

Media Monitoring Methodology

National Council for Radio and TV Broadcasting
Ukraine

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“The mass communications media provide information to most voters that is essential to the choice they exercise at the ballot box. Therefore, proper media conduct toward all political parties and candidates, as well as proper media conduct in the presentation of information that is relevant to electoral choices, are crucial to achieving democratic elections. Monitoring media conduct – when done impartially, proficiently and based on a credible methodology – establishes whether this key aspect of an election process contributes to or subverts the democratic nature of elections. Media monitoring can measure the amount of coverage of electoral subjects, the presence of news bias, appropriateness of media access for political competitors and the adequacy of information conveyed to voters through news, direct political messages, public information programming and voter education announcements. Shortcomings in media conduct can be identified through monitoring in time for corrective action. Abuse of the mass media power to affect voter choices also can be documented, which allows the population and the international community to appropriately characterize the true nature of the electoral process.”¹

Robert Norris and Patrick Merloe

¹ Media Monitoring to Promote Democratic Elections: An Ndi Handbook for Citizen Organizations, Hardcover – Jul 2002 by [Robert Norris](#) and [Patrick Merloe](#): https://www.ndi.org/files/1420_elect_media_02_1-31_0.pdf

INTRODUCTION

This document presents a methodology for monitoring the Ukrainian broadcast media for compliance with various legal obligations, notably the Constitution of Ukraine, the Law of Ukraine 'On information', the Law of Ukraine On Television and Radio Broadcasting, the Laws 'On Public Television and Radio Broadcasting of Ukraine', 'On the National Broadcasting Council of Ukraine', 'On Telecommunications', 'On Radio-Frequency Resource' the regularly, and various decisions of the National Television and Broadcasting Council (NTRC). The document outlines a few different methodologies given the various legal obligations of broadcasters requiring different types of monitoring.

The intention of this document is to help the NTRC to enhance their media monitoring capacity to observe how license holders fulfil their obligations. This would give the regulator more effective tools for investigating issues of media coverage. When a broadcaster fails to respect the law or the conditions specified in his license, the regulatory authorities should have the power to impose sanctions, in accordance with the law.

MEDIA MONITORING METHODOLOGY

The methodology for the media monitoring has been developed by the Slovak media monitoring organization MEMO 98 which has used it in some 50 countries around the world. It employs quantitative and qualitative methodological tools according to international standards for media monitoring. Given its comprehensive content-oriented approach, it is specially designed to provide in-depth feedback on pluralism and diversity in media reporting, including coverage of chosen subjects/themes.

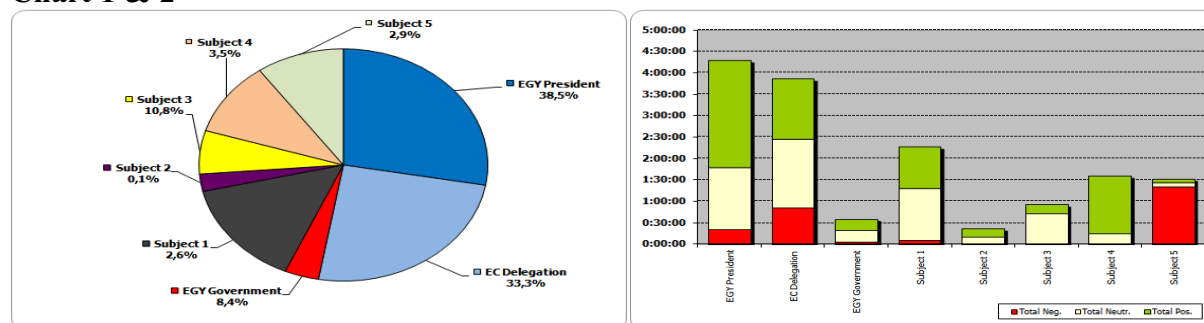
QUANTITATIVE ANALYSIS

The quantitative component of the monitoring consists of a content analysis of a representative sample of media outlets, focusing on compliance with standards that are themselves quantitative, such as the amount of time or space. Media monitors measure the total amount of time and space devoted to monitored “subjects” (political parties, government, president etc.) as well as to selected monitored topics – e.g. political, economic & social issues, corruption, EU and NATO integration etc. In so doing, we can determine whether or not broadcasters are complying with certain legal obligations, such as the requirement that broadcasters respect political pluralism.

To monitor the broadcast media (television and radio), monitors use stopwatches (a DVD timer could also be used for television) to measure the actual “direct appearance time” of previously selected subjects. They also separately record each instance where a subject is mentioned indirectly (e.g. by a news presenter or by someone else) as a “reference”.

Quantitative analysis also evaluates whether the information about selected monitored subjects is positive, negative, or neutral in its content. Positive and negative ratings refer to whether or not a viewer is offered a positive or negative impression of the subject or topic. These data are recorded for all stories and presented graphically to illustrate differences between outlets and differences over time (see below).

Chart 1 & 2



It is important to keep in mind that it is the behavior of media outlets that is being assessed, not the monitored subjects. Positive and negative evaluation refers to whether or not a viewer is offered a positive or negative impression of the subject or topic. Examples of positive evaluation of the selected subject would be: subject A is a very popular member of the parliament; people like subject A; A is a respected politician. Examples of negative evaluation would be: B is a political loser; B is not an honest politician. If there is no positive or negative evaluation, the message is rated as neutral, for example when the report says: subject C is a candidate.

Moreover, it is also important to understand the context in which the message is reported, giving the message positive or negative light just by the nature of the story or event reported. For example, the fact that subject A negotiated the peace agreement, or the fact that the unemployment rate in the country will be reduced due to new law proposed by the member of parliament A is perceived by the majority of society as a rather positive development. On the other hand, inherently negative stories could feature for instance: subject B, a minister whose car injured a pedestrian because it did not respect the speed limits. The fact that: subject C participated at parliament session is neutral.

The tone of the coverage is positive if the way the message is presented and the nature of the message are both positive, similarly if the both factors are negative, the tone is negative. The neutral tone is the result of both factors being neutral. If the way the message is presented and the context of the message do not match, monitors have to determine the tone according to what is the prevailing factor (so it could be either the content of the story or context).

The evaluation mark is thus attached to all monitored subjects to determine whether the subject was presented in positive, negative, or neutral light. The description of the five-level evaluation scale is as follows: Grade 1 and 2 mean that a certain monitored subject was presented in a very positive (1) or positive (2) light respectively; in both instances the news coverage is favorable. Grade 3 is a “neutral mark”, with the coverage being solely factual, without positive or negative connotations. Grades 4 or 5 signify that a subject was presented in a negative or very negative light respectively. Such coverage has negative connotations, accusations or one-sided criticism of a subject portrayed

in an item or story. It is always important to consider the actual evaluation (judgment) on the monitored subject and also the context of the story or item.

In order to eliminate any elements of subjectivity present in qualitative analysis, a monitoring coordinator should do frequent checks on how individual monitors analyze the media. Where there is a difference of opinion over the evaluation of a particular item, the whole monitoring team (or a team leader) evaluates the item before making a final decision on its “tone.”

The five-grade scale is designed to provide monitors with a larger scale of choice they are to make in evaluating the presentation of political entities. Balanced news coverage means that a media outlet attempts to cover events in a balanced, fair and objective manner by offering time or space to all subjects of a certain item to present their views. Such news item is purely informative and does not contain any one-sided evaluating standpoints or criticism.

When using quantitative monitoring, it is necessary to set the *unit of analysis*. This refers to the different blocks of broadcast time that is monitored, measured and assigned various codes. The unit of analysis is determined according to what sort of monitoring is being conducted. For example, for advertising, the unit of analysis is each advertisement. For monitoring of media coverage of elections, it is the actual time that each monitored subject is referred to or speaks directly on air.

It is important however to monitor the unit of analysis in relation to the *unit of context*, depending on what is being monitored. The unit of context for advertising is both the *hour* and the *day* (or 24 hours) since there are legal obligations about the proportion of advertising that can be broadcast within each hour and in the course of a day. For the news item the unit of context can be the whole news program - as it is also important to determine the order in which different items are broadcast (as some politicians/political parties could always be covered at the beginning of the news whereas others always at the end). In addition, the unit of context can also be the news programs in a longer period (one or two weeks) – to determine if a story is balanced over a period of time (e.g. if it is reported over a longer period).

In general, we can speak about three different types of monitoring to be considered. First of all, there is monitoring of quantitative legal obligations, such as those related to advertising and local content. The main purpose of monitoring here is to determine whether or not the broadcaster is in compliance. There is no need to address these in detail here given the fact no “methodology” is required beyond the practice already developed by the NTRC’s monitoring unit.

The second category includes monitoring of legal provisions that are inherently unquantifiable. A good example of this are the articles of the legislation relating to “hate speech” and defamation. These are very important, but at the same time potentially subject to complex legal argument. The monitoring process can do no more than identify broadcast items that *might* be in breach of these provisions.

The third category includes issues where monitoring will help the NTRC and broadcasters themselves to understand how well they are fulfilling their legal obligations. In this monitoring, the function of methodology is to identify those *indicators* that make it possible to determine, for example, whether a broadcaster is fulfilling obligations to observe political diversity, or an

obligation not to broadcast programmes that are morally damaging to minors. This document mainly focuses on the second and third category.

Media Monitoring Indicators

Indicators in media monitoring (as in all social science research) have to meet two important criteria. They must be both *reliable* and *valid*.

