage of the Presidential and the Early Parliamentary Elections in 2014*, available in Macedonian at: http://www.avmu.mk/index.php?option=com_content&view=article&id=1202%3A2014-02-03-09-08-49&catid=152%3Aizbori2014&lang=mk.

¹⁰ *Report on Media Coverage during the Early Elections for Deputies in the Assembly of the Republic of Macedonia in 2011*, available in English at: http://www.avmu.mk/index.php?option=com_content&view=article&id=563&Itemid=361&lang=en.

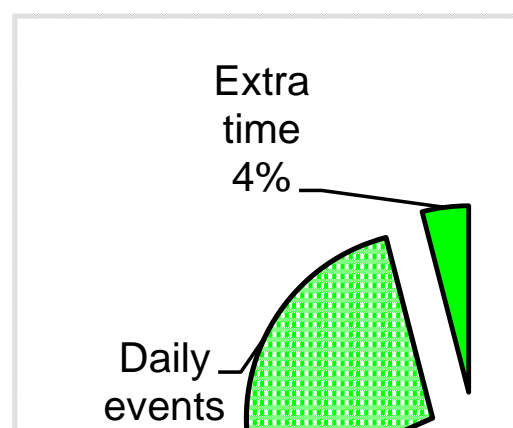
Coverage through Radio and Television Programme Services during Election Processes (Consolidated Text). Namely, it dedicated additional time to report on independent candidates and political parties/coalitions that did not participate in the Parliamentary Elections in 2011, while in the Albanian language news on MRT2 it conducted inverse proportional allocation of time within the thirds assigned to the government and the opposition, respectively, compared to the MRT1.

As a matter of fact, the obligation of the Public Broadcasting Service for equal access is fulfilled in two stages. First, each of the services has to divide the time into thirds, and then, within these thirds, to grant each party or coalition of the government or the opposition time that is proportionate to the votes they have won in the previous elections. Moreover, in the extra five minutes, they should inform about the entities that did not participate in the previous elections, dividing the time among the entities. The Public Broadcasting Service fulfilled this two-stage legal requirement in both its first and the second television service¹¹. However, comparison with the results from their reporting on the Parliamentary Elections 2011 is possible only for the second stage, because then times were measured 'entity by entity'.

Therefore, let us first look at the new obligation – the thirds. During the entire campaign for electing Members of Parliament in 2014, both in the MRT1's central news in the Macedonian language (graph. 1) and the MRT2 central news in the Albanian language (graph. 2), there was balanced division of time into three segments as prescribed by the *Electoral Code*, and additional time was broadcasted for other participants in the election campaign.



Graph. 1: Distribution of time in the MRT1 news - Parliamentary Elections 2014



Graph. 2: Distribution of time in the MRT2 Albanian language news - Parliamentary Elections 2014

¹¹ The First Television Service - MRT1, broadcasts programme in the Macedonian language, while the Second Television Service - MRT2, broadcasts programme in the languages of ethnic minority communities living in the Republic of Macedonia, with the highest representation of programmes in the Albanian language, followed by Turkish, Bosniak, Vlach, Roma and Serbian.

Second - the proportional distribution of time. Given the fact that this is the level at which one can make a comparison with the results from the reporting on the Parliamentary Elections in 2011, it is necessary to give several clarifications regarding the interpretation of the results of the 2014 electoral process. Namely, this year, the elections for President of State and for Members of Parliament took place at the same time. Therefore, the time allocated to those entities that had presidential candidates was accumulated, that is, the time they received as part of the thirds was a collection of the reports both on the presidential and the parliamentary campaigns. If the comparative charts on reporting of MRT1 and MRT2 display only the time for the parliamentary campaign, this will distort the real picture about the presence of the Coalition led by VMRO DPMNE (and their presidential candidate Gjorge Ivanov), the SDSM-led Coalition (and their candidate Stevo Pendarovski) and of DPA (and the candidate Iljaz Halimi)¹².

What is visible in the MRT1's case at first glance is that in 2014 the total time devoted to the election campaign was shorter than that in 2011. This is due to the fact that, in order to make the distribution of time easier, the Public Broadcasting Service decided that its news should last approximately 35 minutes. In MRT1's central news throughout the campaign in 2014 (graph. 3), the joint reporting on the parliamentary and presidential campaigns of the VMRO DPMNE-led Coalition and Ivanov¹³ was nearly twice shorter than that of 2011. The total presence of SDSM's Coalition and its presidential candidate Stevo Pendarovski¹⁴ increased for approximately 5 minutes in 2014, while that of DPA and Iljaz Halimi¹⁵ decreased for 13 minutes. The new rules resulted in reduction of the reports on DUI for approximately 31 minutes, while the largest decrease was noticed in the VMRO NP's case - approximately 34 minutes. In 2011, MRT1 did not respect the principle of achieving balance in reporting on election campaign participants and dedicated drastically more time for the Coalition led by VMRO DPMNE. Therefore, the regulatory body then decided to file misdemeanour procedure against it. As already mentioned above, in 2014, MRT1 ensured equal access under the new legal rules.

