

FINAL MONITORING REPORT FOR MASS MEDIA THROUGHOUT THE PARLIAMENT ELECTION OF 2008

Content

- i) Forewords
- ii) Abbreviations

ONE. BRIEF INTRODUCTION

TWO. TERMINOLOGY USED IN MONITORING

THREE. BACKGROUND AND LEGAL ENVIRONMENT OF MONITORING

3.1. Monitoring Background

3.2. Legal Environment

3.3. Difficulties during Use of the Law on Parliament Election

FOUR. OBJECTIVES, GOAL AND METHODS OF MONITORING

4.1. Objectives and Goal of Monitoring

4.2. Monitoring Team

4.3. Scope of Monitoring

4.4. Terms of Monitoring

4.5. Methods of Monitoring

FIVE. MONITORING RESULTS

5.1. Fair and Balanced Advertisement

5.2. Restrictions of Paid Advertisement

5.3. Hidden Advertisement

SIX. CONCLUSIONS AND RECOMMENDATIONS

6.1. Conclusions

6.2. Recommendations

Appendixes:

- Indications of each media
- Timetable of Balanced Advertisement by General Election Commission of Mongolia

FOREWORD

The Mass media plays a significant role in being the free and independent tool for providing accurate information about the platforms of candidates, political parties or coalitions to the public, and promoting voters' rights to make an informed choice. The monitoring results by the Union of Mongolian Freelance Liberal Journalists, Mass Media Academy of Mongolia, Voter's Education Center, and Globe International, Mongolian NGO, suggest that the mass media has played an insufficient role during Parliamentary and Presidential Elections since 1996.

Hereby, we present the final monitoring report for mass media during the Parliamentary Election of 2008 by the 'Globe International' non-governmental organization. This monitoring has been undertaken under the "Civil Society Network for Fair Election" established under the auspices of the Open Society Forum.

The monitoring is a part of the project "increasing voter knowledge through journalism training and improved reporting" implemented by this organization.

From a mass media perspective, the Parliamentary Election of 2008 was held under significantly altered conditions as compared to previous Elections,. Comparatively increased quantities of broadcasting, an established Public Radio and Broadcasting System, approved Principles of Mongolian Journalists, relatively inflexible restricted time on broadcast 6f advertisements that linked to the election, and, for the first time, approved principles for media employees on reporting the electoral events and an established Board of Mass media meant that conditions for the 2008 election deviated substantially from previous years.

This report contains sections on the background of monitoring, the legal environment, the monitoring method/ scheme, monitoring results, conclusions and recommendations. Descriptions of terminology and abbreviations used in the monitoring are included in this report. The report also contains a part about the difficulties in using the clauses of Law on Parliament Election, and approaches to problem solving. The weekly information of each mass media included in the monitoring sample has been attached in the report.

We believe that our report will be a valuable document for the appropriate changes in the ongoing valid law, and approval of a required new law to build a fair and balanced election environment. We hope this will be a key document in alerting the mass media to their observed weaknesses.

Our special thanks go to Open Society Forum, The Embassy of the United Kingdom of Great Britain and Northern Ireland in Ulaanbaatar, and The Taiwanese Foundation for Democracy for their financial support of our program during the election events.

We would also like to express deep gratitude to the people who assisted and were involved in this work for the free and fair election monitoring report: the ordinary citizens, the members of the monitoring team, the consultants and lawyers who kindly read this report and gave us

valuable recommendations, employees of the Civil Society Organizations, and all the people who participated and shared their worthy thoughts and concepts during the round table meeting. We wish them all the best.

Kh. Naranjargal, Project Coordinator

Abbreviations

UIKH	State Great Khural or Parliament of Mongolia
GEC	General Election Commission
MM	Mass Media
MNPTV	Mongolian National Public Television
MNPR	Mongolian National Public Radio

Names of the Parties:

MPRP	Mongolian People's Revolutionary Party
DP	Democratic Party
CWP	Civil Will Party
RP	Republican Party
MLP	Motherland Party
NNP	National New Party
MLP	Mongolian Liberal Party
MTUP	Mongolian Traditional United Party
MDUP	Mongolian Democratic Union Party
FIP	Freedom Implementing Party
DPP	Development Program Party
CC	Civil Coalition

ONE. SUMMARY

Based on the frameworks of the Mongolian Law on Parliamentary Elections adopted on 16 June, 2008, (which made amendments to the law passed on 26 December 2007) and the Law on General Organization of Elections, the Parliamentary Elections of 2008 were held and organized under 26 enlarged election districts.

In the Parliamentary Election of 2008, 12 parties and one coalition stood. In total, 356 candidates were running for the elections - 45 among them as independent candidates..

Throughout the electoral process, the Globe International NGO monitored and undertook research, supervised, and observed mass media to monitor for possible violations of the law or breaches in fulfilling their responsibility for providing fair and balanced information to the voters.

The monitoring covered three areas: balanced advertising, advertising restrictions of media on broadcast time, and hidden advertisements, over four weeks 2 - 27 June 2008. The monitoring results of every period - 2-7 June (the first monitoring period), 8-14 June (the second monitoring period), 15-21 June (the third monitoring period), 22-27 June (the fourth monitoring period), which were made public through press conferences.

The monitoring team consists of 18 members, in data gathering and processing, analyzing and consulting. During the monitoring period members of the team attended training, approved and carried out the Observer's Code of Ethics, applied from the international methods elaborated according to the features of parts.

The insufficiencies of the Parliament Election Law during the monitoring period , we suggest, include too generalised law clauses, no detailed coordination, undefined terminology and conflicts. The findings of these perceived deficiencies are outlined in a subsequent section of the report.

The monitoring results revealed that the mass media did not deliver balanced coverage, exceeded restrictions mandated by the Law, and engaged in hidden advertising practices during the Parliament Election of 2008. The political, economic and legal factors in this misconduct are explored in the report.

The monitoring involved 7 national television channels- MNPTV, UBS, Channel 25, TV5, TV9, Eagle, and daily newspapers – Odriin Sonin, Unuudur, Zuuny medee, and weekly tabloids – Seruuleg, Khumuus.

It must to emphasized that there are difficulties for the mass media to work according to the regulations due to the unclear, contradictory and uncoordinated articles regarding mass media procedures in the Law on Parliament Election, approved in 2008.

According to monitoring results, the formal advertisements of Parliament Election of 2008 were comparatively shorter than in previous Parliament Elections. The advertisement often didn't continue for an entire month, yet the mass media quantity, scope and advertisement densities were widely increased. Particularly, the election campaign intensified particularly during last 2 weeks due to the prolonged registration of candidates. The reason of that is the election campaign and advertisement shall start after official acceptance of candidate card in accordance with the Law.

In the media sample, the dominated advertisements were the MPRP or DP, while advertisements of other parties that with seats and without seats in Parliament were on average 20% less. Free space of the newspapers and airtime allocated for some parties was less than one percent.

During the election period there was a lack of independent journalism and the independent news and information. Indeed, even official news programs often engaged in hidden advertising.

The programs and publishing related to the voters' education in mass media was also very poor.

The MNPTV and MNPR, the former state channels, participated in the Parliament Election advertisement public media for the first time. MNPTV and MNPR worked according to the rules approved by GEC, but in reality these media outlets violated the law by broadcasting programs of an advertising nature without due disclosure, and paid advertisement and hidden advertisement during monitoring. Nevertheless, as compared to the previous elections when MNPTV and MNPR showed overt favoritism for the ruling Party, there were positive improvements observed. For instance, the election advertisements were more balanced, were generally of a more neutral mood, significantly reduced quantities of paid and hidden advertisements, and paid attention to voter knowledge.. Furthermore, MNPTV and MNPR for the first time approved and followed their principles which should be carried out during the election process.

However, the results of monitoring also revealed common inadequacies and law violations observed during the 2004 Parliament Election repeated during the 2008 election, and moreover, worsened in some instances. The circumstances of balanced advertising have not provided adequately. For the means of advertisements there were less opposite information and predominated positive or neutral information.

All commercial television channels broke the 10 percent of legal restrictions on paid advertisement of the Parliament Election Law. Also the hidden advertisements of media occupied most of the percentages.

The law clause regarding the equal time for each candidates were breached. During the days of 28 and 29 of June when the election campaign stopped the mass media had not transmitted paid and hidden advertisements which are the acts prohibited in the law.

This monitoring report includes recommendations for the sophisticated Law on Parliament Election, amendments and changes for related laws, and recommendations on adopting new laws concerning the mass media.

The results of monitoring have been attached as per each media.

TWO. TERMINOLOGIES USED IN THE MONITORING

Election coverage refers to each published and transmitted information related to the election process throughout the period of election campaign. This shall be comprehended that it covers the news regarding the election process, reports, and education materials for voters, GEC statement or data, election advertisements.

Election advertisement refers to each material on political parties, coalition, candidates to influence the voters' minds for gaining more voices delivered through broadcast and print media.. This shall be comprehended that it covered the platforms, activities, bio-data of candidates, introduction of engaged work, journalism on the reasons of clarification, paid materials prepared under combined methods of PR and advertisements.

Hidden advertisement refers to broadcast and print media materials which have not been modified clearly and looks like a daily media production but voiced for candidate or political parties, and subject to defame the reputation of other parties and their candidates. This material shall be paid in any circumstances, or published and transmitted under influences of control on the restrictions of certain media for participating political party. Hidden advertisements are usually the paid advertisement of a candidate or political party. Nevertheless, there are cases in which hidden advertisements take place even without the wishes or the involvement of a political party or candidate..

Total broadcast time of television and radio refers to the sum of total radio and television broadcast time according to the Parliament Election Law, the period in between the formal start while the receipt of first candidate card and formal closing day of election campaign. (Please refer the part of Legal Environment for more details).

THREE. BACKGROUND AND LEGAL ENVIRONMENT OF MONITORING

3.1 MONITORING BACKGROUND

In 1992 Mongolia adopted its new democratic Constitution. In 2008, Mongolia held the fifth Parliamentary Election under democratic principles. The citizens of Mongolia are guaranteed freedom of vote and the right to vote by the Constitution. The Election is the right of the direct involvement of citizens and it is an elementary and basic right. The choice of citizens is the most significant influence to build the Government and State, and the most

important issue for the citizen's accurate choice is true and unbiased information. In this way, the importance of the rights, freedoms and interest of citizens informed by true and free information increases during electoral process. During the electoral period media carry out a special responsibility to become a public forum for political discourse, thereby assisting the public to achieve informed understandings about the stance of candidates and political parties.

There are more vested interests of candidates and political parties in using the media throughout the election period. Hence, it is proper that the media advertisements must be balanced and fair.

