

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



**28 April 2017**

**MSI-MED(2017)04**

**MSI-MED 3<sup>rd</sup> meeting  
29-30 March 2017  
(Strasbourg, Agora, RoomG06)**

## **Meeting report**

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1. The meeting was opened by the Chair of the MSI-MED, Ms Helena Mandić. The members were welcomed by Mr Patrick Penninckx, Head of Information Society Department. Mr Penninckx shared information about developments in the work of the Council of Europe relevant to the activities of the Committee, underlining that the topics examined by the MSI-MED are among the priorities in the Secretary General's agenda. Mr Jan Kleijssen, Director of Information Society and Action against Crime, also welcomed the members and delivered information on Secretary General's work with regard to the phenomenon of misinformation, linking the topic to the considerations leading the committee's work on media pluralism. He encouraged the Committee to continue its efforts, underlining the importance of the three deliverables for the future work of the Council of Europe in the area of freedom of expression.

2. The Chair and Vice-Chair of the MSI-MED, Ms Helena Mandić and Mr Pierre-Francois Docquir, were unanimously re-elected until 31 December 2017. The agenda ([Appendix 1](#)) was adopted without changes. The list of participants appears in [Appendix 2](#). The gender distribution of the 35 participants was 18 women (51%) and 17 men (49%).

### **Conclusions and decisions**

3. 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 as presented by the Rapporteur, Mr Tarlach McGonagle, in collaboration with the secretariat ([Appendix 3](#)). The MSI-MED agreed with the text's new structure that aims to clarify in the Preamble the reasons for updating the existing Council of Europe's standards on media pluralism, and to set out the normative guidelines in six chapters addressing

specific components which, combined, work towards achieving media pluralism. Further elaboration of the impact of various factors on the media landscape and pluralism (such as misinformation, hate speech online, lack of confidence in the media, adequacy of existing media ownership rules, the concept of media accountability, etc.) will be undertaken in order to present the full range of issues arising from technological, societal and economic development in the past decade. The updated standards on media pluralism and – as its particular focus – transparency of media ownership will be reinforced to reflect those factors identified in the Preamble. In so far as the draft recommendation draws from the existing standards, clear and express references will be added to create a comprehensive framework. Throughout the text of the guidelines, a careful distinction will be made between the obligations of member states with respect to the guarantees of media pluralism and the responsibilities which, although borne by the states, must be carried out by independent authorities and/or institutions in order to ensure a lack of bias (e.g. in assessing the state of media pluralism). Independence of the media, regulatory authorities and of any other relevant bodies being paramount to effective pluralism, additional emphases to that effect will be made where appropriate. Having regard to the fact that media pluralism goes hand in hand with quality and independent journalism, this focus will be more clearly delineated in the draft recommendation. It will also be complemented by an emphasis in the chapter on media/education literacy on tools to encourage individuals to develop a critical mindset by which to assess journalistic information. The Committee decided to move recommendations on measurement and oversight relating to media pluralism, concentration and transparency of media ownership into a separate section.

4. The Committee further discussed the two draft feasibility studies. With regard to the *draft Feasibility study on the use of Internet in electoral campaigns* ([Appendix 4](#)) the members discussed the revised version as submitted by the rapporteur, Mr Damian Tambini (who was not present in the meeting) and gave guidelines for a clear differentiation between activities which fall within the scope of general electoral campaign/electoral communication and those falling within the scope of paid political advertising. The members agreed that the specific recommendations should not exceed the evidence-based risks identified in the study; there should be a mention of the relevant existing instruments of the Council of Europe (notably the Recommendation on media coverage of election campaigns) and an update of the study with more national regulatory mechanisms and practices (to be provided by the members) and new studies and developments which occurred since autumn 2016. The *draft Feasibility study on a standard-setting instrument on media coverage of elections with a specific focus on gender equality* ([Appendix 5](#)) was presented to the members by its main drafter, Ms Pamela Morinière, an external consultant on gender equality and media, which is collaborating on the study with Ms Maja Zarić and Mr Pierre-Francois Docquir. The members welcomed the development of the document which now addresses the main relevant questions in this area, namely how much media coverage women and men candidates receive, who frames electoral communication in the media, what kind of coverage candidates receive with regard to their gender, and what is the impact of potential different media coverage on the votes. The study also looks into the national mechanisms aimed at ensuring gender equality among the candidates, and the question of whether additional measures are needed, and at what level, in order to enhance gender equality in electoral processes. The study will be further revised especially in Part III to differentiate more clearly

between legislative instruments, regulatory activities of media authorities, self-regulation by the media organisations and other initiatives. Also the recommendations will focus more on framing policy objectives that should be the focus of further development as regards GE in the media coverage of elections, and less on designating the responsible authorities for specific tasks, this being left to more prescriptive instruments.

### **Any other business**

5. The MSI-MED members agreed to hold its next meeting in Strasbourg on 20 and 21 September 2017.

6. The Secretariat will prepare a draft meeting report to be sent to the Chair and the Vice-Chair for consideration. Thereafter, the Secretariat will send the draft report to the MSI-MED with a deadline of 5 full working days allowing for comments. In the absence of comments the report will be deemed finalised and will be transmitted to the CDMSI for information. The progress of work of the MSI-MED will be reflected in its draft documents and the reports of its meetings. Therefore, it is considered not necessary to produce an abridged report of the meeting.

## APPENDIX I

### AGENDA<sup>1</sup>

1. Opening of the meeting
2. Election of Chair and Vice-Chair of MSI-MED [[Resolution CM/Res\(2011\)24E](#)]
3. Adoption of the agenda
4. Information by the Secretariat
5. Discussion and revision of the draft Recommendation of the Committee of Ministers to member States on media pluralism and transparency of media ownership [[Doc MSI-MED\(2016\) 09 rev](#)]
6. Discussion and revision of the draft feasibility study on the use of Internet in **electoral campaigns** [[Doc MSI-MED\(2016\)10 rev](#)]
7. Discussion and revision of the draft feasibility study on gender equality in the context of media coverage of elections [[Doc MSI-MED\(2016\)11 rev](#)]
8. Dates of next meeting
9. Any other business

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<sup>1</sup> as contained in doc. MSI-MED(2017)01

## 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

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

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

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

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

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

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 (apologised)*

## **CO-RAPPORTEUR**

Ms Pamela MORINIERE, Belgium (29.03.2017), Co-rapporteur for the Feasibility study on a standard-setting instrument on media coverage of elections with a specific focus on gender equality

## **COUNCIL OF EUROPE MEMBER STATES**

IRELAND - Mr Éanna O'CONGHAILE, Department of Communications, Energy and Natural Resources

REPUBLIC OF MOLDOVA - Mr. Dragos VICOL, 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

SWITZERLAND - *Mr Oliver GERBER, Media lawyer, Division Media / Section Media Services, Group SRG / international issues, Federal Office for Communication (OFCOM) Apologised*

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

## **OBSERVERS**

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA) - *Apologized*

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 (apologized)*

EPRA - European Platform of Regulatory Authorities - Ms. Emmanuelle MACHET, EPRA Secretary (29.03.2017)

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

UNESCO - Ms Xianhong HU, Division for Freedom of Expression and Media Development, Communication and Information Sector (29.03.2017)

## **REPRESENTATIVES OF CIVIL SOCIETY, ACADEMIC COMMUNITIES AND THE PRIVATE SECTOR**

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

## **NON-MEMBER STATES**

### **MOROCCO**

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

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

Mr Jamal Eddine NAJI, Director General, The High Authority for Audio-visual Communication (HACA), RABAT, MAROC

M. El Mahdi AROUSSI IDRISSE, Director Legal Affairs, The High Authority for Audio-visual Communication (HACA), RABAT, MAROC

### **SECRETARIAT**

Mr Jan KLEIJSEN, Director, Directorate of Information Society and Action against Crime

Mr Patrick PENNINGCKX, Head of Information Society Department

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

Ms Elvana THAÇI, Deputy Secretary CDMSI, Head of Standard Setting Unit, Media and Internet Division

Ms Urška UMEK, Secretary of MSI-MED Committee,

Media and Internet Division, Information Society Department

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**

Grégoire DE VICTOR, Luke TILDEN, Nicolas GUITTONNEAU

## **APPENDIX III**

### **REVISED VERSION<sup>1</sup> OF THE DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON MEDIA PLURALISM AND TRANSPARENCY OF MEDIA OWNERSHIP**

