

# **STANDARD OPERATING PROCEDURES FOR BROADCASTING IN ZAMBIA**

**Promoting a pluralistic broadcasting industry in Zambia through fair, effective and transparent regulation**



## **IBA VISION**

To be an effective and efficient regulator that ensures a pluralistic, diverse and ethical broadcasting industry in Zambia.

## **IBA MISSION**

To promote a pluralistic broadcasting industry in Zambia through fair, transparent and effective regulation.

## **CORE VALUES**

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- Integrity:** We shall enforce the provisions of the IBA Act in an impartial manner in order to instil public confidence
  - Objectivity:** We shall be professional and honest in our conduct and execution of our duties in order to instil trust.
  - Transparency:** We shall conduct all the licensing procedures through public tender and proactively disclose the outcome.
  - Accountability:** We shall be responsive to our stakeholders by ensuring compliance with broadcasting standards.
  - Commitment:** We shall be dedicated to the creation and upholding a qualitative, pluralistic and diverse broadcasting industry in Zambia
  - Open Door Policy:** We shall be accessible by all stakeholders in order to address the concerns in the broadcasting industry.
  - Excellence:** We shall effectively and efficiently execute our duties in order to promote good broadcasting practices in Zambia
  - Team Work:** We shall operate in a co - ordinated manner in order to enhance cohesion in the work of the authority.
  - Innovation:** We shall proactively find creative ways of responding to opportunities and challenges.



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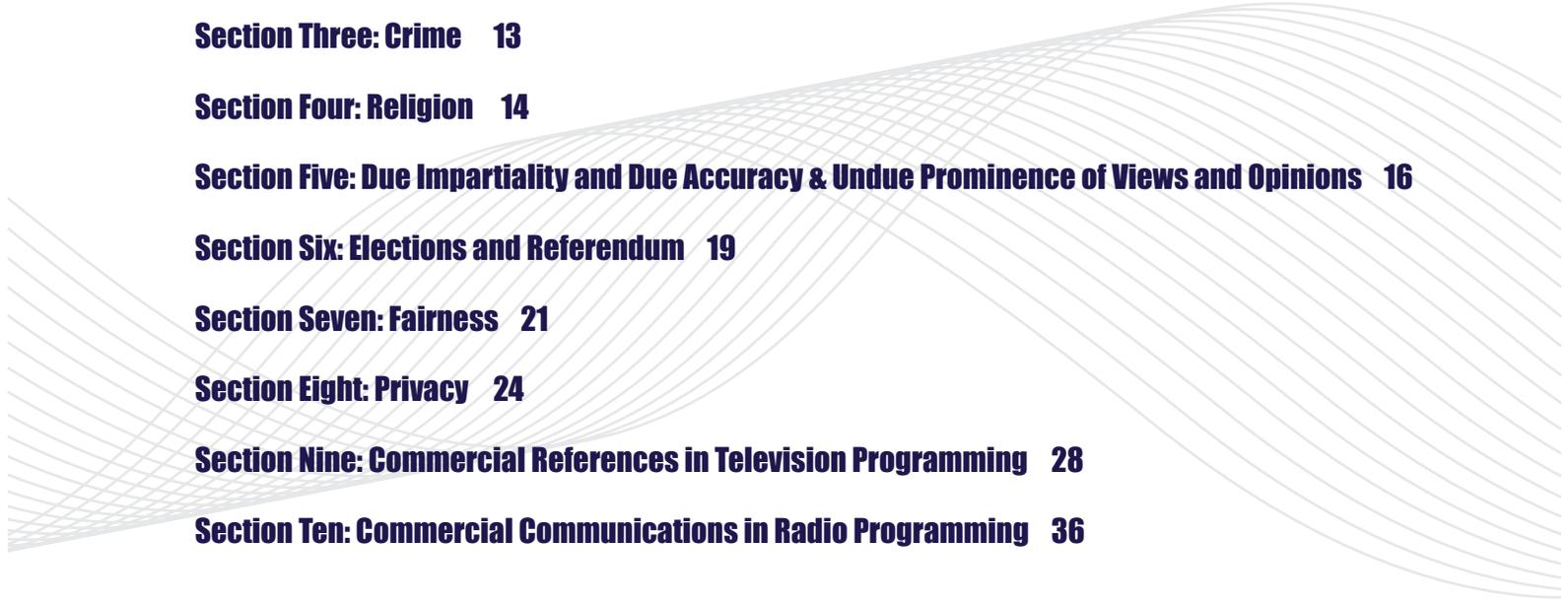
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## I. INTRODUCTION

The Independent Broadcasting Authority has developed the Broadcasting Standard Operating Procedure (SOP) for licensees, covering standards in programmes, sponsorship, advertising, fairness and privacy, among others.

In setting these standards, the Authority has taken into account the provisions in the IBA Act. This not only involves setting minimum standards for programmes as provided for in Sections 5(2), 33, 47 but also such other regulations as may be appropriate. As part of the Licensing Condition, Licensees are required to observe the SOP.

The SOP gives effect to a number of requirements relating to broadcasting as per Southern Africa Development Community (SADC) Protocol on Broadcasting and Information and the African Union (AU).

In addition, the SOP has been drafted in the light of the Constitution, the Copyright and Performance Act, the Electoral Commission of Zambia Act, the CCPC Act, the ICT Act, the Zambia Institute of Marketing Act and other related laws.

In this SOP, where the context admits, references to any legislative provisions, whether in primary or secondary legislation, include a reference to those provisions as amended or re-enacted or as their application is modified by other provisions from time to time; any reference to a statutory provision shall include any subordinate legislation made from time to time under that provision. Unless expressly stated otherwise, the SOP applies to broadcast content.

Where the SOP has been breached, the Authority will normally publish a finding and explain why a Licensee has breached the SOP (these findings are available at [www.iba.org.zm](http://www.iba.org.zm)). When a Licensee breaches the SOP deliberately, seriously or repeatedly, the Authority may impose statutory sanctions against the Licensee. The Authority's procedures for investigating cases (following the receipt of a complaint or otherwise) and applying statutory sanctions to licensees are also on the website. Members of the public who have no access to the Web can ask the Authority to send them a copy of the procedures.

Meaning of "**Deliberate Breach**" a licensee's failure to observe, act or omit action in accordance with SOP guidelines consciously, wilfully, purposefully or intentionally.

Meaning of "**Serious Breach**" a licensee's gross non-observance of SOP guidelines which attract significant consequence.

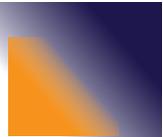
Meaning of "**Repeated Breach**" a licensee's failure to observe, act or omit action in accordance with SOP guidelines periodically more than once.

## II. How to Use the SOP

The SOP is set out in terms of principles, meanings and guidelines and, for Sections Seven (Fairness) and Eight (Privacy), also includes a set of "practices to be followed" by licensees. The principles are there to help readers understand the standards objectives to apply the guidelines. Licensees must ensure that they comply with the regulations as set out in the SOP. The meanings help explain what the Authority intends by some of the words and phrases used in the SOP. The most relevant legislation is noted under each section heading so readers can turn to the legislation if they wish.