Mongolian NGOs have monitored the media since the Parliamentary Election of 1996. In cooperation with the Union of Mongolian Journalists and the frameworks of Project of Reporting and Informing the Electoral Progress, implemented under the financing of the Brussels based EU TACIS program, media during the election was monitored for the first time. ..The report for media monitoring held under international observer team with five members suggests that: "Including State media each type of media and press had received payment for advertisement the candidate's view, activities and stance, and editing houses had spent very little time and space on independent or factual information. During the election campaign Mongolian media had chased for income and capital but the civilized judge of the argument and by these means Mongolian media had put behind their responsibilities and left their main role of providing information to the voter for accurate choice further this makes upset the observer team of International Committee of Election". After that the results of monitoring report of the Press Academy and Globe International NGO for media during the elections of Parliament in 2000; 2004 and Presidential Election in 2005 shows national media and media under Government was served more for the ruling Party in that time.

There are following changes in Mongolian media environment during the Parliament Election of 2008 as compared to previous elections.

1. Increased number of public broadcast programs and media. Mass media, especially national television channels increased by four times only in Ulaanbaatar.
2. Established first National Public Radio and Television according to the Law on Public Radio and Television adopted in 2005.
3. Approved Principles of Mongolian Journalists during the Second Meeting of Mongolian Union of Journalists in 2005.
4. More strict restrictions on the time for election advertisement on public broadcast programs according to the Law on Parliament Election adopted by the State Great Khural (Parliament).
5. GEC for the first time approved the principle for media employees on the Reporting the Electoral Events.
6. For the first time, a Board of Mass Media was established resulting from the Law on General Organization of Election.

3.2 LEGAL ENVIRONMENT

“All the wealth of Mongolian State shall be under authority of Mongolian citizens.

Mongolian citizens are guaranteed to have the right to directly involve in State causes, or through State ruling organization consisted of members that chosen by them” stated in the Article 3 of Constitution. According to Mongolian Constitution the Parliament is the highest institution of State. The Ulsyn Ikh Khural (UIKH) consists of one pallet and 76 members. All the citizens who have a right to vote in Mongolian Election shall elect the members of parliament based on the rights of free, direct and general election, by the secret voting, every four years.

According to the Constitution the citizens of Mongolia shall be guaranteed the privilege to enjoy the rights and freedoms including freedom of thought, opinion and expression, speech, press, the right to seek and receive data, and the right to peaceful assembly.

In Mongolia there are many specific laws regulating the operation and activities of media and journalism. However, the Mongolian Supreme Court grounds the explanation on “press and media” the terminology of Article 3, Law on Advertisement adopted in 30th of May, 2002.

The “informing agent” shall be understood to mean television, radio, telecommunication line and network, computer network, special program, press and other methods.

Law and Regulations Ensuring the Freedom of Media

Besides of the Constitution the media freedom in Mongolia is ensured by the below mentioned laws:

- **Law on Media Freedom (8/28/1998)**

By this law the censure and privatization of the public media under state consent are prohibited, as well as the media shall impose duties upon own transmitted information. Also, UIKH is prohibited to issue laws that restrict freedom of media and freedom of communication media.

- **Law on Public Radio and Television (1/27/2005)**

By this law identified the legal grounds and operational principles of radio and television which shall serve for the public, and determined their program policy. Also this law ensured the significant rights such as finding information and editing independence.

The concept and main principle of public radio and television have been ensured in Article 4.1 of this law: “...shall be independent in its operation, find factual information, respect civil rights, admire pluralism, openness and forthrightness, shall not serve for the interests of

any of entity, officials, organizations, individuals, political parties but shall follow the main principle of esteem the national interests”.

Law on Media Procedures

In Mongolia there are some specific laws regulating the operation and procedures of media and publishing. However, some article related to procedures of public broadcast the radio and television regulated under following law:

- **About Radio Wave (6/4/1996)**

*(The name **Controlling and Coordinating Department of Radio Frequency** is changed into **Coordinating Committee** due to the law adopted in 11 November 2001)*

The radio wave is Mongolian state property, if the radio wave derived from the generator located on the territory of Mongolia and is included in the national radio frequency schedule /4.1/.

As the owner of the “radio wave” State shall provide the utilization rights of radio frequency and radio frequency strips to others under the conditions of this law /4.2/.

- **About Communication (18/10/2001)**

Coordinating Committee has an authority with full rights to provide special permissions, to supervise the completion of its conditions, and conclude contracts. Special permission shall be provided up to 20-year duration.

Law and Regulations of Media Procedures during the Election

- **Law on Parliament Election (29/12/2005)**

The advertisements of election procedures obliged in the Article 37, Law on Parliament Election.

37.1 Election advertisements of candidates, political parties or coalitions shall launch after registration and acceptance of election identification card.

37.2 On the basis of advertisement and introducing own political platform, expressions and views to the public the political parties, coalitions and candidates guaranteed with rights to organize meeting, conference and settling the canvassing center, and the activities shall take place through the routes that are not restricted by the law.

37.3 Election advertisements shall close prior to 24 hours of polling day or on 00 o'clock of the day before polling day.

37.7 It is prohibited for public radio and television to transmit advertisement related to election under payment, but allowed to broadcast non paid advertisement due to the timetable of General Election Committee.

37.8 General Election Committee shall provide and present resolution on equal and balanced advertisement airtime of public radio and television per each party and coalition, as well as per each contending candidates in one election district.

37.9 Other radios and televisions except public radio and television shall broadcast election advertisement under payment,

37.10 Radios and televisions which obliged in Article 37.9 of this law shall manage the Article 37.8 of this law in broadcasting election advertisement.

37.11 Below actions and operations are prohibited to proceed for political parties, coalitions, their supporters, and the election institutes of candidates, participating parties, coalitions, and their employees, agitators, confidential assistant of individual candidate:

37.11.1 To precede any election advertisement during the period of since official announcement of election till the registration and acceptance of candidate's identification card.

37.11.2 To transmit any election advertisement since terms obliged in Article 37.3 of this law until end of voting, as well as to conduct any poll and publish or distribute the printed results in prior one week to polling day.

- **Law on General Organization of Election (12/1/2006)**

46.7 GEC shall approve and verify the regulations on procedures of foreign observers as well as any media observing and reporting the electoral process.

37.16 GEC shall monitor the balanced advertisement on media with public assist, and shall make a prompt action on complain and applications regarding this matter received from political party, coalition, candidate and citizen.

In "*Board of Media*", The article 14.1 of this law GEC guaranteed to build freelance media board of independent media next to itself, and obligatory to determine and adopt the media principles regarding its composition and operation procedure.

14.2 The Board of Media shall consist of equal representatives of professional institute of press and media, NGO and political party, coalition.

14.3 The Board of Media shall control and monitor the balanced and equal condition of election advertisement on media of political party, coalition, candidate; as well as shall review the complain and letters regarding above matter from political party, coalition, candidate and bring in to the Committee.

Regulation and resolutions approved by GEC

Following two regulations approved by GEC due to the election advertisement.

- Regulation for press and media institute employee on observing and reporting the electoral process, Resolution No.19, 05.09.2008
- Regulation on procedures of press and media consultant, Resolution No.20, 05.09.2008

Laws related to the advertisement (30/5/2002)

- **Law on Advertisement, 30/5/2002**

6.1 The advertisement shall be factual, possible for every consumer; and shall be considered as an advertisement not depending on its context, type, and approaches of distribution

7.5 Every condition which violated Article 6.1 of this law or the advertisements indirectly influenced the consumer shall be considered as a hidden advertisement

11.3 It shall be restricted to transmit any advertisements during the regular news related to the time events of worldwide and state life.

18.1 It shall be prohibited to receive payment under transmission or insertion of advertisement which visually has not contained characters of advertisement such as using the press and media on report, news, and analysts publishing.

- **Law on Public Radio and Television, 27/1/2005**

13.1 It shall be prohibited to transmit commercial or hidden advertisements via public radio and television.

3.3 DIFFICULTIES IN USE OF THE LAW ON PARLIAMENT ELECTION

Below are the ways how to solve the difficulties that revealed in applying the Law on Parliament Election

- The 10% legal restrictions of media campaigning on broadcast time of radio and television were unclear whether per day broadcast or total time of election advertisement was subject to restriction. Therefore, the balanced advertisement schedule approved by the GEC for MNPTV and MNPR on June 4th 2008, was based on the law article related to broadcasts of other radio and television "...shall manage the Article 37.8...". It was comprehended that the means of the restrictions as 10% of total election advertisement time.
- The law on providing and presenting equal and balanced advertisement time per each party and coalition, as well as per each contending candidates in one election district, is in conflict with the law article "Election advertisements of candidates, political

parties or coalitions shall launch after registration and acceptance of election identification card” /37.1/. Due to the law the registration and acceptance of candidate identification card continued through 2-10 June. Election advertisement possibilities of candidates who registered their names and accepted candidate identification card in the beginning of month or 2-3 June were more numerous than the candidates who registered and accepted candidate identification card in mid or end of month. As well as the process on withdrawal of candidates, the issue of complaints influenced the balanced advertisement of candidates.

- It is practically very difficult to carry out the law regarding equal time of advertisement per each party and coalition, as well as per each contending candidates in one election district, as during the election advertisement, it applied to one radio and television channel, or whole radio and television channels in both city and local. For instance, a candidate in a local district might have less interest and necessity to transmit election advertisement through the channel in city, but, if that radio or television network did not transmit election advertisement about the above mentioned candidate, this would be considered as a law violation. Furthermore, if certain a candidate - especially an individual candidate - who is in shortage of funding could not transmit advertisement with payment it would be also considered a violation of the media law..
- Based on the law all radio and televisions except public broadcasters are required to transmit advertisement under payment only. However, in the Law on Parliament Election there are many specialties regarding clarifications on paid advertisements. Because of the unclear articles of law related to advertisement, the monitoring team identified indications determined by paid advertisement characteristics.
- The Board of Media is lacking technique and equipment, adequate human resources, and financing to control the balanced election advertisement aired through media, given the different ownership, quantity, methods of broadcast etc., in each aimag and region of Mongolia and the numerous articles and laws which regulate them.
- However, the launching term of election advertisement obliged in the law but launching date makes monitoring difficult.
- Non-existent legal mechanisms on punishment for imposing responsibility for every condition of hidden and exposed election advertisements before the announcement of election caused a serious inequality of election coverage for candidates.

FOUR. OBJECTIVES, GOAL AND METHODS OF MONITORING

4.1 Objectives and goal of monitoring

The goal of the monitoring was for research on how media carried out their responsibilities according to the frameworks of law, and played their important role during the Parliamentary election to inform the public on balanced and fair information.

The objective of the monitoring:

- Monitor advertisements in media for balance
- Clarify if media adhered to the law restrictions on advertisement time of public broadcast
- Monitor hidden advertisements

4.2 Monitoring team

Globe International formed the media monitoring team consisted of 18 members representing ordinary citizens and divided in three parts: 11 in data gathering and documentation, two in data entering and processing , three in analysis and journalist Mr. D. Tserenjav as a consultant.

