Joint resolution between the Independent High Authority for Elections and the Independent High Authority for Audiovisual Communication of 21 August 2019.



Joint resolution between the Independent High Authority for Elections and the Independent High Authority for Audiovisual Communication of 21 August 2019 on the regulation and procedures of the coverage of the presidential and legislative electoral campaigns by the media.

The Council of the Independent High Authority for Elections and the Independent High Authority for Audiovisual Communication.

Having considered the Constitution of the Republic of Tunisia and in particular Articles 31, 32, 48, 55, 75, 125, 126, 127 and paragraph 8 of Article 148,

The Organic Law n° 2012-23 of 20 December 2012 on the Independent High Authority for Elections and all its complementary and revising texts,

The Organic Law n° 2014-16 of 26 May 2014, on elections and referendum, as amended and completed by the Organic Law n° 2017-7 of 14 February 2017, especially the third paragraph of Article 67 and Article 74,

The Organic Law n° 2011-116 of 2 November 2011, in particular Articles 3, 4, 5, 42, 43, 44, 45 and 46;

Upon deliberations, decided the following:

**Section I: General Provisions**

**Article 1:** This resolution sets out the rules and procedures for coverage of the presidential and legislative elections’ campaigns in the audiovisual media outlets for all their programmes, be it the news, talk shows, political debates, direct expression shows or other. It also sets out the conditions to produce programmes, reports and shows related to the elections’ campaigns.

The provisions of this resolution apply to the national audiovisual media outlets, private and public and associative, their websites and official social media pages, and to foreign channels’ offices and correspondents, and to their contracting agencies and production companies within the Republic of Tunisia.

**Article 2:** The following terms are intended for the interpretation of this resolution:

**Elections’ Period:** It is the period before and during the elections’ campaign and the electoral silence, and for presidential elections, it extends until the results of the first round are announced.

**Elections’ Campaign:** The set of activities carried out by candidates and electoral lists, or their supporters or political parties, during the legally set period to publicise the electoral programme via various propaganda means and legal methods in order to urge voters to vote for their benefit on the polling day.
The campaign starts 22 days prior to the polling day and ends 24 hours before.

**Electoral Silence Period**: The period including the day of electoral silence and the day of voting until the last polling station in the electoral district is closed.

**Candidate or Candidate List:** Candidate lists running for the legislative elections and presidential elections’ candidates.

**Audiovisual Communication:** Any operation that aims for providing radio or television services for the public, in any way.

**Broadcast:** Radio and television programme coverage of a geographical area.

**Programme:** A set of images or sounds, or both forming a unit within the programming of an audiovisual communication outlet, through its own means.

**Debate:** A meeting organised on audiovisual media outlets, based on pre-determined rules, during which a live discussion between presidential candidates is conducted with the aim of enlightening the voter and informing them of their ideas and programmes.

**Direct Expression:** The right of the representatives of the candidate lists of the legislative elections and the candidates of the presidential elections to communicate through public audiovisual media outlets in order to present their election programmes.

**National Audiovisual Media Outlets:** Public, private, and associative audiovisual media outlets which are licensed, and which carry out broadcasting activity, as regulated by Decree No. 2011-116 of November 2nd, 2011.

**Political Advertising:** Any free or chargeable advertising or propaganda that adopts commercial marketing methods and techniques, aimed at promoting a person, idea, programme or political party, for the purpose of luring voters or influencing their behaviour and choices through audiovisual, or written or electronic media, or through fixed or movable billboards installed in private or public spaces and means.

**Opinion Poll:** A statistical survey aimed at presenting quantitative indicators in a specific period relating to the opinions, intentions or behaviour of citizens.

**Equal Coverage:** A rule based on which equal time is allocated for broadcasting or expression when covering the presidential elections’ campaign and candidates’ access to audiovisual media outlets.

**Fair Coverage:** A rule based on which the access of candidate lists of the legislative elections to audiovisual media outlets is based on the proportionality rule between the number of candidates lists at the national or regional level and the rate of presence time on audiovisual media outlets.

**Proportionality at the National Level:** The rule of balance between the rate of access of candidate lists to media outlets based on their proportional number in electoral districts or in the entire territory of the Republic.

**Proportionality at the Regional Level:** The rule of balance between the rate of access of candidate lists to regional and local media outlets based on their proportional number in the relevant electoral districts.

**Neutrality:** To objectively and impartially deal with all candidates, not to be biased to any candidate list or to disrupt the elections’ campaign of a candidate list, and to avoid anything that may affect the will of the voter.

