

The Role of Media in Elections

A Guideline

The Role of Media in Elections

A Guideline

Table of Contents

| | |
|---|----|
| Introduction | 1 |
| Legal Framework for Media and Elections | 1 |
| Media Environment..... | 2 |
| Freedom of Press | 3 |
| Right of Access to Government Media | 4 |
| Media Regulatory Frameworks | 4 |
| Limits to Responsibility of Media during Elections | 5 |
| Restrictions on Political Speech | 5 |
| Specified Campaign Period..... | 6 |
| Implementation Mechanism for Media and Election Regulations | 6 |
| Implementation Mechanism: Media Self-Regulation | 7 |
| Implementation Mechanism: Judiciary | 7 |
| Complaints Mechanism on Media Coverage..... | 8 |
| News Blackouts..... | 8 |
| Protecting the Safety of the Media | 8 |
| ECP's Media Guidelines for Elections 2013 | 9 |
| Paid Advertising and Elections | 13 |
| Role of Media on the Voting Day | 14 |
| International Best Practices: | 14 |
| <i>France</i> | 15 |
| <i>Denmark</i> | 15 |
| <i>Norway</i> | 15 |
| <i>Italy</i> | 15 |
| A Mixed System of Advertising..... | 16 |

Introduction

Media has a significant and an essential role to play for democracy and flourishing of democratic project. A free and fair election does not only mean just conducting of elections and having exercised a right to vote but it is intended that how well informed citizens are about conduct of elections, the political parties & candidates and their manifesto & policies, and their previous electoral participation and practices so that they citizens may be able to make an informed choices. Media is one of the sources of such information. Furthermore, media acts as a crucial watchdog to democratic elections, safeguarding the transparency of the process. Indeed, a democratic election with no media freedom, or stifled media freedom, or under influence of biasness is a great challenge for democracy and elections. Independent, unbiased, and robust media is essential for ensuring transparency in electoral processes, accountability of elected representatives and for enhanced people's participation to achieve long term objectives of better governance in the society.

In order to fulfill their roles, media need to maintain a high level professionalism, truthfulness and neutrality in their coverage. Regulatory practices can help ensure high values and standards in journalism. Laws and regulations should guarantee the freedom of media including freedom of speech and expression as well as freedom to participate actively. Media plays a critical role in educating people to make an informed choices, particularly at the time of elections. However, it has been observed generally, especially within Pakistan's political context, media often loses credibility while covering different news and events due to biasness and partiality and to create sensationalism. For instance, the competition and the culture of breaking news on channels resulted in media houses to manipulate the information given to the public without confirming its authenticity. In this background, this paper discusses the role of media in elections, regulatory framework, media environment, issues, and best practices followed by the world with regards to media coverage during elections.

Legal Framework for Media and Elections

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

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

- The right to freedom of expression and freedom of information; and
- The right to participate freely in the elections and be part of the government.

In original form these principles are found in Article 19 and Article 21 of the Universal Declaration of Human Rights, adopted by the United Nations in 1948. Since then, they have been echoed in a number of UN and regional human rights treaties. Decisions by various treaty bodies, such as the UN Human Rights Committee, the European Court of Human Rights, and the Inter-American Commission on Human Rights, have further refined these principles, making them an increasingly rich and applicable source of legal guidance.¹

A further source of international law on media and elections is found in the decisions by other types of international institutions. For example, in 1999 the United Nations Special Rapporteur on Freedom of Opinion and Expression recognized guiding principles for the role of media in elections as well as obligations of governments to guarantee media diversity.²

In addition to international laws and treaties, national legislation may also provide guidance and parameters for media activity and respective regulatory bodies. In many countries, especially those with a common law system, decisions of other countries' courts may be invoked as a source of guidance and precedent. Again they have no binding power, but, depending on the seniority of the court whose decision is being cited, judges will take serious note of its reasoning and findings.³

Media Environment

Pakistan's democratic transition has witnessed an opening up of new horizons to media space and greater levels of information availability. Growing media pluralism, availability of information, and accessibility of news in local languages has revolutionized people's access to information on issues related to politics, elections and legislation. The expansion of media has provided alternative and multiple sources of information that can help electorates make informed choices, thereby making governments accountable for strengthening democracy.

During election campaigns, media can play a vital role in educating the voters so that they can make informed choices. Media can play following roles to educate people;

- The media can educate citizens through stories that effectively explain the national situation so that the citizens can actively participate in country's development process.