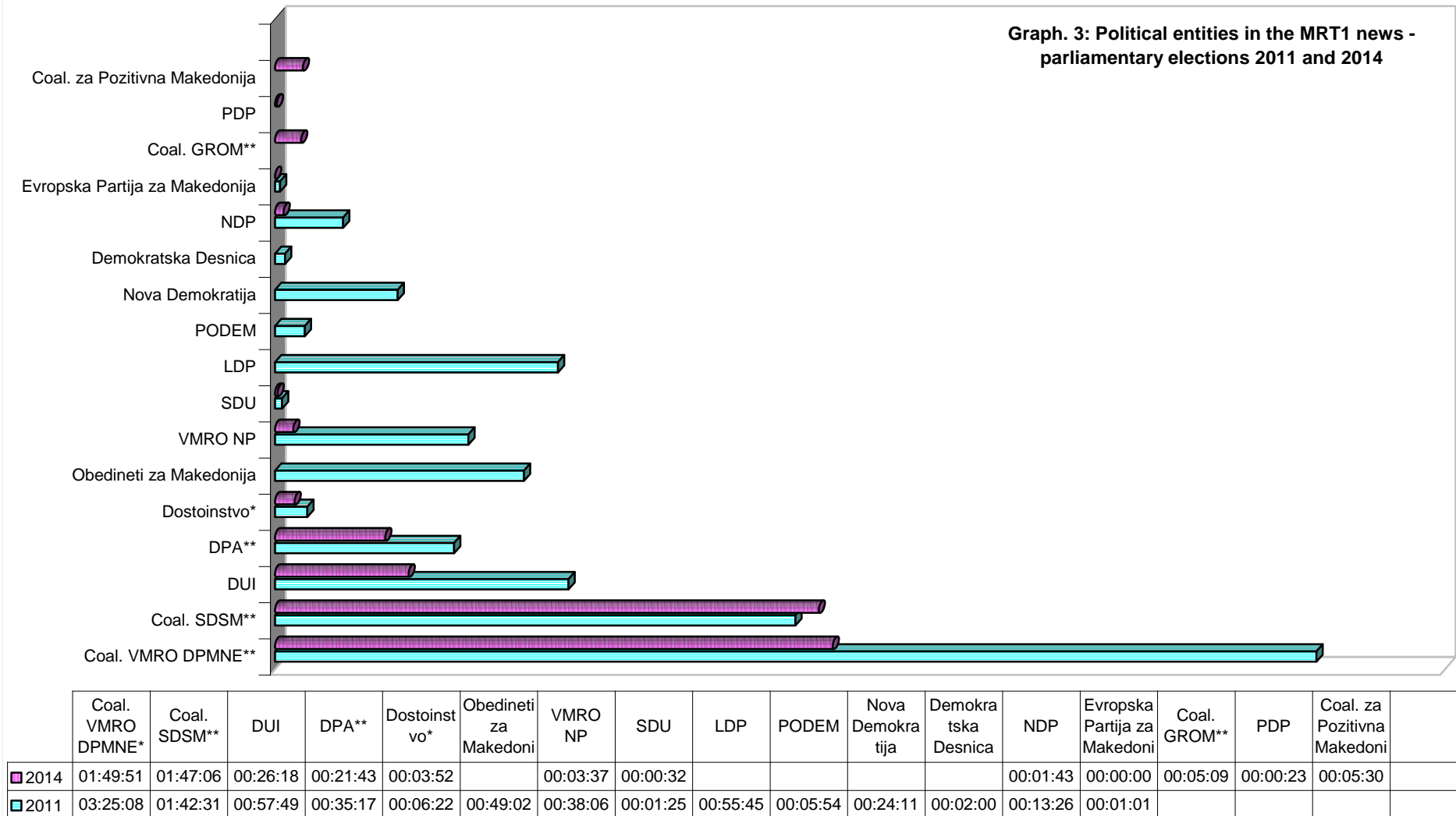
¹² The fourth presidential candidate, Zoran Popovski, although independent, was supported by the GROM Coalition. The time spent reporting on these two was also cumulated, but they had not appeared as entities in the 2011 elections, so that in this case no comparison can be made.

¹³ Out of the time of nearly 1 hour and 50 minutes, the parliamentary campaign of the VMRO DPMNE's Coalition took 1 hour and 33 minutes, while the activities of the presidential candidate Gjorge Ivanov - about 17 minutes.

¹⁴ The total reports lasted approximately 1 hour and 47 minutes, of which the SDSM Coalition got 1 hour and nearly 6 minutes, while its presidential candidate Stevo Pendarovski received 41 minutes.

