



Konrad
Adenauer
Stiftung



JOURNALIST HANDBOOK ON COVERING ELECTIONS

Ethical and legal aspects

Second supplemented edition



IMPRESSUM

Title:

Journalist Handbook on Covering Elections
Ethical and legal aspects

Publishers:

Konrad-Adenauer-Stiftung in the Republic of Macedonia
Association of Journalists of Macedonia

Authors:

Naser Selmani
Erdem Ahmet

Coordination:

Davor Pasoski
Konrad-Adenauer-Stiftung in the Republic of Macedonia
Dragan Sekulovski
Association of Journalists of Macedonia

Translation into English:

Perica Sardzoski

Print:

Vinsent Grafika DOO Skopje

Photographs:

AJM archives

This publication can be downloaded free at:

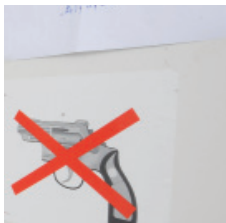
<http://www.kas.de/mazedonien/mk/>
<http://znm.org.mk/>

Disclaimer:

The views and opinions expressed in this book are those of the authors and do not necessarily reflect the official position of the Konrad Adenauer Stiftung or the Association of Journalists of Macedonia.

CONTENTS:

The Media Play Three Key Roles on Elections	5
Journalist Ethics and Elections	7
Electoral Irregularities	10
Media Coverage of Elections in Young Democracies	11
Public Opinion Poll	15
The Public Service and the Elections	16
Charter on Ethical Reporting During Elections	18
IFJ Code of Principles	21
The Code of Journalists and the Elections	24
The International Legal Framework for Freedom of Expression	30
International Legal Framework for Elections	31
Macedonian Legal Framework for Media Coverage of Elections	33
Media Representation	34
Responsibilities of the Media and the Journalists	36
Election Silence	43
Public Opinion Poll	44
Monitoring of Private Media	45
Rules Applicable Only to the 2016 Parliamentary Elections	47



"The challenge of objectivity, impartiality and balance in journalism is faced by journalists on daily basis, but there is no test of professionalism greater than that posed in the heat and pressure of a bitterly-fought political election. The election is also a test for political commitment to democracy. It is a time when the impulse to manipulate media and to control information is strongest among ruling parties and political leaders running for office."

**Aidan White,
former General Secretary
of the International Federation of Journalists**

THE MEDIA PLAY THREE KEY ROLES ON ELECTIONS

1. The media provide information about the elections to the citizens

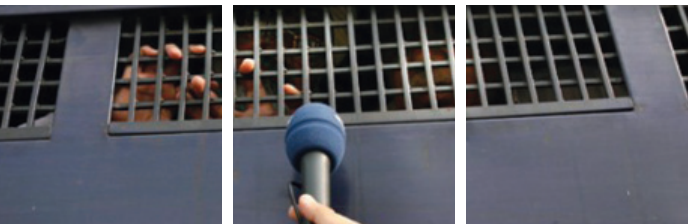
Since people's awareness about the elections depends, to a great extent, on the contents broadcast by the media, journalists have to report, with facts and without bias, on the platforms and campaigns of all political parties and candidates involved, in order to enable the voter to make the difference between them and make a decision based on credible information. In addition, the media are expected to interpret and analyse events and issues, allowing diversity of opinions from many columnists and commentators. Another important task includes broadcasting information released by the election commission in order to educate the citizens about the basic facts and the election process, their rights and responsibilities, as well as how to register to vote, where to vote, how to enable secret ballot, who are the candidates in their electoral unit, etc.

2. The “watchdog” function of the media on behalf of the public

The media’s task is to report on any kind of violation of the candidate or voter’s rights (including the right to a freedom of speech), corruption in the electoral process as well as the voting process, offences committed by the political parties, and oversights of the election organs.

3. The media should be the voters’ voice

Elections are not only for politicians. They represent a unique opportunity for regular people to speak up and identify the problems they are concerned with. The journalists have to be among the people and create forum for the regular voters who want to say something, particularly when hesitating, or when they are ignored, or even when they are prevented from expressing their opinion.




JOURNALIST ETHICS AND ELECTIONS

Media coverage of elections is an important segment of the freedom of speech. Elections should be free and democratic, which applies to media coverage as well. The selective and biased media coverage of the elections is a democracy's anathema.

