

GUIDELINES FOR MEDIA COVERAGE OF **ELECTIONS** IN UGANDA



Guidelines for Media Coverage of Elections in Uganda

Revised Edition, 2020



AFRICAN CENTRE FOR
MEDIA EXCELLENCE

Published by

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ABOUT AFRICAN CENTRE FOR MEDIA EXCELLENCE

The African Centre for Media Excellence was incorporated in Kampala in August 2009 under the Companies Act, Cap 110, as a company limited by guarantee and not having share capital. This means that ACME is a non-profit organisation. Strategically, ACME occupies the space between the media industry and academic institutions that train journalists. The centre is committed to excellence in journalism and mass communication in Africa, starting at home in Uganda. Our main goal is to make the media a more effective platform for the provision of information on public affairs, a tool for monitoring official power, and a forum for vibrant public debate. ACME is a media support organisation that delivers quick turn-around time without compromising quality. Our work revolves around:

- mid-career training for journalists;
- media literacy training and communication support for civil society and private sector groups, and the youth;
- media research;
- media monitoring;
- public dialogues, workshops and symposia; and
- freedom of expression advocacy.

A bulk of the centre's work has involved training. Our approach is unique. Instead of one-off workshops, which are common in Uganda, and indeed the East African region, ACME employs a long-term approach in which practical training workshops are complemented with mentoring and coaching over several months.

ACME directly employs more than a dozen staff and works with a growing network of external trainers and researchers. It is governed by a general assembly made up of subscribers as the highest body, a board

of directors as the policy-making organ, and a management team that carries out day-to-day activities.

VISION

To become Africa's leading independent media and communication support organisation.

MISSION

- To inspire journalists to seek and achieve professional excellence.
- To help make our news media more reliable and credible sources of information, effective watchdogs and vibrant forums for public debate.
- To equip members of the private sector, civil society, academia and the government with skills to engage more effectively with the media.
- To educate the public on how to better appreciate the forces that shape the news.
- To advocate, promote and defend press freedom and freedom of expression.

CORE VALUES

In pursuit of excellence, ACME is guided by the values and operating principles of honesty and integrity, quality, persistence and determination, timeliness, creativity and innovativeness, and independence.

SUMMARY

These guidelines lay out the responsibilities of journalists and other important players such as political parties, candidates, and the Electoral Commission regarding media coverage of national elections in Uganda. Why? Because, to paraphrase Reporters Without Borders, rumours, viral hoaxes, deliberate disinformation and conspiracy theories contribute to the information chaos and therefore we need the news media more to provide the public with the latest reliable information. In this case the most reliable electoral information.

The guidelines focus on the following areas, among others:

- Provision of information
- Accuracy
- Distinction between news and opinion
- Sourcing and the use of unnamed sources
- Live interviews
- Balance and fairness
- Corrections and replies
- Opinion polls and election projections
- Vox pops
- Responsibility and good journalism
- Coverage of incumbent and government activities
- Equity and consistency
- Full coverage of the electoral process
- Electoral violence
- Discrimination
- Bribery and corruption
- Social media

It is hoped that the guidelines will help journalists covering the elections do the following:

- (i) Provide fair, accurate and comprehensive elections-related news and information to enable citizens make informed political decisions.
- (ii) Provide balanced and adequate opportunity for citizens, candidates and political parties to express divergent political views during campaigns.
- (iii) Act as a watchdog that monitors the fairness and credibility of the electoral process.
- (iv) Report accurately the election results.
- (v) Report accurately and fairly the immediate aftermath of the elections.

ACKNOWLEDGEMENT

These guidelines, now in their third iteration, were first developed ahead of the 2011 general elections in Uganda through a participatory process facilitated by the African Centre for Media Excellence (ACME) with support from the Deepening Democracy Programme. We would like to thank the DDP, which evolved into Democratic Governance Facility (DGF), for the support. We are pleased that the second edition (2015) and the present one have been printed with support from DGF.

We also acknowledge the contribution of several organisations and media houses that participated in the development of the first edition of the guidelines and endorsed them as well and have continued to be supportive during the subsequent revisions to fit the evolving media landscape. The entities include The New Vision Group, Monitor Publications Ltd, NTV Uganda, WBS TV, Uganda Radio Network, The Observer, The Independent, Radio One and Akaboozi ku Bbiri, Luo FM, Mega FM, Radio Paidha, the Electoral Commission, the Independent Media Council of Uganda, the Uganda Journalists Union, the Human Rights Network for Journalists-Uganda, the Uganda Media Development Foundation, and the Department of Journalism and Communication at Makerere University. Media owners have also provided useful feedback.

Finally, we would like to thank the following international organisations, from whose guidelines we have borrowed liberally: Article 19, the Commonwealth Broadcasting Association, Kenya Correspondents Association, and the International Centre for Journalists.

