



CODE OF PRACTICE FOR BROADCASTING

FOREWORD

The Broadcasting Code of practice has been prepared by the Uganda Communications Commission under the mandate provided in the Electronic Media Act Cap 104.

It was deemed necessary to have the code prepared and published as a hand book for both broadcasters and viewers in a bid to promote better standards of broadcasting. Interalia, the code is a guide for broadcasters and content service providers, it is aimed at protection of the viewers and particularly for those under eighteen years from viewing material that may not be suitable for them, and it is also intended for the promotion of due impartiality and due accuracy. Furthermore, the code of practice for broadcasting will assist those who work in broadcasting, as well as viewers and listeners who wish to understand broadcasting standards.

It is the responsibility of broadcasters to comply with the code. Broadcasters may make programmes about any issue they choose, but it is expected that broadcasters will ensure at all times that their programmes comply with all laws of Uganda, as well as the Code.

When applying the Codes of practice for broadcasting content, broadcasters should be aware that the context in which the material appears is key. It is envisaged that the codes will be useful as a yard stick upon which program editors will relay.

PREAMBLE

Article 19 Universal Declaration of Human Rights (UDHR) states that, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. The 1995 Constitution of Uganda clearly stipulates that Fundamental Rights and Freedoms of individuals are inherent and not granted by the State.

Responsible broadcasters while covering the tastes of listeners, viewers and internet users have a duty of responsibility which they carry along and ought to exercise it as they provide information, news, and entertainment to the public. Broadcasters must value public respect as a priority which respect is earned through adherence to ethical standards of broadcasting and integrity in presentation of programs.

One of the mandates of the Uganda Communications Commission-Broadcasting Council is to safeguard general broadcasting standards on behalf of the public. Section 10(1) (e) of the Electronic Media Act Cap 104 makes provision for the setting of ethical broadcasting standards.

1. INTERPRETATION OF TERMS

“Adult” means person who has attained the age of eighteen (18) years;

“Broadcaster” has the meaning given in the Electronic Media Act;

“Children” refer to persons who have not yet attained the age of eighteen (18) years;

“Children’s Programme” refers to programmes that are intended for or targeted at children;

“Context” refers to the circumstances within which a particular programme is broadcast, in regard to the following factors:

- (i) the time of broadcast;
- (ii) the editorial content of the programme;
- (iii) what other programmes are scheduled before and after the programme;
- (iv) the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or in particular programmes;

- (v) the likely size and composition of the potential audience and likely expectation of the audience;
- (vi) the effect of the material on viewers or listeners who may come across it unawares.

“Commission” means the regulatory body for communication and broadcasting sector in Uganda;

“Due Impartiality”

‘Due’ means adequate or appropriate to the subject and nature of the programme.

‘Impartiality’ itself means not favouring one side over another. Due is an important qualification to the concept of impartiality.

“Due impartiality” means that there is no significant imbalance of views or opinions aired within coverage of matters of political or industrial controversy or matters relating to current public policy. Hence “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel.

“Religious Programme” means a programme which deals with matters of religion as the central subject, or as a significant part, of the programme;

“Fair” refers to not acting unjustly, of being upfront and open about intentions so as not to deceive, and adhering to established good journalistic practice in treating with members of the public. It does not mean “treating people or issues equally;

“Public Interest” concerns matters which may reasonably be judged to have an impact on the population as a whole, or groups of citizens. It includes, but is not limited to detecting or exposing crime or serious impropriety, corruption or professional incompetence that affects members of the public;

2. REFERENCE STANDARDS FOR CODE OF PRACTICE FOR BROADCASTING

The Act requires every broadcaster to be responsible for maintaining in its programmes and their presentation, standards which can be classified as Standards A-J as outlined below:

Standard A:	Observance of good taste and decency;
Standard B:	Principles of impartiality, neutrality and accuracy;
Standard C:	Maintenance of law and order;
Standard D:	Human rights;
Standard E:	Privacy of the individual;
Standard F:	Protection of children interests;
Standard G:	Religious programs;
Standard H:	Violence;
Standards J:	Fairness;
Standard K:	Classification Symbols.

These standards are the code of practice for broadcasting that are intended to ensure that broadcasters, independent content providers are aware of what entails responsible broadcasting. The classification of these standards for the code for broadcasting is purely from the Commission's point of view for purposes of reference.

2.1 Code of Practice/conduct for Broadcasting

A code of practice/conduct for broadcasting is a set of rules outlining proper practices or responsibilities for the broadcasters of the programmes aired on the electronic media.

