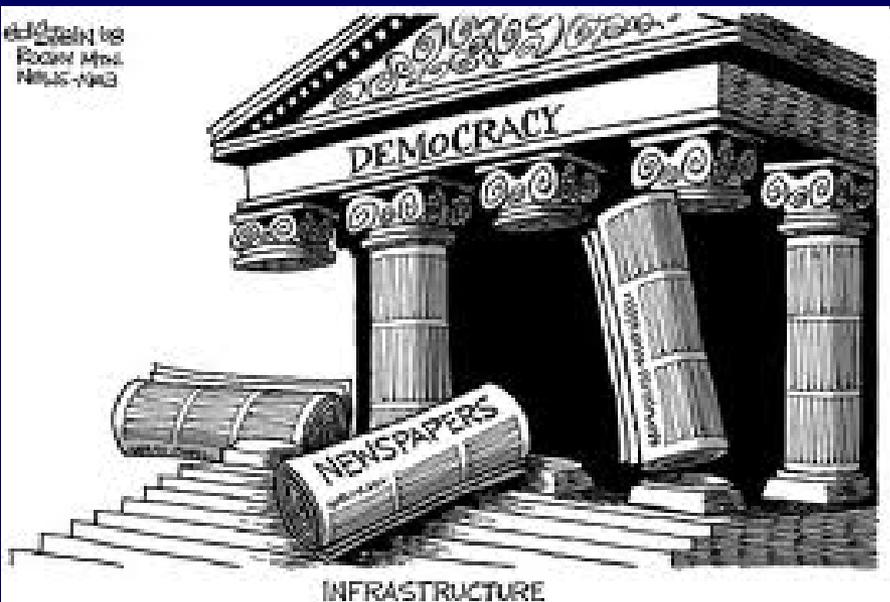


# The Role of the Media in Political Communication during Elections

**From scarcity to information deluge**



*Giovanna Maiola*  
[gmaiola@osservatorio.it](mailto:gmaiola@osservatorio.it)

# Changing access to the media, changing normative benchmarks



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Four more years.

[pic.twitter.com/bAJE6Vom](https://pic.twitter.com/bAJE6Vom)

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- Equal
- Statute
- different forms

better?

# Media and elections: which rights?

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the right access and coverage



## Candidates



the right to receive information concerning political alternatives



## Voters



the right to cover the election campaign, to raise issues and discuss problems



## Journalists



# Media and Elections: old open issues

1) What's wrong with 80% coverage given to the Government?

2) Of course we do not care that much about the opposition, they are the opposition. When they will be the Government we will report on them

3) We have no censorship (...), no, ehm, actually we cannot publish the state budget, it is classified information



4) Shall we forbid paid advertising?



5) Is election moratorium period fair or it is just undue interference?

6) Is a system of free airtime a must?



7) Shall editorial coverage be statutory regulated or left to self regulation?

# Scope of regulation and key issues

## Audiovisual media

Electronic media are usually subject to a higher degree of control by public authorities than print media as a consequence of the public service remit vested in the audiovisual sector.

### Justification

1. Televisions and radios use and benefit of airwaves and frequencies that are **(or were???)** limited public resources.
2. In virtue of their nature and means of consumption broadcast media are assumed to have a wider impact and influence in the building of public opinion.

# Scope of regulation and key issues

## Audiovisual media: which ones?

- A) State-/publicly owned broadcasters have generally stronger obligations in virtue of their public funding
- B) Private broadcasters are subject to various degrees of regulation and according to different models: UK, Italy

Provisions normally applied to both:

- o regulations on the reporting of opinion polls,
- o laws on "hate speech", defamation
- o provisions on election silence before or during the election,
- o the procedure for hearing complaints against the media
- o journalists' right of access to election events.