When applying the SOP to content, licensees should be aware that the context in which the material appears is key. In setting this SOP, the Authority has taken into account the following:

- (a) the degree of harm and offence likely to be caused by the inclusion of any particular sort of material in programmes generally or in programmes of a particular description;

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- (b) the likely size and composition of the potential audience for programmes included in television and radio services generally or in television and radio services of a particular description;
  - (c) the likely expectation of the audience as to the nature of a programme's content and the extent to which the nature of a programme's content can be brought to the attention of potential members of the audience;
  - (d) the likelihood of persons who are unaware of the nature of a programme's content being unintentionally exposed, by their own actions, to that content;
  - (e) the desirability of securing that the content of services identifies when there is a change affecting the nature of a service that is being watched or listened to and, in particular, a change that is relevant to the application of the standards set under this section;
  - (f) the desirability of maintaining the independence of editorial control over programme content.

The above criteria has informed the Authority's approach to setting the SOP and therefore, must be taken into account by licensees when interpreting the regulations.

The SOP does not seek to address each and every case that could arise. Licensees may face a number of individual situations, which are not specifically referred to in this SOP. Examples included in the SOP are not exhaustive. However, the principles, as outlined in the following sections, should make clear what the SOP is designed to achieve and help licensees make the necessary judgements.

To assist further those who work in broadcasting, as well as viewers and listeners who wish to understand broadcasting standards, the Authority shall give explanatory note from time to time.

Licensees should be familiar with their audiences and ensure that programme content can always be justified by the context and the editorial needs of the programme (In the SOP, the word 'programmes' is taken to mean both Television programmes and Radio programming).

Licensees may make programmes about any issue they choose, but it is expected that licensees will ensure at all times that their programmes comply with the SOP, as well as general law.

### **III. General guidance on the SOP**

It is the responsibility of the Licensee to comply with the SOP. Programme producers who require further advice on applying this SOP should, in the first instance, talk to those editorially responsible for the programme and to the Licensee's compliance and legal officers.

The Authority can offer general guidance on the interpretation of the SOP. However, any such advice is given on the strict understanding that it will not affect the Authority's discretion to judge cases and complaints after transmission and will not affect the exercise of the Authority's regulatory responsibilities. Licensees should seek their own legal advice on any compliance issues arising. The Authority will not be liable for any loss or damage arising from reliance on informal guidance.

## SECTION ONE : PROTECTION OF CHILDREN

Relevant legislation includes, in particular, the Independent Broadcasting Authority Act No. 17 of 2002, Section 33(e). This section must be read in conjunction with *Section Two* of this SOP.

### 1.1 Objective

To ensure that children are protected.

### 1.2 Guidelines

#### 1.2.1 Scheduling and content information

- 1.2.1.1 Material that might seriously impair the physical, mental or moral development of children must not be broadcast.
- 1.2.1.2 In the provision of services, licensees must take all reasonable steps to protect children.
- 1.2.1.3 Children must also be protected by appropriate scheduling from material that is unsuitable for them.

#### Meaning of "**children**":

Children are persons that have attained, or are below the age of eighteen years.

#### Meaning of "**appropriate scheduling**":

Appropriate scheduling should be judged according to:

- a) the nature of the content;
- b) the likely number and age range of children in the audience, taking into account school time, weekends and holidays;
- c) the start time and finish time of the programme;
- d) the nature of the channel or station and the particular programme; and
- e) the likely expectations of the audience for a particular channel or station at a particular time and on a particular day.

- 1.2.1.4 Licensees must observe the watershed.

#### Meaning of "**the watershed**":

The watershed refers to a point in time after which adult content may be broadcast. For the purposes of this SOP it is 22:00 hours. Material unsuitable for children should not be broadcast before 22:00 hours or after 05:00 hours.

Subscription services which are not protected as set out in guideline 1.2.8.3, the watershed is at 20:00. There is no watershed on premium subscription services which are protected as set out in guideline 1.2.8.3 and 1.2.8.4 respectively.

The transition to more adult material must not be unduly abrupt at the watershed (in the case of television) or after the time when children are particularly likely to be listening (in the case of radio). For television, the strongest material should appear later in the schedule.

For programmes broadcast before the watershed, when children are particularly likely to

be listening or watching, clear information about content that may be inappropriate to them should be given.

## **1.2.2 The coverage of sexual and other offences involving children**

1.2.2.1 Where statutory or other legal restrictions apply preventing personal identification, licensees should also be particularly careful not to provide clues which may lead to the identification of children who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual offences featured in criminal, civil or family court proceedings:

- a) by reporting limited information which may be pieced together with other information available elsewhere, for example in newspaper reports (the 'jigsaw effect');
- b) Inadvertently, for example by describing an offence as "incest"; or in any other indirect way.

**Note:** Licensees should be aware that there may be statutory reporting restrictions that apply even if a court has not specifically made an order to that effect.

1.2.2.2 When covering any pre-trial investigation into an alleged criminal offence, licensees should pay particular regard to the potentially vulnerable position of any child who is involved as a witness or victim, before broadcasting their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them. Particular justification is also required for the broadcast of such material relating to the identity of a child who is involved in the defence as a defendant or potential defendant.

## **1.2.3 Drugs, smoking, solvents and alcohol**

The use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol must:

- a) not be featured in programmes made primarily for children unless there is strong editorial justification;
- b) generally be avoided and in any case must not be condoned, encouraged or glamorised in programmes broadcast before the watershed, unless there is editorial justification;

## **1.2.4 Violence and dangerous behaviour**

1.2.4.1 Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context.

1.2.4.2 Violence, whether verbal or physical, that is easily imitable by children in a manner that is harmful or dangerous must not be:

- a) Featured in programmes made primarily for children unless there is strong editorial justification;
- b) Broadcast before the watershed, unless there is editorial justification.

1.2.4.3 Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful must not be:

- a) Featured in programmes made primarily for children unless there is strong editorial justification;
- b) Broadcast before the watershed, unless there is editorial justification.

## 1.2.5 Offensive language

1.2.5.1 Offensive language must not be:

- a) Used in programmes made for children.
- b) Broadcast before the watershed, unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed.

### **Offensive means:**

Vulgar, indecent, obscene

## 1.2.6 Sexual material

1.2.6.1 Television and Multimedia Services material with rating "S" must not be broadcast before watershed.

1.2.6.2 Pornographic material must not be broadcast at any time.

1.2.6.3 Licensees must ensure that material broadcast after the watershed which contains images and/or language of a strong or explicit sexual nature, is justified by the context.

### Meaning of "**Pornographic Material**":

Audio or Visual material containing explicit descriptions and/or displays of sexual behaviour intended to trigger sexual excitement.

## 1.2.7 Nudity

Nudity before the watershed must be justified by the context.

## 1.2.8 Films, Subscription and Multimedia services

1.2.8.1 No film refused classification by the relevant authority may be broadcast.

1.2.8.2 18+ rated films or their equivalent must not be broadcast before watershed.

1.2.8.3 Subscription film services may broadcast up to 16+ rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-22:00 hours and post-05:00 hours. In addition, those security systems which are in place to protect children must be clearly explained to all subscribers.

1.2.8.4 Multimedia services may broadcast up to 18+ rated films or their equivalent, at any time of day provided that mandatory restricted access is in place pre-22:00 hours and post-05:00 hours.



**In addition:**

- a) information must be provided about programme content that will assist adults to assess its suitability for children;
- b) there must be a detailed billing system for subscribers which clearly itemises all viewing including viewing times and dates; and
- c) those security systems which are in place to protect children must be clearly explained to all subscribers.

## **1.2.9 Exorcism, the occult and the supernatural**

Demonstrations of exorcisms, occult practices and the supernatural (which purport to be real), must not be shown before the watershed. Supernatural practices which are for entertainment purposes must not be broadcast when significant numbers of children may be expected to be watching, or are particularly likely to be listening. (This rule does not apply to drama, film or comedy.)