The media should be entirely free from external influences, in order for freedom of expression to be preserved. Media coverage of the elections does not imply reporting on election campaigns and meetings only.

When covering elections, the journalist becomes the voice of all opinions, including both those that promote democracy and those that are its opponents. In election campaigns, there are always two sides. The journalists should not violate the professional ethics by twisting the facts, or overemphasizing certain aspects of the media reports, or writing headlines that give false impression of the news content, and of course, total fabrication of news, quotations, people and events.



On the other side, they should provide information and opinions honestly. They should avoid reporting without verifying the facts, even when other media have already broadcast the information. Ungrounded accusations and hate speeches are typical during election campaigns, which is why journalists should not publish anything before they allow the other side to comment, or provide an appropriate response. Only journalism that is responsible can enable well-informed citizens to decide without restraints.

Also, impartiality and balanced reporting are important aspects of the journalist's responsibility. It is not always possible to provide balanced reporting with all the news. Impartiality and balance when reporting about the competing parties and candidates can be achieved through an increased number of news reports, which will be published or broadcast during the whole election period. Professional journalists should not be inclined towards any of the candidates in their reporting. Their task is to ask questions on behalf of the citizens, to compare answers, to present different opinions, and to provide information regarding the setting of the event in order to increase public awareness about the context in their reporting. In this way they will enable voters to understand whose positions and opinions make better sense for them.

Finally, accuracy of facts is another important aspect of the journalist's responsibility. All news should be

accurate. The duty of a responsible journalist is not only to verify if names of the persons and places he informs the public about are the correct ones. It is also important to make sure that descriptions and quotations are precise, and to put the information in a specific context, as well as highlight important events and topics. People lose confidence in the media when they recognise they cannot rely on the validity of the information they receive. It is not only journalists who should be aware of the importance of responsible journalism. Editors also play an important role in shaping media content, and, therefore, should aim at accuracy, impartiality and balance in media coverage.



ELECTORAL IRREGULARITIES

One of the most important segments of the elections is the level of moral integrity and transparency. Even when the electoral process is closely monitored by representatives of both the political parties and electoral or international monitoring teams, the journalists should try to reveal the scope of the problems that affect the quality of the election process.



MEDIA COVERAGE OF ELECTIONS IN YOUNG DEMOCRACIES

The editor of the respectable Kenyan newspaper The Nation, John Lawrence, prepared a detailed document with instructions to the journalists how to follow election campaigns in young democracies, that is in accordance with the professional standards of the journalist profession.

Here are some of the recommendations proposed by Lawrence:

- Report on events accurately as they happened, not as you want them to be, i.e. journalists should be impartial in any way possible.
- Give equal chance for representation of all main candidates, i.e. journalists should arrange equal number of visits to all candidates.
- Make sure you do not colour your reports with provocative language.
- Report on what candidates say, and not on what other concerned sides claim they say.

- Do not, under any circumstance, accept offer by a candidate or his/her followers. Do not even drive in the politician's car.
- Do not make promises to politicians (or anyone that affects the political campaigning process) that their report or article will appear in the news.
- Report on what you see without exaggeration.
- Do not exaggerate when you describe scenes with crowds of people.
- Practice fair play. If the candidate makes any accusation on the opponent, ask or allow the opponent to comment on it.

You should pay attention to:

PROMISES: They are usually part of the party platform: proud promises for setting up irrigation systems, road construction, educational tax reduction, or even trivial news of interest to the rural population: "Vote for me I will give you ten head of cattle". "Vote for me and no child in the district will ever walk barefoot". "Vote for me and your stomachs will always be full". This is why you have to be alert.

INTERRUPTIONS: Disturbing people, who like to interrupt on meetings imposing their opinions,

can often provoke violence or ridicule. Be careful in relation to humorous remarks.

THE UNEXPETED: Often, unexpected things happen on public gatherings, which is why you have to be careful about that.

CONTRADICTIONS: Always be prepared for a sudden detour during speech delivery, particularly when it comes to contradictory statements or basic deviations from the prepared platform. Do not rely on the printed text only. You might need to develop some skills for insightful observation. You might need to assess the mood during the meeting. Is it full of tension, free, joyful? Look around and observe people's faces. Are there any who might make some trouble?

CROWDS: How big is the crowd? It is an important skill to precisely determine the size of the crowd. However, it would be wise to quote various sources: your own, from the police, or the organisers.