- *Reliability* means that the indicators should be consistently identified by any trained monitor. As such, assigning each code would always produce the same result regardless of who is doing the monitoring. This is achieved first by selecting indicators that are objectively verifiable – they are not the result of subjective opinions or preference on the part of a monitor. Time-related indicators are clearly objective, as are pre-determined lists of codes that identify different topics or different types of people who appear in the broadcast. Consistency is achieved by a systematic and thorough training and practice.
- *Validity* means that the selected indicators actually show what they are intended to show. Indicators must be selected for a clear purpose and not interpreted to show more than they actually indicate. For example, counting the number of times women are cited as sources does not necessarily indicate that the media have a gender bias? If women's voices are under-reported there are several possible explanations for this. It might be media bias, but it may equally be that institutions of government, political parties and businesses do not choose women to represent them.

The common indicators that are generally used in the monitoring methodologies described here are the sources of information identified in broadcasts, the topics that are covered and, of course, the time allocated to different topics and speakers. If we want to do a more complex evaluation, we need to add other indicators (see examples below). Statistical analysis of these indicators is not especially complex. The monitoring data gathered during a monitoring exercise are *descriptive* rather than *inferential*. This means that analysis only addresses the actual broadcasts that have been monitored and does not attempt to predict the characteristics of other broadcasts that have not been monitored (by techniques such as regression analysis).

The main analytic techniques used are *aggregation* and *cross-tabulation*. Aggregation simply consists of adding up (and comparing) data such as the amount of direct and indirect broadcast time afforded to politicians or other monitored subjects. Cross-tabulation or crossing variables, which is easily carried out even with the basic spread sheet software, compares the distribution of frequency of a variable with another variable, to check their degree of association. This could indicate, for example, if a politician was more quoted by one television than by another. A more complex analysis could show the association between the topics reported by the media and the sources that they use, or which types of alcohol are more likely to feature in advertising aimed at young people. The possibilities for crossing variables are extensive. There are some examples of the crossing of variables in this document.²

² Media Monitoring Indicators – described by Richard Carver (Oxford Brookes University/Oxford Media Research) and Marek Mracka (MEMO 98) in *Monitoring Moldovan Broadcasters: Methods and Techniques*

Quantitative monitoring is carried out to observe compliance with quantitative standards such as the legal obligation that advertising should not exceed 15% (and during the election campaign 20%) of transmission time in any 24-hour period. This can be evaluated by measuring the amount of advertising and dividing it into the total transmission time. There are a number of other legal requirements relating to advertising and local content of programming that can be monitored in the same way.³

Quantitative monitoring can be used to assess whether or not broadcasters are complying with other legal obligations. For instance, the requirement that broadcasters respect diversity of views can be measured by counting the amount of airtime given to different opinions and views. Social pluralism might be measured by counting how frequently representatives of various social groups are given air time, or how often various social issues are discussed. Methods for carrying out such monitoring are described later in this document.

Chart 3 & 4: Media monitors conduct quantitative analysis of television



Qualitative methodology

Qualitative media monitoring is used to assess the performance of media against measures, such as ethical or professional standards, that cannot be easily quantified. These standards include but are not limited to balance, accuracy, timely, choice of issues, omission of information, advantage of incumbency, positioning of items, inflammatory language. For instance, while the quantitative assessment can define whether the political advertising has been broadcast within the legally permissible limits (in terms of its length), it cannot determine if a particular advertisement included inflammatory language or hate speech.

³ Article 9.1 of the Law on TV and Radio Broadcasting stipulates that at least 50 % of the total amount of broadcasting of every broadcasting organization must consist of domestic audiovisual product or music of Ukrainian composers or performers. Moreover, according to Article 10.4. of the law, the share of air-time when broadcasting is carried out in the Ukrainian language may not be less than 75 % of the total daily broadcasting time.

Unlike the quantitative monitoring which follows a set of clear criteria, qualitative monitoring is more “subjective” – as it depends on the opinion of an individual monitor. At the same time, however, even qualitative monitoring is anchored in legal or ethical standards – so it is simply not an expression of what the monitor does, or does not, like. As such, it is possible to conduct qualitative monitoring in a consistent and scientific manner.

For example, it is useful to conduct qualitative monitoring when we are interested to evaluate the overall quality of media reporting. In such case, we would focus on the content of stories and on important aspects of the information presented by monitored media, such as its quality and variety. We would assess the overall quality of reporting provided by each TV channel, based on its overall informational value.

For this particular qualitative analysis, we would ask our monitors to:

- identify the sources for a story;
- evaluate the placement of selected stories and items in comparison with other reported topics and issues;
- evaluate the overall quality of information provided about selected subjects & topics;
- evaluate journalist’s knowledge of the reported subject & topic;
- evaluate the ability of the author to work with facts and information;
- evaluate the ability of the author to engage audience;
- overall impression of how the media outlet covers selected subject & topics related stories;
- in case an interview is conducted, are the questions fair or “loaded;”
- how does the language shape the audience’s understanding and perception of a story;
- does the media outlet use certain language, graphics and camera angles to influence the audience’s perception of the monitored subjects and topics;
- evaluate journalist’s involvement in the story;

Other relevant issues that should be included into qualitative are as follows:

- Is there any relevant information missing? (media often avoid the problem of how to cover politically sensitive stories by simply not covering them at all. It is also important to look at how or whether gender issues are covered.)
- Choice of issues (Does the selection of news items favor the agenda of one party or another, even if there is no explicit bias?)
- Similar style of coverage (Are campaign events of different candidates reported in similar ways /for example, do they all receive actuality footage or direct quotation) or do only some of them?
- The incumbent factor (Are the activities of incumbent officeholders who are also candidates properly reported – or are the two roles confused to the incumbents’ advantage?)
- Positioning items (Are items about the opposition placed alongside other unfavorable stories /e.g. foreign accounts of political violence/ to create an unfavorable impression?)
- Priority (Are some candidates always reported ahead of others in the running order of bulletins?)
- Inflammatory language (Are inflammatory language or actual incidents of violence reported in an accurate, sober and balanced manner, with all sides quoted? Or is media reporting itself inflammatory and unbalanced, with the danger that it could lead to further violence?)

- Manipulative use of film, picture and sound (camera angles, distance of the camera from the candidates, light, quality of the sound, use of footage which does not correspond with the content of the story or which provide negative or positive tone to the story)

A key component of the monitoring methodology developed here is that it is a qualitative approach to monitoring the content of the media. Below is a draft guideline for monitors for *content based monitoring* as opposed to the more common but far less thorough *product oriented media monitoring*.

Chart 5: A sample of a Content Analysis Form

<u>A Guide for Content Based Monitoring (SAMPLE)</u>	
EDITORIAL COVERAGE	
•	OMMISSION OF IMPORTANT NEWS AND FACTS
	Media often avoid the problem of how to cover politically sensitive stories by simply not covering them at all. It will be important to look at how or whether EU related issues are covered.
•	WERE ANY IMPORTANT NEWS ITEMS OF THE DAY <u>NOT</u> REPORTED? (IF IT WAS REPORTED IN OTHER MEDIA, PLEASE SAY WHERE)
➤	Compared to other media sources and information available, were any significant EU related reports not included in this broadcast?
➤	Were any relevant EU figures or subjects excluded from this broadcast?
➤	Over time, does this indicate a pattern by this media outlet?
➤	Did the media outlet appear to make an effort to include different points of views and information?
•	DID YOU NOTE ANY "MEDIA EFFECTS" THAT COULD INDICATE BIAS OR DISTORTION? (PLEASE CITE ITEM AND TIME, AND DESCRIBE FULLY)
➤	Do the video images, photos, or graphics used in this report present the subject fairly and relevant to the subject of the report?
➤	Do the images presented appear to accurately reflect the facts of the situation? Please also pay attention to graphics or cartoons that may be used to create a favorable or negative attention. Also important is the order and placement of news items.
➤	Who is first, who is on the front page?
•	PLEASE NOTE ANY STATEMENTS OR REPORTING YOU FEEL WAS DISTORTED, UNTRUTHFUL, OR PREJUDICIAL AGAINST CERTAIN INDIVIDUALS OR GROUPS. (PLEASE CITE ITEM AND TIME, AND QUOTE WORD-FOR-WORD)

Data collection

For each day's coverage, monitors complete a monitoring form (see annex for samples of a TV form). This form will be reviewed by a data enterer who will enter the data into a special monitoring programme (database).

Data entry and Monitoring Database

The methodologies described above could be used in conjunction with a widely available spreadsheet or database software (such as Microsoft Excel or Access), with more sophisticated analysis carried out through a specialized statistical package, if required. The last phase of working with data is data processing – computer data processing and storage has several advantages:

- Possibility to store data in PC
- Flexibility and simple data manipulation, e.g. specific data selection and evaluation
- Graphic abilities and its direct use in presentations

Since the monitoring forms consist of a relatively small number of different data types and the data can be easily organized according to the given criteria, Microsoft Excel (in combination with the whole Microsoft Office package) is suitable for processing the results of monitoring process. The data that is acquired during the monitoring consist of subject/affiliation, time (direct, indirect and total), evaluation, item start, item end, topic and its time.