**Defamation:** Any public allegation or attribution of anything that is not true that would impair the honour or esteem of a person, provided that the targeted person is personally and directly affected.

**Section 2: Rules of Media Coverage During the Elections’ Campaign**

**Part 1: Common General Rules**

**Article 3:** The audiovisual media outlets shall enjoy the freedom of expression and the independence of their editorial in their coverage of the electoral campaign, while adhering to the principles of objectivity, integrity and neutrality.

**Article 4:** In its coverage of the electoral campaign, media outlets shall be subject to the regulations provided for in the legislation in force; the provisions of this resolution; the provisions of the resolution of the Independent High Authority for Elections on regulating the rules and conditions by which media outlets must abide during the elections’ campaign; and the requirements of the specifications of the Independent High Authority for Audiovisual Communication on the creation and use of television and radio channels.

**Article 5:** The election campaign shall not be conducted in the audiovisual media outlets which engage in broadcasting activity outside the framework of Decree No. 2011-116 and which are not licensed.

**Article 6:** The different categories of audiovisual media outlets shall commit to ensuring the coverage of the elections’ campaign by journalists who have a degree of professionalism, experience and knowledge of the laws and procedures applicable to the electoral process. The journalist, regardless of the category of the institution in which they work, should abide by the professional and ethical rules, and not submit to any form of direction, threatening or blackmailing, and prioritise the voter's right to a balanced and credible coverage.

**Article 7:** Media outlets shall commit to not prejudice the privacy of candidates' personal lives, and to refrain from broadcasting any speech inciting violence, hatred, intolerance or discrimination based on colour, gender, religion, regional affiliation or on any other basis, and anything that may affect the values of the democratic civil State stipulated in the constitution.

**Article 8:** When selecting extracts from the statements and declarations of the candidates, the media shall commit to not distort their meaning and purposes.
When broadcasting or embedding campaign radio and television programmes or parts of them on their websites or social media pages, they are banned from editing or cutting their content in a way that affects the essence of their original content or leads to making them carry a different meaning.

**Article 9:** Media outlets shall commit to enable each candidate who has been subject to defamation and distortion to have the right of reply and to correct if false information that may mislead voters have been mentioned. This shall be done within no more than 24 hours from the date on which the concerned files a written request to the concerned media outlet.

**Article 10:** The right of reply and correction shall be exercised in accordance with the regulations set out in the documents of specifications.
The right of reply shall not contain statements violating the law or harming the honour or reputation of persons.

**Article 11:** In case the relevant media outlet rejected granting the right of reply and correction to the requester, the latter shall be informed by an explanatory written decision. Silence after the expiration of the indicated term is considered an implicit rejection.
The rejection decision shall be challenged before the Independent High Authority for Audiovisual Communication within 24 hours of its date, and the authority shall decide on the challenge within the next 24 hours.

**Article 12:** Media outlets shall commit to not confuse the presidential campaign programmes with those of the legislative elections’ campaign, to have their respective programming preceded by their own audio or visual ad, and to explicitly refer to that to during the broadcast.

**Article 13:** Prior to the launch of both the presidential elections’ campaign and the legislative elections’ campaign, media outlets shall prepare two detailed plans for the coverage programmes, to be set in consultation with editorial institutions. They shall be free to determine the number and quality of the programmes allocated, taking into consideration the provisions of this resolution.

The plan shall include radio and television programmes for the media, and what is broadcast on their websites and official social media pages.

**Article 14:** Media outlets shall commit to delivering the detailed plan to the Independent High Authority for Audiovisual Communication at least seven days before the start of the elections’ campaign and to posting it on their websites.

**Article 15:** Media outlets shall commit to providing election campaign newsletters, as their human resources and capacities permit.
They shall commit to not integrate entertainment items into campaign news and programmes.
During talk shows, they shall commit to selecting guests on the basis of diversity and not seeking to exclude any party. The journalist who conducts the dialog must state the criteria based on which they were hosted.

**Article 16:** Each media outlet shall commit to appointing a special coordinator who will be the direct vis a vis for coordination with all the relevant parties and structures during the elections’ campaign.

**Article 17:** Media outlets shall commit to not disclose the results of the voters' survey after leaving the polling stations before the last polling station is closed in the electoral district for the legislative elections and the last voting office closed for the presidential elections.

