Committee of experts on

media pluralism and transparency

of media ownership (MSI-MED)

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

12 October 2017 **MSI-MED(2017)06**

MSI-MED 4th meeting
20-21 September 2017
(Strasbourg, Agora, RoomG06)

Meeting report

1. The meeting was opened by the Chair of the MSI-MED, Ms Helena Mandić. The members were welcomed by Ms Silvia Grundmann, Head of Media and Internet Division, who noted that the three deliverables, and especially the draft recommendation on media pluralism and transparency of media ownership, have undergone important amendments since the last Committee meeting. Ms Grundman congratulated the members for the work carried out hitherto and thanked them for their efforts and commitment during the two-year period. She encouraged the Committee to finalise the texts of the three deliverables during the final meeting, underlining that the CDMSI supported the approach taken in the Draft recommendation on media pluralism and transparency of media ownership and welcomed any additional references to the implications of the multimedia ecosystem on the diversity of content and other issues addressed in the draft text. Ms Grundmann also shared information about developments in the work of the Council of Europe relevant to the activities of the Committee and alerted the participants of the meeting to the report of the European Audiovisual Observatory on "Media coverage of elections: the legal framework in Europe".

2. The agenda (Appendix 1) was adopted without changes. The list of participants appears in Appendix 2. The gender distribution of the 23 participants was 9 women (39%) and 14 men (61%).

Conclusions and decisions

Procedure for the approval of texts by the MSI-MED

3. Having regard to the fact that only eight members of the committee out of thirteen participated in the meeting, one short of the quorum, the MSI-MED members approved the

texts in written procedure. It was decided in the meeting that the agreed changes would be inserted into the texts of the deliverables after the meeting and the texts would be circulated among the members via email. On 29 September 2017 the Secretariat sent the texts of the three deliverables to the members, observers and participants, with the request for comments to be submitted until 4 October 2017. The comments received on the Draft recommendation on media pluralism and transparency of media ownership were integrated into the text following the expression of views by the members (until 6 October 2017), and the text as approved by the MSI-MED was sent to the members on 9 October 2017. No comments were received on the texts of the two feasibility studies, hence they were considered approved and also sent to the members on 9 October 2017.

Texts as approved by the MSI-MED

4. With respect to the *draft Committee of Ministers recommendation on media pluralism and transparency of media ownership*, the MSI-MED discussed the revised version of the document (Appendix 3) as prepared by the Rapporteur T. McGonagle and the Secretariat in the light of the comments from the CDMSI expressed at its 12th meeting in June 2017 and following the external consultations carried out from 13 July to 25 August 2017. 12 sets of comments were received from the member states, the EBU and academics/independent experts, which were shared with the MSI-MED members. Submissions were reviewed by the Rapporteur and the Secretariat and most of them were incorporated in the draft, while others were discussed – and some incorporated in the text – in/after the meeting.

The experts' comments largely focused on the need to tighten definitions and rationales for specific guidelines, to clarify some details regarding media ownership and transparency and to generally provide strong commitments in respect of those issues. Some of the States' comments, however, indicated that obligations to legislate in certain areas (especially transparency of media ownership) were not desirable and that a larger margin of discretion was to be left to the States with regard to the practical implementation of the guidelines on media ownership and transparency of ownership. The MSI-MED members opted for strong commitments for the States to adopt relevant legislation "or other equally effective measures" to achieve the goals recommended in the text, considering that the agreed guidelines were an authentic expression of their expertise and professional opinions. This approach was supported by some of the States' representatives (Ireland, Poland, Moldova, and Russian Federation).

The members further reviewed the text paragraph by paragraph, and amendments were proposed and adopted accordingly. They agreed that the preamble should mention different roles of internet intermediaries in the multimedia ecosystem, notably their impact on the dissemination of media content, the implications of their roles for the diversity of available/consumed media content, the shift of (advertising) revenues from traditional media towards the intermediaries, and the need to ensure access, by relevant regulatory authorities or bodies, to personal data collected by the intermediaries as well as to the traffic data. As regards the chapter on media pluralism, the members approved the need for graduated and differentiated approach to recognising the variety of intermediaries' roles in the content production and dissemination, as well as for appropriate and proportionate mechanisms of their regulation. Furthermore, some additional safeguards were included in

the guidelines on support measures with a view of enhancing editorial independence of media outlets benefitting from any such measures. In the chapter on transparency of media ownership the members confirmed the importance of ensuring public access to data on media ownership, ideally in the form of free online databases. Moreover, recognising that the collection of media ownership information constitutes a challenge, the Committee included in the text an incentive to support the existing information gathering activities, notably the MAVISE database launched by the European Audiovisual Observatory.

Lastly, in written procedure the MSI-MED members confirmed some amendments made to the text based on the comments concerning protection of personal data provided by the Secretariat of the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data.

The draft recommendation as approved by the MSI-MED will be forwarded to the CDMSI for endorsement, before being submitted to the Committee of Ministers for adoption, presumably at the beginning of 2018.

5. The Committee further discussed the texts of the *draft Feasibility study on the use of internet in electoral campaigns* (Appendix 4) and the *draft Feasibility study on a standard-setting instrument on media coverage of elections with a specific focus on gender equality* (Appendix 5) with a few minor additions. Given the lack of quorum, also these texts were approved by way of written procedure. The feasibility studies will be submitted to the CDMSI for adoption at its 13th meeting in December 2017.

Any other business

6. The Chair thanked the members of the MSI-MED and the secretariat for their excellent work and successful cooperation over the past two years, and closed the final meeting.

APPENDIX I

AGENDA

1. Opening of the meeting

2. Adoption of the agenda

3. Information by the Secretariat

4. Finalisation of the third revised draft Recommendation of the Committee of Ministers to member States on media pluralism and transparency of media ownership

   [Doc MSI-MED(2016) 09 rev3]

5. Finalisation of the second revised draft feasibility study on the use of internet in electoral campaigns ***[Doc MSI-MED(2016)10 rev2]***

6. Finalisation of the second draft feasibility study on a standard-setting instrument on media coverage of elections with a specific focus on gender equality ***[Doc MSI-MED(2016)11 rev2]***

7. Any other business

APPENDIX II

LIST OF PARTICIPANTS

COMMITTEE MEMBERS

Ms Elda BROGI - Scientific Coordinator - Centre for Media Pluralism and Media Freedom - Robert Schuman Centre for Advanced Studies - European University Institute (apologised)

Mr Pierre François DOCQUIR - Senior Legal Officer - ARTICLE 19 (Vice-Chair and Rapporteur)

Ms Maria DONDE - International Policy Manager Ofcom (United Kingdom Communications Regulator)

Ms Natalie FERCHER - Expert on Media and Communication Law - Department of Media Law and Coordination Information Society - Federal Chancellery - Austria (apologised)

Mr Gudbrand GUTHUS - Director of Licensing and Supervision Department - Norwegian Media Authority – Norway

Mr Ivane MAKHARADZE, Head of Broadcasting Regulation Department, National Communications Commission – Georgia (apologised)

Ms Helena MANDIĆ - Director of Broadcasting - Communications Regulatory Agency - Bosnia and Herzegovina (Chair)

Mr Tarlach McGONAGLE - Senior Researcher and Lecturer, Institute for Information Law (IViR) - University of Amsterdam (Rapporteur)

Mr Nol REIJNDERS - Senior Adviser - Department for Media, Literature, Libraries - Ministry of Culture, Education and Science - The Netherlands

Ms Helena SOUSA - Professor of Communication Studies, Dean of the Social Sciences School - University of Minho – Portugal (apologised)

Mr Damian TAMBINI - Associate Professor - Director of the Media Policy Project - Programme Director: MSc Media & Communications (Governance) - London School of Economics (Rapporteur)

Mr Josef TRAPPEL - Professor for media policy and media economics - Head of the Department of Communication Research at the University of Salzburg

Ms Maja ZARIC - Media Advisor - Media Department - Ministry of Culture and Information - Republic of Serbia (Rapporteur) (apologised)

COUNCIL OF EUROPE MEMBER STATES

CZECH REPUBLIC - Jakub SVAB, Media and Audio-vision Department, Ministry of Culture

IRELAND - Mr Éanna O'CONGHAILE, Principal Officer, Mining & Exploration Division, Department of Communications, Energy and Natural Resources

REPUBLIC OF MOLDOVA - Mr Artur COZMA, Member of the Coordination Council of Audiovisual (CCA)

POLAND - *KRRiT Strategy Department* - Ms Halina ROSTEK, Deputy Director, Ms Maria BORKOWSKA, Expert

RUSSIAN FEDERATION - Prof. Alexander BORISOV, Dean of the Faculty of International Information, Moscow State institute of International Relations

TURKEY - Mr İrfan Dündar ERENTÜRK, Media Specialist, Radio & Television Supreme Council of Turkey (RTÜK) Ankara

OBSERVERS

EUROPEAN COMMISSION - Ms Suzanne VANDERZANDE, Assistant Policy Officer, Unit G.1 Converging Media & Content

EUROPEAN AUDIOVISUAL OBSERVATORY- Ms Maja CAPPELLO, Head of the Department for Legal Information

EPRA - European Platform of Regulatory Authorities - Ms Emmanuelle MACHET, EPRA Secretary

EBU – EUROPEAN BROADCASTING UNION - Mr Michael WAGNER, Head of Media Law and Communications, Legal Department

REPRESENTATIVES OF CIVIL SOCIETY, ACADEMIC COMMUNITIES AND THE PRIVATE SECTOR

COMMUNITY MEDIEN INSTITUT FÜR WEITERBILDUNG, FORSCHUNG UND BERATUNG (COMMIT) - Mr Helmut Peissl, President

NON-MEMBER STATES

MOROCCO

Ms Chanaz El AKRICHI, Head of Cooperation division, Ministry of Communication

Ms Meriem KHATOURI, Director for Media Studies and Development, Ministry of Communication

Mr El Mahdi AROUSSI IDRISSI, Director of Legal Affairs, High Authority for Audio-visual Communication (HACA), RABAT, MAROC

SECRETARIAT

Ms Silvia GRUNDMANN, Head of Media and Internet Division, Information Society Department (apologised)

Ms Urška UMEK, Secretary of MSI-MED Committee,

Ms Christina LAMPROU, Project Officer, Media and Internet Division, Information Society Department

Ms Elisabeth MAETZ, Assistant, Media and Internet Division Division, Information Society Department

INTERPRETERS

Ms Rebecca BOWEN, Ms Katia DI STEFANO, Mr Luke TILDEN

APPENDIX III

Committee of experts on Media Pluralism

and Transparency of Media Ownership (MSI-MED)

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

MSI-MED (2016)09rev4

Draft recommendation CM/Rec(2017x)xx of the Committee of Ministers to member states on media pluralism and transparency of media ownership

Fourth revised draft as of 9 October 2017

Preamble

1. Media freedom and pluralism are crucial corollaries of the right to freedom of expression, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, hereinafter "the Convention"). They are central to the functioning of a democratic society as they help to ensure the availability and accessibility of diverse information and views, on the basis of which individuals can form and express their opinions and exchange information and ideas.

2. The media play essential roles in democratic society, by widely disseminating information, ideas, analysis and opinions; acting as public watchdogs, and providing forums for public debate. In the evolving multi-media ecosystem, these roles continue to be fulfilled by traditional media, but are also increasingly performed by other media and non-media actors, from multinational corporations to non-governmental organisations and individuals. All such actors must be accountable to the public in a manner appropriate to the roles they fulfil in relation to the free circulation of information and ideas. Effective self-regulatory systems can enhance both public accountability and trust.

3. Pluralist democratic societies are made up of a wide range of identities, ideas and interests. It is imperative that this diversity be communicated through a range of independent and autonomous channels and outlets, thus creating an informed society, contributing to mutual understanding and fostering social cohesion.

4. Different types of media, along with different genres or forms of editorial content or programming contribute to diversity of content. Although content focusing on news and current affairs is of most direct relevance for fostering an informed society, other genres are also very important. Examples include cultural and educational content and entertainment, as well as content aimed at specific sections of society, such as local content.

5. In the present multi-media environment, online media and other internet platforms enable access to a growing range of information from diverse sources. This transformation in how media content is made available and used creates new opportunities for more and more people to interact and communicate with each other and to participate in public debate.

6. This technological, economic and social evolution also raises concerns for media pluralism. Access to various sources can be instrumental in enhancing diversity of media content and exposure to such diversity, however it does not of itself guarantee it. In this context, internet intermediaries have acquired increasing control over the flow, availability, findability and accessibility of information and other content online. This may affect the variety of media sources that individuals are exposed to and result in them selecting or being exposed to information which confirms their existing views and opinions and which is further reinforced by exchange with other like-minded individuals (phenomena sometimes referred to as "filter bubbles" and "echo chambers"). Such selective exposure and use of media content can generate fragmentation and result in a polarised society. While limited news resources and self-imposed restrictions on the choice of content are not new phenomena, the internet intermediaries' impact on the distribution process may amplify their inherent risks, which is particularly troubling if the individual users are not aware of these processes or do not understand them.

7. The activities of intermediaries differ from those of traditional media outlets in respect of the provision of news. However, the wide scope of information they distribute, their wide audience reach and their potential for highly targeted advertising have contributed to a shift of advertising and marketing revenues towards the internet. These trends challenge the traditional media business models and contribute to an increase in media consolidation and convergence. Single or a few media owners or groups acquire positions of considerable power where they can separately or jointly set the agenda of public debate and significantly influence or shape public opinion, reproducing the same content across all platforms on which they are present. These trends also lead to cost-cutting, job losses in traditional journalism and established media sectors, and the risk of financial dependencies for journalists and the media, which may ultimately cause a reduction in diversity of news and content and impoverish public debate.

8. Fresh appraisals of existing approaches to media pluralism are called for in order to address the challenges for pluralism resulting from how users, businesses and other stakeholders have adapted their behaviour to the abovementioned developments. In this connection, there is a need for more comparative data on the individuals' use of online media content in order to obtain a comprehensive picture of how internet intermediaries affect media pluralism. Furthermore, it is imperative that these changes are appropriately reflected in the media regulation in order to maintain or restore the integrity of the democratic process and to prevent bias, misinformation or suppression of information in the

media content. New policy responses and strategic solutions are needed to sustain independent, quality journalism and to enhance citizens' access to diverse content across all media types and formats. The ultimate and overarching objective of state policies promoting media pluralism must be the protection and promotion of the right to freedom of expression.

9. Independent and sustainable public service and not-for-profit community media can serve as a counterbalance to increased media concentration. By virtue of their remit and organisation, public service media are particularly suited to address the informational needs and interests of all sections of society, as is true of community media in respect of their constituent users. It is of utmost importance for public service media to have within their mandates the responsibility to reflect political pluralism and foster awareness of diverse opinions, notably by providing different groups in society – including cultural, linguistic, ethnic, religious or other minorities – with an opportunity to receive and impart information, to express themselves and to exchange ideas.

10. In light of the increased range of media and content, it is very important for individuals to possess the cognitive, technical and social skills and capacities that enable them to critically analyse media content, to understand the ethical implications of media and technology, and to communicate effectively, including by creating content. Media literacy contributes to media pluralism and diversity by empowering individuals to effectively access, evaluate and create diverse types of content; by reducing the digital divide; by facilitating informed decision-making, especially in respect of political and public affairs and commercial content, and by enabling the identification and countering of false or misleading information and harmful and illegal online content.

11. The adoption and effective implementation of media-ownership regulation can play an important role in respect of media pluralism. Such regulation can enhance transparency in media ownership; it should address issues such as cross-media ownership, direct and indirect media ownership and effective control and influence over the media. It should also contribute to ensuring effective and manifest separation between the exercise of political authority or influence and control of the media or decision making as regards media content, and therefore to ensuring that media continue to serve the public interest. Transparency of media ownership, organisation and financing help to increase media accountability.

12. Transparency and media literacy are also indispensable tools for individuals to make informed decisions about which media they use and how they use them, to search for, access and impart information and ideas of all kinds. This makes them effective practical instruments for ensuring pluralism.

13. Against this background, the present Recommendation reaffirms the importance of existing Council of Europe standards dealing with different aspects of media pluralism and transparency of media ownership and the need to fully implement them in democratic societies. The Recommendation builds further on those standards, adjusting, supplementing and reinforcing them, as necessary, to ensure their continued relevance in the current multi-media ecosystem.

Under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1), the Committee of Ministers recommends that governments of member States:

i. fully implement the guidelines set out in this recommendation;

ii. remain vigilant to, assess and address threats to media freedom and pluralism, including the lack of transparency of media ownership, by regularly monitoring the state of media pluralism in their national media markets, and by adopting appropriate regulatory responses, including by paying systematic attention to such focuses in the on-going reviews of their national laws and practices;

iii. in implementing the Guidelines, take account of previous Committee of Ministers' Recommendations and Declarations dealing with different aspects of media pluralism and transparency of media ownership, notably Recommendation 94/13 on measures to promote media transparency, Recommendation 99/1 on measures to promote media pluralism, Recommendation 2007/2 on media pluralism and diversity of media content, and Declaration on protecting the role of the media in democracy in the context of media concentration (31.01.2007), as well as other relevant Recommendations and Declarations, notably Recommendation 2000/23 on the independence and functions of regulatory authorities for the broadcasting sector, Recommendation 2007/3 on the remit of public service media in the information society, Declaration on the role of community media in promoting social cohesion and intercultural dialogue (11.02.2009), Recommendation 2011/7 on a new notion of media, Recommendation 2012/1 on public service media governance, Recommendation 2012/3 on the protection of human rights with regard to search engines, Recommendation 2015/6 on the free, trans-boundary flow of information on the internet, Recommendation 2016/1 on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality, Recommendation 2016/4 on the protection of journalism and safety of journalists and other media actors and Recommendation 2016/5 on internet freedom;

iv. promote the goals of this recommendation at the national and international levels and engage and co-operate with all interested parties to achieve those goals.

Guidelines

In the context of this Recommendation, the media are understood as including print, broadcast and online media. In line with a graduated and differentiated approach recommended by Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, online media should encompass a wide range of actors involved in the production and dissemination of media content online and any other intermediaries and auxiliary services which, through their control of distribution of media content online or editorial-like judgments about content they link to or carry, have an impact on the media markets and media pluralism. These actors should be subject to appropriate forms and levels of protection and responsibility in response to the characteristics and needs of the media markets within the jurisdiction of the States and in conformity with the relevant standards of the Council of Europe.

1. A favourable environment for freedom of expression and media freedom

1.1. The principles of freedom of expression and media freedom, as grounded in the Convention, apply and must be adhered to, also in the present multi-media ecosystem, in which a range of new media actors have come to the fore. Those principles must continue to be developed in a way that takes full account of the fast-evolving nature of the sector.

1.2. States have a positive obligation to foster a favourable environment for freedom of expression offline and online, in which everyone can exercise their right to freedom of expression and participate in public debate effectively, irrespective of whether or not their views are received favourably by the State or others. Such an environment encompasses the rights to privacy and data protection, and the right to access information on issues of public interest held by public bodies which is necessary for the exercise of the right to freedom of expression. States should guarantee free and pluralistic media for their valuable contribution to robust public debate in which societal diversity can be articulated, explored and sustained.

1.3. National legislative and policy frameworks should safeguard the editorial independence and operational autonomy of all media so that they can carry out their key tasks in a democratic society. These frameworks should be designed and implemented in such ways as to prevent the State, or any powerful political, economic, religious or other groups from acquiring dominance and exerting pressure on the media.

