



NATIONAL MEDIA COMMISSION

Guidelines

FOR THE
PUBLICATION OF

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REJOINDERS

FRIEDRICH
EBERT
STIFTUNG

Preface

A major responsibility entrusted to the National Media Commission, is the protection of the rights of individuals from abuse by the media.

The Constitution enjoins the media to publish any response from individuals who become subject matter for their publications.

It has not been easy enforcing the constitutional demand for mandatory rejoinders. But if the Commission is to succeed in its endeavours to persuade people not to take the media to court, then their right to rejoinders must be protected.

It is in the light of this reality that the Legal Committee of the National Media Commission was tasked to draw up the Guidelines on the Publication of Rejoinders.

It is our prayer that the public and the media will find the Guidelines meaningful and functional. When they do, the joy and honour from it must go to the Friedrich Ebert Foundation, which provided the much needed finances to get this document published.

Tim Acquah-Hayford
Chairman

INTRODUCTION

Article 162 (6) of the 1992 Constitution states as follows:

“Any medium for the dissemination of information to the public which publishes a statement about or against any person shall be obliged to publish a rejoinder, if any from the person in respect of whom the publication was made”.

In line with the above provision, the following guidelines shall apply for the publication of rejoinders:

GUIDELINE 1

An aggrieved person or his/her duly authorised agent could write the rejoinder.

REASON:

This is because under certain circumstances the nature of the rejoinder may require a professional knowledge which the aggrieved person himself may not have.

GUIDELINE 2

The same prominence must be given to the rejoinder as the article or news item complained of. For example if the article or news item was a front - page story, the rejoinder must also be on the front - page. In electronic media, the rejoinder must be broadcast during the same time segment of the said information.

REASON:

Mass Communication research has shown that, some newspaper pages are more read than others. It has also shown that there are peak times for listening to Radio and TV. In a nutshell this would ensure fairness to the aggrieved person.

GUIDELINE 3

In carrying a rejoinder, a medium should make it clear that it is indeed a rejoinder, unless the consent of the person has been expressly sought and expressly given, the language and the content of the rejoinder must be carried as given without comments.

REASON:

If editors were allowed to edit such rejoinders there is the danger of editors taking this advantage to make interpolations and other such tempering which would alter the meaning of the words to suit the editor.

The editor could even decide for lack of space to edit and publish the rejoinder in two installments to water - down its effectiveness.

GUIDELINE 4

Media houses shall publish a rejoinder within a reasonable length of time not exceeding the next three (3) issues on receiving the rejoinder in the case of dailies and two (2) issues in the case of

weeklies and other publications of the print media, and in the case of the electronic media, at most three days after the offensive publication.

REASON:

Due to the time lapse of information this would ensure that the media houses will not intentionally or negligently delay the publication of the rejoinder. It is also intended to prevent the dying out of an issue before the rejoinder is published.

GUIDELINE 5

All rejoinders shall be copied to the National Media Commission

REASON:

This process would help in policing the media houses to live up to expectation since there could be the tendency of media houses refusing to publish such rejoinders. This would also help forestall a situation where the media house may claim that it has not received the said rejoinder. The copy at the National Media Commission will serve as back up copy. This will also enable parties to sort issues out especially if the party sending the rejoinder has reason to believe that the rejoinder has been edited unfairly by the media house. It will also give the National Media Commission a data base for research into audience and complaints.



GUIDELINE 6

All complaints with regard to rejoinders should be sent to the National Media Commission.

REASON:

The National Media Commission should always be the first point of call for all media related problems.

GUIDELINE 7

Rejoinders may cover the same amount of space and airtime as the publication complained of.

REASON:

Complaints about space and airtime shall be resolved under the auspices of NMC to be fair to the aggrieved person.

GUIDELINE 8

A person who does not get his rejoinder published or broadcast may lodge a complaint in writing to the National Media Commission.

REASON:

This is to prevent a situation where the aggrieved person waits endlessly to get a rejoinder published.

NOTE

Where rejoinders contain libelous contents, the matter may be referred to the NMC for redress.