During the days 7-9 and 23-24 of May 2008 the monitoring team involved in the skills training and workshop that are coordinated with international and local experts. The members of monitoring team agreed and signed the Observer's Code of Ethics on independence, and working apart from interests of all political parties, coalitions and candidates.

4.3 Scope of monitoring

Around 400 media outlets in the territory of Mongolia are currently operating. Of these: 80 are broadcasters and 13 daily newspapers.

The media sample was chosen by below criteria, due to the impossibility of including all media in the monitoring during the UIKH Election of 2008.

- Public or finances by state budget
- Most adequate and produces national action
- Large quantities of output and higher rating
- And the most important criteria were the relatively long terms of experience in the market, well recognized among public.

Due to the above criteria following media companies selected for the monitoring: public or finances by state budget-1 radio and 1 television, private owned- 4 televisions, foreign invested-1 television, daily newspaper-3, and weekly tabloid-2.

Broadcast Media

- Mongolian National Public Radio
- Mongolian national Public Television
- 1st channel of UBS
- 1st channel of Channel 25
- 1st channel of TV5
- 1st channel of TV9
- Eagle

Daily newspapers

- Odriin Sonin

- Zuuny Medee
- Unuudur

Weeklies

- Seruuleg
- Khumuus

4.4 Terms of monitoring

The monitoring covered 4 weeks from 02 June, the 1st day of official election announcement which means it is possible to launch the election advertisement or undertaking the right to register and accept the candidate identification card from GEC, until the 27th of June.

Weekly results during the monitoring periods, for instance 2-7 June (the first monitoring period), 8-14 June (the second monitoring period), 15-21 June (the third monitoring period), 22-27 June (the fourth monitoring period), were made public through press conferences and the website www.sanal2008.mn that manages under the Civil Society for Fair Election control. The monitoring continued until 28 of June, 2008 or closing day of election advertisement and through the polling day.

Before the launch of election advertisement, between 20-25 of May, 2008 experimental monitoring and inserted some changes in the methods of monitoring were undertaken.

4.5 Methods of Monitoring

The monitoring team divided in three parts to complete the work: (i) data gathering and documentation, (ii) data entering and processing, and (iii) analysis.

Data gathering and documentation

Recorded all broadcastings on DVD, between 7am-2pm, of televisions involved in the monitoring, and recorded all radio on MP3 between 6am-11pm, copied to CDs. Every recording reviewed and the information of each channel noted on special formulated tables. Due to the technical difficulties such as electricity and cable failure during the airtime the missed hours were noted and deducted from the monitoring time.

For the newspapers, each released issue was reviewed and information related to election noted on the special formulated table. Each table provided by data gatherers was reviewed and checked by analyzers.

Please see attached table form.

Data processing and analysis

Data which passed through mass media data gatherers to the data processing members was inputted into the special program invented by MEMO 98, Slovakia. After integration the processed data was delivered to the analysts. Data of newspaper data gatherers was delivered to the analysis team, and, after reviewing each data they were inserted in the EXCEL program and completed the analysis.

Methods of each monitoring directions

Balanced and fair information

The analysis of balanced and fair advertisements was completed according to the methods adopted from above - MEMO 98, a Slovakian NGO, measured the quantity and quality indications.

Analysis of Quantity

In doing this analysis, the total size of airtime, space and square of media issued for political parties, coalitions or candidates was measured. For radio and television airtimes, which transmitted for political bodies, both sounds and videos were measured by second and minute. If the words about candidate stated in the discussion of journalist, another person, or the contender not candidate himself considered directly one second. As well as it is considered one second if the information about political body is less than 3 seconds. Also, the duration of video images of the candidate who accidentally passed by while the other candidate talking on the screen was measured.

For the newspapers the spaces of political bodies was measured by cm², in the instance of indirect information (by other person or contender) about political party, coalition and candidates passed by one sentence considered as one cm².

Analysis of Quality

Through the analysis of quality, it was evaluated if the information about party or candidate of the election were opposite, positive, neutral. This is the analysis on how media treated fair and balanced to the contended parties, coalitions or candidates of the election. Analysis was undertaken through five stages of unit and as follows:

One was given to positive information which provided extremely positive representations intended to appeal to the emotions, or with a tone of personal cult, excessive praise, or adulation.

Two was given to the information which provided positive impression on voters without a tone of excessive praise.

Three was given to the factual information which provided without any tone of impression about the certain person.

Four was given to the information which contained a negative tone and provided voters opposite impression.

Five was given to the apparently negative and one-sided information about the political body, which disparaged, accused, and provided negative impressions to voters on a given candidate.

The analysis was presented in three main levels positive, negative and neutral as using above five stages.

Avoided from the complexity on observers' doubt and polarization while making analysis on information about certain political body it evaluated in five stages.

Legal restrictions on broadcast advertisement time

According to the Article 37.8 of Law on Parliament Election “General Election Committee shall verify and present resolutions on equal and balanced unpaid advertisement airtime of public radio and television per each party and coalition, as well as per each contending candidates in one election district”. This also related to the other television and radios.

As for the law these balanced advertisements shall transmitted without payment via public radio and televisions. But other radio and televisions shall transmit advertisements under payment. Total time of paid advertisement shall not exceed 10 percent of whole broadcast of radio and television (37.9). Nevertheless, above mentioned legal restrictions on broadcast time did not give detailed descriptions whether per day broadcast or total time of advertisement during election campaigning. However, it obliged in this law that media shall manage the instructions of Article 37.8, and shall manage the timetable of GEC (37.10).

On 4th June 2008, GEC approved the timetable of unpaid election program through MNPTV and MNPR of political parties, coalitions and individual candidates. According to this regulation 75 minutes per every party and coalition, 75 minutes for total individuals; allocated to be turned in each one-hour everyday through the period of 9-25 June.

Therefore, in monitoring for legal restrictions it considered the paid advertisement on public broadcast would not exceed 10 percent due to the GEC approved timetable during electoral advertisement period.

There are many needs to clarify and specify in the legal provisions on how to carry out paid advertisement. So, for the monitoring team it was difficult to identify and prove which information was paid and which was unpaid. Therefore, monitoring team considered the materials of media as paid advertisement which included in any of below mentioned 11 indicators:

- With “Paid” or “Ordered” marks
- Propaganda of party or action program
- Attendance of candidate or representative of party in the network program
- Attendance of candidate or representative of party in the non-network program
- Portrait program of candidate
- News report about candidate from election headquarter or the report and correspondence related to the candidate
- Special news and program marked with party logo or sign
- Breaking news marked with party logo or sign
- Propaganda, sort video break, rollick of party or candidate
- Attendance of candidate or representative of party in cooperated program
- Attendance of candidate or representative of party in commercial and social advertisement

The unbalanced time allocation of GEC made monitoring complicated, even the time of advertisement allocated equally per each parties and coalitions the 75 minute but totally 75 minutes among individual candidates. Even so, the monitoring team monitored the allotted time per each candidates on the basis of the law clause.

The press and media transmit not only the paid advertisement but variety of different information such as statements and reports of GEC, journalism information about electoral process, program and issues for voter’s knowledge during election. Therefore the materials of

press and media concerned in classifications: information of electoral process and paid advertisement.

In the Law on Parliament Election has not imposed responsibility for press and media to publish and transmit program intended for voter's knowledge.

- **Hidden advertisement**

In monitoring of hidden advertisement used the methods and approaches, which developed by the supports of international observers during Parliament Election of 2004.

In the monitoring registered every program and published issues related in any subject and style to political party, coalition and candidate who were participated in Parliament Election of 2008, from them identified and noted the variety of information, advertisement specially revealed the hidden advertisement inside of those information. The character of advertisement issues (*for example, appraised a candidate, expressed certain position, imbalanced, specialized information, contains certain introduction, etc.*), which were complicated, with unclear meanings, lack of explanation and buried, reflected as a hidden advertisement.

The hidden advertisement types were categorized and registered as following circumstances:

“A” type:

Issues and programs related to operations of state and administrative institutions, agencies under the jurisdiction of Government, Parliament, ministers and authorities. Press and media service belonged to Government, ministries, agencies, local governors, and employee that accompanied own minister or chief, who participated in election, and provide prior prepared information and reports through media about candidate, ordered program, greetings for anniversaries, the character of gratitude programs/publishing, were all indicated in this category.

“B” type:

In this category included all programs/publishing that linked to the various events with or without grounds on certain purposes about political party, coalitions and candidates of election, such as:

- Report and inform on events which political party, coalitions and candidates of election attended
- Authorities of political party or candidate explain a certain event, and purposely insert their opinion
- Notably publish or transmit information marked with logo, sign, image, form, name and songs of political party, coalition and candidate without necessity.

“C” type:

Specifically advertised program/publishing that prepared by press and media institutes or journalists about the political party, coalition and candidate, such as:

- Press and media institutes or journalist themselves appeal to the public to vote or not to vote for certain political party, coalition and candidate in hidden/unhidden ways
- Express one-sided position during the interview with political party, coalition and candidate as carrying the discussion interrupted/uninterrupted and questioned/unquestioned.

- Expressed one-sided position through selection and insertion/not insertion the various opinions regarding certain political party, coalition and candidate into the program/publishing.
- Buried the actual meaning of political paid advertisement and make public to accept the paid advertisement as a program/publishing of journalism.