1.4. The media should have the freedom and resources at all times to fulfil their task of providing accurate and reliable reporting on matters of public interest, in particular concerning vital democratic processes and activities, such as elections, referenda and public consultations on matters of general interest. Adequate safeguards, including legislative safeguards, as appropriate, should also be put in place to prevent interference with editorial independence of the media, in particular in relation to coverage of conflicts, crises, corruption and other sensitive situations where quality journalism and reporting are key tools in countering propaganda and disinformation.

1.5. In a favourable environment for freedom of expression, media regulatory authorities and other bodies entrusted with responsibility for regulating or monitoring other (media) service providers or media pluralism or having any of the other functions set out in this Recommendation must be able to carry out their remit in an effective, transparent and accountable manner. A prerequisite for them to be able to do so is that they themselves enjoy independence that is guaranteed by law and borne out in practice.

1.6. The independence of the authorities and bodies referred to in the previous paragraph should be guaranteed by ensuring that they: have open and transparent appointment and dismissal procedures; have adequate human and financial resources and autonomous budget allocation; function according to transparent procedures and decision-making; have the power to take autonomous decisions and enforce them effectively, and that their decisions are subject to appeal.

1.7. States should ensure transparency of media ownership, organisation and financing, as well as promote media literacy, so as to provide individuals with the information and critical awareness that they need in order to access diverse information and participate fully in the multi-media ecosystem.

2. Media pluralism and diversity of media content

General requirements of pluralism

2.1. As ultimate guarantors of pluralism, States have a positive obligation to put in place an appropriate legislative and policy framework to that end. This implies adopting appropriate measures to ensure sufficient variety in the overall range of media types, bearing in mind differences in terms of their purposes, functions and geographical reach. The complementary nature of different media types strengthens external pluralism and can contribute to creating and maintaining diversity of media content.

2.2. States are called upon to ensure that there is regular independent monitoring and evaluation of the state of media pluralism in their jurisdictions based on a set of objective and transparent criteria for identifying risks to the variety in ownership of media sources and outlets, the diversity of media types, the diversity of viewpoints represented by political, ideological, cultural and social groups, and the diversity of interests and viewpoints relevant to local and regional communities. States should also ensure that bodies conducting the independent monitoring and evaluation exercises have sufficient access to all relevant data and sufficient resources to be able to carry out those tasks. States are further urged to develop and enforce appropriate regulatory and policy responses effectively addressing any risks found.

Specific requirements of pluralism

Diversity of content

2.3. States should adopt regulatory and policy measures to promote the availability, findability and accessibility of the broadest possible diversity of media content as well as the representation of the whole diversity of society in the media, including by supporting initiatives by media to those ends. In respect of the audiovisual media, those measures could include must-carry rules; rules on due prominence of general interest content on electronic programme guides, and rules on accessibility for persons with disabilities.

2.4. As media content is not only distributed, but also increasingly managed, edited, curated and/or created by internet intermediaries, States should recognise the variety of their roles in content production and dissemination and the varying degrees of their impact on media pluralism. Any regulation governing those activities should be appropriate and proportionate, fully compliant with the requirements of Article 10 of the Convention and in line with the graduated and differentiated approach provided for by Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media. Any self-regulatory mechanisms developed in this area should operate independently and transparently, be open to meaningful participation from all relevant stakeholders, be accountable to the public, and work in accordance with ethical standards that take full account of the multi-media ecosystem.

2.5. States should encourage the development of open, independent, transparent and participatory initiatives by social media, media actors, civil society, academia and other relevant stakeholders, that seek to improve effective exposure of users to the broadest possible diversity of media content online.

The visibility, findability, accessibility and promotion of media content online is increasingly being influenced by automated processes, whether they are used alone or in combination with human decisions. States should encourage social media, media, search and recommendation engines and other intermediaries which use algorithms, along with media actors, regulatory authorities, civil society, academia and other relevant stakeholders to engage in open, independent, transparent and participatory initiatives that:

- increase the transparency of the processes of online distribution of media content, including automated processes;

- assess the impact of such processes on users' effective exposure to a broad diversity of media content;

- seek to improve these distribution processes in order to enhance users' effective exposure to the broadest possible diversity of media content;

- provide clear information to users on how to find, access and derive maximum benefit from the wide range of content that is available, and

- implement the principle of privacy by design in respect of any automated data processing techniques and ensure that such techniques are fully compliant with European privacy and data protection law and standards.

2.6. States should make particular efforts, taking advantage of technological developments, to ensure that the broadest possible diversity of media content, including general interest content, is accessible to all groups in society, particularly those which may have specific needs or face disadvantage or obstacles when accessing media content, such as minority groups, refugees, children, the elderly and persons with cognitive or physical disabilities. This implies that such media content should be made available in different languages and in suitable formats and that it should be easy to find and use.

2.7. Diversity of media content can only be properly gauged when there are high levels of transparency about editorial and commercial content: media and other actors should adhere to the highest standards of transparency regarding the provenance of their content and always signal clearly when content is provided by political sources or involves advertising or other forms of commercial communications, such as sponsoring and product placement. This also applies to hybrid forms of content, including branded content, native advertising and advertorials and infotainment.

Institutional frameworks for media pluralism

2.8. States should recognise the crucial role of independent public service media organisations in fostering public debate, political pluralism and awareness of diverse opinions. States should accordingly guarantee adequate conditions for public service media to continue to play this role in the multi-media landscape, including by providing them with appropriate support for innovation and the development of digital strategies and new services.

2.9. States should adopt appropriate specific measures to protect the editorial independence and operational autonomy of public service media by keeping the influence of the State at arm's length. The supervisory and management boards of public service media must be able to operate in a fully independent manner and the rules governing their composition and appointment procedures must be transparent and contain adequate checks and balances to ensure that independence.

2.10. States should also ensure stable, sustainable, transparent and adequate funding for public service media on a multi-annual basis in order to guarantee their independence from governmental, political and market pressures and enable them to provide a broad range of pluralistic information and diverse content. This can also help to counterbalance any risks caused by a situation of media concentration. States are moreover urged to address, in line with their positive obligation to guarantee media pluralism, any situations of systemic underfunding of public service media which jeopardise that pluralism.

2.11. States should encourage and support the establishment and functioning of minority, regional, local and not-for-profit community media, including by providing financial mechanisms to foster their development. Such independent media give a voice to communities and individuals on topics relevant to their needs and interests, and are thus instrumental in creating public exposure for issues that may not be represented in the mainstream media and in facilitating inclusive and participatory processes of dialogue within and across communities and at regional and local levels.

2.12. Media which serve communities outside the country where they are established can supplement national media and can help certain groups in society, including immigrants, refugees and diaspora communities, to maintain ties with their countries of origin, native cultures and languages. States should not impede access to such cross-border media provided the publication, transmission, retransmission or any other form of dissemination of such media within their jurisdictions is in compliance with international law.

Support measures for the media and media pluralism

2.13. For the purpose of enhancing media pluralism, States should develop, in consultation with representatives of the media and civil society organisations, strategies and mechanisms to support professional news media and quality independent and investigative journalism, including news production capable of addressing diverse needs and interests of groups that may not be sufficiently represented in the media. They should explore a wide range of measures, including various forms of non-financial and financial support such as advertising and subsidies, which would be available to different media types and platforms, including those of online media. States are also encouraged to support projects relating to journalism education, media research, investigative journalism and innovative approaches to strengthen media pluralism and freedom of expression.

2.14. Support measures should have clearly defined purposes and should be based on pre-determined clear, precise, equitable, objective and transparent criteria. They should be implemented in full respect of the editorial and operational autonomy of the media. Support measures could include positive measures to enhance the quantity and quality of media coverage of issues that are of interest and relevance to groups which are underrepresented in the media.

2.15. Support measures should be administered in a non-discriminatory and transparent manner by a body enjoying functional and operational autonomy such as an independent media regulatory authority. An effective monitoring system should also be introduced to supervise such measures, to ensure that they serve the purpose for which they are intended. Independent bodies responsible for the allocation of direct subsidies should publish annual reports on the use of public funds to support media actors.

3. Regulation of media ownership: ownership, control and concentration

3.1. As part of their obligation to guarantee pluralism in their jurisdictions, States should adopt and implement a comprehensive regulatory framework for media ownership and control that is adapted to the current state of the media industry. Such a framework should take full account of the impact of online media on public debate, including by ensuring that the producers of media content distributed through online distribution channels and users are protected from possible anti-competitive behaviour of online gatekeepers which adversely impacts media pluralism.

3.2. Monitoring and enforcement of media ownership regulation should be conducted by an independent body provided with sufficient and stable financial and staff resources to enable it to carry out the tasks in an effective manner.

Ownership and control

3.3. The enforcement of competition law including merger control should aim to ensure effective competition and prevent individual actors from acquiring significant market power in the overall national media sector or in a specific media market/sector at the national level or sub-national levels, to the extent that such concentration of ownership adversely impacts media pluralism.

3.4. Media ownership regulation can include restrictions on horizontal, vertical and cross-media ownership, including by determining thresholds of ownership in line with Recommendation CM/Rec 2007(2) of the Committee of Ministers to member states on media pluralism and diversity of media content. Those thresholds may be based on a number of criteria such as capital shares, voting rights, circulation, revenues, audience share or audience reach.

3.5. States should set criteria for determining control of media outlets by explicitly addressing direct and beneficial control. Relevant criteria can include proprietary, financial or voting strength within a media outlet or outlets and the determination of the different levels of strength that lead to exercising control or direct or indirect influence over the strategic decision-making of the media outlet or outlets including their editorial policy.

3.6. As the key democratic tasks of the media include holding authorities to account and promoting transparency, ownership of media outlets by political parties or individuals actively involved in politics, and especially by any holder of an elected office, should be subject to reinforced checks and balances aimed at ensuring editorial independence and transparency of ownership. The exercise of financial control of media and editorial decision-making should be incompatible with the exercise of political authority. The incompatibility of these functions should be recognised as a matter of principle. The criteria of incompatibility and a range of appropriate measures for addressing conflicts of interest should be set out clearly in law.

3.7. Any restrictions on the extent of foreign ownership of media should be implemented in a non-arbitrary manner and should take full account of States' obligations under international law and in particular, the positive obligation to guarantee pluralism.

Concentration

3.8. States are encouraged to develop and apply suitable methodologies for the assessment of media concentration, in respect of both the influence of individual media and the aggregated influence of a media outlet/group across sectorial boundaries. In addition to measuring the availability of media sources, this assessment should reflect the real influence of individual media by adopting an audience-based approach and using appropriate sets of criteria to measure the use of individual media and their impact on opinion-forming. The audience-based approach should comprise the offline and online footprint of the media. The measurement exercise should be carried out by an independent authority or other designated body.

3.9. Media ownership regulation should include procedures to prevent media mergers or acquisitions that could adversely affect pluralism of media ownership or diversity of media content. Such procedures should involve a requirement for media owners to notify the relevant independent regulatory authority of any proposed media merger or acquisition whenever the ownership and control thresholds, as set out in legislation, are met.

3.10. The relevant independent regulatory authority or other designated body should be vested with powers to assess the expected impact of any proposed concentration on media pluralism and to make recommendations or decisions, as appropriate, about whether the proposed merger or acquisition should be cleared, subject or not to any restrictions or conditions, including divestiture. Decisions of the independent authority should be subject to judicial review.

4. Transparency of media ownership, organisation and financing

4.1. States should guarantee a regime of transparency of media ownership that ensures the public availability and accessibility of accurate, up-to-date data concerning direct and beneficial ownership of the media, as well as other interests that influence the strategic decision-making of the media in question or its editorial line. This information is necessary for media regulatory and other relevant bodies to be able to conduct informed regulation and decision-making. It also enables the public to analyse and evaluate the information, ideas and opinions disseminated by the media.

4.2. States should set out clear criteria as to which media are subject to transparency requirements. The requirements to disclose ownership information may be limited with regard to criteria such as the commercial nature of the media outlet, a wide audience reach, exercise of editorial control, frequency and regularity of publication or broadcast, etc., or a combination thereof. Legislation should also determine the timeframe within which reporting obligations must be met.

4.3. Transparency requirements should be implemented in accordance with the right to privacy and data protection and should be limited to individuals directly involved in the ownership of a media outlet or its editorial oversight structures. Furthermore, appropriate derogations should be permitted from the transparency requirements to enable individuals or organisations to publish information anonymously, insofar as there are legitimate reasons for such precautionary measures.

Transparency requirements

4.4. States should put in place specific media transparency requirements, including a requirement for media outlets operating within their jurisdictions to disclose ownership information directly to the public on their website or other publication and to report this information to an independent national media regulatory body or other designated body, tasked with gathering and collating the information and making it available to the public. The body charged with these tasks should be provided with sufficient and stable financial and staff resources to enable it to carry out the tasks in an effective manner.

4.5. States should adopt and implement legislative or other equally effective measures that set out disclosure/transparency obligations for media in a clear and precise way. Such obligations should, as a minimum, include the following information:

- Legal name and contact details of a media outlet;

- Name(s) and contact details of the direct owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision-making of the media outlet. States are recommended to apply a threshold of 5% shareholding for the purpose of the disclosure obligations.

- Name(s) and contact details of natural persons with beneficial shareholdings. Beneficial shareholding applies to natural persons who ultimately own or control shares in a media outlet or on whose behalf those shares are held, enabling them to indirectly exercise control or influence on the operation and strategic decision-making of the media outlet.

- Information on the nature and extent of the share-holdings or voting rights of the above legal and/or natural persons in other media, media-related or advertising companies which could lead to decision-making influence over those companies, or positions held in political parties;

- Name(s) of the persons with actual editorial responsibility;

- Changes in ownership and control arrangements of a media outlet.

4.6. The scope of the above minima for disclosure/transparency obligations for the media includes legal and natural persons based in other jurisdictions and their relevant interests in other jurisdictions.

4.7. High levels of transparency should also be ensured with regard to the sources of financing of media outlets in order to provide a comprehensive picture of the different sources of potential interference with the editorial and operational independence of the media and allow for effective monitoring and controlling of such risks.

To this end, States are encouraged to adopt and implement legislation or other equally effective measures that set out disclosure of the following information, while taking into account relevant legislation on the protection of trade secrets:

- Information on the sources of the media outlet’s funding obtained from State funding mechanisms (advertising, grants and loans);

- The existence of contractual cooperation with other media or advertising companies and political parties.

Transparency database and reports

4.8. Such legislation should also provide for the independent national media regulatory authority or other designated body to ensure that the public has easy, swift and effective access to data about media ownership and control arrangements in the State, including disaggregated data about different types of media (markets/sectors) and regional and/or

local levels, as relevant. These data should be kept up to date on a rolling basis; made available to the public free of charge and without delay, and their availability publicised. Ideally they should be accessible and searchable, for example in the form of online databases; their contents should be made available in open formats and there should be no restrictions on their re-use.

4.9. Provision should be made for the independent national media regulatory body or other designated body or institution (academic institution, civil society organisation) to publish regular reports on media ownership. The reporting requirements should include:

- A description of media ownership and control arrangements for media under its jurisdiction (including media whose services are directed at other countries);

- A description of changes to the media ownership and control arrangements within the State during the reporting period;

- An analysis of the impact of those changes on media pluralism in the State.

4.10. The publication of the reports on media ownership should be accompanied by appropriate explanations of the data and the methodologies used to collect and organise them, in order to help members of the public to interpret the data and understand their significance.

Coordination of transparency regimes

4.11. States should issue clear, up-to-date guidance on the interrelationship and implications of the different regulatory regimes and on how to implement them correctly and coherently. That guidance could take the form of user-friendly guidelines, handbooks, manuals, etc.

4.12. States should also facilitate inter-agency cooperation and coordination, including the relevant exchange of information about media ownership held by different national authorities (such as media regulatory authorities, competition authorities, data protection authorities, company registers and financial supervisory authorities). Similarly, the exchange of information and best practices with equivalent authorities in other jurisdictions should be facilitated.

4.13. Up-to-date and reliable information relating to media ownership issues constitutes a valuable resource for citizens and a wide range of stakeholders, but it remains a challenge to collect such information in a comprehensive manner. States are therefore encouraged to support information gathering and dissemination activities relating to media ownership issues, such as relevant activities of the European Audiovisual Observatory, in particular its MAVISE database, insofar as those activities contribute to a fuller understanding of media ownership in Europe.

5. Media literacy/education

5.1. States should introduce legislative provisions or strengthen existing ones that promote media literacy with a view to enabling individuals to access, understand, critically analyse, evaluate, use and create content through a range of legacy and digital (including social) media. This should also include appropriate digital (technological) skills for accessing and managing digital media. Another important aim of media literacy is to enable individuals to know and understand how their personal data are collected, stored and used by internet platforms.

5.2. States should also develop a coordinated national media literacy policy and ensure its operationalisation and implementation through (multi-)annual action plans and by providing adequate resources for those purposes. A key strategy could be to support the creation of a coordinated national media literacy network comprising a wide range of stakeholders, or the further development of such a network where it already exists. Positive practices developed within national networks should be actively exchanged and promoted in relevant international forums.

5.3. In the multi-media ecosystem, media literacy is essential for people of all ages and all walks of life. Measures promoting media literacy should thus help to develop the teaching of media literacy in school curricula at all levels and as part of lifelong learning cycles, including by providing suitable training and adequate resources for teachers and educational institutions to develop teaching programmes and project-oriented learning schemes.

5.4. States should encourage all media, without interfering with their editorial independence, to promote media literacy through policies, strategies and activities. Public service media and community media can play leading roles in promoting media literacy, by virtue of their objectives, mandates and working methods. States should also promote media literacy through support schemes for media, taking into account the particular roles of public service media and community media.

5.5. States should ensure that independent national regulatory authorities and/or other bodies have the scope and resources to promote media literacy in ways that are relevant to their mandates and encourage them to do so.

5.6. States are encouraged to include in their coordinated national media literacy programmes focuses on media pluralism and transparency of media ownership in order to help citizens to make an informed and critical evaluation of the information and ideas propagated via the media. To this end, States are called upon to include in their strategies for ensuring transparency in the media sector educational content which enables individuals to use information relating to media ownership, organisation and financing, in order to better understand the different influences on the production, collection, curation and dissemination of media content.

APPENDIX IV

Committee of experts on Media Pluralism

and Transparency of Media Ownership (MSI-MED)

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

29 September 2017 **MSI-MED (2016)10rev3**

Draft feasibility study on the use of internet in electoral campaigns

Revised draft as of 29 September 2017

The rules of the game: the Internet, Social Media and Election Communications

Introduction

In the terms of reference for the Steering Committee on Media and Information Society (CDMSI) for the biennium 2016 – 2017, the Committee of Ministers asked the CDMSI to "carry out a feasibility study on a possible standard-setting instrument on media coverage of elections, with particular regard to gender equality and the use of the internet in elections" and approved the committee of experts on media pluralism and transparency of media ownership (MSI-MED) as a subordinate structure to facilitate the work of the CDMSI. The composition of the MSI-MED appears in the Appendix.

In its first meeting on 22 – 23 March 2016, the expert committee decided to deal separately with the two components of the study, namely the use of the internet in electoral campaigns and gender equality in the context of media coverage of elections. Mr Damian Tambini was appointed as Rapporteur for the preparation of the feasibility study on the use of internet in electoral campaigns.

1. What could possibly go wrong? Social Media, Elections and Democratic Legitimacy

In human rights and constitutional law, freedom of expression is fundamental, and political speech is the most protected form of speech. But political communication during election periods has long been subject to various forms of regulation. Most member states of the Council of Europe have rules on paid political advertising such as limits on electoral campaign spending, on the amount of airtime that can be purchased for campaigning, on contributions of individuals, corporations or foreign entities, etc. A number of member states maintain bans on paid political advertising on television and radio, which are mostly balanced by free airtime in which political parties can present their programmes. The aim of these rules is to maintain the integrity, fairness and legitimacy of the election process and its outcome, and guard against the possibility that private interests and powerful minorities can control outcomes through collusion between media and politicians, or the buying of influence over public opinion. These rules are contained in election law, broadcasting law and self-regulatory codes and are also reflected in international human rights standards that require that rules are necessary and proportionate.

