

Broadcasting Services (Code of Conduct for Broadcasters)
Regulations, 2023

IT is hereby notified that the Minister of Information, Publicity and Broadcasting Services, in terms of section 24 of the Broadcasting Services Act [*Chapter 12:06*], after consultation with the Authority, approved the following regulations:—

Title

1. These regulations may be cited as the Broadcasting Services (Code of Conduct for Broadcasters) Regulations, 2023.

Interpretation

2. In these regulations—

“advertise” means the broadcasting of material—

- (a) the purpose of which is to draw public attention to, or to promote, directly or indirectly, an organisation, a product, a service, belief or course of action; and
- (b) for which consideration has been provided by, or on behalf of, an organisation or supplier of the product or service, to a licensee, a presenter, or an associate of a presenter;

“broadcasting service licensee” means a person licensed to provide broadcasting services;

“code of conduct” means this code programming content code of practice for broadcasters;

“children” means any persons under the age of 18 years;

“children’s programming” means a programme imparting information and knowledge and defined by law as suitable for children in Zimbabwe;

“explicit sexual conduct” means programming content which portrays, depicts or describes sexual acts, activities or excretory organs in a way that is explicit and patently offensive when measured against contemporary community and moral values and standards of Zimbabweans;

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“infomercial” means a programme which influences viewers or listeners about a product or service with the ultimate objective of marketing and or selling such a product or service;

“news and current affairs” means programming content whose substantial purpose is to provide interviews, analysis, commentary or discussion, including open-line discussion with listeners, about current social, economic or political issues;

“news program” means a program or bulletin, the predominant purpose of which is to present factual new information on current events and which is typically prepared by journalists;

“profanity” means grossly offensive language not usually used or acceptable by the community standards and goes against the moral values of Zimbabweans and may if judged within context, be considered a public nuisance;

“sponsored programme” means a programme that is fully or partially paid for by the sponsor who in return enjoys credit at the beginning, during and at the end of the programme;

“watershed period” means the time devoted to broadcasting programmes suitable for adults that is the period between 2200 to 0500 of the following day.

Application

3. This code of conduct shall apply to all persons licensed to provide broadcasting services.

Children programming

4. (1) Every broadcasting service licensee shall—

- (a) broadcast children’s programmes which reflect the moral standards and values of Zimbabweans;
- (b) not broadcast material which may be harmful or disturbing to children and might seriously impair their mental or moral development;

- (c) ensure that programming for children does not contain frightening or excessive special effects;
- (d) not broadcast offensive language in programmes designed for children;
- (e) not broadcast programmes which depict suicide favourably or present suicide as a means of achieving a desired result; or
- (f) avoid programmes that portray any dangerous or harmful behavior easily imitated by children;
- (g) avoid the use or abuse of illegal drugs or alcohol in programs meant for children or at times when children are likely to be listening or watching;
- (h) avoid the broadcasting of sexually and verbally explicit programming material in programming content meant for children;
- (i) avoid featuring violence, whether verbal or physical that can be imitated by children in programmes made primarily for children unless there is strong editorial justification;
- (j) not broadcast programmes depicting violence before the watershed period, in the case of television, or performance period, in the case of radio, unless there is editorial justification for the broadcast;
- (k) avoid programmes that promote child marriages, child trafficking, child labour and any activities that may if judged within context could affect or cause harm to the moral well-being of children; and
- (l) avoid exposing the identities of children in sensitive programming material or discussions relating to sexual activities where the well-being of children is involved.

Coverage of elections

5. During an election period, as defined in the Electoral Act [Chapter 2:13], every licensee shall comply with the Electoral Act

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[Chapter 2:13], and its regulations as may be gazetted from time to time.

Privacy, dignity, reputation of persons

6. Every broadcasting service licensee shall—

- (a) protect the privacy, dignity and reputation of persons when airing programming material relating to the private lives of individuals;
- (b) respect Zimbabwean cultural norms or views concerning the dignity and privacy of people who are bereaved and ensure that respect for the dead is maintained in programming; and
- (c) ensure that programming content is presented in a manner that respect and protect the reputation and dignity of vulnerable groups of society such as children, the elderly and the physically and mentally challenged.