**submitted at the 3<sup>rd</sup> meeting (29-30 March 2017)**

#### **Preamble**

1. Media freedom and pluralism 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 and ideas, acting as public watchdogs and providing forums for public debate. In the present multi-media ecosystem, this role is fulfilled by traditional media and increasingly also by other media and non-media actors, which vary from multinational corporations to non-governmental organisations and individuals.
3. Pluralist democratic societies are made up of a wide range of identities, ideas and interests. It is indispensable that this diversity can 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 public, other genres are also very important for society. Examples include cultural, educational, entertainment and commercial content, as well as content targeting specific sections of society.
5. In the new media landscape online media and other internet platforms enable access to more and more information from different sources, thereby transforming the ways in which media content is made available and used by the public. Online platforms have increased individuals' access to diverse content and opportunities for communication and interaction, which has enabled large numbers of people to participate in the public sphere.
6. This technological evolution also raises concerns for media pluralism. While variety in media sources and types can be instrumental in enhancing diversity of media content and exposure to such diversity, it does not of itself guarantee it. Volumes of diverse content distributed across various media render is necessary for the audience to select what media to use and what content to view, hear, or read. This may result in individuals selecting or being exposed to information confirming their existing views and opinions, which can, in turn, generate fragmentation and result in a polarised society. Internet intermediaries may

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<sup>1</sup> As contained in doc. MSI-MED(2016)09rev



amplify these risks, through their ability to control the flow, availability, findability and accessibility of information and other content online.

7. As new actors enter into emerging online market, the ensuing competitive pressures coupled with a shift in advertising revenues towards the internet and the deregulation of the media ownership rules result in an increasing media consolidation and convergence among various types of media. 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. Convergence trends also lead to cost-cutting and job losses among media professionals. These developments may result in reduced diversity of news and ultimately in impoverishment of public debate.

8. The new media environment calls for fresh appraisals of existing approaches to media pluralism and new policy responses to maintain independent journalism and thus secure diversity. Strategic solutions are needed to ensure sustainability and further development of quality journalism across all media types and formats of content.

9. The ongoing processes of concentration and convergence in the media require an enhanced role for independent public service media. By virtue of their remit, these 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 these media to have within their mandates the responsibility to foster political pluralism and 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. Increased availability of a wide range of media and content highlights the importance of possessing the cognitive, technical and social skills and capacities to critically analyse media content, and of understanding the ethical implications of media and technology. 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, facilitating informed decision-making, especially in respect of political and public affairs and commercial content, and by enabling the identification and countering of false, harmful and illegal online content.

11. The adoption and effective implementation of media-ownership regulation also plays an important role in respect of media pluralism. Such regulation should ensure transparency in media ownership; it should address issues such as cross-media ownership, indirect media ownership and effective control and influence over the media. It should also ensure that there is effective and manifest separation between the exercise of political authority or influence and control of the media or decision making as regards media content.

12. Transparency of media ownership, organisation and financing, as well as media literacy, are 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 practical instruments of effective 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 as a matter of urgency the guidelines set out in the appendix to this recommendation;

ii. remain vigilant to, and address, threats to media pluralism and transparency of media ownership by regularly monitoring the state of media pluralism in their national media markets, assessing risks to media pluralism and freedom and adopting appropriate regulatory responses, including by systematically including such focuses in the ongoing reviews of their national laws and practices;

iii. fully implement, if they have not already done so, previous Committee of Ministers' Recommendations and Declarations dealing with different aspects of media pluralism and transparency of media ownership, in particular those specified in the guidelines appended to the present Recommendation;

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.

## **Appendix to Recommendation**

### **Guidelines**

In the context of this Recommendation, unless otherwise specified, the media are generally understood as including print, broadcast and online media.

#### **I. A favourable environment for freedom of expression and media freedom**

1. The principles of freedom of expression and media freedom, as grounded in the European Convention for the Protection of Human Rights and Fundamental Freedoms, must continue to be developed in a way that takes full account of the features of the present multi-media ecosystem, in which a range of new media actors have come to the fore.
2. As ultimate guarantors of pluralism, States have a positive obligation to put in place an appropriate legislative and policy framework to guarantee effective pluralism, so that all actors can exercise their right to freedom of expression and participate in public debate effectively through all media, irrespective of whether or not their views are received favourably by the State or others.
3. Such frameworks should apply to all media and should safeguard their independence and prevent the State, or any powerful political, economic, religious or other groups, from acquiring dominance and exerting pressure on broadcasters, thereby interfering with their editorial freedom and undermining the role of freedom of expression in democratic society.
4. While all media must enjoy independence, 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, executive and editorial 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 contain adequate checks and balances to ensure that independence.
5. Relevant legislation should include provisions to safeguard the editorial independence of media when they contribute to public debate on vital democratic processes and activities, such as elections, referenda and public consultations on matters of general interest.
6. Adequate safeguards should also be put in place to prevent interference in editorial decisions with regard to media coverage of conflicts and crises, when propaganda and strategic communication often trump truth and factual reporting.
7. Media regulatory authorities and authorities entrusted with responsibility for regulating or monitoring other (media) service providers or media pluralism 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 in law and borne out in practice.

## **II. Media pluralism and diversity of media content**

1. States should adopt regulatory and policy measures ensuring 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. States should take measures to ensure the availability and accessibility of diverse media content, including by requiring media and online platforms to promote the visibility and findability of such content.
3. States should make particular efforts to ensure that a diverse supply of media content is accessible to all groups in society, particularly those which – for whatever reason – may face disadvantage or obstacles when accessing media content, i.e., members of (linguistic) minority groups, children, the elderly, persons with cognitive or physical disabilities, etc.
4. 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 partisan 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 sponsored content, advertising and entertainment information.
5. States should recognise the crucial role of public service media in fostering public debate, political pluralism and awareness of diverse opinions. Public service media should accordingly be guaranteed adequate conditions to assume such a role in the new media environment and be provided with appropriate support for the development of digital strategies. States should seek to strengthen the status of public service media as an independent alternative to the commercial production and dissemination of content through online platforms.
6. States should ensure stable, sustainable, transparent and adequate funding for public service media in order to guarantee their independence from governmental, political and commercial pressures and to counterbalance any risks caused by a situation of strong media concentration.
7. States should encourage and support the establishment and functioning of community, minority, regional and local 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 providing public visibility for issues that may not be represented in the mainstream media and in facilitating inclusive and participatory processes of dialogue within communities and at regional and local levels.
8. States should facilitate access to transnational media, which serve communities outside the country where they are established, supplement national media and can help certain groups in society, including (diaspora) minorities, immigrants and refugees, to maintain ties with their countries of origin, native cultures and languages.

9. States are called upon to periodically monitor and evaluate the state of media pluralism in their respective states based on a set of criteria for identifying risks which may limit the variety of media sources and outlets owned by different actors, 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 are further invited to identify and enforce appropriate regulatory and policy responses effectively addressing any risks found.

10. States should conceive, for the purpose of endorsing media pluralism, development strategies aimed at supporting professional news media and quality journalism including news production capable of addressing diverse needs and interests of groups that may not be sufficiently represented in the media. Measures of support adopted to this end should be interpreted broadly and can include various forms of non-financial and financial support including advertising and subsidies. States are also encouraged to endorse projects relating to journalism education, media research and innovative approaches to strengthen media pluralism and freedom of expression.

11. States have a wide discretion in the choice of support measures, which must be adapted to the realities of their specific media environment. However, any support schemes should be inclusive of a variety of needs exhibited by different media types and platforms, including those of online media, and should operate in full respect of the editorial and operational autonomy of the media.

12. Support measures should have clearly defined purposes. They should be based on predetermined clear, precise, equitable, objective and transparent criteria. This principle does not exclude positive measures ensuring adequate quantity and quality of media coverage of issues relating and relevant to groups which are underrepresented in the media. 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.

13. An effective monitoring system should be introduced to supervise that the support measures serve the purpose for which they are intended, and in particular to prevent further media consolidation and to maintain competition and pluralism in the face of technological and economic changes in media markets.

### **III. Regulation of media ownership: ownership, control and concentration**

1. In order to guarantee effective pluralism in their own jurisdictions, States should adopt and implement a comprehensive regulatory framework for media ownership and control that is adapted to the multi-media ecosystem. Such a framework should take full account of the media convergence trends and the impact of online media.