The internet has given people unprecedented access to information about elections and enabled them to express their opinions, interact with candidates and get actively involved in electoral campaigns. According to a polling report of Ipsos Mori and King's College London in 2015[1], 71% of Britons (88% of 18-34 year olds) felt that social media platforms are giving a voice to people who would not normally take part in political debate.

The internet is also a useful platform for political parties to present their agenda to the electorate and to mobilise a larger support base for their causes. The cost of communicating with voters can be substantially lower via this medium than via broadcast media, given the availability of free blog and video sharing platforms and social media. Small political parties with limited resources and independent candidates in particular can benefit from this type of communication.

[1] Gideon Skinner, Ipsos Mori, A third of young people think social media will influence their vote.

https://www.ipsos.com/ipsos-mori/en-uk/third-young-people-think-social-media-will-influence-their-vote.

However, the changes in the production and consumption of election-related content also raise a number of concerns. In recent years, a growing number of researchers have raised questions about the potential impact of the internet, especially social media, on electoral choices. In the abovementioned poll social media platforms have been found, especially among the young population, to have a considerable impact. 34% of 18-34s thought that information they read on social media would influence their vote. The general population expressed less trust in social media; only one in five Britons (19%) was found to have more trust in political information available on social media platforms than that they read in newspapers.

This feasibility study sets out the principles and institutions of campaign regulation and discusses the implications of different ways in which the internet has changed political campaigning, be it with regard to paid advertising, the use of social media by the politicians to present and discuss their programmes, the weakened gatekeeping capacities of media and authorities with regard to electoral messages, the collection and processing of the voters' personal data for election purposes, etc.

The aim of the study is to flag the potential problems which have emerged or have been aggravated with the shift of political propaganda and especially election campaigns onto the internet. Because existing regimes for campaign finance control and transparency within the member states of the Council of Europe are quite varied, for example with regards to political advertising and campaign finance, conclusions made will not apply to all member states equally. Some standards set will be at the level of principles, and others concrete rules and institutions.

The study will outline how the following aspects of electoral campaigns influence the electoral process as a result of the move of an important part of electoral communication to the internet:

- **Broadcasting regulation:** Previously, broadcasting regulation such as advertising restrictions and impartiality obligations could help ensure a level playing field for political debate. As political campaigns move online effectiveness of these regimes declines.

- **Spending:** Campaign finance controls seek to limit the role of money in electoral outcomes. But existing regulations limiting this advertising spend are no longer effective due to a shift in balance between local and national spending, and because detailed quotas do not effectively record online spend. Rules vary by country and according to local market conditions, but it is clear that campaign spending limits will need recalibration.

- **Targeting:** Targeting of key messages to key demographics raises new challenges for individual autonomy and deliberation. On one hand individual citizens' autonomy may be undermined by a lack of impartial information and on the other, entire demographic groups or regional interests may be excluded from political deliberation.[2]

[2] Barocas, S. (2012). The price of precision: Voter microtargeting and its potential harms to the democratic process. Paper presented at the Proceedings of the first edition workshop on Politics, elections and data pp.33-35.

- **New actors in the electoral process:** intermediaries adopt powerful new gatekeeper positions that enable them to influence the outcome of electoral processes. Search engines, seen as trustworthy by a majority, have the potential to influence the electorate's attention and voting preferences. Epstein and Robertson (2015) have highlighted the "search engine manipulation effect", showing that a biased search engine result ranking can shift undecided voters towards one candidate. It is argued that such an effect is particularly relevant for elections with a limited number of closely ranked candidates. Diakopoulos (2016) has demonstrated the potentially powerful implications of display of search results.[3] This could lead to new forms of corruption and manipulation that are not captured by existing rules that focus mainly on broadcasting and that cross jurisdiction boundaries.

- **Truth and misleading statements:** Disintermediation of political campaigning undermines traditional filters based on journalism values of truth, fact-checking and separation of opinion from fact. This has weakened the effectiveness of the traditional rules governing false and misleading claims.

- **Representation of public opinion**[4] (silence periods)[5]. Most democracies have rules governing publication of opinion polls, and campaigning on election day and in a specified period before. These have come under scrutiny because of the difficulty of enforcing them online.

- **Transparency:**[6] Public scrutiny of campaigns has been enabled by a number of rules obliging campaigners to be transparent about funding and origin of campaign communications: These include the obligation to note the printer and funder of leaflets. These are difficult to impose online.[7]

  Whilst many of the phenomena described remain possibilities rather than empirically demonstrable outcomes it is essential that policy and civil society respond to the potential undermining of democratic legitimacy that they present. Existing regulation is based on traditional media and should be reviewed and complemented by measures aimed at new media and other digital technologies to prevent democratic failures and protect the legitimacy of democratic processes.

---

[3] Diakopoulos. N and M. Koliska. 2016. Algorithmic Transparency in the News Media. *Digital Journalism*; Epstein, R. and Robertson, R.E., 2015. The search engine manipulation effect (SEME) and its possible impact on the outcomes of elections. *Proceedings of the National Academy of Sciences*, *112*(33), pp.E4512-E4521.

[4] See http://www.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-5-Semantic-Polling_The-Ethics-of-Online-Public-Opinion.pdf

[5] See Ofcom code rule 6.5. Compare Par Condicio in Italy.

[6] (PPERA Ch III s126) http://www.legislation.gov.uk/ukpga/2000/41/section/126.

[7] UK electoral commission has repeatedly called all such rules to be applied to campaign communications including Non print communications.

2. Background: Regulation of electoral campaigns: fair, clean and clear

The use of internet in elections engages standards and regulatory institutions across a range of distinct areas including freedom of expression, freedom of association and electoral law and international election monitoring.

According to the Venice Commission, Guidelines on Political Party Regulation (2010) [8] money in elections is regulated in order to ensure campaigns are:

- **Fair:** to prevent improper influence (and ensure the independence of parties) on political decisions through financial donations.
- **Clean:** to ensure all political parties have an opportunity to compete in line with the principle of equal opportunity, and
- **Clear:** to provide for transparency in expenditure of political parties.

The main ways campaign communication has been regulated has been through electoral law including

a. Spending limits & campaign finance controls.

b. Subsidies for campaigning communications.[9]

c. Pre-poll black outs.

d. Media regulation in particular broadcast licensing.[10]

e. Rules on political advertising including impartiality, subsidies and free air time.[11]

f. Self-regulation and journalism ethics.

(a) Objectives

The overarching objective of campaign regulation is to protect the integrity of elections, ensure they are free and fair, and not captured by a narrow range of interests.

Rules seek to do this in two ways: on one hand they attempt to facilitate the opinion formation process in society by helping ensure that each citizen has access to a balanced range of views and opinions. On the other hand, they limit the role of money in the electoral process, through for example limits on political advertising and campaign spending. Campaign finance is considered a form of beneficial speech

[8] European Commission for Democracy through Law (Venice Commission) 2010 : Guidelines on Political Party Regultion CDL-AD(2010)024 pp.35, para.159.

[9] IDEA: 142-3.

[10] For the relevant UK rules see the Ofcom broadcasting code section on elections. http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/elections-and-referendums/

[11] To see for example communications act 2003 section 333.

but can be problematic particularly if parties and campaigns depend on a small number of large donations. These policy objectives are achieved through a combination of media law, election law and international human rights standards. According to The Committee for Standards in Public Life in the United Kingdom (hereinafter the UK), one of the primary reasons for campaign spending limits was to prevent an "undue focus on fundraising."[12] The commission pointed out that funding of political parties through private contributions is also a form of civic participation and freedom of expression thus any legislation should attempt to achieve a balance between encouraging moderate contributions and limiting unduly large contributions.

(b) International standards and principles

Regulation of elections is internationally recognised in a set of international treaties including the International Covenant on Civil and Political Rights[13] (ICCPR), the European Convention on Human Rights (the Convention) and the United Nations Convention against Corruption (UNCAC),[14], which also provides specific rules aimed at ensuring transparency in electoral campaigns.

A number of instruments pertaining directly or indirectly to the electoral process and, more specifically, electoral campaigns, has been adopted by the Council of Europe.

(i) Financing of political parties

Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns[15] and the Parliamentary Assembly's Recommendation 1516 (2001) on the financing of political parties[16] recommend some general principles the financing of political parties should abide by:

- **A reasonable balance** between public and private funding.
- **Fair criteria** for the distribution of state contributions to parties.
- **Strict rules** concerning private donations including bans on contributions from foreign donors, religious organisations and restrictions on corporations and anonymous donations.

[12] The Committee on Standards in Public Life, 1998. The Funding of Political Parties in the United Kingdom, Cm 4057–I, pp.120. para 10.29.

[13] United Nations National Assembly. 1966. International Covenant on Civil and Political Rights. Article 25.b. pp.179.

[14] UN Convention against Corruption (UNCAC). 2003. Article 7.3.pp.11.

[15] http://www.coe.int/t/dg1/legalcooperation/economiccrime/cybercrime/cy%20activity%20interface2006/rec%202003%20(4)%20pol%20parties%20EN.pdf

[16] Parliamentary Assembly of the Council of Europe: Recommendation 1516 (2001), Financing of political parties. Para.8.

☐ **A limit** on parties' expenditures linked to election campaigns.

☐ **Transparency** of donations and expenses of political parties.

☐ **The establishment** of an independent authority and meaningful sanctions for those who violate the rules.

The above legislations should also be extended to third party- non-political party group.

(ii) Media coverage of electoral campaigns

Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of electoral campaigns applies to a broad range of media, namely to "those responsible for the periodic creation of information and content and its dissemination over which there is editorial responsibility, irrespective of the means and technology used for delivery, which are intended for reception by, and which could have a clear impact on, a significant proportion of the general public". This definition covers print, broadcast and online media; however, its applicability may not extend to social media where a large part of electoral communication takes place today.

The general principles of media reporting on elections include:

☐ **Non-interference** by public authorities.

☐ **Protection by public authorities** against attacks, intimidation or other types of unlawful pressure on the media.

☐ **Editorial independence** of the media.

☐ **Requirement of fair, balanced and impartial coverage by media** owned by public authorities.

☐ **Transparency of the media** with regard to content that is paid political advertising, as well as with regard to ownership of media by political parties or politicans.

☐ **The right of reply** or equivalent remedies for candidates or political parties.

☐ **Distribution of opinion polls** accompanied by sufficient information to make a judgment on their value.

☐ **Introduction of the "day of reflection".**

(iii) Rules on broadcasting and political advertising

Political advertising controls have formed an important part of the regime that seeks to guard democracy against capture by money. However this must be balanced with rights to freedom of expression.

Broadcasting in contrast to press and online media has been subject to detailed regulation of political campaigns. Firstly, licence requirements require impartiality in political matters, for many television and radio channels specific codes are applied and these pay particular attention to election and referendum periods. Secondly broadcasters are required to exercise restraint in publication of opinion poll findings and also enforce quiet periods prior to election day. Third, political advertising is regulated as regards to: (i) transparency (ii) advertising time and cost (iii) paid political advertising (in some cases broadcast political advertising is banned), and (iv) subsidies for advertising budgets and/or reserved time on public broadcasters constitutes a form of rationing that serves to level the political playing field.

The fact that advertising bans apply to broadcasters but not online media means that they will be less effective in this objective as political communication shift online. Therefore new developments of the standards of the European Court of human rights (the Court) will be important. Hitherto, the Court has not had an opportunity to address the question of political advertising online. It has however pronounced itself on several bans on political advertising in the broadcast media, with contrasting results.

In a case where a fine was imposed on a television channel for broadcasting paid advertisement for a small pensioners' political party, in breach of the blanket prohibition provided for in the national legislation, the Court found a violation of Article 10 of the Convention (*TV Vest AS and Rogaland Pensjonistparti v. Norway*). The Court reached a similar conclusion with regard to Swiss blanket ban on political advertising in *VgT Verein Gegen Tierfabriken v. Switzerland* where an animal rights organisation attempted to have its commercial against animal farming broadcast on the national television. Not excluding that such a ban could be compatible with the right to freedom of expression in certain situations, the Court did not accept general justifications that (a) the ban prevented financially powerful groups from distorting public debate and that (b) broadcast media must be subject to greater restrictions due to their influence.

However, in *Animal Defenders International v. the United Kingdom*, a case with nearly identical facts (animal rights NGO's commercial against cruelty to primates), the Court ruled in favour of the blanket ban. Adopting a new doctrine of "general measures", the Court widened substantially the states' margin of appreciation, relying much more on the domestic authorities' assessment of the necessity of the measure. The Court's reasoning was based, among other, on the lack of a European consensus on how to regulate paid political advertising in broadcasting, on possible abuse of less restrictive rules, and on the applicant's access to other powerful communication tools such as print media, the internet and demonstrations. Despite the rising importance of the internet and social media, however, the Court found that the prohibition specifically limited to broadcast media made sense, given the immediate and powerful effect of such media.

As regards access to broadcast media, according to the Court's case-law Article 3 of Protocol No. 1, which enshrines the principle of equal treatment of citizens in the exercise of their electoral rights, does not as such guarantee any right for a political party to be granted airtime on radio or television during the pre-election campaign.

Only in exceptional circumstances, if access was denied to one party in anthis arbitrary manner and granted to other parties, an issue might arise under that provision (*Partija "Jaunie Demokrāti" and Partija "Mūsu Zeme" v. Latvia* (dec.)).

In 2017, the Court found a violation of Article 10 in the case *Orlovskoya Iskra v. Russia* which concerned the publication of articles critical of a political candidate in the applicant newspaper. The Russian electoral laws prohibit pre-election campaigning, which includes dissemination of information about a candidate together with positive or negative comments. The Russian Government claimed that the print media should be subjected to requirements of impartiality, neutrality and equality of treatment during an election period, but the Court held otherwise, rejecting the argument that the case concerned political advertising and finding that Article 10 encompassed a right to free editorial choice to publish information in public interest which took a critical stance toward a candidate. According to the Court, although certain restrictions on Article 10 could be justified to secure free expression of the opinion of the people in the choice of legislature, independent exercise of freedom of expression by the press had to be upheld also at election time.

Political Campaign Regulation and Mass Media. Some Comparisons[17]

	TV Political Advertising Permitted	Spending Limits on Expenditure	Direct Public Funding	Spending Disclosure Rules	Provision of free political advertising time on TV
United Kingdom	No	Yes	Yes	Yes	Yes
France	No	Yes	Yes	Yes	Yes
Germany	Yes	No	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes	Yes
Spain	No	Yes, The ceiling on party election expenditure is established for each electoral cycle by the General Accounting Court	Yes	Yes	Yes
Denmark	No	No	Yes	Yes	Yes
Poland	Yes	Yes	Yes	Yes	Yes
Ireland	No	No, A party can only spend part of a party candidate's election expenditure limit, which the candidate has to agree to	Yes	Yes. Disclosure is required for campaign expenditure	Yes
Portugal	No	Yes, EUR 3M	Yes	Yes	Yes
Switzerland	No	No	No	No	No
Belgium	No	Yes, EUR 1M	Yes	Yes	Yes

[17] This table is reproduced from Tambini et al 2017. It is indicative and subject to change. Compiled from: *Holtz-Bacha, C., & Kaid, L. L. (2006). Advertising in international comparison. The Sage handbook of political advertising, 3-14 and IDEA. 2014. Funding of Political Parties and Election Campaigns: A Handbook on Political Finance.* see also: http://www.idea.int/sites/default/files/publications/the-state-of-political-finance-regulations-in-western-europe.pdf

3. The Changing Reality of Political Campaigning

New internet technologies pose challenges for established institutions and principles of regulation of election communications such as freedom of association, spending limits, and regulation of political advertising.

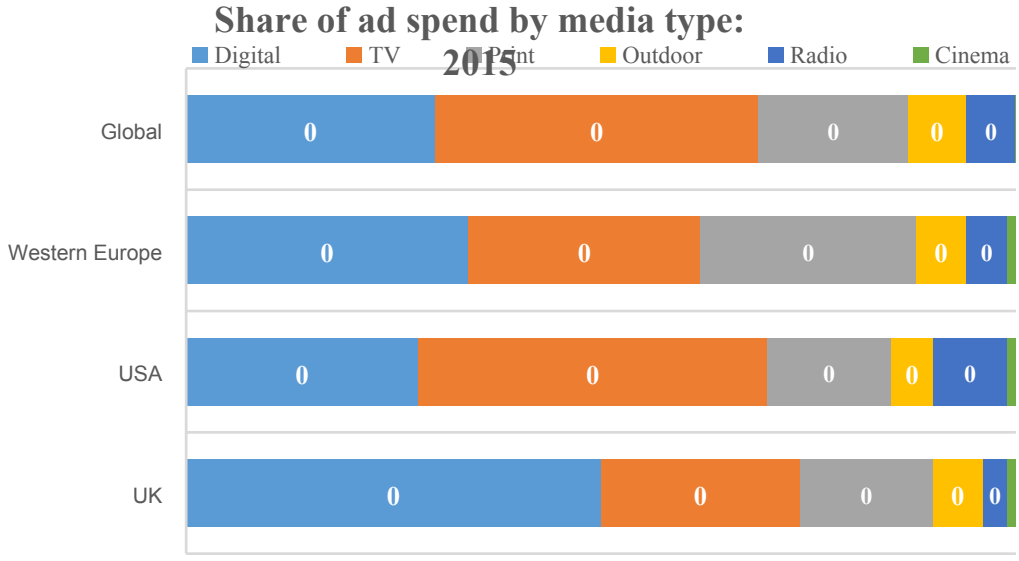
They undermine the ability of existing regulation to maintain a level playing field in electoral communication between new and established, rich and poor, corporate and civil society campaigns.

New intermediaries and platforms now occupy important gatekeeper positions once occupied by journalists but have not adopted the ethical obligations of the media. This presents a threat to elections and potential for corrupt practices to emerge.

(a) Spending

In Europe, as elsewhere, advertising spend has shifted significantly to digital over the past decade. This has raised questions about the efficacy of existing campaign finance regulation.

A shift of consumers to digital forms has seen advertisers follow suit with their marketing budgets. The result has been the percentage of ad spend devoted to online forms has grown significantly and taken share from more traditional media such as TV, radio and print. In Europe more than a third (36%) of advertising spend is spent on digital channels (up from 6% in 2006) surpassing TV advertising (33%) for the first time in 2015, although this masks significant difference between regions.[18] In the UK, one of the more advanced digital markets, more than 50% of every advertising pound spent goes to online channels.



Source: Strategy Analytics Advertising Forecast, 2015

Reflecting these larger structural trends in the advertising market, political parties have also begun to shift their advertising spend towards digital channels. In the UK, 2015 was the

[18] IAB Europe. 2016. "adex Benchmark" 2015.

first year where figures have been reported on digital spending on political campaigns. In total £1.6M was spent by the main parties on digital, about 23% of the total advertising budget with the vast majority of the digital budget being spent with Facebook.[19] In the United States of America (hereinafter the US), even with the presence of TV advertising spend (largely absent in Europe), almost a billion dollars or 10% of political ad spend is forecast to be spent in the 2016 elections[20].

