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# The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

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## PART I : SECTION (I) — GENERAL

### Government Notifications

#### MEDIA GUIDELINES TO BE FOLLOWED /POLICIES TO BE OBSERVED BY THE ELECTRONIC AND PRINT MEDIA DURING REFERENDA AND AN ELECTIONS

IN terms of provisions of Article 104B(5)(a) of the Constitution of the Democratic Socialist Republic of Sri Lanka as amended by the Nineteenth Amendment and in particular, to ensure the rightful exercise of franchise and free and fair elections and referenda, the following guidelines are issued by the Election Commission, to be followed by all electronic and print media institutions and personnel involved.

1. All telecasting, broadcasting and print media shall be neutral and impartial in their reporting of election related matters and shall not discriminate against any contesting political party / independent group or a candidate, in allocating airtime and allotting space in the newspapers.
2. All media institutions shall provide accurate, balanced and impartial information in broadcasting/televising their news bulletins and other programmes relating to political matters. The neutrality and impartiality of media shall be monitored by the Standing Committee of Permanent Representatives on Elections Complaints and the Standing Committee of Permanent Representatives on Media Guidelines regularly.
3. Sometimes, editorial opinions may seem confused and biased and therefore, electronic media are urged not to broadcast/telecast such opinions. However, if such editorial opinion is broadcast/televised/published, the affected party should be given the opportunity to broadcast/telecast/publish material to counter such opinion.
4. Programme presenters and announcers of television and radio channels, should refrain from expressing personal views at the newspaper desks where newspaper headlines and cartoons are presented, since such views may promote one party with prejudice to another.
5. It is the responsibility of the news and current affairs divisions of all electronic and print media institutions not to broadcast/televise/publish any programme or supplement which are not advertisements during the election period, if such programme/supplements/news items are illegal or biased.
6. If any material is broadcast/televised/published covering an incident or an event with comments of one candidate, all other political parties that have an interest in the event or are concerned, or are likely to be affected, should also be given opportunity to express their version on the same news item or programme.



7. All documentary programmes or special programmes which are directly connected with the election and broadcast/televised during the period of an election, should disclose the names of the script writer, announcer and the editor. If the particular media institution has retained the right not to disclose the same, the person in charge of the programme should be held responsible for its contents.
8. Air time during any programme or news bulletin should not be utilized for making unsubstantiated allegations against candidates contesting at an election that cannot be reasonably proved. If a candidate or a political party claims that another candidate or a supporter has made any false statement against him/her or his/her party, opportunity should be availed of to him/her or his/her party to counter the same.
9. When airing/publishing news or programmes which are not related to the election, such as official functions and events related to crimes, all media institutions should consult the parties involved for clarity, since such news/programmes could promote or demote some candidate or a party.
10. Coverage given by Radio or Television to opinions/views expressed by the President or Prime Minister or Ministers should be treated as coverage given to the political party to which he/she belongs and therefore leaders of rival political parties contesting the election should also be given opportunity in similar programmes. The print media should similarly provide equal space and prominence to all political parties/candidates in publishing special discussions and reporting campaign meetings.
11. Special favours should not be given in allocating air time or space in the print media to one candidate or more to promote his/her/their election or to cause disadvantage to another.
12. Refrain from publishing or broadcasting lectures, interviews, etc. with public officers which promote any contesting candidate or cause disadvantage to other candidates.
13. All electronic media institutions should act fairly in selecting participants for panel discussions and as such, the composition of the discussion should be balanced. They should refrain from directing programmes to cause disadvantage to any representative who has poor language proficiency. When publishing interviews of politicians with poor language proficiency, print media shall not create uncomfortable situations to them. Information obtained through vague and incomprehensible questions should not be published, or such questions should never be asked. At the outset, the participant in the programme should be warned not to make statements which are unethical or harmful to communal harmony, and if such statements are made while the discussion is in progress, the programme should be discontinued then and there.
14. All phone-in programmes should give fair opportunity for all callers irrespective of the content of their questions or contributions. Directors, moderators and others engaged in organizing such phone-in programmes should be answerable for imbalanced phone-in programmes.
15. If any Chairperson, Member of the Board of Management, Director or a responsible journalist of any electronic or print media institution actively engages in political activities, such activities cause conflict of interest in providing balanced broadcasting/publishing. Hence, such officers/ employees shall inform of the following in writing in advance to the management of the institution.
  - a. His/her level of involvement,
  - b. Position held in the institution,
  - c. Extent of involvement in programme making
16. When an individual holding a leading post in a recognized political party (Leader, Chairman, Secretary, National Organizer, Treasurer, Deputy Leader, Assistant Leader, Senior Deputy Chairman or a post with similar powers) and holding a dominant office such as the Chairman/Member of the Board of Directors, Chief Executive/Chief Editor in a media institution, and if he/she is a candidate at the election or if his/her party is contesting directly or under a recognized alliance, such person should refrain from actively engaging in duties of his/her

post of the media institution. If such person is contesting as a candidate while holding office in a contesting party at an election, he/she should refrain from anchoring/moderating programmes of a political nature in a television or broadcasting institution and in the case of print media he/she should not publish his/her own political articles through that media institution.