Chart 6: Sample page from a media monitoring database

		Date	Name	Party	H	M	S	Ref	Dir./Ind.	Type	Immre	+	0	-	
3	OK	13/11/06	rakotonirina.manandafy	mfm			2	3	i	fp	0.00.02	0.00.00	0.00.02	0.00.00	
4	OK	13/11/06	monja.zafitsimvalo	mkm			2	3	i	fp	0.00.02	0.00.00	0.00.02	0.00.00	
5	OK	13/11/06	rajakoba.daniel	fiavanantsika			1	3	i	fp	0.00.01	0.00.00	0.00.01	0.00.00	
6	OK	13/11/06	andriananjato.hasina	nmm			1	3	i	fp	0.00.01	0.00.00	0.00.01	0.00.00	
7	OK	13/11/06	tsiranana.madiomanana	psd			1	3	i	fp	0.00.01	0.00.00	0.00.01	0.00.00	
8	OK	13/11/06	razakarimanana.ferdinand	candidat			1	3	i	fp	0.00.01	0.00.00	0.00.01	0.00.00	
9	OK	13/11/06	ravalomanantsoa.elia	madagasikarantsika			1	3	i	fp	0.00.01	0.00.00	0.00.01	0.00.00	
10	OK	13/11/06	monja.zafitsimvalo	mkm			5	5	1	d	fp	0.00.05	0.00.05	0.00.00	0.00.00
11	OK	13/11/06	rakotonirina.manandafy	mfm			5	2	1	d	fp	0.05.02	0.05.02	0.00.00	0.00.00
12	OK	13/11/06	ravalomanana.marc	immr			2	3	d	pp	0.00.02	0.00.00	0.00.02	0.00.00	
13	OK	13/11/06	ravalomanana.marc	immr			2	26	1	d	pp	0.02.26	0.02.26	0.00.00	0.00.00
14	OK	13/11/06	ravalomanana.marc	immr			2	41	1	d	pp	0.02.41	0.02.41	0.00.00	0.00.00
15	OK	13/11/06	ravalomanana.marc	immr			2	20	1	d	pp	0.02.20	0.02.20	0.00.00	0.00.00
16	OK	13/11/06	razafimahaleo.jossicher	leader fanilo			39	1	d	pp	0.00.39	0.00.39	0.00.00	0.00.00	
17	OK	14/11/06	ravalomanana.marc	immr			42	1	d	pp	0.01.42	0.01.42	0.00.00	0.00.00	
18	OK	14/11/06	razafimahaleo.jossicher	leader fanilo			7	1	d	pp	0.00.07	0.00.07	0.00.00	0.00.00	
19	OK	14/11/06	ravalomanana.marc	immr			4	2	d	pp	0.00.04	0.00.04	0.00.00	0.00.00	
20	OK	14/11/06	lahiniriko.jean	kmi			4	3	i	fp	0.00.04	0.00.00	0.00.04	0.00.00	
21	OK	14/11/06	lahiniriko.jean	kmi			4	55	1	d	fp	0.04.55	0.04.55	0.00.00	0.00.00
22	OK	14/11/06	ratsirahonana.lala	avi			3	3	i	fp	0.00.03	0.00.00	0.00.03	0.00.00	
23	OK	14/11/06	ratsirahonana.lala	avi			4	33	1	d	fp	0.04.33	0.04.33	0.00.00	0.00.00
24	OK	14/11/06	ratsiraka.roland	mts			3	3	i	fp	0.00.03	0.00.00	0.00.03	0.00.00	
25	OK	14/11/06	ratsiraka.roland	mts			4	59	1	d	fp	0.04.59	0.04.59	0.00.00	0.00.00
26	OK	14/11/06	razafimahaleo.jossicher	leader fanilo			3	3	i	fp	0.00.03	0.00.00	0.00.03	0.00.00	
27	OK	14/11/06	razafimahaleo.jossicher	leader fanilo			4	58	1	d	fp	0.04.58	0.04.58	0.00.00	0.00.00
28	OK	14/11/06	randrianjoary.jules	kmjr			2	3	i	fp	0.00.02	0.00.00	0.00.02	0.00.00	
29	OK	14/11/06	randrianjoary.jules	kmjr			4	58	1	d	fp	0.04.58	0.04.58	0.00.00	0.00.00
30	OK	14/11/06	ravalomanana.marc	immr			6	3	i	fp	0.00.06	0.00.00	0.00.06	0.00.00	
31	OK	14/11/06	ravalomanana.marc	immr			5	2	1	d	fp	0.05.02	0.05.02	0.00.00	0.00.00
32	OK	15/11/06	ravalomanana.marc	immr			2	15	1	d	pp	0.02.15	0.02.15	0.00.00	0.00.00
33	OK	15/11/06	ravalomanana.marc	pres			1	3	i	n	0.00.01	0.00.00	0.00.01	0.00.00	
34	OK	15/11/06	ratsiraka.roland	mts			3	3	i	pp	0.00.03	0.00.00	0.00.03	0.00.00	
35	OK	15/11/06	ratsiraka.roland	mts			4	58	1	d	pp	0.04.58	0.04.58	0.00.00	0.00.00
36	OK	15/11/06	ravalomanana.marc	immr			3	3	i	pp	0.00.03	0.00.00	0.00.03	0.00.00	
37	OK	15/11/06	ravalomanana.marc	immr			4	28	1	d	pp	0.04.28	0.04.28	0.00.00	0.00.00

Chart 7: A sample of media monitoring results transformed into charts showing the coverage of potential monitoring subjects (in coverage of foreign politics on Nile News TV). The pie chart shows the total percentage of airtime allocated to monitored subjects in the defined period. The bar chart shows the total number of hours and minutes of positive (green), neutral (white) and negative (red) airtime devoted to monitored subjects by Nile News TV in the defined period.

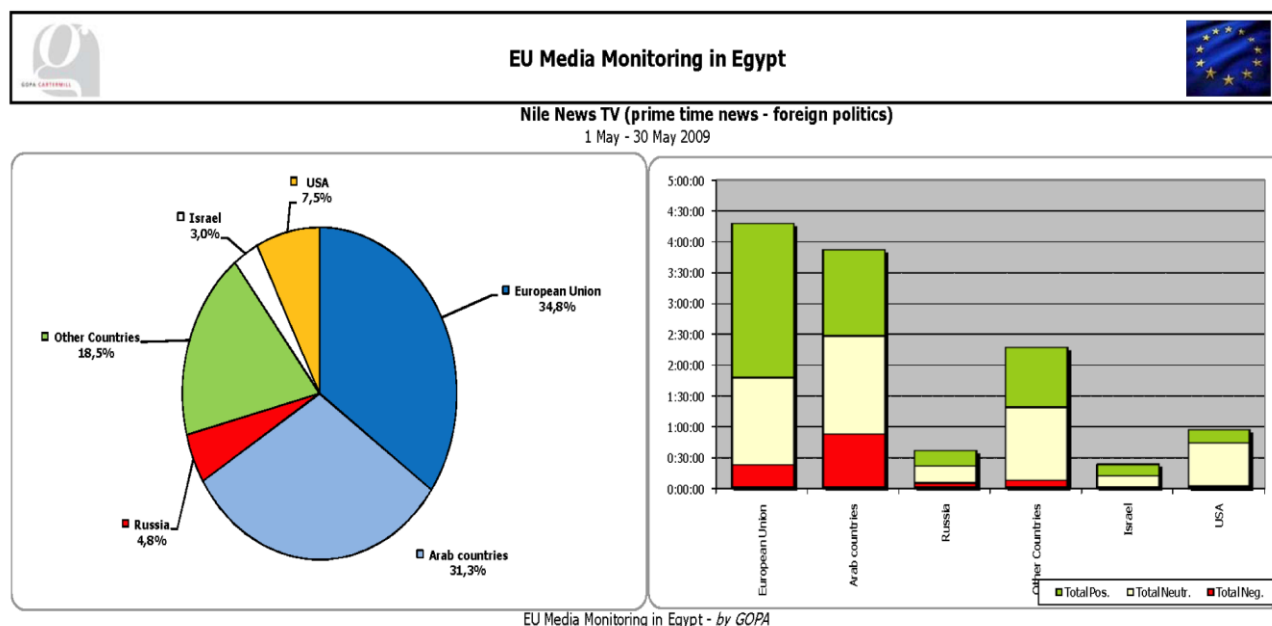
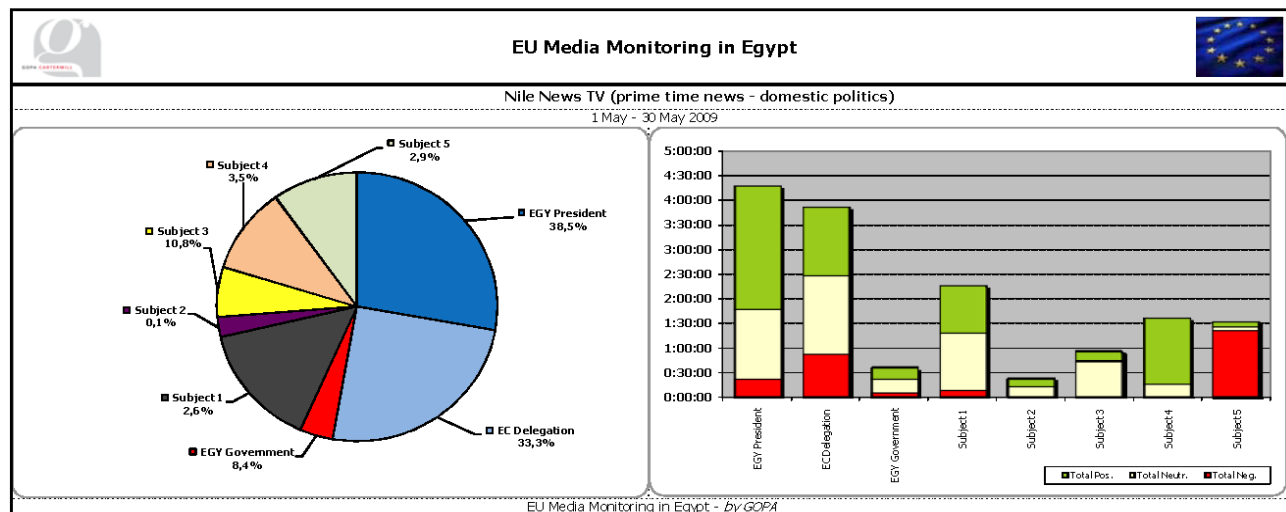


Chart 8: This chart shows the coverage of potential monitoring subjects (in coverage of domestic politics on Nile News TV). The pie chart shows the total percentage of airtime allocated to monitored subjects in the defined period. The bar chart shows the total number of hours and minutes of positive (green), neutral (white) and negative (red) airtime devoted to monitored subjects by Nile News TV in the defined period.