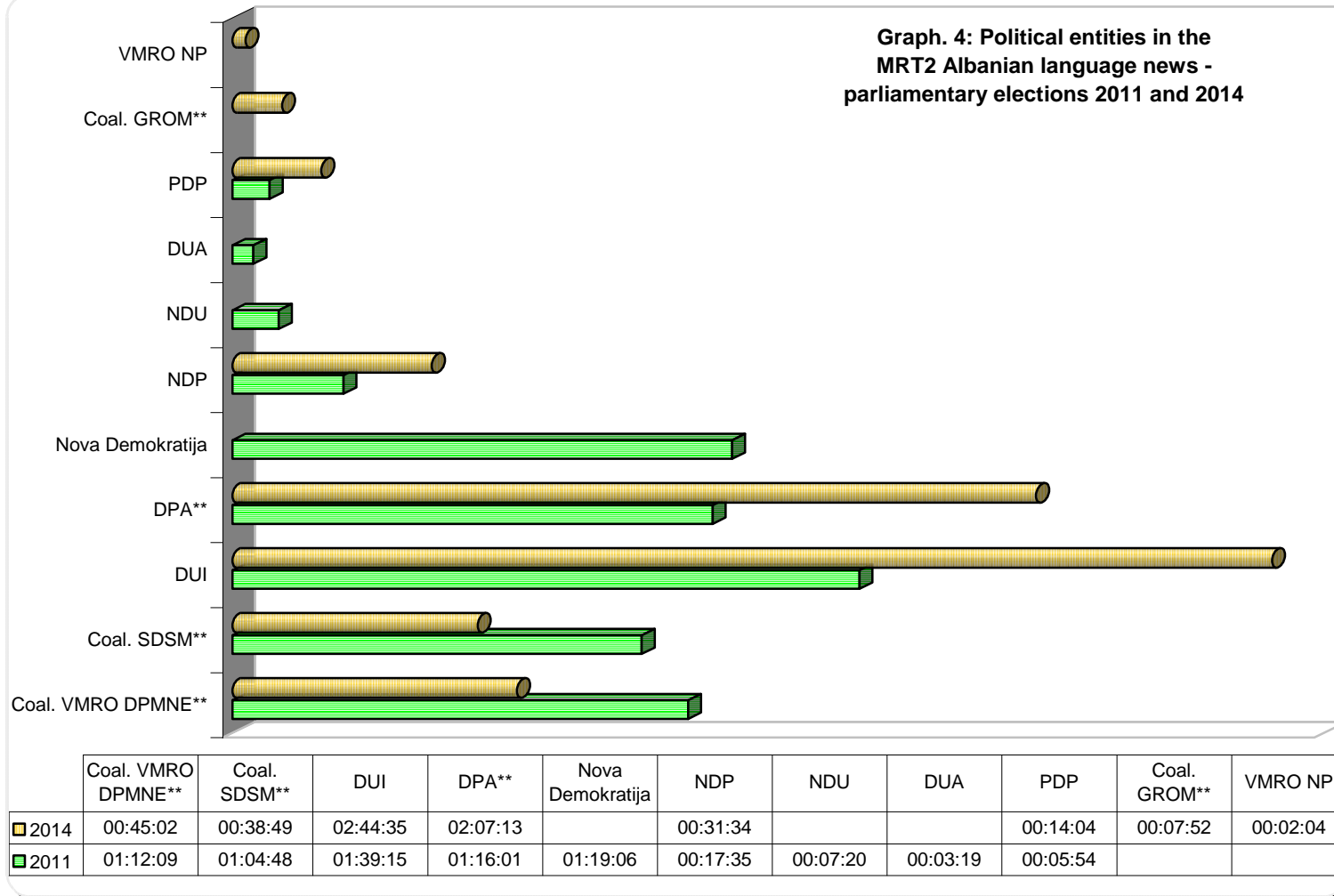
¹⁵ The total time was approximately 22 minutes, out of which 17 minutes were for DPA and approximately 4 minutes for Iljaz Halimi.

Graph. 3: Political entities in the MRT1 news - parliamentary elections 2011 and 2014



* *Dostoinstvo* (Dignity), participated in the 2011 elections independently, as a political party, while in the 2014 elections it was part of a coalition. For easier comparison of the data on how it was represented in both electoral processes, it is identified only as *Dostoinstvo* in all charts/graphs.