2. Regulation of competition in the media market including mergers and acquisitions should prevent particular actors from achieving a level of dominance in the overall national media sector or in a specific media market/sector at the national level or at different geographical levels, to the extent where such consolidation of ownership adversely affects meaningful choice in the available media content.

3. Media ownership regulation should apply to all media platforms and could include restrictions on horizontal, vertical and cross-media ownership, including by determining threshold levels 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, number of licences, audience share or audience reach.
4. States should set clear criteria for determining ownership and control of media undertakings by explicitly addressing in appropriate ways direct and beneficial ownership and control of the media. Relevant ownership criteria can include proprietary, financial or voting strength within a media undertaking or undertakings and the determination of the different levels of strength that lead to exercising control or significant direct or indirect influence over the strategic decision-making of the undertaking or undertakings including their editorial policy.
5. As the key democratic tasks of the media include holding authorities to account, legislation should stipulate that it is incompatible for any individual to hold public office and be involved in the ownership, management or editorial decision-making of the media. The incompatibility of these functions should be recognised as a matter of principle and should not be made conditional on the existence of particular criteria, such as having specific or detrimental effects. The criteria of incompatibility and a range of appropriate measures for addressing and resolving conflicts of interest should be set out clearly in law.
6. States are encouraged to develop and apply suitable methodologies for the assessment of media concentration which, in addition to measuring the availability of media sources, reflect the real influence of individual media by adopting an audience-based approach and using appropriate sets of criteria to measure the use and impact of individual media.
7. Monitoring and decision-making activities in this area should be conducted by an independent national regulatory authority that is provided with adequate staff and financial resources to be able to carry out these tasks.
8. The independent regulatory authority should be vested with powers to assess the expected impact of the proposed merger or acquisition from the perspective of media pluralism and diversity and to make appropriate recommendations or decisions, as appropriate, about whether the proposed merger or acquisition should be allowed to go ahead, subject or not to any restrictions or divestiture commitments. Decisions of the independent authority should be subject to judicial review.
9. Media ownership regulation should include clear procedures to pre-empt 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 pro-actively notify the relevant independent regulatory authority of any proposed media merger or acquisition whenever certain criteria or ownership and control thresholds, as clearly set out in legislation, are met.
10. Owners of licensed broadcast media should also be required by law to notify the relevant independent regulatory authority immediately of any changes to the ownership or control of their media undertaking as set out in the licensing agreement.

11. Any restrictions on the extent of foreign ownership of media should apply in a non-discriminatory manner to all such undertakings and should take full account of the States' positive obligation to guarantee effective pluralism and of the relevant guidelines set out in this Recommendation.

#### **IV. Transparency of media ownership, organisation and financing**

1. States should ensure a regime of transparency regarding media ownership that provides independent regulatory authorities with relevant, detailed data necessary for informed regulation, decision- and policy-making and enables the public to access those data in order to help them to analyse and evaluate the information, ideas and opinions disseminated by the media.

2. To this end, States should adopt and implement legislation that sets out enforceable 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 significant 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.
- Identity and contact details of natural persons with beneficial shareholdings enabling them to indirectly exercise control or significant influence on the operation and strategic decision-making of the media outlet. Beneficial shareholding applies to natural persons who ultimately own or control shares in a media outlet or on whose behalf those shares are held.
- 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 undertakings which could lead to decision-making influence over those undertakings, or positions held in political parties;
- Name(s) of the persons with actual editorial responsibility or the actual authors of editorial content;
- Changes in ownership and control arrangements of a media outlet.

3. 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. 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.

5. To this end, States should adopt and implement legislation that sets out enforceable disclosure of the following information:

- Information on the sources of the media outlet's income, including income generated by State and other funding measures and (State) advertising.

- The existence of structural relationships or contractual cooperation with other media or advertising companies or the State, including in respect of State advertising;

6. Legislation should set out clear criteria as to which media are subject to these reporting obligations. The obligations may be limited with regard to factors such as commercial nature of the media outlet, a wide audience reach, exercise of editorial **content control**, frequency and regularity of publication or emission, etc., or a combination thereof. Legislation should also determine the timeframe within which reporting obligations must be met.

7. Such legislation should also require the relevant regulatory authority to maintain a public, online database of media ownership and control arrangements in the State, with disaggregated data about different types of media (markets/sectors) and regional and/or local levels, as relevant. Those databases should be kept up to date on a rolling basis and they should be available to the public free of charge. They should be accessible and searchable; their contents should be made available in open formats and there should not be restrictions on their re-use.

8. States should also put in place legislation setting out ongoing monitoring and periodic reporting requirements that independent regulatory authorities may have towards the public and/or relevant public bodies responsible for setting policies relating to media ownership. They should also ensure that the regulatory authorities are given adequate funding to carry out those tasks. The reporting requirements should include the provision of:

- 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.

9. Legislation should provide for the publication of reports on media ownership to 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.

10. 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.

11. States should also facilitate inter-agency cooperation, including the relevant exchange of information about media ownership held by media regulatory authorities and company registers. Similarly, the exchange of information and best practices with other national authorities, both within their own jurisdiction and in other jurisdictions, should be facilitated.



## **V. Media literacy/education**

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.
2. States should also develop a national media literacy policy and ensure its operationalisation and implementation through (multi-)annual action plans. A key strategy for that purpose could be to support the creation of a national media literacy network comprising a wide range of stakeholders, or the further development of such a network where it already exists.
3. States should encourage all media, without interfering with their editorial independence, to promote media literacy through policies, strategies and activities. They should also promote media literacy through support schemes for media, taking into account the particular roles of public service media and community media.
4. States should ensure that independent national regulatory authorities have the scope and resources to promote media literacy in ways that are relevant to their mandates and encourage them to do so.
5. States are encouraged to include in their 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 enabling 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

### **REVISED DRAFT<sup>1</sup> OF THE FEASIBILITY STUDY ON THE USE OF INTERNET IN ELECTORAL CAMPAIGNS submitted at the 3<sup>rd</sup> meeting (29-30 March 2017)**

#### **I. KEY MESSAGES**

- 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.
- The Internet and new communications technologies 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.
- Election communication has been subject to a complex set of legal and ethical regulations that have evolved since the nineteenth century. The objective is to maintain a level playing field, guard against corruption and safeguard transparency.
- 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.
- These problems are beginning to emerge in the new communications environment that can undermine the legitimacy of democracy. There is therefore a need for new standards in this area, and an expanded watching brief for communications regulators, parliaments, electoral monitors and civil society.

#### **II. Introduction: 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. 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

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<sup>1</sup> As contained in Doc MSI-MED(2016)10 rev

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. This policy brief sets out the principles and institutions of campaign regulation and discusses the implications of development in Internet campaigning.

In recent years, a growing number of researchers have raised questions about the potential impact of the Internet, social media and the wider context of media change, on referenda and elections.

- **Broadcasting:** 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.<sup>1</sup>
- **Intermediaries** adopt powerful new gatekeeper positions that enable them to influence the outcome of electoral processes. Epstein (2015) has highlighted the "search engine manipulation effect" and Diakopoulos (2016) has demonstrated the potentially powerful implications of display of search results.<sup>2</sup> 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 led to a situation in which traditional rules governing false and misleading claims are no longer effective.

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<sup>1</sup> 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.

<sup>2</sup> 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.

- **Representation of public opinion** (<sup>3</sup> silence periods)<sup>4</sup>. 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:** <sup>5</sup> 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.<sup>6</sup>

Whilst many of these phenomena 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 to prevent democratic failures and protect the legitimacy of democratic processes.

The aim of this study is to flag all potential problems which have emerged with the shift of political propaganda and especially election campaigns onto the Internet. Because existing regimes for campaign finance control and transparency within the Council of Europe are quite varied, for example with regards to political advertising and campaign finance, recommendations 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.

### III. 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.

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<sup>3</sup> See [http://www.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-5-Semantic-Polling\\_The-Ethics-of-Online-Public-Opinion.pdf](http://www.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-5-Semantic-Polling_The-Ethics-of-Online-Public-Opinion.pdf)

<sup>4</sup> See Ofcom code rule 6.5. Compare Par Condicio in Italy

<sup>5</sup> (PPERA Ch III s126) <http://www.legislation.gov.uk/ukpga/2000/41/section/126>

<sup>6</sup> UK electoral commission has repeatedly called all such rules to be applied to campaign communications including Non print communications.