Media monitoring activities are conducted by a team of monitors, who should be well trained in the procedures and techniques of media monitoring. The necessary equipment the media monitoring team requires for their daily tasks include equipment for recording the media broadcasts, and equipment allowing the viewing, coding and input into computers of all information received from the monitoring activities. In addition, there should be capacity to store information, both the recorded broadcasts and the data gathered.

MONITORING MEDIA DURING ELECTIONS

Freedom of expression and freedom of the media are essential to any democratic process, and the monitoring media coverage of election campaigns helps a media regulator to assess if the media adhere to their legal obligations stipulated in the legislation.

The role of mass media in providing access for political contestants to communicate their messages and in presenting news about political parties, political leaders and matters of political importance is vital to the integrity of the electoral process as most voters nowadays gain essential information about politics through mass media. In addition to reporting on the performance of incumbents, providing a platform for debates among candidates, allowing candidates to communicate their message to the electorate, and reporting on campaign developments, the media should inform voters on how to exercise their rights, monitor the electoral process, including election-day proceedings, and report the results to the public.⁴

During elections, media monitoring provides benchmarks to judge the fairness of the election process. Media monitoring assesses the behaviour of the media during various phases of the election process and evaluates their compliance with international standards and local regulations on election coverage. It helps to establish whether the candidates are given equitable access to media to convey

⁴ OSCE/ODIHR Handbook "On Media Monitoring for Election Observation Missions, page number 13, <http://www.osce.org/odihr/92057?download=true>

their messages to voters and whether information available through the media is adequate for voters to make a well-informed choice at the ballot box. Statistical data on the amount of time dedicated to contestants, the manner in which contestants and other key political actors are covered by the media, analyses of bias, extent and quality of voter education campaigns or relevancy of election-related information serve as basis for analyses. The results of the monitoring demonstrate how the media behave and keep the public and contestants aware of these issues. When shortcomings are identified, corrective action should be taken to improve media coverage or protect of media rights and freedoms.

Legal framework for the media coverage of elections⁵

International human rights treaties, declarations and cases have created a number of standards by which we can measure the environment in which the media operate during elections. There are several fundamental principles that, if promoted and respected, enhance the right to seek, receive and impart information.⁶

The election law provides that both state and private media should cover the campaign by providing equal conditions to candidates and political parties.⁷ Article 63 of the Law “On Elections of the People’s Deputies of Ukraine” provides that “voters shall be provided with the opportunity for access to diverse, objective and unbiased information necessary for making deliberate, informed and free choices.” The law further stipulates that media should disseminate information in accordance with the facts avoiding distortion of the information and that they should try to receive information about the election related events from two and more sources prioritizing the primary sources.⁸ Moreover, media should provide a balanced coverage for comments made by all parties and MP candidates on election-related events⁹ and independently determine the amount of air time dedicated to the coverage of facts and events related to the election process, without expressing special attitude to certain subjects of the election process or give them any privileges.¹⁰

⁵ This chapter is based on an English translation of laws provided to the expert by the CoE office in Kiev. The expert takes no responsibility for errors based on mistaken or confusing translation.

⁶ These are summarized at <http://aceproject.org/ace-en/topics/media-and-elections/mea> (and subsequent pages).

⁷ Article 3 of the Law “On Elections of the People’s Deputies of Ukraine” stipulates that contestants should be ensured “equal and unbiased treatment by mass media”.

⁸ Article 66.2 of the Law “On Elections of the People’s Deputies of Ukraine” stipulates that Information agencies and mass media shall disseminate information on the course of the election process and on related events on the basis of principles of providing credible, complete, accurate, and objective information in an unbiased way.” Information agencies and mass media that disseminate information about election related events might not allow silencing the information that is necessary for the society and that is related to these events if they were aware of such information at the moment of dissemination. Information agencies and mass media shall disseminate information about the election in accordance with the facts avoiding distortion of the information. Mass media and information agencies shall try to receive information about the election related events from two and more sources prioritizing the primary sources.

⁹ Article 66.3. of the Law “On Elections of the People’s Deputies of Ukraine” provides that “mass media and information agencies shall provide a balanced coverage for comments made by all parties and MP candidates on election-related events.”

¹⁰ Article 66.4 of the Law “On Elections of the People’s Deputies of Ukraine” provides TV and radio organizations shall independently determine the amount of air time dedicated to the coverage of facts and events related to the election process. In the said materials, TV and radio organizations may not express special attitude to certain subjects of the election process or give them any privileges.

The supervisory powers of the NTRC provided by Article 13 of the Law of Ukraine “National Television and Radio Broadcasting Council of Ukraine”, include the monitoring of licensees’ compliance with broadcasting practices prescribed by law during election campaigns and referendums. According to Part 7 of Article 11 of the Law of Ukraine “On the National Television and Radio Broadcasting Council of Ukraine”, a representative of the National Council shall monitor the licensees’ compliance with broadcast practices prescribed by law during election campaigns and referendums, reporting to the Central Election Commission (CEC), relevant territorial election commissions, and the National Council on violations.

Article 66.6 of the Law “On Elections of the People’s Deputies of Ukraine” provides that control of adherence to the provisions of this law with regard to participation of mass media and information agencies in provision of information support for the election and election campaigns shall be exercised by the NTRC (for electronic - audiovisual - mass media) and the central executive body responsible for implementation of the state policy in the information and publishing spheres (for printed mass media and information agencies). For the purposes of such control, the monitoring data may be used that were submitted by civil society organizations whose statutes provide for the issues related to the election process and election observation and that are duly registered. In the event when, on the basis of such control, violations are discovered, the NTRC and the central executive body responsible for implementation of the state policy in the information and publishing spheres shall notify the CEC or the respective district election commission thereon.

Article 255 of the Code of Ukraine on Administrative Offenses stipulates that the authorized officers of the NTRC, its representatives in the Autonomous Republic of Crimea, Kyiv and Sevastopol, shall draw up reports on administrative offenses (Article 212-9 in the aspect of violations in campaigning procedure, in campaigning during the preparation and conduct of a referendum, in the manner of participation in the information support of elections using electronic media). Today, this right cannot be exercised by the NTRC and its members, given the lack of legally established clear procedures for recording violations in election campaigning, campaigning during the preparation and conduct of a referendum with the use of the media. The current legislation on elections, namely the Law of Ukraine “On Parliamentary Election in Ukraine”, does not seem to provide enough authority to the NTRC to respond to complaints concerning acts or omissions of the media, their owners, officers and employees creative workers.

Article 70 of the Law of Ukraine “On Television and Radio” empowers the NTRC to monitor the observance and enforcement of electoral legislation by broadcasters and providers of software services. In accordance with Part 1 of Article 71 of the Law of Ukraine “On Parliamentary Election in Ukraine”, the election campaign in the mass media of all forms of property shall be conducted in compliance with the principle of equal opportunities and in the manner prescribed by this Law. The media shall objectively report the progress of the preparation and conduct of elections. Representatives of the media shall be guaranteed free access to all public activities related to elections and to the meetings of election commissions and polling station on the election day, subject to the conditions set out in part 3 of Article 34 of this law. Election commissions, executive agencies, officials and employees of these agencies shall provide them within their powers with information on the preparation and conduct of elections of deputies (part 4 of Article 13).

The most important aspect of any media regulations during elections is to find the right balance between respect for editorial independence and the need for certain rules to guarantee fairness by the media. During elections, it is important that the body which is in charge of overseeing the media coverage of elections is independent and trusted. This body should have experience, sufficient resources, knowledge, know-how, and mandate to oversee that rules are respected. It should act promptly upon contestants' complaints or whenever it records a violation (regardless of whether it received a complaint) and properly investigate alleged violations. Consequently, it should impose effective remedies when violations take place. The Venice Commission's Code of Good Practice in Electoral Matters in its chapter 3.6 (an effective system of appeal) states the following¹¹:

It is imperative that appeal proceedings be as brief as possible. Two pitfalls must be avoided: first, that appeal proceedings retard the electoral process, and second, that, due to their lack of suspensive effect, decisions on appeals – other than those concerning the voting in the elections and the results – are taken after the elections have been held. Finally, decisions on the results of elections must also not take too long, especially where the political climate is tense. This means both that the time limits for appeals must be very short and that the appeal body must make its ruling as quickly as possible. Time limits must, however, be long enough to make an appeal possible and for the commission to give its ruling. A time limit of three to five days (both for lodging appeals and making rulings) seems reasonable.

It should be clear which body deals with complaints from candidates and political parties about unfair or unlawful coverage. As stated above, these procedures should be timely, clear, and accessible to give the complainants a prompt and effective remedy. It is important that the sanctions imposed by the regulator are commensurate with the gravity of the offence committed by the media outlet.