## **1.2.10 The involvement of children in programmes**

- 1.2.10.1 Due care must be taken over the physical and emotional welfare and the dignity of children who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis.
- 1.2.10.2 Children must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.
- 1.2.10.3 Prizes aimed at children must be appropriate to the age range of both the target audience and the participants.

## SECTION TWO : HARM AND OFFENCE

Relevant legislation includes, in particular the Independent Broadcasting Authority Act No. 17 of 2002, Sections 33, 34, 35 and 36. This section must be read in conjunction with *Section One* in this SOP. The guidelines in this section are designed not only to provide adequate protection for adults but also children.

### 2.1 Objective

To ensure that generally accepted standards are applied to the content so as to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

### 2.2 Guidelines

#### 2.2.1 Generally Accepted Standards

- 2.2.1.1 Generally accepted standards must be applied to broadcasting content so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.
- 2.2.1.2 Factual programmes or items or portrayals of factual matters must not materially mislead the audience.
- 2.2.1.3 In applying generally accepted standards, licensees must ensure that material which may cause offence is justified by the context (see meaning of "context" below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.

#### Meaning of "context":

Context includes (but is not limited to):

- the editorial content of the programme, programmes or series;
- the service on which the material is broadcast;
- the time of broadcast;
- what other programmes are scheduled before and after the programme or programmes concerned;
- the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- the likely size and composition of the potential audience and likely expectation of the audience;
- the extent to which the nature of the content can be brought to the attention.
- of the potential audience for example by giving information; and
- the effect of the material on viewers or listeners who may come across it unawares.

## **2.2.2 Violence, dangerous behaviour and suicide**

- 2.2.2.1 Programmes must not include material (whether in individual programmes or in programmes taken together) which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.
- 2.2.2.2 Methods of suicide and self-harm must not be included in programmes except where they are editorially justified and are also justified by the context.

## **2.2.3 Exorcism, the occult and the supernatural**

- 2.2.3.1 Demonstrations of exorcism, the occult, the supernatural, divination, or practices related to any of these that purport to be real (as opposed to entertainment) must be treated with due objectivity.
- 2.2.3.2 If a demonstration of exorcism, the occult, the supernatural, divination, or practices related to any of these is for entertainment purposes, this must be made clear to viewers and listeners.
- 2.2.3.3 Demonstrations of exorcism, the occult, the supernatural, divination, or practices related to any of these (whether such demonstrations purport to be real or are for entertainment purposes) must not contain life-changing advice directed at individuals.

Religious programmes are exempt from this rule but must, in any event, comply with the provisions in Section Four.

### **Meaning of "life-changing":**

Life-changing advice includes direct advice for individuals upon which they could reasonably act or rely about health, finance, employment or relationships.

## **2.2.4 Hypnotic and other techniques, simulated news and photosensitive epilepsy**

- 2.2.4.1 When broadcasting material featuring demonstrations of hypnotic techniques, licensees must exercise a proper degree of responsibility in order to prevent hypnosis and/or adverse reactions in viewers and listeners. The hypnotist must not broadcast his/her full verbal routine or be shown performing straight to camera.
- 2.2.4.2 Simulated news (for example in drama or in documentaries) must be broadcast in such a way that there is no reasonable possibility of the audience being misled into believing that they are listening to, or watching, actual news.
- 2.2.4.3 Licensees must not use techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds without their being aware, or fully aware, of what has occurred.
- 2.2.4.4 Television licensees must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy. Where licensees can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item.

## 2.2.5 Broadcast competitions and voting

- 2.2.5.1 Broadcast competitions and voting must be conducted fairly.
- 2.2.5.2 Licensees must ensure that viewers and listeners are not materially misled about any broadcast competition or voting.
- 2.2.5.3 Licensees must draw up regulations for a broadcast competition or vote. These regulations must be clear and appropriately made known. In particular, significant conditions that may affect a viewer's or listener's decision to participate must be stated at the time an invitation to participate is broadcast.
- 2.2.5.4 Broadcast competition prizes must be described accurately.

### **Note:**

For circumstances in which audience participation or interaction with programming may involve a cost to the viewer, television licensees should also refer to Guidelines 9.2.8.1 to 9.2.8.4. Radio licensees should refer to Guidelines 10.2.6.1 and 10.2.6.2.

### Meaning of "**broadcast competition**":

A competition or free prize draw featured in a programme in which viewers or listeners are invited to enter by any means for the opportunity to win a prize.

### Meaning of "**voting**":

Features in a programme in which viewers or listeners are invited to register a vote by any means to decide or influence, at any stage, the outcome of a contest.

## SECTION THREE : CRIME

Relevant legislation includes The Penal Code and the Criminal Procedure Code (CPC), Section 5.4 and 5.2 respectively.

### 3.1 Objective

To ensure that generally accepted standards are applied to the content so as to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

### 3.2 Guidelines

- 3.2.1 Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in broadcasting services.
- 3.2.2 Descriptions or demonstrations of criminal techniques which contain essential details, which could enable the commission of crime must not be broadcast unless editorially justified.
- 3.2.3 No payment, promise of payment, or payment in kind, may be made to convicted or confessed criminals whether directly or indirectly for a programme contribution by the criminal (or any other person) relating to his/her crime/s. The only exception is where it is in the public interest.
- 3.2.4 While criminal proceedings are active, no payment or promise of payment may be made, directly or indirectly, to any witness or any person who may reasonably be expected to be called as a witness. Nor should any payment be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution may be reimbursed.
- 3.2.5 Where criminal proceedings are likely and foreseeable, payments should not be made to people who might reasonably be expected to be witnesses unless there is a clear public interest, such as investigating crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.
- 3.2.6 Licensees must use their best endeavours so as not to broadcast material that could endanger lives or prejudice the success of attempts to deal with a hijack or kidnapping.

## SECTION FOUR : RELIGION

Relevant legislation includes, in particular, the Constitution under part III. The regulations in this section apply to religious programmes.

### 4.1 Objectives

- a) To ensure that licensees exercise the proper degree of responsibility with respect to the content of programmes, which are religious in nature.
- b) To ensure that religious programmes do not involve any improper exploitation of any susceptibilities of the audience.
- c) To ensure that religious programmes do not involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination.

### 4.2 Guidelines

- 4.2.1 Licensees must exercise the proper degree of responsibility with respect to the content of programmes which are religious.

**Meaning of a "religious programme":**

A religious programme is one which deals with matters of religion as the central subject, or as a significant part of it.

- 4.2.2 The religious views and beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment.
- 4.2.3 Where a religion or religious denomination is the subject, or one of the subjects, of a religious programme, then the identity of the religion and/or denomination must be clear to the audience.
- 4.2.4 Religious programmes must not seek to promote religious views or beliefs by secrecy.
- 4.2.5 Religious programmes must not seek recruits. This does not apply to specialist religious broadcast services.

**Meaning of "seek recruits":**

Seek recruits means directly appealing to audience members to join a religion or religious denomination.

- 4.2.6 Religious programmes must not improperly exploit any susceptibilities of the audience.

(Regarding charity appeals in programming and appeals for funds by licensees, television licensees should refer to Guidelines 9.2.12.1 and 9.2.12.2, and 9.2.14.1 to 9.2.14.4. Radio licensees should refer to Guidelines 10.2.3 to 10.2.7).

