

**THE UNITED REPUBLIC OF TANZANIA
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY**



**PUBLIC CONSULTATION DOCUMENT ON THE CODE OF PRACTICE FOR
COMMUNITY BROADCASTING IN TANZANIA.**

Prepared by:
DIRECTOR GENERAL
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY
P.O. Box 474
DAR-ES-SALAAM

28TH APRIL, 2007

TANZANIA COMMUNICATIONS REGULATORY AUTHORITY

PUBLIC CONSULTATION DOCUMENT ON CODE OF PRACTICE FOR COMMUNITY BROADCASTING TANZANIA

=====

1.0 EXECUTIVE SUMMARY

- 1.1 The Broadcasting (Content Services) Regulations 2005 requires the Authority to prescribe various codes including the code on Community Broadcasting Services.
- 1.2 This paper presents the draft Code of Practice for Community Broadcasting Services. It sets out the way community broadcasting is going to be conducted, organized and developed.
- 1.3 The past recent years the Authority has witnessed increased number of applications for community broadcasting service that need a Code of Practice for the subsector to be well organized and deliver the expected results to the community.
- 1.4 This public consultation document is intended to give stakeholders opportunity to go through the document and give out their comments.
- 1.5 The code of practice is expected to be operational **01st July 2007**.

2.0 SUBMISSION OF COMMENTS.

- 2.1 Stakeholders are required to submit their initial written comments to the document by way of emails dg@tcra.go.tz faxes, mail box at the following address
Director General
Tanzania Communications Regulatory Authority (TCRA)
P.O. Box 474
DAR-ES-SALAAM.
- 2.2 All the comments will be worked out by the Authority and crystallized at a stakeholders meeting.
- 2.3 Deadline for receiving comments from stakeholders will be 31st May, 2007, and stakeholders meeting will be conducted on 19th June 2007.

3.0 RATIONALE FOR THE CODE OF PRACTICE:

- 3.1 The Code of Practice for Community Broadcasting services is a legal requirement enshrined in the broadcasting content services Regulations 2005
- 3.2 The code is intended to set out the definition, principles of community broadcasting, responsibilities, area of coverage, programming news, current affairs, advertisement and sponsorships.
- 3.3 The code further analyses the source of finance, complaints handling mechanism and sanctions.
- 3.4 It spells out the process for licence renewal, basic principles for ownership and control.

Issued by:

Tanzania Communications Regulatory Authority (TCRA)

28th April 2007

1.0 **INTERPRETATIONS:**

In this Code, unless stated otherwise or the context otherwise requires:-

- 1.1 “Authority” means the Tanzania Communications Regulatory Authority.
- 1.2 “Code of Practice” means a set of written rules that state operating requirements for community broadcasting.
- 1.3 “Community” means geographically founded or population of same interest.
- 1.4 “Community Licence” means authorisation to provide content services in a specific community/society.
- 1.5 “Community Broadcasting” or services means content services provided by the licensee to a specific community not for profit.
- 1.6 “Licence” means authority to provide content services.
- 1.7 “Licensee” means any person holding content services licence.

2.0 **BACKGROUND:**

Broadcasting in Tanzania is a four service system divided into the following services: namely public service broadcasting, commercial service broadcasting, non - commercial service broadcasting and community service broadcasting.

The four services are categorised in term of their geographical coverage, type and format of content market segment and objectives.

Public service broadcaster fulfil universal service obligation while the commercial services are objectively for profit and non-commercial broadcasters are specifically obliged to fulfil specific non-commercial interests like religions interests. Community Broadcasters are there to serve a specific community interest.

Public service broadcasting operate under a charter while commercial, non - commercial and community have operating licenses with specific content delivery obligations.

This paper is a guideline on code of practice to be adopted by all community broadcasters in the country.

3.0 **RESPONSIBILITIES OF A COMMUNITY BROADCASTING STATION**

Communities are distinguished either by their social, political and economic similarities within a geographical location or could be widely dispersed but held together by certain interests like religion, business ethnicity etc.

The role of a community broadcasting facility as a mass medium remains the same as that of other mass media; to provide information, education and entertainment except that in the case of the community broadcaster, the information, education and entertainment provided have to be focused on the needs of a particular community.

The community concerned runs or manages the broadcasting facility for its own communication needs.

A community broadcasting station is owned, managed and programmed by the people it serves. Concerned communities participate as planners, producers and performers.