CONFRONTATIONS: In a transient political environment anything could happen. There are some signals that might prepare you. The number of infiltrated people from the opposition. Are they armed? Listen to what individuals in the crowd say. Observe the presence of security officers. Are they

armed with shields, batons, machine guns, and tear gas? Do they expect trouble to happen? Do they look upset? Do not jump into conclusions how the problem emerged, and if there is a total mayhem. Talk to the people, you might have missed something or some act of provocation.





PUBLIC OPINION POLL

What is common for most elections is the public opinion poll. It can be organised by the media, the political parties or the social services. Most of the public opinion polls organised by the media are based on the “race” model: who is in the lead and who is lagging behind? Their role in media coverage of election campaigns can sometimes be exaggerated.

In general, journalists are expected to comment on the polls organised by others. Therefore, they would require some basic knowledge of the opinion poll techniques, in order to analyse and interpret the data obtained with the survey appropriately, and at the same time, to determine the possible manipulations and misleading explanations.

THE PUBLIC SERVICE AND THE ELECTIONS

The public service has an obligation to inform all citizens. During the pre-election period, the public service should provide relevant information to the public, so that citizens can be informed about the available political options.

Specifically, the public service has to provide information on:

- The political parties and the candidates participating on the elections.
- The themes of the campaigns, including materials from the parties' manifestos.
- The voting process and all other information of relevance to the people participating on the elections.

The public service has to be impartial.

The public service has to be balanced and impartial in broadcasting news and information related to the

elections. The public service has to make sure that the programme and informative services are unbiased in relation to any party or candidate, but also, to enable equal media access for all candidates and parties participating on the elections.

The public service has to be professional.

The public service has to maintain the highest standards of journalism and has to secure a balanced, precise, and impartial approach in covering current events, and at the same time the government has to secure a mechanism for regulating and monitoring the programs broadcast in relation to the elections.



CHARTER ON ETHICAL REPORTING DURING ELECTIONS

At the beginning of 2016, on the initiative of the Council of Media Ethics of Macedonia (CMEM), numerous representatives of the most influential media houses signed the Charter on Ethical Reporting During Elections.¹ In the Charter, the journalists, the editors and the media management, are obliged to respect the basic principles of the journalistic profession pursuing the right of the public to be objectively, truthfully and timely informed, with full responsibility and awareness about the media role in relation to the forthcoming parliamentary elections.

The principles of truthfulness and objectivity

This means search for the truth and fair reporting by covering facts in a clear and unambiguous manner. In case of publishing misleading information, the media will do everything to correct such information.

¹ CMEM, 2016, Charter on ethical reporting during elections: <http://semm.mk/en/news/2015-08-11-15-03-18/204-2016-01-27-13-41-21>

The principle of balance

This means presentation of different viewpoints and perspectives in the right context and without taking sides concerning any candidate, party or a coalition.

The principle of a clear distinction between information and comments

This means that the information will be shaped in a way that the audience can clearly make the difference between facts, and views and opinions.

The principles of fairness and impartiality

This implies that the media will use an honest approach when obtaining information and in their representation, avoiding sensational presentation of topics and events, as well as incorrect assumptions that may potentially mislead the public.

The principle of professional solidarity

In its work, the media shall urge mutual solidarity and difference in opinions and will not act in a way that means confrontation with other media and colleagues.

The principle of editorial independence and professional integrity

The media are obliged to inform in a way that would be independent of any personal views, outside the interests and influences that could undermine the editorial independence and professional integrity.

The principle of respect and tolerance

That means respect of dignity, reputation, rights and personal integrity of individuals when informing the public. The media shall not use stereotypes, prejudices and understatements on any basis and will not use hate speech and inflammatory language when reporting.

The principle of freedom and responsibility

That means that freedom imposes responsibility to the media about the form and content of the messages they send to the public and about the consequences that result from them on the broader social environment.

The signatories of this Charter agree to adhere to its principles and actively advocate for promoting ethics and professional reporting.

IFJ CODE OF PRINCIPLES

The International Federation of Journalists, on the World Congress of the International Federation of Journalists (IFJ) in 1954, adopted the Declaration of principles on the conduct of journalists² (IFJ Code), later amended on the World Congress in 1986.