GUIDELINES FOR MEDIA COVERAGE OF ELECTIONS IN UGANDA



*The media must get across to the public an understanding that their votes matter, that politics matter, that politics are about their lives, their health, their education, their culture, their security, their future. — **Commonwealth Election Broadcasting Guidelines as published by the Commonwealth Broadcasting Association for the Commonwealth Secretariat***



PREAMBLE

We — journalists, media houses, regulators, political parties, candidates, and election managers in Uganda:

CONSCIOUS of the importance of regular, free and fair elections in building and maintaining a democratic society;

REMEMBERING our history of political turmoil and upheaval created in part by lack of regular elections or profound electoral fraud, malpractice, and irregularities;

AWARE that free, independent, responsible and pluralistic media are critical for advancing and sustaining democracy;

RECOGNISING the central role the media play or can play in the election process by, among others, providing people with information on which to base their decisions, facilitating public debate on the choices before the voters, acting as a watchdog for fairness during campaigning and polling, and providing a voice to voters;

AWARE that our Constitution guarantees all citizens the right of access to information, and to “freedom of speech and expression, which ... include(s) freedom of the press and other media”; and that international law requires states to “encourage and facilitate the pluralistic expression of opinion via the ... media”;

ACKNOWLEDGING that media freedoms come with responsibilities, and in particular that media serve the public better by covering elections in a fair, balanced, and impartial manner;

RECOGNISING that while our media have made tremendous strides in the last two decades and that our country is today blessed with a vibrant media scene, many newsrooms are still filled with inexperienced journalists;

REITERATING that professional journalistic responsibilities require the media to maintain the highest standards of professional conduct;

AWARE that our responsibilities during elections include:

- a) Providing fair, accurate, timely and comprehensive election-related news and information to enable citizens make informed political decisions;
- b) Providing balanced and adequate opportunity for citizens, candidates and political parties to express divergent political views during election campaigns;
- c) Reporting accurately the election results; and
- d) Reporting accurately and fairly the immediate aftermath of the elections;

RESOLVE to abide by the guidelines set down in this booklet during the coverage of general elections in Uganda.

SCOPE

These guidelines shall apply to media houses both private and state-owned, regulators, political parties, the Electoral Commission, and government agencies that have voluntarily acceded to them.

PURPOSE OF THE GUIDELINES

The objective of these guidelines is to prescribe the ‘Rules of the Game’ or ‘Code of Practice’ for elections reporting for Uganda’s general elections. The guidelines propose basic requirements to achieve balance, fairness, and impartiality in election coverage. While the guidelines cover print and broadcast media, it should be noted that these types of media have different characteristics and could not possibly implement specific elements to the same degree. Different sections of the guidelines will have more relevance to each type of media to varying degrees. Online-only media outlets, which have grown fast over the last five years in Uganda, will also find a lot that is useful in this booklet. Whereas these guidelines speak for themselves, it is advisable that they are read and used alongside the provisions of the Constitution and relevant laws and regulations, including:

- The Electoral Commission Act
- The Presidential Elections Act
- The Parliamentary Elections Act
- The Uganda Communications Act
- The Press and Journalist Act
- The Access to Information Act
- The Data Protection and Privacy Act
- The Computer Misuse Act
- The Uganda Communications (Content) Regulations, 2019

GENERAL GUIDELINES

Provision of information

- Media, as autonomous sources of information, inform members of the public on top of educating and entertaining them. During an electoral campaign the media have a duty to inform the public about political parties, candidates, manifestos, and voting processes. Media houses thus need to plan and deploy early enough as many reporters as possible to cover all the different aspects of the campaigns.
- The media houses also need to build databases and datasets with as much information about the current and previous election cycles for ease of reference for background, context, and analysis in the stories.
- Media houses that have their own guidelines need to revise them and follow them. Those that do not have need to develop them. In any event, in-house guidelines should be used in tandem with the ones contained in this booklet.

Balance and fairness

- Journalists have a duty to remain balanced and impartial in their election reporting and not to discriminate against any political party or candidate in granting access to the media. The obligation of balance and impartiality derives directly from the fundamental rights of voters and candidates to freedom of expression and information, and non-discrimination. Fair and balanced election coverage means individual stories, and the pattern of stories over a period of time, contain points of view from different parties or candidates.
- Editors will assess each day's news and information output and where normal journalistic judgement creates an unavoidable temporary imbalance; they must rectify it as soon as possible over succeeding coverage. A meticulous system must be set up in the newsroom. A

large wall-chart, or computer-based system accessible to all relevant personnel, with basic details of every election story broadcast/printed entered after each day would be a good start.

Independence

- The media will maintain independence from political, economic and other interests. In particular, they will not allow themselves to be controlled by political parties, candidates, the government, business or any other groups with vested political interests.

Accuracy

- The media must report accurately across the board but especially on issues such as the spelling of the candidates' names, the actual words they use (quotes/sound bytes), names of places, and context. The election period is a time of heightened excitement for both candidates and voters. Care must be taken in reporting so as not to make people react in a manner that may breach the public peace.
- Reporting the size of crowds attending political rallies and presentation of pictures of the rallies in the media is a critical matter. If rally sizes must be mentioned at all, journalists must rely on estimates provided by credible agencies such as the police or independent monitors. Otherwise, say something like: *Candidate Y attracted a crowd that seemed to fill Kololo Independence Grounds for her final rally. The grounds are the size of three football pitches. Or, the fundraising cocktail party for Candidate X attracted a capacity crowd to the Sheraton Rwenzori Ballroom. The ballroom seats about 300. But when people are standing with little room between them, as was the case last evening, the room takes in 450.* Find a more neutral and believable way to convey audience size.

News coverage

- Editorial opinion must be clearly distinguished from news to avoid the danger of misleading audiences.
- The duty of balance requires that parties or candidates receive news coverage commensurate with their importance in the election and the extent of their electoral support. It tends to become pretty obvious as the campaigning goes on and as opinion polls are released which parties are in the lead and which ones are peripheral. Because any of

the parties in the lead could form the next government, it becomes inevitable for media to pay more attention to those parties, their candidates, and their agenda.