Language

7. Every broadcasting service licensee shall—

- (a) not broadcast offensive language, including profanity, indecent speech and blasphemy taking into account any ethnic, linguistic, religious, traditional and or social differences prevailing in the community or country;
- (b) broadcast programmes that protect consumers from unsafe, unpleasant or damaging content;
- (c) not broadcast programming content that offends generally accepted standards of decency, having regard to the demographic characteristics of the audience of the relevant program;
- (d) not broadcast programming content that causes anger, resentment or moral outrage and the use of vulgar language or swear words in programmes is prohibited; and
- (e) make or develop programmes for persons with physical or mental disabilities, consistent with their capabilities considering their specific requirements.

Adult content and watershed period

8. (1) Every broadcasting services licensee shall—
- (a) ensure that programming or promotional material which contains scenes of violence, sexually explicit conduct or discussions and or offensive language intended for adult audiences shall not be broadcast outside of the watershed period;
 - (b) provide sufficient information, to assist parents or legal guardians to make appropriate viewing choices for their children and families;
 - (c) ensure respect for community standards, beliefs, norms, expectations, morals and values in programming material to be broadcast during the watershed period.

Explicitness

9. (1) Every broadcasting service licensee shall not broadcast material which, judged within context, contains a scene or scenes, of any of the following—

- (a) pornography;
- (b) bestiality;
- (c) explicit sexual conduct;
- (d) explicit extreme violence or the explicit effects thereof;
- (e) explicit infliction of domestic violence; and
- (f) audio of actual sexual acts.

Programme classification, labels or warnings

10. (1) Every broadcasting service licensee shall—
- (a) put programme classifications, labels or warnings on every programme to ensure that audiences are provided with adequate information or advisory assistance which must include guidelines as to age, where such broadcasts contain violence, sex, nudity and or offensive language, guidelines which must be visible on the screen;

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- (b) place an advisory which must be visible on the screen before the commencement of the programme which must also accompany the broadcast of a film with the appropriate age restriction;
- (c) advise audiences of the programme classification, label or warning in advance through verbal warnings, or display warnings as specified in section 25(3) and 33 of the Broadcasting Services (Licensing and Content) Regulations of 2004;
- (d) place the following verbal advisories in appropriate programming materials—
 - (i) “The following program contains sexual content that may offend. Viewer or listener discretion is advised.”;
 - (ii) “The following program contains sexually explicit material intended for adult audiences. Viewer or listener discretion is advised.”;
 - (iii) “The following program contains scenes of violence, language that may offend and is intended for adult audiences. Viewer or listener discretion is advised.”;
 - (iv) “The following program deals with mature subject matter and is intended for adult audiences. Viewer or listener discretion is advised.”.

News and current affairs

11. (1) In broadcasting news and current affairs, every broadcasting service licensee shall—

- (a) adequately inform the Zimbabwean public on current and topical matters of the day;
- (b) ensure that news and current affairs constitute not less than three (3) hours of a station’s daily programming for a licensee whose programming schedule is not made up of news only;
- (c) provide fair, factual, accurate, balanced and impartial views;

- (d) maintain the highest levels of accuracy, truthfulness, objectivity, reliability and be based on sound and credible sources presented clearly with accurate language in suitable context;
- (e) warn viewers or listeners in advance before broadcasting explicit, graphic language or visuals related to news of accidents or any form of violence likely to disturb children or sensitive audiences;
- (f) not present news in such a way as to create public panic, or unnecessary distress to reasonable listeners;
- (g) not use material relating to a person's personal or private affairs, or which invades an individual's privacy, unless there is a public interest in broadcasting such information;
- (h) clearly identify news sources, except when confidentiality of the source was a condition for giving information, condition which shall be disclosed by the licensee;
- (i) ensure that in the preparing and presenting of current affairs programs, reasonable efforts are made to ensure that substantial errors of fact are corrected at the earliest possible opportunity;
- (j) not include unverified stories or information and the use of terms such as 'anonymous source', 'confidential source', or 'unknown source' shall not justify airing such unconfirmed stories especially in news programmes;
- (k) ensure that viewpoints expressed to the licensee for broadcast are not misrepresented and presented in a misleading manner by giving wrong or improper emphasis or by editing out of context;
- (l) ensure that replies to questions in interviews are not edited or editorialized in a way that may distort their intended meaning; and
- (m) ensure that news and current affairs are distinguished from advertisements.

Editorial opinion

12. (1) Every broadcasting service licensee shall —

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- (a) be entitled to provide editorial opinion on news and current affairs programmes which shall be clearly labelled as such;
- (b) ensure that personal bias or prejudice is not allowed to distort facts;
- (c) inform the audience or listeners in advance where personal views, opinion or comment is broadcast;
- (d) give viewers and listeners the opportunity to respond to opinions and to separate opinion from facts; and
- (e) state in the programme if a person is not available for comment or could not be reached for comment.