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- 4.2.7 Religious programmes that contain claims that a living person (or group) has special powers or abilities must treat such claims with due objectivity and must not broadcast such claims when significant numbers of children may be expected to be watching (in the case of television), or when children are particularly likely to be listening (in the case of radio).

## SECTION FIVE : DUE IMPARTIALITY AND DUE ACCURACY AND UNDUE PROMINENCE OF VIEWS AND OPINIONS

Relevant legislation includes, the IBA Act No. 17 of 2002, in particular, Section 33 (b).

### 5.1 Objective

- a) To ensure that news, in whatever form, is reported with due accuracy and presented with due impartiality.
- b) To ensure that the special impartiality requirements of the Act are complied with.

### 5.2 Guidelines

#### Meaning of "due impartiality":

"Due" is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. "Due" means adequate or appropriate to the subject and nature of the programme. So "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, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the SOP, is important.

#### 5.2.1 Due impartiality and due accuracy in news

- 5.2.1.1 News, in whatever form, must be reported with due accuracy and presented with due impartiality.
- 5.2.1.2 Significant mistakes in news should be acknowledged and corrected on air quickly. Corrections should be appropriately scheduled.
- 5.2.1.3 No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.

#### 5.2.2 Special impartiality requirements: news and other programmes

Matters of political or industrial controversy and matters relating to current public policy.

Meaning of "**matters of political or industrial controversy and matters relating to current public policy**": Matters of political or industrial controversy are political or industrial issues on which politicians, industry and/or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local government, provincial administration or central government or by bodies mandated by those public bodies to make policy on their behalf, for example Agencies, relevant Regional Economic Communities or AU institutions, etc.

## 5.2.3 The exclusion of views or opinions

Broadcast content must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement.

## 5.2.4 The preservation of due impartiality

(Regulations 5.2.4.1 to 5.2.5.1 apply to television programme services, teletext services, national radio and national digital sound programme services.)

5.2.4.1 Licensees must exercise due impartiality on matters of political or industrial controversy and matters relating to current public policy. This may be achieved within a programme or over a series of programmes taken as a whole.

### Meaning of "series of programmes taken as a whole":

This means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. A series can include, for example, a strand, or two programmes (such as a drama and a debate about the drama) or a 'cluster' or 'season' of programmes on the same subject.

5.2.4.2 The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the Licensee aims to achieve due impartiality) should be made clear to the audience on air.

5.2.4.3 Views and facts must not be misrepresented. Views must also be presented with due weight over appropriate time frames.

5.2.4.4 Any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme, must be made clear to the audience.

5.2.4.5 Presenters, reporters and moderators of discussion programmes must not express their own views on matters of political or industrial controversy or matters relating to current public policy.

5.2.4.6 Presenters of phone-in programmes must encourage and must not exclude alternative views.

## 5.2.5 Political, Industrial Controversy and Public Policy

5.2.5.1 Due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service in each programme or in clearly linked and timely programmes.

### Meaning of "matters of major political or industrial controversy and major matters relating to current public policy":

These will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area.



5.2.5.2 In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.

### **5.2.6 The prevention of undue prominence of views and opinions on matters of political or industrial controversy and matters relating to current public policy**

Licensees should not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any broadcasting service taken as a whole.

Meaning of "**undue prominence of views and opinions**":

Undue prominence is a significant imbalance of views aired within coverage of matters of political or industrial controversy or matters relating to current public policy.

Meaning of "**programmes included in any service...Taken as a whole**": Programmes included in any service taken as a whole means all programming on a service dealing with the same or related issues within an appropriate period.

## SECTION SIX : ELECTIONS AND REFERENDUM

Relevant legislation includes, in particular, the Constitution, the Electoral Act , the IBA Act No. 17 of 2002 as amended by Act No. 26 of 2010, and related Regulations regarding broadcasting during elections and referenda.

### 6.1 Objective

To ensure impartiality requirements as prescribed by relevant election and broadcast laws.

### 6.2 Guidelines

The guidelines in Section Five, in particular the guidelines relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referenda.

#### 6.2.1 Programmes at the time of elections and referendums

Meaning of "**election**":

For the purpose of this section elections mean an election to the office of President, National Assembly or a Council as defined in the Constitution of Zambia (Amendment) Act No. 2 of 2016 under Article 266.

Meaning of "**by-election**"

For the purpose of this section elections means an election to fill in a vacancy in the office of a Member of Parliament or a Councillor as defined in the Constitution of Zambia (Amendment) Act No. 2 of 2016 under Article 266.

For the purpose of this section a referendum is as defined in the Referendum Amendment Act.

- 6.2.1.1 Due weight must be given to the coverage of political parties during the election period. Licensees must also consider giving appropriate coverage to all parties and independent candidates with significant views and perspectives.

Meaning of "**election period**": This is a duration as defined by the Electoral Commission of Zambia under the Electoral Process Act 2016.

Meaning of "**candidate**": a person contesting a presidential, parliamentary or local government election as defined by the Constitution of Zambia (Amendment) Act No. 2 of 2016, under Article 266.

- 6.2.1.2 Equitable coverage must be given to designated organisations during the referendum period. Licensees must also consider giving appropriate coverage to other permitted participants with significant views and perspectives.

Meaning of "**designated organisation**" and "**permitted participants**":

Designated organisations and permitted participants are those that are designated by the Electoral Commission.

- 6.2.1.3 Discussion and analysis of election and referendum issues must cease at the close of the campaign period.
- 6.2.1.4 Licensees may not publish the results of any opinion poll after the campaign period.
- 6.2.1.5 Candidates in elections, and representatives of permitted participants, must not act as news presenters, interviewers or presenters of any type of programme during the election period.
- 6.2.1.6 During electoral period, candidates must not appear on non-political programmes with the exception of candidates whose public office duties require such appearance.

## **6.2.2 Constituency and Ward Coverage in Elections**

- 6.2.2.1 Due impartiality must be maintained in a constituency and ward reporting or discussion.
- 6.2.2.2 If a candidate takes part in a programme about his/her particular constituency, or ward, then candidates of each of the political parties must be offered the opportunity to take part. However, if they refuse or are unable to participate, the programme may nevertheless go ahead.
- 6.2.2.3 Any constituency or ward report or discussion after the close of nominations must include a list of all candidates standing, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate. This must be conveyed in sound and/or vision. Where a constituency report on a radio service is repeated on several occasions in the same day, the full list need only be broadcast on one occasion. If, in subsequent repeats on that day, the constituency report does not give the full list of candidates, the audience should be directed to an appropriate website or other information source listing all candidates and giving the information set out above.

## **6.2.3 Mayoral Coverage in Elections**

- 6.2.3.1 Due impartiality must be maintained in a mayoral reporting or discussion.
- 6.2.3.2 If a candidate takes part in a programme about his/her particular city, or town, then candidates of each of the political parties must be offered the opportunity to take part. However, if they refuse or are unable to participate, the programme may nevertheless go ahead.
- 6.2.3.3 Any city or town report or discussion after the close of nominations must include a list of all candidates standing, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate. This must be conveyed in sound and/or vision. Where a report on a radio service is repeated on several occasions in the same day, the full list need only be broadcast on one occasion. If, in subsequent repeats on that day, the report does not give the full list of candidates, the audience should be directed to an appropriate website or other information source listing all candidates and giving the information set out above.

## SECTION SEVEN : FAIRNESS

Relevant legislation includes, in particular, Section 33 of the Independent Broadcasting Authority Act No. 17 of 2002.