- 17 When a person of a party refuses to participate at a discussion or interview and chooses not to offer reasons for his/her non-participating, the media institution shall respect his/her position. Dramatic situations such as displaying of an empty chair etc., should not be employed to underline non-participating. It is recommended that a simple and direct announcement be made about the absence of the participant. .
- 18 A broadcaster who broadcasts or print media that publishes the result of an opinion poll, should announce the name of the organization that conducted the poll, the organization or the person that commissioned and funded the poll, methodology employed, the size of the sample, margin of error and the period of fieldwork. In addition the broadcaster or publisher should state that the poll reflects the public opinion only at the time the poll was taken.
- 19 No statement where a candidate promotes the candidature of another contestant of another party or group shall be broadcast, telecast or published.
- 20 Media personnel should not engage in taking photographs or videoing of the inside of polling stations or postal voting centers as the Election Commission has prohibited such activities without written consent. Any photographs or video visuals obtained illegally should not be published in newspapers, televised or promoted through any media. Even the photographs and visuals obtained with the approval of the Commissioner, should be published or televised only after the poll.
- 21 It is considered vital that a period of silence prevails just before the date of poll to enable the voter to contemplate and consider the pros and cons of various policies announced and promises made by political parties and candidates during the election campaign. The media shall refrain from televising, broadcasting or publishing discussions, debates, advertisements, etc. related to the election during the period of silence (period of refraining from carrying out propaganda), enacted by law (48 hours), prior to the date of an election.
- 22 Refrain from broadcasting/telecasting/publishing propaganda that may create or induce hatred and intolerance among Sri Lankan people on various grounds including the religious beliefs, faiths practised, languages spoken, ethnicity, customs and castes.
- 23 Avoid broadcasting/telecasting/publishing propaganda activities that promote hateful politics among political activists and within society.
- 24 Refrain from republishing or repeat telecasting of statements expressed previously by a candidate or a supporter about another candidate, without the consent of the declarant and honour the request made by a declarant not to repeat such statements made by him/her previously.
- 25 Media institutions shall not give coverage to anonymous notices or propaganda and to the notices or propaganda under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institution.
- 26 The National Anthem, The National Flag, Historical flags, Provincial and Regional Flags, Religious Symbols, Religious Flags, paintings or photograph of founders of religions or religious leaders shall not be published or broadcast to promote or demote the candidature of a candidate or a party/group. Notices or advertisements of such nature shall not be broadcast/ televised/ published.
- 27 Media institutions shall be accountable with regard to publishing/broadcasting/televising incorrect statements/news and they will be subject to legal proceeding that would arise in this regard.
- 28 It is the responsibility of all electronic/print media institutions to adhere to and abide by the moral ethics of media.

- 29 According to the 19th Amendment to the Constitution, the use of state property and funds by state media institutions to promote political parties/groups/candidates is illegal and it is also an offence to cause loss to government revenue and act to cause damage to an institution. All government and semi government media institutions shall refrain from engaging in such activities as disciplinary action could be instituted against those responsible, in addition to the punishments prescribed in the Constitution.
- 30 It is expected that the proprietors of all electronic and print media shall adhere to the guidelines given above and shall ensure that their institutions observe them earnestly.
- 31 It is also expected that the administrators of social media sites shall also follow the above guidelines as applicable to them, during the election period.
- 32 It is not only the duty, but also the responsibility of the proprietors of media institutions and administrators/users of social media to adhere to the above guidelines, because it is essential to follow them during the election period.
- 33 The Standing Committee comprising permanent representatives of political parties, the Coordinating Officers of the National Centre for Investigation of Election Complaints and representatives of Observer Organizations recognised by the Election Commission will intervene in the issues arising in the implementation of the guidelines and express their views and recommendations. Their views and recommendations shall be considered by the Standing Committee for Media guidelines comprising officers of the Elections Commission, representatives of Ministry of Mass Media and Department of Information, along with the views/observations of the Human Rights Commission of Sri Lanka and shall make decisions. Media institutions shall act according to these decisions. Implementation of these guidelines will be by consensus of this Committee which is established to direct, observe and monitor the implementation of these guidelines.
- 34 Media institution or any journalist is not bound to publish or broadcast, any order or a request, made by a political party/a candidate, violating the aforesaid guidelines. At such instances such institution or the journalist has the right to seek legal assistance.
- 35 Media institutions should work towards ensuring that vote is a fundamental right of the people and its exercise is their obligation.
- 36 It is the responsibility of media institutions to promote criteria, guidelines and democratic principles required for a conducive political culture.

These media guidelines are issued to create a conducive environment for a free and fair election. It is, therefore, the responsibility of all political parties, independent groups, and political activists, election observer organizations, civil society organizations and every citizen of this country to support media institutions to implement them and to prevent obstructions in the implementation of the same. Hence, the Election Commission, anticipates all concerned parties will extend their cooperation to all media institutions to act according to these media guidelines.

Mr.Mahinda Deshapriya,Chairman, Election Commission  
Mr.N.J.Abeysekara, Member, Election Commission  
Mr.S.Rathnajeewan H. Hool, Member, Election Commission

NB: Please note that these Media Guidelines drafted on the basis of the guidelines issued at previous elections, were presented to the Heads of Media Institutions. Thereafter, the draft was discussed with the permanent representatives nominated by Heads of Media Institutions. The current Guidelines are issued after a consensus was arrived at, after the deliberations at these discussions.