



**DRAFT**

**CODE OF CONDUCT**

**FOR**

**BROADCASTING SERVICE LICENSEES**

**DURING ELECTIONS**

**JUNE 2014**

## **TABLE OF CONTENTS**

- 1.0 INTRODUCTION
- 2.0 AIM OF THE CODE OF CONDUCT
- 3.0 DEFINITIONS
- 4.0 NEWS AND CURRENT AFFAIRS
- 5.0 PARTY POLITICAL BROADCASTS
- 6.0 PROHIBITION OF PARTY POLITICAL ADVERTS
- 7.0 DUTY OF BALANCE AND IMPARTIALITY
- 8.0 `PHONE-INS`
- 9.0 ONLINE SOCIAL MEDIA
- 10.0 GENERAL COVERAGE
- 11.0 POLITICAL DEBATES
- 12.0 OPINION POLLS
- 13.0 ELECTION RESULTS ANNOUNCEMENT
- 14.0 POLLING DAY BROADCASTING
- 15.0 REPORTERS ACCREDITATION
- 16.0 PROFESSIONAL CONDUCT
- 17.0 COMPLAINTS PROCEDURE AND ENFORCEMENT
- 18.0 EFFECTIVE DATE

## **1.0 INTRODUCTION:**

Botswana Communications Regulatory Authority (BOCRA) has been mandated as per Section 6 (2) (r) of the Communication Regulatory Authority Act, [No. 19 Of 2012] (CRA Act) to make industry regulations necessary for its responsibilities under the Act such as Code and rules of conduct. The main objective of this code of conduct is to ensure that full, fair and balanced political coverage is given at all times by the licensed broadcasting stations. The code applies to all radio and television broadcasting stations under the jurisdiction of the CRA Act.

The code of conduct for broadcasting service licensees during the election is intended to assist the Authority in carrying out its duty of monitoring and supervising the broadcasting services as outlined in the Act. In addition it will also provide guidance to the broadcasters during the election period. It should be noted that the Authority does not have the mandate to conduct elections in Botswana. Only the Independent Electoral Commission, (IEC) is mandated to conduct elections in Botswana. The IEC is established under section 65A of the Constitution of Botswana. In case of any doubt concerning issues on elections, broadcasting services are advised to check with the Commission. This code shall apply to all elections whether they are general elections, by-elections, parliamentary and/or local government by-elections. It shall also apply to the coverage of all candidates.

## **2.0 AIM OF THE CODE OF CONDUCT**

- 2.1 The following Code of Conduct aims at giving general rules to all broadcasting service licensees as regards party/candidate political broadcasts, during the electoral process.
- 2.2 This code shall be reviewed after every general election or as and when necessary.

### **3.0 DEFINITIONS:**

In this Code of Conduct, any word to which a meaning has been assigned in the Communications Regulatory Authority Act, 2012 [No. 19 of 2012] and the Electoral Act [Cap 02:09] shall have that meaning unless the context otherwise indicates:

- 3.1 **“Authority”** means the Botswana Communications Regulatory Authority established under the CRA Act.
- 3.2 **“Broadcasting”** has the same meaning as defined in Section 2 of the CRA Act [No. 19 of 2012];
- 3.3 **“Campaign News”** means news stories emanating from political campaigns;
- 3.4 **“Candidate”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];
- 3.5 **“Election period”** means the period immediately following the issuance of a writ of election instrument in terms of Section 34 of the Electoral Act until the declaration of the results in accordance with Section 77 of the Electoral Act;
- 3.6 **“Party/candidate-political advertisement”** means any item which is:
- a) broadcast in return for payment or other valuable consideration to a broadcaster;
  - b) which is intended or calculated to advance the interests, beliefs or objectives of any political party/candidate; and

- c) not a Party/Candidate Political Notice.

3.7 **“Party Political broadcast”** means any programme which is:

- (a) broadcast free of charge;
- (b) intended or calculated to advance the interests, beliefs, or objects of any Political Party or Candidate;
- (c) pre-recorded; and
- (d) scheduled;

3.8 **Party-political Notice”** means

- a) a message that informs members of the public about events to be held or held by a Political Party or Candidate; Or

- b) alerts members of the public only on:

- i) address of offices;
- ii) office contacts;
- iii) an office bearer; and
- iv) Working hours

and

- c) is aired without the intention to advance the beliefs or objects of any particular political party or candidate on a licensed broadcasting service which has received or is to receive money or other consideration.