### 7.1 Objective

To ensure that licensees avoid unjust or unfair treatment of individuals or organisations in programmes.

### 7.2 Guidelines

Licensees must avoid unjust or unfair treatment of individuals or organisations in programmes.

#### 7.2.1 Dealing fairly with contributors and obtaining informed consent

Licensees and programme producers must be fair in their dealings with potential contributors to programmes unless, exceptionally, it is justified to do otherwise.

7.2.1.1 Where a person is invited to make a contribution to a programme, they must, at an appropriate stage:

- a) be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute, when (if known) and where it is likely to be first broadcast;
- b) be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc.;
- c) be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
- d) be made aware of any significant changes to the programme as it develops, which might reasonably affect their original consent to participate, and which might cause material unfairness;
- e) be told the nature of their contractual rights and obligations and those of the programme producer and Licensee in relation to their contribution; and
- f) be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it.

Taking these measures is likely to result in the consent that is given being 'informed consent' (referred to in this section and the rest of the SOP as "consent").

It may be fair to withhold all or some of this information where it is justified in the public interest or under other provisions of this section of the SOP.

7.2.1.2 If a contributor is a child, consent must be obtained from a parent or guardian, or other person of eighteen or over *in loco parentis*. In particular, children must not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.

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- 7.2.1.3 In the case of an adult who is not in a position to give consent, a person of eighteen or over with primary responsibility for their care must give it on their behalf. In particular, persons not in a position to give consent should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
  - 7.2.1.4 When a programme is edited, contributions must be represented fairly.
  - 7.2.1.5 Guarantees given to contributors, for example relating to the content of a programme, confidentiality or anonymity, must be honoured.
  - 7.2.1.6 Licensees should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the Licensee's own material.

## **7.2.2 Opportunity to contribute and proper consideration of facts**

- 7.2.2.1 Before broadcasting a factual programme, including programmes examining past events, licensees must take reasonable care to satisfy themselves that:
  - a) material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and
  - b) anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.
- 7.2.2.2 Programmes-such as dramas and factually-based dramas-must not portray facts, events, individuals or organisations in a way which is unfair to an individual or organisation.
- 7.2.2.3 If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned must be given an appropriate and timely opportunity to respond.
- 7.2.2.4 Where a person approached to contribute to a programme chooses to make no comment or refuses to appear in a broadcast, the broadcast should make clear that the individual concerned has chosen not to appear and must give their explanation if it would be unfair not to do so.
- 7.2.2.5 Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

### **7.2.3 Deception, set-ups and 'wind-up' calls**

Licensees or programme producers must not obtain or seek information, audio, pictures or an agreement to contribute through misrepresentation or deception. (Deception includes clandestine filming or recording) However:

- a) it may be warranted to use material obtained through misrepresentation or deception without consent if it is in the public interest and cannot reasonably be obtained by other means;
- b) where there is no adequate public interest justification, for example some unsolicited wind-up calls or entertainment set-ups, consent must be obtained from the individual and/or organisation concerned before the material is broadcast;
- c) if the individual and/or organisation is/are not identifiable in the programme then consent for broadcast will not be required;
- d) material involving celebrities and those in the public eye can be used without consent for broadcast, but it must not be used without a public interest justification if it is likely to result in unjustified public ridicule or personal distress. Therefore such contributions should be pre-recorded.

## SECTION EIGHT : PRIVACY

Relevant legislation includes, in particular, Section 33 of the Independent Broadcasting Authority Act No. 17 of 2002.

### 8.1 Objective

To ensure that licensees avoid any unwarranted infringement of privacy in programmes and in connection with obtaining material included in programmes.

### 8.2 Guidelines

Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

#### Meaning of "**warranted**":

In this section "warranted" has a particular meaning. It means that where licensees wish to justify an infringement of privacy as warranted, they should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the Licensee should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing incompetence that affects the public.

#### 8.2.1 Private lives, public places and legitimate expectation of privacy

##### Meaning of "**legitimate expectation of privacy**":

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and conditions may be of such a private nature that filming or recording, even in a public place, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

- 8.2.1.1 Information which discloses the location of a person's home or family must not be revealed without permission, unless it is warranted.
- 8.2.1.2 When people are caught up in events which are covered by the news they still have a right to privacy in both the making and the broadcast of a programme, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later programmes that revisit those events.
- 8.2.1.3 Licensees must ensure that words, images or actions filmed or recorded in, or broadcast from, a public place, are not so private that prior consent is required before broadcast from the individual or organisation concerned, unless broadcasting without their consent is warranted.

## 8.2.2 Consent

- 8.2.2.1 Any infringement of privacy in the making of a programme must be with the person's and/or organisation's consent or be otherwise warranted.
- 8.2.2.2 If the broadcast of a programme would infringe the privacy of a person or organisation, consent must be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted. Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution.
- 8.2.2.3 If an individual or organisation's privacy is being infringed, and they ask that the filming, recording or live broadcast be stopped, the Licensee must do so, unless it is warranted to continue.
- 8.2.2.4 When filming or recording in institutions, organisations or other agencies, permission must be obtained from the relevant authority or management, unless it is warranted to film or record without permission. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public will not normally be required. However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent must normally be obtained before filming or recording and for broadcast from those in sensitive situations unless not obtaining consent is warranted. If the individual will not be identifiable in the programme then separate consent for broadcast will not be required.

## 8.2.3 Gathering information, sound or images and the reuse of material

- 8.2.3.1 The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the programme.
- 8.2.3.2 Licensees must ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the Licensee's own material.
- 8.2.3.3 Doorstepping for factual programmes must not take place unless a request for an interview has been refused or it has not been possible to request an interview, or there is good reason to believe that an investigation will be frustrated if the subject is approached openly, and it is warranted to doorstep. However, licensees may, without prior warning interview, film or record people in the news when in public places.

### Meaning of "doorstepping":

Doorstepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being filmed or recorded for broadcast purposes, without any prior warning. It does not, however, include vox-pops (sampling the views of random members of the public).

8.2.3.4 Licensees can record telephone calls between the Licensee and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that a call that has been recorded will be broadcast but this was not explained to the other party at the time of the call then the Licensee must obtain consent before broadcast from the other party, unless it is warranted not to do so.

8.2.3.5 Clandestine filming or recording must only be used where it is warranted. It will only be warranted if:

- a) there is *prima facie* evidence of a story in the public interest; and
- b) there are reasonable grounds to suspect that further material evidence could be obtained; and
- c) it is necessary to the credibility and authenticity of the programme.

Meaning of "**clandestine filming or recording**":

Clandestine filming or recording includes the use of long lenses or recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording telephone conversations without the knowledge of the other party, or deliberately continuing a recording when the other party thinks that it has come to an end.

8.2.3.6 Material gained by clandestine filming and recording must only be broadcast when it is warranted.

8.2.3.7 Clandestine filming or recording, doorstepping or recorded 'wind-up' calls to obtain material for entertainment purposes may be warranted if it is intrinsic to the entertainment and does not amount to a significant infringement of privacy such as to cause significant annoyance, distress or embarrassment. The resulting material must not be broadcast without the consent of those involved. However if the individual and/or organisation is not identifiable in the programme then consent for broadcast will not be required.

## 8.2.4 Suffering and distress

8.2.4.1 Licensees must not take or broadcast footage or audio of people caught up in emergencies, victims of accidents or those suffering a personal tragedy, even in a public place where that results in an infringement of privacy, unless it is warranted or the people concerned have given consent.