It is non-profit making and responds to the needs and priorities of the concerned community. A community broadcasting facility enhances the community's capacity for dialogued, debate and exchange of ideas on various development issues. It is accountable to the community structures and its leadership is accountable to the community it represents.

4.0 **AREA COVERAGE/TRANSMITTER POWER:**

A community broadcasting facility is allowed to have transmitting power not exceeding 100 watts.

5.0 **CODE OF PRACTICE:**

5.1 **GENERAL:**

5.1.1 This code shall apply to all community broadcasters. All community broadcasters shall be bound by the provisions of this code.

5.1.2 Without prejudice to the generality of this clause, communities may manage and operate community broadcasting stations to facilitate communication and information exchange on matters of communal interest relating to any or all of the following, that is,

- a) Community education
- b) Communication in Kiswahili language
- c) Religious or other such purpose
- d) Broadcasting to any other determinable geographical community or communities of interest drawn on the basis of ethnic group, gender, age, disability, culture, race, and any other such distinction or susceptibility.

- e) Provided that all community broadcasting licensees shall undertake to promote the national interest and cohesion, and provided they shall promote a national culture and way of life.
- f) Provided too that no community broadcaster shall be constituted on the basis of political affiliation.

5.1.3 All community broadcasting licensees shall be non profit making institutions.

5.1.4 All community broadcasting licensees shall have the same rights and be subject to the same obligations as other broadcasting licensees.

5.2 **PROGRAMMING:**

5.2.1 Community broadcasting licensees shall have a duty to provide a broadcasting service to the appropriate community for the dissemination of information, education and entertainment. A fair balance shall be maintained between entertainment programmes and public interest programmes.

5.2.2 Communities have the right to participate in programme , and they shall not be impeded from such programme making by anybody.

5.2.3 Community broadcasting licensees shall not broadcast programmes which are not in the public interest. The public interest shall be determined with reference to public policy, legitimate preference, national culture, national safety, and the need for national cohesion.

5.2.4 Community broadcasting licensees shall not broadcast any material which is indecent or obscene, or offensive to legitimate preferences, or offensive to the religious convictions or feelings of any section of the population, or likely to prejudice the safety of the State or the public order or relations between various sections of the community..

5.2.5 Licensees shall not broadcast materials which may stereotype, incite, vilify or perpetuate hatred or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual orientation, religion, age, or physical or mental disability. Programmes shall seek to break prejudice on the basis of race, sex, nationality, religion, disability, ethnic background, age or sexual orientation.

5.2.6 Community broadcasters shall present all material which relates to or depicts brutality, violence, atrocities, drug abuse, and obscenity with due care and sensitivity. Such materials shall be presented in context, not gratuitously.

5.2.7 Licensees shall exercise due care and responsibility in their presentation or programmes where a large number of children are likely to be part of the audience.

5.2.8 Community broadcasting stations shall prepare seasonal schedules of their broadcast services.

5.2.9 All community broadcasters shall ensure that set proportions of the total number of musical items broadcast consist of musical items composed and or performed by Tanzanians. Appropriate proportions shall be determined by the regulatory authority in consultation with the stakeholders.

6.0 NEWS:

6.1 Community broadcasting licensees shall be obliged to broadcast news briefs or news headlines at regular reasonable intervals. The regularity of such news broadcasts shall be such as determined by the regulatory authority.

6.2 Community broadcasting licensees shall be obliged to report news truthful, fairly, accurately and objectively.

6.3 News shall be presented in the correct context and in a balanced manner without intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, or material omission or summarisation.

6.4 Where it subsequently appears that a broadcast report was incorrect in a material respect, it shall be rectified forthwith without reservation or delay. The rectification shall be presented with such a degree of prominence and timing as may be adequate and fair so as to readily attract attention.

6.5 Community broadcasting licensee shall avoid the broadcasting of obscene and lascivious matters.

6.6 The identity of rape victims and other victims of sexual violence shall not be divulged without the prior consent of the victim concerned. Licensees shall treat with particular sensitivity news items revealing the identities of immediately deceased persons.

7.0 COMMENT:

7.1 Community broadcasting licensees shall be entitled to comment on and criticise any actions or events of public importance.

7.2 In presenting a programme in which controversial issues of public importance are discussed, a broadcasting licensee shall make reasonable efforts to fairly present significant points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within a reasonable period of time in substantially the same time slot.

7.3 A person whose views have been criticised in a programme on a controversial issue of public importance shall be given a reasonable opportunity by the broadcasting licensee to reply to such criticism should such person so request.