# Scope of regulation and key issues

## The press

Lower degree of regulation

Free market model, based on self regulation

But: the publicly funded press should comply with the same public service obligations as the public broadcasting service (balance, impartiality, fairness, allocation of free space)

And: print media may be bound to certain duties mainly expressed in the form of negative regulation, e.g. a ban on paid advertisement or the obligation of non discrimination when paid advertisement is permitted. Other laws (defamation laws, laws against hate speech and xenophobia) – may be relevant too

# Scope of regulation and key issues

## Trans national media and the Internet: problems with regulation

- o Jurisdiction and conflicts of laws
- o Justification
- o Enforcement

General provisions that may be applied are related to:

- Election silence period
- Publication of opinion polls
- Paid advertising regime

# Areas of regulation and key issues

## Free access

- o Criteria for allocating time
- o Responsibility for the allocation
- o Length, timing and channels
- o Responsibility for the format and content
- o Conditions of production
- o Obligations imposed on private broadcasters
- o Obligations imposed on the private press
- o Right to complain or appeal

# Areas of regulation and key issues

## Paid advertising: controversial issues

- o In favour or against paid ads?
- o Definition
- o Third party ads
- o Hidden ads

## **Paid advertising: best practices**

- o Non-discrimination requirement
- o Campaign spending ceilings/Monitoring campaign expenses
- o Restrictions on content
- o Transparency/Labelling
- o Schedule and placement
- o Institutional advertising

# Areas of regulation and key issues

## Editorial coverage = News, current affairs

- o Variety of regulatory models
- o The role of professional journalistic standards
- o The advantage of the incumbent

How to balance between editorial freedom and the right of candidates to put their message across?

# Best practices in a nutshell

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## All media

fair, accurate and truthful coverage,

accurate reporting of opinion polls,

voter education and information,

provisions concerning "hate speech", defamation, media

liability for the statements of politicians and other related

issues,

provisions on election silence before or during the election

# The UN Joint Statement on the Media and Elections

## The UN Joint Statement on the Media and Elections - Principles applying to all media

<b>Pluralism</b>	States should put in place a range of measures to create an environment in which a pluralistic media sector can flourish. These should include, among others, obligations of transparency of media ownership, licensing of different types of broadcasters to promote diversity, rules to prevent undue concentration of media ownership and measures to promote content diversity among and within media outlets.
<b>Freedom of expression</b>	Laws that unduly restrict freedom of expression contrary to international and constitutional guarantees should be repealed. Where such laws are still in place during election campaigns, the authorities should apply the constitutional or international guarantees that protect freedom of expression.
<b>Safety of the media</b>	States should put in place effective systems for preventing threats and attacks against the media and others exercising their right to freedom of expression, and for investigating such attacks when they do occur, bringing those responsible to justice and compensating victims. This obligation takes on particular significance during election periods.

# The UN Joint Statement on the Media and Elections

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<b>Freedom to report</b>	The media should be free to report on election-related matters. They should also be exempted from liability for disseminating unlawful statements made directly by parties or candidates – whether in the context of live broadcasting or advertising – unless the statements have been ruled unlawful by a court or the statements constitute direct incitement to violence and the media outlet had an opportunity to prevent their dissemination.
<b>Criticism of politicians</b>	The obligation of political figures, including candidates, to tolerate a greater degree of criticism than ordinary persons should be clearly reaffirmed during elections.
<b>Correction and right of reply</b>	A party or candidate which has been illegally defamed or suffered another illegal injury by a statement in the media during an election period should be entitled to a rapid correction of that statement or have the right to seek redress in a court of law.

# The UN Joint Statement on the Media and Elections

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<p><b>Paid advertising: no discrimination</b></p>	<p>It should be illegal for the media to discriminate, on the basis of political opinion or other recognised grounds, in the allocation of and charging for paid political advertisements, where these are permitted by law.</p>
<p><b>Complaints and appeals</b></p>	<p>Oversight of any rules relating to the media and elections should be vested in an independent administrative body which should address any complaints promptly. The decisions of this body should be subject to judicial review.</p>