According to the Venice Commission, Guidelines on Political Party Regulation (2010)  
7 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.<sup>8</sup>
- c. Pre-poll black outs
- d. Media regulation in particular broadcast licensing.<sup>9</sup>
- e. Rules on political advertising including impartiality, subsidies and free air time<sup>10</sup>;
- f. Self-regulation and journalism ethics.

## (i) 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 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.

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<sup>7</sup> European Commission for Democracy through Law (Venice Commission) 2010 : [Guidelines on Political Party Regulation CDL-AD\(2010\)024](#) pp.35, para.159

<sup>8</sup> IDEA: 142-3.

<sup>9</sup> 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/>

<sup>10</sup> To see for example communications act 2003 section 333.

According to The Committee for Standards in Public Life in the UK, one of the primary reasons for campaign spending limits was to prevent an “undue focus on fundraising.”<sup>11</sup> 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.

## (ii) **Institutions**

Regulation of political campaigns are internationally recognised in a set of international treaties including The International Covenant on Civil and Political Rights<sup>12</sup> (ICCPR), (ECHR) and the United Nations Convention against Corruption<sup>13</sup>.

Because of the rate of technological change, it is useful to outline the principles that underlie these important protections of democratic process. The Council of Europe’s Parliamentary Assembly in its recommendation 1516 of 2001<sup>14</sup> recommended some general principles the financing of political parties should abide by:

- A reasonable balance between public and private funding.
- A 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.
- 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.

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<sup>11</sup> 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

<sup>12</sup> United Nations National Assembly. 1966. [International Covenant on Civil and Political Rights](#). Article 25.b. pp.179

<sup>13</sup> [UN Convention against Corruption](#) (UNCAC). 2003. Article 7.3.pp.11

<sup>14</sup> Parliamentary Assembly of the Council of Europe: Recommendation 1516 (2001), [Financing of political parties](#). Para.8

### ***Rules on broadcasting and political advertising***

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) in some cases such as the UK broadcast political advertising is banned (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.

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. 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 will be important. 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 (a narrow majority) departed from the previous case-law in favour of blanket bans. 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 an arbitrary manner and granted to other parties, an issue might arise under that provision (*Partija "Jaunie Demokrāti" and Partija "Mūsu Zeme" v. Latvia* (dec.)),



A number of European countries have in place complete bans on political advertising on broadcasting media e.g. Switzerland, the UK. In ECHR cases where such bans have been challenged they have been justified as a means to ensure fair campaigns. Even where such bans are not official in place, an agreement between the main political parties has effectively kept political advertising off T.V such as Denmark. In countries such as the UK, the ban on commercial political advertising is balanced by rationing system whereby commercial public service broadcasters are obliged to carry advertising spots for the political parties based on the share of the vote at the last election. Other countries have adopted other forms of rationing system for example through regulating the amount of funding political parties may use to purchase television advertising.

### *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 has led to a renewed debate about “post-truth, or post-fact politics”<sup>15</sup> and the role of social media in propagating rumour and untruth.<sup>16</sup> 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<sup>17</sup> in strictly limited circumstances, but such rules may be difficult to enforce in future.

There are a number of other notable rules. For example France Poland and Bulgaria have absolute bans on corporate donations to political parties (Venice Commission: 51).<sup>18</sup> In countries such as Ukraine, new rules on transparency of political advertising and clear labelling of political advertising funding have been recommended by bodies such as the OSCE.<sup>19</sup>

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<sup>15</sup> [http://www.nytimes.com/2016/08/24/opinion/campaign-stops/the-age-of-post-truth-politics.html?\\_r=0](http://www.nytimes.com/2016/08/24/opinion/campaign-stops/the-age-of-post-truth-politics.html?_r=0)

<sup>16</sup> [http://www.nytimes.com/2016/08/28/magazine/inside-facebooks-totally-insane-unintentionally-gigantic-hyperpartisan-political-media-machine.html?smid=fb-share&\\_r=0](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.

<sup>17</sup> Robertson and Nicol (1992) pp. 615

<sup>18</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2016\)003-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2016)003-e)

<sup>19</sup> <http://www.osce.org/odihr/elections/116830?download=true> (see N. 60)

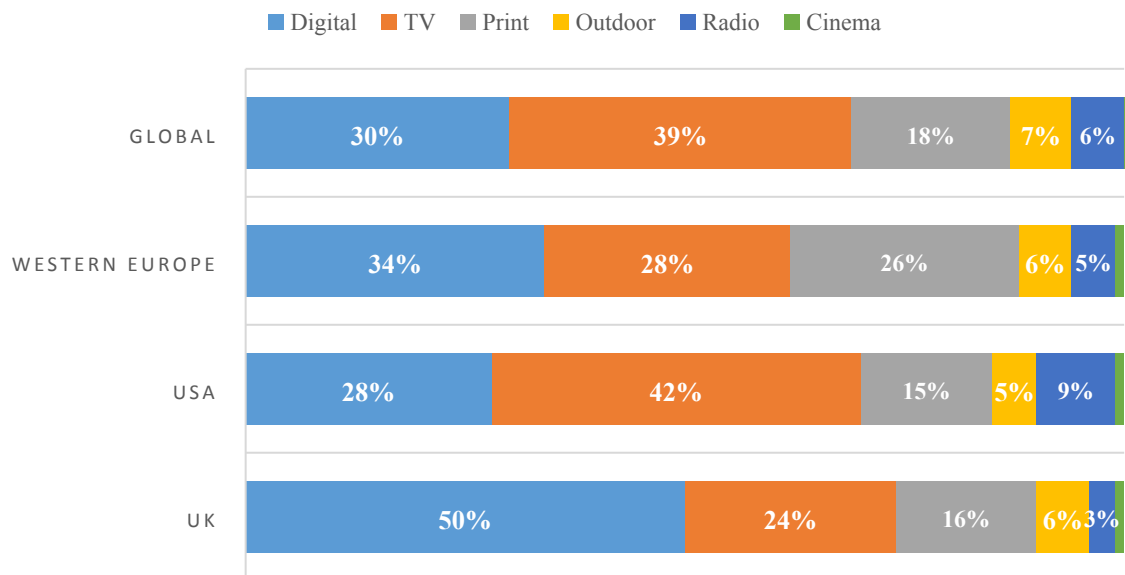
## IV. The Changing Reality of Political Campaigning

### (i) 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.<sup>20</sup> In the UK, one of the more advanced digital markets, more than 50% of every advertising pound spent goes to online channels.

### SHARE OF AD SPEND BY MEDIA TYPE: 2015



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 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

<sup>20</sup> IAB Europe. 2016. "[adex Benchmark](#)" 2015

being spent with Facebook.<sup>21</sup> In the US, even with the presence of T.V 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<sup>22</sup>.

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 lines based on specific media, and the ability of the regime as a whole to create a level playing field.

**(ii) New Digital Marketing Techniques and their application in politics.<sup>23</sup>**

***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 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

<sup>21</sup> Electoral Commission. 2016. UK Parliamentary General Election 2015: Campaign spending report pp.28.

<sup>22</sup> Borrell and Associated, Kantar/CMAG, Nomura estimates

<sup>23</sup> The author acknowledges the excellent research assistance of Sharif Labo on this paper and particularly on this section.

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.

### ***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.

In political terms, it has allowed party officials to reach the thousands that win elections. 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. "

## V. 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:

### (i) Regulation of broadcast advertising

Online media may undermine T.V 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 [T.V content via online video channels such as YouTube](#), it raises questions as to the effectiveness of the current regulatory framework.

### (ii) 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 being 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 UKPGE. Initial reports about Labours online spend indicated they had spent only £16k spent, 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.<sup>24</sup>

### (iii) Campaigning on Wedge Issues

The ability to micro-target political messages increases the likelihood that parties and candidates campaign on wedge issues. Issues which are highly divisive in a public forum but also have the ability to mobilize voters such as matters on

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<sup>24</sup> Electoral Commission. 2016. [UK Parliamentary General Election 2015](#): Campaign spending report pp.55-56.

immigration and welfare.<sup>25</sup> Research from the U.S <sup>26</sup> 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.