FIVE. RESULTS OF MONITORING

Monitoring team monitored totally 155,889 minutes of television channels, 312,431 square cm2 of 69 issues of daily newspapers “Odryn Sonin”, “Unuudur” and “Zuuny Medee”, 70,221 square cm2 of 10 issues of weeklies “Seruuleg” and “Khumuus”. If considered by type of media:

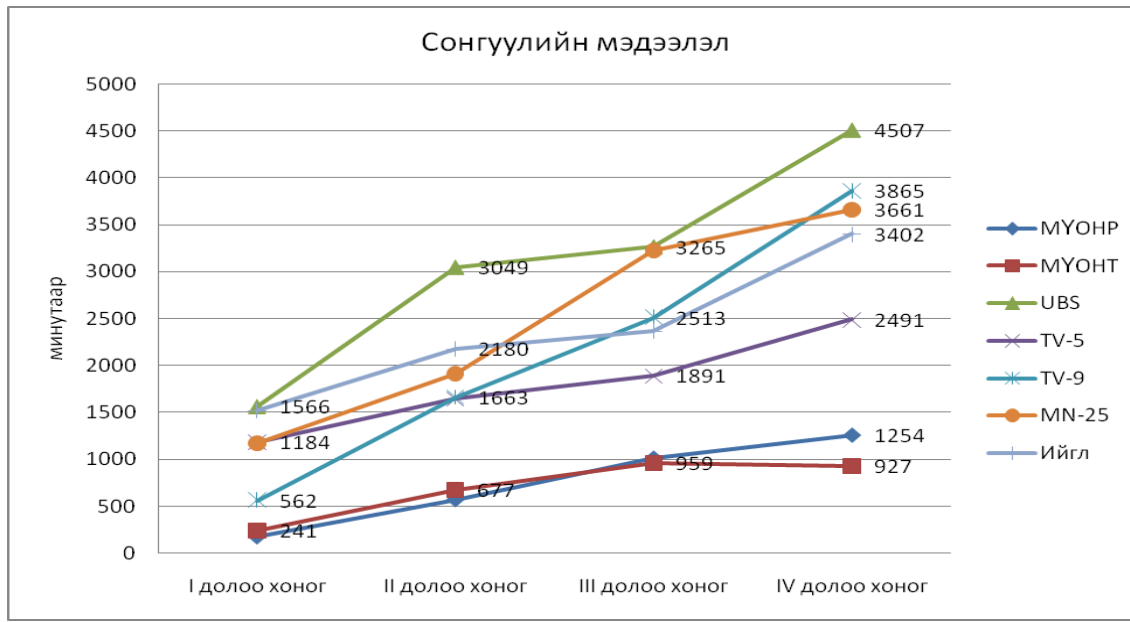
Broadcast Media

Broadcast media included in the monitoring: MNPTV totals 23378 minutes, private television channels (UBS, Channel 25, TV5, TV9, Eagle TV) totals 132,521 minutes, also MNPR totals 26,235 minutes of airtime during the election advertisement period. Throughout this period television stations have aired in total 50,447 minutes for information on electoral processes. From this: MNPTV-2804 minutes, other televisions-47,643 minutes, MNPR-3011 minutes of broadcast programs intended for election information.

Election information

	<i>I monitoring period</i>	<i>II monitoring period</i>	<i>III monitoring period</i>	<i>IV monitoring period</i>	<i>Total</i>
<i>MNPR</i>					
<i>MNPTV</i>					
<i>UBS</i>					
<i>TV-5</i>					
<i>TV-9</i>					
<i>MN-25</i>					
<i>Eagle TV</i>					
<i>Total amount</i>					<i>47643</i>

Airtimes for election information continually increased during the 4 weeks of the campaign. For MNPR airtime increased by 7.1 from the 1st to the end of the 4th week was the highest one, and the lowest increased airtime was in TV-5 television by 2.1. Airtime of programs related to election increased during the first 3 weeks but radically decreased by 32 minutes in the 4th week.



Election information

<i>In minutes</i>	<i>MNPR</i>			
	<i>MNPTV</i>			
	<i>UBS</i>			
	<i>TV5</i>			
	<i>TV9</i>			
<i>MN25</i>				
<i>Eagle TV</i>				
<i>I week</i>	<i>II week</i>	<i>III week</i>	<i>IV week</i>	

BALANCED COVERAGE

There were 356 candidates running for the State Great Khural; 31 candidates representing 11 political parties and one coalition and 45 independent candidates in the 2008 parliamentary election.

According to election law, every candidate is entitled to receive equal airtime to run advertising during the election campaign.

If we simply think that a certain radio and television airs for 1440 minutes or 24 hours a day, 144 minutes will make up 10 % of this. There were 3744 minutes for 26 days during the election campaign starting from June 2 to June 27. As we distribute this total airtime to each

party and coalition equally, 288 minutes of airtime should be devoted to each of them, approximately 11 minutes should be allocated for each candidate.

As there are 20 television stations including the cable station operating in Ulaanbaatar, 220 minutes of coverage should be devoted for each candidate.

However, obviously not every candidate has financial sources to have paid coverage on radio and television. In addition, candidates in rural areas do not have strong interests to spend their money on paid coverage on expensive TV channels operating in the city. Therefore, the monitoring findings proved that the provision regarding the equal airtime for candidates does not reflect reality.

Although information about each candidate was collected and consolidated during the entire period, the monitoring mainly focused on the most presented five or ten candidates.

The most presented candidates on television during the whole campaigning were Z.Altai, B.Lhagvajav, S.Bayar, B.Undarmaa, B.Batbold. The candidates mostly covered by the newspapers, were S.Bayar, L.Bold, D.Zagdjav, Ts.Elbegdorj and D.Naymhuu. A large number of the candidates did not receive any airtime and newspaper spaces in the monitored media outlets.

Election Coverage for independent candidates

In total, there were 45 independent candidates contesting seats in the State Great Khural election. There is no special provision concerned with advertising or coverage of independent candidates in legislation. Independent candidates only relied on their right to free coverage because perhaps they had few opportunities to run paid advertisement.

In accordance with the schedule approved by the GEC to broadcast free coverage, it counted 45 independent candidates as one group like a party so that 75 minutes of free airtime in total were allocated for all of them. According to the schedule, one independent candidate should have received 1.6 minutes to broadcast free coverage by MNPRT.

As we see how it was implemented, in total, 20 independent candidates participated in 5 programmes which lasted for 15 minutes. It means that 3 minutes and 75 seconds respectively was spent on making free coverage for each candidate. But other 25 independent candidates did not receive free coverage by MNPRT. Election coverage by independent candidates combined makes 7% of the monitored airtime and 8% of the space in print media.

Z.Altai among independent candidates received the biggest portion of airtime while seven independent candidates D. Enkhmaa, J. Avarzed, J.Lkhamsuren, Khanagat, L. Enkhbold, P.Odonchimeg and S.Dorjdulam could not have any airtime by the monitored broadcast.

As for print media, while B. Batbold from independent candidates received the most space in print media the monitored newspapers didn't report anything about those other seventeen independent candidates including B.Boldbaatar, G.Arslan, D.Gantur, D.Enkhmaa, J.Avarzed,

J.Dorj, J.Lkhamsuren,Z.Tserendulam, Khanagat, L.Enkhbold, M.Bayarbat, N.Amarbayasgalan, O.Selengee,P.Odonchimeg, Sh.Ganbat and E.Gurranz .

Coverage quality

‘Balanced coverage’ refers to not only reporting unbiased, fair and objective information about a particular development of the election, but also to providing time and space for people to express their views on the topic concerned. This type of coverage is perceived as purely informative and does not contain biased, subjective information and irrational criticism.

Regardless of how much airtime and space is allocated by media outlets for a certain party or candidate, it is possible to evaluate quality and tone of the coverage.

Quality analysis determines whether the monitored coverage is positive, negative or neutral.

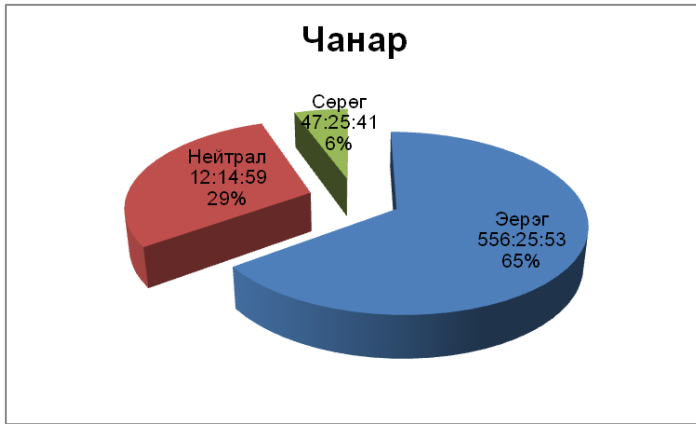
Coverage quality influences on voters’ opinions and decisions, weakening voters’ analytical skills to develop objective views on a party and candidate.

Positive and overestimated coverages make viewers highly impressed and admired thus they are less likely to make objective judgments about probability of platform implementation.

Negative and overcritical coverage gives viewers bad impressions. This kind of information makes voters likely to criticize, blame and develop negative feelings against a certain party and a candidate or even reject their platforms, even they are considered as the best. In this way, coverage quality is indicated by how media outlets comment on a certain party and candidate.

Coverage quality in broadcasting

During this election campaign, television stations broadcasted 65% of positive coverage, 6 % of negative coverage and 29 % of neutral coverage about parties, coalition and candidates.



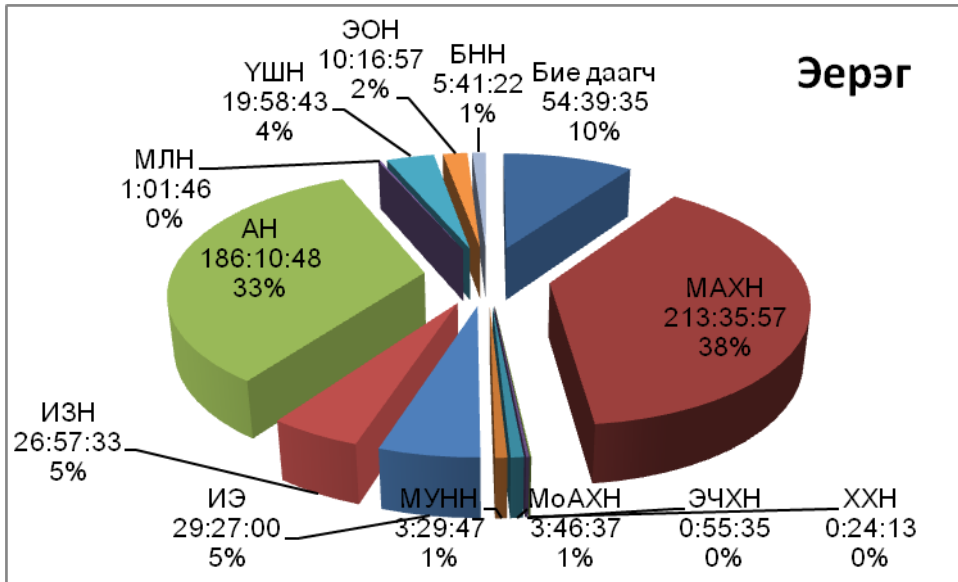
On one hand, this indicates that paid coverage through media outlets prepared by parties and candidates themselves became more dominant during the election campaign. On the other hand, it shows that news programmes aired on certain radio and television were overestimated.

This indicator demonstrating neutral coverage is likely to be related to broadcasting regular news programmes on the daily activities of parliament members and the two big parties seated in the State Great Khural during the election campaign.

There were almost no programmes with negative coverage on the monitored broadcast, and television stations broadcasted a very small portion of negative coverage during this election campaign.

