

Election Administration in Lebanon:
ensuring transparency, oversight and
impartiality
Media Freedoms and Regulation
Beirut, 4-5 December 2008

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The Election Administration in Lebanon: ensuring transparency,
oversight and impartiality

**Media freedom versus media regulation during the
election campaign: The role of oversight bodies in
balancing interests**

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Introduction: function of the media in the electoral process

Basic Rights

1. The right to **freedom of expression and freedom of information**
2. The right to **participate in the government** of the country through elections

Three sets of rights

the right of **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**

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Promoting Freedom and Responsibility of the Media during Elections

Best Practices

Media Landscape and the Role of Stakeholders

Obligation of state authorities and the media supervisory body

- ✓ Not to unduly interfere in the activities of the media and not to impede journalists in their functions;
- ✓ To promote and favour pluralism and freedom of the media.
- ✓ To promote social responsibility and public service remit of the media

a) Diversity

b) Autonomy

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Regulation and Supervisory Body: general principles

- o Consistency
- o Transparency
- o Proportionality
- o Neutrality and qualification of the Supervisory Body
- o Promptness, transparency and effectiveness of complaints and appeals procedures



Models for regulation

1. Self – regulation: the US
2. Co – regulation: Kingdom of Belgium, United Kingdom
3. Statutory regulation: Italy, France

What is the best approach?

Relevance of contextual conditions: media diversity, political environment, strength of media independence



Types of regulatory bodies for the media

- o A self-regulatory body, such as voluntary press councils in most states
- o A permanent media regulatory body. This body can work autonomously or in a joint effort with the election administration: UK
- o A body specifically created for the election period, the task of which is to regulate and supervise media coverage only during the election campaign: Albania
- o The main election administration body, such as the electoral commission: Lebanon, WBG



Media regulatory bodies: principles

- o Members to be suitably qualified, independent and impartial;
- o Appointment procedures to be transparent;
- o Members to behave independently and impartially;
- o The public (including the media, parties, domestic and international observers) to have access to documents and decisions;
- o Regulations and decisions to be clear, accessible and enforced;
- o Protecting members against arbitrary removal.



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Media regulatory bodies: a case study

Albania 2003
Electoral Code - TENTH PART

Article 137
News editions of Public Radio-Television
During political airtime of news editions, the Public Radio-Television Broadcaster must apply an equal time ratio for all parliamentary parties, which in the previous parliamentary elections have obtained up to 20 percent of the seats in the Parliament. **For those parties which have obtained more than 20 percent of the seats, the airtime, that is allocated equally, is doubled.**

Article 136
Electoral Campaign on Public Radio and Television
During the electoral campaign, Public Radio and Television provides free air time for each registered political party and the CEC, which is allocated in accordance with the following rules: (...)
The CEC allocates to the parliamentary parties which have obtained in the last parliamentary elections more than 20% of the seats in the parliament, equal airtime of not less than 30 minutes in the Public Television and the same in the Public Radio, whereas for the other parliamentary parties this airtime is not less than 15 minutes. (...)

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Media regulatory bodies: a case study

What happened?
The CEC interpreted article 137 in an inconsistent manner with Article 136 stating a ratio 1:2

Parties below 20%	Parties above 20%	Parties above 20%
Party A – 2 minutes	Party D – 4 minutes	Party D-12 minutes
Party B– 2 minutes	Party E– 4 minutes	Party E–12 minutes
Party C – 2 minutes	Party F – 4 minutes	Party F-12 minutes

Total 6 minutes

Media regulatory bodies: consultation process

The **consultation process** with the stakeholders when issuing regulations (legitimacy and sharing)

Public information outreach on adopted regulations targeted to:

- o The media
- o Candidates and parties
- o The public

Media regulatory bodies: transparency

Regulations governing media coverage must be:

- o Publicised and explained
- o Accessible

In particular the **complaint** procedures and decisions should be available to the public and stakeholders:

- o publication on website
- o on request
- o help desk
- o FAQs

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Media regulatory bodies: key issues on complaints

- o Who can file a complaint?
- o According to what procedures?
- o Investigation and decision making process
- o Timing for decisions
- o Right of appeal
- o Enforcement and types of sanctions



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 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



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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?



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Lebanon: open questions for debate

- o To what extent media regulation adopted sets a balance between conflicting rights?
- o Is the scope of regulation broad enough to ensure candidates access to the media?
- o What measures should be adopted in order to make stakeholders aware of their rights and obligations?
- o Is there any grey area?



**Thanks for your attention and
Any questions?**

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