#### (iv) **Political Redlining<sup>27</sup>**

Message targeting encourages contact and engagement only with those who are deemed worthy of political campaigning, for example those in marginal seats or 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 removes a "beneficial inefficiency" that aided the public sphere.<sup>28</sup>

#### (v) **Intermediaries**

**Gatekeeping, message targeting and opinion shaping 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. These platforms have the ability to facilitate or impede information dissemination. They could in theory make it easier for a political party which their business/ideological interests align with 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

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<sup>25</sup> 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.

<sup>26</sup> Sunshine Hillygus .D & Shields.G. T. 2009. "The Persuadable Voter:Wedge Issues in Presidential Campaigns

<sup>27</sup> Howard, P.2006. *New Media Campaigns and the Managed Citizen*. Cambridge University Press

<sup>28</sup> Karpf, D. 2012. *The MoveOn Effect: The Unexpected Transformation of American Political Advocacy*, Oxford University Press.

methods used to curate and display information on these 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 privatized sphere. A sphere where the terms of discourse are controlled by a few private Internet companies and which favors those with the resources to understand and make sense of this highly technical world.

#### **(vi) 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. Political parties as data controllers are subject to data protection rules and have duties to protect fundamental rights. It is important to underline that these should be enforced, as an important part of the protection of the law, given the increasing importance of political databases in strategic election communication. An online sphere where every conversation, comment or post is recorded, scanned and 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.<sup>29</sup>

#### **(vii) Overview: the objectives revisited**

##### ***Summary: 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.

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<sup>29</sup> Kreiss, D. (2012). [Yes we can \(profile you\): A brief primer on campaigns and political data](#). *Stanford Law Review Online*, 64, 70.

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<sup>30</sup>. 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.

#### **The Scottish independence referendum 2014**

The UK Electoral Commission (2013, 2016) made several recommendations; for example ‘there should be proportionate imprint requirements on non-printed material at referendums and elections across the UK. However, we would welcome the opportunity to work with relevant governments, not only in Scotland but also in other parts of the UK, when they are considering future legislation for referendums, to ensure that the imprint rules 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 for leaflets (15) which was ignored by the government during the EU referendum, and that regulation of the content of campaigns was inappropriate.

## **VI. Recommendations**

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.

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<sup>30</sup> Tufekci, Z. (2014). [Engineering the public: Big data, surveillance and computational politics](#).



## (i) Standard setting

[insert relevant EU standards]

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.”<sup>31</sup>

## (ii) Recommendations

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 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 and trust in social networks.*

In line with proposal 13 of recommendation CM/Rec (2012) and Recommendation CM PC/Rec (2016) 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.

*Freedom of association and the right to freedom of peaceful assembly.*

Recommendation CM PC/Rec (2016) 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. These rights entail responsibilities not only for governments but also for platforms and intermediaries that should develop code of conduct that make explicit their respect for such fundamental rights.

*Election Observation*

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<sup>31</sup> The Committee on Standards in Public Life, 1998. [The Funding of Political Parties in the United Kingdom](#), Cm 4057-I, pp.183.

The principles and standards of the Venice Commission should be urgently 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.

#### *The role of electoral commissions*

National electoral commissions' statutory duties should urgently be updated. They should work with independent national regulatory agencies in the communications sector to 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.*

Was 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.

#### *Campaign and Party Finance*

The shift to online political advertising constitutes a major disruption of political campaigning, and as such should lead national parliaments to review the effectiveness of these rules in their current form.

## **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](#)

[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 V

### **REVISED VERSION<sup>1</sup> OF A STANDARD-SETTING INSTRUMENT ON MEDIA COVERAGE OF ELECTIONS WITH A SPECIFIC FOCUS ON GENDER EQUALITY**

**submitted at the 3<sup>rd</sup> meeting (29-30 March 2017)**

#### **Introduction**

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?*"

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 equal access to the media. 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 tend to remain the main source of information during election. However, they are facing increasing competition from the new media, particularly social media, which provide a different and faster content. Online media of all sorts have enabled politicians to express themselves, without necessarily 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 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'

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<sup>1</sup> as contained in doc MSI-MED(2016)11 rev

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<sup>1</sup>.

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<sup>2</sup>. This constitutes a great deficit given that women represent approximately 49.6% of the world population<sup>3</sup>.

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<sup>4</sup>. Research has also highlighted that women politicians are proportionally 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 them<sup>5</sup>.

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 Member States of the Council of Europe. The study provides an evidence-based approach to assessing whether existing legal instruments offer an appropriate framework to promoting gender equality in relation with media coverage of elections. It 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

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<sup>1</sup> 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"

<sup>2</sup> Global Media Monitoring Project, 2015

<sup>3</sup> The World's Women 2015 -Trends and Statistics, United Nations

<sup>4</sup> Portraying Politics, a Toolkit on gender and television

<sup>5</sup> Portraying Politics, a toolkit on gender and television

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.

Gender equality in media content being strongly related with freedom of expression, there is little legislation regulating the subject. Moreover, most of the existing legislation regulating the media intends to protect diversity and pluralism rather than directly addressing gender equality; in addition, it is mainly aimed at audio-visual services<sup>6</sup>. Nevertheless, two recent instruments of the Council of Europe address certain aspects of the issue in question.

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

The Recommendation on measures concerning media coverage of election campaigns<sup>7</sup> includes guidelines enabling the media to provide for 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.

Moreover, 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.

Furthermore, transparency is stressed as an important principle, especially when it comes to paid political advertising. Such advertising has to be readily recognisable as such and made transparent to the public.

In the case of opinion polls, the regulatory and self-regulatory frameworks should ensure that the media, when disseminating the results of opinion polls, provide the public with sufficient information in order to enable citizens to make a judgement on the value of the polls.

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<sup>6</sup> 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.

<sup>7</sup> Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns

When it comes to measures concerning broadcast media, the CM encourages regulatory frameworks that foster the pluralistic expression of opinions. The three principles of fairness, balance and impartiality are especially stressed for news and current affairs programmes during campaign periods.

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

The Recommendation on gender equality and media reaffirms the importance of gender dimension to media pluralism and diversity of media content, considering that media are a crucial factor in shaping society's perceptions and ideas and should thus "reflect the reality of women and men in all their diversity."

The guidelines first address the responsibility of States to adopt an appropriate legal framework to prohibit discrimination and ensure that it is implemented by media regulators. Secondly, they place on the media the responsibility for adopting self-regulatory measures and internal codes of conduct to promote equal representation of men and women 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 and a regular monitoring of the representation of men and women in the media are recommended. Additional research on gender equality, notably focused not only on women but also on the relationship between genders, should be supported and publicised. The exchange of information on good practices and the use of a large variety of accountability mechanisms are also encouraged. 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.

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

The Recommendation on gender equality standards and mechanisms 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 take action targeting the promotion of non-sexist language across all sectors, but particularly "in the public sector and in all forms of education and in media." As regards specifically the media, member states are encouraged to promote gender-based research into language used in the information sector, including 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.

## Part II – Media and gender equality

### 1. Data on media coverage of men and women politicians

“*News erase one woman in two*” (“Les medias goment une femme sur deux”) claimed the Belgian Association of professional journalists (AJP), when it publicised its Global Media Monitoring Project (GMMP)’s results for Belgium in 2015.

The latest edition of the GMMP<sup>8</sup>, 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 **news 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	
<b>Main Story Topics. Newspaper, Television, Radio</b>											(%F)
Science & Health	27	73	21	79	22	78	32	68	35	65	▲ 8
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<sup>9</sup>.

During Ireland 2011 elections, a study<sup>10</sup> 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.

<sup>8</sup> [http://cdn.agilitycms.com/who-makes-the-news/Imported/reports\\_2015/highlights/highlights\\_en.pdf](http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/highlights/highlights_en.pdf)

<sup>9</sup> The importance of the media to elections, ACE, the electoral knowledge network

<sup>10</sup> 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



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.

Occupation	81	19	75	25	72	28	67	33	▼ 8
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

Source: GMMP 2015

In the digital news, women are 2% points less likely to appear as spokespersons (18%) 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 on women issues and Swiss public broadcaster (SRG SSR)<sup>11</sup>, which was published in 2015, concluded that while women made 34.5% of candidates for election of the Swiss National Council (the lower house of the Federal Assembly) in 2015, they made 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 25% of candidates in the press while making 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 percentage representation of women candidates in media and their election. Furthermore, the study showed that the way of representation of 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.

