



# Political Parties' Access to Media: an Information Brief

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International IDEA is undertaking programming in Myanmar to develop knowledge resources, promote institutional development and facilitate inclusive and informed dialogue about democratic reform options. International IDEA seeks to provide objective, neutral, non-prescriptive and informative perspectives on policy challenges for Myanmar's democratic actors and decision-makers.

## **INTERNATIONAL IDEA (Myanmar)**

Room 5C, Yatha Condominium  
458-460 Mahabandoola Road  
(entrance on 31<sup>st</sup> Street)  
Pabedan Township, Yangon, Myanmar  
Email: [info-myanmar@idea.int](mailto:info-myanmar@idea.int)

## Political Parties' Access to Media during Election Campaigns

### Introduction

During election campaigns periods, provisions that facilitate equitable media access for political parties are important to ensure that candidates and political parties are able to relay their policy messages to voters regardless of their party size, financial ability to buy media space, and geographical location. This manner of regulation is designed to create an equal forum in which all campaign messages are heard. States that provide equitable media access to politicians during election campaign periods will have stipulated provisions governing the period of campaign and criteria for allocation of access to media.

There are many models for media allocation, some models provide free access to the media for political parties during campaign periods, some provide subsidized access, some will allocate media share according to the number of seats in parliament per party, or the number of candidates running for election per party. States may also implement a code of conduct during election periods that upholds a civil discourse between candidates and in their political advertising, particularly when comparing party policies or candidate personalities. Codes of conduct can be extended to the media to ensure that their reporting is impartial and balanced.

### International principles

International principles on political parties' access to media during election campaigns do not promote state interference with the media but instead point to fair access particularly in regards to state broadcasters.

These principles are based on Article 19 and 21 of the Universal Declaration of Human Rights.

19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The Council of Europe uses these articles from the Universal Declaration in its Recommendation of the Committee of Ministers to member states on measures concerning media coverage of election campaigns (see box 1). The recommendation seeks to operate in all pre-election periods in all member states. It upholds the principles of non-interference in the media by public authorities; protection of journalists and media personnel; media transparency and ethical journalistic standards. One of the ways that democratic engagement manifests itself is through the airing of pluralistic viewpoints. In line with this standard, the recommendation

also upholds the principles of fair and impartial coverage during an election campaign.

### **Box 1: Recommendations on measures concerning media coverage of election campaigns**

#### **"1. General framework**

During election campaigns, regulatory frameworks should encourage and facilitate the pluralistic expression of opinions via the broadcast media.

With due respect for the editorial independence of broadcasters, regulatory frameworks should also provide for the obligation to cover election campaigns in a fair, balanced and impartial manner in the overall programme services of broadcasters. Such an obligation should apply to both public service media and private broadcasters in their relevant transmission areas.

Member states may derogate from these measures with respect to those broadcast media services exclusively devoted to, and clearly identified as, the self-promotion of a political party or candidate".

#### **"2. News and current affairs programmes**

Where self-regulation does not provide for this, member states should adopt measures whereby public service media and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs

programmes, including discussion programmes such as interviews or debates.

No privileged treatment should be given by broadcasters to public authorities during such programmes. This matter should primarily be addressed via appropriate self-regulatory measures. In this connection, member states might examine whether, where practicable, the relevant authorities monitoring the coverage of elections should be given the power to intervene in order to remedy possible shortcomings".

#### **"4. Free airtime and equivalent presence for political parties/candidates on public service media**

Member states may examine the advisability of including in their regulatory frameworks provisions whereby public service media may make available free airtime on their broadcast and other linear audiovisual media services and/or an equivalent presence on their non-linear audiovisual media services to political parties/candidates during the election period.

Wherever such airtime and/or equivalent presence is granted, this should be done in a fair and non-discriminatory manner, on the basis of transparent and objective criteria".

#### **"5. Paid political advertising**

In member states where political parties and candidates are permitted to buy advertising space for election purposes,

regulatory frameworks should ensure that all contending parties have the possibility of buying advertising space on and according to equal conditions and rates of payment.