2.1.1 Standard A: Observance of Good Taste and Decency

The broadcasters are expected to be mindful of norms of good taste and decency, taking into account the context in which the content occurs and the programmes classification, target audience but bearing language that is mindful of the following:

- a) Broadcasters ought to ensure that their content is desirable to the public and that it is not offensive. Offensive language carries a broad application and could be tied to social, political or religious sensitivities which could be distasteful to the public or select communities. Careful consideration should therefore be given to the language used in programmes in general and in relation to the broadcasting time in particular.
- b) Language used in children's programs should be appropriate and not involve the use of foul language.
- c) During viewing, warning shall be given when strong language forms part of the content of a particular program or measures to blot out such language should be applied. Warning should be specific to avoid details which may offend the viewers of the programme.

- d) Broadcasters must be sensitive to and avoid use of religious, racial, or sexist connotations and avoid the use of discriminative language.
- e) Translations or subtitles when used must be accurate and clarity must be applied.

2.1.2 Standard B: Principles of Impartiality, Neutrality and Accuracy

This standard is associated with controversial issues of public importance that deal with the principles of impartiality, neutrality and accuracy. When discussing controversial issues/view points in programs such as current affairs, news of public importance, reasonable efforts should be made, or reasonable opportunities given, to present significant points of view, either in the same programme or in other consequent programmes.

Accuracy is at the heart of broadcasting. Due impartiality and neutrality must be observed in broadcasting. This does not mean that points of views and opinions cannot be aired, but that it is incumbent upon the broadcaster to ensure that opposing views are heard and that the broadcasting service is not itself partial to any particular view.

2.1.3 Standard C: Maintenance of Law and Order

The broadcasters should be mindful of the standards that are consistent with the maintenance of community and national law and order. The programs should not glamorize criminal activity, or portray anti-social behavior such as violent crime, abuse of liquor. Caution should be exercised in portraying the copying/imitation of criminal acts.

2.1.4 Standard D: Human Rights

Licenses are granted to licensees on the premise that the airwaves remain the property of the public and must be respected. Broadcasters therefore owe a duty of care to the public to ensure that they promote the respect of human rights as part of efforts towards responsible broadcasting.

2.1.4.1 Respect the Rights to Freedoms

The Government of Uganda has ratified various international treaties that seek to promote human rights and is therefore bound by them and other obligations under international law.

Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, are some of the international instruments that Uganda has ratified and hence carries a duty to enforce the obligations their under.

The fundamental rights and freedoms of individuals are enshrined in Chapter Four of the 1995 Constitution of Uganda. In consideration of the rights set out in the Constitution, Broadcasters must take into account the following;

- i) The right to respect for the individual's private and family life, his or her home and his or her correspondences;
- ii) The right to freedom of thought, conscience and religion;
- iii) The right to freedom of expression. This right shall include freedom to hold opinions and receive and impart information and ideas without interference by public authority and regardless of frontiers.

It shall be noted however that the right to freedom of expression is not absolute and must be exercised with consideration to principles of public interest and privacy.

2.1.4.2 News Reporting

Reporting should be dispassionate and the reporting of news should be done in an even manner. Significant mistakes in news should be acknowledged and corrected on the same channel at the first available opportunity and should be appropriately scheduled.

A commitment to accuracy includes a willingness to correct errors, clarify ambiguities or other misleading news. Swift action taken to correct inaccurate information is vital to avoid continued misinformation of the public.

In any news report the following ought to be a check list used to ensure compliance to ensure that;

- a) news is presented accurately;
- b) news is presented in such a way as not to create public panic, or unnecessary distress to reasonable listeners;
- c) news is distinguished from comment; and
- d) material relating to a person's private affairs is not aired unless there is a public interest in broadcasting such information.

2.1.5 Standard E: Privacy of the Individual

There shall be no interference with the exercise of the rights of the individual except such as is in accordance with the law, and, is necessary in a democratic society in the interests of national security, public safety or the economic well-

being of the country, for the prevention of disorder or crime, for protection of morals, or the protection of the rights and freedoms of others.

Insofar as both news and comment are concerned, broadcasters shall exercise exceptional care and consideration in matters involving the private lives and private concerns of individuals. The right to privacy may be overridden by a legitimate public interest. Intrusion into a person's private life without consent must be justified in the public interest.