3.9 **“Phone-ins”** means a Radio or Television programme in which the public are allowed to participate by way of telephone;

3.10 **“Political Campaign”** means canvassing for support from potential voters for the purposes of attaining their votes to a political office through any form of public communication;

- 3.11 **“Political Party”** means a party, or any alliance of such parties, which is registered as a political party under Botswana Law, or which has publicly declared its intentions to register as a political party or to contest elections on a local or national level, or any alliance of such parties;
- 3.12 **“Polling day”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];
- 3.13 **“Polling station”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];

#### **4.0 NEWS AND CURRENT AFFAIRS**

- 4.1 News coverage of elections shall be left to the discretion of the News Editors
- 4.2 Proper balance and fairness shall be applied to all current affairs programmes that deal with elections
- 4.3 If any candidate actually takes part in a current affairs programme about a specific constituency or polling district, then candidates of each of the contesting parties should be offered the opportunity to take part.

#### **5.0 PARTY POLITICAL BROADCASTS**

- 5.1 No Broadcaster shall permit party-political broadcasts under any circumstances except during an election period.
- 5.2 Private broadcasters who choose to broadcast a party-political broadcast, for a particular party or candidate, shall afford all other political parties/candidates a similar opportunity.

- 5.3 Private broadcasters shall not broadcast a party-political broadcast unless it is submitted on behalf of a political party/candidate by its duly authorised representative.
- 5.4 A party-political broadcast shall be wholly under the editorial control of a political party/candidate which requests the broadcast and the broadcaster shall not be held liable for the content of the broadcast.
- 5.5 Party political broadcasts shall cease 24 hours before the hour set for polling to start.

## **6.0 PROHIBITION OF PARTY POLITICAL ADVERTS**

- 6.1 All Broadcasters shall not broadcast any party political advertisement or party political notices under any circumstances.
- 6.2 Notwithstanding clause 6.1 above, broadcasters may make announcements of schedules of meetings by different political parties.

## **7.0 DUTY OF BALANCE AND IMPARTIALITY**

- 7.1 If, during an election period, the programming of any broadcaster extends to the elections, political parties, political candidates and issues relevant thereto, the broadcaster shall provide reasonable opportunities for the discussion of conflicting views and shall treat all political parties equitably. Equity should be based on the number of running candidates for a particular Party.
- 7.2 Broadcasters 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 programming or the granting of access to electronic media coverage.

- 7.3 In the event of any unfair criticism against a political party/candidate being levelled in a particular programme of any broadcaster without such party/candidate having been afforded an opportunity to respond thereto in the same programme or without the view of such political party/candidate being reflected therein, the broadcaster concerned shall afford such party/candidate a reasonable opportunity to reply to the criticism.
- 7.4 No broadcaster shall run a programme in which a particular political party/candidate is criticised, 24 hrs before polling starts.
- 7.5 The opportunity to reply referred to in paragraphs 7.1 and 7.3 above shall be broadcast with the same degree of prominence and, where applicable, in substantially the same timeslot as the initial criticism.
- 7.6 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.
- 7.7 No Broadcaster shall be allowed to endorse a political party/candidate.
- 7.8 Candidates shall not be presenters of any programme on radio or television.
- 7.9 The broadcasting service licensees shall ensure that it does not give biased coverage in favour of candidates who are Ministers, Members of Parliament or Councilors.
- 7.10 In covering candidates mentioned in 7.9 above, the broadcasting service licensees shall distinguish between their roles as elected officers and as election candidates.
- 7.11 Broadcasting service licensees shall ensure that leaders of all contesting political parties are given equal treatment in performance of their duties as representatives of their parties during coverage.



## **8.0 `PHONE-INS`**

- 8.1 Extra care should be exercised to ensure that a range of views is heard and that phone-in callers including through Short Message System (SMS), some of whom will have limited experience of expressing views on-air, are allowed a satisfactory opportunity to do so.
- 8.2 Whilst a single formula cannot easily be applied to the numbers of callers to a 'phone-in or the duration of their contributions, an appropriate mix should be sought, and relevant views should not be suppressed.
- 8.3 Stations which broadcast 'phone-ins and interview material should do all they can to ensure that no contributors/callers participating in the program contravene these Code.
- 8.4 Phone-ins shall cease to be broadcast 48 hrs before the hour set for polling to start.