¹ http://heritageliberia.net/index.php?option=com_content&view=article&id=1722:transitioning-from-war-to-peace-media-and-elections&catid=25:commentary&Itemid=88

² http://www.tl.undp.org/content/dam/timorleste/docs/Publication/UNDP-Media_and_Elections_LR.pdf

³ <http://aceproject.org/ace-en/topics/me/mea/mec03a03>

- The media can emphasize specific legal and administrative issues in layman language that are essential for the conduction of free, fair, and transparent elections.
- The media can adequately educate people to register as voters and make use of their fundamental right to vote.
- The media can provide a platform to all political candidates to present their manifestoes to the public.
- The media can expose those parties and candidates that instigate any sort of violence that citizen can be well aware of such situations.
- The media can expose illegal practices of vote-buying or party financing to the electorate
- The media can also expose those who propagate offensive or hate speech in campaigns aimed at influencing nationals in a negative way.
- The media may attempt to bring forward the instances where political parties hamper the functioning of democratic systems
- The media can enhance the importance of voter's participation in the elections and their involvement in all aspects of government system.
- Journalists should try to focus on the issues of ordinary people who lack a strong voice in the society such as women, young, old and minority segments of the society
- The media must make every effort to put citizens' voice to candidates and report their responses back to the citizens so that they can make informed decisions about their vote.
- The media, in its agenda-setting, can provide various views and unbiased information and contribute to sustainable flow of information.

Freedom of Press

Freedom of political debate has been recognized as a fundamental right by international courts and other international institutes. The European Court of Human Rights noted in 1978: "freedom of political debate is at the very core of the concept of a democratic society". Freedom of political debate means people can openly discuss political issues in public or in media. In 1992 the European Court of Human Rights on freedom of political debate elaborated that expressing opinions and receiving information is important but media is as important as it is a platform for providing that information to the general public.

Freedom of press offers the best means to the public to form informed choices and decisions about their leaders politically. It also gives a platform to the political leaders to

change the people's preoccupied opinions about them; it thus enables everyone to participate in the free political debate which is very central part of the concept of a democratic society. Freedom of speech is one of the fundamental ideas for every democratic society. Without free political discussions, the proper functioning and execution of government processes is not possible. Freedom of speech enables each individual to shape up his or her independent opinion in the decision-making process vital in a democratic state.

Right of Access to Government Media

There is growing influence by the national tribunals on the right of opposition parties to access the government media. There is a coherent trend towards recognizing that governments have a compulsion to ensure this access. In 1991, the High Court Zambia was called to rule on an issue related to access to government media. The dispute under consideration was that the President issued a directive before the elections to be held in 1991 and instructed the government controlled newspapers not to report statements by leaders of the main opposition party or to accept its advertisements. The court held that the directive was violating the constitutional right of freedom of expression. The opposition party was not allowed to publish their views on political matters neither through radio nor television, and hence was denied the enjoyment to freedom of expression.

The court then made a more general comment on the proper role of publicly owned media, that in the case of newspapers they are supposed to be run on the basis of journalistic principles and ethics free from any outside influence. These principles dictate the coverage of all newsworthy events regardless of the source of such news. In the case of government-owned media, it is customary that equal access, both in terms of timing and length of broadcast, should be given to all the parties to put forward their views to the public.

The compulsion on government controlled media to broadcast the views of the opposition derives from the prohibition of discrimination in the enjoyment of fundamental rights. This is clearly mentioned in the International Covenant on Civil and Political Rights, as well as in other human rights treaties. It means that if the ruling party has an opportunity to exercise its right to freely express itself through the government media, then the opposition must be given the same opportunity.

Media Regulatory Frameworks

Media regulatory system is essential part of the media environment, especially during the elections time. There are different types of regulatory systems, few are given below.

- **Broadcasting regulator:** This exists anywhere there is broadcasting. Their basic function is to allocate frequencies to the broadcasters. To some extent, this will necessitate who gets a license to broadcast and who does not.
- **Voluntary media council:** This regulatory system is common particularly in print media. These councils may develop code of conduct for journalism, carry out trainings of journalists and consider complaint mechanism.
- **Other statutory regulator:** Variety of institutions falls under this regulatory mechanism. These range from constitutional bodies designed to ensure the freedom and independence of the media to state licensing authorities that control who may publish a newspaper or practice as a journalist.

An independent and trusted regulatory body is essential during elections, as it may undertake the specialized functions in keeping a regulatory mechanism during the election coverage.