- The ruling party, because of its governing role, will normally attract more news coverage than other competing parties during electoral campaigns. Careful measures need to be taken to prevent this from happening. For example, news coverage of press conferences and public statements concerning matters of political controversy (as opposed to functions of state) by the governing authorities should be subject to a right of reply or other equitable response from political opponents in the campaign. This obligation acquires even greater force when the person making the statement is also standing for office. (*Refer also to Equity and Consistency entry below*).

Release form from guests

- Broadcast media houses should develop guidelines that guests on their programmes, especially interview and talk-show programmes, should sign on to before they go on air. This will help protect the station and its journalists from liability.

Sourcing

- Unnamed sources should not be used unless the pursuit of the truth will best be served by not naming the sources that must, in any case, be known by the reporter and communicated to the editor. When unnamed sources are used, the reasons for withholding their identity must be clearly stated in the story. In a multiparty political environment, candidates or their agents and supporters may easily hide behind requests for confidentiality to malign their opponents.
- Reporters must observe professional secrecy regarding sources of information obtained in confidence.
- Reporters should not use the shield of unnamed sources to disguise their personal opinions.

Corrections and replies

- Any candidate or party that has been defamed or otherwise suffered illegal injury by a broadcast/article should be entitled to a correction or where this would be an insufficient remedy, be granted an opportunity to reply as soon as possible. The media will not report

specific allegations or insults without providing an opportunity for a response or reaction from the accused side.

Opinion polls and election projections

- Opinion polls can have a significant impact on voting patterns, especially where their significance is not adequately understood. Opinion poll results are best appreciated when additional (contextual) information is provided. Some of the key pieces of information that should be provided include:
 - Entity that conducted the poll
 - Entity or individual that commissioned and paid for the poll
 - Methodology used
 - Sample size
 - Margin of error
 - When the poll was conducted
 - The kinds of questions asked
 - Geographical area covered
 - Response and non-response rate
 - What the results were
 - How the results compare with previous ones, if any
- Opinion poll results shall be reported in context. For example, previous election trends and background information on candidates and constituencies covered will be included in the reporting.
- Opinion polls conducted via social media platforms are not any less legitimate as long as all the vital/contextual information surrounding the poll, just like in reporting a traditional poll, is contained in the story.
- The media shall minimise horse-reporting (who is leading, who is falling behind according to the polls) and pay more attention to issues of concern to the voters and how the different candidates are addressing them, shifting or buttressing positions.
- The media shall not publish opinion poll results 48 hours to Election Day to avoid causing undue excitement.

Vox pop

- This is not a scientific poll and should be used with care. The electorate must not be led to believe that one of these street samples has any statistical validity. It merely reflects a range of views amongst that group of people at that time, but it is not a real measure of overall voter intent.

Equity and consistency

- The media should treat all parties, candidates and all viewpoints equitably. This does not mean that news values and processes will be distorted to give the same weight to fringe parties or poor performing contenders. It should be noted that the voting public is entitled to more comprehensive coverage of serious contenders. However, equitable treatment is unlikely to be achieved in a single programme or article. This also means that all parties may not appear in a single or every programme/article.

Electoral violence

- Media will not give space to hate speech¹ or utterances that might incite violence or cause social turmoil.
- Journalists will avoid presenting acts of political violence in a way that glorifies such conduct. Stories, views, and comments relating to election violence should be reported after proper verification of facts and presented with due caution and restraint in a manner that encourages the creation of an atmosphere congenial to national

1 The Ethical Journalism Network has a five-point test to help journalists identify hate speech. Point five addresses the economic, social and political climate in which the speech is made. It says in part: “Speech that is dangerous or controversial arises particularly when times are hard, social tensions are acute and politicians are at war with one another.

“Journalists must take into account the public atmosphere at the time the speech is being made. The heat of an election campaign when political groups are challenging each other and jostling for public attention often provides the background for inflammatory comments. Journalists have to judge whether expression is fair, fact-based and reasonable in the circumstances.

“Where we have doubt about directly quoting hateful speech it may be useful to report that insulting comments were made without repeating the exact terms of the insult.”

harmony, amity, and peace. Elections need not lead to destruction of life and property.

Direct access programmes

- The media should grant all political parties or candidates airtime for direct access programmes on a fair and non-discriminatory basis. Time slots for direct access programmes shall be assigned in an equitable manner. All parties/candidates should be allowed to buy airtime for political advertisements on equal terms.

Political advertising

- Media houses, especially broadcast, should not allow the bigger parties to buy up all advertising space leaving nothing for the smaller parties.
- All political advertising will be labelled accordingly.
- Media houses shall develop, publish and file a rate card that clearly states the cost of political adverts, and sponsored programming that may include political talk-shows in the case of broadcast media.
- The media house's advertising department will consult with the editorial department before running political adverts to avoid hate speech, among others.

Right to edit

- Media houses reserve the right to edit any programme in consultation with the political party or candidate concerned if some or all of the content is objectionable for any of the following reasons: against public order or morality; offends national unity; infringes any law of the land; insensitive to the reputation, rights and freedoms of others.
- In the event that sealed envelopes of 'news copy' are delivered to newsrooms with the spoken or unspoken instruction not to drop or change a single word, it is up to the news editor to judge its news value and accuracy and decide accordingly.