News production aids and techniques

13. (1) Every broadcasting service licensee shall not use production effects to distort the way in which news may be perceived by the public.

(2) Archived materials such as videos, photographs, and audio materials shall be properly labelled as file material when aired and must not be presented in a manner that may cause the viewer or listener to mistake them for a live broadcast.

News reporting

14. (1) Every broadcasting services licensee shall observe the following in the reporting of news or any current affairs programming—

- (a) ensure that information broadcast is researched and secured from reliable sources;
- (b) be diverse in their reporting to include social, political, economic, environmental issues, and all aspects that affect people lives;
- (c) report only facts gathered from reliable sources;
- (d) ensure that reporters avoid their own bias, prejudice, partiality, inclination or personal belief when reporting an event or describing a situation;

- (e) report only on facts of matters before the courts and ensure that all sides of a controversial story are covered to balance the report;
- (f) not disclose the identities of victims of sexual exploitation; and
- (g) respect and protect news sources if requested to so do by the news source.

Interviews and interactive programs

15. A broadcasting service licensee shall not broadcast the words of an identifiable person unless—

- (a) the person has given informed consent before the broadcasting of the material;
- (b) in the case of words which have been recorded without the knowledge of the person, that person has subsequently, but prior to the broadcast, expressed consent to the broadcast of the words.

Violence and hate

16. (1) Every broadcasting service licensee shall not—

- (a) broadcast any material that, incites, promotes or glamorises violence, including material that vilifies any group of persons on the basis of nationality, race, colour, tribe, place of birth, ethnic or social origin, languages, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability, economic or social status;
- (b) cover crimes in progress or crisis situations such as hostage-taking or kidnapping save in exceptional circumstances where care is taken not to obstruct efforts by authorities and law enforcement agents to resolve such situation; and
- (c) disclose the identity of the deceased in fatalities or accidents unless if the deceased's next of kin has been notified or the names of the deceased have been released

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by the authorities such as the police or any government representative.

Accuracy

17. (1) Every broadcasting service licencees shall —

- (a) ensure accuracy, right to reply and balance in broadcasting as a key editorial value in order to ensure the integrity of the news and information broadcast;
- (b) ensure that all news and current affairs programming content broadcast is based on credible sources, presented in a clear manner using precise language and proper context;
- (c) avoid errors of omission which result in listener`s being misinformed; and
- (d) rectify immediately on the same platform if they broadcast an incorrect report.

Impartiality

18. (1) Every broadcasting service licencees shall report on events in a manner that is impartial.

(2) During live broadcasts, every broadcasting service licensee shall take all reasonable precautions to ensure the impartiality and timely prevention of any disruptions to the live broadcast.

Objectivity

19. (1) Every broadcasting service licencees shall ensure that news and currents affairs programming content is provided in an objective manner.

(2) In striving for objectivity in news and current affairs programming, the broadcasters shall —

- (a) make use of a variety of sources from across the political and social spectrum; and
- (b) research all major points of views on controversial issues of public importance.

Right of reply

20. A person whose views are to be criticised in a programme on a controversial issue of public importance shall be given the right to reply to such criticism before, during or after the airing of such a programme.

Competitions and audience participation

21. Every broadcasting service licensee must ensure that audiences who are invited to compete in any competition are made aware on air of any rules of the competition.

Advertising and infomercials

22. (1) Every broadcasting service licensee shall—

- (a) ensure that advertisements broadcast by the licensee are presented in such a manner that the reasonable listener or viewer is able to distinguish them, at the time of the broadcast, from other program material;
- (b) be responsible for the suitability of advertising material they broadcast and ensure that all advertisements conform to applicable laws and regulations;
- (c) ensure that advertising material within a news bulletin is clearly distinguishable from the news and any commercial message broadcast within a news bulletin shall not be read by the newsreader;
- (d) ensure that there is no influence by advertisers, or the perception of such influence, on the reporting of news or current affairs programs;
- (e) ensure that, where drama programmes are broadcast, the actors do not also appear in advertisements that are broadcast during the commercial breaks;
- (f) not broadcast advertisements which exhort children to buy a product or service by exploiting their inexperience or innocence; and
- (g) inform viewers that infomercials are paid commercial advertising;

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(2) Infomercials to be broadcast shall be more than two minutes in duration and not longer than 5 minutes.

(3) During prime time, an infomercial shall not be longer than three minutes.