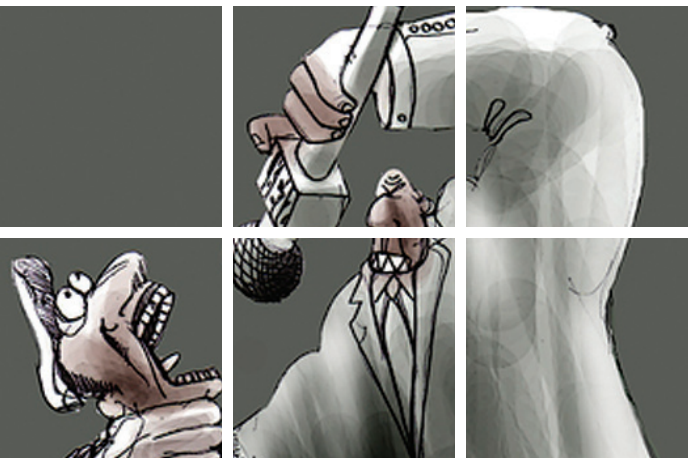
This Code of Principles is considered a standard for professional conduct of journalists engaged in collecting, reporting, disseminating, and commenting news and information when describing events.

1. Respect for the truth and the right of the public to know the truth is a prime responsibility of the journalist;
2. In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and the right of fair comment and criticism;

² IFJ, 2016, Declaration of Principles on the Conduct of Journalists: <http://www.ifj.org/about-ifj/ifj-code-of-principles/>

3. The journalist shall report only in accordance with the facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.
4. The journalist shall use only fair methods to obtain news, photographs and documents.
5. The journalist shall do the utmost to rectify any published information that is found to be harmfully inaccurate.
6. The journalist shall observe professional secrecy regarding the source of information obtained in confidence.
7. The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.
8. The journalist shall regard as grave professional offences the following: plagiarism; malicious misrepresentation; calumny, slander, libel, unfounded accusations; acceptance of a bribe in any form in consideration of either publication or suppression.
9. Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above.

Within the general law of each country the journalist shall recognise in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by governments or others.



THE CODE OF JOURNALISTS AND THE ELECTIONS

The Code of Journalists of Macedonia,³ brought into force on 14.11.2001, refers to elections only in article 14:

“Reporting on political processes, especially elections must be impartial, balanced and fair. The journalist must maintain a professional distance from the political entities.”

This article implies that journalists will always critically monitor the political processes, as well as the use and possible abuse of the political and economic power. Journalists will not make propaganda on behalf of any party or political option. When there is a report from a certain political party or any other group or organisation, it should be clearly indicated, and facts, as well as, contexts and meanings, should not be twisted during editorial work. Not publishing certain information should not be due to ideological or party reasons. Although elections are not specifically

³ AJM, 2001, Code of Journalists of Macedonia:
<http://www.znm.org.mk/drupal-7.7/mk/node/440>

mentioned in the principles stipulated in the other articles of the Code of Journalists of Macedonia, all articles apply to the way journalists report on elections as well.

Professional journalists covering elections have the same kind of responsibilities as when covering any other topic. There is no journalist ethics code for elections specifically, but the same professional standards and principles that apply to everyday work, apply to elections as well. However, elections always represent the biggest test in ethics for journalists. This is why professional associations of journalists across the globe prepare this kind of handbooks on covering elections, and the informative editorial sections of media houses train their journalists for the challenges during the election process.

Principles on the conduct of journalists

Freedom of the media is an inviolable right. Journalists main task is to respect the truth and the right of the public to be informed in accordance with Article 16 from the Constitution of the Republic of Macedonia.⁴ Journalists are expected to present information, ideas, and opinions, and are entitled to comment. Journalists should be honest, objective

⁴ The Republic of Macedonia's Assembly, Constitution of the Republic of Macedonia: <http://www.sobranie.mk/ustav-narm.nsp>

and precise, when presenting information, respecting the ethical values and professional standards in the process. Journalists' right and responsibility is to insist on preventing censorship and twisting the news. By defending the human rights, dignity and freedom, respecting pluralism of ideas and opinions, contributing towards strengthening the legal state and control over the government, as well as other entities from the public sphere, journalists contribute towards building the democracy and the civil society.