Discrimination

- Journalists will avoid using language or expressing sentiments that may further discrimination or violence on any grounds including ethnicity, gender, sexual orientation, religion, and political affiliation.

- Female and male contestants will be treated equally as news subjects and as news sources.
- Media will not discriminate against disadvantaged or marginalised people and groups seeking to participate in political leadership.

Bribery and corruption

- Media houses must make clear to their journalists that to accept a bribe — say cash or other favours in return for approving coverage of a politician or political party — is a serious breach of duty likely to result in dismissal.

Conflict of interest

- To ensure the integrity of election coverage, individual journalists will disclose a conflict of interest or potential conflict of interest, including political affiliation.

Full coverage of electoral process

- Election coverage is not limited to the campaign period. The coverage should be extended to encompass all phases up to and including the declaration of the results and the day after. As far as possible, the media shall cover the election results from the polling station to the national level.
- It is also important to comprehensively cover the first weeks after the declaration of results to capture reactions of the winners and the losers and their supporters, plus the views of election monitors and independent experts.

Release of results

- If a media house decides to release results as they come in, it will rely on reports by its own journalists or independent monitors at the various polling stations or district tally centres. The reporters will clarify at all times that the results they are announcing are from, say, one quarter of polling stations; from the stronghold of Candidate X; the results are not yet confirmed by the Electoral Commission. In other words, the release of partial results should be done with sufficient context so as not to excite or mislead voters. Media houses must know, however, that it is the constitutional mandate of the Electoral Commission to announce the definitive results.

Safety of journalists

- Journalists have a right to perform their duties without fear of intimidation, harassment or attacks. Journalists and media houses should therefore take necessary steps to minimise the risks and threats associated with tense periods such as electioneering. Specifically, it is expected that:
 - Journalists will receive safety training including risk assessment to enable them report without the risk of being attacked.
 - Efforts will be reinforced to deal with the “double burden” faced by female journalists.
 - The media must, as far as possible, respect legitimate police orders to clear away from a particular scene. The police should, however, be reminded to respect the constitutional responsibility of media practitioners to the general public to work unhindered at all times.
 - Journalists who get exposed to traumatic experiences will receive professional counselling once they are back from the field.
 - Journalists will conduct their duties responsibly with due consideration to their own safety and that of their sources.

Responsibility and good journalism

- Journalists will ensure that their reports are not overly oriented toward personality, party, or ethnic positions as opposed to being issue-centred.
- Responsible journalism does not defame or promote malice or corruption. Good journalism does not repeat inaccurate allegations and insults or twist the truth about a person. Journalists can report allegations and offensive speech, but the story must be balanced so the allegation or offense is answered. News reports can ruin politicians’ reputations, put party members in danger, or cause public protest. Good journalism does no special favours for any politician or party.
- The media will remain alert, at all times, to exploitation and avoid unwitting promotion for self-seekers.
- Journalists will endeavour to be aware of the election rules, the operations of the Electoral Commission, and the voting process.

Arbitration

- In the event of strong disagreement between a media house and a political party or candidate for office, the two sides will seek adjudication from either the Media Council, the Editors Guild, or the Uganda Communications Commission before resorting to the courts.

Key Areas of Focus

Here are some of the areas that the media need to be aware of, and report on, to help advance the cause of free, fair, and violence-free elections.

Voters' rights

- a) Are all eligible voters on the voters' list?
- b) Are all voters free to hear and discuss the parties and issues without fear?
- c) Do parties threaten voters or election officials?
- d) Do parties or candidates try to bribe voters with money, gifts or promises of jobs?
- e) Do voters understand their role and the importance of voting, and do they know their choices?
- f) Do women and minorities feel safe in voting? Are aggrieved voters aware of where to go for redress?
- g) In the context of media-only (digital) campaigning for the 2021 elections, are the telecoms protecting the data of citizens and not selling such data willy-nilly to political entities to send out solicitations?

Candidates and party rights

- a) Are all qualified parties and candidates allowed to run in the election?
- b) Are candidates representing minorities, regions and different political opinions allowed to seek election?
- c) Are all parties free to hold public meetings without fear — or in the unique case of the 2020/2021 cycle of media-only based campaigns, can they easily access various media to spread their political agenda?
- d) Are the election rules and limits applied equally to all parties?

- e) Are the police protecting all parties as they campaign, distribute information, and hold public meetings?
- f) Do the parties disclose to the Electoral Commission, as required by the law, the sources of their money?
- g) Are government officials neutral and not using government money and resources such as vehicles to favour one party?
- h) Is the ruling party making many announcements of new projects during the election campaign?
- i) Are all polling stations known to all stakeholders?

The electoral process

- a) Are voters' lists complete?
- b) Are voters left out able to get on the list by showing valid identification?
- c) Are the ballots easily understood by voters who cannot read?
- d) Do voters easily understand the voting instructions?
- e) Are there enough ballot papers, ballot boxes, and biometric machines?
- f) Are there enough officials to superintend over the voting exercise and to count the votes?
- g) Are there security arrangements to protect the people going to vote?
- h) Are there security arrangements to protect the ballot boxes so nobody can stuff them with false ballots?
- i) Is the Electoral Commission seen as impartial, independent and honest?
- j) Are all competing parties allowed to deploy their election officials/agents at polling stations?
- k) Does the Electoral Commission respond quickly to complaints from the media, the voters, and the political parties about all alleged violations of the electoral laws? Are violators penalised in any way?
- l) Are the media, non-governmental organisations, and international observers able to monitor and report to the public on the election process without interference or fear?