<sup>11</sup> Les élections dans les médias : les stéréotypes de genre disparaissent, mais les candidates restent sous-représentées, Commentaire de la DFCF 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)<sup>12</sup> shows some improvements with women making 30.38% of politicians appearing in pre-electoral debates on Belgium French speaking television. Findings show that women tend to be more present in local television's debates (32.05%) than in major public broadcaster (27.82%) and major private broadcaster (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 candidate 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) and 3 women prime ministers (Germany, Poland and UK).

However, data on women holding elected offices in European assemblies show that their presence in politics is much 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, approximately 23% of members of national parliaments are women<sup>13</sup>.

### European Parliament

	President	Members			
		Women (N)	Men (N)	Women (%)	Men (%)
European Parliament	M	279	469	37	63
- = not applicable, : = not available					
Data collected between 11/10/2016-11/10/2016					

Source: European Commission

Similar lack of gender balance is present also in the governmental structures. In the Government of Serbia formed in August 2016, out of 19 ministers, five are women (26%). The function of the Prime Minister carries out a man, out of the four vice-presidential slots one is held by a woman. In the National Assembly, women account for 34% (85 women out of 250 national MPs), which is an improvement since the democratic changes in 2000, when the percentage of women MPs was between 10% and 20%.

Another element is that heads of political parties are more likely to be interviewed and that 4/5 of those leaders are men.

As reliance on sources is fundamental to news gathering, the fact that most authoritative sources, including politicians and spokespersons are male means they are the "primary

<sup>12</sup> La représentation des femmes dans les débats pré-électorales télévisés belges francophones, May 2014

<sup>13</sup> Political parties and women political representation, Council of Europe, 2012

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”.

### **3. Journalists’ 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<sup>14</sup>.

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 public’s matters’ of 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.

The latest GMMP report lists government, accidents, sports, economics and crime as the five main news topics.<sup>15</sup> Most of these topics fall under the category of what is called “hard news”. 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 on politics coverage, the risk is that topics considered as “hard news” continue to be framed associated to 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

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<sup>14</sup> 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.

<sup>15</sup> The fact that the Germanwings plane crash was reported widely on the GMMP monitoring day is responsible for the high proportion of stories under the accident category.

Source: GMMP 2015

**a. Who reports on politics?**

Looking at **who reports 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%). While there is an overrepresentation of young women as anchors, the representation of women in the 50-64 age bracket is much lower (29%) and disappear beyond that age group.

B. Reporting and Presenting the News. Newspaper, Radio, Television											
<b>% Stories presented</b>	51	49	49	51	53	47	49	51	49	51	0
Television			56	44	57	43	52	48	57	43	▲ 1
Radio			41	59	49	51	45	55	41	59	0
<b>% Stories reported</b>	<b>28</b>	<b>72</b>	<b>31</b>	<b>69</b>	<b>37</b>	<b>63</b>	<b>37</b>	<b>63</b>	<b>37</b>	<b>63</b>	▲ 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

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)<sup>16</sup>. There was a 2% decrease since 2010, making politics the least reported topic by women.

**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%
<b>TOTAL</b>	28%	37%	37%	37%	▲ 9%

Source: GMMP 2015

<sup>16</sup> 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<sup>17</sup> and which women journalists and politicians must comply with.

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.

The report 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*”.

**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*”<sup>18</sup>. At election times the media will decide on the guests, the topics, the format of the debate, 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

<sup>17</sup> « Send pretty girls to the white house”- the role of gender in journalists-politicians’ interactions, Liudmila Voronova, University of Stockholm, Sweden

<sup>18</sup> Election coverage from a Gender perspective, a media monitoring manual by UN Women and Idea

preferences, and their knowledge. Their specific frame of reference will inevitably influence the angle of a story<sup>19</sup>.

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<sup>20</sup>.

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<sup>21</sup>.

*"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.

A result of this is that women politicians tend to be portrayed in accordance with a number of stereotypes that have nothing to do 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.

#### ***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<sup>22</sup>.

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<sup>19</sup> Portraying Politics, a toolkit on gender and television

<sup>20</sup> Gender, Politics, News : A Game of Three Sides, First Edition, Karen Ross, 2017

<sup>21</sup> Gender, Politics, News : A Game of Three Sides, First Edition, Karen Ross, 2017

<sup>22</sup> Doing gender in der Wahlkampfkommunikation, Sibylle Hardmeier and Anita Klöti, 2004

A more recent Swiss study<sup>23</sup> showed, however, that progress has been made in not attributing specific hard issues to male candidates and soft issues to women candidates. A study in 2014 in Ecuador<sup>24</sup>, 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.

#### *e. Women politicians subject of stereotypes*

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<sup>25</sup>.

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 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<sup>26</sup>.

##### *ii. Sexualisation*

"Hot potato" ("Patata bollente") was the headline used by the Italian right-wing Italian newspaper *Libero* on 10 February 2017 to describe Rome's Mayor Virginia 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-parliament union on sexism, harassment and violence against women parliamentarians from 39 countries spread over five regions of the world<sup>27</sup> reveals that 27.3% of respondents believe traditional media had disseminated images or

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<sup>23</sup> Les elections dans les medias: les stéréotypes de genre disparaissent, mais les candidates restent sous-représentées, Commentaire de la CFQF sur l'étude "genre et medias au préalable des élections fédérales 2015", (October 2016)

<sup>24</sup> Abordaje Mediatico En Epoca De Campaña Electoralav <http://whomakesthenews.org/artides/abordaje-mediatico-en-epoca-de-campana-electora>

<sup>25</sup> Handbags and kitten heels – how not to write about prime ministers, Laura Bates, The Guardian 12 July 20

<sup>26</sup> 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

<sup>27</sup> Sexism, Harassment and violence against women parliamentarians, October 2016

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<sup>28</sup>.

### *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<sup>29</sup>.

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

### *v. Social media effect*

While there is no evidence that visibility on social media translates into votes, they can still have a devastating effect on a politician's campaign. While these platforms allow voters to share information and opinions freely, they also open the door to excessive comments, including sexism. The anonymity of many Twitter and Facebook users that are not per se media professionals and publish in their own capacity can add to the increase of widespread sexism that surrounds a particular woman politician.

In 2016, the U.S 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 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."<sup>30</sup>

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<sup>28</sup> Portraying Politics, a Toolkit on gender and television

<sup>29</sup> Gender, Politics, News : A Game of Three Sides, First Edition, Karen Ross, 2017

<sup>30</sup> Does Sexism on Social Media Hurt Women Running for Office?, Madison Shumway, The Bengal 2017



In Serbia, pre-electoral activities on the internet were monitored during the 2016 elections. The reports<sup>31</sup> conclude that on Facebook, the last week of the campaign there was a striking number of more than 350,000 interactions, of which approximately 271,000 were likes of the content published by the political parties on their official websites. In the overall standings, more than one million Facebook interactions were recorded involving more than 200,000 users. This indicates that political parties did not underestimate the potential of Facebook for the dissemination of ideas and for gathering support. It is interesting that the comments on the posts were far less numerous than likes, which shows that the communication of parties with supporters and potential voters was largely one-sided.

The election results show that the online campaign should not be ignored, even considering the not-so-young age structure of the Serbian citizens. The movement "It is enough", due to the lack of coverage in the traditional media and the lack of funding, focused their activities on the social networks and platforms, which undoubtedly contributed to their success in the 2016 elections. The successful employment of unconventional campaign strategy by "It is enough" surprised the wider professional community, many voters and analysts. The movement not only passed the threshold for entering the parliament, but also won a higher percentage of parliamentary seats than any other opposition representatives with its 6.02% (227,626 votes).

#### **4. Influence of media reports on voter's opinion**

Public opinion is inevitably influenced by the way the media present the facts<sup>32</sup>.

During elections times, any accentuation of gender-based stereotypes 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 one answering them it reinforces the stereotype that they are "women's issues"<sup>33</sup>.

A survey<sup>34</sup> 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, conducted during the final days of the U.S. presidential election 2016 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.

