

Proposed Code of Conduct for the Electronic Media

A recommendation to all stakeholders

1. Preamble:

We, the members of the Pakistan Broadcast Association do hereby:

- i. Reaffirm the right of freedom of expression as granted under Article XIX of the Constitution of the Islamic Republic of Pakistan and the Universal Declaration of Human Rights;
- ii. Realize that it is our duty to provide accurate and balanced news reports so as to enable the public to defend and promote a democratic dispensation and a just social order;
- iii. Express determination to facilitate the peoples' struggle to fight injustice, oppression and discrimination on the grounds of belief, bias, ethnicity or social status;
- iv. Understand that there is a need to protect the society, especially its youth and children against exposure to gruesome crime and bloodshed;
- v. Reiterate our obligation to be guided by public interest in the performance of our professional duty and in resisting all forms of censorship or pressure to compromise on the principles of fair reporting;
- vi. Recognize the media's responsibility to respect citizen's right to privacy and dignity and to assuage all those who are hurt through any element of falsehood or malice in a broadcast; and
- vii. Commit that the media shall continue to play a positive role in building a peaceful and progressive nation; and
- viii. Resolve to upholding the Code of Conduct herein stated.

2. Application of the Media Code:

- i. That every broadcaster or Distribution Service Operator who holds or is issued a license under section 19 of the Pakistan Electronic Media Regulatory Authority, Ordinance, 2002

("PEMRA Ordinance, 2002"), or such law as may be in effect from time to time, notwithstanding that such broadcaster or CTV operator is not a member of the PBA, and including any advertiser or other producer, contributor or participant of programme content shall be obliged to honor and comply with the Media Code.

3. Broadcaster:

i. The term Broadcaster used in the Media Code shall be as defined under the PEMRA Ordinance, 2002, and shall include Distribution Service Operators.

4. Programme:

i. The term programme used in the Media Code shall be as defined under the PEMRA Ordinance, 2002.

5. Public Interest:

i. The interest of the general public shall be the determining factor at all times in interpreting and enforcing the provisions of the Media Code.

6. Editorial Responsibility and Independence:

i. Broadcasters will establish an in house editorial (policy and its implementation monitoring) team, which will be responsible for ensuring compliance with the Media Code.

ii. Broadcasters will arrange for capacity building of its content producers, anchorpersons, and reporters to familiarize them with the obligations under the Media Code.

iii. Broadcasters must maintain the independence of editorial control over programme content and endeavor to continuously uphold the basic principles of fairness, impartiality and good faith at all times.

iv. The difference between opinion and fact should be identified to the audience. Where a programme content is based on a unconfirmed report or rumor the same should be clearly identified as such to the audience.

v. Where individuals or groups are singled out for criticism, the programme should provide reasonable opportunity for a balancing response.

- vi. A sponsor, advertiser or other authority should not influence the content of a programme in such a way as to impair the responsibility and editorial independence of the broadcaster. Sponsored programmes must be clearly identified as such by reference to the name and/or logo of the sponsor at all times.

7. Conflict of Interest:

- i. Broadcasters shall ensure that all those responsible for content development will declare conflict of interest. Broadcasters should make such information available in the public domain by posting it on their websites.
- ii. Broadcasters shall ensure that all those responsible for content development do not take prior advantage of information gained in the course of their professional duties for private gain.

8. Plagiarism:

- i. Broadcasters shall ensure that their functionaries, particularly those who are responsible for content design do not indulge in plagiarism.

9. Integrity, Security and Defence of Pakistan:

- i. Broadcasters must ensure that no programme content propagates a call to arms against the Federation of Pakistan or action to damage the integrity, security and defence of Pakistan. However, programme content which covers, deals with or probes controversial questions pertaining to sensitive issues of integrity, security and defence of Pakistan within the confines of law and justified by the context shall not be restricted.

10. Violence and Terrorism:

- i. Broadcasters must ensure that programmes must not include material which condones or glamorizes violent or dangerous behavior and is likely to encourage others to copy such behavior.
- ii. Broadcasters must ensure that graphic scenes of violence and carnage must be appropriately restricted. In all circumstances the audience must be forewarned of the adult and graphic content of a programme, which contains even limited images of bloodshed and death.
- iii. Broadcasters must ensure that material likely to incite the commission of terror, crime or to lead to serious public disorder must be avoided. Broadcasters must use

their best endeavors so as not to broadcast material that could endanger lives or prejudice the success of attempts to deal with an on-going hijacking, kidnapping or terrorist incident.