Member states may consider introducing a provision in their regulatory frameworks to limit the amount of political advertising space and time which a given party or candidate can purchase.

Regular presenters of news and current affairs programmes should not take part in paid political advertising".

*Source: Council of Europe, Recommendation No. R(99) 15 of the committee of Ministers to member states on measures concerning media coverage of election campaigns, 9 September 1999*

There is general appreciation in the international community that governments and State actors have a responsibility to encourage and facilitate an environment where diversity of voices, opinions and policies are heard without interference during election campaigns. This is in order to better support the electorate in their decision-making at the ballot box.

UK-based human rights organization, Article 19, that promotes and upholds article 19 of the Universal Declaration of Human Rights, prepared Guidelines for Election Broadcasting in Transitional Democracies. These guidelines are extensive and point to the necessity for access to mass media by political candidates during election campaigns (see box 2).

## Box 2: Election Broadcasting in Transitional Democracies

The ability of the opposition, in addition to the ruling forces, to avail itself of the mass communications media is critical in this regard. There cannot be meaningful and vigorous debate of fundamental issues facing a country without a means for expressing views. The mass communications media provide that vehicle in many instances. It is at this point that the freedom of expression recognized in Article 19 of the Universal Declaration of Human Rights (as well as in numerous other international instruments) and electoral rights intersect. Article 19 acknowledges not only the right to hold opinions without interference but also the right "to seek, receive and impart information and ideas through any media and regardless of frontiers."

Source: Article 19, *Guidelines for Election Broadcasting in Transitional Democracies*, August 1994

These principles form the basis of models for allocation of media space during election periods.

## Allocation of access to media time/space

States can decide on a range of criteria to determine the allocation of media time and space for political parties during election campaign periods. Access can, for example, be determined based on the number of candidates that a party has presented/nominated, the share of seats of a party in parliament, it can be equal, or based on some other criteria.

International IDEA's Political Finance Database provides comparative international data on this issue. Globally, about 70% of states do provide free or subsidized access to parties of some sort. The way this is set-up can vary greatly, and even when access is not subsidized, it can still be regulated in some manner. In

**Table 1: Free or Subsidised Media Access to Media for Political Parties**

Region	Yes	No	Total	No data
Africa	39 (76.5%)	10 (19.6%)	49	2
Americas	21 (61.8%)	13 (38.2%)	34	0
Asia	23 (62.2%)	13 (35.1%)	36	1
Europe	35 (79.5%)	9 (20.5%)	44	0
Oceania	1 (7.1%)	7 (50.0%)	8	6

Source: International IDEA, *Political Finance Database*

Australia, for example, broadcasters are not allowed to give free or subsidized media access to candidates but must give all parties a reasonable opportunity to broadcast.

In Brazil, parties have free access to TV and radio on a permanent basis but special provisions are in place for election periods. In Denmark, parties are given equal access to pre-election programmes on TV and radio.

