

The Malawi Media Code of Conduct 2008/2009

“You are the decision makers but you are also the policy setters. Whether we have a level media playing field will be very much up to decisions you take and the policies you set for your editors, your journalists, and your presenters. The whole atmosphere of these coming months will be very much influenced by the style of your news reporting, your interviewing and your presentation. In other words, the tone of the 2009 elections will be affected by the degree to which you and your teams conduct yourselves by presenting fair, accurate and balanced news reports. And, more importantly, the degree to which you are seen by the voters to be fair, accurate and balanced, will make for credible elections.”

**Extract from the Opening Address by
Honourable Patricia Kaliati, M.P., Minister of Information
and Civic Education
at the Malawi Electoral Commission Workshop
for the development of the Malawi Media Code of Conduct
Mangochi, 25th April 2008**

Preamble

These self-regulating guidelines have been agreed by senior delegates representing all of the country’s main media houses – Radio, TV and Print. The Code, drafted, discussed and unanimously approved at a workshop held at Sun and Sand, Mangochi on 25th and 26th April 2008, is intended to set the highest professional and democratic standards for all of the media’s political coverage of the period leading up to the 2009 Parliamentary and Presidential Elections and beyond.

In a spirit of openness and consensus, observers from political parties and civil society attended and were invited to offer their suggestions. These attendees were included in the detailed discussions and registered their approval of this, the resulting Malawi Media Code of Conduct. This document will now go forward to a ceremony at which the directors of media houses will formally append their signatures in front of the nation.

These guidelines apply to all media – Radio, TV and the Print. Certain particular obligations are required of Public Service electronic media under the Parliamentary and Presidential Elections Act (1993), Local Government Elections Act (1996) and the Communications Act (1998). The purpose of the Code is to ensure that full, fair and balanced political coverage is given at all times in news and other media output, most especially that relating to the campaigns of all registered candidates and parties.

The purpose of the guidelines is also to remind the media of the duty to provide the public with the necessary programme of voter education concerning every relevant aspect of the electoral process including information on every citizen's electoral rights.

The wide publication of these guidelines is intended to make clear to all participants in the democratic process, candidates and voters alike, what can be expected of the media in a democracy.

Contents:

<i>Section 1</i>	Duty of balance and impartiality	page 3
<i>Section 2</i>	Voter Education and information	page 4
<i>Section 3</i>	Time vouchers (The allocation of free air time)	page 5
<i>Section 4</i>	Professional practices	page 6
<i>Section 5</i>	Replies, corrections and retractions	page 8
<i>Section 6</i>	Complaints procedure	page 9
<i>Section 7</i>	A President as Head of State and as Presidential candidate	page 9
<i>Section 8</i>	Opinion polls	page 10
<i>Section 9</i>	Self-monitoring of elections coverage	page 10
<i>Section 10</i>	Result of non-compliance	page 10

Section 1

DUTY OF BALANCE AND IMPARTIALITY

- a. Publicly and privately owned media shall ensure that they are balanced and impartial in their election reporting and that no political party or candidate shall be discriminated against in editorial coverage or the granting of access to media coverage. This obligation of balance and impartiality derives directly from the fundamental rights of voters and candidates to freedom of expression and information and non-discrimination in addition to the dissemination of accurate information about matters of public interest.
- b. This duty also requires that news, interviews and information programmes comply with Section 20 (i) of the Constitution of the Republic of Malawi which states that:
- c. “Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.”
- d. In any constituency or ward, one candidate alone should not be projected. Even in constituencies with several candidates, every effort should be made to cover all of them in a fair and equitable manner.
- e. The editorial responsibility for the maintenance of balance and equitable coverage by public broadcasters rests with their respective Directors of News and Current Affairs and the Directors of Programmes. In this respect, they are responsible to the Electoral Commission, which is enjoined by the Parliamentary and Presidential Act (Section 63) (i) to “...monitor such news broadcasts and ensure equal news coverage of the campaigning by all political parties”. They are also responsible to MACRA, as all broadcasters, under the terms of their licences and the Communications Act Code of Conduct.