Positive coverage

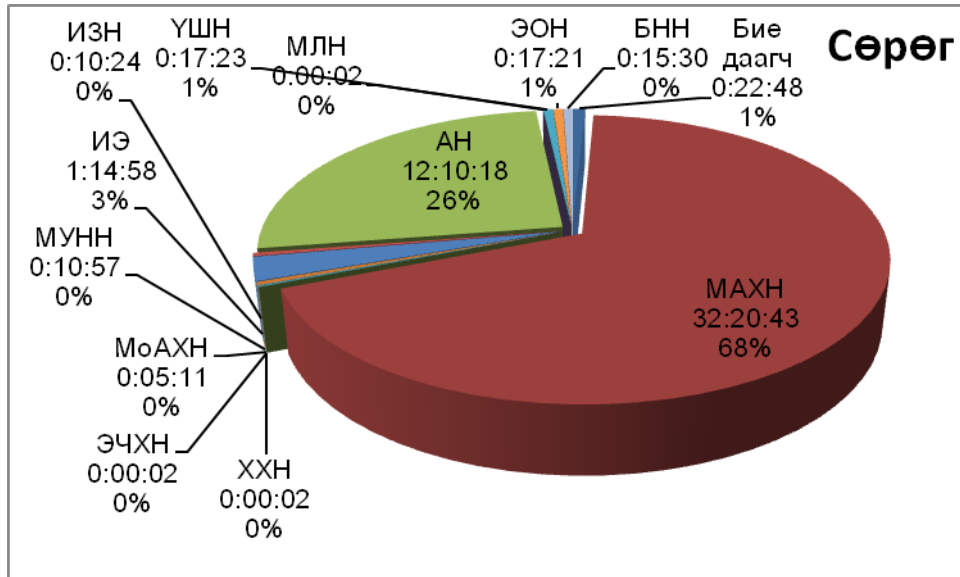
38% of the positive information devoted to MPRP compared to 33% devoted to DP. As for those parties seated in the State Great Khural, Civil Will Party received 5% of positive coverage, Motherland Party- 2%, The National New party-4% and the Republican party-1% respectively. Independent candidates made 10% of the positive coverage.



The following shows how positive coverage on media outlets was distributed to the parties. MNPTV devoted the highest portion of positive coverage or 28% to the MPRP, 11% to the MLP, 10% to DP and less than 7 percent to other parties. MNPR broadcasted 46% of positive coverage for MPRP and 12% for DP. Positive coverage about other parties made 2-10%. UBS devoted 45% of its positive coverage to the MPRP, 29% to DP whereas TV-5 channel aired 49% of positive coverage about MPRP and 35% to DP. As for TV-9 channel, MPRP was allocated 40% of positive coverage and DP was at 34%. While Eagle TV' devoted 46% of its positive coverage to DP and 21% to MPRP respectively, 25-channel provided viewers with 37% of its positive coverage about DP and 33% to MPRP.

Negative coverage

Of the total monitored airtime, negative coverage made a relatively small portion or 6%. The majority of the negative coverage was devoted to MPRP (47%) and DP (43%). As for other parties, negative coverage accounted for 3% for National New Party and less than 1% for other parties. Television stations broadcasted 8% of negative coverage for independent candidates.



Let's see how negative coverage on broadcast was distributed to the parties.

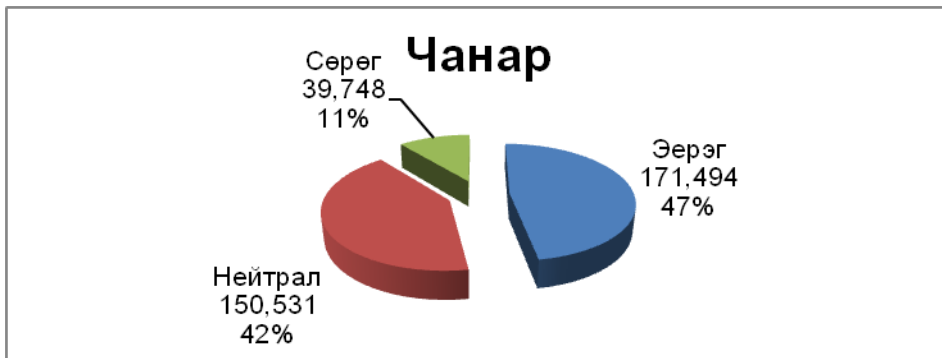
There was no big difference in the portions of negative coverage allocated for MPRP and DP. In particular, DP received 42 % while MPRP was allocated 38% of the total negative coverage on television stations. MNPR devoted 65 % of its negative coverage to DP and 29% to MPRP. As for other television stations except TV-5, the majority of negative coverage was devoted to MPRP. TV-9 broadcasted the highest percentage of negative coverage and devoted 81% of it to MPRP. TV-5' aired 62% of its negative coverage about DP and 27% -about MPRP .

Neutral coverage

The portions of neutral coverage for MPRP and DP were almost the same. As for other parties seated in UIKH, Civil Will party was given 8 %, RP-5% and MLP- 3% respectively. As for those parties not seated in UIKH, 9% of neutral coverage was devoted to CC, 2%-MTUP and 1% -to DPP, FIP, and Democratic Union Party each. However, the neutral coverage allocated for MLP party was less than one percent. Neutral coverage for independent candidates made 8 % of the monitored airtime.

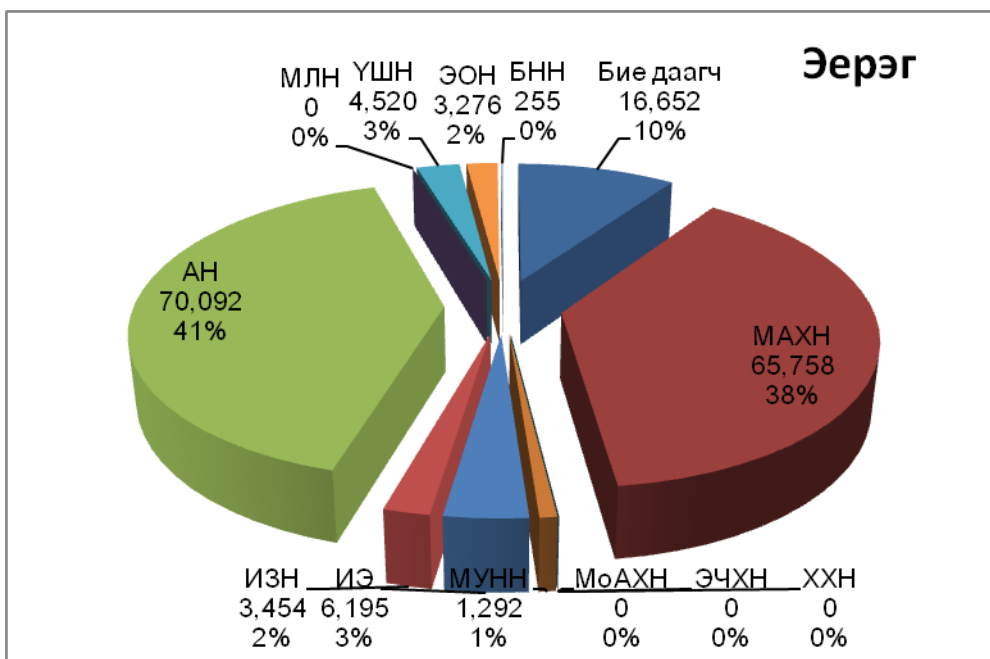
Coverage quality of print media

Of the monitored coverage in the print media, 47 % was positive, 42% -neutral and 11% -negative.



Positive coverage

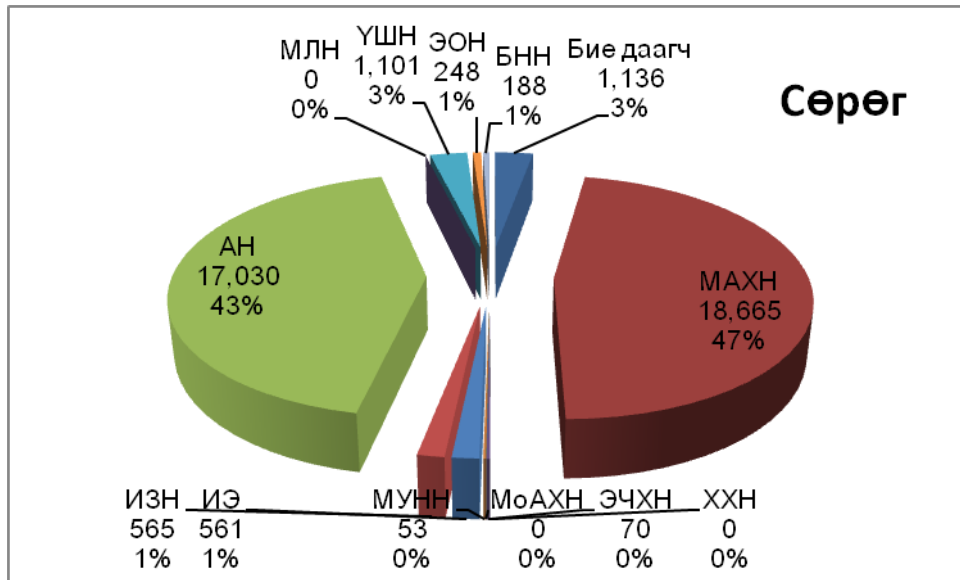
DP received the highest percentage of positive coverage (41%) followed by MPRP at 38 %. Positive coverage about Civil Will party, NNP and MLP seated in UIKH made up 2-3 % whereas the RP received less than 1% . About 10 % of positive coverage was devoted to independent candidates. Unuudur and Zuuny Medee devoted its positive coverage mainly to MPRP while Udrin Sonin allocated its positive coverage for DP.



Negative coverage

Negative coverage in the monitored print media was 5% more than the negative coverage of broadcast. 11% of spaces in the monitored print media was devoted to negative coverage. MPRP received 47 % and DP-42% respectively. Other parties seated in UIKH received 1-3% of negative coverage while CC from the parties not seated in UIKH received only 1% of negative coverage.

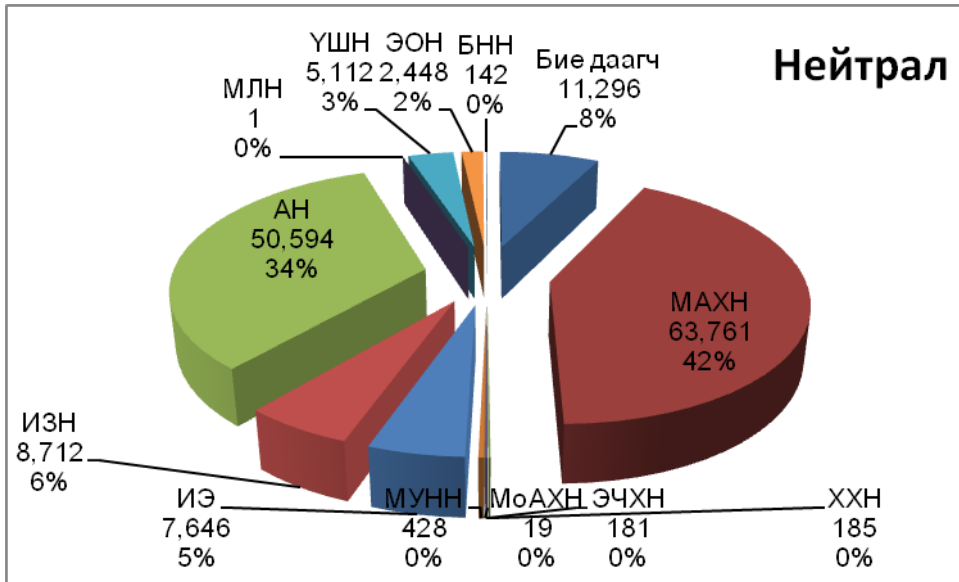
3% of the monitored spaces on print media was devoted to negative coverage about independent candidates.