Limits to Responsibility of Media during Elections

Journalists and politicians both are concerned with the problem of defamation. Specifically, media is accountable if they report statements from the politicians that are offensive. The UN Special Rapporteur on Freedom of Opinion and Expression, 1999, came down firmly in favour of exempting the media from accountability for publishing unlawful statements made by politicians in the context of an election. The type of statements envisaged might include those that were defamatory or provoked hatred. This does not mean that there would be no liability for such statements; the person committing it would still be responsible but that the media would be free to reproduce them.

Similarly, the Spanish Constitutional Court found that a newspaper could not be held liable for publishing a statement by a terrorist organization. The journalists are responsible to impart the accurate information to the readers, and in turn it is the duty of the readers to receive full and accurate information.

Restrictions on Political Speech

Freedom of expression is not a supreme right; it can be limited in certain circumstances. But these limitations must confirm some standards. It is not advisable to put restrictions on the speech of politicians before it is spoken. It is not applicable to apply a censorship policy on the speeches beforehand to ensure it does not carry any defamatory content. Article 19 of the International Covenant on Civil and Political Rights provides in paragraph 3 a number of grounds on which the right may be restricted. The exercise of the rights provided in this article carries with it special duties and responsibilities. It may therefore

be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights and reputations of others;

(b) For the protection of national security or of public order, or of public health or morals.

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

Specified Campaign Period

There should be specific time duration for media regulations. If media needs to regulate its policies on what it may or may not do, then it has to be during the election campaigns. There will be a given time of official campaigning during which the regulations will pertain, while otherwise normal practice will prevail. Many countries have campaign periods with clearly defined lengths; others vary depending on when the election is called, when parliament is dissolved, and other related factors. The United States is an exception in not having any defined campaigning period.

Some examples of campaign lengths are as follows:

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

Implementation Mechanism for Media and Election Regulations

One of the main aspects of media regulations in elections is who is responsible to implement it. The interaction between the regulators and editors during the election campaign is much greater than the usual days. There are several possible approaches that can be taken:

1. An existing regulatory body may be given responsibility for the particular issues that arise during election periods.
2. The media may set up their own regulatory body, possibly in collaboration with the political parties themselves.
3. The existing electoral supervisory body, such as an electoral commission, may take on this responsibility, sometimes through a specialized sub-committee.
4. A specialist body may be set up specifically for media regulations in election campaigns.
5. Judiciary may be given the responsibility.

Implementation Mechanism: Media Self-Regulation

Media self-regulation is seen as an ideal solution during election campaigns. This clearly works best where there are free and independent media and a long tradition of democratic elections, so that the solutions adapted to the problems of election coverage are consecrated by long established practices.

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

Implementation Mechanism: Judiciary

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

This model is commonly followed in Latin American countries. In Costa Rica, elections are run by the Supreme Electoral Tribunal, which also holds responsibility for regulating media coverage. The tribunal is an independent constitutional body composed of a group of judges, with its finances approved by the legislature. It is completely independent of the executive branch of government.

Similarly, the Russian Federation has a specialized "information court" - the Judicial Chamber for Information Disputes. This chamber has not been established just to monitor and regulation media campaigns during the elections, since it also functions outside election periods.

Complaints Mechanism on Media Coverage

An important element of most media regulatory bodies, during election periods and at other times, is a complaints system. This is a means by which general public, political parties and the media themselves can seek settlement on alleged violations on the media coverage during the election campaigns. Since the election period is usually of short span, the complaints mechanisms will need to be geared towards the speedy resolution of complaints.

Complainants will always have the right to take whatever legal proceedings are laid down in the country's laws. And there should always be a built-in appeal process that allows disappointed complainants or the media themselves to seek a higher judgment from an independent court of law. But in general, the emphasis is likely to be on a speedy, low cost, non-confrontational resolution of disagreements. This may be particularly important in a situation in which antagonism between parties or communities is great and there are likely to be many issues of dispute.

News Blackouts

Some countries practice a news blackout, also referred as reflection period, on news campaigns before or during voting. This means that media must stop covering the election campaigns and often that campaigning must stop, for a chosen time prior the voting day. The purpose is to give a free time to the voters, to reflect upon their decisions independent of media influence. Often, this is a voluntary arrangement. In places like France where a blackout is legislated, the regulatory body needs to spend resources enforcing it. In Israel, which has extensive prohibitions on campaign news, the Independent Broadcasting Authority is required to regulate its execution.

