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The participation of minors in political communication, election campaigns and referenda and all poll-related matters – Requirements

ICS: **27.160**

The Malta Competition and Consumer Affairs Authority has approved and endorsed this standard which now has the status of a National Standard as from the date of its publication in the official Government Gazette.

Malta Competition and Consumer Affairs Authority
Standards and Metrology Institute
Standardization Directorate
Mizzi House, National Road
Blata l-Bajda, HMR 9010
Malta

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Foreword

This Standard provides Commissioning Entities with information guidelines for planning, preparing and producing political productions in which minors participate actively and/or passively in order to ensure their physical, psychological and emotional well-being.

This Standard promotes self-regulation by providing the necessary guidelines to commissioning entities when involving or engaging minors in political activities, this shall be without prejudice to the powers of competent authorities in the exercise of their functions at law.

This Maltese Standard was drawn up by SMI/TC6200. The members of this technical committee represented the following entities:

Agenzija Appogg
Alternattiva Demokratika
Broadcasting Authority
Commissioner for Children
Commission for the Rights of Persons with Disability
University of Malta - Faculty for Social Wellbeing
Malta Audio Visual Association
Partit Laburista
Partit Nazzjonalista
Public Broadcasting Services
Office of the Information and Data Protection Commissioner

1. Scope

This Standard is aimed to guide the commissioning entities during the planning and production of political communication and advertising efforts such as electoral campaigns, referenda and other related activities which involve the participation of minors. These guidelines are intended to ensure the protection of minors during all stages of these productions in support of the Maltese legal framework. Commissioning entities providing productions which are in line with these guidelines and related national legislation may declare self-compliance with the guidelines of this standard. Self-compliance is a sign of good practice that impinges positively on the campaign.

2. Normative References

The Press Act – Chapter 248

Employment and Industrial Relations Act - Chapter 452

The Data Protection Act – Chapter 440

Broadcasting Code for the Protection of Minors – S.L. 350.05;

Requirements as to standards and practice applicable to participation in media programmes of vulnerable persons – S.L. 350.15

Code of Journalistic Ethics - Institute of Maltese Journalists (<https://igm.org.mt/resources/code-of-journalistic-ethics/>)

Principles for promoting children’s participation - UNICEF

Convention on the Rights of the Child - UN

3. Definitions

3.1. Commissioning Entity

The commissioning entity is the body that is legally responsible for the production which comprises the political communication. This entity may either develop the production in-house or may finance a production house to develop and publish the production.

3.2. Election Campaigns

Electoral campaign duration

3.3. Minor

For the purpose of this standard, minors are under the age of 16

3.4. Participation (active or passive)

Participation is an essential principle of human rights and plays an important role in citizenship. The importance of the right of minors to participate is enshrined in a number of articles of the United Nations Convention on the Rights of the Child.

Minors may participate both as actors and/or models, as well as actual consumers. Active participation should be based on the evolving capacity of the minor; however commissioning entities are advised to always include shared decisions with the participating minors. It is strongly recommended that non-participatory contributions that would involve degrees of tokenism and manipulation are not practised.

3.5. Political Communication

Marketing communications in their entirety whose content encompasses themes related to the political, socio-economic, cultural and religious thought and life of the local community.

3.6. Production

For the purpose of this standard, a production consists of audio-visual media, print media (e.g. flyers, books, billboards and advertising locations) and online media (e.g. social media) used for political communication, election campaigns, referenda and poll related matters.

3.7. Referenda and Poll Related Matters

Any poll related matters such as the cases of the divorce, hunting and the EU membership referenda. Any other instances where, despite not requiring the direct vote from the public, political parties, unions, NGOs or religious organisations use marketing communication means to sway public opinion.

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4. Planning

4.1. General Requirements

The commissioning entity shall establish a production plan which includes provisions for the protection of those minors intended to participate in the political communication. These provisions should ensure that participating minors are protected physically, psychologically and emotionally throughout all stages of the production. During planning any suggestions, opinions, preoccupations and perspectives originating from the prospective minors and their guardians are to be given full consideration. Planning may include considerations on:

- Production Objectives
- Production Context
- Production Contents
- Production Resources

This plan shall eventually be communicated to the prospective minors and their guardians prior to the commencement of any production.

4.2. Production Objectives

The potential participants and their guardians have the right to know the production objectives and target audience. These objectives may be designed for information purposes, to educate, to sway opinion, to bring about a discussion, or to convey political messages.

4.3. Production Context

This involves the identification of positive and negative issues related to the participation of the prospective minors within a politically polarised context. These issues pertain to their protection prior, during and after production to secure their well-being.

Considerations may include:

- Minors as individual human beings in their own right
- Minors' portrayal during participation, (i.e. positive and empowered)
- Inclusion and diversity as opposed to discrimination and tokenism

The commissioning entity shall review these issues with the prospective minors and their guardians.

4.4. Production Content

During the creative process, the commissioning entity will determine the narrative for the production establishing whether the minors will have primary or secondary roles (including stock footage). The portrayal of children must be age appropriate. Any changes to the content during the production shall be agreed on by the minors and their guardians.

4.5. Production Resources

The type of production may determine the necessary resources required. When planning resources, the following considerations are to be made:

- Health and Safety aspects,
- Responsible behaviour by adults in the presence of minors,
- Legal and other obligations.

5. Preparation

5.1. General requirements

These guidelines strongly recommend that production preparations be kept in accordance with the planning programme described in Clause 4. Preparations shall ensure that the production fulfils all applicable legal and other requirements and that there is agreed consent among all parties.