8.2.4.2 People in a state of distress must not be put under pressure to take part in a programme or provide interviews, unless it is warranted.

8.2.4.3 Licensees must take care not to reveal the identity of a person who has died or of victims of accidents or violent crimes, unless and until it is clear that the next of kin has been informed of the event or unless it is warranted.

8.2.4.4 Licensees must reduce the potential distress to victims and/or relatives when making or broadcasting programmes intended to examine past events that involve trauma to individuals (including crime) unless it is warranted to do otherwise. This applies to dramatic reconstructions and factual dramas, as well as factual programmes. In particular, so far as is reasonably practicable, surviving victims and/or the immediate families of those whose experience is to feature in a programme, must be informed of the plans for the programme and its intended broadcast, even if the events or material to be broadcast have been in the public domain in the past.

## 8.2.5 Children and vulnerable people

8.2.5.1 Licensees must pay particular attention to the privacy of children. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

8.2.5.2 Where a programme features a child or a vulnerable person in a way that infringes privacy, consent must be obtained from:

- a) a parent, guardian or adult *in loco parentis*; and
- b) wherever possible, the individual concerned;

Unless the subject matter is trivial or uncontroversial for the participation of a minor, or it is warranted to proceed without consent.

8.2.5.3 Children and vulnerable people should not be questioned about private matters without the consent of a parent, guardian or other person of eighteen or over *in loco parentis* (in the case of children), or a person with primary responsibility for their care (in the case of a vulnerable person), unless it is warranted to proceed without consent.

### Meaning of "vulnerable people":

This varies, but may include those with learning difficulties, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill.

## SECTION NINE : COMMERCIAL REFERENCES IN TELEVISION PROGRAMMING

These guidelines ensure that the principles of editorial independence; distinction between advertising and editorial content; transparency of commercial arrangements; and consumer protection are maintained.

### Meaning of "**programming**":

All broadcast content except spot advertising and teleshopping. Programmes, trailers, cross-promotions and sponsorship credits are all forms of programming.

### Meaning of "**commercial reference**":

Any visual or audio reference within programming to a product, service or trade mark (whether related to a commercial or non-commercial organisation).

### Meaning of "**trade mark**":

In relation to a business, includes any image (such as a logo) or sound commonly associated with that business or its products or services. (Trade Marks Act Chapter 401 of the laws of Zambia)

### 9.1 Objective

- a) To ensure that licensees maintain editorial independence and control over programming (editorial independence).
- b) To ensure that there is distinction between editorial content and advertising (distinction).
- c) To protect audiences from surreptitious advertising (transparency).
- d) To ensure that audiences are protected from the risk of financial harm (consumer protection).
- e) To ensure that unsuitable sponsorship is prevented (unsuitable sponsorship).

### 9.2 Guidelines

#### 9.2.1 General Guidelines

- 9.2.1.1 Licensees must maintain independent editorial control over programming.
- 9.2.1.2 Licensees must ensure that editorial content is distinct from advertising.
- 9.2.1.3 Clandestine advertising is prohibited.

### Meaning of "**clandestine advertising**":

Clandestine advertising involves a reference to a product, service or trade mark within a programme, where such a reference is intended by the Licensee to serve as advertising and this is not made clear to the audience. Such advertising is likely to be considered intentional if it occurs in return for payment or other valuable consideration to the Licensee or producer.

- 9.2.1.4 Products, services and trademarks must not be promoted in programming.
- 9.2.1.5 No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:
  - a) the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
  - b) the manner in which a product, service or trade mark appears or is referred to in programming.

## 9.2.2 Product Placement and Prop Placement

### Meaning of "**product placement**":

The inclusion in a programme of, or of a reference to, a product, service or trade mark where the inclusion is for a commercial purpose, and is in return for the making of any payment, or the giving of other valuable consideration, to any relevant provider or any person connected with a relevant provider, and is not prop placement.

Associated have the meanings set out in section three of the Anti-Corruption Commission Act of 2012.

### **Rules 9.2.2.1 to 9.2.2.9 apply to all programmes**

- 9.2.2.1 Product placement is prohibited except in the following programme genres:
  - a) films;
  - b) series made for television (or other audiovisual media services);
  - c) sports programmes; and
  - d) light entertainment programmes.

### Meaning of "**films**":

Includes films made for cinema and films (including single dramas and single documentaries) made for television or other multimedia services.

- 9.2.2.2 Programmes that fall within the permitted genres must not contain product placement if they are:
  - a) news programmes; or
  - b) children's programmes.

### Meaning of a "**children's programme**":

In this context a children's programme is "a programme made for a television programme service or multimedia programme service, and for viewing primarily by children".

9.2.2.3 Product placement must not influence the content and scheduling of a programme in a way that affects the responsibility and editorial independence of the Licensee

**Note:**

There must always be sufficient editorial justification for the inclusion of product placement in programmes. In particular, editorial content must not be created or distorted so that it becomes a vehicle for the purpose of featuring placed products, services or trademarks.

9.2.2.4 References to placed products, services and trademarks must not be promotional.

9.2.2.5 References to placed products, services and trademarks must not be unduly prominent.

9.2.2.6 The product placement of the following products, services or trademarks is prohibited:

- a) cigarettes or other tobacco products;
- b) placement by or on behalf of an undertaking whose principal activity is the manufacture or sale of cigarettes or other tobacco products; or
- c) prescription-only medicines.

9.2.2.7 Product placement is not permitted in the following:

- a) religious programmes;
- b) consumer advice programmes; or
- c) current affairs programmes.

Meaning of "**current affairs programme**":

A current affairs programme is one that contains explanation and /or analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy.

9.2.2.8 The product placement of the following is prohibited:

- a) alcoholic drinks;
- b) gambling;
- c) infant formula (baby milk), including follow-on formula;
- d) all medicinal products
- e) electronic or smokeless cigarettes, cigarette lighters, cigarette papers, or pipes intended for smoking; or

- f) any product, service or trade mark that is not allowed to be advertised on television.

9.2.2.9 Product placement must be signalled clearly, by means of a universal neutral logo, as follows:

- a) at the beginning of the programme in which the placement appears;
- b) when the programme recommences after commercial breaks; and
- c) at the end of the programme.

### **Acquired programmes and signalling:**

When a Licensee acquires a programme containing product placement (i.e. the Licensee has not produced or commissioned the programme, and it has not been produced or commissioned by an associate person), there is no signalling requirement. However, please note that such programmes must comply with any other relevant SOP guidelines.

If a Licensee acquires a programme from a third party on the condition that product placement within the programme will be broadcast (subject to compliance with relevant guidelines), the requirements of clandestine advertising must be noted. In such circumstances, the Authority expects licensees to ensure that audiences are made aware that the programme includes product placement.

### **9.2.3 Sponsorship**

#### **Meaning of "sponsored programming":**

Sponsored programming (which may include a programme, channel, programme segment or block of programmes) is programming that has had some or all of its costs met by a sponsor. It includes advertiser-funded programmes.

#### **Meaning of "sponsor":**

Any public or private undertaking or individual (other than a Licensee or programme producer) who is funding the programming with a view to promoting its products, services, trademarks and/or its activities.

#### **Meaning of "sponsor reference":**

Any reference to the sponsor's products, services or trademarks.

#### **Meaning of "costs":**

Any part of the costs connected to the production or broadcast of the programming.