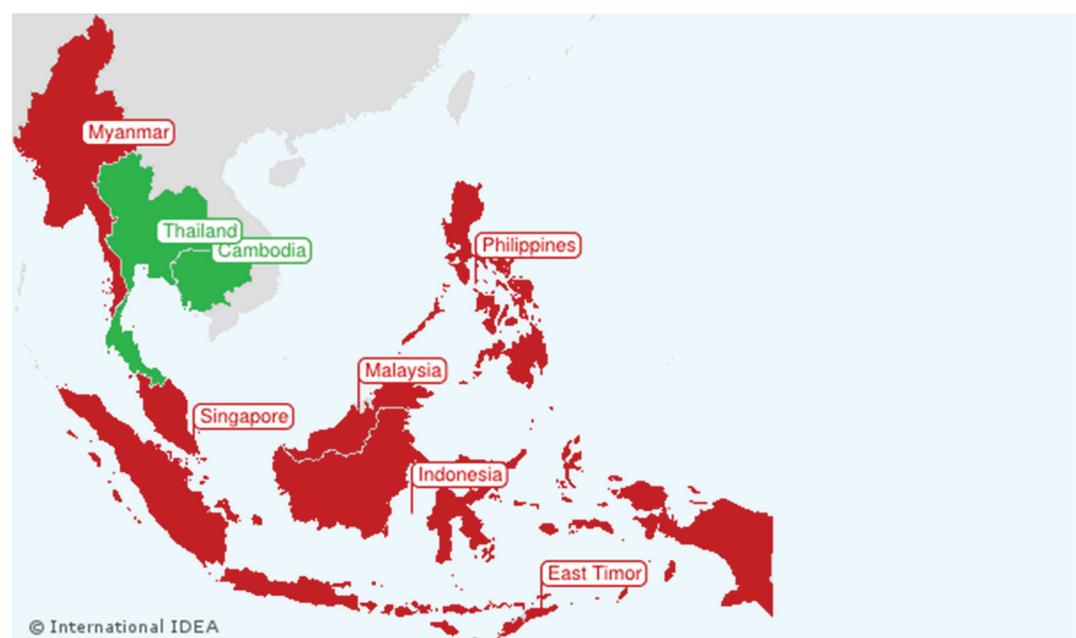
In terms of access allocation, the most common way to allocate free/subsidized media access is to allow parties equal opportunities. This is the case in around 43% of countries. Some states have several allocation procedures in place simultaneously. An example of this is Namibia, where 40% of the media access is divided up equally and the remaining 60% according to the share of votes in the previous election.

As to access for candidates, half of the countries in the world have free or subsidized media access for candidates while the rest do not. In the 8 countries

that constitute South-East Asia, the results starkly differ compared to the global experience. In this region, 6 out of 8 states do not offer free or subsidized media access for parties, with the exceptions being Cambodia and Thailand (see figure 1). Thailand allocates media share according to the number of seats each party holds in the House of Representatives. The state media share, however, is allocated according to the Registrar. It is unclear if this is allocated on an equitable basis. The Philippines is the only country in the region that provides free media access for candidates for national election.

In Myanmar, the Union Election Commission released draft campaign regulations in May 2014. Provisions regarding media access in the draft regulations gives the prerogative to the Commission to set a schedule by which parties may campaign without charge on state-owned media. The regulations then add that political parties that desire to access private media must first seek permission from the Commission.

**Figure 1: South-East Asian States that provide free or subsidized access to media for political parties**



While the scheduling of media access to state-owned media can be seen as a step towards an equitable distribution of media access to political parties, the requirement to seek permission to access private media can be seen as contrary to international principles.

Transitioning and emerging democracies should look to the global effort to provide political parties and candidates with more rather than less access to the media, particularly state-run broadcasters. Equitable access to the media will promote a more open and varied discussion in constituencies to better inform them in their election decision.

### Further reading

For more information about access to the media and other campaign finance issues, you can consult the following websites and publications. The ACE Electoral Knowledge Network has an online Encyclopaedia with more details on topics about 'Provisions for Public Media' ( <http://aceproject.org/ace-en/topics/me/mea/mec04/mec04a04> ) and 'Provisions for the Private Media' ( <http://aceproject.org/ace-en/topics/me/mea/mec05> ). The International IDEA Political Finance Database is available here: <http://www.idea.int/political-finance>. An overview of 'Political Finance Regulations Around the World' derived from the International IDEA Database has also been published in hardcopy and can be downloaded here: <http://www.idea.int/publications/political-finance-regulations/index.cfm> and is available for pick-up at International IDEA Myanmar, Room 5C, Yatha Condominium, 458 – 460 Mahabandoola Road (entrance on 31<sup>st</sup> Street), Pabedan Township, Yangon, Myanmar or send us an email at [info-myanmar@idea.int](mailto:info-myanmar@idea.int).