Publicly funded broadcast media

The public broadcast media have obligations to serve all the people, as they are funded by all taxpayers' money. They have to provide access to all political contestants to their broadcasts and strive to offer impartial and fair coverage of all political players participating in the elections.¹² Article 4 of the Law further provides that the main objectives of the National Public Television and

¹¹ See also the <http://www.venice.coe.int/docs/2002/CDL-AD%282002%29023-e.pdf>

¹² The Law On Public Television and Radio Broadcasting of Ukraine stipulates that NPTRCU shall be based upon the following principles:

- 1) providing comprehensive, unbiased and balanced coverage of important public events inside and outside Ukraine ;
- 2) abiding by social norms, traditions and culture of the Ukrainian people; spreading family values and strengthening the role of a traditional family in development of the Ukrainian society;
- 3) setting priority of public interest over commercial or political interests;
- 4) ensuring clear separation of facts from comments and judgments;
- 5) ensuring free expression of views, opinions, and beliefs;
- 6) ensuring managerial and operational independence from government agencies, local governments, their officials and officers, political parties, businesses, institutions, organizations, and individuals;
- 7) fostering public participation in management and programming decisions;
- 8) prohibiting any discrimination on any grounds;
- 9) ensuring transparency and openness in its operations.

Radio Company of Ukraine (hereinafter NPTRCU) shall include the following: 1) providing information about major public events in Ukraine and abroad in an unbiased, complete, prompt, and impartial manner.

“Media bias, particularly with regard to state-controlled media, in favor of incumbents” as one of the challenges to OSCE election commitments.¹³ The *state-controlled media* are in danger of being abused by the governments for overt promotion of its political agendas. The State-owned media must not be used as a communication or propaganda organ for one political party or as an advocate for the Government to the exclusion of all other parties and groups. They have a responsibility to report on all aspects of national life and to provide access to a diversity of viewpoints.

While there is universal recognition that incumbency has certain advantages, the incumbent representatives of administration should not misuse state resources, material or human, to promote their political parties or candidates. Officials should not assume that they are owners of information. A specific position of the officials and administrative bodies forms a legal basis of the effort to guarantee and distribute pluralism in the media and ensure implementation of the freedom of speech, right to be informed and prevention of censorship. The media should be consistent in separating the activities of the incumbent representatives of administration from the activities they pursue as the representatives of political parties running in the election. No privileged treatment should be given to public authorities by the media during election campaigns.

From a communication perspective, having an institutional role implies a larger degree of attention from the media because of their need and duty to cover the activities of the government, which may include official events, meetings and policies implemented. Events can be genuine and relevant (such as national celebrations or anniversaries), genuine but marginal (such as opening of public buildings) and pseudo-events (occasions created or managed by the government with the aim of getting better or wider media coverage). Also, the government is the main policy maker, coverage of which is necessary to keep the public informed. Therefore it can happen that the adoption of a particular policy can be instrumentally used to obtain media attention and coverage.

Also, and this is a trend that can be often observed in transitional democracies, members of the government can try to disguise election campaign activities or propaganda within the framework of their institutional activities or public information campaigns. During an election campaign, it is not rare to observe prime ministers inaugurating buildings, giving speeches to students, organising international meetings or launching a new programme against drug addiction to obtain additional coverage by the media. The distinction between these two kinds of activities is not always simple to trace, even for the independent media. “The root of the problem of 'incumbent's advantage' is that there is usually no clear and natural distinction between the actions which a president, government minister or legislator takes in the natural course of carrying out his or her official duties and the action he takes in order to be re-elected.”¹⁴ All these strategies of pressure can be ascribed within the category of abuse of public media, thus constituting a clear violation of the principle preventing any misuse of public resources on behalf of election contestants.

¹³ OSCE/ODIHR, *Guidelines on media analysis during election observation missions*, Warsaw 2005.

¹⁴ M. Pinto-Duschinsky, *Mass Media and Elections*,
http://democracy.ru/english/library/international/eng_1999-5.html

The ability of the media to resist this influence largely depends on their strength and autonomy. In contexts where the media system is not strong enough to counterbalance the influence of political powers, measures to protect journalists' autonomy may be needed to limit or prevent the government's advantage. Strict rules for government coverage on broadcast media can include measures such as banning ceremonies attended by the government, a right of reply by opposition parties on news of public interest,¹⁵ setting proportions of coverage among government, majority and opposition parties within news coverage and informative programmes.

Strict regulation should be carefully adopted as "the intention of right rules about amounts of coverage on television news may be subverted. If a television producer is prejudiced against one party, he/she may report boring parts of speeches of politicians of that party while presenting a more interesting and appealing set of news clips about his/her favoured party. Equal time on news programmes does not guarantee equally favourable treatment."¹⁶

The *privately owned broadcast media* also have obligations in the elections. Terrestrial broadcasters, which are allocated a portion of the frequency spectrum, are thereby obliged to serve the public. In particular during the elections, private broadcasters should also comply with a number of obligations, in terms of the fair and impartial coverage of elections, especially in their informative programmes. Their responsibility to play fair in the elections also derives from the fact they are widely watched.

During elections, broadcast media are key instruments influencing and shaping political, social and cultural realities and they have to comply with ethical and professional standards of journalism. The nationwide broadcasters play a key role practically in all types of elections, as they serve as a primary source of information. Regional or local media could also play an important role, both in parliamentary elections in the case of majoritarian election system or in local elections.

During elections, quantitative analysis involves recording, measuring and coding the time given to the coverage of relevant political parties and other entities, such as government and president. It also includes measuring the time given to items or topics related to the elections to determine whether the elections were presented in the media as an important political event. Qualitative analysis looks at the professionalism and accuracy of the media coverage of the elections, use of language, intentional manipulation etc.

Coverage of political contestants and other relevant entities

As for the coverage of political contestants and other relevant entities, the *unit of analysis* is the time that is devoted to each contestant or entity (counted in seconds). In addition to calculating how much time relevant entities receive in the media, it is important to understand how the time is used. Equal time does not automatically mean equal coverage. The tone of the coverage and how the actor or entity is portrayed is important information complementing the data on time allocation. The *sequence of time* related with *relevant political actor* is coded according to the following variables: the total *direct-indirect time*, and the *tone of the coverage* (positive, neutral, negative. Within a programme, which is the unit of context, there are numerous units of analysis related to various

¹⁵ Ibid.

¹⁶ Ibid.

political actors or entities. The units of analyses are recorded and coded separately with selected variables.

Specific variables used in the monitoring of coverage of political actors and relevant entities

Name (of subjects & relevant entities): Depending on the type of elections and scale of monitoring, we include surname and given name of any relevant person (contestant in elections, government ministers, president, or a member of the Parliament), or a person who is identified as someone who belongs to a political party, government or other relevant entity of the political or election-related nature. The name is indicated whenever a particular relevant person is presented.

Affiliation (subject & entities): The unit of analysis is determined by the presence of a relevant entity or subject in the media broadcast. In the elections, the political contestants (parties, candidates) participating in the elections are the most obvious relevant entities. The list of relevant entities also include other entities, like parties which are not running in the elections but play a significant role in the political environment, government, president (as institutional position) or other relevant subjects.

The list of entities should be defined prior to the launch of the monitoring activity. Relevant entities are only such entities that could be clearly identified as particular political entities or groupings. Sometimes certain political terms (for instance *opposition* or *authorities*), which are commonly used in the political communication, are being frequently used in the media. However, their inclusion into the list of relevant entities should happen when these terms are not being used vaguely, but they represent concrete political forces recognized as such in the society.

Direct/Indirect time: The relevant amount of the time is measured and given to an actor as *Direct* if an actor speaks directly to the camera and microphone (direct speech) and we can hear his/her voice. In all other cases of coverage of a relevant actor, the relevant portion of time is coded as *Indirect*. The actor could be presented *indirectly* by a media representative or any other person. In the cases when a political actor is shown, featured in the text, on the picture, etc., the time is assigned as indirect.

If the relevant political actor A is referring to another relevant political actor C, the time in which actor A is talking is measured and assigned to him as direct, while the time given to presentation of actor C is also captured and assigned to C as indirect.

Time: Amount of time given to a particular person or political entity. It is measured in seconds, using as precise a measuring system as possible to achieve the most accurate results. If the relevant actor or entity is just mentioned, this should be included and the actor or entity should be recorded in the data sheet and allocated one second.

Tone: While the assessment of tone of the coverage of political actor appears more subjective in comparison with measuring how much time the actor was allocated, the training of the media monitors and clear definition of the system of assessment of the tone eliminates potential subjectivism. In general, the tone of the coverage is coded as positive, negative or neutral, using the grading scale from 1 to 5.

Gender: When a particular person is presented he or she is assigned a gender code, male or female. If gender is non-existent, it is assigned code as unidentified.

Total item time: Amount of time given to a news item – it is measured when we focus on topics or we want to determine the actual share of election-related information of the whole item

Selection of broadcasts, relevant actors and entities

For *parliamentary elections*, the political parties running in the elections, the candidates but also the government are the main *relevant entities* the media coverage of which is being monitored. Other bodies such as president (or electoral management body) are also included in the list of relevant entities. For *local elections*, the selected actors should include political contestants participating in the elections especially locally, and local governments or parliaments.

In *presidential election*, the monitoring project focuses on coverage of presidential candidates. If the incumbent president is running as a candidate, it is important to capture his/her coverage as both incumbent official and candidate. It still may be useful to capture coverage of other relevant political subjects because of their direct or indirect participation in the contest.