2.1.5.1 Sex and Nudity

- a) Traditional and cultural norms of the Ugandan society generally get offended by content that displays sex and nudity. Therefore the portrayal of sexual behavior and that of nudity needs to be contextualized and scheduled appropriately with consideration of watershed hours.
- b) The Licensee shall not provide content which, judged within context, depicts or contains a scene or scenes, simulated or real, of any of the following:
 - i) person who is, or who is depicted as being, under the age of eighteen (18) years, participating in, engaging in or assisting another person to engage in sexual conduct or a display of nudity;
 - ii) explicit sexual conduct;
 - iii) bestiality;
 - iv) explicit or promote homosexuality;
 - v) explicit sexual conduct which degrades a person in the sense that it advocates a particular form of hatred based on gender and which constitutes incitement to cause harm.

2.1.6 Standard F: Protection of Children's Interests

Particular attention shall be given to content that is created for children and to content in which children are portrayed. Broadcasting material that might seriously impair the physical, mental or moral development of children must not be broadcast. Children must also be protected by appropriate scheduling from material that is unsuitable for them. The programs that contain disturbing social and domestic friction especially those where people or animals may be inappropriately treated should be treated with the sensitivity it deserves. If the broadcaster thinks that a program when viewed may disturb or affect the children that program should re-scheduled appropriately later in the evening.

2.1.7 Standard G: Religious Programs

Cognizant of the right to freedom of expression, broadcasters must exercise a degree of responsibility and balance in respect to the content of programmes which are religious programmes. 'A religious programme is a programme which deals with matters of religion as the central subject, or as a significant part, of the programme'.

While broadcasting religious programmes, broadcasters must ensure that the programmes do not;

- a) Involve any improper exploitation of any susceptibilities of the audience for such a programme;
- b) Involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination;
- c) Promote or exhibit any inhuman or degrading treatment.

2.1.8 Standards H: Violence

Violence or the portrayal of dangerous behavior that is likely to be easily imitable by children in a manner that is harmful must not be featured in programmes made primarily for children unless there is strong editorial justification.

Violence whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed (in the case of television) or when children are particularly likely to be listening and must also be justified by the context.

Broadcasters should avoid any material which judged, should not be within context that:

- a) Contains gratuitous violence in any form i.e. violence which does not play an integral role in developing the plot, character or theme of the material as a whole;
- b) Sanctions, promotes or glamorizes violence in general or violence against women.

Standard J: Fairness

Broadcasters should be fair to any persons or an organisation when allegations are made, such person or representative from an organisation should be given a fair opportunity to respond. Care should be exercised when editing programs to ensure that the original or intended message is not distorted.

2.1.9.1 Non-Discrimination

The broadcasters should at all time avoid discrimination against any section of the community. It is important to ensure that programmes do not broadcast material - including the views of interviewees or programme guests - which discriminate against people, for example on the grounds of race, age, nationality, religion, sex or occupations status. This standard is not intended to prevent the broadcast programmes on legitimate, humour or drama.

2.1.10 Standard K: Classification Symbols

Classification symbols should be used at the beginning of each program and after an advert has been run. Warnings should be considered when program content is likely to offend or disturb a significant number of the intended audience.

3.0 Classification Symbols

Classification Symbols shall take the form and interpretation as follows:

G – General: These programs may be screened at anytime. They are not necessarily intended for children but they should not contain material likely to harm or distress them.

PGR – Parental Guidance Recommended: These are programs that contain material that is more suited for adult audience but may not necessarily be harmful to children, parents discretion in the circumstances is necessary.

AO – Adults Only: These are programs that contain a mature theme and are intended for adult viewing only.

Other symbols may be created premised on international standards and interpreted to assist the appropriate selection of programs to be watched by the viewers.

4.0 Scheduling

Broadcasters have a clear duty to schedule programmes so as not to expose children or minors to disturbing or offensive material.

“Watershed” refers to the period outside which, material that is inappropriate for children cannot be broadcast. The watershed begins at 10:00p.m and ends at 05:00a.m daily and therefore material unsuitable for children must not be

broadcast outside this period. During period the following should be taken into account:

- i) Programs transmitted during the watershed period shall not be repeated outside the watershed period.
- ii) Content which depicts or contains scenes of violence, sexually explicit conduct and /or offensive language intended for adult audiences shall not be transmitted outside the watershed period.
- iii) Excessive and gross offensive language should not be used in content transmitted outside the watershed period or at times when substantial numbers of children are likely to be part of the audience.

4.0 Review of the Code

This Code shall be reviewed from time to time as the need arises.