

STATUTORY INSTRUMENT

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THE INDEPENDENT MEDIA COMMISSION ELECTIONS (COVERAGE AND REPORTING) REGULATIONS, 2022

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The Independent Media Commission Act, 2020
(ACT No. 5 OF 2020)

Short title

THE INDEPENDENT MEDIA COMMISSION ELECTIONS
(COVERAGE AND REPORTING) REGULATIONS, 2022

In exercise of the powers conferred upon him by section 43 of the Independent Media Commission Act, 2020, the Minister, after consultation with the Commission and the Sierra Leone Association of Journalists, hereby makes the following Regulations -

Interpretation

PART I—PRELIMINARY

1. In these Rules, unless the context otherwise requires-

“advertorial” means an advertisement or placement of sponsored promotional message in paid media;

“conduit journalism” means the passage of news without filtration, refinement or editing of any kind generally gleaned from press releases or official statements;

“Government” means the government of Sierra Leone;

“incumbent” means an official or regime currently holding office;

“opinion poll” means a formal or informal assessment of public opinion obtained by questioning a representative sample via interviews, surveys or questionnaires;

“political party reporter “ means a reporter assigned to a political party or independent candidate;

“propaganda” means information usually of a biased nature used to promote or publicise a particular political cause or point of view.

Application principles.

2. These Regulations apply to media practitioners and media institutions in Sierra Leone.

Guiding principles.

3. The activities of a media practitioner or media institution in Sierra Leone shall be guided by the following principles-

- (a) democratisation;
- (b) freedom of expression;
- (c) equality in access to information and communication;
- (d) professionalism and responsibility; and
- (e) pluralism and diversity.

Object of elections media coverage and reporting.

4. The object of elections media coverage and reporting in Sierra Leone shall be, to -

- (a) promote democracy, peace and good governance;
- (b) provide fair, adequate and equitable media coverage and reporting of the activities of political parties in Sierra Leone;
- (c) offer equal opportunity and access to all political parties and candidates in presenting their manifestoes to the public;

- (d) provide guide for media coverage and reporting of political activities, election campaigns, elections and post-elections activities in Sierra Leone;

PART II – ELECTIONS MEDIA COVERAGE AND REPORTING.

5. (1) A media practitioner or media institution shall, in the coverage and reporting of elections -

General guidelines for elections media coverage and reporting.

- (a) refrain from publishing or broadcasting any matter with the potential for, or likelihood to -
 - (i) promote or incite racial, ethnic or regional hatred, bias or contempt; or
 - (ii) promote or cause public disorder, or become a threat to the security of society or the state;
- (b) refrain from ridiculing, stigmatising or demonising persons on the basis of gender, race, class, ethnicity, language, sexual orientation and physical or mental ability;
- (c) maintain professional independence, free of control and direction, of-
 - (i) government or political opposition;
 - (ii) political parties registered to contest the elections;
 - (iii) any individual, group, or organisation representing or promoting the special interests of a political party registered to contest the elections;
- (d) endeavour, in the exercise of the constitutional right of free expression and in recognition of basic social responsibility, to -

- (i) provide 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 balanced and reasonable manner;
 - (iii) offer an accurate picture of the constituent groups, organisations and parties contesting the elections, elections management bodies and of society in general;
 - (iv) present and clarify as far as possible, the goals and values of the constituent groups, organisations and parties contesting the elections and of society in general.
- (e) recognise, on the principle of “fair and balanced” reporting, that a story is not fair, if it-
- (i) omits facts of major importance or significance and is incomplete;
 - (ii) includes irrelevant information, rumour or unsubstantiated statements at the expense of significant facts;
 - (iii) consciously misleads or even deceives the reader, listener or viewer.
- (f) acknowledge that the omission of relevant facts and points of view from the reporting of major issues of public interest inevitably distorts the view of reality, misleads and misinforms the public.
- (g) undertake to –

- (i) deal responsibly with complaints received in respect of reports published or broadcast, containing errors of fact;
- (ii) where, complaints are justified, publish or broadcast appropriate corrections; or
- (iii) comply with such order or directive as may be issued by the Independent Media Commission.

6. (1) A media practitioner or institution shall, in the coverage and reporting of political activities -

Coverage and reporting of political activities.