- m) Are the state media providing reliable coverage of all the candidates and parties? Is the coverage accurate, impartial, responsible, and fair?
- n) Do the private media — newspapers, radio, television, online-only news sites — provide reliable and fair reporting?
- o) Do the private media treat all parties' advertising equally?

SOCIAL MEDIA



*The phenomenon of online electoral interference is global. It affects established democracies, countries in transition, and places where freedom of expression and access to information are tightly controlled. — **Open Society Foundations***



What is social media? According to IDEA — International Institute for Democracy and Electoral Assistance — “social media are essentially understood to be web or mobile-based platforms that allow for two-way interactions through user-generated content ... and communication. Social media are therefore not media that originate only from one source or are broadcast from a static website. Rather, they are media on specific platforms designed to allow users to create (‘generate’) content and to interact with the information and its source”.

Some of the social media platforms common in Uganda are Facebook, YouTube, Twitter, WhatsApp, Instagram. According to Democracy Reporting International (DRI), “Social media have become essential infrastructure for public debates and the forming of political opinion.” For UNESCO, the “increasing digitalization of societies has led to unprecedented opportunities to seek, receive and impart political information and ideas, which are the lifeblood of elections”. For the journalist covering elections, it can be difficult making sense of the fast-moving flow of information. What is fact? What is a falsehood? What is propaganda? What is disinformation? UNESCO reminds us: “Little effort is required to generate disinformation and for it to go viral.” Is so-

called fake news really fake or is it because the politician on the receiving end seeks to delegitimise it by declaring it so? It is debatable the extent to which social media influences electoral outcomes. Broadly, however, there are some things to note about social media during electioneering, according to DRI. (Although abridged, the bulleted text below is largely reproduced verbatim).

- **Campaign financing:** Social media are used for electoral campaigning, but there is often no transparency to the funding and the extent of such campaigns.
- **The conduct of candidates and parties:** Social media are an essential tool for electoral campaigning... Monitoring candidates and parties on social media is feasible because they usually use public pages.
- **Perceptions of integrity:** Social media may reveal the level of trust in the electoral process. Significant concerns with electoral integrity may be tracked on social media. The communication of election management bodies can also be monitored on social media.
- **Manipulation:** There are always efforts to sway opinion with disinformation or social bots. In this instance, journalists will take advantage of fact-checking sites and tools.
- **Hate speech:** This thrives on social media. This is an issue in a country like Uganda where political, ethnic, regional, and religious differences often collide spectacularly in an election season.

Journalists as social media actors

Journalists use social media often to source and disseminate news and information. Major media houses and a number of individual journalists have social media accounts. Just like with traditional media, it is important that core journalistic principles are applied in the use of social media as these platforms have become powerful tools in how citizens access news and information.

- Journalists should think carefully before they post on their personal social media platforms because their opinions may still be identified with those of the media house they work for.
- Media houses are encouraged to develop/review their in-house social media policies/guidelines in view of the elections period.

On 22 March 2020, the Uganda Communications Commission issued a statement within the context of the then raging COVID-19 pandemic. It is a statement that applies in other contexts as well.

Uganda Communications Commission (UCC) is a body corporate established under Section 4 of the Uganda Communications Act 2013 (Act) as the regulator in the development of a modern communications sector in Uganda. Accordingly, UCC regulates radio, television, postal services, telephony services, data communications and the airwaves used by all wireless radio devices.

Sections 5(1)(a), (b), (k), (x) and (z) of the Act mandate UCC to license, monitor, regulate and set standards for all communications services in Uganda to safeguard the public interest and protect consumers.

UCC has observed an increase in cases of misinformation and publication of fake news, videos and advice through digital platforms by individuals misusing communications platforms to publish, distribute and forward false, unverified, and/or misleading stories and reports. Such conduct can cause ... disobedience against the law or to lawful order/guidance, incitement of violence against persons or property, cause financial turmoil in markets, unfounded public anxiety, or put a person's life in danger by providing misleading guidance. Notably, a single personal post can go viral and lead to additional distorted content.

UCC takes exception to this criminality and wishes to advise that any persons found to be engaging in creating, initiating the transmission of, circulating, and/or forwarding, fake stories and misinformation using communication facilities, service or applications shall be apprehended and prosecuted for offending the Computer Misuse Act, 2011, the Data Protection and Privacy Act, 2019 and/or other Penal laws of Uganda.

Members of the public are called upon to be vigilant and exercise due care to ensure all information created, posted, shared or forwarded is free from distortion of facts and complies with the existing laws of Uganda by verifying the authenticity of any news stories/reports from official sources before believing, republishing, spreading and/or forwarding of such stories to other persons.

GUIDELINES FOR THE STATE BROADCASTER

*To comply with international law, government media must
fulfil the duties of impartiality and non-discrimination –*
ARTICLE 19

The law as regards state/government-owned media² and electoral campaigns is clear.

Section 23 of the Presidential Elections Act, 2005, deals with equal treatment, freedom of expression and access to information of candidates.