Blackouts are usually 24 hours or less, but are sometimes longer. In Indonesia, a 3-day blackout is required. Estonian law divides its election campaign into four periods, with a blackout of election campaigning for three of them. The application (or nomination) period, the voting period, and the counting and publication of results are all periods when campaigning are forbidden.

Protecting the Safety of the Media

Journalism is a risky occupation to be opted. Statistics reveal that each year number of media professionals are killed or injured in the course of their work. Elections can be dangerous for journalists, and sometimes violent campaigns or announcement of results can expose those trying to report honestly and accurately.

The responsibility for protecting the life of individuals within its territory lies with the government, which has a particular obligation in relation to the media. It was in recognition of this that the 1993 World Conference on Human Rights resolved: The World Conference encourages the increased involvement of the media, for whom freedom and protection should be guaranteed within the framework of national law. There are a few basic steps that governments should undertake to ensure media protection.

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

ECP's Media Guidelines for Elections 2013

In many cases the responsibility for implementing the media regulation during the election campaign lies with the specialized supervising body. This is often seen as appropriate if the electoral supervisory body has sufficient guarantees of independence, as well as the expertise to conduct the specialized work of media regulation.

Before the commencement of General Elections 2013, the Election Commission of Pakistan proposed following set of guiding principles for the media coverage during elections, to ensure free and fair elections;

Guideline 1 - Duty to Inform the Public: During the election period all media have a duty to ensure that the public are properly informed about relevant electoral matters such as political parties, candidates, campaign issues, and voting processes.

Guideline 2 - Duty of Balance and Impartiality:

2.1. Publicly owned media have a specific mandate requiring fairness and non-discrimination in their election reporting and not to discriminate against any political party or candidate. All media houses should also follow professional standards and strive for accuracy, balance and impartiality as far as possible.

2.2. News media will try to the best of its ability that news, current affairs, interviews, talk-shows, analyses and information programmes are not biased in favour of, or against, any party or candidate. In particular, media shall encourage journalisms of the highest standards in their election coverage and shall

a) Try to the best of its ability to avoid all forms of rumour, speculation and disinformation, particularly when these concern specific political parties or candidates and where malicious intent is demonstrated,

b) Discourage all forms of hate speech that can be interpreted as incitement to violence or has the effect of promoting public disorder.

2.3 While it is not always possible to cover all candidates in an election, the media should strive to ensure that all candidates/parties shall be subject to journalistic scrutiny and appropriate media coverage according to its area of target audience.

Guideline 3 - Laws Restricting Freedom of Expression: Freedom of expression and the rights of journalists to report freely should be respected by all parties/ candidates and state authorities during the election. There should be provision of full access to information during the election period and afterwards.

Guideline 4 - Duty to Respect and Promote Tolerance: The media have a duty to respect and promote tolerance and avoid all forms of expression that might be interpreted as incitement to violence or hatred on the basis of religion, creed, gender, or ethnicity.

Guideline 5 - Duty to Punish Attacks against Media Personnel and Property: The authorities should make special efforts to investigate all acts of violence, intimidation or harassment directed against media personnel or the property or premises of a media outlet and to bring those responsible to justice, particularly where the act was motivated by intent to interfere with media freedom.

Guideline 6 - Limits on Prior Restraint:

6.1. There should be no prior censorship of any election coverage/programme.

6.2. All political parties and state institutions must issue a clear statement that the media will not be penalized for broadcasting/publishing programmes/Contents merely because they are critical of a certain party or a type of politics.

6.3. Neither the authorities nor media outlets should interfere with the broadcast of any election programme or election coverage unless there is a real danger or threat of imminent harm and violence.

Guideline 7 - Limits on Media Liability: The media shall not be held responsible legally for unlawful statements made by candidates or party representatives and broadcast during the course of election campaigns. This, however, will not apply to the repeat/recorded telecasts or publications.

Guideline 8 - Corrections and Replies: Any candidate/party which has been defamed or is a victim of gross misrepresentation or other illegal injury by broadcast of information should be entitled to a correction and where appropriate granted an opportunity to reply.

Guideline 9 - News Coverage: Fair and Balanced:

9.1 All media should also be careful to comply with any obligations of balance and impartiality that the law may place on them.

9.2 The duty of balance requires that parties/candidates receive news coverage commensurate with their relative importance in the election and the extent of their potential electoral support.

9.3 State and private media are urged to keep a clear distinction between, editorial/opinion, news and paid content. There will not be paid or sponsored news, election evaluation, analyses and editorial opinion.