- (a) collect and disseminate truthful, comprehensive, fair, accurate, impartial, unbiased, objective information on the activities of political parties and candidates;
- (b) give political parties, candidates and members of the public an opportunity to express their views;
- (c) ensure that statements, press releases and other forms of communications for publication from a political party is –
 - (i) on the official letterhead of the political party; and
 - (ii) dated and signed by a recognised and identified official of the political party;
- (d) ensure there is, at least, 48 hours’ notice given by the political party of the political activity in order to provide for adequate logistical arrangement;

- (e) ensure that all public statements are acceptable consistent with the Independent Media Commission Act and these Regulations;
- (f) ensure that statements and releases are devoid of insulting language and provocative statements that may occasion public unrest or breach of peace;
- (g) establish a clearly defined public or media relations department from where the media may access necessary information without difficulty;
- (h) ensure that press conferences during elections period are restricted to media practitioners, media institution and elections officials who have been formerly accredited by the Electoral Commission of Sierra Leone or the Independent Media Commission;
- (i) not be influenced by the offer of money, bribes, gifts, transport allowances or any other inducement by a political party or candidate.

Coverage and reporting of elections process.

7. (1) A media practitioner or media institution shall, in his coverage and reporting of political personalities and events, -
- (a) give the electorate an opportunity to discuss and understand the issue on which he intends to report;
 - (b) extend media coverage and reporting to encompass all phases of the election process, including official campaign periods, election days and post- election periods as may be specified by the Electoral Commission of Sierra Leone and the Political Parties Regulation Commission.

8. (1) A media practitioner or media institution shall, in the coverage and reporting of political manifestos, -

- (a) give equal editorial space to all candidates and their manifestoes;
- (b) encourage candidates to use their manifestoes as the basis for discussions or any other issues pertinent to their campaign or in the public interest.

Coverage and reporting of political manifestos.

9. (1) A media practitioner or media institution shall, in the coverage and reporting of political advertising, -

- (a) adopt, in consultation with the Electoral Commission of Sierra Leone and the Political Parties Regulation Commission, rules on political advertising for fair and equitable coverage of political parties.
- (b) offer equal opportunity to all political parties without discrimination, to -
 - (i) access media services;
 - (ii) purchase advertising and promotion space in newspapers and electronic media;
- (c) provide guidelines and advertising rates to public relations firms, advertising agencies and communications companies.
- (d) clearly identify political advertisements in newspapers and electronic media as distinct from other content.
- (e) ensure that the content of political advertising is not offensive.

Coverage and reporting of political advertising.

Coverage and reporting of elections campaigns.

10. (1) A media practitioner or media institution shall, in the coverage and reporting of election campaigns, -

- (a) ensure accurate balanced and credible reporting;
- (b) desist from the publication or broadcast of inaccurate, misleading or distorted information and materials including pictures;
- (c) make all reasonable efforts to check and cross-check the accuracy of stories prior to publication or broadcast;
- (d) ensure balanced reporting by obtaining views and opinion from all sides before publication or broadcast;
- (e) ensure that materials submitted by political parties or their agents, for either free or paid publication or broadcast is not censored or edited by the media practitioner or media institution;
- (f) exercise proper editorial judgement in favor of good taste and respect for public safety, security and morality refuse the publication or broadcast of materials that are hateful, ethnically offensive and likely to provoke public disorder or threaten the security of the state.

(2) Where a media practitioner or media institution refuses the publication or broadcast of materials under paragraph (f) of sub-regulation (1), the concerned political party or its agent shall be given an opportunity to modify the rejected material in order to conform to acceptable standards.

Coverage and reporting of political opinion polls.

11. (1) A media practitioner or media institution shall, in the coverage and reporting of political opinion polls, avoid bias or manipulation.

(2) A media practitioner or media institution shall not cover an opinion poll unless it includes –

- (a) the name of the person or organisation that conducted, commissioned or sponsored the poll;
- (b) the exact questions, explanations and information given to respondents;
- (c) a description of the population under study;
- (d) a description of the sampling procedures, size and gender; and
- (e) the place or location where the poll was conducted and period of time covered by the poll.