Misleading Commercial advertisements or infomercials

23. No broadcasting service licensee shall broadcast any advertisement or infomercial that—

- (a) claims to or predicts the future, or pertaining to matters of health, cures, curing and or healing powers unless if the text of the advertisement has been approved by the Ministry of Health for medicines; and
- (b) promotes or shows powers of faith and traditional healers and the use of scientifically untested methods of treatment and or healing through use of herbs or other objects by individuals, churches or organisations.

Broadcast of emergency information

24. A broadcasting service licensee shall, in consultation with appropriate emergency and essential service organisations, implement a set of internal procedures to enable the timely and accurate broadcast of warnings and information supplied by such organisations relating to an existing or threatening emergency. The emergency organisations are as defined in terms of section 39 of the Act.

Advertisement relating to medicines

25. (1) Every broadcasting service licensee shall not broadcast an advertisement relating to medicines unless if the text of the proposed advertisement has been approved by the Secretary of Health or the Minister in accordance with provisions of paragraph 6(2) of the Fifth Schedule to the Act.

(2) Any broadcasting service licensee who breaches provisions of subsection (1) shall be liable to a fine as specified in the Schedule.

Station identification

26. Every broadcasting service licensee shall display or announce its station identification or name at all times.

Compliance with Copyright and Neighbouring Rights Act

27. (1) Every broadcasting service licensee shall ensure compliance with the Copyright and Neighbouring Rights Act [Chapter 26:05], in the provision of its broadcasting service, and the compliance shall include but not limited to the following—

- (a) payment of royalties for music played by the licensee on their broadcasting service to the artist, producer, owner of the works or their authorised representatives such as collecting societies;
- (b) payment of agreed fees to artist, independent producers, originators or owners of the programming content broadcast by the licensee on their service; and
- (c) submit to the Authority quarterly reports on compliance with the Copyright and Neighbouring Rights Act [Chapter 26:05].

Announcement of Code

28. Every broadcasting service licensee shall at least once a month, during the period that this code of conduct is in force, broadcast on its radio or television service publicise the existence of this code of conduct and a general description of the nature and effect of their operation. Such announcements must be broadcast at different times and in different programs.

SCHEDULE

1. (1) The Authority shall after affording the defaulting licensee a reasonable opportunity to be heard, levy the monetary penalties below to a licensee who breaches this code of conduct and failure to pay such penalty shall be a ground for suspension or cancellation of the licence in accordance with section 16 of the Act.

(2) In observing the right of the licensee to be heard, the Authority shall, if it has reasonable belief or suspicion that a licensee has violated this code take the following steps—

- (a) write to the licensee seeking an explanation on the possible violation of the code and request the licensee to submit within a period of 10 days from the date of the letter, the following—

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- (i) records by the licensee of the programming material which is the substance of the violation; and
- (ii) any material which may assist the authority to make consider the possible violation to the code;
- (b) after submission of the relevant records of the possible violation by the licensee the authority shall consider and assess the records against the requirements of this code and make a determination on whether the licensee has violated the code or not, the determination shall be done within a period of 10 days from the date the Authority receives records by the licensee; and
- (c) the Authority shall communicate its decision to the licensee, the appropriate penalty and provide reasons for the decision.

(3) Continual violation of this code of conduct shall be a ground for suspension or cancellation of the licence in terms of section 16 of the Act.

(4) A broadcasting service licensee who breaches this code of conduct shall be liable to the following violation penalties—

VIOLATION	PENALTY
Section 4	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 5	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 7	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 8	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 9	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 10	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 11	Level 1 Low—US\$320,00 Level 2—US\$640,00
Section 16	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 17	Level 1 High—US\$640,00 Level 2—US\$1 280,00

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Section 23	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 25	Level 1 High—US\$640,00 Level 2—US\$1 280,00
Section 26	Level 1 Low—US\$320,00 Level 2—US\$640,00
Section 27	Level 1 High—US\$640,00 Level 2 US\$1 280,00
Section 28	Level 1 Low—US\$320,00 Level 2 US\$640,00

2. (1) Payment of the above shall be done in the abovementioned currency or the Zimbabwe dollar equivalent at the prevailing official bank exchange rate.

(2) Level 1 fine shall be charged to a Licencee who breaches the applicable section of this Code at the first instance, and Level 2 Fine shall be charged to a licensee who commits the same or similar offence charged in level 1 within a period of 12 months. Any further violation of the same offence committed within a period of 12 months shall cause the Authority to exercise its discretion to suspend or cancel the licence in terms of section 16 of the Act.