**Article 18:** When the results of the survey are announced in accordance with the above-mentioned measures, media outlets shall indicate the following:

* That the results shown do not reflect the final results of the vote.
* Announcing the name of the structure that prepared the survey, the methodology adopted, the details of the sample, the error margin, the party or person who commissioned conducting the survey.

**Article 19:** Media outlets are banned from announcing the initial or final results of the elections before they are officially announced by the Independent High Authority for Elections.

**Part 2: Access to Audiovisual Media Outlets**

**Article 20:** During the elections’ campaign, media outlets shall commit to ensuring diversity through the presence of various intellectual and political views, by providing media coverage that respects the principle of equality for the presidential elections and respects the principle of equity for the legislative elections.
All television and radio channels broadcasting at the national level shall commit to achieving equity by adopting proportionality at the national level. Regional channels shall commit to achieving equity for the legislative elections by adopting proportionality at the geographical level covered by their broadcasting range as set out in the licensing agreements.
If the media coverage of a program or part of it is limited to one or more specific constituencies, proportionality shall be adopted for the relevant constituency or constituencies.

**Article 21:** Media outlets work to publicise the candidate lists for legislative elections, regardless of the rate of their presence in the electoral districts.

**Article 22:** The media coverage of the campaign includes any coverage:

* Where the candidate expressed themselves as such, or in any other capacity.
* That occurred during programmes related to the campaign or elsewhere. This excludes what the right of reply or correction requires.

**Article 23:** Media outlets shall provide similar broadcasting and production conditions for all candidates for the elections.

**Article 24:** Media outlets shall commit to not inviting candidates for non-campaign programmes.

**Article 25:** Media outlets shall take into account the principle of parity in the various radio and television programmes devoted to elections, and shall not deal with the female guests and candidates using insulting, superior, or sarcastic discourse, and taking into account the principles of gender approaches.

**Article 26:** Media outlets shall work on engaging youth in the various radio and television programmes devoted to the electoral campaign and in the discussion of public issues.

**Article 27:** Media outlets shall facilitate the access of candidates and guests with disabilities to the campaign programmes using appropriate means.

**Part 3: Indirect Electoral Advertising**
**Article 28:** During the elections’ campaign, it is prohibited to broadcast any official speech or media intervention issued by the Presidency, the Government, members of the People's Assembly, regional or municipal councils, or from any other public authority that includes direct or indirect election propaganda.

**Article 29:** It is prohibited to instrumentalise media establishments by their owners or shareholders or by those who have established relationships if they are candidates for the purpose of their own direct or indirect advertising or for propaganda against their competitors.

**Article 30:** During the elections’ campaign, media outlets shall commit to preventing hosts, news editors, programme presenters, journalists, and officials who are running for elections from appearing in motion or voice, on their radio and television programmes outside the space allocated to the candidates or candidate lists.
They shall also commit to not assign their agents who carry out editorial functions and who ran for elections or declared their candidacy for elections with tasks related to the media coverage of the campaign.

**Part 4: On the Commitments of Public Audiovisual Media Outlets**

**Article 31:** As public facilities, public audiovisual media outlets shall commit to harnessing their potential to ensure the comprehensive coverage of elections. They shall allocate part of their programming before the start of the elections’ campaign to enlighten voters, demonstrate the importance of the electoral process, and provide accurate information that supports their free will in the selection process.

**Article 32:** Public audiovisual media outlets shall commit to facilitate the access of disabled candidates to campaign-related programmes by providing appropriate techniques and ensuring that news bulletins are broadcasted with the sign language.

**Section 3: Rules of Organising Debates and Direct Expression**

**Part 1: On Debates**

**Article 33:** The public media may organize debates between presidential candidates in the first and second round under the supervision of the Independent High Electoral Commission and the Higher Independent Commission for Audiovisual Communication.

Private audiovisual media can co-organize and broadcast these debates in coordination with the Tunisian radio and television organizations.

These debates require the following:

**In these debates, the following is required,**

* All organisation procedures are subject to sortition, in the presence of a bailiff, in relation to anything that may favor a candidate over another.
* For the first round, candidates are divided into equal groups through sortition provided that each group comprises at least one candidate of a party that is represented in the Parliament. The priority in choosing goes to the most represented party in the Parliament, the remaining parties follow in case they outnumbered groups in the sortition process.
* The technical choices are to be set in advance in accordance with a detailed vision that aims at achieving the principle of equality between the different candidates, and that is subject to the approval of the Authority of Audiovisual Communication.
* It is necessary to adopt the principle of gender equality in choosing journalists who shall be qualified and highly compliant with the rules and morals of the job.
* The journalists appointed to conduct the debate shall comply with the following:
	+ Informing the candidates and the audience with the rules of managing the debate in advance.
	+ Impartiality in the way questions are asked and the debate is managed, including non-verbal communication such as gestures and facial expressions…
	+ Equality between candidates and not offending any of them in any way.
	+ Committing to pre-defined questions.
	+ Not arguing with candidates.
	+ Obligating candidates to respect individual freedoms, not to use any discourse that may be defamatory, discriminatory, stirring up hatred or using religion.
	+ Obligating candidates to respect their allocated time.
	+ Pre-determining the time of speaking for each candidate on an equal basis and allocating one third of it for free comments.

**Article 34:** All candidates are to be notified in advance of the date of the debate and its governing rules.

In case any of the candidates withdraws after their approval is given, the debate is held on its defined date and time and the time allocated for each candidate is maintained.

In case any of the candidates declines to take part in the debate in the second round of the Presidential elections, or in case they withdraw after having given their approval, it shall therefore be cancelled.

**Article 35:** Media outlets cannot rebroadcast the debates neither totally nor partially during the election campaign.

**Article 36:** In case the rules of the debate are not respected, complaints can be immediately submitted to the High Independent Authority for Elections and the Authority of Audiovisual Communication.

The complaint shall be examined within 24 hours.

**Article 37:** A joint committee is formed between the High Independent Authority for Elections and the Authority of Audiovisual Communication and shall supervise the sortition and the proper organisation of the debates in a way that ensures equality between all candidates.

**Part 2: Direct Expression**

**Article 38:**  In case the Audiovisual Communication Authority and the Independent High Authority for Elections acknowledge the possibility to use direct expression as a means of communication for candidates of the presidential elections as well as lists running for legislative elections, then state audiovisual media shall abide by it.

**Article 39:** Direct expression programs are produced and broadcasted in similar conditions between candidates and electoral lists.

**Article 40:** The conditions of production and broadcasting, including the format, duration, timing, order of broadcasting and others, are set out in a detailed memorandum drawn up by the Independent High Authority for Audiovisual Communication in coordination with the Tunisian Radio and Television, and shall be published 72 hours at the latest after the publication of the electoral lists and the final candidates approved.

**Article 41:** The Tunisian Radio and Television shall take the necessary measures in order to remove all obstacles that may prevent any candidate with disabilities from expressing themselves in the direct expression programmes, including facilitating the access to the studios reserved for the production of those programmes.

**Article 42:** The programmes for direct expression shall be announced through an ad that shall be broadcasted before and during the aforementioned sessions, which shall indicate the non-liability of the audiovisual communication institution regarding the content of these sessions.

**Article 43:** Direct expression programmes cannot be broadcasted by private audiovisual communication media outlets, and it is exceptionally possible to broadcast short excerpts thereof as press comments without prejudice to their original content and without altering it.

**Article 44:** The Independent High Authority for Audiovisual Communication shall publish the media coverage schedule of the election campaign on its website.

It shall also publish the detailed memorandum of direct expression sessions, the detailed media coverage plans of the campaign that are adopted by the audiovisual communication media outlets.

**Section 4: Final Provisions**

**Article 45:** The Independent High Commission for Audiovisual Communication shall monitor the compliance of media outlets with the principles of equality, equity, diversity, and ethics, and shall prepare a periodic report to be made public.

**Article 46:** The percentages of the time slots related to the attendance of the candidate lists in the public and private audiovisual media outlets shall be determined once the final lists in all constituencies are set, under an annex to this resolution.

**Article 47:** Any violation of this resolution shall be punishable in accordance with the provisions of the legislation in force. In case it records a violation of the above principles, the High Independent Commission for Audiovisual Communication shall make the necessary decisions, and the concerned media outlet shall remedy the violation committed within a period not exceeding 24 hours.

**Article 48:** The provisions of this resolution shall nullify and replace the joint resolution of the Independent High Authority for Elections and the Independent High Authority for Audiovisual Communication of 5 July 2014 on the regulations and procedures of the electoral and referendum campaign by the media and audiovisual communication outlets.

**Article 49:** This resolution shall enter into force from its date and shall be published in the Official Gazette of the Republic of Tunisia and on the websites of the Independent High Authority for Elections and the Independent High Authority for Audiovisual Communication.

**Tunis on August 21, 2019**

**Chairman of the Independent High Authority for Audiovisual Communication**

**Chairman of the Independent High Authority for Elections**