12. (1) A media practitioner or media institution shall, in the coverage and reporting of an incumbent, -

Coverage and reporting of incumbent.

- (a) distinguish between activities of the Government and the activities of the ruling political party and individual candidates;
- (b) ensure that the incumbent does not gain an unfair access to the media.

13. A media practitioner or media institution shall, in the coverage and reporting on nomination day, -

Coverage and reporting on nomination day.

- (a) make available an equal amount of free space and time for all political parties that have met the legal criteria for contesting the elections;
- (b) make available technical facilities such as, layout and printing, basic studio, audio and video recordings for the production and presentation of articles and programmes.

Coverage and reporting on elections day.

14. (1) A media practitioner or media institution shall, in the coverage and reporting on elections day, -
- (a) encourage people to vote throughout election day, stating the voting locations, how to vote, time of closure of polling stations, etc.
 - (b) not publish or broadcast interviews or statements from candidates, political parties or political representatives, 24 hours prior to elections day, except for the promotion of public peace and public safety;
 - (c) not include -
 - (i) interviews or statements from;
 - (ii) activities by, political candidates or political party representatives within the period of 24 hours prior to the opening of polling station to the close of polling stations;
 - (d) not make statements that may incite the members or supporters of political parties and result in chaos and break down of law and order;
 - (e) not publish or broadcast political campaigns 24 hours prior to the opening of polling stations.
- (2) Notwithstanding subsection (1), news coverage and reporting by a media practitioner or media institution on elections day may include interviews from affected citizens, non-political community elders or leaders, eyewitnesses, police or security personnel, independent observers, non-governmental organisations, civil society groups, etc.

15. (1) A media practitioner or media institution shall, in the coverage and reporting of any period of time following an election, especially during vote counting periods and run-off elections -
- (a) avoid giving the impression of one-sidedness or favouring one particular party over another;
 - (b) refrain from expressing personal political views;
 - (c) not wear or exhibit symbols or colours associated with a political party or candidate;
 - (d) clearly label as 'Provisional Result', results released from polling stations immediately after vote counting;
 - (e) exercise caution and respect when interviewing candidates and base interviews on evidence and facts.

Coverage and reporting of post-elections period.

PART III – GENERAL ELECTIONS MEDIA COVERAGE AND REPORTING GUIDELINES

16. A media practitioner or media institution shall not, for the purpose of maintaining their credibility and integrity, endorse a political candidate.
17. A media practitioner or media institution shall not publish a party release which-
- (a) is clearly not credible; and
 - (b) has not been properly checked and cross checked with the party.

Endorsement of political candidates prohibited.

Publishing of incredible party releases prohibited.

18. (1) A media practitioner or media institution shall –

Conflict of interest.

- (a) avoid actual or apparent conflict of interest including -
 - (i) activities, public comment or writing that calls into question a journalist's ability to report fairly on a subject matter;
 - (ii) activities that may compromise a journalist's integrity or credibility, including wearing of party design, pins, badges, etc.;
- (b) ensure that there is no conflict of interest between the reporter and the news;
- (c) decide which reporter, if any, to assign to particular story or event and do not allow a political party to dictate which journalist should cover a story or event.

(2) A media practitioner or media institution shall, irrespective of political party affiliations and beliefs, remain impartial in their dealing with political parties and in particular, shall be guided by the Code of Ethics of the Independent Media Commission.

Identification requirement.

19. A media practitioner or media institution shall at a political event or party activity, identify himself as a member of the media by wearing or displaying the official Elections Commission of Sierra Leone identification or accreditation card and carry his media house identification and accreditation at all media functions.

Use of quotations, jargons, etc.

20. (1) Quotations are regarded as media content and are subject to Independent Media Commission Regulations and shall be properly attributed, especially when they are politically sensitive.

(2) Jargons, technical abbreviations, acronyms and political euphemism not clearly or easily understandable shall be verified and fully explained.

(3) A media practitioner or media institution shall, in the coverage and reporting of elections, avoid offensive references to political opponents or other candidates including ridiculing, stigmatising or demonising persons on the basis of gender, race, class, ethnicity, language, sexual orientation and physical or mental ability.