9.4 All paid materials, media campaigns for elections paid by candidates or their supporters must be clearly shown as Paid advertisements/campaign/content and should be done in a transparent manner in accordance with the code of ethic for elections issued by the ECP.

Guideline 10 - Direct Access Programmes:

10.1. Publicly owned media should grant all political parties/candidates airtime and news space for direct access programmes on a fair and non-discriminatory basis.

10.2. Parties/candidates that represent minorities or special interest communities and groups and are formally registered should be granted access to some airtime and news space

10.3. State and Private media will make every effort to ensure that space/airtime should be allocated on a relative, proportionate basis, according to objective criteria indicating general levels of support for different parties. The registered parties that represent any section of people should normally receive some airtime. Airtime for

Parties that have been banned or are operating under new names and are publicly engaged in violent acts or opposed to the democratic process and constitutional framework should be avoided.

10.4 Direct access programmes by the state media should be aired at times when the broadcasts are likely to reach the largest audiences. The duty of balance would be deemed to have been breached if the programmes of some parties/candidates are aired at less favorable times than those of others.

10.5 Direct access slots should be made available by the private media on equitable financial terms for all parties/candidates. State media should provide all parties/candidates a reasonable amount of time free of charge. 10.6 a party/candidates are to be allowed to purchase airtime/space for political advertisements they should have access to such time/space in a transparent manner in accordance with the Code of Ethics for political Parties.

Guideline 11 - Special Information Programmes and voter access:

11.1. During elections, the media should endeavor to provide special information programmes that provide an opportunity for members of the public to put questions directly to party leaders and candidates, and for candidates to debate with each other on policy matters and issues that are of great concern to the electorate.

11.2. Candidates standing for office should not, however, act as anchors or presenters during the election period.

11.3. Attempt to air special information programmes regarding policy matters and the issues of public importance should be aired during prime viewing or listening hours.

11.4 Broadcasters and publishers have greater editorial discretion in relation to such content than the news. But such discretion is subject to the general obligation of balance and impartiality.

Guideline 12 - Voter Education:

12.1. Publicly owned are obliged to broadcast voter education programmes, at least to the extent that this is not already sufficiently covered by other information initiatives. Other media should endeavor to also introduce such programmes as a matter of public service.

12.2. Voter education programmes must endeavor be accurate and impartial and must attempt effectively to inform voters about the voting process, including how, when and where to vote, to register to vote and to verify proper registration, the secrecy of the ballot (and thus safety from retaliation), the importance of voting, the functions of the offices that are under contention, and similar matters.

12.3. These programmes should reach the greatest number of voters, including where most relevant, through programmes in regional languages and targeting groups traditionally excluded from the political process, such as women, the under-privileged, and religious and ethnic minorities.

Guideline 13 - Opinion Polls and Election Projections:

13.1 If a broadcaster/newspaper publishes the results of an opinion poll or election projection, they should strive to report the results fairly and in a proper context explaining the scope and limits of such polls that have their own peculiar limitations.

13.2 Opinion polls should be accompanied by information to assist viewers/listeners to understand the poll's significance, such as who conducted, commissioned and paid for the poll, the methodology used, and the sample size, the margin of error, the fieldwork dates, and data used.

Guideline 14 - Announcement of Results:

14.1. Broadcasters will not air any final, formal and definite elections results without the consent and or they will be aired only with clear disclaimer that they are unofficial, incomplete and partial results which should not be taken as final results until election commission has announced final results.

Guideline 15 - Regulatory and Complaints Mechanisms:

15.1. The Election Commission of Pakistan will evolve a suitable mechanism for the implementation of Media Code of Ethics prepared by the representatives of various media organizations.

15.2 The Complain Committee will be headed by Add. DG (PR), ECP and will comprise of representatives from PBA, APNS, PCP, CPNE, PTV, PBC, PFUJ, SAFMA and SAWN. ⁴

Paid Advertising and Elections

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

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

Similarly, will there be regulation about the times that slots are broadcast? If everyone is to get a chance to broadcast in peak time, how can slots are allocated? What order will the party campaigns be slotted? Another question arises, that **w**ill candidate or party be responsible for making its own broadcast or print content or will the public broadcaster make facilities available?