Based on these principles and ethical values:

1. Journalists should be granted free access to all information sources of public interest. Journalists should publish precise, validated information and should not conceal crucial information or forge documents. If the information cannot be validated, or if it is only an assumption, i.e. speculation, it should be clearly stated. The validity of the information should be confirmed as much as possible;
2. If journalists are prevented from obtaining the requested information, they have the right to inform the public on this;
3. Journalists will make sure that any corrected information, denial or response, will be duly announced, in cases where information will be confirmed untrue;

4. Journalists will display the information sources, but if the sources' request is to remain anonymous, journalists will protect their identity;

5. Journalists will respect state laws, and will not publish or conceal anything that goes against the public interest;

6. Journalists should not use the medium for announcing or concealing information for personal gain. Bribe, corruption, and extortion are should not be part of the journalistic profession.

Advertising and other commercial motifs should not affect the freedom of informing. There should be a clear distinction between an advertisement and a journalistic illustrated text;

7. Journalists will respect the individual's privacy, unless it is against the public interest. Journalists are obliged to respect personal pain and grievance;

8. The manner of informing, in cases of accidents, natural catastrophes, wars, family tragedies, illness, and court procedures, should be deprived of sensationalism.

In legal proceedings, the principle of presumed innocence should be taken into consideration, and informing should be impartial covering all sides involved in the trial without implicating the verdict;

9. Journalists should not interview or take photos of children under 16 without parental or custodians consent, unless it is in agreement with the child's rights. The same applies to people with special needs, who are not capable of making a conscious decision;

10. Journalists will not consciously construct, or modify information that pose a threat to the human rights or freedoms, and will not use hate speech or instigate to violence or discrimination on any ground (national, religious, racial, gender, social, linguistic, sexual orientation, political...);

11. Journalists will adhere to the generally accepted norms and standards of decency with respect for the ethical, cultural, and religious differences in Macedonia;

12. Plagiarism is unacceptable. Quotes should be cited without clearly displaying the source or the author;

13. Journalists should make a clear distinction between facts and opinions, or news and comments;

14. Reporting on the political processes, especially on elections, should be impartial and balanced.

15. Journalists should promote a culture of polite and ethical speech. It is against the basic principles of the journalistic profession to have an inappropriate communication with the public.

16. Journalists should preserve the dignity and reputation of their profession, stimulating mutual solidarity and diversity of opinions, and should not abuse the media for personal showdown with other persons, including their colleagues;

17. Journalists have the right to refuse a task, if it is against the Code's principles.

Final provisions of the Code

Journalists working in accordance with the Code should have support of their media house and their professional organisation. In accordance with the Republic of Macedonia's laws, journalists should only acknowledge the opinions of their colleagues in relation to their profession, and will stay out of the political or any other influence. The Association of Journalists of Macedonia's Council of Honour is accountable for the pursuance of the principles of the Code.

THE INTERNATIONAL LEGAL FRAMEWORK FOR FREEDOM OF EXPRESSION

Everyone has the right to freedom of opinion and expression. This right includes the freedom to represent a certain opinion without getting involved, as well as to search, receive and provide information and idea across media regardless of borders. (Article 19 from the Universal Declaration of Human Rights⁵).

Each person has the right to freedom of expression. This right, regardless of borders, implies freedom of providing, receiving, and disseminating information and ideas in any verbal, written, printed, and artistic form, or any other way by free choice (Article 19 Line 2 from the International Covenant on Civil and Political Rights⁶).

⁵ UN, 1948, Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

⁶ UN, 1966, International Covenant on Civil and Political Rights: <http://bezomrazno.mk/wp-content/uploads/2013/10/Megjunaroden-pakt-za-gragjanski-i-politicki-prava.pdf>

INTERNATIONAL LEGAL FRAMEWORK FOR ELECTIONS

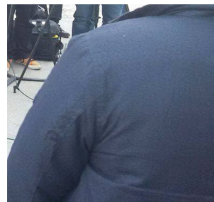
In Article 21 from the Universal Declaration on Human Rights, each citizen is guaranteed the right of participation in the country's government, as well as access to public office through free elections.

Article 21 from the Universal Declaration on Human Rights says:

1. Each person has the right to participate in the country's government, directly or through freely elected representatives.
2. Each person has the right to equal access to the public authorities in the country.
3. The will of the citizens is the foundation of the government; the will of the citizens will be expressed on periodic and authentic elections, which will be held with universal and equal right to vote, and with secret voting, or in accordance with the suitable procedures for free voting.