21. (1) A media practitioner or media institution shall, in order to maintain law and order and ensure good reporting - Duty to obey security order.

- (a) show mutual respect, understanding and effective communication between journalists, police and other state security personnel;
- (b) respect legitimate police order such as to move away from a particular scene or to remain within a designated area.

22. (1) A media practitioner or media institution shall – Equal Access to paid political advertising.

- (a) give equal access and opportunity to all political parties, without discrimination, to purchase space in newspapers and prime time on radio and television stations to promote their respective political views during the elections period;
- (b) make available to contesting political parties,-
 - (i) full information about the availability of space and air time for advertising; and
 - (ii) published advertising rates available to all public relations firms, advertising agencies, political parties and candidates.

PART IV - COMPLAINT AND ENFORCEMENT PROCEDURES

Complaints
Committee.

23. (1) The Complaints Committee appointed under paragraph (b) of subsection (1) of section 19 of the Independent Media Commission Act shall determine complaints referred to it by the Commission within one month unless it requires further investigation.

(2) Complaints under sub-regulation (1), include complaints against media practitioners or media institutions for-

- (a) publications that are in contravention of these Regulations;
- (b) breach of conditions attached to licence or registration of a media practitioner or media institution;
- (c) breach of the Act.

(3) The Complaints Committee shall receive complaint referred to it by the Commission, inquire into the complaint and make recommendations to the Commission.

(4) Hearings of the Complaint Committee shall be conducted in public.

(5) A complaint to the Commission shall be-

- (a) filed to the Commission in such form as may be specified by the Commission;
- (b) accompanied by an affidavit setting out the facts on which the complaint is based; and
- (c) lodged within 6 months of the offending publication or broadcast.

(6) Complaints shall be arbitrated between the complainant and the media practitioner or media institution against whom a complaint is made, in the presence of their legal representative who may only be heard on matters of law and editorial issues.

(7) A media practitioner or media institution that refuses to respond to an invitation or subpoena of the Complaints Committee without a valid reason or refuses to send a representative to the Complaints Committee, is liable to -

- (a) a fine not exceeding 1,000.00 Leones for each sitting in which he is absent; and
- (b) suspension of his licence if he is absent for 3 consecutive sittings.

(8) Where a media practitioner or media institution fails to appear before the Complaint Committee, the Committee shall, after an affidavit of service has been filed, proceed to hear the complaint as if the media practitioner or media institution is in attendance.

(9) Witnesses and evidence are only allowed at the discretion of the Complaints Committee.

(10) The Complaint Committee shall, at the determination of a complaint, submit a report containing its recommendations to the Commission.

(11) The Commission shall, on receipt of the recommendations of the Complaint Committee under sub-regulation (10),-

- (a) issue a warning to the media practitioner or media institution concerned;
- (b) order the media practitioner or media institution concerned to publish or broadcast an apology or a retraction;
- (c) reprimand the media practitioner or institution concerned; or
- (d) impose such fine as prescribed in these Regulations.

(12) Where a media practitioner or media institution fails to pay a fine imposed by the Commission under paragraph (d) of sub-regulation 11, the Commission shall suspend the registration and licence of the media practitioner or media institution concerned until the order is complied with.

(13) A media practitioner or media institution aggrieved with the decision of the Commission under sub-regulation (12), shall appeal to the High Court within 30 days provided that such appeal shall not act as a stay of the decision of the Commission.

PART V - OFFENCES

Violation of media coverage and reporting guidelines prohibited.

24. A media practitioner or media institution that contravenes the guidelines for coverage and reporting of elections in Part II shall be liable to a fine not below 5,000 Leones and not above 20,000 Leones.

Broadcast of untrue or inaccurate information.

25. (1) A media practitioner or media institution that publishes or broadcasts information that is untrue or inaccurate and fails, within a reasonable time, when called upon to do so or when ordered by the Commission, to-

- (a) accord an opportunity to the offended party to reply immediately or in the next publication or broadcast; or
- (b) make a retraction in equal measure as the offending publication or broadcast, is liable to a fine not exceeding 5,000.00 Leones and suspension from practice or operation if fine is not paid within 30 days, until such fine is paid.