- iv. Broadcasters must ensure that all militant groups or individuals who are notified by the Government as terrorist should clearly be so identified.
- v. Broadcasters must ensure that there is no live coverage, which discloses the tactical measures adopted by security forces against terrorists during on-going security operations.
- vi. Broadcasters must exercise judgment through decision making of senior editorial staff before airing details of identity or number of hostages/victims of any terrorist incident and as a general policy, the same should only be disclosed after the family members of the affected persons have been notified.
- vii. Excessive repetition of archival footage which would cause depression or agitation in the minds of the public should be avoided.

11. Religious Tolerance:

- i. Broadcasters must ensure that they do not relay any derogatory statement or visual with connotation, which is likely to lead to bias, hatred or disharmony with reference to any religion, sect, community or ethnic group.
- ii. Broadcasters must ensure that religious programmes promote tolerance and non violence. Broadcasters must ensure that religious or other programmes do not involve any adverse treatment of the religious views and beliefs of those belonging to a particular religion or sect or justifies or promotes sectarian hatred and violence.

12. Obscenity:

- i. Broadcasters must ensure that no programme content contains any pornographic or obscene scenes of depravity, which offend public morality.

13. Protection of women and children:

- i. Broadcasters must ensure that programme content does not unfairly denigrate or abuse women, children or any under privileged person or group. However, there shall be no restriction

against programming, which impartially and objectively exposes or battles with such denigration, abuse, or exploitation of women, children or under privileged persons and groups and seeks to overcome the same. Neither the identity nor the photographic or other images of victims of rape or sexual abuse should be telecast, unless written permission is on record. Where the victim is a minor, the restriction shall be absolute notwithstanding the permission of the victim.

14. Caution against abusive comment:

- i. Broadcasters shall ensure that abusive comment that purposely and recklessly intends to incite hatred and contempt against any individual or group of persons, on the basis of race, caste, national, ethnic or linguistic origin, color, religion, sect, sex, sexual orientation, age, mental or physical disability is not promoted in any programme.
- ii. Broadcasters shall ensure that no programme content contains any defamatory material or image whatsoever.

15. Propriety and Privacy:

- i. Broadcasters or programme makers should not normally obtain or seek information, audio, pictures or any agreement to contribute through misrepresentation or deception. However, it may be warranted to use material obtained through misrepresentation or deception without consent if it is in public interest and cannot be reasonably obtained by other means.
- ii. Material involving celebrities and those in the public eye can be used without consent for broadcast, but it should not be used without a public interest justification if it is likely to result in unjustified public ridicule or personal distress.
- iii. Any infringement of privacy in the making of a programme should be with the person's and/or organization's consent. Information which discloses the location of a person's home or family should not be revealed without permission.
- iv. Surreptitious filming or recording should only be used where there is prima facie evidence of a story in public interest, or it is necessary to the credibility and authenticity of the programme excluding personal life of individual.

16. Error and Corrigendums:

- i. Any mistakes in news or other programme content should be acknowledged and corrected on air by every broadcaster without delay in the same way and magnitude.

17. Complaint Committee:

- i. All Broadcasters shall establish an in-house Complaint Committees of at least 3 members of its senior editorial staff. The Complaint Committees will decide on the outcome of any complaint received by the Broadcaster within a period of 10 working days.
- ii. Every Broadcaster shall submit a quarterly report on the workings of its Complaint Committees to the MCC.
- iii. In the event that any person is not satisfied with the decision of the Complaint Committee or that no decision is given within the specified period, the aggrieved person may file his complaint with the MCC.

18. Media Complaint Commission:

- i. A independent Media Complaint Commission (MCC) shall be constituted comprising of [] persons. The MCC shall be headed by a Chairperson, who is a retired Judge of the High Court or the Supreme Court or any other person of integrity who is qualified to hold the office of a Judge of the High Court or the Supreme Court. The other members of the MCC shall be (a) one representative of the PBA; (b) one representative of AIR; (c) one representative of CTV operators; (d) one representative of PFUJ; (e) one representative of PEMRA; (f) three representatives of academia, business, bar associations; (g) [] representatives of citizen groups and NGOs.
- ii. The MCC shall nominate a [] member Sub-Committee, which shall decide all complaints within 10 days after hearing all parties to the complaint. In its deliberations the MCC shall be guided by the following principles: (a) everyone is innocent until proven guilty; (b) penalties should be gradual and aimed at correcting the wrongs instead of penalizing Broadcasters; (c) only if a Broadcaster has been found to knowingly and repeatedly violating the Media Code will a recommendation of adverse finding which may include restriction on placement on all advertisements for a maximum period of three months.
- iii. If the MCC is of the view that the Broadcaster has violated the Media Code, it shall in its sole discretion, either render an adverse finding or impose a fine in the sum of Rs.500,000/- only or both. The decision of the MCC shall be made public and the Broadcaster concerned will be obliged to give wide coverage to such a decision.