Total Political Ad Spend (Share %)					
	2008	**2010**	**2012**	**2014**	**2016E**
Broadcast	69%	65%	64%	61%	59%
Cable TV	8%	8%	11%	10%	11%
Radio	9%	7%	9%	7%	8%
Print	10%	11%	10%	11%	8%
Out of Home	4%	9%	4%	9%	4%
Digital	0%	0%	2%	4%	10%

Source: Borrell and Associated, Kantar/CMAG, Nomura estimates

These new forms of digital advertising are less widely understood than their analogue predecessors and are inherently less transparent. They may undermine existing definitions and limits based on specific media, and the ability of the regime as a whole to create a level playing field.

(b) New Digital Marketing Techniques and their application in politics.[21]

(i) Push vs Pull Advertising

The basic models for political online advertising do not differ from what is available to commercial firms looking to target potential customers online. There are two

[19] Electoral Commission. 2016. UK Parliamentary General Election 2015: Campaign spending report pp.28.

[20] Borrell and Associated, Kantar/CMAG, Nomura estimates.

[21] The author acknowledges the excellent research assistance of Sharif Labo on this paper and particularly on this section.

categories, push and pull although more recently the lines between the two have blurred as data from one is used to for the other.

The pull method is largely associated with search engine advertising. It is keyword triggered. In other words ads are targeted to users after they search on a keyword which an advertiser has chosen to trigger their advertising copy. For example a political party might choose to bid on a keyword ' EU Referendum' which would trigger their ad to appear on the search results page if a user searched for this term or a related one. This is akin to the yellow pages or telephone book, where a user looking for a product or service consulted a directory which listed providers of that service and potentially advertisers who might have paid for a more prominent listing. The business model is based on cost per click i.e. if the user clicks on the ad in question, the advertiser (in this case the political party) is charged. The amount they are charged is largely dependent on how popular the service they are advertising is and how closely related it is to what they are offering. Another less popular business model is the cost per impression. Ads are charged every time they are displayed rather than when they are clicked. Cost per click is largely the business model for search advertising.

In addition to keyword trigger, advertisers are also able to target and tailor their ads based on what devices users are on, language and regional settings.

Push advertising on the other hand involves little agency from the user. In this case advertisements are displayed to users unprompted as they carry out their regular activities online. This would include adverts on regular publisher's websites; news, magazines, blogs as well as on platforms such as social media and video sites. Here the targeting options are myriad. Advertisers are able to target by demographic group, or interests, according to what websites the users have visited previously, what pages they like, their behavior and personal details and so on.

Increasingly the sharing of data across platforms means the lines between push and pull are blurred. For example Facebook ads can be targeted not just according to data volunteered and in circulation in the Facebook ecosystem but also what users do outside of Facebook, for example their browsing history on other websites. Similarly an advertiser, a political party for example or a supermarket can upload lists of their users into Facebook and use the platform to advertise to them and similar users. Search advertising can also take advantage of data from users who have performed an action away from the search engine results page, for example a user who has visited a website and did not purchase or sign up can be 'remarketed' to.

(ii) Message targeting

The common thread that emerges from these new advertising techniques is one of a movement from scale to precision. Political parties (and commercial advertisers) have moved from blunt methods that favoured reaching millions of people with a similar message to more precise tools which are able to target smaller audiences with bespoke such messages. By applying sophisticated data-mining techniques capable of linking people's personal characteristics with political beliefs and discovering the voters' political behaviour, political parties aim to attract new voters by delivering individualised messages on specific issues that may concern them personally and may well be decisive in how they cast their vote, irrespective of whether they are of concern to the broader electorate.

This has allowed party officials to reach the thousands that win elections. Admittedly, even before the internet thoroughly transformed electoral communication, politicians were delivering targeted messages through door-to-door campaigning, via direct mail or telephone calls to mobilise the voters and influence their choices. However, they had nowhere near as much personal details available to personalise their campaigning. Today, once the voter data is analysed and patterns of behaviour discovered, message targeting itself can be applied using both traditional methods of electoral communication (direct mail, door-to-door, etc.) and/or new media (emails, targeted messages via social networks, etc.), the latter being more cost-effective.

Social media campaigning has grown into a very attractive means of reaching out to potential voters. However, this kind of message targeting is not done in public and is therefore not subject to any monitoring or journalistic scrutiny. Consequently, inaccurate information can spread among potential voters on an unprecedented scale without any oversight or rebuttal of politicians' claims. Furthermore, it allows politicians to make different promises to different people, thus dispersing their political objectives into separate, not necessarily reconcilable messages. In the UK, a project called Who Targets Me is addressing this opaque advertising by seeking to obtain information from the social media users on what adverts they are seeing.[22]

Furthermore, message targeting seeks to optimise the electoral campaigns' resources and thus focuses largely on swing or undecided voters. Those who are not singled out by party messages are deprived of an entire spectrum of political stances which the parties do not communicate to the entire public, which in turn creates inequalities in terms of the available information on which the voters base their political choices.

These forms of targeted advertising are considered to be more efficient not only because messages can be tailored to suit citizens based on sophisticated data driven profiling, but because messages can be targeted on those constituencies and demographics likely to 'swing' an election. The result is that others are excluded from the discussion. As one person who was involved with the UK Conservatives election campaign in 2015 put it "People said to me….I don't see anything from you guys….This was like stealth. Basically if you don't live in one of the 100 key constituencies you are going to see very little from us."

4. Potential Problems associated with New Digital Techniques

These new methods however raise concerns about their impact on the legitimacy and fairness of elections, and the ability of the current regulatory and ethical framework to protect it including:

(a) Regulation of broadcast advertising

Online media may undermine TV advertising rules. For example in the recently concluded EU referendum in the UK, Britain Stronger in Europe targeted videos towards certain demographics. One entitled "What would Brexit mean for my children" targeted at mothers registered almost 600k views. With younger demographics increasingly consuming the majority of their TV content via online video channels such as YouTube, it raises questions as to the effectiveness of the

[22] https://whotargets.me/en/

current regulatory framework because audiences for audiovisual content are shifting rapidly to platforms not subject to those rules.

(b) Transparency

2015 was the first year where figures have been reported on digital spending on political campaigns in the UK. In total £1.6M was spent by the main parties on digital, about 23% of the total advertising budget with the vast majority of the digital budget being spent with Facebook. There are however big gaps in how digital spending is reported due to current reporting requirements. These gaps mean it is unclear whether or not we are looking at the entire picture. The main issue is there are no separate reporting lines for social or digital media. According to the UK Electoral Commission digital advertising could be hidden within larger categories such as market research, advertising and unsolicited campaign material. Identification of what constitutes digital is made based on the name of the provider. For example, Google or Facebook are recognised providers of advertising services on digital platforms, however a lot of digital spending takes places via intermediaries such as advertising agencies or consultancies. A case in point is the Labour Party's reported spend on digital advertising in the 2015 UK Parliamentary General Election. Initial reports about Labours' online spend indicated they had spent only £16k, however this proved to be erroneous as they had spent about £130,000 using an advertising agency which is common practice. The Electoral Commission has identified this as an important issue to monitor and put forward a recommendation that parties be required to report on more detailed breakdowns including social media spend before the next parliamentary general election.[23]

(c) Campaigning on Wedge Issues

The ability to micro-target political messages increases the likelihood that parties and candidates campaign on wedge issues. These are issues which are highly divisive in a public forum but also have the ability to mobilize voters. such as matters on immigration and welfare.[24] Research from the US[25] has shown that candidates are more likely to campaign on these wedge issues when the forum is not public. This however again raises questions about the impact this type of precise hidden campaigning and asymmetric informational flows has on the polarization of citizens. Message targeting speaks to the individual concerns of citizens as part of a group. The legitimate concerns of opposing groups are discredited or dismissed. Because these messages are being played out largely in secret they cannot be challenged or fact checked.

(d) Political Redlining[26]

Message targeting encourages contact and engagement only with those who are deemed worthy of political campaigning, for example those in marginal seats or

[23] Electoral Commission. 2016. UK Parliamentary General Election 2015: Campaign spending report pp.55-56.

[24] Barocas, S., 2012, November. The price of precision: Voter microtargeting and its potential harms to the democratic process. In *Proceedings of the first edition workshop on Politics, elections and data* (pp. 31-36). ACM.

[25] Sunne Hillygus .D & Shields.G. T. 2009. "The Persuadable Voter:Wedge Issues in Presidential Campaigns.

[26] Howard, P.2006. New Media Campaigns and the Managed Citizen. Cambridge University Press

judged to be undecided voters might receive attention, however it begs the question what happens to those who are not regarded as strategically important. Groups less likely to vote risk being further disenfranchised with this move to precise targeting during election campaigning'. There is also a risk of a compounding effect. Data on past elections are often used as a guide to inform future campaigning, so groups which are seen as not worth the resources are likely to be bypassed in the future. On the flip side those already seen as 'decided' are likely to receive information only from their affiliated party, if at all (as it might be considered a waste of resources). If democratic societies flourish through the free flow of information which in turn allow citizens to consider issues on balance then any move to restrict information flow might exacerbate polarization. As Karpf (2012) noted, advances in technology which allow message targeting remove a "beneficial inefficiency" that aided the public sphere.[27]

(e) Intermediaries

Gatekeeping, message targeting and opinion shaping is taking place on opaque internet intermediaries. By virtue of their new position in not only hosting the audience that political parties wish to reach but also the targeting tools and the all-important user data, they sit on top of a new power hierarchy.

As regards hosting services, some online platforms have introduced policies aimed at identifying political campaigning and bringing it into line with the national laws. Advertisements on Google, for example, must comply with applicable laws of the state in which they are being run. Also Twitter's policy includes restrictions on political advertising pertaining to disclosure and content requirements, eligibility restrictions, etc. However, the question arises whether the platforms have the means and strategies to effectively enforce their own policies. In Spain, for example, certain rules on electoral campaigning such as the prohibition of campaigning on the day before the election apply also to online media. However, it is argued that such restriction cannot be enforced properly on the internet and no longer makes any sense. In France, the rules on opinion polls do not cover most online surveys, since they do not constitute representative samples of the electorate. Consequently, the ban on publishing polls on the day before the election and on the election day can easily be bypassed, and the offenders are rarely sanctioned. Secondly, in some member states such as the UK national legislation does not provide for monitoring of online electoral communication by the national authorities.[28]

Furthermore, these platforms have the ability to facilitate or impede information dissemination. They could in theory make it easier for a political party with which their business/ideological interests align to reach their supporters or vice versa. There are already real concerns about this, with one former Facebook employee recently claiming to have been involved in keeping conservative issues from trending on the site. The methods used to curate and display information on these

[27] Karpf, D. 2012. The MoveOn Effect: The Unexpected Transformation of American Political Advocacy, Oxford University Press.

[28] European Audiovisual Observatory: Media coverage of elections: the legal framework in Europe, p.p. 44, 45, 53, and 60. http://www.obs.coe.int/documents/205595/8714633/IRIS+Special+2017-1+Media+coverage+of+elections+-+the+legal+framework+in+Europe.pdf/b9df6209-651b-456a-bdf5-1c911d6768cc

sites are opaque which means it is impossible to independently authenticate these claims. On a structural level this raises questions about the future of the public sphere if discourse fundamental to a democracy is taking place in a privatised sphere. A sphere, where the terms of discourse are controlled by a few private internet companies and which favours those with the resources to understand and make sense of this highly technical world.

(f) Ethics and journalism self-regulation

Elections have long featured a healthy scepticism about whether politicians "tell the truth", but the Brexit referendum and the U.S. Presidential campaign in 2016 have led to a renewed debate about "post-truth, or post-fact politics"[29] and the role of social media in propagating rumour and untruth.[30] The factual basis of politics has been in part supported by a filter of journalism ethics and fact-checking. As a greater proportion of electoral information is now shown independently of such editorial gatekeeping for example on social media, this raises questions about the efficiency of these filters. Electoral laws do in some cases regulate the telling of deliberate untruths in campaigns[31] in strictly limited circumstances, but such rules may be difficult to enforce in future.

During the recent wave of legislative/presidential elections voters in a number of European countries and the US were targeted by disinformation campaigns which produced a huge number of false stories online. Although no empirical data are available about the real impact of such campaigns, there is evidence that false stories were more widely shared on Facebook than those produced by quality media: "In the final three months of the US presidential campaign, 20 top-performing false election stories from hoax sites and hyper-partisan blogs generated 8,711,000 shares, reactions, and comments on Facebook. Within the same time period, the 20 best-performing election stories from 19 major news websites generated a total of 7,367,000 shares, reactions, and comments on Facebook.[32] During the French Presidential election, Twitter raids were organised in which coordinated false news with the same hashtags targeted individual accounts they were hoping to influence.

A number of initiatives were introduced to tackle the flood of false messages. The social networks' and independent organisations preferred countermeasure is fact-checking, and all major intermediaries have developed or supported mechanisms allowing verification of factual statements to determine their accuracy.[33] In France, election based initiative CrossCheck was debunking claims around French

[29] http://www.nytimes.com/2016/08/24/opinion/campaign-stops/the-age-of-post-truth-politics.html?_r=0

[30] http://www.nytimes.com/2016/08/28/magazine/inside-facebooks-totally-insane-unintentionally-gigantic-hyperpartisan-political-media-machine.html?smid=fb-share&_r=0 See also Myth vs. fact: are we living in a post factual democracy? Susan Banducci and Dan Stevens. In The EU referendum analysis 2016: media, in voters and the campaign. Daniel Jackson Et Al eds.

[31] Robertson and Nicol (1992) pp. 615.

[32] Silverman, C. (2016b) This Analysis Shows How Viral Fake Election News Stories Outperformed Real News On Facebook, Buzzfeed News, November 16, 2016. https://www.buzzfeed.com/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebook

[33] Mosseri, A. (2016) News Feed FYI: Addressing Hoaxes and Fake News, Facebook Newsroom, December 15, 2016. https://medium.com/google-news-lab/growing-the-first-draft-coalition-4fc59a11c441

Presidential election.[34] However, debunking has limited effects since it does not necessarily reach the same audience as the original false claim. An analysis into the effectiveness of fact-checks related to the French election showed that there was almost no overlap between the group that discussed a particular rumour on Twitter and the group that discussed the debunk.

(g) Privacy

Privacy helps protect freedom of speech and facilitates political debate by providing citizens a space to form opinions and develop identities free from surveillance. An online sphere where every conversation, comment or post is recorded and can be analysed for its commercial and political use could have negative repercussions for the free expression and exchange of views especially as privacy concerns among citizens grow.[35] Social networks, specialised services and also political parties themselves are today able to collect personal data from political surveys, public records, social media and other commercial sources for the purposes of modelling the electorate and assessing people's political preferences. The potentially huge databases can be used for political canvassing and targeted paid advertising. The legality of such databases is unclear and their potential for data breaches considerable.

In Europe all entities collecting and processing personal data are subject to national data protection laws based on several international instruments. The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) includes personal data about political opinions among sensitive data which cannot be processed automatically unless domestic law provides appropriate safeguards, first and foremost the express consent of the person concerned. This applies also with to the use of third-party data; prior consent must be obtained also in those cases. In the member states of the European Union the processing of personal data is also covered under both the 1995 European Data Protection Directive (95/46/EC) and the General Data Protection Regulation (GDPR). In line with the GDPR, political opinions are defined as sensitive form of personal data; nevertheless, political parties are allowed to compile data on peoples' political opinions in the course of their electoral activities under essentially equal conditions than those resulting from the Convention 108. One of the problems in the practical application of these standards is the vagueness of the notion "political opinions" which may exceed political affiliation. With the internet having enabled mass engagement in public debate, individuals convey their political preferences and affiliations in many different contexts when communicating online.

In the UK, the Information Commissioner's Office has launched an investigation over possible breaches of data laws during the 2016 EU referendum by the Vote Leave and Leave.EU campaigns which allegedly used vast amounts of personal data from people's social media profiles to decide who to target with highly individualised advertisements.[36]

---

[34] https://crosscheck.firstdraftnews.com/france-en/

[35] Kreiss, D. (2012). Yes we can (profile you): A brief primer on campaigns and political data. *Stanford Law Review Online, 64*, 70.

[36] https://www.theguardian.com/politics/2017/feb/26/us-billionaire-mercer-helped-back-brexit

(h) Tracking the sources of campaign financing

Expenditure on campaigns run from outside the country can pose serious challenges for regulating expenditure as well as for message dissemination. In many countries, electoral legislation prohibits foreign contributions to political campaigns. For example, under the Irish Electoral Act, political parties or non-governmental organisations are prohibited from accepting foreign political donations. However, whereas a foreign donor might be prevented from providing funding directly to an Irish-based political party or campaign, the rules do not address expenditure on political activities which are conducted outside the state. Such cases may include digital campaigning disseminated into the state. The Standards in Public Office Commission, which has a supervisory role in regard to disclosure of interests and compliance with, *inter alia*, election expenditure, has recently noted instances where foreign NGOs have run campaigns from outside the state during elections/referendums. They directed the campaigns using new internet technologies and targeted very specific demographic groups within the state. Given that the organisations are not based in Ireland, their actions their actions are difficult to police as the funding never technically entered Ireland.

Also crowd funding is becoming an important new source of funding in this day and age of social media, as is making donations electronically. In Ireland political parties and third parties are obliged to refuse or return donations above the allowable thresholds, and must likewise refuse foreign donations. Nevertheless, more and more parties and organisations provide for online donations or seek to avail themselves of crowd funding, which makes the tracking of the sources of donations increasingly difficult.

(i) Overview: the objectives revisited - the new threats to fair, clean and clear election campaigning.

In summary, the economics of campaigning is changing. Television is still important but online is growing most quickly and shaping political campaigns in ways that researchers are only beginning to understand.

Internet campaigning challenges all three of the high level policy objectives identified by the Venice Commission.

Of particular concern is the first objective: maintaining a level playing field and the principle of equality of opportunity for political parties. The key problem is that most safeguards were written into the broadcast licensing regime which contained rationing means to ensure fair access to broadcasters and the audience as they could guarantee. In addition, less money goes further in the era of targeting. Therefore absolute spending limits may do less to protect democracy.

The second objective was guarding against corruption and we can see that the key instruments in particular party finance and campaign finance rules do face challenges. Existing methods for calculating spend and categories for reporting political spend needs to be revisited.

Transparency, the third objective is undermined in a variety of ways. Not only is it more difficult to implement a labelling regime that makes citizens aware of campaign finance, it becomes more difficult to implement reporting requirements to electoral regulators. Message targeting involves not just the delivery of messages themselves but a huge amount of resources behind the scenes to analyse the data

to determine the target segments and messages[37]. In addition to these established policy principles, academic research has highlighted new challenges to election legitimacy, namely problems of autonomy, privacy deliberation and message targeting that may in the long term need to be addressed to protect the legitimacy of democratic processes.

This is not only about the democratic system as a whole but about each individual citizen – the autonomy of their decisions, the privacy of their data and of the ballot itself. Data privacy and freedoms of association and expression are fundamentally impossible to separate. Increasing the 'knowability' of processes of will formation leads to self-censorship and itself chills political mobilisation.

In its report on the Scottish independence referendum 2014, the UK Electoral Commission (2013, 2016) made several recommendations; for example that there should be proportionate imprint requirements[38] on non-printed material at referendums and elections across the UK. Such a requirement, according to the commission, should strike the right balance between ensuring there is transparency about who is behind the material and proportionate and modern regulatory requirements.

They also recommended that government should refrain from distributing paid leaflets, which was ignored by the government during the EU referendum, and warned that regulation of the content of campaigns was inappropriate.

5. Conclusions

The most fundamental, pernicious, and simultaneously difficult to detect implication of the shift to social media is not the rising power of intermediaries but the inability of regulation to level the playing field for political contest and limit the role of money in elections. It is now well accepted, indeed legal and regulatory norms reflect this point, that media institutions play a key role in shaping democratic debate and voter preference formation. This is why a series of safeguards have been developed to prevent abuse of the political process by mass media. These rules must be updated to take account of media change.

