



**CODE OF CONDUCT
GUIDELINES
FOR
THE TELEVISION
BROADCASTING SECTOR**

OCTOBER 2017

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FOREWORD

The Broadcasting Code of Conduct is established by the Authority pursuant to Section 228 of the Information and Communications Act 2009.

It is 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. Inter alia, the code is a guide for broadcasters and content service providers, it is aimed at providing protection for the viewers and particularly for those under eighteen years from viewing material that may not be suitable for them, and it is also intends to for the promote impartiality and 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 all licensed broadcasters to comply with the code. Broadcasters may produce and present programs on any topic they choose, but it is expected that broadcasters will ensure at all times that their programs comply with all laws of The Gambia, as well as these Code of Conduct Guidelines.

When applying the Codes of conduct for broadcasting content, broadcasters should be aware that the context in which the material appears is key. It is envisaged that the code 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’’.

Licensed broadcasters while covering the tastes of listeners, viewers and internet users they owe a duty of responsibility and ought to exercise it as they provide information, news, and entertainment to the public. Broadcasters shall value public opinion. The respect of the public is earned through adherence to ethical standards of broadcasting and integrity in presentation of programs.

PURA is mandated to safeguard general broadcasting standards on behalf of the public.

1 INTERPRETATION OF TERMS

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

“**Authority**” means The Gambia Public Utilities Regulatory Authority (PURA);

“**Broadcaster**” has the meaning given in the Information and Communications Act 2009;

“**Children**” refers to persons who have not yet attained the age of eighteen (16) years;

“**Children’s Program**” refers to programs that are intended for or targeted at children;

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

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

“**Due**” means adequate or appropriate to the subject and nature of the program. ‘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 program and channel.

“**Fair**” refers to acting justly, of being upfront and open about intentions so as not to deceive the public, and adhering to established good journalistic practices in relation to members of the public. It means “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 a group 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;

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

“**Watershed**” refers to the period outside which, material that is inappropriate for children cannot be broadcast. The watershed period is from 10pm to 5am.

2 REFERENCE STANDARDS FOR CODE OF PRACTICE FOR BROADCASTING

This Code of Conduct requires every broadcaster to be responsible for maintaining in its programs and their presentations, 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;

This code of conduct sets the standards for the broadcasting sector that aims to ensure that broadcasters and independent content providers are aware of what entails responsible broadcasting entails. The classification of standards of the code for broadcasting is purely from the Authority’s point of view for reference purposes.

2.1 Code of Practice/conduct for Broadcasting

The code of practice/conduct for broadcasting is a set of rules outlining proper practices and responsibilities for the broadcasters of the programs aired on the electronic media.

The licensee shall only venture into providing hard and current affairs news after constituting an Editorial Board and appointing a qualified Editor-in-Chief to ensure editorial independence. The qualification and details of the editorial board and editor in chief must be provided to the Authority for review.

The Licensee shall keep and store sound and video recordings of all programs broadcasted for a minimum period of three months after the date of transmission of the broadcast, or for such further period as the Authority may direct;

The Authority shall establish a Media Standards Board to provide expert advice on media related issues.

2.1.1 Standard A: Observance of Good Taste and Decency

The broadcasters are expected to be aware of the norms of good taste and decency, taking into account the context in which the content is produced and the programs classification, target audience containing 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 certain communities. Careful consideration should therefore be given to the language used in programs 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 or offensive 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 program.
- d) Broadcasters shall 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 shall be accurate

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/viewpoints 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 program or in other subsequent programs.

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, the Licensee has a duty 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 Licensee should be aware 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 in a positive light. Caution should be exercised in reenactment 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 shall be respected. Broadcasters therefore owe a duty of care to the public to ensure that they promote and respect human rights as part of their efforts towards responsible broadcasting.

2.1.4.1 Respect the Rights to Freedoms

The Government of The Gambia has a duty to respect, promote and protect human rights and freedom in accordance with domestic laws and international treaties. In consideration of the rights set out in these treaties, Broadcasters shall take into account the following;

- i) 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 shall 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 that the:

- 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, it 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 comments 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 shall be justified only if in the interest of the public.

2.1.5.1 Sex and Nudity

- a) due to the Traditional and cultural norms of The Gambian society, people are 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 sixteen (16) 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) promote homosexuality;
- iv) explicit sexual conduct which degrades a person in the sense that it advocates for a particular form of hatred based on gender and which constitutes incitement to cause harm.

c) Broadcasters must ensure no one that is victim of sexual violence, aggression, trauma, or has been a witness to the same is shown on television without due effort taken to conceal their identity. In reporting all cases of sexual assault, or instances where the personal character or privacy of women are concerned, their names, pictures and other details will not be broadcast/divulged. Similarly, the identity of victims must not be revealed, and their pictures will be morphed to conceal their identity.

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 shall not be broadcasted. Children shall 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. If a program when viewed may disturb or affect children that program should be re-scheduled appropriately

2.1.7 Standard G: Religious Programs

Cognizant of the right to freedom of expression, broadcasters shall exercise a degree of responsibility and balance in respect to the content of religious programs. When broadcasting religious programs, broadcasters shall ensure that the programs do not;

- a) Involve any improper exploitation of any susceptibilities of the audience of such a program;
- 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 shall not be featured in programs made primarily for children unless there is strong editorial justification.

Violence whether verbal or physical, shall be appropriately limited in programs broadcast before the watershed (in the case of television) or when children are not likely to be listening and shall also be justified by the context.

Broadcasters should avoid any material

- 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) approves, promotes or glamorizes violence in general and or violence against women.

2.1.9 Standard I: Fairness

Broadcasters should be fair to any persons or an organization when allegations are made against them, such person or representative from an organization 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 Standard J: Non-Discrimination

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

3 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

Classification Symbols shall take the form and interpretation as follows:

G – General: These programs may be screened at any time. 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 SCHEDULING

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

During this 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.

5 REVIEW OF THE CODE

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

6 EFFECTIVENESS

These guidelines shall become effective from the date of signature.

Issued By

Public Utilities Regulatory Authority

Dated thisDay of.....

Director General