In the case of *referenda*, the media coverage is concerned about issues such as the questions posed in the referendum and the threshold for turnout. Despite the number of questions posed in the referendum, the main concern is about the proportion of coverage of both positive and negative positions towards the question. These two positions are key. Other positions, such calling for a boycott of the referendum should also be included in media monitoring as relevant.

While it is of course possible to monitor the entire 24-hour period of media broadcasts, for the purpose of analysing the election coverage of the media, it is usually enough to focus on selected segments of the broadcasts. The efforts should primarily include all the programmes aired during prime time, the time when the largest audience usually view or listen to the broadcasts (for instance eight hours of evening broadcasts from 17.00 until 01.00). Of course, important political programmes or special election programmes could also be recorded and analysed if aired outside of the generally perceived time when the highest number of viewers has access to the broadcasts.¹⁷

Example of how to monitor a news story

Background of the story: It is the last few days of the campaign for parliamentary elections. Political party NOVA, a domestic political party running in the elections, is holding a campaign rally in Kyiv, which is attended by the leader of the political party NOVA, Mr Olegov, as well as by the chairman of the popular political party KDH from the neighbouring country, Mr Borisov. KDH party is not registered in the country where the elections are taking place, and the KDH leader came as guest of NOVA to pledge his support to NOVA party in the upcoming elections.

¹⁷

Media Monitoring Indicators – described by Richard Carver (Oxford Brookes University/Oxford Media Research) and Marek Mracka (MEMO 98) in *Monitoring Moldovan Broadcasters: Methods and Techniques*

Presenter: *Party NOVA has finished its campaign activities today. Mr Olegov the NOVA party chairman attended the final rally in the capital. Mr Borisov, chairman of the political party KDH also participated in the event.*

Image and voice of Mr Olegov: *Dear supporters, I am confident of the absolute victory in these elections.*

Image and voice of Mr Borisov: *I came here as a friend of this country and I came to tell you just one thing. I have known Mr Olegov for years and I know he always says the truth, and if he says he will win, he will for sure win.*

In any story, the media monitors have to capture all appearances of the relevant actors or entities. In this story, the relevant actor is Mr Olegov and the relevant entity is party NOVA. Party KDH is not registered in the country where election is taking place, and neither KDH party, nor Mr Borisov representing this party is included in the list of relevant actors and entities.

The presenter's first sentence (*Party NOVA has finished its campaign activities today.*) lasting 5 seconds is featuring NOVA party. The time during which the presenter is pronouncing this sentence will be measured and attributed to NOVA party. The presenter's second sentence (*Mr Olegov the NOVA party chairman attended the final rally in the capital.*) lasting 6 seconds is featuring relevant actor Mr Olegov representing NOVA party. The time during which the presenter is pronouncing this sentence will be measured and attributed to NOVA party and Mr Olegov. He is presented in an indirect way. The tone of the coverage is neutral; the gender is indicated as Male. The presenter's third sentence (*Mr Borisov, chairman of the political party KDH also participated in the event.*) lasting 7 seconds is featuring Mr Borisov representing KDH party. The time of the sentence is not measured as Mr Borisov and KDH are not relevant actors/entities. The sentence of Mr Olegov lasting 8 seconds (*Dear supporters, I am confident of the absolute victory in these elections.*) is measured and attributed to Mr Olegov.

From the two sentences pronounced by Mr Borisov, this first one (*I came here as a friend of this country and I came to tell you just one thing.*) is omitted as Mr Borisov, not a relevant actor, is talking about himself only. The second sentence (*I have known Mr Olegov for years and I know he always says the truth, and if he says he will win, he will for sure win.*) lasting 12 seconds is measured, and as Mr Borisov is talking about relevant actor Mr Olegov, the information is entered into the data sheet as follows:

This whole news story is thus entered into the data sheet in the following way:

Channel:	Date:	Program:	Start of Program:	Name of Monitor:
First national	1.8.2015	News	20.00	Sasha
Person	Affiliation	Total time	Direct	Tone
	Nova	5s	Indirect	Neutral
M.Olegov	Nova	6s	Indirect	Neutral
M. Olegov	Nova	8s	Direct	Positive
M. Olegov	Nova	12s	Indirect	Positive

News programmes

News programmes primarily provide information. They should reflect a variety of news, which are relevant, fresh, accurate, balanced and factual and in principle they should refrain from stating opinions.

In accordance with the legislation, the news programmes of the broadcast media should in their news encourage and facilitate pluralistic expression of opinions, and provide accurate, balanced and impartial coverage of election campaigns. The media should refrain from preferential treatments towards electoral contestants regardless of the positions they hold.

Quantitative assessment

The key questions to be answered when monitoring the news programmes include:

- Was there any bias in quantity of time allocated to actors and entities?
- Were political actors given a fair amount of time, reflecting the scope of activities? Is there much more coverage of one party than another? Can this be justified by news values?
- Was there any bias in quality?
- Does the tone of coverage favour one party over another?
- Was there any gender bias?

The time given to political actors is only a basic indicator of fairness of the media coverage given to political figures. The direct speech segments of actors' speeches are more attractive for the viewers or listeners and also they give political actors more "direct" access to media to convey their messages, in contrast with reproduced segments of broadcasts presenting actors indirectly. However, it is editors or journalist who select segments of the direct speech that appear in the news

programmes, not the political actors. The time given to actors cross-tabulated with the tone of the coverage and with the direct speech provide by far more accurate picture of the approach the media have taken in their coverage of relevant actors.

To establish whether there was media bias towards candidates from the gender issue perspective, information indicating how much time each gender received in the media must be cross-checked with the number of registered male and female candidates. However, relevant information could be gathered by cross-tabulating the gender, time, the tone of the coverage and the direct speech variables.

It is obvious that balance between competing parties or candidates may not be reflected in a single news bulletin (This may be the case, for example, if one party is launching its manifesto or holding a major campaign event). However, the expectation would be that over a longer period of time there should be a balance of coverage that provides a fair reflection of all parties and candidates. This is why it is recommended to conduct the monitoring of political diversity in the media reporting for a minimum period of two weeks before identifying any tendencies & trends and before drawing any conclusions. As the election day grows closer, it will be more important to ensure that there is balance within a shorter period of time, since there will be less time available for candidates to respond to their political opponents.

Qualitative assessment

Quantitative analysis cannot address all the relevant issues of election coverage. The following is a selection of the most important issues that need to be monitored and evaluated qualitatively:¹⁸

Is there any relevant information missing? (Media often avoid the problem of how to cover politically sensitive stories by simply not covering them at all. It is also important to look at how or whether gender issues are covered.)

Choice of issues (Does the selection of news items favour the agenda of one party or another, even if there is no explicit bias?)

Similar style of coverage (Are campaign events of different candidates reported in similar ways /for example, do they all receive actuality footage or direct quotation) or do only some of them?

The incumbent factor (Are the activities of incumbent officeholders who are also candidates properly reported – or are the two roles confused to the incumbents' advantage?)

Positioning items (Are items about the opposition placed alongside other unfavourable stories /eg foreign accounts of political violence/ to create an unfavourable impression?)

Priority (Are some candidates always reported ahead of others in the running order of bulletins?)

¹⁸

These questions are drawn from the Oxford Media Research by Richard Carver, *Guidelines for media monitoring in the Moldovan elections*, 2005.

Inflammatory language (Are inflammatory language or actual incidents of violence reported in an accurate, sober and balanced manner, with all sides quoted? Or is media reporting itself inflammatory and unbalanced, with the danger that it could lead to further violence?)

Manipulative use of film, picture and sound (camera angles, distance of the camera from the candidates, light, quality of the sound, use of footage which does not correspond with the content of the story or which provide negative or positive tone to the story)

Advantage of the incumbent (Are incumbent officials, if running in the elections, campaigning within their official functions? Is government involved in media campaign linked in some way with elections?)

Are opinion polls reported with the details?

- *Who conducted the poll?* (Are they reputable and independent? If the organization that carried out the poll is not independent of all political parties, then its findings may be biased. It is important to know who commissioned the poll – was it a political party, a media organization or some other body?)
- *How many people were interviewed?* (The size of the sample is obviously important. If it is too small then the result is less likely to be accurate. But if the sample is well selected, a relatively small number may still yield important results.)
- *How were they chosen?* (A reputable pollster will publish the sampling method. It should go without saying, but who you choose is going to determine the result. If the poll is conducted by telephone it only reflects the views of telephone users. If it is conducted on a street corner in Chisinau, it will only reflect the views of that city's residents. A proper sample will reflect the variety of geographical or population groups in the country.)
- *Are the published results based upon the answers of all those interviewed?* (An easy way of fiddling poll results is to leave out the answers that you do not like. That is unprofessional, for both a pollster and a journalist.)
- *When was the poll conducted?* (People's views change, especially during an election campaign. A poll that is a month old may not be a reliable guide to how people will vote tomorrow.)
- *What is the sampling error?* (This means simply, how far out are the poll results likely to be? No poll can predict the result with total accuracy, but a professional one should get within a few percentage points.)
- *What questions were asked – and how were they worded? In what order were they asked?* (The article or broadcast should reflect exactly what the questions were, to avoid the danger of "interpreting" the results in the most politically convenient way.¹⁹

Direct Access programmes - free and paid

¹⁹ Media Monitoring Indicators – described by Richard Carver (Oxford Brookes University/Oxford Media Research) and Marek Mracka (MEMO 98) in *Monitoring Moldovan Broadcasters: Methods and Techniques*

It is a practice in many countries for the public service broadcast media to offer, at no cost, free airtime for political candidates or parties to communicate their messages to the electorate. It is considered to be a direct form of communication between politicians and voters, without any intermediary role by the media. One of the main advantages of giving free airtime is to allow smaller parties or minor candidates to have an opportunity to deliver their electoral messages, as they otherwise do not get a significant coverage by the media. Contrary to the paid time, which is sometimes not affordable by small parties or minor candidates, the lack of finances should not be an obstacle to access the airways. In addition, free airtime can, to a certain extent, substitute for a lack of balanced coverage by certain media.