**Graph. 4: Political entities in the
MRT2 Albanian language news -
parliamentary elections 2011 and 2014**



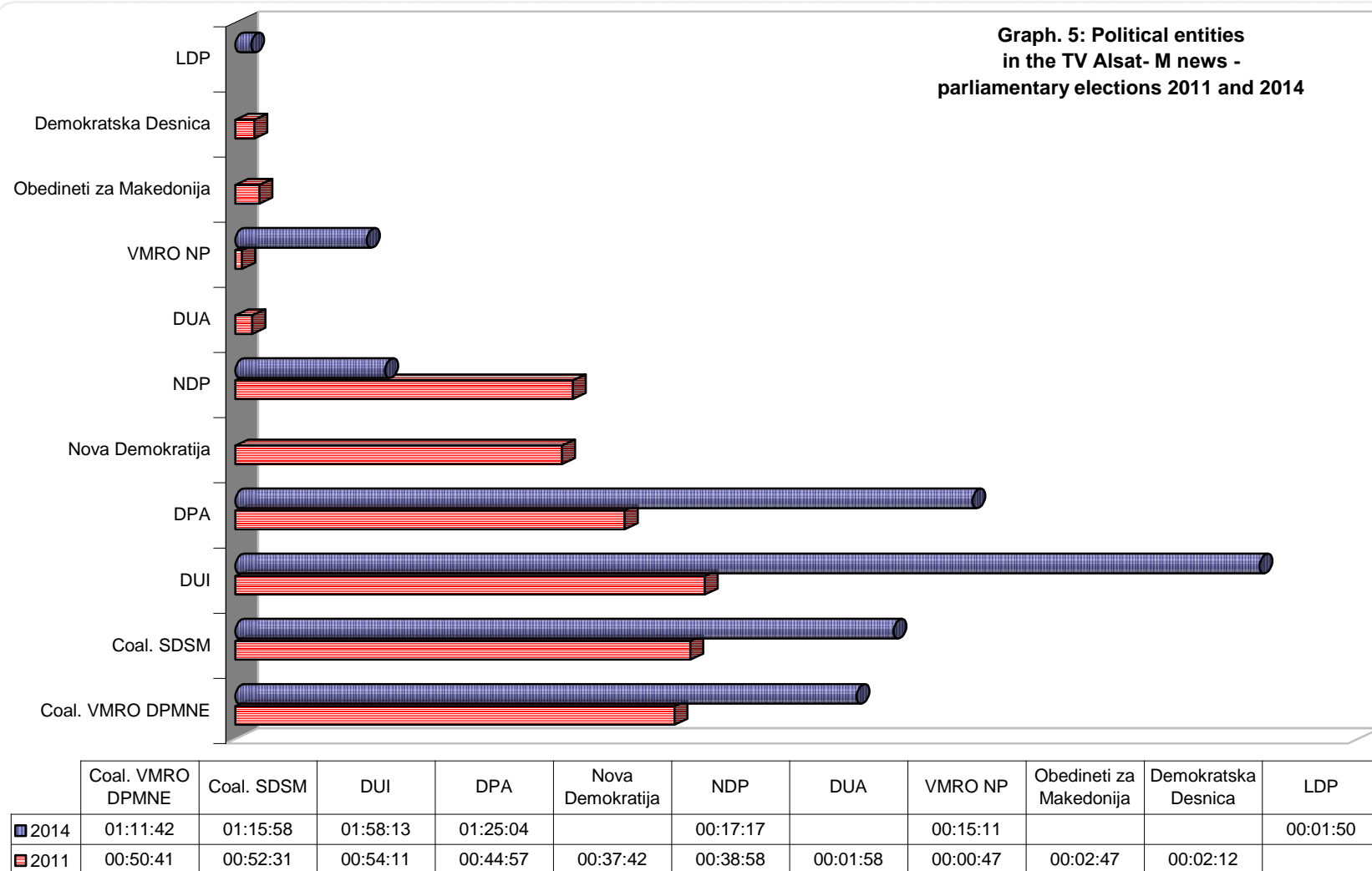
In MRT2's case, there is no significant difference in the total time devoted to reporting on the elections in the two years (graph. 4), but in 2014, DUI and DPA, as parliamentary parties of the Albanians in the Republic of Macedonia with most MPs, got more reporting time in the MRT2's Albanian language central news than in 2011. Namely, DUI received approximately 1 hour and 5 minutes more, while DPA - approximately 51 minutes. This was due to the fact that, in the Albanian language daily-information programmes MRT2, as a channel targeting the ethnic communities in the Republic of Macedonia, distributed the time within the thirds for the campaigns of the governmental and opposition parties inversely in relation to the news in the Macedonian language on MRT1. As a result, the Coalition led by VMRO DPMNE in the 2014 elections received approximately 27 minutes less than in the elections in 2011, and the Coalition of SDSM - approximately 26 minutes less. It is important to note that, for MRT2, the reports on 2014 elections