#### **Note:**

- 1) The guidelines seek to ensure editorial independence is preserved and a distinction is maintained between editorial and advertising. They also aim to protect against unsuitable sponsorship, and to ensure that sponsorship arrangements adhere to the principle of transparency.
- 2) With the exception of the sponsorship credits, any reference to a sponsor that appears in a sponsored programme as a result of a commercial arrangement with the Licensee, the programme producer or a connected person will be treated as product placement and must comply with the guidelines.

## 9.2.4 Content that must not be sponsored

News and current affairs programmes must not be sponsored.

## 9.2.5 Prohibited and restricted sponsors

- 9.2.5.1 Programming (including a channel) may not be sponsored by any sponsor that is prohibited from advertising on television.
- 9.2.5.2 Sponsorship must comply with both the content and scheduling guidelines that apply to television advertising.

## 9.2.6 Content of sponsored output

A sponsor must not influence the content and/or scheduling of a channel or programming in such a way as to impair the responsibility and editorial independence of the Licensee.

Sponsorship arrangements should not lead to the creation or distortion of editorial content so that it becomes a vehicle for the purpose of promoting the sponsor or its interests.

There are limited circumstances in which a sponsor (or its products, services or trademarks) may be referred to during a programme it is sponsoring as a result of a commercial arrangement with the Licensee or programme-producer. For example, in the case of a product placement arrangement (see Regulations 9.2.2.1 to 9.2.2.9) or when the sponsorship arrangement is identified (see Regulations 9.2.7.1 to 9.2.7.7).

Where an incidental reference to the sponsor (i.e. a reference that does not result from a commercial arrangement between the sponsor and the broadcaster and/or programme producer or a connected person) appears in a sponsored programme, it must comply with guidelines 9.2.1 to 9.2.5.

## 9.2.7 Sponsorship credits

- 9.2.7.1 Sponsorship must be clearly identified by means of sponsorship credits. These must make clear:
  - a) the identity of the sponsor by reference to its name or trade mark; and
  - b) the association between the sponsor and the sponsored content.
- 9.2.7.2 For sponsored programmes, credits must be broadcast at the beginning and/or during and/or end of the programme.

### Note:

Credits may also be broadcast entering and/or leaving a commercial break during the sponsored programme.

For other sponsored content (e.g. channels) sponsorship credits should be broadcast at appropriate points during the schedule to ensure audiences understand that the content is sponsored.

- 9.2.7.3 Sponsorship credits must be distinct from editorial content.

9.2.7.4 Sponsorship credits must be distinct from advertising. In particular:

- a) Sponsorship credits broadcast around sponsored programmes must not contain advertising messages or calls to action. Credits must not encourage the purchase or rental of the products or services of the sponsor or a third party. The focus of the credit must be the sponsorship arrangement itself. Such credits may include explicit reference to the sponsor's products, services or trademarks for the sole purpose of helping to identify the sponsor and/or the sponsorship arrangement.
- b) Sponsorship credits broadcast during programmes must not be unduly prominent. Such credits must consist of a brief, neutral visual or verbal statement identifying the sponsorship arrangement. This can be accompanied by only a graphic of the name, logo, or any other distinctive symbol of the sponsor. The content of the graphic must be static and must contain no advertising messages, calls to action or any other information about the sponsor, its products, services or trademarks.

9.2.7.5 Where a sponsor is prohibited from product placing in the programme it is sponsoring, sponsorship credits may not be shown during the sponsored programme.

9.2.7.6 Where a sponsorship credit is included in a programme trail, the credit must remain brief and secondary.

9.2.7.7 Programme-related material may be sponsored and the sponsor may be credited when details of how to obtain the material are given. Any credit must be brief and secondary, and must be separate from any credit for the programme sponsor.

## **9.2.8 Use of Controlled Rate Services**

9.2.8.1 Where a Licensee invites viewers to take part in or otherwise interact with its programmes, it may only charge for such participation or interaction by means of controlled rates for telephone services or other telephony services for which the revenue generated is shared between relevant parties.

9.2.8.2 Controlled rates for telephony services will be regarded as products or services, and must therefore not appear in programmes, except where:

- a) they enable viewers to participate directly in or otherwise contribute directly to the editorial content of the programme; or
- b) they fall within the meaning of programme-related material.

9.2.8.3 Where a controlled rate for telephony service is featured in a programme, the primary purpose of the programme must continue to be clearly editorial. Promotion of the featured service must be clearly subsidiary to that primary purpose.

9.2.8.4 Any use of controlled rates for telephone numbers must comply with the SOP and Regulations issued by the Zambia Information and Communications Technology Authority (ZICTA).

## 9.2.9 Non-geographic call costs

The cost to viewers for using non-geographic telephony services must be made clear to them and broadcast as appropriate.

### Note:

Non-geographic telephony services are those telephone numbers (Short Codes) that are not linked to a specific location.

## 9.2.10 Programme-related material (PRM)

### Meaning of "programme-related material":

Programme-related material consists of products or services that are both directly derived from a programme and specifically intended to allow viewers to benefit fully from, or to interact with, that programme.

### Notes:

- 1) Licensees may refer to the availability of programme-related material without such references counting towards the amount of advertising they are permitted to transmit as specified in the Authority's SOP on the scheduling of television advertising. The following regulations support the key principle of editorial independence by ensuring that references to programme-related material are made primarily for editorial and not advertising reasons.
- 2) Programme-related material may be sponsored

9.2.10.1 Programme-related material may be promoted only during or around the programme from which it is directly derived and only where it is editorially justified.

9.2.10.2 The Licensee must retain responsibility for ensuring the appropriateness of promoting programme-related material.

## 9.2.11 Cross-promotions

### Note:

The cross-promotion of programmes, channels and other broadcasting-related services is covered by specific regulations contained in the SOP.

## 9.2.12 Charity appeals

### Note:

Charity appeals are allowed in programming only if they are broadcast free of charge.

The following guidelines recognise that while charities differ from purely commercial entities, there is still a potential risk that the audience may suffer financial harm as a result of such appeals (consumer protection). Further, many charities operate in competition with one another and the guidelines therefore aim to ensure that charity appeals benefit a range of charities. Where appropriate, licensees must also pay particular attention to Section Five of the SOP (Due Impartiality).

9.2.12.1 Charity appeals that are broadcast free of charge are allowed in programming provided that the Licensee has taken reasonable steps to satisfy itself that:

- a) the organisation concerned can produce satisfactory evidence of charitable status, or, in the case of an emergency appeal, that a responsible public fund has been set up to deal with it; and
- b) the organisation concerned is not prohibited from advertising on television.

9.2.12.2 Where possible, the broadcast of charity appeals, either individually or taken together over time, should benefit a wide range of charities.

### **9.2.13 Financial promotions and investment recommendations**

#### **Meaning of "financial promotion":**

A financial promotion is an invitation or inducement to engage in investment activity (in accordance with Securities and Exchange Commission Act (Restrictions on financial promotion)).

#### **Meaning of an "investment recommendation":**

An investment recommendation occurs when someone directly recommends a particular investment decision, for example, buying or selling a particular share or underwriting a particular share offer.

#### **Note:**

The guidelines applying to such promotions and recommendations reflect the particular risk that such references could result in financial harm to the audience (consumer protection), and the resulting need for editorial independence and transparency to be maintained and protected.

### **9.2.14 Appeals for funds for programming or services**

#### **Note:**

During programming, licensees may broadcast appeals for donations to make editorial content or fund their service.