Section 2

VOTER EDUCATION AND INFORMATION

- a. Publicly owned media must, as stipulated in the Communications Act, throughout the election campaign and up to the close of the poll, provide civic education and information on the electoral process designed to ensure a maximum poll by a well-informed electorate.
- b. This duty also requires newspapers and other independent media to take positive steps to inform the readers and listeners about their electoral rights and to make a vigorous contribution to the process of voter education.
- c. Editors should be aware that at this crucial time, the public needs as much information as possible in order to make an informed choice at the ballot box. This requires a shift away from personality-oriented news, programmes and articles towards issue-oriented news, programmes and articles.
- d. From the end of the campaign period, broadcasters are required to provide detailed news of the electoral process up to the close of the poll and comprehensive coverage of the election results at the earliest opportunity. Media managers and Editors must ensure the accuracy of information given to the electorate especially results, specifying that any results given are not official until announced by the Malawi Electoral Commission.

Section 3

TIME VOUCHERS (THE ALLOCATION OF FREE AIR TIME)

- a. Public media shall expressly provide producers to oversee production of broadcasting materials.
- b. Public media should provide their technical standards to the Malawi Electoral Commission.
- c. Public media shall provide specific time slots for political parties to air their messages. Such programmes shall not exceed the agreed maximum duration.
- d. Public media are not permitted to broadcast any party programme that exceeds the duration set.
- e. The broadcasting station shall not edit these Party Election Broadcasts without consultation with the party concerned. The Electoral Commission will resolve any dispute.
- f. Such programmes must nevertheless avoid incitement to public disorder, violence or war and must also comply with the code of conduct for broadcasting services (Communications Act NO 41 of 1998) (Third Schedule).
- g. The principle of avoiding incitement applies equally to all media coverage including the Print media
- h. Complete programmes ready for transmission must be handed over to the broadcasting station on completion.
- i. Each station must retain the final transmission copies of these broadcasts for evidence in the case of any subsequent complaint.
- j. Any programme produced in private studios must be handed to Public electronic media at an agreed time so that the Electoral Commission may, if it is deemed necessary, listen to/ view it, prior to the broadcast, with the party's representative to confirm that it does not violate any electoral law.
- k. Political parties shall not broadcast in the 48-hour period between the end of the official campaign and the close of the poll.

Section 4

PROFESSIONAL PRACTICES

A. Basic Standards

Journalists are required to operate in a way that upholds their highest professional ethical standards. Therefore, the media in the exercise of their constitutional right of free expression, and in recognition of their consequential social responsibility to the society which they serve, will at all times endeavour to:

- a. Provide a truthful, comprehensive, accurate, balanced and fair account of events in a context which gives them meaning;
- b. serve as a forum for the exchange of public comment, opinion, discussion and criticism in a fundamentally fair, balanced and reasonable manner to promote principles of tolerance and respect for human dignity;
- c. offer an accurate and valid picture of the constituent groups, organizations and parties contesting the elections and of the society in general;
- d. present and clarify, as far as possible, the goals and values of the constituent groups, organizations and parties contesting the elections and of the society in general;
- e. refrain from wearing any political party paraphernalia when reporting on the election campaign;
- f. Refrain from taking any individual inducement from a political party candidate or politician; such as transport and sustenance of overnight accommodation;
- g. Refrain from offering any promises to a politician or candidate with regard to the content of any political report.

PROFESSIONAL PRACTICES

B. Fairness, truth and balance

The Media, in accepting the principle of “fair and balanced” reporting in pursuit of the truth, recognize that:

- a. No story is fair, if it omits facts of major importance or significance and is therefore incomplete.
- b. No story is fair, if it includes essentially irrelevant information, rumour or unsubstantiated statements at the expense of significant facts.
- c. No story is fair, if it consciously or unconsciously misleads or even deceives the reader, listener or viewer.
- d. No balance exists in a series of political interviews if any party is favoured in the degree of probing questioning. Giving an “easy ride” selectively is unfair.
- e. The Media, in accepting the principle of “accuracy and balance” in reporting, particularly during periods of campaigning for elections, acknowledge that these two main characteristics, accuracy and balance, seek to distinguish good journalism from bad, and journalism from propaganda.
- f. Accuracy requires the verification (to the fullest extent possible) and presentation of all facts that are pertinent and necessary to understand a particular event or issue, even if some of the facts conflict with a journalist’s, or a broadcaster’s particular beliefs and feelings.
- g. Good journalism involves positive news gathering, not just waiting for it to arrive in the “In” tray. To that end, the media accepts the need to make a determined effort to draw in information about the activities of all parties in order to provide the readers, listeners and viewers with the full range of voting options open to them.
- h. Balance, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, regardless of whether the journalist, reporter, broadcaster, editor or the audience agrees with these views, enabling voters to make an informed choice.

