

# SOUTH AFRICA ELECTIONS 2019

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# Overview

- **SADC election coverage guidelines**
- **ACHPR guidelines on access to information and elections in Africa**
- **Sanef election training**
  - **South Africa Elections 2019: Handbook for Journalists**
  - <http://sanef.org.za/elections-2019/>

# SADC guidelines

- **2012: EMBs, media, academics, civil society, facilitated by MISA**
- **Inspired by:**
  - African Charter on Human and Peoples' Rights (1981)
  - Windhoek Declaration on Promoting an Independent and Pluralistic African Press (1991)
  - Declaration of Principles on Access to Information and Freedom of Expression in Africa (2002)
  - SADC Principles and Guidelines Governing Democratic Elections (2004)
  - African Charter on Democracy, Elections and Governance (2007)

# SADC guidelines

- “The role of the media during the entire electoral process is **to ensure that voters make informed choices**. The coverage of candidates, parties and electoral processes is in pursuit of this central purpose”
- “The media are required to provide relevant information, analyse it and additionally offer substantive opinions to the public, while also serving as a platform for debate and discussion.”
- “Furthermore, the media shall fulfill their watchdog role by promoting transparency and thus preventing electoral fraud.”
- “The media have a duty to provide election coverage that gives the voter comprehensive, accurate and reliable information on all aspects of the electoral process. **This information will also help to ensure that the voters know and understand their democratic rights and exercise them free from fear, intimidation or coercion.**”

# SADC guidelines

- As the Fourth Estate the media is expected to:
  - a) Ensure that journalists are familiar with the national legislative framework governing the electoral process and are fully conversant with all aspects of the electoral process, including the electoral institutions;
  - b) Be familiar with regional and continental principles and benchmarks on election coverage
  - c) Provide platforms for accessing information that enable informed analysis and opinion on elections.

# Guidelines on access to information and elections in Africa

- African Commission on Human and People's Rights
- Initiatives driven by the then Special Rapporteur on Freedom of Expression and Access to Information in Africa, Adv Pansy Tlakula
  - 2013: ACHPR Model Law on Access to Information for Africa
  - 2015: ACHPR resolution on the Development of Guidelines on Access to Information and Elections in Africa
  - 2016/17: Stakeholder consultations and drafting process – including participation by Sanef and The African Editors' Forum
  - Adopted by the ACHPR on 11 Nov 2017 in Banjul

# Guidelines on access to information and elections in Africa

- **Key issues**

- Applicable to public and private institutions
- Exemptions should be “narrowly drawn, limited and specific”
- Independent oversight
- Setting “minimum standards”
- Fair information practices and data disclosure standards
- Applicable to all state parties – but formal adoption required

# Guidelines on access to information and elections in Africa

## • Principles

- Proactive disclosure
- Duty to create, keep, organize and maintain information
- Accessing information must be simple, quick and affordable
- Grounds for exemptions – list of legitimate reasons
- Public interest override
- Whistleblowing protection



# Guidelines on access to information and elections in Africa

- **Applicable to the following electoral role players:**
  - Appointing authority of an election management body (EMB)
  - EMBs
    - General operations
    - Pre-election, election period, post-elections
  - Political parties
  - Observers and monitors
  - Law enforcement agencies
  - Media regulatory bodies and media organisations
  - Civil society involved in electoral process

# Guidelines on access to information and elections in Africa

- **Media and internet regulators**

- Self-regulation and media independence
- Codes of conduct; complaints procedures; enforcement mechanisms
- “an obligation to ensure that the media is able to fulfil its critical role of informing the public throughout the course of the electoral process”
- “monitor and timeously report on the fairness and balance of media coverage”
- “transparency about political advertising policy on media and social media platforms”
- “... refrain from shutting down the internet or any other form of media”

# Guidelines on access to information and elections in Africa

- **Media and social media platforms - pro-active disclosure of:**
  - Editorial and/or ethical codes or guidelines utilised in undertaking election coverage, including the prohibition of incitement to discrimination, hostility or violence;
  - Sanctions for transgressions of these codes or guidelines;
  - Complaints procedure for handling breaches of these codes or guidelines;
  - Number of complaints received and how these were addressed;
  - Code of conduct for staff on procedural matters;
  - Criteria for the allocation of airtime or news coverage for political campaign advertisements and activities;

# Guidelines on access to information and elections in Africa

- **Media and social media platforms - pro-active disclosure of:**
  - Polling methodologies and margins of error;
  - Actual allocation of airtime or news coverage for political campaign advertisements and activities;
  - A transparent repository of all political advertisements, including those targeted at individuals or specific groups on online and social media
  - Coverage plan for election day;
  - Criteria for the selection of election commentators, political analysts or other experts;
  - Guidelines on responsible use of social media; and
  - Conflict of interest, media ownership information, political affiliations or party support arrangements, if any.

# Guidelines on access to information and elections in Africa

- Implementation - States Parties (governments):
  - are required to adopt legislative, administrative, judicial and other measures to give effect to these Guidelines. In doing so, a review of existing laws, policies and practices on access to information during the electoral period is essential
  - must ensure that relevant electoral stakeholders are trained in relation to the content of these Guidelines.
  - shall in each periodic report submitted to the ACHPR ... as well as to other relevant regional and international mechanisms, provide detailed information on the measures taken to facilitate compliance with the provisions of these Guidelines.