⁴[http://www.alternativemedia.org.pk/current/Monitoring%20of%20election%20coverage%20by%20electronic%20media%20\(1-6%20May\).pdf](http://www.alternativemedia.org.pk/current/Monitoring%20of%20election%20coverage%20by%20electronic%20media%20(1-6%20May).pdf)

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

Role of Media on the Voting Day

On the day of voting, the role of media changes from what it was during the election campaigns and specific roles are assigned to govern this shift. In practice, the shift may have taken place earlier, with a blackout placed on political campaign reporting, opinion poll reporting, direct access broadcasts, or advertisements - or all of these. There are, of course, a variety of factors that may influence the vote as it progresses. Voter turnout is an important issue, since high or low turnouts are generally reckoned to favour one party or another. Reporting turnout may sometimes also be the subject of some restriction.

There may be incidents that need to be responded publicly, such as violence at polling booths, logistical problems such as flooding, and integrity issues such as accusations of fraud. To maintain its reputation, and to prevent escalation of problems, it is important that an EMB responds to these issues as quickly as possible to reassure the public about measures being taken. It might also be issuing statements from EMB officials aimed at encouraging people to vote, and confidence in the process. A Media Relations Department might post regular updates on the EMB website to give up-to-the-minute information on the progress of the polls. A Media Centre at an EMB might be hosting elections reporters as a hub for reporting on Voting Day.

Media should pay its role being impartial and unbiased. In case of Pakistan, in General Elections 2013, there has been instances where media did not play an active role in disseminating factual information to the public. The election results have been announced even before the Election Commission of Pakistan confirmed the results. This created chaos and violence incidents in different parts of the country, where different party workers indulged in violent incidents.

International Best Practices

Internationally, many countries do not have any laws and regulations to govern media during the elections and they do not feel a need of doing so, while others feel it is a necessity to have a regulation on the media coverage during elections. Still others are somewhere in the middle, with a system of voluntary self-regulation, whereby the media agree to adopt a series of self-limiting regulations because of the special demands during the election tenure. Even in case of long established democracies, there is still divergent

views on how much media should be regulated. In US, there is a tradition of having minimum restrictions on the media; on the other hand, European countries tend to have higher regulatory mechanism over media.

Zimbabwean electoral law, for example, makes no mention of the media at all. In every election in the country's history, the state has had a strongly regulated broadcasting mechanism and, for most of that time, a control on daily newspapers too. For example, the refusal of the Zimbabwe Broadcasting Corporation (ZBC) to run opposition advertisements during a referendum in February 2000 prompted the opposition to seek a High Court order against the broadcaster. They succeeded in doing so, but arguably it should not have been necessary. In subsequent parliamentary elections, the ZBC decided not to run political advertising at all - until Election Day, when it broadcast advertisements for the ruling party, too late for other parties to respond. Under election law (though possibly not under Zimbabwean broadcasting law), the ZBC was entitled to do this.

France

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

Denmark

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

Norway

In Norway, time is allocated equally, but again certain criteria are to be met. Parties must have been represented in one of the last two parliaments, have a national organization and be fielding candidates in a majority of districts. Smaller parties that do not meet this threshold nevertheless have a short programme.

Italy

The state broadcaster gives equal time to all contending parties in an election. However, private commercial broadcasters have no such obligation.

A Mixed System of Advertising

A number of countries provide for a mixture of free direct access broadcasts and paid advertising. This may be an effective compromise between the "freedom of expression" argument that will not allow prohibition of advertising and the "equality of opportunity" argument that says that all parties or candidates should have a voice.

Barbados, for instance, has just such a mixed system. Parties and non-party candidates are allowed to buy radio and television advertising to top up their allocation of free broadcasts. But they can only buy slots up to a predetermined number, calculated on the basis of the number of candidates they are contesting with. The system for determining this limit is in fact different from that used to allocate free broadcasts, but has the same effect. There is also a time limit on each advertisement (30 seconds on radio and 60 seconds on television).

Similarly, the Canadian system is also having a mixed system of broadcast. Between elections, there is an allocation of free party political broadcasts: 60 per cent for the opposition parties and 40 per cent for the governing party. The exact allocation of these broadcasts is generally made by the parties themselves (although the Canadian Broadcasting Corporation will make the allocation if the parties cannot reach agreement). In addition to these "free time broadcasts", there are occasional ministerial and prime ministerial broadcasts. There is an opposition right of reply to the latter, but not the former. In election periods, however, this system is overlaid by one of paid political advertising. There is a given amount of advertising time available, which is allocated to the parties according to a formula that they agree among themselves. They are then allowed to purchase advertising time up to the limit of their allocation.



My Vote, My Voice & My Choice

www.pakvoter.org