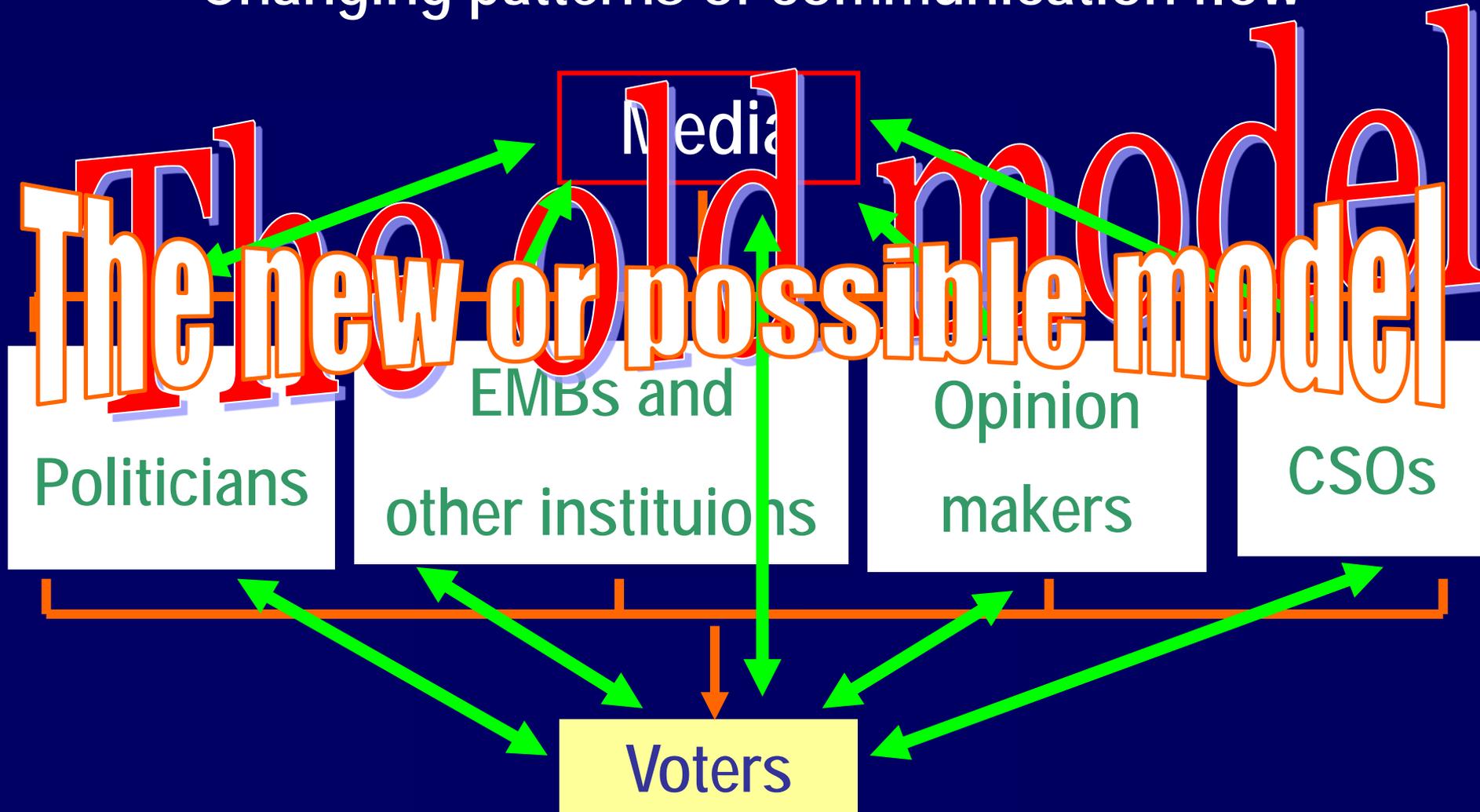
# The UN Joint Statement on the Media and Elections

## The UN Joint Statement on the Media and Elections - Principles applying public media

<b>Duty to inform</b>	To ensure that the electorate are informed about election matters, including the role of elections in a democracy, how to exercise one's right to vote, the key electoral issues, and the policy positions of the various parties and candidates contesting the election. This should normally include reporting that involves questions being put to party leaders and candidates, as well as debates between candidates.
<b>Impartiality and balance</b>	To respect strict rules of impartiality and balance, particularly when reporting on the governing party(ies) and on government decisions and actions during an election period.
<b>Referenda</b>	This implies that equal coverage should be given to arguments in favour of both sides in any referendum.
<b>Equitable access</b>	To grant all parties and candidates equitable access to the media to communicate their messages directly with the public, either for free or at subsidised rates. Equitable access means fair and non-discriminatory access allocated according to objective criteria for measuring overall levels of support, and includes factors such as timing of access and any fees.
<b>Reporting polls</b>	To ensure that any reporting of opinion polls and election projections is accompanied by sufficient information to allow the electorate to understand properly their significance.