8.0 SPONSORSHIP AND ADVERTISEMENT:

8.1 Community broadcasts shall not be sponsored by any individual or organisation whose aims fail to coincide with the interests of the community in question. Neither shall community broadcasters advertise any products or services which are detrimental to the community's well being and health.

8.2 Community broadcasters shall ensure that sponsorship will not be the single necessary factor in determining access to air time.

8.3 Community broadcasters shall make public all their programme sponsors.

8.4 The content and style of individual programmes shall not be influenced by the sponsors of programmes.

8.5 Overall programming for community broadcasting stations shall not be influenced by sponsors.

8.6 Community broadcasting stations may broadcast free of charge announcements and other information which they deem of importance to the community.

9.0 VOLUNTEERS:

The purpose of this code is to recognise the community broadcasting sector's reliance on volunteer workers for its continued operation and to ensure that the rights and responsibilities regarding volunteering are addressed by individual stations

9.1 Community broadcasting licensees will have guidelines in place that outline:

- a) Principles of volunteering
- b) The rights and responsibilities of volunteers within the organization

9.2 Community broadcasting licensees will make these guidelines easily available to all volunteers in document form.

10.0 FINANCES:

- 10.1 Community broadcasting stations shall ensure that they are in a fit financial position to broadcast in line with each season's schedule.
- 10.2 Community broadcasting licensees shall prepare and submit the following for scrutiny by the community, that is, periodic returns on operations and financial situation reports, itineraries of advertisements, lists of sponsors, audits and accounts, and any other records which the community shall seek from them.

11.1 COMPLAINTS AND SANCTIONS:

- 11.1 Community broadcasting audiences have the freedom and right to comment and make complaints concerning:
 - 1. Compliance with this code
 - 2. Programme content.
 - 3. The continued relevance of the service offered for the community as stipulated in the license and the Tanzania Communications Regulatory Authority.
- 11.2 The general public may send complaints generally or on any of the above matters for redress by any community broadcasting station. Community broadcasting licensees will make every reasonable effort to resolve complaints except where a complaint is clearly frivolous, vexatious or not made in good faith.
- 11.3 All complaints shall be acknowledged on receipt, and they should be responded to within a reasonable time.
- 11.4 Responses to written complaints shall be in writing. All written complaints shall be maintained by the licensee as a permanent record.
- 11.5 Complainants have the right to seek further redress from the Tanzania Communications Regulatory Authority.
- 11.6 The Tanzania Communications Regulatory Authority may take disciplinary action against a broadcasting station for good reason. Such disciplinary measures may include revocation or suspension of the license. A license may be suspended till certain matters stipulated by the Authority are done.
- 11.7 All community broadcasters shall allow its audience and or a representative of TCRA to inspect and/ or monitor equipment and programmes and accounts.
- 11.8 TCRA may take legal or other such action for non compliance with rules under this code or for other unethical professional behaviour.

12.0 RENEWAL OF LICENCE:

12.1 TCRA must publicise the licence renewal process to enable the community concerned make in-puts on the broadcaster's performance as per licence conditions.

13.0 OWNERSHIP AND CONTROL:

13.1 Community broadcasting stations shall be controlled and operated by a body representative of the community. A community broadcasting licensee shall include on its policy making bodies such persons in enough numbers as to make at least half the number of any decision making bodies that arrive at decisions by vote. The chairperson(s) of such bodies shall be drawn from the community.

13.2 For purposes of this Code, a community shall include a geographical community as well as a community of interest.

13.3 All person(s) or organisation(s) who are licensed as community broadcasters shall abide by the rules to be determined and applied by the community to which the license was granted.

13.4 A Community broadcasting licence will only be granted to who is deemed to have attained the character of a community for which such application is made.

13.5 A community broadcasting licensee or such prospective licensee may be a private company registered by guarantee, a trust set up as such for purpose of broadcasting, a non governmental organisation, or any other identifiable group of persons established with a non profit mandate. Such said entity must bear reasonable indication that it seeks to articulate the views of a specified community.

13.6 Provided that a prospective or actual community broadcasting licensee shall represent the interest of his/her community.

14.0 MISCELLANEOUS:

In so far as both news and comments are concerned, broadcasting licensees shall exercise exceptional care and consideration in matters involving the private lives and private concerns of individuals. The right to privacy may however be overridden by a legitimate public interest.