**REPORTING – RECOMMENDING PREPORT**

Findings of the round table

“**THE ELECTORAL CAMPAIGN AND THE MEDIA, CHALLNEGES FOR THE FUTURE**”

On 3.3.2014, the Central Election Commission (CEC), with the support of the OSCE Presence in Albania, organized an open consultative table with the main representatives of the media, members of the Media Monitoring Board (MMB), lecturers from the Journalism Faculty of Tirana University, and representatives of several international organizations operating in Albania.

* **All the participantsadmitted**and confirmed the important role that media has in reaching the standards in elections, as well as in voters’ democratic information and education. There are 3 national TV channels operating in Albania, 71 local TV channels, 83 cable TVs, and 59 radio stations. There are also 26 daily newspapers, as well as an increasing access to the new internet-based media. This good variety of public information means represents a good basis to be used in electoral campaigns, with respect to the best electoral principles, and in the interest of citizens’ information.
* **The round table confirmed**the fact that the freedom of expression and media in Albania, as two constitutional principles, are guaranteed. It also confirmed a positive tendency seen through the years in the legal regulations related with the electoral and media legislation, as well as a higher level of professionalism and accountability on the side of the media itself in complying with the legal and public obligations.
* **The majority of central media**monitored during the 2013 electoral campaign did generally cover the activities of the main political parties in as a balanced manner as possible, and they also expressed a tendency for opening their TV studios to inclusive political debate, filed verification of electoral news, and positive competition in increasing their audience and public rust in them.
* **The round table also considered**aspositivesome improvements made to the legal framework on electoral advertising, the MMB activities, and public access to all the main electoral alternatives.

The debate about media and electoral campaign focussed on some presentations and discussions about the main problems faced in the two latest electoral processes, OSCE/ODIHR recommendations, reflective analysis of the MB, and other specific issues related with the legal, administrative, and practical aspect of these relationships.

**Thus:Five out of 29 OSCE/ODIHR recommendations(2013) concern the media**:

1. **Recommendation about the ready-made electoral materials:**
	1. The round table participants agreed on the need to improve the electoral legislation so that it clearly considers any campaign-related material prepared by the electoral subjects as propaganda material and not oblige the broadcasters to broadcast such ready-made materials in their news editions.
	2. The media representatives did not suggest for the broadcasting of the ready-made materials to be banned by law or by any CEC decision. They rather suggested that media should be free to broadcast or produce materials on their own by being given the possibility to participate in every electoral party event. The argument that the media representatives gave was based on media’s limited technical and human capacities to cover all the activities of the political parties in the country, and the media right to choose whether they want to produce electoral news/chronicles on their own, or agrees to broadcast the ready-made materials provided by the electoral subjects.
2. **Recommendation about the criminal provisions for libel:**
	1. The existence of the criminal provisions in the new Criminal Code (2012, Article 120) which foresee fines of 50 thousand up to 3 million lekë for people who disseminate false information causes concern during electoral campaigns, as they limit the freedom of expression.
	2. The round table suggested the abrogation of this criminal provision, and introduction of provisions on libel in the civil code. On the other hand, the media representatives declared that this provision has not been applied so far, although it still remains a source of abuse in the future.
3. **Recommendation about the appointment of the MMB members**
4. The round table was critical about the way the members of the MMB are appointed, and the way the MMB functions. Criticisms was mainly related with the political nature of the MMB, the formal and limited selection by the members of the CEC, etc. The participants suggested a review of the formula used for selecting the MMB members, making thus the process more transparent, more inclusive, and more professional.
5. The participants proposed several options, one of which was similar to the formula used for selecting the audit experts, a practice already supported and accepted by the political parties as an electoral practice. In other words, several media subjects, public and private, the University of Tirana (Faculty of Journalism), etc. may propose candidates, who are then selected through a lottery organized by the CEC.
6. **Recommendation about tasks and activities of the MMB:**
	1. The participants suggested amendments to the law, so that is sets concrete and feasible obligations and deadlines for the real execution of the MMB decisions. A review of the fine was also suggested in order to make it applicable in practice.
	2. The participants suggested legal amendments to oblige Audio-Visual Media Authority and other state institutions to enable the MMB to monitor all the national media in the entire territory, identifying lack of balance and double standards in the two latest elections. This form would avoid cases like those in the past, when the MMB did not manage to monitor media in certain regions due to limited technical or human capacities.
	3. The participants suggested that the MMB reports should always become public, including the measures taken by the MMB, and the level of compliance with them by the political parties and the media outlets.
	4. The participants emphasized the still problematic legal provisions and suggested a clear definition of political party advertising and state advertising during the electoral period.
	5. The participants suggested that media should not allow itself to be ‘equally guilty’ with the political parties when the latter start their electoral campaign earlier than foreseen by the law, and that the monitoring process should cover the period before, during, and after the elections.
7. **Recommendation for more media reporting supporting women:**
	1. The participants agreed on the need to amend the law in a way that it requires media information to meet the gender criteria, and on the need for the MMP to change its monitoring methodology by introducing a gender component.
	2. The participants also agreed on the need to amend the legal provisions in favour of women. The political parties, according to them, should make sure they dedicate 30% of the media air time in favour of their women candidates.

**Other technical problems related with the media and the electoral campaign, which were identified during the table, and which have a direct impact on improving electoral standards and in reaching media good and reliable reporting**

1. The participants suggested regular training for the commissioners and the MMB members, as well as for the entire staff for the electoral campaign. Training should also be provided to journalists, editors, and media professionals directly covering the electoral campaign, so that they have a good and thorough understanding of the electoral system, the electoral management system, and other details related with the integrity of the process, and with the public interest.
2. The participants suggested that the law should require the media to provide information to people with disabilities, especially for the blind and deaf people.
3. The participants suggested that the law should also provide free access to the media for the independent candidates and avoid double standards or abusive practices that influence the elections.
4. The participants urged for more professional media reporting in the public interest, more impartiality in the news editions and electoral comments. The media representatives also suggested that there should be a Code of Ethics applicable to all media outlets during the electoral campaign encouraging the media to undertake concrete commitments for achieving the above standards.
5. The participants criticized the practice of some local electronic and print media, which are sold or rented to candidates or political parties during electoral campaigns, turning into means of electoral propaganda. They urged the MMB to identify such cases and cooperate with AMA to end such abusive and criminal practices.
6. The participants suggested that there should be clear provisions on free air time in the private media. Amendments should give an opportunity to independent candidates and new electoral subjects.
7. The participants suggested that the MMB should have the right to determine air time in case of complaints about electoral subjects refusing to participate in media debate, freeing thus the media from the obligation to compensate for air time.
8. The participants suggested that each electoral subject should clearly identify the author of TV advertising made in the name of political coalitions during the elections.