

Guidelines for Equitable Access to Media in Election Periods

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PREAMBLE

The IMC Code on Media Rules for Elections requires that all broadcast and print media shall give fair coverage and equitable access to all registered political parties, coalitions and independent candidates in elections at any level in Bosnia and Herzegovina.

All broadcast media shall provide free access to media. Free access gives political units in the election campaign free broadcast time to present their platforms and provides candidates with a forum for discussion and debates.

Political units have broad latitude in what they present in political advertisements and how they are presented as long as the content adheres to the Provisional Election Commission Rules and Regulations and to any rules of the Independent Media Commission.

Article 1

Definitions

The following definitions and abbreviations apply for the purposes of these guidelines only:

"BiH" is Bosnia and Herzegovina;

"Election" is an election called in BiH in accordance with the Rules and Regulations of the Provisional Election Commission at municipal, Cantonal, entity or State level;

"Election Period" is the period from 45 days prior to the first day of the elections up until the start of the media silence period 24 hours prior to the opening of polling stations prior to the first day of voting;

"IMC" is the Independent Media Commission;

"IMC Codes" are the IMC Broadcasting Code of Practice, the IMC Code on Media Rules for Elections and any other Codes issued by IMC;

"PEC" is the Provisional Election Commission;

"Political Advertisement" is any paid broadcast presenting a political unit, paid for by or on behalf of a political unit;

"Political Unit" is a political party, coalition or independent candidate accepted by PEC as registered for an election in BiH. Political parties that are part of a coalition are considered as one political unit;

"Political announcement" is any political announcement or address by or on behalf of a political unit, communicated directly with the public.

"Political Spot" is a short, pre-recorded political announcement that allows a political unit to communicate directly with the public in its own words and/or with its own visual portrayals.

"Public Broadcaster" is a broadcaster identified as a public broadcaster in accordance with the IMC definition, which is attached to these guidelines as Annex I.

Article 2

General Provisions

In accordance with IMC Codes all broadcast media are required to give fair coverage and equitable access to all political units during the election period.

During the election period all broadcast media are required to provide broadcast time for direct access by all political units on an equitable basis. Broadcasters are allowed to broadcast political spots and other political programming before election period provided they are broadcast in accordance with IMC Codes.

Article 3

Print Media

Print media are not required to give free access to political units. However, if free access is given to one political unit during the election period, it must be provided on an equal basis to all other political units who request it. All print media carrying political advertisements will clearly indicate what is a political advertisement and will indicate the political unit responsible for the advertisement.

Article 4

Free Political Broadcast

All broadcasters shall provide free access for political announcements during the election period.

Political announcements shall be aired throughout the election period and at times when the broadcasts are likely to reach the largest audiences.

At elections on the State level, an equal amount of free broadcast time must be provided for political announcements to all political units, which are registered for the election.

For the elections on lower levels, any broadcaster that provides political programming must ensure equitable access to all political units registered in the electoral unit which receives the broadcaster's signal. The coverage of a broadcaster's signal is determined by the technical information provided by the broadcaster to the IMC.

In addition, political units which provide evidence of a minimum number of voters registered to vote in their 1991 area of residence, but are currently residing in the broadcaster's area of transmission shall also be given right to an equitable access to broadcasters that provide political programming. For the purposes of this article, the minimum number is at least 100 persons, or 10% of 1991 voters' registry for that electoral unit, whichever is greater.

Article 5

General Provisions Concerning Political Spots

Each political unit must request that their political spots be broadcast on specific media and must provide copies of the spots for broadcast. Each political spot shall indicate that it is a political spot and shall also indicate clearly the political unit responsible for it.

Political spots shall not be broadcast immediately before, during or immediately after news broadcasts.

Each political spot shall have a maximum duration of 60 seconds. Broadcasters may not shorten the political spot unless it exceeds the maximum duration. Broadcasters may not in any other way modify the political spots or add opinions or evaluating remarks or explanations to it.

Political spots may be repeated during the election period, but the total time for political spots during the election period must not exceed a total of 14 hours per broadcaster covering all political units during the election period. The time for political spots within one hour may not exceed 4 minutes.

Each political unit may have a maximum per broadcaster of 7 minutes of political spots every two weeks during the election period.

Political spots shall be broadcast in a manner that fits with the programming that does not influence the programming dynamics in general and diminish viewers' interest in elections.

Broadcasters shall determine the sequence and timing of political spots in an unbiased way, preferably through a lottery system. Broadcasters must have clear rules, which are available on request to the public, on how the sequence and timing of political spots is determined.

Broadcasters may require political units to pay for production of political spots. Rates charged for production of political spots must be the same for all political units at the same level of service. If political spots are produced free of charge for any political unit they must be produced free of charge for all political units that so request it.

Article 6

Equitable Access to Political Debates and Discussion Programmes

Public broadcasters are required during the election period to provide political programming aimed at providing balanced and comprehensive information to the electorate.

The political programming can consist of roundtable debates, public debates with audience participation, or any other kind of broadcast event which fosters political debate between political units.

During the election period, information about regular party political activities in news broadcasts shall only be given if the activity is of considerable interest to the general public.

Information about regular state activities or activities of governmental authorities shall not be used to promote any political unit.

All political units defined in article 4 must be given equal opportunity of participation.

Studio audience or questioners shall not be directed by the broadcaster in the choice of questions or interventions. Moderators shall maintain an impartial stance and promote a neutral and democratic atmosphere.

There shall be no charge or fee levied on or by political units for participation in political programming as described in this Article.

Political units shall if at all possible receive at least three-day advance notice of invitation to participate in political programmes or events organised by broadcasters.

Article 7

Paid Political Advertisements

All paid political advertisements in broadcast media are prohibited.

Article 8

Implementation

Broadcasters shall provide at least seven days in advance a schedule of planned political programming to IMC. Any changes to the planned programming or political programming planned on a short notice shall be notified to IMC as soon as possible.

Broadcasters shall keep and permit public inspection of a complete record of the timing of broadcast of political spots, of the timing and composition of political programming and coverage of political events. Such records shall be sent to the IMC each Monday for the previous week's activities. IMC may at any time request a cumulative report on political spots and political programming from broadcasters as well as a record of time allocated to each political unit.

Broadcasters are subject to monitoring by IMC and obliged to adhere to any IMC Codes.

Source: Independent Media Commission (IMC).

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