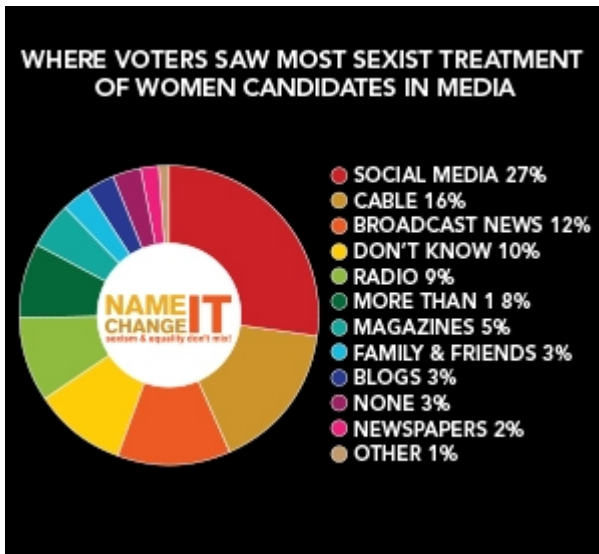
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<sup>31</sup> Share Foundation, Monitoring reports Elections 2016, Serbia <http://www.shareconference.net/sh/tags/izbori-2016>

<sup>32</sup> 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.

<sup>33</sup> Portraying Politics, a toolkit on gender and television

<sup>34</sup> Where voters saw most sexist treatment of women candidates in the media, Name it. Change it. 2016



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."

As regards the effect of female and male politician's portrayal and their influence on voters' decision, a research conducted in the U.S. 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<sup>35</sup>.

Furthermore, the *Name it. Change it.* research project<sup>36</sup> suggests that the way the media cover the appearance of women candidates matters in elections. The findings of the 2014 nationwide research showed that sexist coverage diminished votes in favour of women. It also showed that neutral, positive and negative description of a woman candidate's appearance damaged the woman. The man opponent paid no price for that type of coverage.

<sup>35</sup> 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

<sup>36</sup> 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/blog/entry/name-it.-change-it.-releases-nestw-research-on-appearance-coverage-of-women-c>

Online initiatives such as Kaleida<sup>37</sup> in the UK, 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 Facebook more than men. A similar research could contribute in measuring consumers' habits in election coverage from a gender viewpoint.

### **Part III. Review of regulatory and self-regulatory mechanisms and practices in member states of the Council of Europe**

The section provides an overview of gender equality mechanisms of media regulatory bodies and other public bodies, of self-regulatory initiatives, practices adopted by the media themselves and finally of initiatives from various international and civil society organisations.

It must be observed that few existing initiatives deal with social media specifically, in spite of the growing importance of this component of media landscapes. This is probably 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.

As new initiatives regarding gender equality and elections on social media will probably develop in the near future, it is necessary to remind that, under Article 10 of the ECHR, any measure that restricts freedom of expression must be proven to be necessary in a democratic society, and that the least restrictive means should always be preferred. In that sense, self-regulatory initiatives are the recommended approach to this issue on social media.

#### **1. Media regulatory authorities**

It may first be observed that according to the European Institute on Gender Equality (EIGE)'s study carried in 2012 across 44 independent media regulators in the EU<sup>38</sup>, women made 31% of board members. Given the role these bodies can play 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 better gender portrayal in the news including in election coverage.

While a series of regulators have adopted some form of commitment towards gender equality, few specific initiatives have directly tackled election coverage from a gender

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<sup>37</sup> [www.kaleida.com](http://www.kaleida.com)

<sup>38</sup> European Institute for Gender Equality (EIGE), *Advancing gender equality in decision-making in media organisations*, 2013

perspective. However, many initiatives to strengthen gender equality in broadcasting content could also be applied to a certain extent, to election coverage.

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.

The Declaration on gender equality adopted in 2011 by the French Speaking Media Regulators’ Network (REFRAM)<sup>39</sup> 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<sup>40</sup> on integrating the gender equality dimension through regulators’ policies.

In Belgium, French speaking public broadcaster 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”<sup>41</sup>.

The French Law on Gender Equality adopted on 4 August 2014<sup>42</sup> 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.

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<sup>43</sup>.

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<sup>39</sup> Déclaration du REFRAM sur l’égalité entre hommes et femmes dans les médias audiovisuels, 2011

<sup>40</sup> REFRAM Vade-mecum égalité hommes-femmes, 2012

<sup>41</sup> Etude comparative des politiques des régulateurs membres du REFRAM en matière d’égalité hommes-femmes, 2011

<sup>42</sup> <http://www.legifrance.gouv.fr/afchTexte.do?cidTexte=JORFTEXT000029330832&categorieLien=id>

<sup>43</sup> 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

British 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.<sup>44</sup>

It may also be noted that national institutions for the promotion of equality can play a useful role. For instance, in France, the French *Haut Conseil pour l'égalité*, a governmental body, published in 2015 a brochure aimed at public services for a "Communication without sexist stereotypes"<sup>45</sup>. It encourages users to eliminate all forms of sexist expression in their communication material, do not only limit to women questions on personal life, include an equal representation of women and men in all medium and conferences.

## 2. Media self-regulation

The International Federation of Journalists' Declaration of principles on the conduct of journalists<sup>46</sup> 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 show that only 15 of them specifically prohibit gender discrimination<sup>47</sup>.

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<sup>48</sup>.

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 raise awareness of newsrooms<sup>49</sup>. 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

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<sup>44</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/diversity-guidance>

<sup>45</sup> Guide pratique pour une communication publique sans stéréotype de sexe, Haut Conseil à l'Egalité entre les femmes et les hommes, 2015

<sup>46</sup> <http://www.ifj.org/about-ifj/ifj-code-of-principles/>

<sup>47</sup> Codes, Press Councils and Discrimination in Europe, William Gore, 2009

<sup>48</sup> 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.

<sup>49</sup> 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](http://www.femmesenvue.eu/wp-content/uploads/charte_femmes_dans_les_medias.pdf)

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<sup>50</sup>. 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.”

### **3. Initiatives from the media and journalists**

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 some interesting steps towards better portrayal of women, although election coverage seems to be left aside in most initiatives.

*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.<sup>51</sup>

The *Gender, Media and Election Watch blog*<sup>52</sup> 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.

The British Broadcasting Corporation (BBC) is committed to providing programmes of great diversity that reflect the full range of audiences’ interests, beliefs and perspectives. Representing the whole spectrum is a requirement on all programme genres from arts to news and current affairs, from sport to drama, from comedy to documentaries, from entertainment to education and religion. In its 2016-2020 diversity and inclusion strategy<sup>53</sup>

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<sup>50</sup> Canadian Association of Broadcasters’ Equitable Portrayal Code (2008)

<sup>51</sup> La représentation des femmes dans les débats pré-électorales télévisés belges francophones, CSA, Belgium, May 2014

<sup>52</sup> <https://nwmigenderwatch.wordpress.com/>

<sup>53</sup> BBC Diversity and Inclusion Strategy 2016-20 http://downloads.bbc.co.uk/diversity/pdf/diversity-and-inclusion-strategy-2016.pdf

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”.

A co-operation agreement between the Spanish government and the Spanish public broadcaster RTVE in 2009<sup>54</sup> entrusts and assists the broadcaster 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.

*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<sup>55</sup> – 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.

*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.

A number of initiatives have been launched to improve the presence of women as experts in the news. One of the latest is *Expertalia*<sup>56</sup>, a database of female experts developed by the Belgian Association of professional Journalists (AJP) to respond to women’s absence as news sources. Another example is *Expertes.eu*<sup>57</sup>, a database of female experts launched by the French public service broadcasters (Radio France and France Television) to increase women’s presence in their programmes. Useful tips on how to manage those lists have been developed by Danish KVINFO database<sup>58</sup>.

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<sup>54</sup> <http://www.rtve.es/noticias/20090707/rtve-tendra-programacion-especifica-favor-igualdad-entre-hombres-mujeres/283924.shtml>

<sup>55</sup> <http://eige.europa.eu/gender-mainstreaming/good-practices/ireland/irish-current-affairs-programme-gives-women-equal-place>

<sup>56</sup> [www.expertalia.be](http://www.expertalia.be)

<sup>57</sup> <http://expertes.eu>

<sup>58</sup> <http://eige.europa.eu/gender-mainstreaming/good-practices/denmark/kvinfo-expert-database>

In Sweden, Prognosis<sup>59</sup> is an online gender equality tracker that monitors social media interactions and gender equality through algorithms.

#### 4. Civil society initiatives

The She-Expert Initiative<sup>60</sup> 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 organizations, employers, political parties, as well as the media in Cyprus.

The NGO Forum 50%<sup>61</sup> 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 and 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 perspective when reporting the news, and established CELEM as an expert source of information on gender<sup>62</sup>.