The highest percentage of negative coverage in Unuudur and Zuuny Medee among the print media outlets was allocated for DP whereas 95% of negative coverage in Udrin Sonin was devoted to MPRP and only 1% - to DP. Both positive and negative coverage in Khumuus and Seruuleg, the monitored weeklies, were mainly devoted to DP.

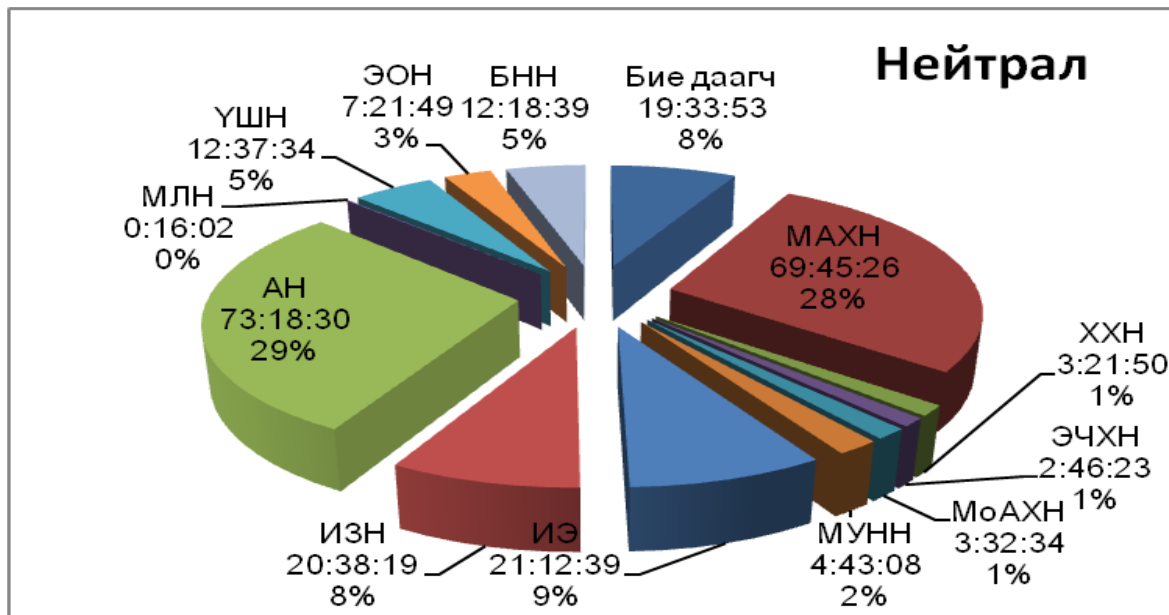
Neutral coverage

A large portion of neutral coverage in the print media was devoted to MPRP (42%) and DP (34%) as well.



As for those parties seated in UIKH, neutral coverage for CWP made 6% of the monitored spaces, NNP- 3% and MLP- 2% whereas neutral coverage allocated for RP was less than 1% of the monitored spaces. Regarding the parties not seated in UIKH, neutral coverage for CC was 5% while the neutral coverage for other parties was less than 1%.

Neutral coverage for independent candidates in the monitored spaces of print media was 8 %.



5.2 RESTRICTIONS ON PAID COVERAGE

As it is stated in the legislation, only non-public radio and television channels may broadcast paid advertisements, and the total amount must not exceed 10% of total broadcasting time. Nevertheless, the fact that legislation fails to specify the nature of a paid advertisement led to some hindrances in monitoring actions. Therefore, in the Monitoring Methodology Chapter of this report, the monitoring team outlines the methodology used for assessing and measuring an advertisement to determine if it is paid or not.

Furthermore, the law does not specify if the restriction refers to 10 percent of the total daily broadcasting time or the 10 percent of all airtime, including advertisement campaigns. Based on the schedule of the General Election Committee, the monitoring team confirms that the 10 percent restriction refers to the total airtime of the programs run along with the campaign. The monitored television stations devoted 34064 minutes to paid election, whereas radio broadcasting devoted 265 minutes.

MNPR devoted 265 minutes to programs of an advertisement nature, whereas the MNPTV allocated 829 minutes to such programs.

Non-public television stations are legally allowed to air paid election coverage. Nevertheless, all the television stations violated the restrictions by exceeding the 10% limit. All the private television stations allocated more than 10% of their airtime to paid coverage, violating the legal provision. The minimum coverage equal to 4.9% was on TV, 12,5%- on TV9, 13,3%- on Eagle TV, 20%- on UBS and the maximum coverage equal to 27.6%- was on MN-25.

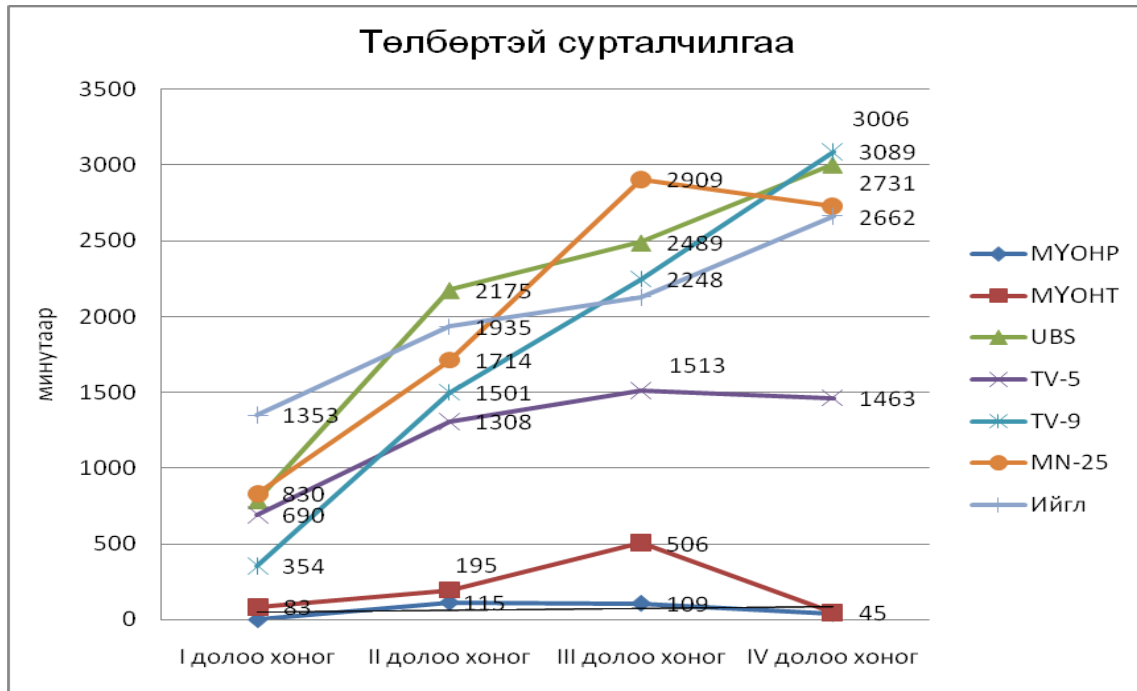
Paid coverage

	1st WEEK	2nd WEEK	3rd WEEK	4th WEEK	TOTAL
MNPR	0	115	109	41	265
MNPTV	83	195	506	45	829
UBS	784	2175	2489	3006	8454
TV-5	690	1308	1513	1463	4974
TV-9	354	1501	2249	3089	7192
MN-25	830	1714	2909	2731	8184
Eagle	1353	1935	2128	2662	8078
Total	4011	8633	11287	12951	36882

In the first week of monitoring, the amount of paid advertisement was lowest, whereas it reached its highest on the third week. On the MNPRTV network, the amount of programs similar to paid advertisement on other networks were the highest in weeks two and three, and dramatically decreasing in week four.

Among other television stations, TV 5 devoted the least time to paid advertisement, with the broadcast rate declining on the fourth week. On TV9 and UBS television paid advertisement intensively increased through the period of all four weeks, whereas Channel 25 advertisement increased steadily during the first three weeks, followed by a slight decrease during week 4.

Paid coverage



Paid advertisement on the print media increased on the second week of the campaign with “Udriin sonin” and “Zuuny medee” demonstrating the highest percentage.

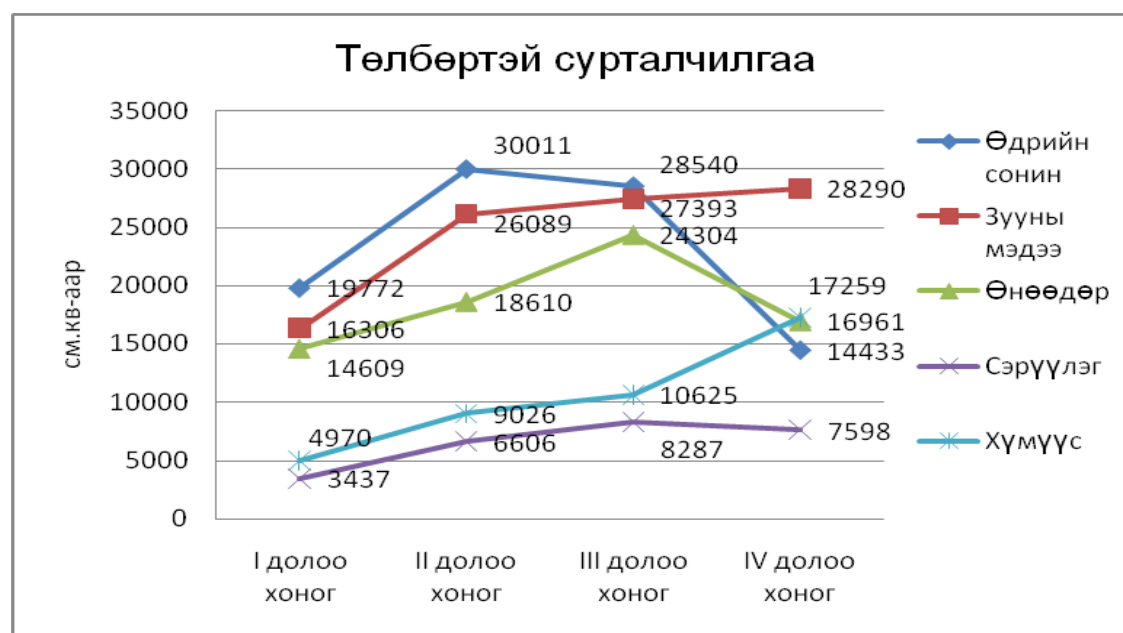
Paid coverage

	1 st WEEK	2 nd WEEK	3 rd WEEK	4 th WEEK	TOTAL

Udriin sonin	19772	30011	28540	14433	92756
Zuuny medee	16306	26089	27393	28290	98078
Unuudur	14609	18610	24304	16961	74484
Seruuleg	3437	6606	8287	7598	25928
Khumuus	4970	9026	10625	17259	41880
Total	59094	90342	99149	84541	333126

Paid advertisement in “Zuuny Medee” steadily rose throughout the campaign period whereas “Udriin Sonin” showed a significant increase during the second week, and “Unuudur” during the third. The spaces devoted for paid coverage in “Udriin sonin” plummeted during the final week.