In the UK, the review of campaign finance legislation by the Electoral Commission (2014) and the Committee for Standards in Public Life (1998) recognised that the job of a regulator would be to keep legislation under review to account for changes in technology.

"In addition to its overall duty of keeping election and funding arrangements under review, the Election Commission should be specifically charged with monitoring the working of the current arrangements… and the effect on political advertising generally of developing communications technologies."[39]

Many of the emergent problems with internet campaigning concern the content of campaigns messaging which has not been subject to regulation or standard setting. Election monitors and regulators should however maintain a watching brief with

[37] Tufekci, Z. (2014). *Engineering the public: Big data, surveillance and computational politics*.

[38] Legal requirement to include on printed election material names and addresses of the printers and campaigners, therefore persons responsible for the production of the material.

[39] The Committee on Standards in Public Life, 1998. The Funding of Political Parties in the United Kingdom, Cm 4057–I, pp.183.

regard to issues such as message targeting, redlining and the undermining of deliberation. There are a number of areas where more active standard setting could be fruitful.

Personal data

In line with the Convention 108 and according to Recommendation CM/Rec(2012)4 on the protection of human rights with regard to social networking services and Recommendation CM/Rec(2016)5 on Internet freedom, social network services should not process personal data beyond the specified purposes for which they have collected it. Electoral campaigning constitutes in most cases a distinct purpose for which distinct consent is required. The use of personal data for message targeting services in the context of electoral campaigns should be scrutinised by national data protection agencies in collaboration with electoral monitors to ensure that it complies with national laws. Member states should also raise awareness among voters with regard to their online activities being used for political purposes.

Intermediaries' responsibilities in the area of freedom of association and the right to freedom of peaceful assembly

Recommendation CM/Rec(2016)5 on Internet freedom specifies that individuals and associations are free to use the internet and internet platforms to organise themselves for purposes of peaceful assembly. Political campaigning undertaken by political parties, candidates and other individuals online entails responsibilities not only for governments but also for platforms and intermediaries, which should develop codes of conduct that make explicit their respect for such fundamental rights and put in place strategies for their effective enforcement in line with the respective national rules on political campaigning.

Electoral campaigns regulation

The shift to online political advertising constitutes a major disruption of political campaigning, and as such should lead national authorities to review the effectiveness of these rules in their current form. The relevant standards and principles should be updated to reflect the importance of online campaigning. This should include an update of methods of monitoring: selection of media for monitoring (content monitoring); revision of spending monitoring, and transparency and data requirements for platforms and intermediaries.

Monitoring of electoral spending

Relevant national authorities (electoral commissions, independent national regulatory agencies in the communications sector) should monitor the importance of online political advertising and campaigning in the overall process of electoral campaigning and review the effectiveness of current quotas, limits and reporting categories in the area of electoral spending and subsidised public service announcements. A wide review of the ability of the legal framework to ensure a fair, clean and clear electoral campaign should be conducted. Definitions of the cost of campaigning should be expanded to include consultancy and database costs that relate to campaign spend, or a shift to donation limits rather than spending limits should be considered.

Media Law

The role of broadcasting regulation in particular, and its ability to maintain a level playing field in political campaigns should be reviewed. New and innovative measures to ensure that new, less well resourced, and minority political campaigns can be heard should be sought.

Self-regulation and news accuracy.

Whereas the idea of fake news is often exaggerated and used instrumentally by interested parties, there is nonetheless an important role to play for journalism self-regulation in creating professional incentives that support accuracy of reporting. Self-regulatory bodies in journalism should be encouraged to collaborate with internet intermediaries to create environments conducive to fact checking independently from the state, and also to prevent deliberate misinformation likely to impact electoral processes.

References

Ace Project. 2013. Media and Elections

Barocas, S. (2012). The price of precision: Voter microtargeting and its potential harms to the democratic process. Paper presented at the Proceedings of the first edition workshop on Politics, elections and data.

Council of Europe Committee of Ministers Recommendation (2003) 4, on common rules against corruption in the funding of political parties and electoral campaigns

Council of Europe Committee of Ministers. 2003. Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns

Diakopoulos. N and M. Koliska. 2016. Algorithmic Transparency in the News Media. Digital Journalism.

Electoral Commission. 2013. A regulatory review of the UK's party and election finance law. Electoral Commission

Electoral Commission. 2016. UK Parliamentary General Election 2015: Campaign spending report.

Epstein, R. and Robertson, R.E., 2015. The search engine manipulation effect (SEME) and its possible impact on the outcomes of elections. Proceedings of the National Academy of Sciences, 112(33), pp.E4512-E4521.

European Commission for Democracy through Law. 2010. Guidelines on Political Party Regulation, CDL-AD(2010)024

Fisher, J., 2001. Campaign finance: elections under new rules. Parliamentary Affairs, 54(4), pp.689-700.

Holtz-Bacha, C., & Kaid, L. L. (2006). Advertising in international comparison. The Sage handbook of political advertising, 3-14.

Holtz-Bacha, C., & Kaid, L. L. (2006). Political advertising in international comparison. The Sage handbook of political advertising, 3-14.

Howard, P. N. (2006). New media campaigns and the managed citizen: Cambridge University Press.

IDEA. 2014. Funding of Political Parties and Election Campaigns: A Handbook on Political Finance

Kreiss, D. (2012). Yes we can (profile you): A brief primer on campaigns and political data. Stanford Law Review Online, 64, 70.

Mark Pack "Constituency expense limits are dying off in the UK, but neither politicians nor the regulator will act"

Nielsen, Rasmus Kleis. 2012. Ground Wars: Personalized Communication in Political Campaigns. Princeton: Princeton University Press

Parliamentary Assembly of the Council of Europe: Recommendation 1516 (2001), Financing of political parties

Robertson, G. and Nicol, A.G., 1992. Media law. 5th ed. pp.614.Penguin UK.

Ross Tim. 2016. Why the Tories Won: The inside story of the 2015 election. Biteback Publishing

Rowbottom J, 2011. The role of spending controls. The Funding of Political Parties: Where Now? By Keith D. Ewing, Jacob Rowbottom, and Joo-Cheong Tham (eds.) [Abingdon: Routledge, 2011. 270 pp

Rowbottom, J. 2010. Financing Political Parties in the United Kingdom. Policy Quarterly 6 (3), pp. 8-13.

Rubinstein, I. (2014). Voter privacy in the age of big data. Wisconsin Law Review

Tambini, D; Goodman, E; Labo, S, and Moore, M. (2017). The New Political Campaigning. LSE Media Policy Project Policy Brief number 19.

The Committee on Standards in Public Life, 1998. The Funding of Political Parties in the United Kingdom, Cm 4057–I, pp.110

Tufekci, Z. (2014). Engineering the public: Big data, surveillance and computational politics.

Venice Commission. (2010) Guidelines on Political Party Regulation

Appendix

Committee of experts on media pluralism and transparency of media ownership (MSI-MED)

Elda BROGI, Scientific Coordinator - Centre for Media Pluralism and Media Freedom - Robert Schuman Centre for Advanced Studies - European University Institute

Pierre François DOCQUIR, Senior Legal Officer - ARTICLE 19 (Vice-Chair)

Maria DONDE, International Policy Manager Ofcom (United Kingdom Communications Regulator)

Natalie FERCHER, Expert on Media and Communication Law - Department of Media Law and Coordination Information Society - Federal Chancellery - Austria

Gudbrand GUTHUS, Director Licensing and Supervision Department - Norwegian Media Authority – Norway

Ivane MAKHARADZE, Head of Broadcasting Regulation Department, National Communications Commission – Georgia

Helena MANDIĆ, Director of Broadcasting - Communications Regulatory Agency - Bosnia and Herzegovina (Chair)

Tarlach McGONAGLE, Senior Researcher and Lecturer, Institute for Information Law (IViR) - University of Amsterdam

Nol REIJNDERS, Senior Adviser - Department for Media, Literature, Libraries - Ministry of Culture, Education and Science - The Netherlands

Helena SOUSA, Professor of Communication Studies, Dean of the Social Sciences School - University of Minho – Portugal

Damian TAMBINI, Associate Professor - Director of the Media Policy Project - Programme Director: MSc Media & Communications (Governance) - London School of Economics

Josef TRAPPEL, Professor for media policy and media economics - Head of the Department of Communication Research at the University of Salzburg

Maja ZARIĆ, Media Advisor - Media Department - Ministry of Culture and Information - Republic of Serbia

APPENDIX V

Committee of experts on Media Pluralism

and Transparency of Media Ownership
(MSI-MED)

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

29 September 2017 **MSI-MED (2016)11rev3**

Draft feasibility study on a standard – setting instrument on media coverage of elections with a specific focus on gender equality

Third draft as of 29 September 2017

Introduction

In the terms of reference for the Steering Committee on Media and Information Society (CDMSI) for the biennium 2016 – 2017, the Committee of Ministers asked the CDMSI to "carry out a feasibility study on a possible standard-setting instrument on media coverage of elections, with particular regard to gender equality and the use of the internet in elections" and approved the committee of experts on media pluralism and transparency of media ownership (MSI-MED) as a subordinate structure to facilitate the work of the CDMSI. The composition of the MSI-MED appears in the Appendix.

In its first meeting on 22 – 23 March 2016, the expert committee decided to deal separately with the two components of the study, namely the use of the internet in electoral campaigns and gender equality in the context of media coverage of elections. Ms Maja Zarić and Mr Pierre François Docquir were appointed as Rapporteurs for the preparation of the feasibility study on media coverage of elections with a specific focus on gender equality. Furthermore, the expert committee appointed Ms Pamela Morinière as external expert to provide special expertise on gender issues and portrayal of women (politicians and candidates) in the media.

Objectives of the study

A few months before the election of Germany's Federal Chancellor in 2005, Reinhold Beckmann, host of popular Beckmann show on German public service broadcaster ARD presented CDU candidate Angela Merkel with a photograph of American actor Brad Pitt. He asked: "*What do you think of him? He is single now, he just got divorced from his wife*". Surprised, Angela Merkel responded "*Do I really need to comment?"*

[1]. There are no accounts from the same period of Ms Merkel's European male counterparts having been asked questions about that, or any other celebrity divorce. The question which arises – especially since this is by no means an isolated case of a gender specific question – is whether, and if so, to what extent, media coverage of politics, particularly during the election periods, is framed by the participants' gender, and whether that influences the electoral outcome.

An equal and fair participation of women and men in political debate is a fundamental to democracy. At a time where many European legislations have adopted policies that directly promote women candidates, often through voluntary or mandatory quota systems, more women have decided to run for office. For instance, in the 2014 European Parliament elections, women won 37% seats, a 2% increase since 2009 elections, 6 points more than in 2004.

Elections are a period of intense media scrutiny. Voters will rely tremendously on the news to forge their opinion and vote. They must have enough information about candidates to make informed choices in the ballot booth. It is therefore essential that all candidates have

[1] Portraying Politics- a toolkit on gender and television, Beckmann, ARD, 10.01.05.

equal access to the media and are portrayed in a fair and accurate way. Media coverage of elections is thus crucial for the public, civil society, state institutions and political parties, but also for private, nongovernmental sector, and international community. By providing access to political candidates to convey their messages to the public, the media has an essential role as the primary source of information about politics and elections.

Traditional media so far remain the main source of information during election. However, they are facing increasing competition from the new media, particularly social media, which provide faster access to various types of content. Online media of all sorts have enabled politicians to express themselves, without there necessarily being journalists' gate keeping.

A free press, delivered from bias reporting and respectful of society's diversity and equality between women and men has the capacity to deliver citizens knowledge to make informed decisions and fully participate in the public debate. On the contrary, a press that avoids portraying a part of society or presents one part of the society in a stereotyped manner has the potential to damage not only the persons it portrays, but also viewers and readers' perception of that category of persons or group. For example, the growing influence of infotainment where sensationalism often wins over information means that political candidates will not only be confronted to traditional political debates and news reports but will also participate in programmes where political questions are mixed with entertaining ones.

The Platform for Action adopted at the fourth World conference on women held in Beijing in 1995 included specific provisions on the media and acknowledged the part that they can play in promoting gender equality, in women's access to decision-making processes and in combating stereotyped portrayals of women[2].

Numerous studies have highlighted the lack of equality and fairness in the media coverage of women and men. Globally, women only make 24% of the persons read, seen or viewed in the news[3]. This constitutes a great deficit given that women represent half of the world population[4].

Research has shown that when a man enters public life, media usually don't pay attention to the fact that he is a man. When a woman runs for office, her gender is almost always a focus of debate[5]. Research has also highlighted that women politicians are proportionally

[2] Section J of the Beijing Platform for Action: "Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication. Promote a balanced and non-stereotyped portrayal of women in the media".

[3] Global Media Monitoring Project, 2015.

[4] According to the United Nations' "The World's Women 2015 -Trends and Statistics", women constituted 49.6% of the population in 2015.

[5] Portraying Politics, a Toolkit on gender and television.

less visible than men in news coverage, and that where they are present media tend to portray them in a biased way, using stereotypes or discriminating against them[6].

As a consequence, unbalanced and unfair media coverage of gender during elections can be expected to impact the public's understanding of electoral stakes and influence gender balance in the result of electoral competitions.

This study explores how male and female politicians are portrayed in the media during electoral campaigns and to what extent the representation of gender during elections influences voters' decisions. It consists of a review of existing research reports and an overview of current practices in the member states of the Council of Europe. The study provides an evidence-based approach to assessing whether (a) existing legal instruments offer an appropriate framework to promoting gender equality in relation with media coverage of elections, and (b) the national implementation of those instruments is effective and delivers any results. The study takes into account the evolution of media landscapes and adopts a broad definition of media that includes social media among other new actors, in conformity with Recommendation CM/Rec(2011)7 of the Committee of Ministers on a new notion of media. It covers mainly news and general affairs programmes, but will also look at entertainment programmes where relevant for electoral campaigns.

Part I – Legal instruments of the Council of Europe

The topic of the study sits at the intersection of the right to freedom of expression guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention") and the prohibition of discrimination enshrined in Article 14 of the Convention.

Most of the existing legislation regulating media content is aimed at protecting diversity; it rarely addresses any specific topics such as gender equality. Moreover, such regulation is mainly aimed at audio-visual services[7]. Nevertheless, some recent instruments of the Council of Europe address certain aspects of the issue in question.

1. Recommendation CM/Rec (2013) 1 of the Committee of Ministers of the Council of Europe to member states on gender equality and media

This Recommendation reaffirms the importance of the gender dimension to media pluralism and diversity of media content, considering that media are a crucial factor in shaping society's perceptions and ideas. The preamble identifies a number of problems in this area, notably women's under-representation in media ownership, in information production and journalism, in newsrooms and management posts, and their often precarious conditions of employment. Moreover, the text flags women's low visibility, both in terms of quality and quantity, in media content, the scarce presence of women as experts and the relative

[6] Portraying Politics, a toolkit on gender and television.

[7] Handbook on the implementation of Recommendation CM/Rec (2013) 1 of the Committee of Ministers of the Council of Europe on gender equality in Media.

absence of their viewpoints in the media. The Recommendation also specifically alerts to the persistence of sexist stereotypes and lack of counter-stereotypes in the media coverage of political events and electoral campaigns.

The Recommendation calls upon the member states to improve the situation by adopting appropriate legal frameworks to prohibit discrimination and ensure that they are implemented by media regulators. Secondly, the media are urged to adopt self-regulatory measures and internal codes of conduct to promote equal representation of women and men in media work, in media management bodies and in regulatory and self-regulatory institutions, and to promote a non-stereotyped image, role and visibility of women and men.

The guidelines identify mechanisms that may support the promotion of gender equality, in particular the adoption of indicators on gender equality in the media, regular monitoring of the situation, additional research on gender equality, and the exchange of information on good practices. Finally, efforts in media literacy are necessary to promote gender equality for the young generations as well as for adults, including media professionals and media students.[8]

2. Recommendation CM/Rec (2011)7 of the Committee of Ministers of the Council of Europe to member states on a new notion of media

This recommendation looks at the evolution of media landscapes and finds that it is necessary to analyse the various functions performed by internet intermediaries and social media in order to identify the appropriate graduated approach to their regulation. The Recommendation also insists that it is important to identify the potential risks as well as the opportunities that arise in the new media landscapes to further promote gender equality and diversity in the media.

3. Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns

This Recommendation includes guidelines aiming at fair, balanced and impartial media coverage during electoral periods. The general provisions envisage that the editorial independence of the media must be enshrined in the regulatory framework of all member states and should be fully respected. It is particularly important for the public service media to cover elections in an impartial manner and without discriminating against or supporting a specific political party or candidate.

In addition, fair and balanced coverage of elections is especially recommended for news and current affairs programmes in broadcast media, and all paid political advertising should be readily recognisable as such and made transparent to the public.

Lastly, the media are encouraged to develop self-regulatory frameworks and incorporate self-regulatory professional and ethical standards regarding their coverage of election campaigns including respect of principles of human dignity and non-discrimination.

[8] See also ibid.

4. Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms

This Recommendation calls for, among other steps, elimination of sexism from language and promotion of language that reflects the principle of gender equality. To this end, member states are invited to promote non-sexist language across all sectors, but particularly "in the public sector and in all forms of education and in media," and to devise initiatives for the elimination of discriminatory expressions which describe women and men in terms of their physical appearance or of the qualities and gender roles attributed to their sex.

5. Recommendation Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making

This Recommendation encourages the member states to develop and support mentoring/work-shadowing programmes, confidence building, leadership and media training for women considering entering political and public decision making. Likewise, they are called upon to promote balanced participation in decision-making positions in the media, in education, training, research and regulatory bodies, as well as to support training and awareness-raising for students of journalism and media professionals on questions linked to gender equality. Finally, the member states should encourage media professionals to ensure equal visibility of women and men candidates and elected representatives in the media, especially during election periods.

6. The implementation of the existing standards of the Council of Europe

The Council of Europe has put in place the Gender Equality Strategy[9] in order to support the implementation of gender equality standards. The strategic objectives of the Strategy include combatting gender stereotypes and sexism, achieving balanced participation of women and men in politics and public decision making and achieving gender mainstreaming in all policies and measures, which include the media.

Part II – Media and gender equality

1. Data on media coverage of women and men politicians

"*News erase one in two women*" ("Les médias gomment une femme sur deux") claimed the Belgian Association of professional journalists (AJP), when it publicised its Global Media Monitoring Project[10] (GMMP)'s results for Belgium in 2015.

[9] The Gender Equality Strategy 2014-2017 is currently in force, but a new one is under preparation for the period 2018-2023, to be adopted by the end of 2017.

[10] The project consists of an analysis, every five years, of the presence of women in the news across the globe. I analyses, among other, women as sources of news in politics as well as the presence of women journalists who report on political topics.

The latest edition of the GMMP[11], which assess every 5 years the place of women in the news media, whether in print, radio, TV or online, brought indeed alarming results. Women made only 24% of people seen, read or heard in the news of traditional media, a similar result to the GMMP 2010 findings. The report warns that "*the rate of progress towards gender parity (in the news) has almost ground to a halt over the last 5 years*".

Findings in the digital news were almost identical. Women make 26% of the people in Internet news stories and media news-tweets combined.

As regards the category n*ews about politics, women only make 16% of the people appearing in the stories* (19% in Europe and 17% in online and Twitter news in Europe.)

Worryingly, while the presence of women sources in political stories has increased steadily since the first monitoring in 1995, it registered its first decrease in 2015.