are also given cumulatively¹⁶. In both electoral processes, MRT2 respected the legal obligations and, consequently, the regulatory body has not undertaken any measures regarding the manner of reporting, since the principle of balance in reporting (in 2011), that is the new legal provisions for equitable access (in 2014) were respected.

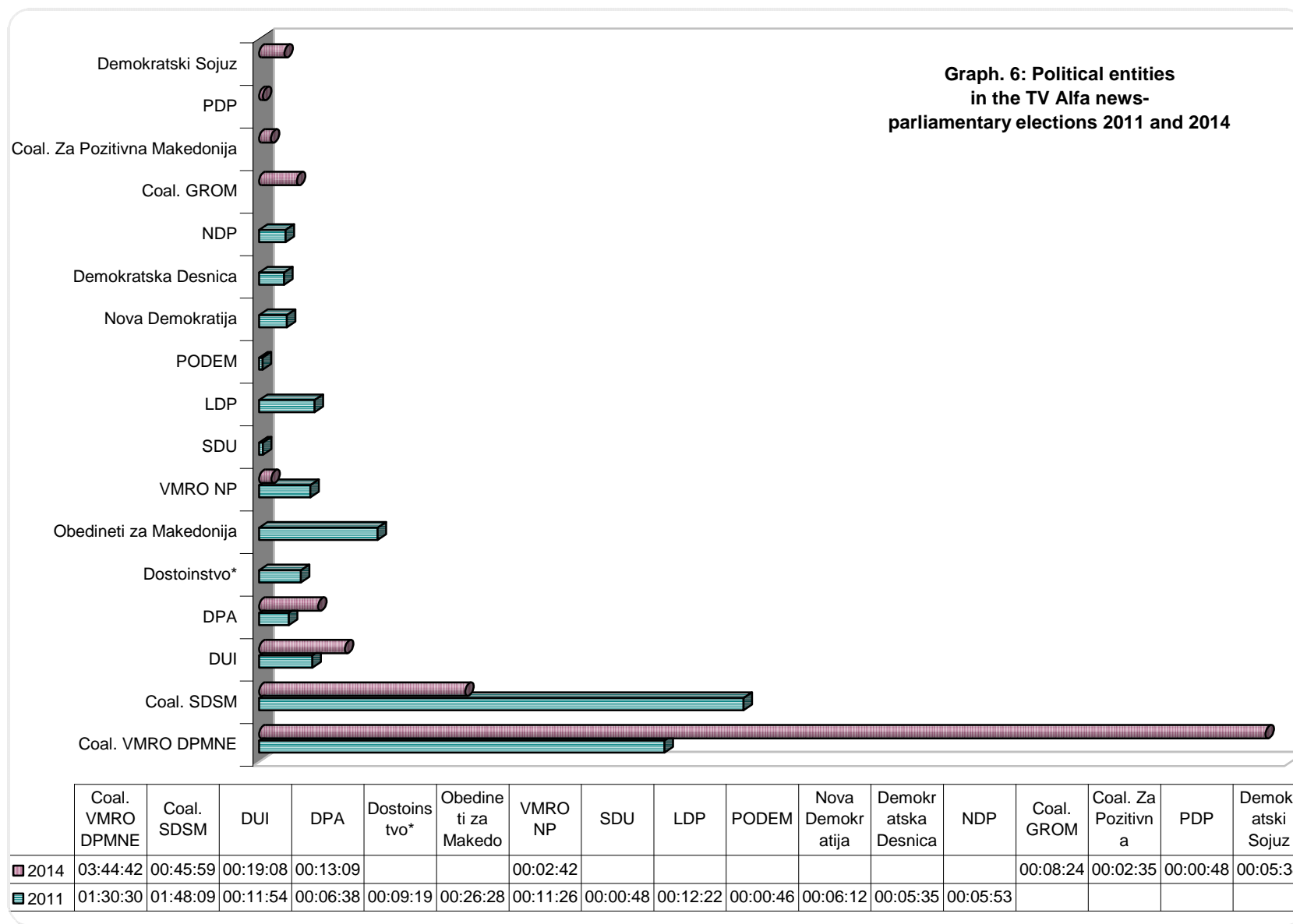
In terms of indicators of political pluralism, one should consider the data regarding duration of the information items about the government's activities. On MRT1, in 2011, the government with its activities (both regular and those for the purpose of the campaign) was present in reports long about 6 hours and 36 minutes, while, in 2014, the time in which its activities were covered was 40 minutes and 21 seconds. On MRT 2, in 2011, nearly 1 hour and 18 minutes were devoted to the government, while in 2014 - about 7 minutes. In addition to shortening the newscast' duration, this phenomenon, may also have been influenced by the ban to organize public events when launching or laying foundations of facilities financed by budget funds (as explained above in the section on election regulations).