- **Section 23 (1):** During the campaign period, every public officer and public authority and public institution shall give equal treatment to all candidates and their agents.
- **Section 23 (2):** Subject to the Constitution and any other law, every candidate shall enjoy complete and unhindered freedom of

2 The phrase “government media”, according to ARTICLE 19, is used in these guidelines to refer to broadcasting channels that are owned, operated or controlled by the government, as well as to channels that are managed by government appointees or that are governed by boards, a majority of whose members are selected by the government or ruling party. The guidelines also apply to public service broadcasting channels, namely, media which are supported entirely or in part by government funds but are governed by boards that are independent of government and all political interests.

expression and access to information in the exercise of the right to campaign under this Act.

- Section 24 on Rights of Candidates
 - **Section 24 (1):** All presidential candidates shall be given equal treatment on the State owned media to present their programme to the people.

The Uganda Communications Commission has augmented these provisions in light of the government's decision to have the 2020/21 election campaigns held entirely via the media and other digital platforms. Says the UCC:

- All state-owned media stations ... shall schedule meetings with nominated presidential candidates, parliamentary candidates and other political contenders or their representatives to agree on the schedule or timetable for campaigns, and how it can be shared equitably among the contenders.
- The state-owned media should submit the agreed schedule to the Electoral Commission and Uganda Communication Commission for monitoring.

Duty to inform

- During the period preceding an election, government-owned media have a duty to inform the public about the political parties, candidates, campaign issues, voting processes, and other matters relevant to the election. The government's obligation to ensure that "Every citizen shall have the right and opportunity, without ... distinction [of any kind] ... to vote ... at genuine ... elections" compels it to ensure that voters have the necessary information to register and vote, and to make informed choices regarding matters that are the subject of elections.

Voter education

- Government media have an obvious duty throughout the election campaign and up to the close of voting to provide education and information on the electoral process designed to ensure a meaningful election by a well-informed electorate. Indeed, one of public broadcaster UBC's aims is to provide "electronic media and consultancy services that educate and guide the public". The

programmes must be accurate and impartial and must effectively inform voters about the voting process — to register to vote, to verify proper registration, when and where to vote, the secrecy of the ballot, the importance of voting, the functions of the offices that are under contention, and similar matters.

- The government media are obliged to broadcast programmes that will reach the greatest possible number of people. Broadcasts should include programmes in minority languages and programmes targeted for groups that traditionally may have been excluded from the political process, such as ethnic or religious minorities, women and indigenous groups.
- It goes without saying that voter education programmes must not in any way further the interests of any party or candidate.

Duty of balance and impartiality

- Government media have a duty to be balanced and impartial in their election reporting. This duty requires that news, interview, and information programmes must not be biased in favour of, or against, any party or candidate. Consistent with international standards, guidelines of UN election missions provide that “[i]n the case of government-owned media, it is customary that equal access, both in terms of timing and length of broadcast, should be given to the competing sides” and that “the information provided by the government-owned media should not be biased in favour of one or the other side”. There are real implications for failure to comply. Basing on the findings of African Centre for Media Excellence’s monitoring of media coverage of the 2016 elections as evidence, the Supreme Court noted thus on state-owned media: “Both the Constitution in Article 67 (3) and the [Presidential Elections Act] in section 24 (1), provide that all presidential candidates shall be given equal time and space on State owned media to present their programmes to the people. We found that [state-owned UBC] had failed in this duty. We recommend that the electoral law should be amended to provide for sanctions against any State organ or officer who violates this Constitutional duty.”

Direct access for party broadcasts and/or advertising

- In many countries the parties will want direct access to the airwaves of the government broadcaster to put across their manifestos unhindered by awkward questions from journalists. Can the richest party (usually the ruling party) have as many slots as it wants? This would seem entirely anti-democratic.
- Does the station retain any editorial control over these programmes? It would be better to pre-record them. What if a programme is too long or contains unacceptable insult of political opponents? Who edits it? Like with GBC of Ghana, the state broadcaster should claim the right to edit any programme (in consultation with the political party concerned) “if it is objectionable for any of the following reasons: against public order or morality, offends national unity, infringes any law of the land, insensitive to the reputation, rights and freedoms of others”.

News coverage

- Government media must be particularly scrupulous in complying with their obligation to provide accurate, balanced and impartial information in their reporting of news and current affairs. Of the various forms of election broadcasts, news coverage is generally accepted as the most influential. Accordingly, the duty to inform the electorate and to report with balance and impartiality is particularly strong concerning news programmes.

Presidential Press Unit

- In many countries PPU journalists deliver sealed envelopes of “news copy” to newsrooms with the spoken or unspoken instruction not to drop or change a single word. It is, however, up to the news editor to judge its news value and accuracy. It must be made clear that reproducing such material unedited can only happen in the ruling party’s Party Election Broadcasts slot and not in the station’s normal news output.

Running orders

- Where a story is placed in a news bulletin will determine its perceived importance. Proper journalistic judgement must be used to prevent giving one party the lead position regardless of balance and news value of the story.

Refusal to broadcast

- The standards used by the government media in determining whether or not to broadcast an election programme must not be vague or broadly defined. A number of courts have held that refusal to broadcast an election programme pursuant to vague standards is illegal. For instance, Germany's Federal Constitutional Court ruled that while a station manager may refuse to broadcast an election programme that is a "clear" violation of the criminal law, he or she may not refuse to broadcast a programme on the ground that its tone is hostile to the spirit of the Constitution; such a vague and speculative concern does not constitute a "clear" violation.