# Internet and Elections: new open issues

Changing patterns of communication flow



# Internet and Elections: new open issues

1. What is the role of the Internet?
2. What is the Internet? If you cannot define, you cannot regulate
3. Internet governance: scope and subject matter of regulation?
4. Justifications?
5. Jurisdiction?
6. Type of regulation: statutory or self-regulation?

# Internet and Elections: some key points

## 1. Role

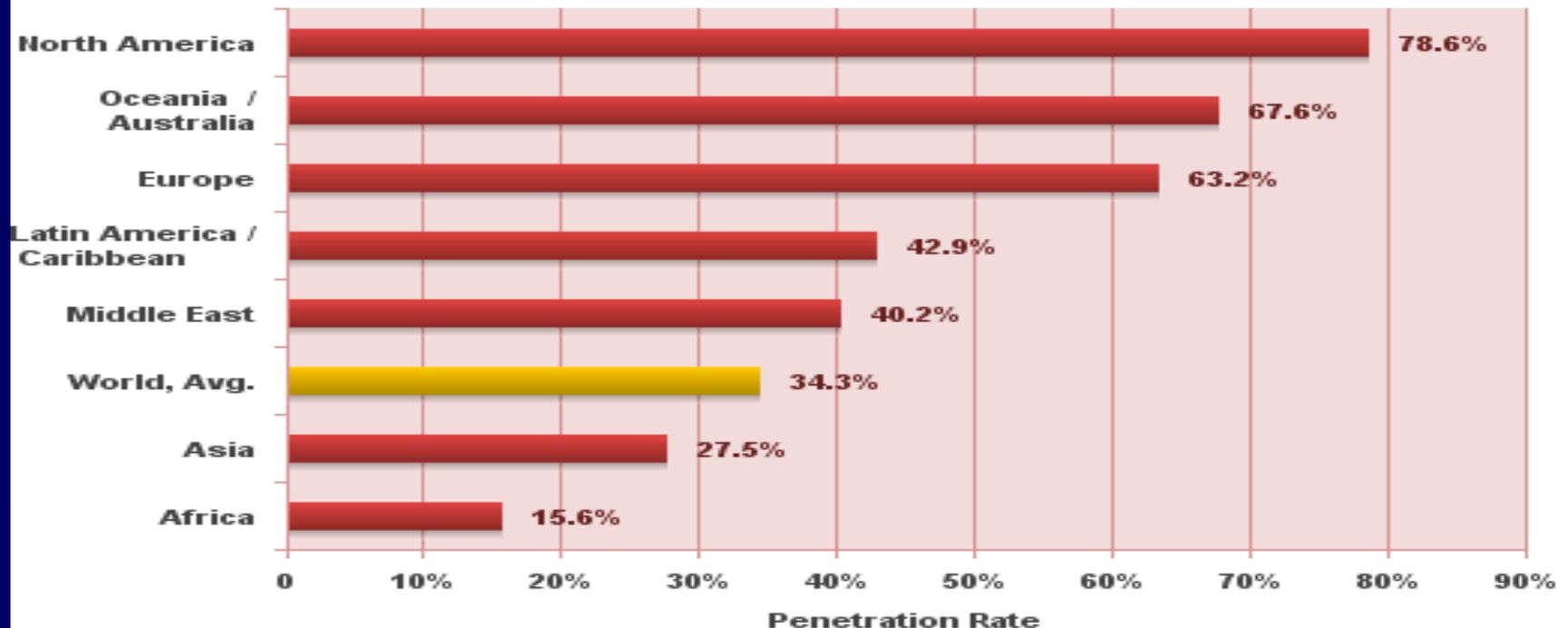
Lack of clear cut conclusions on the new media ecology

Different contexts and different role

- Digital divide
- I-literacy
- Usage and Content production:
  1. Recreational
  2. Engaged
    - SM Users: Searchers, Lurkers, Casuals, Actives, Defenders/Opinion Leaders-Makers/Advocates
- Type of consumption: reinforcing bias and polarisation – niche consumption
- Interplay with old media: Italy vs US

