

BROADCASTERS' CODE OF PRACTICE

SUMMARY

Botswana Communications Regulatory Authority (BOCRA) has adopted Broadcasters Code of Practice which forms part of the current Radio and Television Broadcasters Licence Conditions. The code sets out ethical and community standards that licensed broadcasters must adhere to. In accordance with Broadcasting Licence, the Code is used for compliance and monitoring of the broadcast material on commercial Radio & Television stations.

It is important for the public to be familiar with this Broadcasters Code of Practice in order to know what should be expected from the licensed Broadcasters in provision of the broadcasting service. The Code is presented below.

CODE OF PRACTICE

1. Community Standards

The Licensee shall not broadcast content which, measured by contemporary community standards:

- 1.1 offends against good taste or decency;
- 1.2 contains the gratuitous use of offensive language, including blasphemy;
- 1.3 presents sexual matters in a gratuitous, explicit and offensive manner;
- 1.4 glorifies violence or presents violence in a gratuitous and offensive manner;
- 1.5 is likely to incite crime or lead to disorder; or,
- 1.6 is likely to incite or perpetuate hatred against or gratuitously vilifies any person or section of the community on account of race, ethnicity, nationality, gender, sexual preference, age, disability, religion or culture.

2. Protection of Children

- 2.1 When broadcasting programmes where a large number of children may be expected to be listening, the Licensee must exercise due care in avoiding content which may disturb or be harmful to children: This includes, but is not limited to:
 - 2.1.1 offensive language; or
 - 2.1.2 explicit sexual or violent material, including music with violent or sexually explicit lyrics.
- 2.2 In determining when a large number of children are part of the audience, the Licensee shall take into account available audience research as well as the time of broadcast.

3. Fairness, Accuracy and Impartiality in News and Information Programmes

- 3.1 The Licensee shall report news and information accurately, fairly and impartially,
- 3.2 News and Information shall be presented in the correct context and in a balanced manner without intentional or negligent departure from the facts, whether through:
 - 3.2.1 distortion, exaggeration or misrepresentation;
 - 3.2.2 material omissions; or,
 - 3.2.3 summarising or editing.
- 3.3 The Licensee may only present as fact, matters which may reasonably be true, having regard to the source of the news or information, and facts shall be broadcast fairly with due regard to context and importance.
- 3.4 Where reports are not based on fact or are founded on opinions, suppositions, rumours or allegations, the Licensee shall present it in such a manner as to indicate clearly that this is the case.
- 3.5 Where there is reason to doubt the correctness of a report and it is practicable to verify the correctness thereof, it shall be verified. Where such verification is not practicable, the fact shall be mentioned in the report.
- 3.6 Correctness of factual errors shall be broadcast without reservation as soon as reasonably possible after the original error.
- 3.7 Corrections of errors shall be presented with such a degree of prominence and timing as may be adequate and fair so as to easily attract attention, and shall include an apology where appropriate.

4. News and Information Programmes on Controversial Issues

- 4.1 The Licensee shall ensure that, in reporting on controversial issues of political, industrial or public importance, an appropriate range of views is reported either within a single programme or in a series of programmes which are as adjacent as reasonably possible.
- 4.2 When covering controversial issues of political, industrial or public importance during phone-in programmes, the Licensee shall endeavour to ensure that a wide range of opinions is represented over a reasonable period of time.
- 4.3 A person or organisation whose views have been criticised during a programme on a controversial issue of public importance shall be offered a reasonable opportunity by the licensee to reply to such criticism. Such reply shall be:
 - 4.3.1 given a similar degree of importance; and,
 - 4.3.2 broadcast during a similar timeslot as soon as reasonably possible after the original criticism.
- 4.4 For the purposes of this section, "programme" includes news bulletins, current affairs and information programmes, interviews, and panel and phone-in discussions.

5. Conduct of Interviews

- 5.1 Persons who are to be interviewed by a Licensee shall be:
 - 5.1.1 advised of the subject of the interview; and,
 - 5.1.2 informed beforehand whether the interview is to be recorded or broadcast live.

- 5.2 Before conducting an interview with a child, the Licensee shall request permission from the child's parent or guardian to conduct the interview.
- 5.3 The Licensee shall exercise due sensitivity in conducting interviews with bereaved persons or survivors or witnesses of traumatic incidents.

6. Comment

- 6.1 A Comment, whether by the Licensee or by a person invited on air by the Licensee, shall be presented in a manner that clearly indicates that it is a comment.
- 6.2 A Comment shall be an honest expression of opinion and shall be made only on facts which are clearly stated.

7. Privacy

- 7.1 The Licensee shall not present material which invades a person's privacy unless there are identifiable public interest reasons for doing so.
- 7.2 The Licensee shall not use information acquired without the person's consent unless the information so acquired is essential to establish the credibility and authority of a source, and where the programme for which the information is required is clearly of important public interest.
- 7.3 Subject to the law, the journalists' convention in relation to the protection of sources that require confidentiality shall be respected.
- 7.4 The Licensee shall ensure that identity of a victim of a sexual offence is not divulged in any broadcast, unless the victim consents in writing to the disclosure of his or her identity.
- 7.5 Notwithstanding the provisions of paragraph 13.4 (above), Licensees shall ensure that the identity of a child victim of a sexual offence is not divulged in any broadcast under any circumstances.
- 7.6 The Licensee shall avoid gratuitous and repetitive detail in covering sexual offences.

8. Paying Criminals for Information

- 8.1 The Licensee shall not pay persons involved in crime or persons who have been engaged in crime to obtain information unless there is compelling public interest to do so.

9. Prohibition on Party-Political Broadcasts

- 9.1 The Licensee shall not permit party-political broadcasts under any circumstances except during an election period.
- 9.2 The Licensee shall not permit party-political adverts under any circumstances.

10. Elections

- 10.1 Party-political broadcasts;
 - 10.1.1 the Licensee shall be required to air contesting party-political broadcasts, affording all contesting political parties similar opportunities.
- 10.2 Equitable treatment of political parties by Licensees;
 - 10.2.1 if, during an election period, the programming of any Licensee extends to the elections, political parties and issues relevant thereto, the Licensee shall provide reasonable opportunities for the discussion of conflicting views and shall treat all political parties equitably.
 - 10.2.2 In the event of any criticism against a political party being levelled in a particular programme of any Licensee without such party having been afforded an opportunity to respond thereto in the same programme or without the view of such political party being reflected therein, the Licensee concerned shall afford such party a reasonable opportunity to reply to the criticism.
 - 10.2.3 If, within 48 hours before the commencement of the polling period, a Licensee intends broadcasting a programme in which a particular political party is criticised, the Licensee shall afford the political party a reasonable opportunity to reply thereto in the same programme, or as soon as is reasonably practicable and before polling day.
 - 10.2.4 The opportunity to reply referred to in paragraphs 10.2.2 and 10.2.3 (above) shall be broadcast with the same degree of prominence and, where applicable, in substantially the same timeslot as the initial criticism.

In accordance with the Authority's Complaints Handling Procedure, if the audience has been aggrieved by the broadcaster not adhering to this code while providing the broadcasting service, the audience is required to raise the complaint first with the Station Manager. In the event that the complaint is not resolved to the audience's satisfaction, then it should be escalated to BOCRA.

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