GUIDELINES FOR GOVERNMENT

Media protection

- The government has an obligation to punish attacks against media personnel and property. It must make special efforts to investigate all acts, or threatened acts, of violence, intimidation or harassment directed against media personnel, or any act of destruction of the property or premises of a media outlet, particularly where there is any reason to believe that the act was motivated by an intent to interfere with media freedom, and to bring those responsible to justice. Protection of the media is essential if media are to discharge their public function of informing the public about matters of public interest such as the electoral process.

Censorship and limits on prior restraint

- There must be no government censorship of any election programme. The government should issue a clear statement to the public and all media houses that the media are encouraged to broadcast or print election-related programmes, and that the media will not be penalised in any way merely because they have carried material critical of the ruling party, the government, or its policies. The experience of transitional democracies is that governments and government media have improperly refused to fairly cover opposition parties.
- In particular, resident district commissioners and district internal security officers will not take the law into their own hands by deciding which guests can appear on different radio stations or what types of content can be aired. RDCs, DISOs, and other government officials or agents who are aggrieved by the conduct of specific journalists or media houses should follow due process by, for instance, lodging complaints before the relevant regulatory bodies.

- Given the digital campaigns for the 2021 elections and the rise in use of new media, the government should not hide behind fighting fake news or disinformation to restrict the campaign activities of opponents of the ruling party, or censor media. If any restrictive actions must be taken, they will be very specific and non-arbitrary.

Limits on media liability

- It is recommended that the media be exempted from legal liability for unlawful statements made by candidates or party representatives and broadcast during the course of election campaigns, other than those which constitute clear and direct incitement to violence. The parties and speakers should be held solely responsible for any unlawful statements they make. This departure from the normal rules of liability is justified by the short duration of campaign periods and the fundamental importance to free and fair elections of unfettered political debate.

Courts as a last resort

- Government officials and agents, including ministers, RDCs and DISOs, who are aggrieved by the conduct of certain journalists or media houses should allow the relevant regulatory bodies to do their work by lodging complaints before them, instead of resorting to police and courts of law, or worse still to the use of force.

GUIDELINES FOR POLITICAL PARTIES/CANDIDATES

Responsibilities of political parties

- All political party statements, press releases and other forms of information for publication in the media must be signed by an authorised representative duly identified to the media beforehand.
- Political parties should clean their statements and releases of incendiary language that could lead to public unrest or a breach of the peace.
- Political parties should have a clearly defined public relations or media/press relations department from where the media can obtain necessary information without difficulty.
- Political parties must give all media houses adequate notice, at least 48 hours, of impending political party activities to allow for proper and adequate logistical arrangements for coverage.
- It is the responsibility of political parties to assure the safety of journalists covering their activities. The journalists must be protected from party supporters and, as far as possible, from other would-be attackers especially at rallies.
- The guidelines under this section also apply to candidates not affiliated with any party i.e. independent candidates.

Bribery and corruption

- Candidates, and their political parties, will not bribe any journalist for any reason, especially in return for positive coverage or to malign an opponent.

- Media houses are under obligation to report immediately to the Electoral Commission or the police any politician who offers a journalist a bribe as an attempt to distort the electoral process.

Politicians and favourite journalists

- Political parties, or specific politicians, shall not demand particular journalists to cover (or not to cover) their campaign meetings and rallies. The responsibility to assign campaign-reporting tasks to whichever journalist lies with the editor. A politician who seeks to get his or her rally covered by a specific journalist risks getting no coverage of that event at all.

GUIDELINES FOR MEDIA OWNERS

- Media owners will demonstrate a commitment to the ideals of free and fair elections. They shall, therefore, develop the capacity of their journalists in election coverage. They shall provide the necessary resources to their journalists for them to report elections effectively.
- Media owners, particularly owners of broadcast outlets, shall endeavour to provide in-depth coverage of elections. An election that produces a result acceptable to all is, after all, good for national stability and that stability in turn is good for business.
- Many radio stations, especially in the countryside, are owned by politicians, most of whom are members of the ruling NRM party. Much as these are private businesses, owners should not mistreat opponents by denying them access to the airwaves. This is especially because the frequency spectrum is a public good.
- Media owners need to clearly identify their journalists as a way to protect them from physical attack.
- Media houses should dedicate time and resources to plan, budget and prepare for an election period, including developing/reviewing their in-house policies on election reporting.

GUIDELINES FOR THE ELECTORAL COMMISSION

- The Electoral Commission will have a clearly defined public relations or media/press relations department from where the media can obtain necessary information without difficulty.
- The Electoral Commission will encourage all players to play by the electoral laws.

HIGHLIGHTS OF MEDIA COVERAGE OF 2016 ELECTIONS

During the 2016 election period, the African Centre for Media Excellence (ACME) monitored print, electronic, and online media, focusing on coverage of the presidential and parliamentary elections. We present some highlights of the findings.

ACME's conclusion was that the findings of the study presented a mixed picture of media coverage of the 2016 elections. The media for the most part used a neutral tone in their coverage and also focused more on issues than personalities. Although the usual suspects — candidates and party officials — dominated the coverage, there was a notable increase in the use of ordinary people as sources over the period. Yet, many of the same old challenges persisted. Too many stories were single-sourced, and the conventional “straight news” reporting approach (he said-she said) remained dominant. The dearth of enterprise and investigation was compounded by the failure of many journalists to interrogate the claims that the candidates made in their manifestos and on the campaign trail. Without seriously taking candidates and their parties to task about their plans for the country, the coverage continued the tendency to treat elections as rituals performed every five years and not as moments for national reflection on the direction the country should take.