	1995		2000		2005		2010		2015		%Change (Δ)	
	%F	%M	%F	%M	%F	%M	%F	%M	%F	%M		
Main Story Topics. Newspaper, Television, Radio											(%F)	
Science & Health	27	73	21	79	22	78	32	68	35	65	▲ 8	Δ 20 yrs
Social & Legal	19	81	21	79	28	72	30	70	28	72	▲ 9	
Crime & Violence	21	79	18	82	22	78	24	76	28	72	▲ 7	
Celebrity, Arts & Sport	24	76	23	77	28	72	26	74	23	77	▼ 1	
Economy	10	90	18	82	20	80	20	80	21	79	▲11	
Politics & Government	7	93	12	88	14	86	19	81	16	84	▲ 9	

Source: GMMP 2015

A number of studies on media coverage of female candidates revealed that even when there are a reasonable number of women candidates running for office they are often neglected by the media[12].

During Ireland 2011 elections, a study[13] showed that women constituted around one third of appearances on the Irish current affairs show *Prime Time*, broadcast by the Irish public broadcaster RTE, but were given only 10% of the airtime.

Looking at the *occupations of the persons that appear in the news stories*, women make 18% of the category of government, politician, minister, spokesperson and 67% of the category of homemaker, parent, where no other occupation is given.

[11] http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/highlights/highlights_en.pdf

[12] The importance of the media to elections, ACE, the electoral knowledge network.

[13] It's a man's world, A Qualitative Study of the (Non) Mediation of Women and Politics on Prime Time During the 2011 General Election Anne O'Brien 2014.

Occupation	1995 F%	1995 M%	2000 F%	2000 M%	2005 F%	2005 M%	2010 F%	2010 M%	%Change Change
Homemaker, parent (no other occupation is given)	81	19	75	25	72	28	67	33	▼ 8
Health worker, social worker, childcare worker	n/a		n/a		n/a		47	53	
Office or service worker, non-management worker	35	65	40	60	45	55	35	65	▼ 5
Unemployed no other occupation given	33	67	19	81	35	65	34	66	▲15
Activist or worker in civil society org., NGO, trade union	24	76	23	77	34	66	33	67	▲10
Doctor, dentist, health specialist	n/a		n/a		n/a		30	70	
Academic expert, lecturer, teacher	n/a		n/a		n/a		23	77	
Lawyer, judge, magistrate, legal advocate, etc.	n/a		18	82	17	83	22	78	▲ 4
Media professional, journalist, film-maker, etc.	n/a		36	64	29	71	21	79	▼15
Tradesperson, artisan, labourer, truck driver, etc.	15	85	23	77	22	78	21	79	▼ 2
Government employee, public servant, etc.	12	88	17	83	17	83	20	80	▲ 3
Government, politician, minister, spokesperson...	10	90	12	88	17	83	18	82	▲ 6
Business person, exec, manager, stock broker...	n/a		12	88	14	86	16	84	▲ 4
Agriculture, mining, fishing, forestry	15	85	13	87	13	87	14	86	▲ 1
Science/ technology professional, engineer, etc.	12	88	10	90	10	90	10	90	■ 0
Police, military, para-military, militia, fire officer	4	96	5	95	7	93	8	92	▲ 3
Sportsperson, athlete, player, coach, referee	9	91	16	84	11	89	7	93	▼ 9

Δ10 yrs

Source: GMMP 2015

In the digital news, women are 2% points less likely to appear as spokespersons (18%) than in traditional media and two points more likely to appear as experts (21%).

When it comes to coverage of women and men in election times, i.e. in a period for which special rules are adopted by many states in order to provide fair and unbiased coverage to all candidates, the gap appears to be the same.

A study conducted by the Swiss Federal Office of Communications (OFCOM), the Federal Commission for Women's Issues and Swiss public broadcaster (SRG SSR)[14], which was published in 2015, concluded that while women made up 34.5% of candidates for election to the Swiss National Council (the lower house of the Federal Assembly) in 2015, they made up 24% of audio and video stories, 23.5% of stories in print and online media and 25% of photos of candidates. Worryingly, there had been no progress in the presence of women candidates in the news since 2003 when women made up 25% of candidates in the press while representing 34.5% of candidates. The study also concluded that although there was no significant improvement in the percentage of representation of women candidates in media there was a significant improvement of their elections into functions. This fact brought out the question of correlation between the percentage representation of women candidates in media and their election. Furthermore, the study showed that the way of representing both gender was equal in terms of assigning them adjectives such as reasonable, active, strong, knowledgeable, etc. These findings might be valuable to serve as a basis for other wider analysis in more member states.

[14] Les élections dans les médias : les stéréotypes de genre disparaissent, mais les candidates restent sous-représentées, Commentaire de la CFQF sur l'étude « Genre et médias au préalable des élections fédérales 2015, octobre 2016.

In Belgium, a 2014 report conducted by the National Audiovisual Council (CSA)[15] shows some improvements with women making up 30.38% of politicians appearing in pre-electoral debates on Belgium French-speaking television. Findings showed that women tend to be more present in local television's debates (32.05%) than in major public broadcasters (27.82%) and major private broadcasters (24.14%).

2. Reasons behind gender inequality in media coverage of women candidates

Such low representation of women can be partly explained by the low presence of women candidates and their low presence in countries' most leading political positions. In its 28 member states for instance, the EU has 4 women presidents (Croatia, Estonia, Malta and Lithuania). Similar lack of gender balance is present also in the governmental structures. According to the European Institute for Gender Equality (EIGE) Gender Statistics Database[16], which includes data on the numbers of women and men in key decision-making positions, in the second quarter of 2017 only four out of 35 European countries' prime ministers[17] were women. Similarly, less than 30% women were government ministers or held equivalent public offices in those 35 countries.

Nevertheless, data on women holding elected offices in European assemblies show that their presence in politics is considerably higher than their presence as sources in the news. Women represent 37% of EU Parliament, and have reached at least 35% representation in 8 EU member states (Sweden, Finland, Spain, Belgium, Germany, The Netherlands, Montenegro and Denmark). In the Council of Europe member States, 25.6% of members of the lower/single houses of national parliaments are women. The number is even lower in respect of elected members of upper houses, amounting to 23.9% women parliamentarians, and somewhat higher in respect of the appointed number, where 35.8% of members are women.[18]

[15] La représentation des femmes dans les débats pré-électoraux télévisés belges francophones, May 2014.

[16] http://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_pol_gov__wmid_natgov_pres/bar/year:2017-Q2/geo:EU28,BE,BG,CZ,DK,DE,EE,IE,EL,ES,FR,HR,IT,CY,LV,LT,LU,HU,MT,NL,AT,PL,PT,RO,SI,SK,FI,SE,UK,IS,LI,NO,ME,MK,RS,TR/sex:M,W/UNIT:PC/POSITION:PRES_GOV/EGROUP:GOV_NAT/BEIS:TOT

[17] The 28 EU Member States, Montenegro, the former Yugoslav Republic of Macedonia, Serbia, Turkey, Iceland, Liechtenstein and Norway.

[18] Council of Europe: Third round of monitoring on the implementation of CM Recommendation Rec (2003)3 on balanced participation of women and men in political and public decision-making – Analytical report of 2016 data

A higher percentage of women are present in the representative assemblies of the Council of Europe.

		Countries reaching the minimum 40% target in 2016	Average % women in 2016	Evolution 2005-2016
Parliamentary Assembly		21 (45.7%)	35.7%	+
Chamber of Local Authorities	Members	22 (46.8%)	43%	+
	Substitutes	21 (55.3%)		
Chamber of Regions	Members	22 (58%)	44.8%	+
	Substitutes	24 (52.2%)		

Source: Third round of monitoring on the implementation of CM Recommendation Rec (2003)3 on balanced participation of women and men in political and public decision-making – Analytical report of 2016 data

Another element which contributes to the inequality of media coverage accorded to women politicians is that heads of political parties are more likely to be interviewed and that 14.8% of those leaders are men.[19]

As reliance on sources is fundamental to news gathering, the fact that most authoritative sources, including political party leaders and spokespersons are male means they are the "primary definers" of news. As pointed in the GMMP report, "*dependence on these sources also reinforces male dominance in the news as most of these sources tend to be men*".

Nevertheless, while the lower presence of women in major political positions does account for general lower media coverage, that fact in itself does not explain why female candidates comparatively receive less media attention than their male counterparts. The reasons for such gender inequality must also be sought elsewhere.

3. Media coverage of elections from a gender perspective

During election campaigns media have a duty to publicise candidates and their manifestoes as widely as possible, regardless of their gender, while seeking to treat them equally and impartially[20].

Since most voters have no direct relations with election candidates, media and journalists have a role to play in conveying their concerns and making sure candidates address not only their own programme but also respond to the matters of public concern. Journalists have a role to play in identifying what those issues are and encourage politicians to speak about them. Among these issues is gender equality.

[19] Ibid.

[20] Handbook on the implementation of Recommendation CM/Rec (2013) 1 of the Committee of Ministers of the Council of Europe on gender equality in Media.

The latest GMMP report lists government, accidents, sports, economics and crime as the five main news topics.[21] Most of these topics fall under de category of what is called "hard news[22]". Government and domestic politics come first in the GMMP ranking of top topics. As GMMP results also show that women's presence significantly lags behind in the coverage of politics, the risk is that topics considered as "hard news" continue to be associated with men and perceived as such by public opinion and voters.

Top 10 news topics on the global monitoring day 25 March 2015

1.	Other domestic politics, government...
2.	Disaster, accident, famine, flood, plane crash...
3.	Sports, events, players, facilities, training, funding
4.	Economic policies, strategies, modules, indicators, stock markets...
5.	Violent crime, murder, abduction, assault...
6.	Non-violent crime, bribery, theft, drugs, corruption
7.	Foreign/international politics, UN, peacekeeping
8.	Education, childcare, nursery, university, literacy
9.	Medicine, health, hygiene, safety, (not EBOLA or HIV/AIDS)
10.	War, civil war, terrorism, other state-based violence

Source: GMMP 2015

a. Who reports on politics?

Regarding the question **who reports on and presents the news,** the GMMP 2015 shows that women outnumbered men in TV news presentation (57%) and are slightly below men in radio presentation (41%). However, men outnumber women as reporters (63%), with a higher score in newspapers (65%), television (62%) and radio (59%). However, women report 5% more stories online than in traditional media combined (42% of news published online are reported by women).

In traditional media women report 31% of stories on politics (against 50% of stories on science and health)[23]. There was a 2% decrease since 2010, making politics the least reported topic by women.

[21] The high proportion of stories under the accident category is attributable to the fact that the Germanwings plane crash was reported widely on the GMMP monitoring day.

[22] As opposed to the soft news on topics such as education, healthcare, childcare, lifestyle, etc.

[23] GMMP 2015

B. Reporting and Presenting the News. Newspaper, Radio, Television	1995		2000		2005		2010		2015		%Change (Δ)	
	F%	M%	F%	M%	F%	M%	F%	M%	F%	M%	Change	
% Stories presented	51	49	49	51	53	47	49	51	49	51	■ 0	Δ 15 yrs
Television			56	44	57	43	52	48	57	43	▲ 1	
Radio			41	59	49	51	45	55	41	59	■ 0	
% Stories reported	**28**	**72**	**31**	**69**	**37**	**63**	**37**	**63**	**37**	**63**	▲ 6	
Television			36	64	42	58	44	56	38	62	▲ 2	
Radio			28	72	45	55	37	63	41	59	▲13	
Newspapers			26	74	29	71	33	67	35	65	▲ 9	

Source: GMMP 2015

As regards the age distribution of female presenters, there is an overrepresentation of young women as anchors; the representation of women in the 50-64 age bracket is much lower (28%) and disappears beyond that age group.

Female presenters, percentage by age

	2005	2010	2015
12 and under	n/a	51%	100%
13-18	n/a	59%	82%
19-34	79%	52%	84%
35-49	50%	58%	49%
50-64	7%	51%	28%
65 years or more	n/a	57%	0%

Source: GMMP 2005-2015

b. Stories reported by female reporters by major topics 2000-2015

	2000	2005	2010	2015	Δ 15 yrs
Science and Health	46%	38%	44%	50%	▲ 4%
Economy	35%	43%	40%	39%	▲ 4%
Social and Legal	39%	40%	43%	39%	■ 0%
Celebrity, Arts and Media, Sports	27%	35%	38%	34%	▲ 7%
Crime and Violence	29%	33%	35%	33%	▲ 4%
Politics and Government	26%	32%	33%	31%	▲ 5%
TOTAL	28%	37%	37%	37%	▲ 9%

Source: GMMP 2015

This finding confirms that while a majority of politicians are men and a majority of those reporting on politics are also men, there seems to remain what scholars have highlighted as a "gentleman's club" tendency where rules are established by male politicians and male journalists[24] and which women journalists and politicians must comply with.

The GMMP points at the limited journalistic gender lens when selecting their sources and qualifies it as "*male centred, but (…) also skewed towards a certain kind of masculinity when selecting interviewees for all types of views, from 'expert' opinion to 'ordinary' person testimonies*". In this connection, it is difficult to change the habit of using interviewees, especially experts, who are already known in favour of finding new, female experts. Of course, that does not help enhancing diversity of voices. Lately, databases of female experts are beginning to emerge which counter the argument that there are none, however the practice of using those databases is yet to evolve.

Interestingly, the GMMP highlights that while women journalists tend to include more women as subject of their news stories (29%) as opposed to their male colleagues (26%), there seems to be an overall journalism practice of mainly referring to male as subject, despite some slow improvement.

Female news subject by sex of reporter 2000-2015

	2000	2005	2010	2015	Δ 15 yrs
Female reporters	24%	25%	28%	29%	▲ 5%
Male reporters	18%	20%	22%	26%	▲ 2%

Source: GMMP 2015

Online news seems slightly more balanced in using female sources where women make 33% of sources in stories by online news female reporters, compared to 23% in stories provided by men.

The fact that few journalism schools include any curricula on gender equality shows that the gender deficit applied to journalistic sources is also intrinsic to journalism education and daily routines adopted at the beginning of journalistic careers.

c. Framing the message: journalistic practices

The media have the capacity to "*direct the public's attention to certain issues presented as the most important ones at that moment*"[25]. At election times the media will decide on the

[24] "Send pretty girls to the white house"- the role of gender in journalists-politicians' interactions, Liudmila Voronova, University of Stockholm, Sweden, 2014.

[25] Election coverage from a Gender perspective, a media monitoring manual by UN Women and Idea.

guests, the topics, the format of the debate (including the setting of the room, the time, the angle of cameras and the captions that go beyond photographs.

Different factors will influence journalists when they cover news including their personal experience, their orientation (ideological, political or religious), their gender, their preferences, and their knowledge. Their specific frame of reference will inevitably influence the angle of a story[26].

The way journalists frame their questions to politicians and set debate panels influences the public's perception of politicians. The choice of questions and who will answer them also impacts on the public's perception of female and male politicians' strength and weaknesses.

"*The repetitive and persistent nature of most of the media's frames of women politicians produces a normative expectation that this is how women are, and these gender scripts slide easily into the journalistic consciousness to become the routine handy-grab to use for any women politician, good for one, good for all*," says scholar Karen Ross[27].

One important aspect pointed by research is that women politicians are often portrayed as extraordinary or achieving spectacular results. They are, in fact, too often referred as "women politicians". It conveys the wrong message that their presence is not a natural trend and implies that their coverage should focus on what makes them new instead of focusing on their programme and ideas.

Some research also suggests that women are more likely to be covered by news media if they are standing against other women or if a feature story is explicitly focused on women candidates[28].

"The gender lens is skewed to men when selecting interviewees in general but in the one in four chances that a woman is selected, the tendency is to portray the woman as an embodiment of a typical femininity of subordination and powerlessness even in cases where the woman holds senior public office, as media monitoring studies on portrayal of political women have demonstrated," says Ross.

Opposite may also be true at times. Some women politicians are criticised for assimilating their behaviour and/or features to those of their male counterparts; they are accused of trying to legitimise themselves by adhering to the more male oriented script or look.

A result of this is that women politicians tend to be portrayed in accordance with a number of stereotypes that have nothing do to with the office they are running for. Given the rise in infotainment, such stereotypes can only be reinforced when political programme comes second and personalisation of politics comes first.

---

[26] Portraying Politics, a toolkit on gender and television.

[27] Gender, Politics, News: A Game of Three Sides, First Edition, Karen Ross, 2017.

[28] *Ibid.*

d. What do politicians speak about?

Research tends to show that questioned framed at politicians are still dependent on gender. A study of press coverage of the 2003 Swiss parliamentary election showed that women candidates were most likely to be reported in the areas of education, culture and gender issues. They were least likely to appear in stories about the EU, foreign policy and agriculture[29].

A study in 2014 in Ecuador[30], in which researchers monitored news during the election period, showed that 75% of candidates responding to interviews on issues such as foreign policy, national security and international agreements were men. A more recent Swiss study[31] showed, however, that in Switzerland progress has been made in not attributing specific hard issues to male candidates and soft issues to women candidates.

e. Women politicians subject of stereotypes

Gender stereotypes are generalised views and preconceived ideas developed by society according to which individuals are categorised into particular gender groups, typically defined as "women" and "men", and are assigned characteristics and roles determined and limited by their sex.[32]

Research shows that women politicians receive more attention coverage on their appearance, sex, private life and family life as compared to men.

These practices contradict the principle of equal treatment that should apply to all politicians.

i. Style over substance

After the news broke that Theresa May would be the new leader of the Conservative party and hence the next prime minister, the British daily *The Sun*'s headline read "Heel boys" above a large photograph of May's kitten heels appearing to trample on the heads of her male opponents and colleagues[33].

Hair colour, loss of weight, outfits are topics that are often more commented than women's politicians' policy decisions, voters' records and programmes. A study found that in

---

[29] Doing gender in der Wahlkampfkommunikation, Sibylle Hardmeier and Anita Klöti, 2004.

[30] Abordaje Mediatico En Epoca De Campaña Electorav http://whomakesthenews.org/articles/abordaje-mediatico-en-epoca-de-campana-electora

[31] Les élections dans les médias: les stéréotypes de genre disparaissent, mais les candidates restent sous-représentées, Commentaire de la CFQF sur l'étude "genre et médias au préalable des élections fédérales 2015" (October 2016).

[32] Combating gender stereotyping and sexism in the media, Council of Europe, https://rm.coe.int/168064379b.

[33] Handbags and kitten heels – how not to write about prime ministers, Laura Bates, The Guardian 12 July 2016.

newspaper coverage of 2002 gubernatorial and senatorial election in the United States of America (hereinafter "the U.S."), 6% of women's news stories mentioned their appearance compared to 1% in men's stories[34].

It is worth noting, however, that the press has more recently developed a trend to also comment on and/or mock male politicians' physical appearance. Media have for instance heavily commented on the height of the former French President Nicolas Sarkozy, the tan of the former Italian Prime Minister Silvio Berlusconi, as well as the hair of the United Kingdom Secretary of State for Foreign & Commonwealth Affairs Boris Johnson and the United States President Donald Trump.

ii. Sexualisation

"*Hot potato*" ("Patata bollente") was the headline used by the Italian right-wing newspaper *Libero* on 10 February 2017 to describe Rome's Mayor Virgina Raggi. Patata is also a colloquial Italian term for the female genitals and the headline was heavily criticised for its misogyny.

A study conducted by the Inter-Parliamentary Union on sexism, harassment and violence against women parliamentarians from 39 countries spread over five regions of the world[35] reveals that 27.3% of respondents believe traditional media had disseminated images or comments about them that were highly contemptuous or sexually challenged. That proportion rose to 41.8% in the case of images or comments disseminated through social media.

iii. Family status

The fact that women politicians are single or mothers is regularly a topic in the news. For the men, the question of how they manage to combine career and family rarely arises in the media. But for women this challenge - often presented as the "juggling act"- is constantly present[36].

iv. Wives of politicians

During election campaigns, media have a tendency to focus on political leaders' wives more than on women politicians themselves. In the United Kingdom, during the 1992 election campaign Norma Major and Glenys Kinnock appeared more often in the daily press than any politician, with the exception of the party leaders and Margaret Thatcher[37].