As far as the national terrestrial television services Alsat-M, Alfa, Kanal 5, Sitel and Telma are concerned, as can be seen from the graphic representations (graphs.) 5, 6, 7, 8 and 9, in 2014 they devoted significantly more time (at least twice as much) to reporting on the election campaign than in 2011. However, none of them respected the principle of balance in reporting in accordance with the number of confirmed lists of MP candidates.

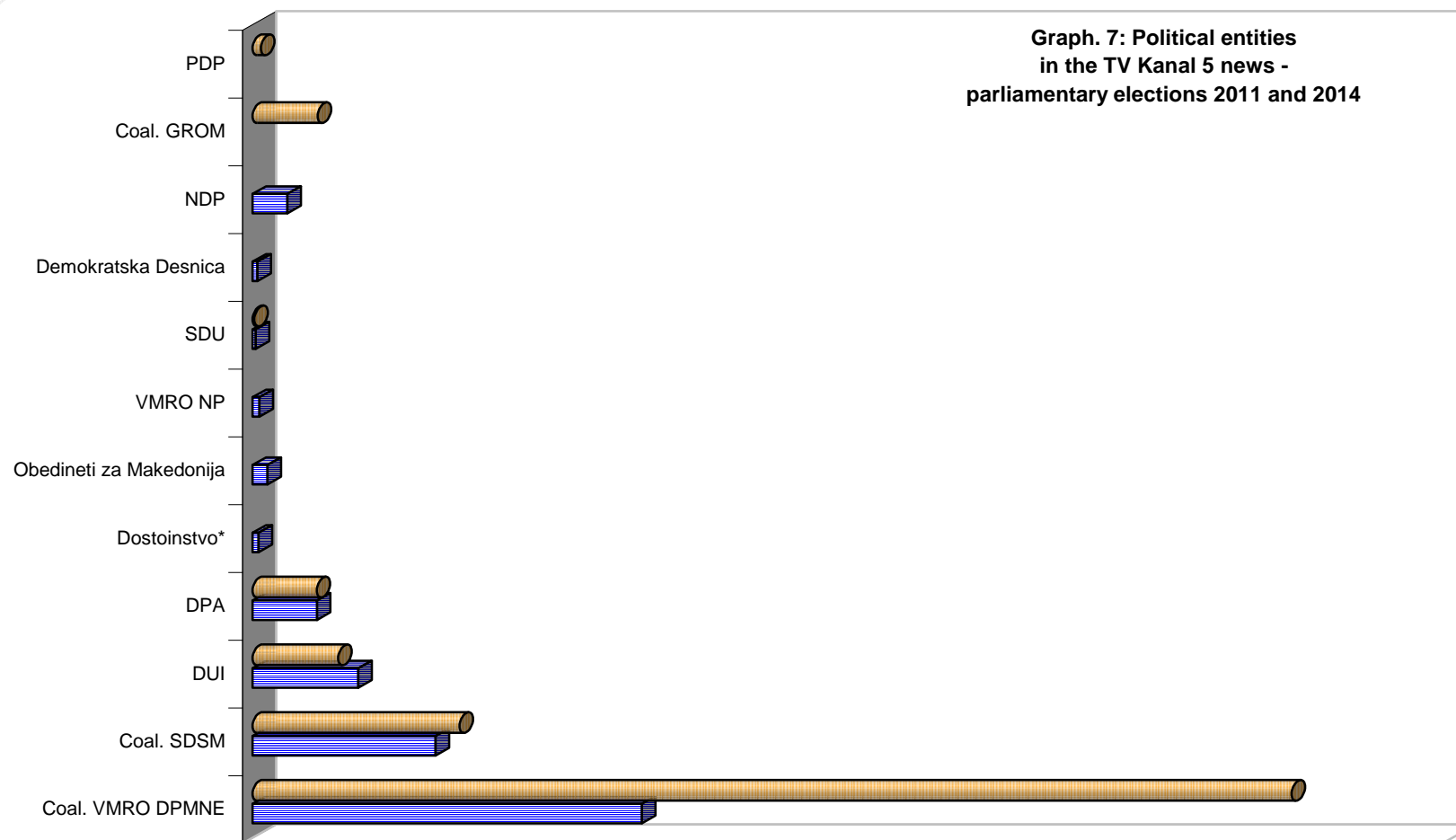
¹⁶ Added to the time for DPA (about 1 hour and 41 minutes) is the reporting on the presidential candidate, Iljaz Halimi (26 minutes). The time for reporting on the VMRO DPMNE Coalition (almost 29 minutes), also includes the time for Gjorge Ivanov (somewhat over 16 minutes), while the time dedicated to the SDSM Coalition (almost 26 minutes) also takes into account the coverage of Stevo Pendarovski's campaign (about 13 minutes).