The division of free airtime and space as well as decision which parties should qualify for free slots and in what amounts varies from one country to another. In many developed democracies, the division is based on the past performance of a political party or the number of seats it holds in parliament (proportional access). In many transitional democracies, there is a common approach to divide airtime equally among all contesting parties (especially for the first elections). While there are several ways to allocate the free airtime, it should always be granted in a fair and non-discriminatory manner applying transparent and fair criteria. To determine the allocation of specific time and dates of free campaign broadcasts, a transparent and fair practice is to draw a lottery. An independent body at participation of all the parties should conduct the allocation of free airtime and space. The campaign free spots should be aired when they reach the largest audience (prime time).

Public media

Parties and candidates shall be provided with direct access in the public media free of charge. No registered parties and candidates shall be excluded from receiving free airtime. The amount of time allotted has to be enough to allow candidates to effectively communicate and illustrate their platforms to the public. The allocation of time can be on an equal basis or on a proportional basis according to the specific context in which the elections are taking place. When the number of contesting parties is limited, strict equality may be applicable. For presidential elections, referenda and for first democratic elections, the criteria of strict equality better fits the need to provide all contestants with a level playing field.

When the number of contesting parties and candidates is high, a proportional formula may be adopted. The criteria to define proportions can be based on a number of criteria: votes obtained by parties in the same kind of past elections, the number of seats in parliament, a threshold based on the number of candidacies filed in a minimum of constituencies. Direct access should be broadcast/published when it is likely to reach the widest audience. In addition, direct access has to be disseminated on a non-discriminatory basis; therefore it is not acceptable to broadcast the direct access of some candidates only late at night or early in the morning while other candidates' slots are broadcast during prime time period. Whatever system is adopted, the criteria on which the time is allotted to the different contestants shall be clearly specified, transparent and justifiable. Formula shall be objective, clear and not subject to misinterpretation. An independent body should adopt and implement it in consultation and agreement with all political forces and media representatives.

The process for the allocation of free airtime needs to be fair and transparent too. The order of appearance should guarantee non-discrimination against any of the parties; the main devices to achieve this aim are the setting of a lottery to establish the order of broadcasting or the rotation of the parties according to a defined schedule. The monitoring of free airtime allocation should provide for an effective and promptly remedy in case of any violations.

Paid political advertisement

In addition to allocation of free time and space, paid political advertisement constitutes another opportunity for all political parties or candidates to disseminate their messages through the media. While voters undoubtedly need as much information about contestants as possible to make an intelligent choice, paid advertising may give an unfair advantage to those parties or candidates who could afford to purchase more amounts of airtime. Therefore, not all the participating States accept this practice. If paid advertising is allowed, it should be done under equal conditions for all contestants in terms of their access and rates charged by a media outlet. In addition, the paid messages should also be clearly designated as such and should not be aired along with other commercials.

The attempt to define the notion of political advertising needs to deal with two issues:

1. Direct access airtime/space: direct access time/space is considered to be a direct form of communication between politicians and voters, without any intermediary role by the media. Direct access time can be free-of-charge or paid for. The legal status of the two is different and pre-election campaigning regulations should be designed to be as clear and simple as possible on the distinction.
2. Political advertising and commercial advertising: do the provisions on commercial advertising provisions apply to election and political marketing? In some countries political advertising is subject to the general legal provisions on advertising including restrictions on the quantity of spots that can be aired per hour or limitations on the number of campaign spots in relation with non-political spots. In others it is subject to a separate regulatory regime (e.g. UK) even though in most cases a mix of the two regulatory systems applies.

With regards to paid advertisement a number of guidelines can be identified:

1. Non-discrimination requirement. The media should be required to provide paid campaign messages on a non-discriminatory basis. They should provide equal opportunities to parties and candidates; in other words, if they decide to sell time/space to one party/candidate then they must give the opportunity to others to purchase airtime at similar terms and under the same conditions. Consistent and equivalent rates should be offered to all contestants. Paid airtime/space should be available at the lowest rate normally charged to commercial advertisers.

United States

The Federal Communication Act of 1934 as amended provides that broadcasters have to offer equal time to all candidates for federal office. This must be available at the lowest rate charged to non-political advertisers. Equal opportunity implies that broadcasters making available time for

purchase to one candidate must give the opportunity to others. These two key principles (non discrimination and lower rate rule) have been adopted by a number of other national legislations. These are crucial principles, which ensure that political advertising does not entirely become the preserve of those with the biggest campaign funds.

2. Campaign spending ceilings/Monitoring campaign expenses. Limits to the quantity of paid advertising parties are entitled to purchase may be imposed to avoid that none of the parties is able to purchase its full allocation. Limits can be also set to the amount of airtime media are allowed to broadcast daily. Another way to regulate paid political advertising is to impose campaign spending ceilings (i.e. limits may be established on the amount of resources a list can spend for political advertising in the media in relation with its total campaign expenditure). In order to effectively monitor campaign spending, accounting of the advertising expenditures made during the election period by parties and candidates should be clearly identified in the financial reports to the relevant authority. Many countries have introduced limits to paid ads as a standard guarantee of the principle of equal opportunities. This is a position in contrast with US jurisprudence that considers any kind of limits to political advertisement as unconstitutional, being a violation of the First Amendment: in the landmark case *Buckley v. Valeo* the Supreme Court held that limits to campaign expenses by candidates “*heavily burden core First Amendment expressions*” and “*The First Amendment denies government the power to determine that spending to promote one’s political views is wasteful, excessive or unwise*”⁶⁶. Even though controversial, this decision determined the structure and the framework (or lack of it) for political campaigning in the media in the US.

At European level, the Council of Europe has taken a more flexible position: “*When paid political advertising is allowed, all contestants should have the possibility to purchase airtime, on equal conditions with respect to their position in the schedule and the rates of payment. Provisions limiting the amount of political advertising candidates and parties are allowed to purchase can be introduced in the regulatory framework*”

Quantitative assessment

The time given to contestants is the key variable when monitoring free-of-charge campaign spots, and addresses of candidates. In these spots, candidates are expected to be getting the same or comparable amounts of time and the programs with various candidates have to be broadcast at a similar time of day (depending on the system according to which the free airtime is distributed).

Qualitative assessment

To decide on the content of these messages should be at the discretion of the contestants. If a particular candidate communicates a message that is not in line with the legal boundaries, the legal liability should be on the shoulders of a contestant, not on the media.

Broadcasters should not pre-screen the spots and cases of their interruptions, or indications regarding an attempt to censor them should be closely monitored.

Debates and Interviews

Qualitative assessment

Article 66.5. of the election law stipulates that “TV and radio organizations shall have a right to create and to broadcast live the programs inviting MP candidates, their proxies, parties participating in the election process, their authorized representatives in the form of election debates or discussions. Such programs shall be arranged in a series of programs with a similar format aimed at ensuring observation of the principle of equal conditions and equal access. A TV and radio organization that intends to broadcast such programs shall publish the respective proposal stating the program format, the period during which consent for participation in the program should be submitted, and the cost of participation in the respective program.

The format of the program (series of programs) includes: the procedure for selection of participants of the program involving two or more candidates or parties – upon the participant’s consent, by drawing lots, etc.: the duration of the program and the amount of air time given to each participant for speaking; the presence of other invitees in the studio during the program (experts, journalists, audience in the studio, and others), their role and the process for selection or identification; the rules of procedure and the rules of conduct for program participants; the topic for discussion or the procedure for its identification; the terms of presentation of other information during the program (results of public opinion surveys, interactive voting, statistic data, educational and reference information, concert performances, etc); other terms and conditions of the program production. The cost of participation in the program shall be the same for all participants of the election process and determined taking into consideration the amount of air time given to each program participant as well as the price of the air time unit determined as provided for in Part 6 Article 71 of this Law.” The amount of air time given to the program participants for participation in the discussion or for answers to the questions shall be determined using the same rules.

Discussion programmes, like interviews or debates, act as supplement to the normal news coverage of elections and are important because they enable the public to make direct comparisons between candidates. These types of programmes should also be organized in a fair manner. However, the decision on how such fairness should be achieved (for instance, deciding the format, the number of participants, the length etc.) should be left to the initiative of the broadcasting organization itself.²⁰

Televised debates provide the best forum for an exchange of views, although non-participation by one of the front-running candidates or parties always reduces their value to the electorate. An opportunity for the public debate of different viewpoints provides voters with a better understanding of the choices available to them on Election Day. During debates or talk shows, it is natural to hear partisan statements, personal opinions and viewpoints – or criticism of the public policy. As a supplement to news, these programs offer commentary, debate, or an opportunity for competing interests to present their opinions directly to viewers and listeners.

While talk shows are an exciting opportunity for the expression of diverse ideas, if left totally without some balanced views, they can mislead, misrepresent and misinform many viewers. Although it could be dangerous to assign government the power to adjudicate “fairness” in the marketplace of ideas, it is even more dangerous if a talk show host or moderator does not allow for diversity of views.