## **9.0 ONLINE SOCIAL MEDIA**

- 9.1 Broadcasters are required to have in place appropriate policies and procedures for handling contributions via online social media. These policies and practices must be applied where social media is referenced during the election coverage.
- 9.2 Taking into considerations the importance of elections, additional steps should be implemented by broadcasters to ensure that on-air references to social media are accurate, fair, objective and impartial.

## **10.0 GENERAL COVERAGE**

- 10.1 Broadcasting Stations should satisfy themselves that parties, candidates and election issues are treated with due impartiality.
- 10.2 Extra care must be taken to ensure, especially when a particular constituency is featured often, that undue prominence is not given to any single candidate over others over time.

## **11.0 POLITICAL DEBATES**

- 11.1 When political parties are invited to take part in a debate by a broadcaster, political parties may decide to send in a candidate or representative.
- 11.2 To be impartial, candidates of all contesting parties should be given due weight for constituency or polling district debates.

## **12.0 OPINION POLLS**

- 12.1 Broadcasters may utilise random surveys and public opinion to reflect public opinion. Opinion polls shall be handled very carefully since inaccurate, unprofessional, sometimes deliberately false opinion polls may give a totally distorted view of the truth of public opinion or voting intentions.
- 12.2 Broadcasters should not present a random survey as a scientific opinion poll. Where Opinion Polls are being used as part of coverage of an election, the details of the date of the poll, the commissioning entity, who conducted it and the number of people polled must be provided on-air.

## **13.0 ELECTION RESULTS ANNOUNCEMENT**

- 13.1 No election results may be broadcast unless they have been issued officially by the Returning Officer.

## **14.0 POLLING DAY BROADCASTING**

14.1 The Electoral Act clearly prohibits canvassing for support on the date of election (Section 113). Consequently the following shall be strictly observed by all broadcasters:

14.1.1 Election coverage on the date of voting shall be confined to reports on the progress of voting.

14.1.2 There shall be no discussions on the possible outcome of the elections until after the polls have been declared closed.

## **15.0 REPORTERS ACCREDITATION**

15.1 Only reporters accredited by the Independent Electoral Commission will be allowed to attend at Polling Stations and Counting Centres.

15.2 Reporters may not enter polling stations for the purposes of covering the elections without conspicuous appropriate accreditation evidence.

15.3 Reporters covering elections shall ensure that they do not wear or exhibit symbols or colours or appear with clothes or insignia associated with any political party or contestant during the election period.

## **16.0 PROFESSIONAL CONDUCT**

16.1 Reporters are required to operate in a way that upholds their highest professional ethical standards, will at all times endeavour to:

- i) Provide a truthful, comprehensive, accurate, balanced and fair account of events in a context which gives them meaning;

- ii) 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;
- iii) Refrain from wearing any political party/candidate paraphernalia when reporting on the election campaign;
- iv) Refrain from taking any individual inducement from a political party, candidate or politician; such as transport and sustenance of overnight accommodation;
- v) Refrain from offering any promises to a politician or candidate with regard to the content of any political report;
- vi) Adhere to the principle of “fair and balanced” reporting in pursuit of the truth. Balance, or impartiality reporting, 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

## **17.0 COMPLAINTS PROCEDURE AND ENFORCEMENT**

- 17.1 Broadcasters shall make available to the BOCRA, complaints procedures specific to their election coverage which shall be developed in respect of the time frames provided in this Code.
- 17.2 Broadcasters must and Political parties may appoint a person(s) who shall serve as their point of contact in relation to all matters applicable to this Code.
- 17.3 Such complaints procedures shall be broadcast regularly by the stations.
- 17.4 Any candidate or party having a complaint of unfair coverage in the course of the election campaign, should present a written complaint to the broadcasting station

concerned with a request for an appropriate correction, retraction or right to reply. The complainant should also serve the Authority with copies.

17.5 In the event that a complaint is not resolved between a complainant and a broadcaster the matter shall be referred to the BOCRA

**Contact details:**

**The Chief Executive**

**Botswana Communications Regulatory Authority**

**P/Bag 00495**

**Gaborone**

**Plot 50671 Independence Avenue**

**Tel: 3957755      Fax: 3957679**

17.6 Any violation of this code shall constitute a violation of the CRA Act [No. 19 of 2012] and will attract appropriate penalties,

**18.0 EFFECTIVE DATE**

18.1 The Code shall remain in force during the **Election Period** as defined in the Electoral Act.