The study made several recommendations

Reform of media regulation: Uganda's statutory media regulation regime, which appears to err on the side of control rather than that of promoting freedom of expression, must be reformed. In particular, the Uganda Communications Act, 2013, and the Press and Journalist Act, 2000, should be reviewed and amended.

Equitable access to, and coverage by, public media: Parliament should require the Uganda Communications Commission and the Electoral Commission to institute a credible and acceptable mechanism steeped within the law and the Constitution that can be relied upon for the implementation of the provisions of the law(s) requiring equitable access to public media by all candidates.

Complaints, verification and enforcement: As the electoral administrator, the Electoral Commission should ensure that a proper complaints, verification, adjudication and enforcement mechanism is in place to respond to complaints about media coverage filed by any aggrieved party during elections.

Reform of Uganda Broadcasting Corporation: Parliament should amend the law establishing UBC to affirm that it is a public broadcaster and an independent corporation accountable to the public, and not a national/state broadcaster that is subservient to the government of the day. In particular, the law should protect and safeguard the editorial independence of UBC, provide for more transparent and representative governance, secure reasonable funding for its operations, and promote professionalism.

Investment in election coverage: Media houses need to prepare better and more systematically to cover elections. This includes investing in logistical capabilities if they are to avoid being dictated to by the players in the electoral process who have vested interests.

Promoting Guidelines for Media Coverage of Elections: Media houses need to do more to promote within their newsrooms the Guidelines for Media Coverage of Elections. In particular, they must ensure respect for the following key principles: accuracy; fairness; use of, and reliance on multiple sources; corrections and the right of reply; focus on issues; equitable coverage of the main candidates; rejection of bribery of journalists; and independence from vested interests.

Educating police and public on role of media in elections: Statutory authorities such as the Uganda Human Rights Commission, the Uganda Communications Commission, and the Electoral Commission as well as civil society organisations need to do more to educate the police and the public on the important role of the media in the political process, especially elections.

Holding the media accountable: Civil society and the public need to hold the media accountable during the electioneering season based on evidence such as findings of media monitoring reports.

REFERENCES

1. African Centre for Media Excellence. *Monitoring Media Coverage of the 2016 Elections/Final Report* <<https://acme-ug.org/2016/06/01/monitoring-media-coverage-of-the-2016-electionsfinal-report/>>
2. ARTICLE 19. *Guidelines for Election Broadcasting in Transitional Democracies*.
3. ARTICLE 19. *2005 Elections in Iraq: Guidelines for Election Broadcasting*.
4. Commonwealth Broadcasting Association. *Commonwealth Election Broadcasting Guidelines*.
5. Commonwealth Broadcasting Association and Mary Raine. *Covering Elections in Small States: Guidelines for Broadcasters*.
6. Deepening Democracy Programme. (Draft) *Guidelines for Media Coverage of Elections in Uganda, 2011*.
7. DemGroup. *Uganda Media Coverage of the 2006 Elections*.
8. Democracy Reporting International. *Social Media Monitoring in Elections* (discussion paper of December 2017).
9. Electoral Commission. *Uganda is Ours (Our Votes Are Our Voices): Code of Conduct for Media in Uganda During Electoral Process* (unpublished).
10. Fountain Publishers. *Electoral Democracy in Uganda: Understanding the Institutional Processes and Outcomes of the 2006 Multiparty Elections*.
11. Friedrich-Ebert-Stiftung (fesmedia Africa). *African Media Barometer: Uganda 2010*.
12. Hunt Allcott and Matthew Gentzkow. *Social Media and Fake News in the 2016 Election*. *Journal of Economic Perspectives* —Volume 31, Number 2—Spring 2017—Pages 211–236

13. International Institute for Democracy and Electoral Assistance. *Social Media: A Practical Guide for Electoral Management Bodies*.
14. International Centre for Journalists. *Free and Fair: A Journalist's Guide to Improved Election Reporting in Ghana*.
15. Kenya Correspondents Association, The Kenyan Section of The International Commission of Jurists, and Article 19. *Guidebook on Election Coverage for Media Correspondents in Kenya*.
16. Media Council of Kenya, 2012. *Guidelines for Election Coverage*.
17. Open Society European Policy Institute and Democracy Reporting International <<https://www.opensocietyfoundations.org/uploads/b01958d0-7dce-41d3-94ec-622f992f5efc/social-media-monitoring-during-elections-20190614.pdf>>
18. Reporters Without Borders.
19. Supreme Court of Uganda. *Amama Mbabazi v Museveni & Ors (PRESIDENTIAL ELECTION PETITION NO. 01 OF 2016) [2016] UGSC 3* (31 March 2016)
20. Uganda Communications Commission. *Public Advisory Notice on Circulation of Fake Information*. March 2020.
21. Uganda Communications Commission. *The Uganda Communications (Content) Regulations, 2019*.
22. Uganda Communications Commission. (Draft July 2020) *Guidelines on the Use of Media During the Parliamentary and Presidential Campaigns 2021*
23. UNESCO. *World Trends in Freedom of Expression and Media Development 2019: Elections and media in digital times*.
24. http://www.thenewsmanual.net/Resources/index_page.html#P
25. <http://dictionary.reference.com/browse/social%20media?s=t>
26. <http://handbook.reuters.com/?title=Independence>
27. <http://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/elements-journalism/>



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