5.2. Identification of prospective minors for participation

To identify prospective participants the commissioning entity may request prospective minor participants to provide a profile (e.g. CVs) with the consent of the minors and their guardians. The commissioning entity is obliged to evaluate these profiles to identify participants who meet the production objectives established in Clause 4.3. The personal data of both selected and unselected candidates shall be destroyed or returned once the campaign is over. The best interests of the prospective minors shall be adhered to throughout the selection process.

5.3. Information to potential participants

It is imperative the commissioning entity provides all information related to the production plan to the identified minors and their guardians. Information may be related the following aspects:

- The relevant part of the story board in which the minor will be involved
- Production location
- Duration of use of the production
- Dissemination of the production
- Agreed payment terms if applicable.

The positive and negative impacts related to their potential participation are to be communicated effectively to the identified minors. These impacts may include short term and long term repercussions. The commissioning entity may also provide information regarding support services offered by recognised caring professionals (e.g. Psychologists, Social Workers, and Counsellors).

The commissioning entity shall inform the selected participants and their guardians about their rights to withdraw from participation at any time, even after consent and production.

5.4. Consent

The commissioning entity shall ensure the selected participants fill in a consent form prior to starting any related activities. The consent form may be similar to the template provided in Annex A. It may be customised according to fit age-specific parameters and it shall contain provisions for guardians to give consent both for participation and also for the assessment that the minor shall undergo prior to starting any related activities. The form shall also clearly indicate the right of the participant to revoke the consent at any time.

A copy of the completed consent form is to be given to the guardians and the competent person in charge of the assessment.

5.5. Assessment

The commissioning entity shall ensure that prior to approving participation of minors, an assessment is carried out on the minor by recognised caring professionals (e.g. Psychologists, Social Workers, and Counsellors). This assessment may be based on the following criteria:

- Cognitive abilities of legal guardians and minors
- Ability of legal guardians and minors to understand the meaning of media exposure and its effects
- Emotional stability of legal guardians and minors
- Supportive capacity of legal guardians
- Age of minors

- Family situation
- Effect on siblings
- Medical situation of the minor

The criteria mentioned in the above list shall serve as guidelines and assessments will be conducted on a case by case basis.

The outcome of the assessment is to focus on whether the participation of the minor in the production is deemed to be harmful or not. This assessment may also provide recommendations to ensure the best interest of the minor.

The outcome of the assessment shall be valid only for the agreed production and not valid for other future campaigns/promotions.

The outcome of the assessment and its recommendations are to be reported and communicated clearly to the commissioning entity, the minors and their guardians. The report shall clearly recommend or not if the minor should participate in the production.

5.6. Approval and Agreement

The commissioning entity, the minor and the guardians shall review the outcome of the assessment and agree on the terms and conditions of the production.

6. Production

6.1. General Requirements

The commissioning entity shall ensure that production takes place in accordance with terms and conditions agreed on with the minor(s) and their guardians.

6.2. Production Environment

The commissioning entity shall ensure that the production environment is

- safe,
- minor-friendly,
- and of acceptable standards.

The commissioning entity shall ensure that all provisions for health and safety are in place and in conformity with related national legislation. Such arrangements need to consider the well-being of the minors. This includes considerations on:

- Adequate breaks between the various production sessions
- Short working hours of filming that are commensurate with the national legislation concerning minors at workplaces
- No filming or shooting after a set time as per legal requirement
- First Aid precautions
- No dangerous stunts
- No psychologically disturbing situations

6.3. Production stage

During production the commissioning entity shall supervise the production activities taking place. In particular;

- Staging to conform with agreed story board.
- Any changes to the production plan shall be agreed with all parties
- The production crew shall behave ethically throughout the production.

- Any concerns shown by the minor(s) are to be addressed by a competent responsible individual with immediate effect.

6.4. Post Production Support

The commissioning entity shall verify that the production has been carried out as planned and as agreed with the participating minors and their guardians. The entity is to provide a written guarantee that only the agreed version of the production is disseminated.

7. Legal and other requirements

The commissioning entity shall comply with all Maltese and EU legislation during all stages of the production in which minors are involved.

8. Documented information and self-compliance

The commissioning entity shall maintain at least the following documented information to provide assurance that the production is in accordance with the requirements of this standard:

- Minor(s) profile(s)
- Production Contents (story board)
- Assessment Report (Including the recommendations)
- Contractual Agreement including a declaration to abide with child rights and related legislation
- Contract

The commissioning entity may insert the following text in the production to self-declare compliance with the requirements of this standard.

“This production has been developed in accordance with national standard SM6200:2017”

Annex A - Programme Participation Consent Form

Information about the Programme	
Production House / Contact Person	
Media Station	
Programme	
Date of Intended Transmission	
Email	
Contact number	
Consent for Minor (Legal Custodian 1)	
Name and Surname of Adult	
I.D. Card Number	
Name and Surname of Minor	
Relationship with minor	
I declare that I am the legal custodian of the minor and that I have understood the implications of the participation of the minor in the above mentioned programme and give my consent for the child to participate in this programme.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I understand that the material may or may not be used by the commissioning entity.	
Signature	
Consent for Minor (Legal Custodian 2)	
Name and Surname of Adult	
I.D. Card Number	
Name and Surname of Minor	
Relationship with minor	
I declare that I am the legal custodian of the minor and that I have understood the implications of the participation of the minor in the above mentioned programme and give my consent for the child to participate in this programme	<input type="checkbox"/> Yes <input type="checkbox"/> No

Signature	
Media Assessor's Information	
Name of Media Assessor	
Profession and Warrant Number	
Signature	

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