- i. Opinion and comment must be clearly identified to avoid confusion amongst readers, viewers and listeners.
- j. Media organizations agree that individual owners, full-time staff members, part-time employees or other individuals contracted to write, produce or present articles, scripts, programmes, commentaries or other material intended for public dissemination and who (a) are publicly identified as candidates for election to Parliament; or, (b) hold office in a political party, are likely to be open to charges of bias.
- k. Accordingly, media organizations agree that such individuals will, in the performance of their functions, refrain from using their programmes for the purpose of promoting political objectives during the period beginning with the date of signature of this media Code of Conduct and ending the day after the results of elections will have been declared.

Section 5

REPLIES, CORRECTIONS AND RETRACTION

- a. Any candidate or party that makes a claim of having been defamed or otherwise injured by a media house (print or electronic) should be granted either the opportunity to reply or be entitled to a correction or retraction by the media house who made the allegedly defamatory statement.
- b. The reply or correction should be made as soon as possible. The reply, correction or retraction should be made in approximately the same time period or space as the allegedly defamatory statement.
- c. The complainant should address the claim to the editor in writing within 14 days
- d. The redress should be made in an edition agreed to by both parties

Section 6

COMPLAINTS PROCEDURE AND ENFORCEMENT

- a. Any candidate or party having a complaint of unfair coverage in the course of the election campaign, should present a written complaint to the station or newspaper/magazine/on-line publication concerned with a request for an appropriate correction, retraction or right to reply. Such complaints should be addressed to the Director of News/Editor or Director of Programmes at the concerned media house. The complainant should also serve the commission, MACRA, NAMISA, and Media Council with copies.
- b. Where a right of reply, a retraction or the correction of a matter is necessary, such a response must be made at the earliest agreed opportune time and position or at a broadcast time of equal prominence.
- c. In the event of an unresolved dispute over a complaint of unfair media coverage of the elections, the aggrieved party may take the issue further with, Media Council, MEC, MACRA and finally the Courts.

Section 7

A PRESIDENT AS HEAD OF STATE AND AS PRESIDENTIAL CANDIDATE

Where an incumbent President is clearly campaigning as a candidate or on behalf of his or her political party during live or recorded broadcasts of state functions, even in the event that the President is fulfilling his presidential duties, and begins to campaign for his party, opportunity should be given subsequently to other presidential candidates to respond and give balance.

Section 8

OPINION POLLS

- a. The media has the legitimacy to reflect public opinion and interest. In this regard, it may utilize random surveys and opinion polls. However opinion polls need very careful handling.
- b. The media recognize that inaccurate, unprofessional, sometimes deliberately false opinion polls give a totally distorted view of the truth of public opinion or voting intentions.
- c. Media houses should not present a random survey as a scientific opinion poll.

Section 9

SELF-MONITORING OF ELECTIONS COVERAGE

- a. The electronic media shall maintain full records of all news bulletins and recordings of all other programmes related to the election, including party political broadcasts. They must institute a close and meticulous monitoring system to ensure balance through out the campaign and up to the close of the poll.
- b. All broadcasting stations shall provide the Electoral Commission at any reasonable time with all such records, information and recordings as the Commission may require in order to fulfil its monitoring role. Newspapers may be required to provide the possibility for the Commission to inspect back copies in the event of a complaint.

Section 10

RESULT OF NON-COMPLIANCE

All the media shall demonstrate positive attitude to take on board all political parties and abide by this Code of Conduct. Failure to comply with this Code of Conduct shall lead to lodging a complaint to Media Council of Malawi, NAMISA and MACRA for appropriate action. MEC Media Monitoring should publish weekly assessment of all media.