(2) The Commission shall, where a media practitioner or media institution publishes or broadcasts information that is untrue or inaccurate, order the media practitioner or media institution to make an immediate retraction of the offending publication or broadcast.

26. (1) A media practitioner or institution that publishes material culled from another publication or broadcast without- Copyright infringement prohibited.

- (a) the written permission or consent of the original publisher;
- (b) acknowledging or crediting the original publisher,

is liable to a fine of 5,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

(2) Notwithstanding sub-regulation (1), a copyright infringement shall be subjected to the penalties imposed under the Copyright Act, 2011 (Act No.8 of 2011).

27. (1) A media practitioner or institution that publishes information which - Protection of privacy.

- (a) constitutes an unwarranted intrusion into a person's private life; or
- (b) unjustifiably discloses the location of a person's home or family, is liable to a fine not exceeding 10,000.00 Leones and suspension from practice, if fine is not paid within 30 days, until such fine is paid.

(2) Sub-regulation (1) shall not apply where a media practitioner or media institution-

- (a) publishes with the consent of that person; or
- (b) can justify that the publication is warranted in the public interest.

Harassment and intimidation prohibited.

28. A media practitioner or media institution that obtains or seeks to obtain information including pictures through harassment or intimidation is liable to a fine not exceeding 5,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Publication of gruesome images prohibited.

29. A media practitioner or media institution that publishes gruesome images of victims involved in accidents, injuries, mutilations, disfigurements or those involving grief or shock, unless with the expressed authority of the victim or his family, is liable to a fine not exceeding 5,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Identification and permission required for hospitals, etc.

30. A media practitioner or institution that makes enquiries at hospitals or similar institutions without identifying themselves and obtaining permission from the hospital or similar institution, is liable to a fine not exceeding 3,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Identity of relatives or friends not to be disclosed.

31. A media practitioners or media institution that identifies relatives or friends of persons convicted or accused of crimes without their consent, is liable to a fine not exceeding 3,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

32. A media practitioner or media institution that obtains or seeks to obtain information or material by pretending to be someone else and making a misrepresentation, unless there is real public interest, is liable to a fine not exceeding 5,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Obtaining information by pretence or misrepresentation.

33. A media practitioner or media institution that publishes nude or pornographic materials including nude pictures and video images is liable to a fine not exceeding 10,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Nude and pornographic images prohibited.

34. A media practitioner or media institution that identifies a victim of sexual assault or publish or broadcast materials likely to contribute to such identification is liable to a fine not exceeding 10,000.00 Leones and suspension from practice or operation if fine is not paid within 30 days.

Identification of victims of sexual assault prohibited.

35. (1) A media practitioner or media institution that makes prejudicial or prerogative reference to a person's colour, ethnicity, religion, sex, political affiliation or individual lifestyle, or to any physical or mental illness of disability, unless these are directly relevant to the story, is liable to a fine not exceeding 3,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Prejudicial or prerogative reference to a person prohibited.

Publication or broadcast of smear campaign stories prohibited.

36. A media practitioner or media institution that publishes or broadcasts stories containing personal attack, smear campaign and unjustified harming of a person’s or institution’s good name and also includes the use of language, picture cartoons, commentaries, analysis, editorials, depictions or new stories that can damage someone’s reputation, is liable to a fine not exceeding 20,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Threats, abuse and indecency prohibited.

37. A media practitioner or media institution that uses-

- (a) threatening and insulting details that are not essential to the story reported;
- (b) abusive language or statement that is likely to cause ethnic and religious dissatisfaction, is liable to a fine not exceeding 10,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

Disclosure of confidential source of information prohibited.

38. A media practitioner or media institution that discloses the confidential source of his information under any circumstance except when ordered to do so by a court of law, is liable to a fine not exceeding 10,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid.

39. A media practitioner or media institution that refuses to -

- (a) diversify news sources in stories;
- (b) include female sources in news, in order to ensure gender sensitive reporting, is liable to a fine not exceeding 10,000.00 Leones and suspension from practice or operation, if fine is not paid within 30 days, until such fine is paid

Refusal to ensure gender sensitive prohibited.

MADE this day of ,2022.

MOHAMED RAHMAN SWARAY
Minister of Information and Communications

FREETOWN,
SIERRA LEONE,