Article 25 from the International Covenant on Civil and Political Rights stipulates that each person has the right:

- (a) to participate in holding public office, directly or through freely elected representatives.
- (b) to vote and be elected on periodic, authentic elections, which will be with universal and equal right to vote in secret voting, guaranteeing the freedom of expression of the citizens' will;
- (c) to have access, under the general conditions of equality, to the public service in the country.



MACEDONIAN LEGAL FRAMEWORK FOR MEDIA MONITORING OF ELECTIONS

The role of media during elections in Macedonia is regulated with the Electoral Code. The Electoral Code,⁷ which was amended and supplemented on several occasions, defines election campaigns as public gatherings and other public events organised by political parties and independent candidates. The campaign covers public display of posters and video presentations on public places, electoral media representation, distribution of printed materials and public presentation of the candidates confirmed by the State Election Committee (SEC). Foreign legal and physical entities can neither organise nor participate in election campaigns. According to this Code, the election campaign starts 20 days before and ends 24 hours prior to the Election Day.

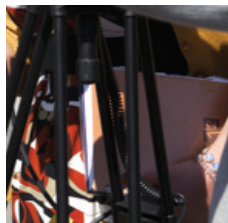
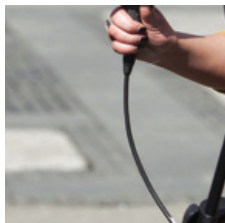
⁷ SEC, 2016, Electoral Code of the Republic of Macedonia, <http://www.sec.mk/izboren-zakonik/>

MEDIA REPRESENTATION

Broadcasters will secure balanced coverage of the elections in the following way:

- for the Republic of Macedonia's Presidential elections, adhering to the principle of equality for all candidates;
- for the Republic of Macedonia's Parliamentary elections, adhering to the principle of proportionality according to the number on confirmed MPs candidate lists;
- for election of mayors, adhering to the principle of equality for all candidates;
- for election of members of the councils of the municipalities or the City of Skopje, for the broadcasters on state and regional level adhering to the principle of proportionality according to the number on the confirmed candidate lists for council members, and for the broadcasters on local level adhering to the principle of equality.

The latest amendments of the Code stipulate that broadcasters covering elections during the election campaign can broadcast only 18 minutes of additional advertising time per real hour of programme broadcast, assigned exclusively for paid political advertisement, out of which eight minutes can be assigned to the political parties in the government, eight minutes for the political parties in opposition represented in the Republic of Macedonia's Assembly, one minute for the political parties in the Republic of Macedonia's Assembly that do not have a parliamentary group, and one minute for the political parties that are not represented in the Republic of Macedonia's Assembly.



RESPONSIBILITIES OF THE MEDIA AND THE JOURNALISTS

- The broadcasters, the press and the Internet portals are obliged to determine price lists for paid political advertising of the participants in the election process in a period of five days from the calling of election. By the start of the election campaign, they are obliged to have published or broadcast their price lists twice publically, within their programmes, or publications.
- The press and the Internet portals are obliged to forward their price lists to the State Election Commission, the State Audit Office, and the State Commission for Prevention of Corruption, in a period of five days from the calling of elections, while the broadcasters should forward their price lists to the Agency for Audio and Audiovisual Media Services, the State Election Commission, the State Audit Office, and the State Commission for Prevention of Corruption in a period of five days from the calling of elections. Price lists cannot be changed during the election campaign.

– The broadcasters are obliged to secure equal conditions to the participants in the campaign during the election campaign for access to all forms of electoral media representation – news, special informative programmes, free political representation and paid political advertising. The programmes intended for juvenile audience cannot be used for electoral media representation.

– The broadcasters are obliged to record the broadcasting signal of their programme from the calling of elections to their conclusion, and the records of the overall programme should be kept for at least 30 days after elections are concluded.

– On request of the Agency for Audio and Audiovisual Media Services, broadcasters are obliged to provide specific recordings of requested programmes, no longer than 48 hours from receiving the request, as well as other data related to media coverage of the elections.

– The media in the Republic of Macedonia are obliged to secure equal access to paid political advertising to all participants in the election process. The paid political advertising has to be appropriately and visibly displayed as “paid political advertisement” and clearly separated from other media contents. The client paying for the advertisement should be clearly

displayed in all the forms of paid political advertising. Minors are not allowed to participate in paid political advertising.

– The Public Radio Broadcasting Service is obliged, without any compensation, in cooperation with the State Election Commission, to inform the citizens on the voting procedures and to broadcast other information related to the election process.