**Graph. 5: Political entities
in the TV Alsat-M news -
parliamentary elections 2011 and 2014**



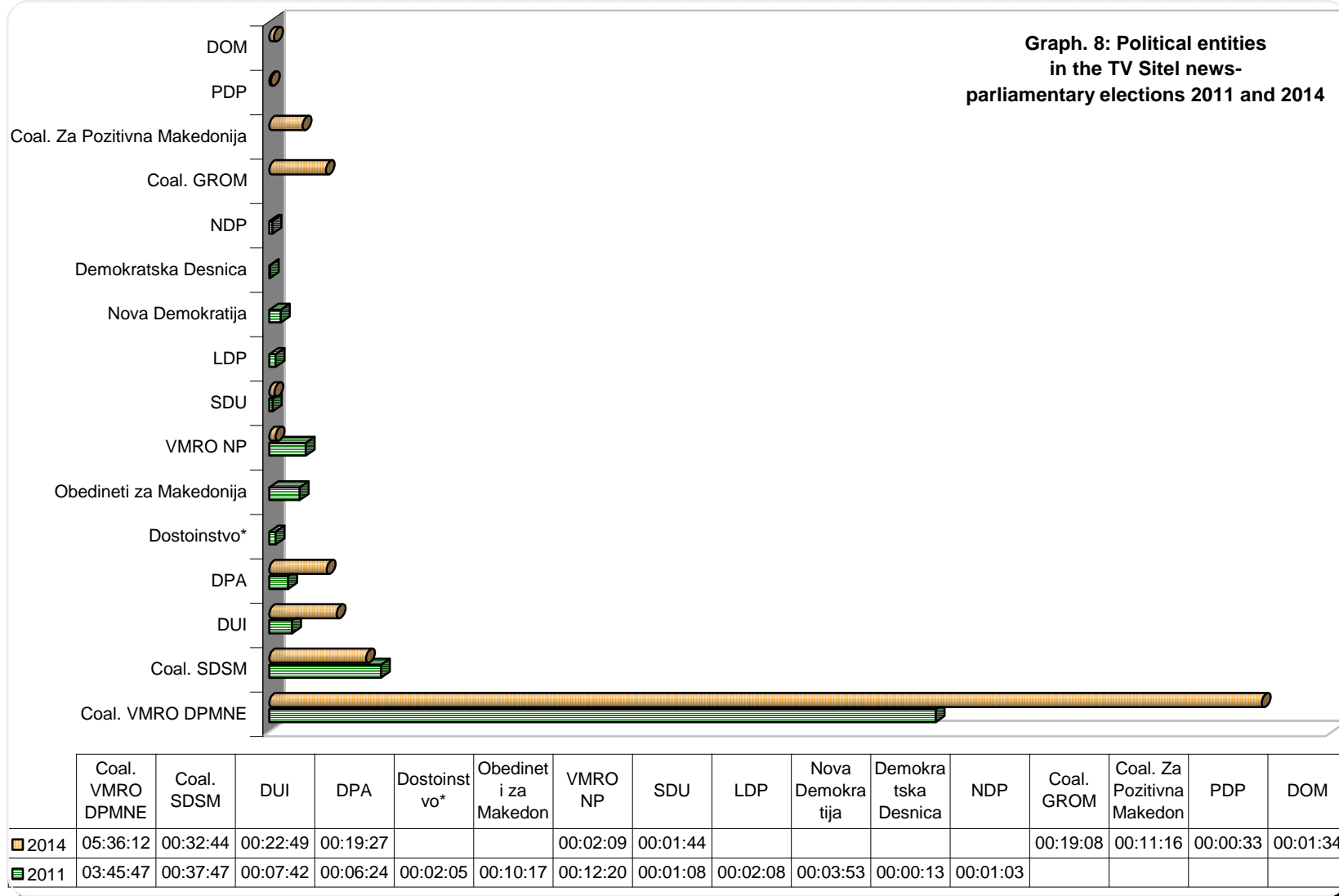


**Graph. 7: Political entities
in the TV Kanal 5 news -
parliamentary elections 2011 and 2014**

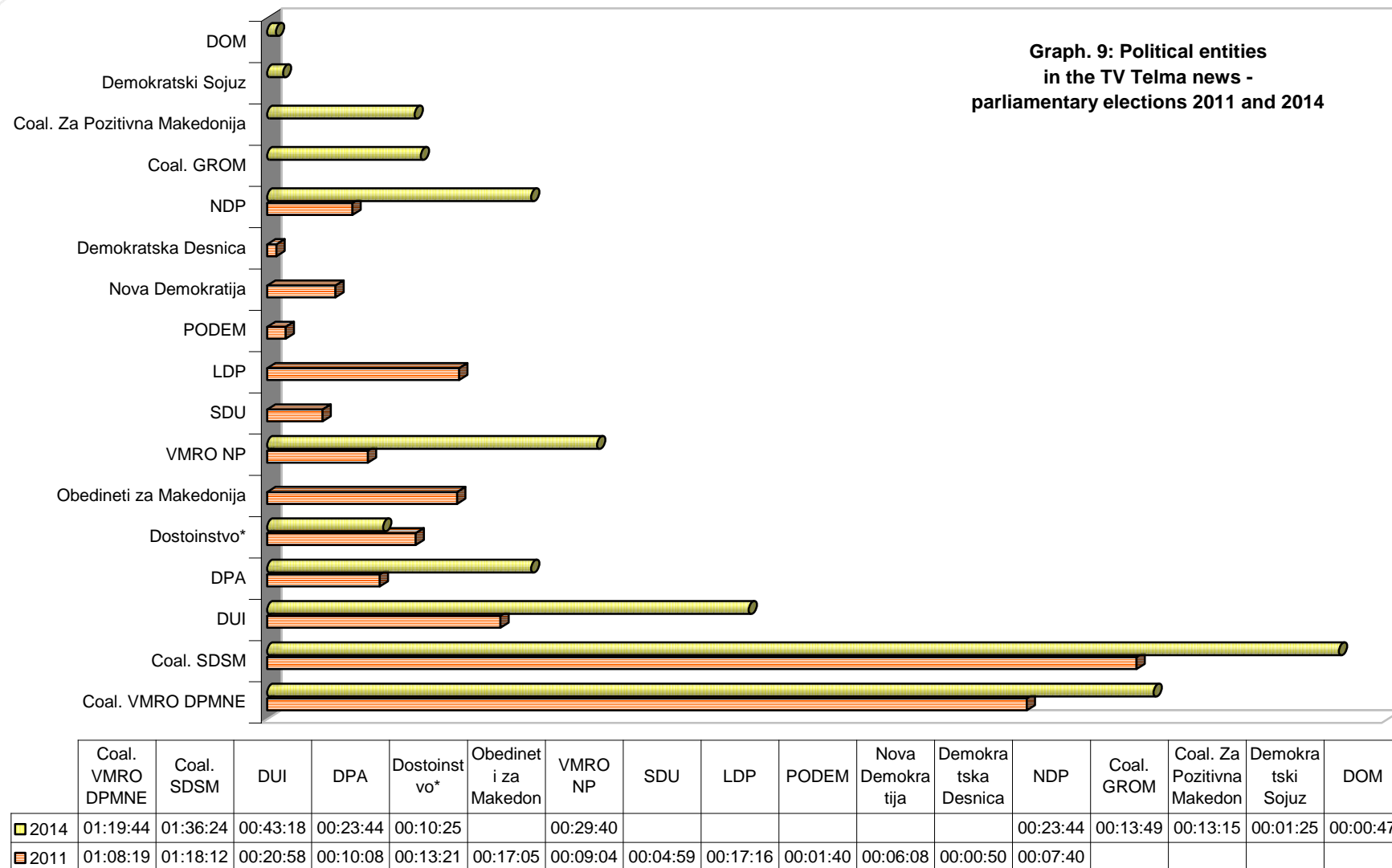


	Coal. VMRO DPMNE	Coal. SDSM	DUI	DPA	Dostoinstvo*	Obedineti za Makedonija	VMRO NP	SDU	Demokratska Desnica	NDP	Coal. GROM	PDP
2014	05:11:45	01:02:03	00:25:42	00:19:14				00:00:32			00:19:32	00:02:30
2011	01:56:48	00:54:56	00:31:43	00:19:20	00:01:48	00:04:31	00:02:06	00:00:57	00:01:29	00:10:29		

**Graph. 8: Political entities
in the TV Sitel news-
parliamentary elections 2011 and 2014**



**Graph. 9: Political entities
in the TV Telma news -
parliamentary elections 2011 and 2014**



Three broadcasters manifested significant differences in the intensity with which they followed the campaigns of the Coalition led by VMRO DPMNE during both parliamentary election processes. Alfa TV in 2014, devoted about 2 hours and 14 minutes more to this Coalition than in 2011 (graph. 6). In Kanal 5 TV's case, this difference was about 4 hours and 15 minutes more (graph. 7), as for Sitel TV – it was about 4 hours and 50 minutes more (graph. 8). At the same time, Alfa TV reduced the scope of information on the campaign of the SDSM-led Coalition for about 1 hour and 2 minutes, Kanal 5 TV increased it for about 7 minutes, whereas Sitel TV decreased it for about 5 minutes.