Guidelines 9.2.14.1 to 9.2.14.4 reflect the potential for financial harm when Licensees appeal for funds from viewers (consumer protection) and ensure editorial independence, transparency, and distinction between advertising and editorial content are maintained.

9.2.14.1 Viewers must be told the purpose of the appeal and how much it raises.

9.2.14.2 All donations must be separately accounted for and used for the purpose for which they were donated.

9.2.14.3 Licensees must not offer any additional benefits or other incentives to donors.

9.2.14.4 Appeals for funds for programming or services must not be given undue prominence in relation to the overall output of the service.

## SECTION TEN : COMMERCIAL COMMUNICATIONS IN RADIO PROGRAMMING

This section of the SOP applies to radio only.

### 10.1 Objective

To ensure the transparency of commercial communications as a means to secure consumer protection.

### 10.2 Guidelines

#### 10.2.1 General Guidelines

10.2.1.1 Programming that is subject to, or associated with, a commercial arrangement must be appropriately signalled, so as to ensure that the commercial arrangement is transparent to listeners.

10.2.1.2 Spot advertisements must be clearly separated from programming.

10.2.1.3 No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations.

This rule does not apply to:

- a) reference to a news supplier for the purpose of identifying that supplier as a news source;
- b) specialist factual strands that are not news bulletins or news desk presentations, but may be featured in or around such programming;
- c) the use of premium rate services (e.g. for station/Licensee surveys); and
- d) references that promote the station/Licensee's own products and/or services (e.g. the programme/station/Licensee's website or a station/Licensee's event).

10.2.1.4 No commercial reference, or material that implies a commercial arrangement, is permitted on radio services primarily aimed at children or in children's programming included in any service.

This rule does not apply to:

- a) credits for third party association with either programming or broadcast competition prize donation;
- b) the use of premium rate services (e.g. for broadcast competition entry); and
- c) references that promote the station/Licensee's own products and/or services (e.g. the programme/station/Licensee's website or a station/Licensee's event).

- 10.2.1.5 No commercial arrangement that involves payment, or the provision of some other valuable consideration, to the Licensee may influence the selection or rotation of music for broadcast.
- 10.2.1.6 No programming may be subject to a commercial arrangement with a third party that is prohibited from advertising on radio.
- 10.2.1.7 Commercial references in programming must comply with the advertising guidelines and content regulations that apply to radio broadcasting.
- 10.2.1.8 Commercial references that require confirmation or substantiation prior to broadcast must be cleared for broadcast in the same way as advertisements.

### **Programming**

Programming comprises all broadcast material other than spot advertisements.

### **Spot advertisements**

Spot advertisements comprise advertising broadcast in commercial breaks.

### **Commercial arrangement**

A commercial arrangement is a contract, or any other formal understanding, between a Licensee (or any agent or employee of the Licensee) and a third party (or third parties).

Examples of a commercial arrangement include programming sponsorship, competition prize donation and premium rate service provision. Programming that is subject to a commercial arrangement will therefore generally include payment and/or the provision of some other valuable consideration in return for a commercial reference (whether promotional or not).

### **Commercial reference**

For the purposes of this section of the SOP, a commercial reference is a reference in programming to a brand, trademark, product and /or service that:

- a) is subject to a commercial arrangement; or
- b) promotes the station/Licensee's own products or services.

### **Transparency**

Listeners should know when material is broadcast in return for payment or other valuable consideration. Signalling is the means by which transparency is achieved.

Transparency of a commercial arrangement should be achieved through the appropriate signalling of a brand, trademark, product and/or service of a third party (or third parties) that has paid for broadcast exposure by, for example: including a sponsorship credit; reference to the donor of a prize; the promotion of a premium rate number for listener interaction in programming.

### **Signalling**

Licensees are required to give, at appropriate times, clear information within programming, to inform listeners of any commercial arrangement affecting that programming.

There are four aspects to consider when assessing what signalling is appropriate, to ensure compliance:

- a) Wording - this must be clear, to ensure immediate transparency of the commercial arrangement;
- b) Positioning - transparency of the commercial arrangement generally requires signalling at the outset of each instance of broadcast material subject to it;
- c) Frequency - longer output that is subject to a commercial arrangement may require signalling at appropriate intervals;
- d) Identity (of the third party) - transparency of the commercial arrangement requires the third party's relevant title to be stated on air.

Licenses should ensure that broadcast material appearing either to be a station campaign or to provide any independent assessment of products/services is genuinely independent and not subject to a commercial arrangement. Signalling commercial references in, for example, consumer advice/affairs programming therefore requires particular care, as it is essential that the broadcast of paid-for promotions of goods and services is not presumed to be independent observation / comment.

#### **Specialist factual strands**

Specialist factual strands in or around news bulletins or news desk presentations might include, for example, travel, sport, finance and weather.

#### **Factual programming, including matters of political or industrial controversy and matters relating to current public policy**

Licenses should note that all programming must comply with Section Five of the SOP. Commercial references broadcast under such an arrangement are also subject to Section 9. In addition, licenses are reminded that factual items must not materially mislead the audience.

#### **Commercial references that require confirmation or substantiation**

Examples include, but are not limited to: complex factual claims (including those that are capable of objective substantiation); market leadership claims; special offer prices; comparisons with competitors; superlative claims; claims and offers involving significant limitations and exclusions; "free" claims; testimonials; endorsements; and claims that may be of particular interest to children.

## **10.2.2 Controlled Rates and similar services**

### **Note:**

Controlled Rate for Services are a subset of Premium Rate Services which are regulated by ZICTA. Licenses should refer to the guidance for further details about the terms used in this section.

- 10.2.2.1 Any use of controlled rates for telephony services in programming must comply with the SOP of Practice and any additional broadcast-related requirements issued by ZICTA.
- 10.2.2.2 The cost to listeners for using controlled premium rate telephony services, or other communication services for which the revenue generated is shared between relevant parties, must be made clear to them and broadcast as appropriate.

### **Note:**

Licenses should refer to guidance for further details on the application of this guideline, as well as guidance to relevant associated regulations (see in particular, the guidance to guidelines 2.2.5.1 to 2.2.5.4).

### **10.2.3 Charity appeals**

Fund-raising activity broadcast on behalf of a charity (or emergency appeal) is only permitted if:

- a) it is broadcast free of charge;
- b) it does not contain any commercial reference that is subject to a commercial arrangement with the relevant charity (or emergency appeal); and
- c) the Licensee has taken reasonable steps to satisfy itself that:
  - (i) the organisation concerned can produce satisfactory evidence of charitable status, or, in the case of an emergency appeal, that a responsible public fund has been set up to deal with it; and
  - (ii) the organisation concerned is not prohibited from advertising on radio.

### **10.2.4 Appeals for funds for programming or services**

Licensees may broadcast appeals for donations to make programming or fund their service. Listeners must be told the purpose of the appeal and how much it raises. All donations must be separately accounted for and used for the purpose for which they were donated.

### **10.2.5 Financial promotions and investment recommendations**

When broadcasting financial promotions and investment recommendations licensees must comply with the relevant provisions in this SOP.

### **10.2.6 Financial promotion**

A financial promotion is an invitation or inducement to engage in investment activity (in accordance with section 21 (1) of the Financial Services and Markets Act 2000 (Restrictions on financial promotion)).

### **10.2.7 Investment recommendation**

An investment recommendation occurs when someone directly recommends a particular investment decision, for example, buying or selling a particular share or underwriting a particular share offer.



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**STANDARD OPERATING PROCEDURES FOR BROADCASTING IN ZAMBIA**