As far as the weeklies are concerned, a drastic increase in “Khumuus” and a fall in “Seruuleg” in the third week of the campaign were observed.



5.3. HIDDEN ADVERTISEMENT

Throughout the election campaign period the Parliament, the Government and its agencies, state administration organizations, ministers and executives spent their basic working days on election campaign. This means that authorities in power have better opportunities to advertise themselves compared to other candidates. The media is often engaged in overt propaganda for either one of the parties or a particular candidate rather than maintaining neutrality. Some media institutions make various programs involving particular political parties, coalitions or candidates, deliberately relating them to certain issues or actions with or without any solid foundation. Moreover, there are cases when some press and media institutions and journalists violate the standards of journalism by over-promoting a political party, coalition or an individual candidate, and by limiting the transparency of paid advertisement through implicit promotions via TV programs and press articles.

In Mongolia, hidden advertisement is restricted by the Advertisement law. Nevertheless, the nature and characteristics of hidden advertisement are not clearly specified. Therefore, the methodology developed through cooperation with an international expert team during the Parliament election in 2004 was used. The chapter on Monitoring methods and techniques clearly outlines the methodology used.

Broadcast

MNPR was reported to have run a hidden advertisement 208 times, which accounts for 2.6 percent of its total monitored airtime. MNPTV devoted 7.5 percent of total monitored airtime during 222 instances of hidden advertisement.

Hidden advertisement /by minutes/

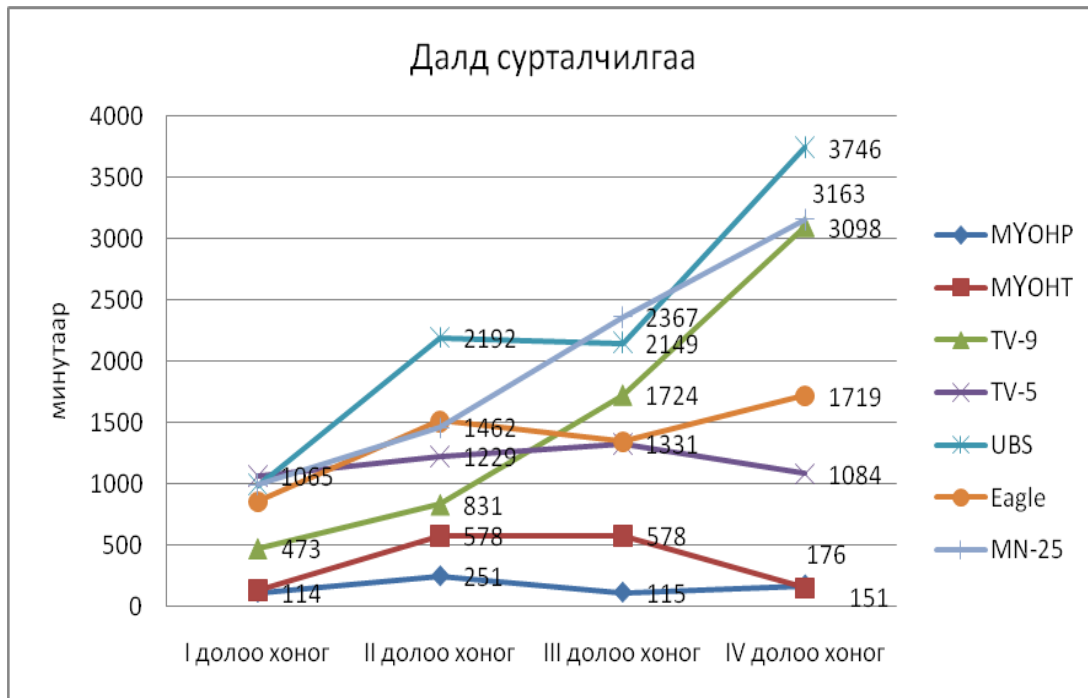
	1st WEEK	2nd WEEK	3rd WEEK	4th WEEK	TOTAL
MNPR	114	251	115	176	656
MNPTV	131	578	578	151	1438
UBS	473	831	1724	3098	6126
TV-5	1065	1229	1331	1084	4709
TV-9	989	2192	2149	3746	9076
MN-25	855	1511	1345	1719	5430
Eagle	999	1462	2367	3163	7991
Total	4626	8054	9609	13137	

In terms of other television stations, MN-25 devoted a maximum of 38,5 percent for hidden advertisement whereas TV-5 devoted a minimum portion of 17,6 percent of broadcast time. Next follow the Eagle TV with 19,7 percent, TV-9 with 20,8 percent and the UBS 32,1 percent of the monitored airtime allocating for hidden advertisement.

Hidden advertisement /times/

	1st WEEK	2nd WEEK	3rd WEEK	4th WEEK	Total
MNPR	45	44	76	43	208
MNPTV	59	61	83	19	222
UBS	107	81	116	153	457
TV-9	123	139	170	147	579
TV-5	230	199	177	235	841
Eagle	97	114	96	108	415
MN-25	175	172	205	266	818
Total	836	810	923	971	

Although hidden advertisement on MNPRTV increased on the second week of the campaign, it declined in the following week. For the MNPR it declined on the third week but slightly rose through the final week.



TV-9 and Channel 25 broadcasted increasing amounts of hidden advertisement throughout the four weeks of the election campaign while UBS presented a sharp increase in the final week. Such advertisement on Eagle TV, meanwhile, decreased on the third week and went up during the fourth week. But on TV5 there was less hidden advertisement detected during in the final week.

Print media

All together, the daily print media devoted 82-122- 107069 cm² space for hidden advertisement, with the least space belonging to “Unuudur” and the largest belonging to “Udriin sonin”. As far as the weeklies are concerned, “Seruuleg” devoted 23649 cm² for hidden advertisements and “Khumuus” spent 41398 cm² space.

	1 st WEEK	2 nd WEEK	3 rd WEEK	4 th WEEK	TOTAL
Udriin sonin	19772	36649	27407	23241	107069
Zuuny medee	16307	24084	36011	28595	104997
Unuudur	14609	18610	25739	23164	82122
Seruuleg	3437	6606	6458	7598	24099
Khumuus	4990	13524	10625	17259	46398
Total	59115	99473	106240	99857	

Hidden advertisement /cm2/

Hidden advertisement /times/

	1 st WEEK	2 nd WEEK	3 rd WEEK	4 th WEEK	TOTAL
Udriin sonin	81	92	80	58	311
Zuuny medee	73	84	85	97	339
Unuudur	67	66	78	85	296
Seruuleg	10	16	18	20	64
Khumuus	14	36	26	37	113
Total	245	294	287	297	

Hidden advertisement by the dailies declined substantially during the fourth week. It reached its maximum level in week 2 for “Udriin sonin” and in week 3 for “Unuudur” and “Zuuny medee”.

“Seruuleg” decreased hidden advertisement on the third week but sharply increased in the fourth week, whereas such advertisements increased sharpest in “Khumuus” in the second week.

End of the election campaign period and voting day

The monitoring team continued its work on the 28th of June, the day the election campaigning ended, and on the 29th of June, the voting day. Broadcast of 12975 minutes, 2145 minutes of radio airtime and six issues of daily newspapers were monitored for two days.

Television stations devoted a total of 2575 minutes while 687 minutes of radio airtime were allocated for the election coverage.

The MNPTV allocated 294 minutes of its 1975 minute airtime or 14.9% for the election coverage. The MNPR devoted 687 minutes or 32% of its airtime for the election coverage.

Other television stations allocated 23,4% of their airtime for the election coverage together.

Daily newspapers covered election related topics in 2,4% of print space.

The selected media outlets did not break the election law or did not have paid or hidden advertisement for the two days mentioned.

SIX – CONCLUSIONS & RECOMMENDATIONS

6.1. Conclusions

Mongolian media outlets played an important role in the 2008 parliamentary election. In sum, although the official election campaign lasted less than a month, a period much shorter than the one in previous elections, the number and scope of media outlets increased enormously and there was a high density of coverage. Television stations played a leading role in the election campaigning among all the media outlets. The current Law on Election prohibits organization of public events or shows, thus the main campaign efforts & activities focused on broadcast media.

Based on the findings & results of the monitoring, the following conclusions have been derived;

1. The Law on Election approved in 2008 has some vague and often contradictory provisions regarding media and its role in the election. This creates difficulties for the media outlets to comply with the legislation and regulations and highlights the need to amend the current law.
2. During the 2008 parliamentary election, the number of objective information or unbiased election coverage decreased enormously. Even some interviews or information programs included advertisement, and were thus identified as hidden advertisement. Ordinary voters faced challenges in differentiating objective journalism from PR for candidates.
3. There was a lack of objective, independent coverage of political parties or candidates by media organizations, journalists, analysts or observers besides the coverage of election processes and news.
4. The media outlets devoted insufficient time to voters' education.
5. Advertisement increased noticeably during the last two weeks of campaigning. During this period, all the monitored television stations except the MNPTV had more paid and hidden advertisement. This might have resulted from the fact that some candidates started their advertisement later.

6. The former state television and radio participated in the 2008 election as a public television and radio broadcaster for the first time, which provided an opportunity for the voters to receive objective and unbiased coverage of political parties and candidates. The GEC allocated the broadcast time of the Mongolian National Public Television and Radio for the political parties. They generally complied with the allocation by the GEC.

However, the monitoring revealed some serious misconduct, such as hidden advertisement, and paid programs with advertisement in the election coverage on public television and radio.