# Internet and Elections: some key points

## World Internet Penetration Rates by Geographic Regions - 2012 Q2



Source: Internet World Stats - [www.internetworldstats.com/stats.htm](http://www.internetworldstats.com/stats.htm)  
Penetration Rates are based on a world population of 7,017,846,922  
and 2,405,518,376 estimated Internet users on June 30, 2012.  
Copyright © 2012, Miniwatts Marketing Group

# Internet and Elections: some key points

## 2. Definition

- The term Internet is a box
- Different types of websites: institutional, parties, news websites, social media
- Hybridisation
  1. Interactivity
  2. Video – Sound – Words
  3. Convergence
- Mc Luhan revisited: the carrier is not the message, but ....
- Mobile technologies: carrier and content

# Internet and Elections: some key points

An example of this is:

Denise Helms, a 22-year-old woman from California who used Facebook to express her own discontent with the re-election President Obama.

She wrote: "Another 4 years of this n\*\*\*\*. Maybe he will get assassinated this term."

She happily explained the nuances behind her thoughts: "I didn't think it would be that big of a deal. (...) The assassination part is kind of harsh. I'm not saying, like, I would go do that or anything like that, by any means, but if it was to happen, I don't think I'd care one bit. (...) I'm not racist and I'm not crazy. just simply stating my opinion.! (..) OK. But what did I do wrong?"

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Helms insists that she had set her Facebook page to "private," so it's curious how her views might have received such public airing. Especially as she's now receiving threats herself and has been in contact with the local police on a "just in case" basis.

# Internet and Elections: some key points

## Scope and subject matter for regulating the Web

### International principles: the Joint Declaration June 2011

- Rule against libel tourism
- Standards of liability weighted vis à vis the public interest (public square)
- Single publication rule
- 
- Network neutrality
- 
- Access to the Internet: promotion of universal access, no shut down, denial to access as extreme measure, registration passing the 3 step test, positive obligations

# Internet and Elections: some key points

## 3. Scope and subject matter

- Different obligations for different types of websites
- Structural regulation of the Internet
  - International principles OK
- Content regulation
  - Harmful content
  - Defamation
  - Fair, balanced and equitable coverage? It depends...

# Internet and Elections: some key points

## 4. Jurisdiction

- Problems of enforcement

## 5. Types of regulation

- Different types of websites, different types of content regulation
  1. Institutional websites and SM: EMBs, Judiciary, etc.
  2. Pressure groups websites and SM: parties, NGOs, Dos, etc.
  3. Public media websites and SM: PSB, news agencies, etc.
  4. Private news websites and SM
  5. Individual websites and SM: bloggers, individual UGC

# Internet and Elections: some key points

## And in this regard

A key general question that has a huge impact in the election process

What is today a mass medium?

Who is a journalist?

What are their roles and responsibilities in the cyber-sphere?

How to address the challenges concerning verification and manipulation of information?

Internet and SM as a rumor mill (e.g. the Amina case) and information forensic

Sources: authenticity vs authority, verification vs assertion

# Media Analysis in EOMs: the Internet environment

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## ODIHR's proposed check list

Assess the regulatory framework regulating the overall **Internet governance**.

Assess the regulatory framework governing **Internet access**; this includes: restrictions in place and their scope, provisions guaranteeing the right to Internet access and legal provisions regulating "net neutrality", the use of the "three-strikes" measures.

Assess **Internet content regulation**; this includes measures against: racist or xenophobic content, hate speech, genocide, terrorism, child pornography, Internet piracy, defamation, offensive or extreme speech, harmful content.

# Media Analysis in EOMs: the Internet environment

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Assess **sanctions or measures** used to block content; this includes: blocking access to websites, the existence of mandatory/voluntary blocking measures, filtering and content removal.

Assess the **liability system in place for content carriers** (ISP, hosting companies, search engines, web 2.0).

Assess the **licensing** system in place for ISP.

Assess the estimated Internet **penetration** and **literacy** (when data available).

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Thank you very much.

Any questions?

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