– During the election campaign the Public Radio Broadcasting Service is obliged to secure equal access to the informative programme, allotting 30% of the broadcasting time to events from the country and the world, 30% of the broadcasting time to activities of the political parties in the government, 30% of the broadcasting time to the activities of the political parties in opposition and 10% to the activities of the political parties that are not represented in the Republic of Macedonia's Assembly.

– During the election campaign, the Public Radio Broadcasting Service is obliged to provide free political representation of the participants in the election process in accordance with the principles of balance.

– From the day elections are called to the election silence the Public Radio Broadcasting Service is

obliged to organise debates among the greatest political parties from the government and the opposition, as well as the other participants in the elections.

– The Parliamentary Channel will secure free political representation of the campaigns of the political parties represented in the Republic of Macedonia’s Assembly for three hours, as well as one hour for free political representation of the campaigns of the candidates not represented in the Republic of Macedonia’s Assembly.

– The free political representation should be appropriately and visibly displayed as “free political representation” during the whole broadcasting time.

– The Public Radio Broadcasting Service introduces the Rules for Equal Political Media Representation,⁸ no later than 60 days after the Electoral Code is in force, in consultation with the participants in the election process and the Agency for Audio and Audiovisual Media Services, and publishes them on their website.

⁸ MRT, 2016, Rules for Equal Political Media Representation: <http://mrt.com.mk/node/28766>

Limitation imposed on the media and the journalists

- The broadcasters should not broadcast paid political advertisements in the news, the special informative programmes, educational and programmes for children, as well as broadcasts of religious, sports, cultural, entertainment and other kind of events.
- The Public Radio Broadcasting Service should not broadcast paid political advertisements.
- The broadcasters should not air free political representation in their programmes from the day elections are called until their conclusion.
- The special informative programmes should not be used as a form of paid political advertising.
- The broadcasters, the press and the Internet portals, as well as individuals related to them should not finance or make donations to the political parties in any form whatsoever.
- Reporting on regular activities of the state organs, the municipality organs and those of the City of Skopje, as well as the state institutions and organisations, including the activities of legal and other entities that are legally obliged to exercise public authority, in the programmes of the broadcasters and

the Parliamentary Channel, should not be used for electoral media representation from the day elections are called until their conclusion.

– Editors, journalists, and programme presenters, engaged in preparing programmes for the broadcasters should not participate in the election activities of political parties, coalitions, groups of voters and their representatives. If they participate in this kind of activities, their engagement in the programmes of the broadcasters is stagnant from the day elections are called until their conclusion.

– From the day elections are called until the start of the election campaign, the broadcasters and the press should not broadcast, i.e. publish, paid political advertisements, besides the announcements for collecting signatures to support the candidacy of a group of voters.

– From the day elections are called until they are concluded, the broadcasters, the press and the Internet portals should not broadcast, i.e. publish, advertisements financed from the Republic of Macedonia's Budget, or the budgets of the municipalities and the City of Skopje, as well as from any other individuals who are obliged by law to hold public office.

– From the day elections are called until their conclusion, when reporting on regular activities of the

state organs, municipality organs and those of the City of Skopje, the state institutions and organisations, as well as the activities of legal and other entities obliged to hold public office, in the programmes of the broadcasters no political subject should be allowed to have electoral political representation.



ELECTION SILENCE

During the election silence all forms of electoral media representation of the participants in the election campaign are terminated. The broadcasters continue reporting about the voting process on the Election Day, even during the election silence.

When reporting in the period of the election silence, the media will be considered to have breached the election silence if they publish: any kind of information, photographs, audio and audiovisual materials related to the participants in the elections; any form of media reporting that openly or furtively promotes a certain election campaign and can affect the voters' decision; any data that reveal the identity of the political entities as well as individuals involved in incidents or other kinds of irregularities on the Election Day, including statements by candidates participating in the election process, by participants in the election campaigns, or by representatives of the political parties and office holders in the state organs.

PUBLIC OPINION POLL

The results from the public opinion polls related to the participants in the election process are published no later than five days before the Election Day on the first and the second round of voting.

When publishing the results from the public opinion polls related to the participants in the election process, the media are obliged to display the name of the client requesting and funding the poll, the institution administering the poll, the methodology applied, the size and structure of the respondents and the period when the poll was carried out.

The results from the public opinion polls conducted on the Election Day should not be published before the poll stations are closed.