The following issues should be taken into consideration when planning a televised debate between candidates: (1) ground rules for format including time limits, number of representatives per party, procedures for determining order of presentations, use of notes or props, language and translation issues; (2) audience issues -- size, number of tickets per party; (3) broadcast issues; (4) source of questions (moderator, panellists, audience) and topics or issues to be covered; (5) room arrangement; (6) ground rules for audience behaviour; (7) procedures if candidates fail to appear; (8) availability of participants for media interviews after the debate; (9) availability of tapes and transcripts to citizen groups and the media; (10) questions and concerns from participants, media, citizens;

The rules of the debate are as follows:

- ☐ Time restrictions will be strictly observed and imposed on both questioners and candidates.
- ☐ When the time-keeper yells "time," the speaker **must** stop speaking. For this reason, it is imperative that all speakers be succinct and to the point.
- ☐ Audience should hold their applause until the end of the programme.
- ☐ Immediately after the explanation of rules, each party will be allotted 2 minutes to present their manifesto. The order in which the parties will speak will be determined by the drawing of straws before the debate.

The most important aspect is to find the right balance between respect for editorial independence and the need for certain rules when organizing debates. While publicly-funded broadcasters usually need to follow more strictly the equality provisions (providing an opportunity to participate in the debates for all contestants), private broadcasters should be editorially free to determine the format of a debate.

From a media monitoring perspective, it is sufficient to monitor these programs qualitatively, following closely the above-mentioned criteria.

MONITORING PROPAGANDA



Chart 10. Monitors analysing content of the Russian channels.

Given the legal obligation by the NTRC to stop broadcasting in the territory of Ukraine, including by telecommunication services operators, of foreign TV channels whose activities violate the rule prohibiting foreign nationals, stateless persons to campaign through journalistic activity or whose activities include calls for abolition of Ukraine's independence and constitutional order by force, violation of the sovereignty and territorial integrity of Ukraine, undermining its security, illegal seizure of state power, propaganda of war, violence, and incitement of ethnic, racial, national or religious hatred, attacks on human rights and freedoms, health, this chapter will focus on how to monitor these aspects of the coverage. It will draw upon a recent monitoring conducted by MEMO 98 and six other organizations (in March 2015) that jointly monitored eight Russian TV channels to evaluate their coverage of various international and local topics.²¹

Quantitative analysis

Quantitative analysis focused on the amount of time allocated to selected political and other local and international subjects and the tone of the coverage in which these subjects were portrayed – positive, neutral and negative. The monitoring also focused on thematic and geographical structure

²¹ For more information on this monitoring, pls see also the final report available at:
<http://www.memo98.sk/index.php?base=data/zahr/rus/1431945359.txt>

of the news, evaluating the thematic and geographical diversity by measuring the actual time devoted to different topics and focusing on the geographical area from where the news is broadcast. In addition, the monitoring focused on what were the top stories in the monitoring period. Below is a concrete example of what subjects, topics, and top stories were included into the monitoring. In addition, the monitoring team focused on the geographical area of coverage.

List of monitored subjects

President
President Administration
Prime minister
Government
Governor
Local Government
Federal Council
United Russia
Communist Party
Liberal-Democratic Party
A Just Russia Party
Patriots of Russia
Rodina Party
Jabloko
Civic Platform
Party of Progress
Republican Party of Russia – People's Freedom Party
Other parties
Opposition
CIS (without Moldova and Ukraine)
Georgia and Moldova
USA
European Union
Other separatist territories and breakaway states in the
(Transnistria, South Ossetia,
Abkhazia, Nagorno-Karabakh)
OSCE
United Nations
Red cross
International community in Russia

List of monitored topics

Agriculture
Army/military
Business, economy
Culture
Catastrophes, incidents, accidents
Charity
Crime

Pro-government civil society
Civil society
People with disabilities
Education
Environment
Foreign affairs - Ukraine political
Foreign affairs - Ukraine non-political
Foreign affairs - conflict in Ukraine
Foreign affairs - political (other world)
Foreign affairs - non-political
Health care
Judiciary
Media
Minorities
National (ethnic) minorities
Religious minorities
Sexual minorities
Politics
Religion (Russian orthodox church)
Social issues
Sport
Others

Top stories

Crimea
Battles in Donetsk
Battles in Luhansk
Separatists
Separatists' republics
MH-17
Humanitarian aid
Russian soldiers
Western soldiers
Economic sanctions
Oil prices
Russian economy
Eurasian Union
EU
USA
NATO
Minsk peace agreements
Weapons for Ukraine
Peace negotiations/talks
International relations
Victims of the battles
Refugees

Russian nationalism/imperialism/patriotism
Western plot against Russia
Chaos in Ukraine
Fascistic and Bandera-related rhetoric
Anti-Semitism rhetoric
Anti-western rhetoric
Homophobic rhetoric
Nostalgia for Soviet Union
Legitimacy of Ukrainian authorities
World War II
Maidan
Russian gas supplies to Ukraine
Russia's relations with separatists republics
Nemtsov's murder

Geographical area of coverage

Russia
Ukraine
Armenia
Azerbaijan
Belarus
Georgia
Moldova
Kazakhstan
China
USA
Great Britain
Germany
France
Poland
Each country (by ISO 3166-1)
European Union
Europe (in general)
Africa (in general)
America (in general)
Asia (in general)
Australia (in general)
Middle East (in general)
Russia-Ukraine mixed
Russia-USA mixed
Russia-EU
EU-USA mixed
Other combinations mixed

Qualitative analysis

Qualitative analysis evaluated the performance of selected media outlets against ethical and professional standards, such as balance, accuracy, timely, choice of issues, omission of information, advantage of incumbency, positioning of items, inflammatory language that cannot be easily quantified. These data were reported separately and integrated in the comments and conclusions of the final report. In addition, a team of six senior media experts representing each EaP country was deployed to do a qualitative analysis of the monitored news and current affairs programs as well as to evaluate the potential impact of the Russian media in the respective EaP countries.²²

HATE SPEECH AND DEFAMATION

There are several provisions in Ukrainian law that establish limits to the right to freedom of expression (including the rights of broadcasters).

These provisions are included in several international documents and have also been addressed in considerable jurisprudence in the European Court of Human Rights. As such, there is no simple procedure for developing indicators whereby media monitors can reliably code a broadcast for breaching these standards. In particular, it is important to note that there may be different liability for the individual who makes statements that incite hatred or harm the honour or dignity of another person and for the broadcaster that transmits these statements.

We however need to make a clear distinction between a media outlet that would transmit racist comments, reflecting its own editorial position and an outlet that would transmit such comments made by others for the sake of reporting. It is also important to take into consideration whether such comments were reported in an inflammatory way, whether balancing views were also reported and other elements of context that would make it clear whether these views were being presented in a positive or negative light.²³

Moreover, when covering criticisms of individuals – even criticisms that might be argued to harm their honour or dignity – the important thing to consider is whether the broadcaster was acting as a responsible reporter or simply expressing its own opinion. The international standards provide that the media should not be held legally liable for accurately reporting the statements of others – even if those statements themselves are held to be unlawful.²⁴

Another aspect to take into consideration is the identity of the individual who is being criticized. The European Court of Human Rights has made it clear that the scope of defamation is far narrower when the individual, whose reputation may be affected, is a state official, or a politician more

²² The six experts were from: Internews Ukraine (Ukraine), Yerevan Press Club (Armenia), Independent Journalism Center (Moldova), “Yeni Nesil” Union of Journalists (Azerbaijan), Belarusian Association of Journalists (Belarus), and Georgian Charter for Journalistic Ethics (Georgia)

²³ In the *Jersild* case, the European Court of Human Rights found in favour of a Danish journalist who had interviewed members of a far-right group expressing racist views, because the purpose of his programme had been to document and expose the opinions of the group, not to promote them.

²⁴ This is the position advocated by the UN Special Rapporteur on the Right to Freedom of Expression and Opinion, and has been adopted by, among others, the Spanish Constitutional Court.

generally. The assumption is that the needs of political debate and accountability mean that vigorous expression of opinions should not be restricted.²⁵

When monitoring hate speech, we need to make sure that all monitors have a good understanding what constitutes hate speech so that they can identify broadcasts that might constitute “hate speech” or defamation, in order that the broadcast can be subject to further review.

CONCLUSION

This document intends to provide a set of monitoring methodologies to address common issues that may be addressed by the NTRC. It is however important to mention that the exact design of each media monitoring activity is dependent upon the research question that is to be answered. In the above-mentioned examples, we strived to provide some tools that would inter alia allow monitors to determine if there is balance and fairness in broadcasters’ coverage of election campaigns and if broadcasters exercise balance in their coverage of contentious political and other issues?

In addition, the basic monitoring method will allow measurement of time allocated to advertising, the proportion of local content, proportion of broadcasts in the national language, and other basic quantitative legal requirements.

²⁵ See, in particular, *Lingens v. Austria*, Judgment of 8 July 1986, Series A no. 103; *Castells v. Spain*, Judgment of 23 April 1992, Series A no. 236.

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ANNEX

TV monitoring form

The form for monitoring TV and Radio coverage consists of one page. Monitors enter their name, the name of the monitored channel, the name, type and date of the programme. The form also contains the total duration of monitored item, name/affiliation of the monitored subject, the direct or indirect coverage, the exact time of appearance – using a stop-watch or VCR/DVD timer to take an exact time of appearance, the evaluating mark for the subject, topic and the total time for the monitored topic. The form is designed in the same way as the monitoring database where all the data collected by the monitors are subsequently entered. This makes it easier for regular checks of the database.

Monitor_____Channel_____/Program (I)_____

Date_____

[illegible]

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