The observed increase in reporting in Alsat-M TV's news in the Albanian language in 2014 was distributed in a way that the largest increase occurred in the reports on DUI's campaign - in 2014, there are about 1 hour and 4 minutes more than in 2011. For DPA, the difference was approximately 40 minutes, for the Coalition of SDSM - about 23 minutes, for the VMRO DPMNE Coalition about 21 minutes, and for VMRO NP – about 14 minutes (graph. 5). Reduced presentation was only observed in NDP's case (about 22 minutes), but this party did not run an intensive campaign.

Regarding Telma TV, greater intensity of information in 2014, as opposed to 2011, was noticed as well. Thereby, the biggest increase was again observed with DUI - about 22 minutes, followed by VMRO NP - about 20 minutes, NDP - about 16 minutes, the Coalition of SDSM - about 18 minutes, DPA - about 13 minutes and the Coalition of VMRO DPMNE - about 11 minutes.

In the 2011 reporting, the national terrestrial televisions showed greater respect for the principle of achieving balance according to the number of candidate lists validated by the competent authorities, with Kanal 5 and Sitel being unbalanced, and dedicating more time to the Coalition led by VMRO DPMNE. At the Parliamentary Elections in 2014, all five national terrestrial broadcasters showed imbalance in reporting: Alsat-M in favour of DUI; Alpha, Sitel and Kanal 5 in favour of the Coalition led by VMRO DPMNE, and Telma in favour of the SDSM-led Coalition. Consequently, the regulatory body decided to initiate misdemeanour procedures against all of them, while in 2011, this measure was undertaken against two televisions.

The comparison of the two election processes, reveals one characteristic: in 2014, the daily-information programmes on four national terrestrial televisions had reduced presence of reports on the activities of holders of government office. The extent of such information on Alsat-M was reduced from 1 hour and 35 minutes in 2011 to 43 minutes in 2014. On Alfa TV, the intensity of such reports was reduced from 2 hours and 6 minutes in 2011 to 1 hour and 40 minutes in 2014. Sitel TV news manifested the greatest decrease – from

nearly 3 hours and 9 minutes in 2011, to 1 hour and 35 minutes in 2014. On Telma, such reporting was reduced as well, from 1 hour and 54 minutes to 24 minutes. Only Kanal 5 marked practically insignificant changes in the presence of reports on the government during both election processes: about 1 hour and 33 minutes in the first elections and 1 hour and 40 minutes during the second elections. This phenomenon may be viewed in terms of the provision of the *Electoral Code* that prohibits holding public events to mark the commencement of construction or launching the use of facilities financed with budget resources.

Another important indicator of political pluralism during the electoral processes are the submissions and complaints. In 2014, the Agency for Audio and Audiovisual Media Services received 74 submissions and 2 complaints. All were examined. Only one was accepted as grounded - the complaint of SDSM about the publishing of results of public opinion poll in the Kanal 5 news after the expiration of the allowed deadline – and the regulatory body acted upon it. In 2011, the number of submissions had been significantly smaller - barely a dozen - and most of them concerned matters not within the competence of the regulatory body.

Concluding observations

The review of the overall legislation for ensuring political pluralism, and the illustration of its implementation by comparing the results of media reporting on the parliamentary elections in 2011 and 2014, respectively, points out several issues.

The legal framework is continuously monitored and changed in order to bring it closer to the European Union standards, i.e. to incorporate the OSCE/ODIHR recommendations.

The analysis of electoral legislation in the field of media shows that all essential prerequisites for ensuring political pluralism during the electoral process exist.

In practice, however, it is more likely that legislative changes and implementation of measures by the regulatory body will have more effect on the Public Broadcasting Service rather than on the private televisions.

Regarding Macedonian Radio Television, the two television services MRT1 and MRT2, in 2014, fully met the legal requirements to provide equitable access, thus showing greater adherence to the principle of the public broadcasting service for political balance and pluralism of views stipulated by the LAAMS. It cannot be assessed whether the measure provided by the *Electoral Code* - If equal access is not provided, the Agency shall submit a proposal to dismiss the Director of MRT - played a role here.

Attention should be focused on how provisions relating to the Macedonian Radio Television can be adapted, so as to create conditions for MRT to be able to provide access to all participants in the election campaign, carrying out its function of a public broadcasting service. Namely, the division of time in the daily-information programmes should envisage a segment in which, the campaigns of independent candidates and those parties and coalitions that have not participated in the previous parliamentary elections would be followed.

The results of the private national terrestrial television stations' reporting show that, in determining their editorial policy during the election processes, they are not guided by the professional principles or adherence to the legal provision which stipulates an obligation for balanced coverage of election campaigns, and the disrespect of which entails a punitive measure. This may be partly due to the fines' amount. During their reporting on the parliamentary elections in 2014, in their daily-information programmes, they did not abide by the principle of fair and unbiased presentation of events with equal treatment of different views and opinions, which would have enabled the audience to freely form their opinion on specific events and issues. Due to their unbalanced reporting, the regulatory body filed misdemeanour proceedings for which the court could pronounce, under the Electoral Code, a fine in the amount of Euro 3,000 to 5,000 in Denar counter value for the broadcaster, and from Euro 500 to Euro 1,500 for the responsible person (Article 181-a of the *Electoral Code*). All five proceedings initiated by the Agency ended in settlement, i.e. did not reach court at all, as provided by the current legislation of the Republic of Macedonia. Namely, the broadcasters and their responsible persons accepted that they had committed the violations and paid half of the minimum fines (Euro 1,500 for the broadcaster and Euro 250 for the broadcaster's responsible person, in Denar counter value).