MONITORING OF PRIVATE MEDIA

The Agency for Audio and Audiovisual Media Services is obliged to monitor the electoral media representation and the programme service of the broadcasters from the day elections are called until the end of the elections.

In the Methodology for Electoral Media Representation via Radio and TV Programme Services During Election Processes,⁹ adopted by the Council of the Agency for Audio and Audiovisual Media Services, it is clearly indicated that the Agency will not monitor the electoral media representation of the Internet Portals,¹⁰ since there are no preconditions for such an endeavor.

⁹ AVMU, 2016, Methodology for Monitoring the Electoral Media Representation via Radio and TV Programme Services During Election Processes: http://www.avmu.mk/images/metodologija_za_monitoring_05.01.2016.pdf

¹⁰ AVMU, 2016, AVMU's position on monitoring the reporting of the Internet Portals: http://www.avmu.mk/images/Stav_na_Agencijata.pdf

From the moment elections are called, the Agency is obliged to forward weekly reports to the State Election Commission, and daily reports during the election campaign, which should be published on their webpage as well.

Forty-eight hours after a violation of the provisions of this Code is confirmed, the Agency for Audio and Audiovisual Media Services is obliged to press charges against the broadcaster committing the offence.





RULES APPLICABLE ONLY TO THE 2016 PARLIAMENTARY ELECTIONS

Provisional commission

The rules for media representation are applicable 100 days prior to the Election Day of the snap parliamentary elections, which will take place in 2016.

A Provisional Commission for monitoring the media representation is established within the Agency for Audio and Audiovisual Media Services.

The five members' of the Provisional Commission have mandates until the end of the election process of the snap elections for MPs in the Republic of Macedonia's Assembly, which will take place in 2016.

The Agency for Audio and Audiovisual Media Services acts on the proposals of the Provisional Commission and initiates procedures in accordance with the Electoral Code.

The Provisional Commission instantly receives the reports on the monitoring of the electoral media

representation and the programme service of the broadcasters in the Republic of Macedonia from the Agency for Audio and Audiovisual Media Services. The Provisional Commission provides assessment for balanced representation by the broadcasters i.e. the Public Broadcasting Service and the Broadcasting Trade Companies no longer than seven days.

No media or journalists can be sanctioned for expressing opinion.

Expressed opinions should be separate from the news.

No medium can be shut down on proposal of the Provisional Commission in a procedure initiated in accordance within its jurisdiction determined by this law.

Reduced fines

The Provisional Commission can initiate infringement proceedings with the competent court for fining the broadcasters for violation of the provisions in the Electoral Code. The proposed fine is between 2250 and 4000 EUR, while the fine for the person in charge of the medium can reach up to 30% of the fine for the medium.

If the offence is made for the first time, the competent court will issue a sanction warning.

If the offence is repeated, the competent court will sentence a fine in the amount determined by law.

Editor of the Informative Programme of the MRTV

Upon suggestion of the political party in opposition with the biggest number of MPs in the Republic of Macedonia's Assembly, and with previous consultation with the two political parties in the government with the biggest number of representatives in the Republic of Macedonia's Assembly and the political party in opposition with the second biggest number of representatives in the Parliament, an expert editor is assigned in charge of the informative programme of the Public Broadcasting Service.

The editor takes the position 100 days prior to the Election Day of the snap elections for representatives in the Republic of Macedonia's Assembly, which will take place in 2016.

Transitional provisions of the Electoral Code

Until the Election Day of the snap elections (elections called earlier than expected) for MPs, the broadcasters, the press and the Internet portals are not allowed to broadcast, i.e. publish advertisements financed by the Republic of Macedonia's Budget, or the budgets of the municipalities and the City of Skopje, as well as

any other person holding public office as prescribed by law.

At the same time, paid political advertisements are not allowed for the broadcaster, the press and the Internet portals until the start of the election campaign.





Konrad
Adenauer
Stiftung

**Konrad-Adenauer-Stiftung
Macedonia Office**

Risto Ravanovski 8
1000 Skopje

Tel: +389 2 3217 075
Fax: +389 2 3217 076
e-mail: skopje@kas.de



Association of Journalists of Macedonia

Gradski Zid, blok 13
1000 Skopje

Tel: +389 2 3298 139
Fax: +389 2 3116 447
e-mail: contact@znm.org.mk



Konrad
Adenauer
Stiftung