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 sensitizing 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

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<sup>59</sup> <http://www.prognosis.se/>

<sup>60</sup> <http://www.medinstgenderstudies.org/call-for-applicants-experts-womens-initiative/#more-6539>

<sup>61</sup> <http://eige.europa.eu/gender-mainstreaming/good-practices/czech-republic/czech-female-politicians-learn-international-experience>

<sup>62</sup> <http://eige.europa.eu/gender-mainstreaming/good-practices/spain/database-gender-aware-journalists>



workplace (vertical and horizontal segregation) and lastly, an analysis of self-regulation in media ethics and gender equality<sup>63</sup>.

## 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 perspective, a media monitoring manual*<sup>64</sup> by UN Women and Idea provides a monitoring tool to assess the presence of women in election coverage as well as the gender topic in political debates.

The *Global Media Monitoring Project (GMMP)* is ran 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 one and the 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 monitoring. This allows for comparison and definition of general trends across regions.

UNESCO's *Gender Sensitive Indicators in the Media*<sup>65</sup> 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 men and women 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 *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<sup>66</sup>.

*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".

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<sup>63</sup> <http://eige.europa.eu/gender-mainstreaming/methods-and-tools/slovakia/codes-conduct>

<sup>64</sup> Election coverage from a Gender perspective, a Media monitoring Manual, UN Women, IDEA

<sup>65</sup> Gender-Sensitive Indicators for Media, Framework of indicators to gauge gender sensitivity in media operations and content, 2012

<sup>66</sup> Learning resources kit to strengthen gender-ethical journalism ad media policy, IFJ and WACC, 2012

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

## **Part IV. Recommendations**

### **1. Regulatory and self-regulatory mechanisms**

Member states should be encouraged to define gender equality in legislation covering the media and make it an explicit part thereof, ensuring that a clear distinction is made between that principle and the protection of diversity.

Member states should adopt concrete mechanisms for the implementation of the legislation and policies to achieve gender equality in the media coverage of electoral campaigns. These mechanisms should aim at enhancing women's visibility in electoral campaigns and their access to the media by building their capacity to campaign and participate in media public debates.

Member states should, through legislation, policies and other means, encourage political parties to develop internal policies mindful of a gender equality perspective and to ensure a balanced representation for men and women in electoral campaigns.

Member states should encourage dialogue among media practitioners and self-regulatory bodies on the gender perspective of the coverage of elections, including by promoting self-regulatory mechanisms for individual complaints regarding media content contrary to gender equality.

Member states should encourage self-regulatory bodies and media outlets to review the composition of editorial teams and the assignment of subjects to journalists with consideration of the gender breakdown. They should also encourage more female news and general media staff and promote women in the leading roles.

Member states should encourage the media to adopt measures for monitoring the production and supply of media content respecting a balance between women and men during election campaigns. Member states may also set up gender equality requirements for the media with regard to production and dissemination of programmes concerning politics and elections. Media should further be encouraged to set up good practices aiming at:

- Promoting broadcasting that is inclusive and capable of reaching out to women and that 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, the way shots are framed, allow female candidates to give 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 stereotyping or biased language;
- Making equal gender representation a matter of editorial policy;

- Avoiding the “tabloidization” of media in terms of the representation of female candidates;
- Avoiding that women candidates are identified in respect of their family status or their relationship with others (“mother”, “wife”, “daughter”, etc.);
- Promoting the training of journalists on gender aspects so that they are encouraged to publicly highlight issues faced by women candidates;
- Monitoring gender commitments made by political parties and reporting on their progress;
- Monitoring regularly their own output setting targets for an equal gender representation.

## **2. Media educations and trainings**

Member states should be encouraged to implement measures that promote media education and media literacy and to integrate them into schools’ curricula, providing for a steady process of awareness-raising in respect of gender equality, gender portrayal and sexist discrimination.

Member states should ensure accessibility and dissemination, in their respective languages, of 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.

Member states should be encouraged to develop gender equality modules in journalism schools, including modules on covering elections through a gender lens, and to mainstream gender equality across all journalism courses to provide students with a critical approach to media representation of both sexes. They should also support life-long learning on gender equality including on election coverage for journalists, editors and other media workers at all levels of media governance, as well as for self-regulatory bodies.

Member states should encourage and support media companies to develop their own gender policies with regards to media content, including on election coverage, and encourage them to set up monitoring mechanisms to assess implementation.

## **3. Research**

Member states should be encouraged to conduct additional research 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 male and female politicians during elections campaigns;
- Measure and analyse the impact of social media sexism during election campaign on voters;
- Provide regular reporting on women portrayal;
- Conduct research on media coverage of elections campaigns including detailed indications of how male and female 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 organizations and media professionals and journalist students.

## Conclusions

**1.** 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 election with a gender lens, findings show that men are more visible and that women are still 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 for elections. Also the volume of regulatory and self-regulatory instruments and standards is very limited.

The topic of gender equality in media coverage of politics should be systematically included in 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 accurate overview on the 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.

**2.** Furthermore, there is but few data available on the impact of the gender-biased media coverage of candidates on the outcome of the elections, and while existing instruments and accompanying guidelines provide adequate recommendations on how to remedy the gender bias in media generally, none have specifically focused on gender equality in the media coverage of elections. The Council of Europe's Recommendation on measures concerning media coverage of election campaigns – apart from the non-discrimination principle mentioned as a broader notion encompassing gender equality – does not contain special focus on gender equality in terms of media coverage.

The fact that there is a gender dimension to media pluralism and diversity of content has been duly acknowledged, but it still needs to be brought to 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 representation, and gender portrayals.

**3.** The study included social media and generally all new developments of media landscapes. It shows that social media and new media have so far not been much taken into consideration in existing research on gender equality in media, and on gender equality in

media coverage of elections. Neither have social media and new media been the focus of existing initiatives to improve gender equality in media coverage of elections.

While existing recommendations (as reviewed above) are still relevant, the Council of Europe, either through the adoption of new standard-setting instrument or through the revision of the existing Recommendation on measures concerning media coverage of election campaigns, has an opportunity to:

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

## Appendix – The standard-setting instruments of the Council of Europe

### **GENDER EQUALITY IN ELECTORAL PROCESS IS GOVERNED BY THE FOLLOWING INSTRUMENTS:**

- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (CETS No.005) and its Protocol No.12, 2000 (CETS No.177);
- International Covenant on Civil and Political Rights, 1966 (ICCPR);
- United Nations, Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW);
- UNESO Gender Sensitive Indicators for Media GSIM 2012;
- OSCE, Moscow Document, 1991;
- Council of Europe, Committee of Ministers, declaration on equality between women and men, 1997;
- Council of Europe, Committee of Ministers, Recommendation (2003)3on balanced participation of women and men in political and public decision-making, 2003;
- Council of Europe, 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;
- OSCE/ODIHR and Venice Commission, Guidelines on political party regulation, 2010 ([CDL-AD\(2010\)024](#));

### **THE FOLLOWING VENICE COMMISSION DOCUMENTS:**

- 2002, Code of Good Practice in Electoral Matters (CDL-AD(2002)023rev);
- 2006, Declaration on Women's Participation in Elections (CDL-AD(2006)020);
- 2009, Report on the Impact of Electoral Systems on Women's Representation in Politics (CDL-AD(2009)029);
- 2015, Report on Proportional Electoral Systems: the Allocation of Seats inside the Lists (open/closed lists) (CDL-AD(2015)001);
- 2015, Report on the method of nomination of candidates within political parties (CDL-AD(2015)020);
- OSCE/ODIHR, Election Observation Handbook, sixth edition;
- International IDEA, Atlas of Electoral Gender Quotas, 2014.

### **WHEN IT COMES TO MEDIA COVERAGE AND GENDER EQUALITY IT IS GOVERNED BY HEREAFTER STATED INSTRUMENTS:**

- 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;

- [Handbook](#) on the implementation of Recommendation CM/Rec(2013)1 on gender equality and media;
- [Recommendation 1931 \(2010\)](#) and [Resolution 1751 \(2010\)](#) on Combating sexist stereotypes in the media, Parliamentary Assembly, 25 June 2010;
- [Resolution 1557](#) and [Recommendation 1799 \(2007\)](#) on the image of women in advertising, Parliamentary Assembly, 2007;
- 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\(2004\)16](#) of the Committee of Ministers to member states on right of reply in the new media environment;
- The 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