It should be noted, however, that the television and radio which used to serve a ruling party under the 'state' status had successfully made the transition to public media. This assessment is based on the assessment that the public media served the interests of the ruling party far less, and acted more as a legitimate public media institution through the dissemination of less biased news.

The results of the media monitoring completed as a part of the 'Monitoring of election financing during 2004 parliamentary election' project implemented jointly by the Glob International NGO and the Voters' Education Center showed that 96% of the monitored airtime on then state media outlets was devoted to the election coverage of MPRP, the ruling party, 2,3%- to MotherLand Democratic Coalition and 1,7%-shared by other parties and candidates.

In the 2008 election, the ruling party MPRP received just 30% of the public television airtime, while other parties received almost equal amount of airtime and generally balanced coverage in the public television.

Independent candidates and parties except the MPRP and DP received similar portion of coverage from the public media. However, their coverage was 10 to 20% less than that of the MPRP and Democratic Party.

- The election coverage on the public television and radio was relatively neutral compared to other television stations.

Neutral coverage of parties and candidates and their platforms without biased views made progress in the public media.

- The public television and radio had relatively less paid coverage.

During the election of 2004, the Mongolian National Television devoted 79.1% of its airtime to paid coverage and the Mongolian National Radio-90,8%, while the MNPTV allocated 3,5% of its airtime to paid advertisement and the MNPR-1%. However, the MNPTV is legally prohibited to broadcast paid advertisement. Therefore, it should not repeat this misconduct.

- The MNPTV had less hidden advertisement during the campaign period.

During the 2004 election, the Mongolian National Television provided 58.8% of its airtime to hidden advertisement and the Mongolian National Radio-64,7%. During the 2008 election, the MNPTV devoted 7.5% of its broadcast time to hidden advertisement and the MNPR-2,6% -to it.

Despite the sharp decrease in the hidden advertisement, hidden advertisement of any level remains a concern.

- The public television and radio paid relatively more attention to voters' education.

During the monitoring period, the MNPTV devoted 8,4% of its broadcast time for education of voters while the MNPR allocated 10,5% of its airtime for it. Moreover, the open debate involving representatives of parties and coalitions running in the election played a vital role. Series of ten election debates under subject topics including education, inflation, alcoholism, crime, environment, ecological issues, unemployment, poverty, regional development, food safety, health, corruption and mineral sources were broadcast live on the MNPTV. Each debate lasted for one hour and thirty minutes.

The program involving members of the GEC was aired in the public media, which is good. The election debate involving leaders of parties and coalitions running for the parliament was broadcast live on the 27th of June and received positive feedback from the public.

According to international practice, there should be more election debates and similar programs than election advertisement. Therefore, such programs should be legalized.

- The public television and radio applied a work guidance or principle during the election period for the first time.
7. During the 2008 election, the monitored media outlets also had common misconduct and offences such as unbalanced coverage, dominance of paid coverage and escalating hidden advertisement which were commonly observed during the 2004 parliament election. These include the following;
- The principle of balanced coverage was not applied. Examples are given below;
 - MPRP and DP received the most of the airtime and space in monitored broadcast and print media. Although the two big political parties had similar portions of the election coverage (37% of all the monitored airtime devoted to MPRP and 28%-to DP. 41% of all the monitored spaces devoted to DP and 38%-to MPRP.) The airtime portion shared by other parties and independent candidates was relatively smaller than the portion given to either of the two big political parties. Specifically, 28% of the monitored airtime and 13% of the spaces were devoted to the other parties and independent candidates.
 - During the election campaign all the candidates did not receive the equal airtime and newspaper space as obligated by the election law.
 - Independent candidates were least presented on the monitored media outlets.

- The election coverage exceeded the permitted portion of airtime and space on the monitored media outlets. 50,447 minutes or one third of the total monitored 155,899 minutes of airtime were devoted to the election coverage. This means that the same portion of regular programs was not broadcast.
- All the private television stations allocated more than 10% of their airtime to paid coverage, violating the legal provision. The minimum coverage equal to 4.9% was on TV, 12,5%- on TV9, 13,3%- on Eagle TV, 20%- on UBS and the maximum coverage equal to 27.6%- was on MN-25.

In other words, UBS and MN 25 Channel violated the legal provision by devoting one fourth of its airtime and latter devoting one third of its airtime to paid coverage.

- There was a large portion of hidden advertisement. TV5 allocated 17.6% of its airtime for the hidden advertisement, Eagle TV- 19,7%, TV9- 20,8%, UBS- 32,1% and MN-25 Channel-38.5%, or the biggest portion. In other words, there were many efforts to deceive voters by broadcasting indirect advertisement for parties and candidates through various forms of broadcast.
 - In terms of coverage tone, 65% of coverage on all the monitored television stations was positive and 29% -neutral, while negative was 6%. For the print media, 47% was positive in tone and 42%-negative, and 11%- negative. These show that the coverage of candidates was predominantly positive in tone. However, the media did not attempt to prepare analytical reports on candidates. Instead, they aired ready-made programs aimed to ruin reputation of particular candidates.
8. During the election campaign all the candidates did not receive the equal airtime and newspaper spaces as it was obliged by the election law. In particular, the most presented candidate on television received 24 hours, 53 minutes and 46 seconds while the least presented candidate was not given one second. However, 19 candidates did not receive any airtime whatsoever on the monitored broadcast. The monitored print media allocated 22,904 cm² space, the biggest space to one candidate while 103 candidates were not given even a single centimeter of space.
 9. Regardless of the short period stated by the law, election campaign informally commenced in March, 2008 and intensified in April and May before the formal campaign. Such informal campaigning is not regulated by legislation thus the GEC could not take any measures, nor did our monitoring cover that period.
 10. All broadcast and print media outlets besides the public television and radio did not have any work guidance or principles to follow during the election. None of them complied with conduct of ethics for journalists approved during the 2nd Conference of Mongolian Journalists' Union held in 2005.

11. Online versions of broadcast and print media and other websites were commonly used during the 2008 parliamentary election. However, there is no regulation regarding online advertisement and no monitoring was conducted on them.
12. The monitored media outlets did not air paid or hidden advertisement on the day of ending campaigning or on the voting day.

6.2. Recommendations

Based on the results and conclusions of the monitoring, the following recommendations have been made for the UIKH, State Great Khural, GEC and media.

For UIKH

1. It is necessary to advance the regulations for media organizations in order to facilitate objective & fair coverage during the election of the State Great Khural. To fulfill the task, a comparative study should be conducted engaging politicians, civil society, and media, amendments for the current law on Election need to be drafted and more advocacy work should be undertaken.
 - ✓ A starting time for election campaigning should be clarified.
 - ✓ Restrictions on printed materials & promotional handouts should be lifted.
 - ✓ The principle to allocate free airtime of the public television & radio for parties, coalitions & independent candidates should be modified.
 - ✓ The provision on balanced coverage should be specified to refer to parties or candidates.
 - ✓ A separate provision on advertisement by independent candidates should be added in the legislation.
 - ✓ A definition of paid advertisement & related procedure should be clarified.
 - ✓ There should be practices in place which demand tariffs & fees for paid advertisement to be the same for all candidates & the tariffs & rates for paid advertisement to be publicly announced.
 - ✓ A provision that regulates open debates among parties & candidates running in the election should be added.
 - ✓ Restrictions on election coverage by the public television & radio should be re-visited & reviewed.
 - ✓ Commercial or private televisions should be legally obliged to allocate some airtime for the voters' education materials & community interests since they operate through the air, which is a part of public property.
 - ✓ A mechanism to observe & monitor implementation of election legislation & regulations needs to be improved.
 - ✓ Accountability mechanisms should be advanced, and procedures to deal with complaints or offences should be developed so that some issues are resolved immediately without having to go to the court.
 - ✓ Work guideline for the volunteer media advisor in the GEC should be reviewed and the advisor should be empowered. For instance, costs for equipments & human resources to monitor balanced coverage of media should

be included in the election budget. Moreover, the GEC should have more access & power to inform of any misconduct or accountability to the public immediately.

- ✓ Article 35-3 of the Law on Election is a harmful provision for media. It says 'It is prohibited to humiliate and defame a candidate or to ruin his or her reputation and to disclose personal & confidential details.' It also says 'an entity or media outlet that breaks the article 35-3 shall be fined 600000-800000 MNT.' This provision should be removed from the current law. Such offences can be resolved according to the Civil or Criminal Code and, importantly, such restriction inhibits legitimate criticism of parties or candidates.

2. *Amendments to other laws and regulations*

- ✓ The Law on Advertisement should be amended to provide detailed regulations regarding forms & indicators of hidden advertisement.

3. A number of new laws and regulations should be adopted.

There is a need to adopt some laws and regulations concerned with media outlets to facilitate more free & fair parliamentary elections:

- ✓ Adoption of a law on broadcasting including television & radio would result in a number of benefits such as establishment of televisions & radios with different ownership, funding and program policies to access the airtime, to improve their programs, to compete fairly, and to make the license issuing process fairer.. Moreover, the Media Regulatory Committee should have an 'independent status' that is separate from the state & should monitor implementation of the law during elections.
- ✓ Currently, there are two foreign invested television stations, 'Eagle' & 'Aist Mongolia' and one FM radio in Russian operating in Mongolia. The number of foreign invested televisions is increasing, and it is perceived that foreign invested media outlets will likely do advertisement for parties and candidates in the future. Therefore, there should also be established legal provisions for these stations.
- ✓ During the election, print & broadcast media express or promote different views or advertisement about candidates in various ways, often misleading voters. Therefore, ownership of television stations, radios and newspapers should be officially announced to ensure transparency and prevent confusion by voters. It is therefore vital to have a provision on disclosure of ownership of media outlets either in the Law on Election or in some other laws.
- ✓ Protection of the freedom to obtain information will both respect the interests of voters and prevent attempts to mislead or confuse voters.
- ✓ The provision that prohibits defamation should be removed from the election law but should be added in the Criminal Code.
- ✓ A law that protects confidential sources of information is essential for working independently. This kind of law should be developed & adopted.

For media & journalists

- ✓ Media & journalists should distinguish independent news & coverage from PR or advertisement materials, & should work for the public interest. Especially, the practice to broadcast paid advertisement of parties or candidates during news program must be stopped.
- ✓ Media & journalists should develop work principles & standards for them to follow during elections.
- ✓ Media organizations & journalists should adopt a document specifying their independence & should apply it in practice. There should be a mechanism to hold a public discussion of any offence.
- ✓ A self-regulation system for media should be in place.
- ✓ Public discussions addressing the 2008 Parliamentary Election & the media role in the election should be held.

For the public & civil society

- ✓ There should be an advocacy mechanism to upgrade the responsibility of media. Public discourses about the current role of media in society & cooperation between media & civil society should be initiated.
- ✓ A system to monitor coverage & quality of media outlets such as media watch should be encouraged.