---

[34] Gender and Campaign Communication: TV Ads, Web Sites, and Media Coverage, Dianne G. Bystrom, Mary Christine Banwart, Lynda Lee Kaid and Terry A. Robertson, 2006.

[35] Sexism, Harassment and violence against women parliamentarians, IPU, October 2016.

[36] Portraying Politics, a Toolkit on gender and television.

[37] Gender, Politics, News: A Game of Three Sides, First Edition, Karen Ross, 2017.

In France, Aurélie Filippetti, former Minister of Culture, was appointed spokesperson of socialist candidate Benoit Hamon during the 2017 presidential election campaign. However, she was still presented by some media as the wife of socialist politician Arnaud Montebourg rather than as former Minister of Culture.

Political leaders' wifes are usually subject to widespread comments from the press in relation to their appearance. Brigitte Macron, wife of French President Emmanuel Macron, was heavily commented in the press during French presidential elections 2017 for her looks and age.

v. Social media effect

Social platforms have great potential for disseminating political messages and ideas; given their widespread use they are an effective way of breaking down barriers between politicians and voters. They enable active participation in the electoral process to a larger number of people than ever before and give voice to groups which have traditionally not taken part in political debate, such as young people.

While there is no hard evidence available as to how the visibility on social media translates into votes, there are indications that these media increasingly influence the voters' choices. For example, in a British research surrounding the 2015 general election, 34% of voters in the youngest group (18-24 year olds) considered that something they read on social media would influence their vote.[38]

Wide participation on social media sites offers a wide range of perspectives, but has also numerous negative implications. These sites may be (mis)used for partisan campaigning[39] where there is generally little tolerance towards opposing views. Moreover, depth and quality of debate are often compromised in favour of speed and volume. While online platforms allow voters to share information and opinions freely, they also leave the door open to excessive comments, including sexism and sexist hate speech.[40]

The anonymity and physical distance of many Twitter and Facebook users who publish mostly without consideration for media ethics, as well as empowerment they receive from likeminded individuals, can add to the increase of widespread sexism that surrounds in particular women who work in the public sphere. Self-regulatory mechanisms of social media and their codes of conduct, even where they exist, do not seem sufficient to achieve an appropriate balance between the free flow of information and valid concerns about reducing sexist hate-speech.

In 2016, the United States presidential election demonstrated the political power of social media. During the campaign Hillary Clinton was subject to hundreds of sexist messages per day. Tweets directed at her showcased a broad range of sexism, from appearance-related

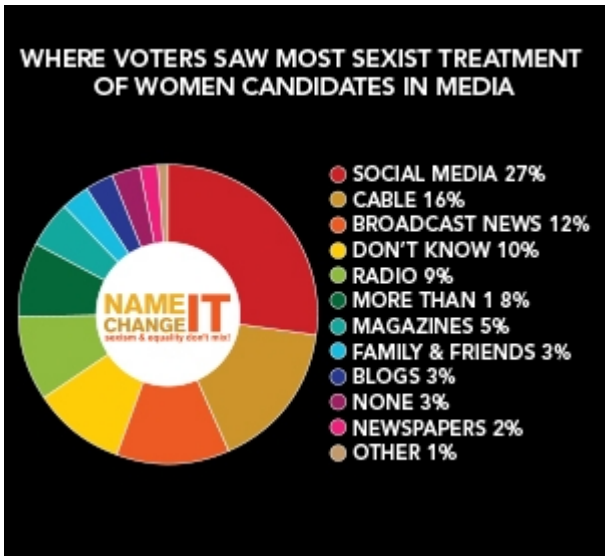
[38] https://www.ipsos.com/ipsos-mori/en-uk/third-young-people-think-social-media-will-influence-their-vote

[39] The Council of Europe's Feasibility study on the use of internet in electoral campaigns, 2017.

[40] The Council of Europe's Factsheet on Combating sexist hate speech (https://rm.coe.int/1680651592).

insults to obscene names paired with sexual threats. Users told Clinton to "go back to the kitchen" and suggested that "if she can't keep her man under control, she can't keep the country under control."[41]

A survey[42] commissioned by Name It. Change It., a joint non-partisan media-monitoring and accountability project of the Women's Media Center and She Should Run (a project dedicated to increasing the number of women in public leadership), was conducted during the final days of the United States presidential election 2016. The survey showed that social media were the source where voters saw the most sexist treatment of women candidates. They were followed by cable news and broadcast news.



Source: Name it. Change it.

"This research shows an awareness of media sexism toward women candidates and elected officials and affirms the power of the media in shaping opinions, influencing perceptions, and fostering stereotypes," said Julie Burton, president of the Women's Media Center. *"The fact that 87% of voters could report seeing sexist media coverage of women candidates underscores both the problem and the need for media accountability for this kind of content—especially on social media, which had substantially more reports of sexism than other media platforms."*

4. Influence of media reports on voters' opinion

Public opinion is inevitably influenced by the way the media present the facts[43]. As regards their effects on voting choices, two main concerns which follow from the preceding sections are a lack of coverage and/or sexist coverage of women candidates. In the context of

[41] Does Sexism on Social Media Hurt Women Running for Office?, Madison Shumway, The Bengal 2017.

[42] Where voters saw most sexist treatment of women candidates in the media, Name it. Change it. 2016.

[43] Handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers of the Council of Europe on gender equality in Media.

political candidatures, the fact that public debate is shaped by the focuses of the media indicates a correlation between attention received by the media and popularity of an individual candidate. Indeed, studies confirm such correlation, despite the complexity of the question of whether media attention is the cause or rather the consequence of a candidate's popularity.[44]

Secondly, as regards gender-based stereotypes, it has been found that their accentuation during election periods is likely to influence voters' opinion on the different candidates and their voting decision. Interviewing women politicians on "soft" issues only, namely health, education, culture, fashion, may give voters the impression that they are not fit for other issues. Of course, these topics do matter to women politicians and to voters but if women are the only ones answering them it reinforces the stereotype that they are "women's issues[45]. This is also damaging for the distribution of political portfolios later on, with women being more likely to be in charge of "soft" issues portfolios and impeding their legitimacy when in charge of "hard issues" portfolios.

As regards the effect of female and male politician's portrayal and their influence on voters' decisions, a research conducted in the United States suggests that voters tend to respond more positively to political candidates that, regardless of their gender, receive the type of coverage usually accorded to male candidates, including the opportunity to voice their views on "hard" issues such as crime or defence[46].

Furthermore, the "*Name it. Change it.*" research project[47] suggests that the way the media cover the appearance of women candidates matters in elections. The findings of the 2014 nationwide research showed that media coverage of a woman candidate's appearance diminished votes in her favour. It also showed that neutral, positive and negative descriptions of a woman candidate's appearance all had damaging effects on the women's candidacies. Contrary, the male opponents paid no price for that type of coverage.

Online initiatives such as Kaleida[48] in the United Kingdom, which measure the flow of information around the world, could help measure users' reaction to gender equality topic covered in the news. The project produces insights into what matters most and to whom by analysing the output of news publishers and the sharing habits of consumers. While Kaleida's results on gender equality show that the topic is poorly addressed in the news, some results show that women share coverage about British Prime Minister Theresa May on

---

44 http://www.niemanlab.org/2016/01/how-much-influence-does-the-media-really-have-over-elections-digging-into-the-data/

45 Portraying Politics, a toolkit on gender and television.

46 Does being male help? An investigation of the effects of candidate gender and campaign coverage on evaluation of U.S. Senate candidates, Kim Kahn in *Journal of politics,* 1992.

47 "Name it. Change it." Research on appearance coverage of women and campaign simulation, Women media center and She should run, 2013. http://www.nameitchangeit.org/pages/name-it/

48 www.kaleida.com

Facebook more than men. A similar research could contribute in measuring consumers' habits in election coverage from a gender viewpoint.

Part III. Review of national regulatory and self-regulatory mechanisms and practices

The section provides an overview of national gender equality mechanisms aimed at ensuring fair and balanced media coverage of women and men candidates for elected offices. Furthermore, it presents some tools and guidelines which can be used to monitor and improve gender portrayal in the election reporting. In this connection, it must be observed that while many media companies have adopted some form of commitment towards gender equality either as a result of binding legislation or voluntarily, few specific initiatives have directly tackled election coverage from a gender perspective. However, many initiatives to strengthen gender equality in broadcasting content presented below could also be applied, to a certain extent, to election coverage.

Under Article 10 of the Convention, any measure that restricts freedom of expression, including at election time, must be proven to be necessary in a democratic society, and the least restrictive means should always be preferred. While there are anti-discrimination laws and detailed regulation of political campaigns in a number of member states (especially as regards audio-visual media), self-regulatory initiatives can provide a less restrictive, effective approach for bringing the gender dimension into the limelight of electoral communication.

Media regulatory authorities can play a great role in setting the pace of developments within the media sector; offering them a watchdog role in sustaining gender equality among European broadcasters could contribute to a better gender portrayal in the news including in election coverage. However, a precondition for that is that the regulators themselves are aware of the issues involved. To achieve such awareness, it is important to aim at a proper gender balance also in the membership of national regulatory authorities. In this connection, a study carried out in 2012 by the EIGE found that across 44 independent media regulators in the EU, women made 31% of board members.[49]

Lastly, few existing initiatives deal with social media specifically, in spite of the growing importance of this component of media landscapes. This is probably in part explained by the current uncertainties regarding social media generally. While public regulation has been deemed to be justified for broadcast media and self-regulation has been the recommended approach for print media, the debates around social media have not definitely settled.

[49] European Institute for Gender Equality (EIGE), Advancing gender equality in decision-making in media organisations, 2013.

1. Statutory requirements regarding gender equality in the media

Since 2012 Italian media are required by law ("*Par condicio di genere*") to provide a balanced representation of women and men in their election campaign coverage and political programmes. The Italian regulatory authority AGCOM was requested to publish data on the presence of women politicians in radio and TV political programmes, but to our knowledge no report has been produced to date. One of the reasons for that advanced by some women groups is that such report would be a challenge, considering that candidates are mainly men. Moreover, the law is based on quantitative criteria only, leaving out any qualitative ones that would look into the type of portrayal politicians receive in the press.

In Belgium, French speaking public broadcaster RTBF must commit to the National Audiovisual Council (CSA) to be "active in the respect of the principle of equality between women and men and in the fight against sexist messages and stereotypes"[50].

The French Law on Gender Equality adopted on 4 August 2014[51] establishes the role of the National Audiovisual Council (CSA) as regards respect for women's rights in the audio-visual communication field. For example, the CSA must ensure that women and men are fairly represented in audio-visual communication services and pay special attention to the way in which women are portrayed in their programmes, with a view to combating stereotypes, sexist prejudice, degrading images, violence against women and domestic violence. The public audio-visual services are also tasked with combating sexist prejudice and violence against women by broadcasting programmes about these subjects.

2. Media regulators' and equality authorities' strategies for gender equality in the media

Some media regulators initiated their own policies and guidelines to address and improve gender portrayal in the news.

The Declaration on gender equality adopted in 2011 by the French Speaking Media Regulators' Network (REFRAM)[52] is a joint commitment by the members of REFRAM to promote women's access to the media, recommending in particular "regular, quantitative" assessment of gender equality policies, with easier access to data making it possible to take stock of the situation. Following a comparative study on the gender equality policies of REFRAM's member regulators, REFRAM published a Vade-mecum[53] on integrating the gender equality dimension through regulators' policies.

---

[50] Etude comparative des politiques des régulateurs membres du REFRAM en matière d'égalité hommes-femmes, 2011.

[51] https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832&categorieLien=id
http://www.legifrance.gouv.fr/afchTexte.do?cidTexte=JORFTEXT000029330832&categorieLien=id

[52] Déclaration du REFRAM sur l'égalité entre hommes et femmes dans les médias audiovisuels, 2011.

[53] REFRAM Vade-mecum égalité hommes-femmes, 2012.

In the United Kingdom, regulator Ofcom published in November 2016 guidance and resources for broadcasters on how to improve diversity from setting up a strategy to monitoring and evaluating its impact, recruiting new talents and training the workplace.[54]

It may also be noted that national institutions for the promotion of equality can play a useful role in tackling gender stereotypes. For instance, the "High Council for Equality between women and men" (Haut Conseil à l'Égalité entre les femmes et les hommes), a governmental body, published in 2015 a practical guide a brochure aimed at public services for a "Communication without sexist stereotypes"[55]. While not specifically targeting the media, the guidelines encourage users to eliminate all forms of sexist expression in their communication material, recommend to not only limit to women questions on personal life, and suggest to include an equal representation of women and men in all medium and conferences.

3. Media self-regulation

a) Journalist organisations and press councils

The International Federation of Journalists' Declaration of principles on the conduct of journalists[56] states the principle of non-discrimination on the basis of gender which has been reproduced in most codes of ethics across the globe.

However, most journalists' codes of practice refer only to the principle of non-discrimination on the basis of gender, without providing further detail of what a sexist stereotype involves. A study of European Press councils conducted in 2009 shows that only 15 of them specifically prohibit gender discrimination[57].

Press councils and other instruments of self-regulation such as mediators have not been highly involved in the gender equality debate. Complaints concerning content contrary to gender equality remain very limited and cannot be departed from the lack of public knowledge about existing rules and the process for lodging a complaint[58]. A "Commitment to self-regulation to improve women portrayal in the media" (*Acte d'engagement pour une démarche d'autorégulation visant à améliorer l'image des femmes dans les medias*) was signed by representatives of French media to improve the presence of women experts and

[54] https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/diversity-guidance

[55] Guide pratique pour une communication publique sans stéréotype de sexe, Haut Conseil à l'Egalité entre les femmes et les hommes, 2015.

[56] http://www.ifj.org/about-ifj/ifj-code-of-principles/

[57] Codes, Press Councils and Discrimination in Europe, William Gore, 2009.

[58] Handbook on the implementation of Recommendation CM/Rec (2013) 1 of the Committee of Ministers of the Council of Europe on gender equality in Media.

raise awareness of newsrooms[59]. In 2013, key French media organisations representing 61 TV channels, radio stations and print publications signed a self-regulation agreement undertaking to strive to increase the number of women experts appearing in their programmes and articles. The agreement had been prepared by the Commission on the Image of Women in the Media, which comprised not only media and regulators, but also educators, lawyers, health professionals and NGOs. The commission monitors compliance with the agreement, and produces an annual report.

The Canadian association of broadcasters in 2008 adopted a code on equitable portrayal[60]. It intends to overcome "unduly negative portrayal and stereotyping in broadcast programming, including commercial messages, based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability." In its specific section on "language and terminology" the code emphasises that "equality of the sexes must be recognised and reinforced through the proper use of language and terminology. Broadcasters shall employ language of a non-sexist nature in their programming, by avoiding, whenever possible, expressions which relate to only one gender."

b) Media and journalists' best practices

While media have adopted guidelines on coverage of elections, including time, paid political advertising, right of reply and opinion polls, very few have inserted specific provisions on gender equality in election coverage. Some media have however taken interesting steps towards better portrayal of women, although election coverage seems to be left aside in most initiatives.

The British Broadcasting Corporation (BBC) is committed to providing diverse programmes that reflect the full range of audiences' interests, beliefs and perspectives. In its 2016-2020 diversity and inclusion strategy[61] the BBC commits to build "*a workforce at least as diverse, if not more so, than any other in the industry*" , meet "*portrayal targets that cover a much wider range of diversity than any other broadcaster, with a bigger impact for audiences across a wider range of programmes*" and enhance their diversity culture by hardwiring "*diversity in what we do, making it something that everyone at the BBC understands and all those who make programmes for us supports*". An important target for portrayal is to achieve "50% women on screen, on-air and in lead roles across all genres from Drama to News by 2020". To increase the presence of women experts on screen, the BBC Academy held in 2017, in conjunction with BBC News and Women in Film and Television UK, a free

[59] Acte D'engagement pour une démarche d'autorégulation visant à améliorer l'image des femmes dans les médias, 2010 : http://www.femmesenvue.eu/wp-content/uploads/charte_femmes_dans_les_medias.pdf

[60] Canadian Association of Broadcasters' Equitable Portrayal Code (2008).

[61] BBC Diversity and Inclusion Strategy 2016-2020 http://downloads.bbc.co.uk/diversity/pdf/diversity-and-inclusion-strategy-2016.pdf

media familiarization[62] day for women experts, including women in politics, who are interested in appearing on television, radio and online as contributors or presenters.

Tonight with Vincent Browne, a late evening current affairs television programme aired by TV3 in Ireland, decided in 2012 to bring in a policy of gender parity[63] – meaning that half of the experts interviewed should be women. Though it has not been formally evaluated, TV3's policy has influenced the media landscape in Ireland, and other broadcasters have followed suit.

Italian public broadcaster RAI published data on the representation of politicians during the 2014 electoral campaigns on a weekly basis.

An interesting example of co-operation between the media and the authorities is featured in the agreement between the Spanish government and the Spanish public broadcaster RTVE from 2009[64] whereby the broadcaster is entrusted and assisted with the dissemination of content on all its channels promoting gender equality and combating violence against women. The agreement also requires that all advertising on RTVE be in accordance with the principle of non-discrimination on grounds of gender. Lastly, the agreement provides for training on equality for RTVE employees.

Global Voices is a citizens' media news site that provides a space for individuals to write about politics. According to *The Guardian's* open gender tracker team women produce 51% of all posts.

Belgian TV Notélé is a local TV channel that proposed in the 1990s to all political parties to introduce diversity in their political debates and adapt their choice of representatives on stage. They scored 41.94% in the CSA 2014 study on women representation in pre-electoral debate.[65]

The *Gender, Media and Election Watch blog*[66] was set by members of the Network of Women in Media in India and aims to examine how political parties and candidates are viewing women's issues, female electorates, candidates and examine the media's handling of women voters and politicians.

---

[62] http://www.bbc.co.uk/academy/news/article/art20170127102127476

[63] http://eige.europa.eu/gender-mainstreaming/good-practices/ireland/irish-current-affairs-programme-gives-women-equal-place

[64] http://www.rtve.es/noticias/20090707/rtve-tendra-programacion-especifica-favor-igualdad-entre-hombres-mujeres/283924.shtml

[65] La représentation des femmes dans les débats pré-électoraux télévisés belges francophones, CSA, Belgique, Mai 2014.

[66] https://nwmigenderwatch.wordpress.com/

A number of initiatives have been launched to improve the presence of women as experts in the news. One of the latest is *Expertalia*[67], a database of female experts developed by the Belgian Association of professional Journalists (AJP) to respond to women's absence as news sources. Another examples are *Expertes.eu*[68] (launched by the French public service broadcasters Radio France and France Television) and The Women's Room[69] databases of female experts aimed at increasing women's presence in their programmes. Useful tips on how to manage those lists have been developed by Danish KVINFO database[70].

In Sweden, *Prognosis*[71] is an online gender equality tracker that monitors social media interactions and gender equality through algorithms.

4. Civil society initiatives

The *She-Expert Initiative*[72] was launched by the Mediterranean Institute of Gender Studies in Cyprus to improve the "visibility of women in the media, increase the inclusion of women's voices on key issues in the national dialogue, fight sexism and bias in media coverage, and increase professional opportunities for women". The project is developing an online "Expert Women's Platform and Database" with the aim to become the leading source of expert women for organisations, employers, political parties, as well as the media in Cyprus.

The NGO Forum 50%[73] launched in collaboration with The Nordic Chamber an international mentoring and training programme for female candidates in the Czech Republic. This initiative is inspired by Denmark and Norway, where political parties run mentoring programmes and training courses for female politicians. Activities include workshops, trainings and consultancy, training of women politicians and women interested in politics, networking and mentoring, media campaigns to support women politicians in the elections (public discussions, press conferences, workshops, web site, conferences) as well as studies on women's representation.

CELEM, the Spanish coordinator of the European Women's Lobby, developed a database of gender-aware journalists to ensure that gender equality concerns are sent to Spanish media and are no longer ignored. It researched the journalists likely to be sympathetic to the cause of women's equality and developed a database. The database contributed to raise the profile of women's issues in the press, claims CELEM. It has helped journalists to take a gender

[67] www.expertalia.be

[68] http://expertes.eu

[69] http://thewomensroom.org.uk/index.phpa

[70] http://eige.europa.eu/gender-mainstreaming/good-practices/denmark/kvinfo-expert-database

[71] http://www.prognosis.se/

[72] http://www.medinstgenderstudies.org/call-for-applicants-experts-womens-initiative/#more-6539

[73] http://eige.europa.eu/gender-mainstreaming/good-practices/czech-republic/czech-female-politicians-learn-international-experience

perspective when reporting the news, and established CELEM as an expert source of information on gender[74].

In Slovakia the organisation *Freedom of Choice* worked together with media organisations to promote, discuss, provide options for and develop Codes of conduct for different media and the Council for Broadcasting and Retransmission, the Advertising Standards Council and other bodies. This was part of a larger activity with the Ministry on sensitising the media. Other activities included the assessment of the role of media in gender equality and gender stereotyping, a gender analysis of media communications and gender institutions, sexism and gender discrimination in advertising, a gender analysis of media organisations as a workplace (vertical and horizontal segregation) and lastly, an analysis of self-regulation in media ethics and gender equality[75].

5. Tools and guidelines to improve gender portrayal in media coverage

A few existing tools can be very useful to monitor gender portrayal in the news and some of them are specifically dedicated to election reporting.

The *Election coverage from a Gender Coverage from a Gender Perspective, a Media Monitoring Manual*[76] by UN Women and IDEA (Institute for Democracy and Electoral Assistance) provides a monitoring tool to assess the presence of women in election coverage as well as the gender topic in political debates.

UNESCO's *Gender Sensitive Indicators in the Media*[77] supports the monitoring of women and men presence in media and news content including in politics. While not making specific reference to elections, the indicators focus on important aspects such as the proportions of women and men producing or reporting various news subjects including politics, women and men appearing in news on politics or stories highlighting gender equality/inequality aspects of events, and issues including politics and government.

The High Authority for Regulation of the Audiovisual Media in Morocco (HACA) put together a monitoring tool to analyse audiovisual media through a gender lens[78].

The *Global Media Monitoring Project (GMMP)* is run by the World Association of Christian Communications (WACC). Every five years researchers, students and media professionals around the world analyse the presence of women in the news. The analysis takes place on

[74] http://eige.europa.eu/gender-mainstreaming/good-practices/spain/database-gender-aware-journalists

[75] http://eige.europa.eu/gender-mainstreaming/methods-and-tools/slovakia/codes-conduct

[76] Election coverage from a Gender perspective, a Media monitoring Manual, UN Women, IDEA.

[77] Gender-Sensitive Indicators for Media, Framework of indicators to gauge gender sensitivity in media operations and content, 2012.

[78] Contribution à la lutte contre les stéréotypes fondés sur le genre et à la promotion de la culture de l'égalité hommes-femmes à travers les médias audiovisuels- proposition d'une démarche de monitoring des programmes audiovisuels, Octobre 2014.

one and same day around the world and looks into politicians' presence in the news, but also into persons who report on politics. The GMMP provides analysis grids that are recognised monitoring standards used by all researchers involved in the process. This allows for comparison and definition of general trends across regions.

The *Learning resources kit to strengthen gender-ethical journalism and media policy* launched by the International Federation of Journalists (IFJ) and the World Association of Christian Communications (WACC) contains a whole chapter on reporting on women in public office, including a sample story analysis, facts about women in government and reporting guidelines for journalists[79].

Portraying Politics is a toolkit on gender and television. It aims to stimulate debate among journalists, programme-makers, media managers and journalists' teachers on the way media portray politicians on television. Created by representatives of European public TV, journalists' organisations and journalism training centers, it aims to "make visible the media practices" involved in the representation of women and men in public life and promote "critical reflection and change".

The EU funded project AGEMI promotes gender equality by focusing on the next generation of media professionals who have not yet been affected by the gendered media workplace. It comprises educational components as well as knowledge-sharing among journalism students, media professionals and academics. It provides a resource bank of best practices for media industries to use to strengthen gender equality, an online educational module, training sessions and internships in media organisations.

In addition, it must also be noted that academic research plays an important role in the understanding of the issues.

• Part IV. Conclusions

Women and men continue to be subject to significantly different portrayal in the news. The same conclusions can be reached about women and men running for office. While few studies in Europe have regularly looked into the media coverage of elections through a gender lens, findings show that men are more visible and that women are subject to discrimination.

Although the data and initiatives presented in the study lead us to conclude that there is a growing awareness about the issues of gender equality in the field of politics and media, there is still little research into the portrayal of women candidates during elections campaigns. Also the volume of regulatory and self-regulatory instruments and standards addressing the issue is very limited.

Gender dimension should become an integral part of the media legislation. In addition, the implementation of the existing policies and practices across the member states of the Council of Europe should be continuously examined to acquire an accurate overview of the

[79] Learning resources kit to strengthen gender-ethical journalism ad media policy, IFJ and WACC, 2012.

implementation process, environmental changes and obstacles faced in gender mainstreaming.

As gender equality is a cross-cutting issue, the enlisted instruments are in most member states to be implemented across several sectors which may hinder prompt and proper implementation.

Furthermore, there is but few data available on the impact of the gender-biased media coverage of candidates on the outcome of the elections. The existing instruments and accompanying guidelines provide adequate recommendations on how to remedy the gender bias in media generally; however, none have specifically focused on gender equality in the media coverage of elections.

Therefore, while it is duly acknowledged that there is a gender dimension to media pluralism and diversity of content, this fact still needs to be brought to the attention of member states and all stakeholders in civil society in the context of media coverage of elections, with specific issues such as gender balance statements, angle from which the story is told, pluralism of sources, gender portrayal, etc.

The study included social media and generally all new developments in the media ecosystem. It shows that social media and new media have so far not been much taken into consideration in the existing initiatives aimed at improving gender equality in the media coverage of elections.

The results of this study call on the relevant stakeholders to:

- reaffirm the need for action to address the issue and push for further mainstreaming of gender equality in election coverage;
- address specifically the situation of gender equality in the media coverage of elections.

To this end, the following mechanisms may be considered:

1. Regulatory and self-regulatory mechanisms

a) The following Council of Europe's existing standards targeting women in the media and sexism should be implemented:

- Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns;
- Recommendation No. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns;
- Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media;
- Resolution 2144 (2017) on Ending cyber-discrimination and online hate, Parliamentary Assembly, 2017.
- Recommendation 1931 (2010) and Resolution 1751 (2010) on Combating sexist stereotypes in the media, Parliamentary Assembly, 25 June 2010;

- Recommendation 1555 (2002) on The image of women in the media, Parliamentary Assembly, 24 April 2002.

b) Gender equality should be defined in national legislation covering the media and made an explicit part thereof, ensuring that a clear distinction exists between that principle and the protection of diversity. There should furthermore exist concrete implementation policies to achieve gender equality in the media coverage of electoral campaigns aimed at enhancing women's visibility in such campaigns and their access to the media.

c) Internal policies of political parties should be mindful of a gender equality perspective and ensure a balanced representation for women and men in electoral campaigns.

d) Dialogue should be encouraged among media practitioners and self-regulatory bodies on the gender perspective of the coverage of elections. It could include the promotion of self-regulatory mechanisms to handle individual complaints on media content that is contrary to gender equality.

e) Gender perspective should be present in all initiatives adopted by social media companies in relation to coverage of elections, as well as in the work of relevant self-regulatory mechanisms that would be competent for media coverage of elections on social media. All such initiatives, including all relevant standards applicable to content moderation, should at at minimum be transparent, that is, publicly available on a website in a clear, understandable language and appropriate format.

f) The composition of editorial teams and the assignment of subjects to journalists should be reviewed with consideration of the gender breakdown. Policies should be put in place to support more in leading roles in media organisations.

g) The production and supply of media content should be monitored with a view to achieving a balance between women and men during election campaigns. Equality requirements for the media may be considered with regard to production and dissemination of programmes concerning politics and elections. Good practices should be encouraged among media outlets aiming at:

- Promoting broadcasting that is inclusive and reflects gender-based differences of perspective on the issues at stake;
- Ensuring that the set-up of shows, selection of guests, time attributed to each guest, role of host, framing of shots, allow female candidates to provide effective contribution to the debate and to avoid the stereotype which puts men at the centre and women at the margins of politics;
- Avoiding using gender stereotypes or biased language;
- Making equal gender representation a matter for editorial policy;
- Avoiding the "tabloidization" of media in terms of the representation of female candidates;
- Avoiding women candidates to be identified with sexist reference, reference to their family status or their relationship with others ("mother", "wife", "daughter", etc.);

- Promoting training of both female and male journalists on gender equality aimed at including gender dimension to political coverage;
- Monitoring gender commitments made by political parties and reporting on their progress;
- Monitoring regularly their own output setting targets for an equal gender representation.
- Adopting gender-sensitive policies in newsrooms.

2. Media educations and trainings

a) Media education and media literacy should be integrated into schools' curricula, providing for a steady process of awareness-raising in respect of gender equality, gender portrayal, sexist discrimination and violence against women.

b) Gender equality tools such as the UNESCO's Gender sensitive indicators in the media, the UN Women reporting on elections and training material such as Portraying Politics should be translated into the member states' languages and disseminated among relevant stakeholders.

c) Gender equality modules in journalism schools, including modules on covering elections through a gender lens, should be supported and teachers trained. Gender equality should be mainstreamed across all journalism courses to provide students with a critical approach to media representation of both sexes. Likewise, life-long learning on gender equality including election coverage should be provided for journalists, editors and other media workers at all levels of media governance, as well as for self-regulatory bodies.

d) Media companies should benefit from adequate expert support in the development of their own gender policies with regards to media content, including on election coverage, and should be encouraged to set up monitoring mechanisms to assess implementation.

3. Research

Additional research should be conducted on different aspects of election coverage to make the problem more visible, in particular to:

- analyse the impact of biased election coverage, from a gender perspective, on voters' perception of female politicians during elections campaigns; and male politicians during elections campaigns;
- measure and analyse the impact of social media sexism during election campaign on voters;
- provide regular reporting on women portrayal;
- collect initiatives and measures to counter unbalanced representation and biased portrayal of women, including by way of complaints;
- conduct research on media coverage of elections campaigns including detailed indications of how female and male politicians are treated by the media;

- conduct research on how media coverage differs for women politicians, across types of office, party and ethnicity and how women and men politicians are framed;
- make the results of those studies known to the public at large and also to media organisations.

References

ACE, The importance of the media to elections, The electoral knowledge network.

Acte D'engagement pour une démarche d'autorégulation visant à améliorer l'image des femmes dans les médias, 2010, http://www.femmesenvue.eu/wp-content/uploads/charte_femmes_dans_les_medias.pdf.

Bates L., Handbags and kitten heels – how not to write about prime ministers, The Guardian, 12 July 2016.

BBC Diversity and Inclusion Strategy 2016-2020, http://downloads.bbc.co.uk/diversity/pdf/diversity-and-inclusion-strategy-2016.pdf.

BBC editorial guidelines.

Bystrom D., Banwart M.C., Kaid L.L., and Robertson T., Gender and Campaign Communication: TV Ads, Web Sites, and Media Coverage, 2006.

Canadian Association of Broadcasters' Equitable Portrayal Code (2008).

Center for American Women and Politics and Political parity, Research inventory : American Women and Politics, August 2012.

CFQF Les élections dans les médias: les stéréotypes de genre disparaissent, mais les candidates restent sous-représentées, Commentaire sur l'étude "genre et médias au préalable des élections fédérales 2015", (October 2016).

Council of Europe instruments:

- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (CETS No.005) and its Protocol No.12, 2000 (CETS No.177);
- Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns;
- Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms
- Recommendation No. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns;
- Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media;
- Recommendation 1931 (2010) and Resolution 1751 (2010) on Combating sexist stereotypes in the media, Parliamentary Assembly, 25 June 2010;
- Recommendation CM/Rec(96)10 of the Committee of Ministers to member states on the guarantee of the independence of public service broadcasting;
- Recommendation CM/Rec(2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society;
- Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content;
- Recommendation CM/Rec(2011)7 of the Committee of Ministers to member States on a new notion of media
- Resolution 2144 (2017) on Ending cyber-discrimination and online hate, Parliamentary Assembly, 2017;

- Recommendation 1931 (2010) and Resolution 1751 (2010) on Combating sexist stereotypes in the media,
- Recommendation 1555 (2002) on The image of women in the media, Parliamentary Assembly, 24 April 2002;
- Declaration of the Committee of Ministers on equality between women and men, 1997;
- Gender Equality Strategy 2014-2017, including the objective to achieve a balanced participation in political and public decision-making and gender mainstreaming in all policies and measures, and the objective to combat gender stereotypes and sexism;
- Code of Good Practice in Electoral Matters (Venice Commission, CDL-AD(2002)023rev);
- Declaration on Women's Participation in Elections (Venice Commission, CDL-AD(2006)020);
- Report on the Impact of Electoral Systems on Women's Representation in Politics (Venice Commission, CDL-AD(2009)029);
- Report on Proportional Electoral Systems: the Allocation of Seats inside the Lists (open/closed lists) (Venice Commission, CDL-AD(2015)001);
- Report on the method of nomination of candidates within political parties (Venice Commission, CDL-AD(2015)020);
- Handbook on the implementation of Recommendation CM/Rec(2013)1 on gender equality and media;
- Political parties and women political representation, 2012.

CSA, La représentation des femmes dans les débats pré-électoraux télévisés belges francophones, May 2014.

http://www.csa.be/system/documents_files/2575/original/femmes_elections_2014_final.pdf?1452849658.

EIGE, Advancing gender equality in decision-making in media organisations, 2013.

GAMMA, Abordaje Mediatico En Epoca De Campaña Electorav, March 2014, http://whomakesthenews.org/articles/abordaje-mediatico-en-epoca-de-campana-electora.

Global Media Monitoring Project, 2015.

Gore W., Codes, Press Councils and Discrimination in Europe, 2009.

HACA, Contribution à la lutte contre les stéréotypes fondés sur le genre et à la promotion de la culture de l'égalité hommes-femmes à travers les médias audiovisuels- proposition d'une démarche de monitoring des programmes audiovisuels, Octobre 2014.

Hardmeier S. and Klöti A., Doing gender in der Wahlkampfkommunikation, 2004.

Haut Conseil à l'égalité entre les femmes et les hommes, Guide pratique pour une communication publique sans stéréotype de sexe, 2015.

IFJ Declaration of Principles on the Conduct of Journalists, http://www.ifj.org/about-ifj/ifj-code-of-principles/.

IFJ, WACC Learning resources kit to strengthen gender-ethical journalism ad media policy, 2012.

Inter-Parliamentary Council, Plan of action to correct present imbalances in the preparation of men and women in political life, adopted by the Inter-Parliamentary Council, 1994.

IWMF, Global Report on the status of Women in the News media, 2011.

Kahn K. Does being male help? An investigation of the effects of candidate gender and campaign coverage on evaluation of U.S. Senate candidates, in Journal of politics, 1992.

Kaye D., Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2016.

LOI n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes (France).

Les Nouvelles News, Femme de…ou rien, 9 février 2017.

Les Nouvelles News, Tsai Ing-wen, une présidente (encore) coupable d'être célibataire, mai 2016.

Name it. Change it. Research on appearance coverage of women and campaign simulation, Women media center and She should run, 2013.

Name it. Change it, Where voters saw most sexist treatment of women candidates in the media, 2016.

O'Brien A. It's a man's world, A Qualitative Study of the (Non) Mediation of Women and Politics on Prime Time During the 2011 General Election, 2014.

OFCOM, Broadcasters: guidance and resources on how to improve diversity. https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/diversity-guidance

OSCE/ODIHR and Venice Commission, Guidelines on political party regulation, 2010 (CDL-AD(2010)024).

OSCE/ODIHR, Election Observation Handbook, sixth edition.

REFRAM Déclaration sur l'égalité entre hommes et femmes dans les médias audiovisuels, 2011.

REFRAM, Etude comparative des politiques des régulateurs membres du REFRAM en matière d'égalité hemmes-femmes, 2011.

REFRAM, Vade-mecum des moyens d'action pour une approche intégrée de l'égalité entre les hommes et les femmes dans les politiques des régulateurs du REFRAM, 2012.

RTVE, RTVE tendrá una programación específica a favor de la igualdad entre hombres y mujeres, Julio 2009, http://www.rtve.es/noticias/20090707/rtve-tendra-programacion-especifica-favor-igualdad-entre-hombres-mujeres/283924.shtml.

Ross K., Gender, Politics, News: A Game of Three Sides, First Edition, 2017.

Shumway M., Does Sexism on Social Media Hurt Women Running for Office?, The Bengal 2017.

United Nations instruments:

- Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW);
- International Covenant on Civil and Political Rights, 1966 (ICCPR);
- UNESCO, Gender-Sensitive Indicators for Media, Framework of indicators to gauge gender sensitivity in media operations and content, 2012;
- UN Women and IDEA, Election coverage from a Gender perspective, a Media monitoring Manual;
- The World's Women 2015 -Trends and Statistics.

Voronova L., « Send pretty girls to the white house"- the role of gender in journalists-politicians' interactions, University of Stockholm, Sweden.

Appendix

Committee of experts on media pluralism and transparency of media ownership (MSI-MED)

Elda BROGI, Scientific Coordinator - Centre for Media Pluralism and Media Freedom - Robert Schuman Centre for Advanced Studies - European University Institute

Pierre François DOCQUIR, Senior Legal Officer - ARTICLE 19 (Vice-Chair)

Maria DONDE, International Policy Manager Ofcom (United Kingdom Communications Regulator)

Natalie FERCHER, Expert on Media and Communication Law - Department of Media Law and Coordination Information Society - Federal Chancellery - Austria

Gudbrand GUTHUS, Director Licensing and Supervision Department - Norwegian Media Authority – Norway

Ivane MAKHARADZE, Head of Broadcasting Regulation Department, National Communications Commission – Georgia

Helena MANDIĆ, Director of Broadcasting - Communications Regulatory Agency - Bosnia and Herzegovina (Chair)

Tarlach McGONAGLE, Senior Researcher and Lecturer, Institute for Information Law (IViR) - University of Amsterdam

Nol REIJNDERS, Senior Adviser - Department for Media, Literature, Libraries - Ministry of Culture, Education and Science - The Netherlands

Helena SOUSA, Professor of Communication Studies, Dean of the Social Sciences School - University of Minho – Portugal

Damian TAMBINI, Associate Professor - Director of the Media Policy Project - Programme Director: MSc Media & Communications (Governance) - London School of Economics

Josef TRAPPEL, Professor for media policy and media economics - Head of the Department of Communication Research at the University of Salzburg

Maja ZARIĆ, Media Advisor - Media Department - Ministry of Culture and Information - Republic of Serbia

* * *