

LAWS OF SOUTH SUDAN



MEDIA AUTHORITY REGULATIONS ON BROADCASTING MEDIA, 2018

Issued under Sections 67 of the Media Authority Act, 2013

Media Authority©2018

Laws of South Sudan
Media Authority Regulations on Broadcasting
Media, 2018

Table of Content

Arrangement of Sections

Chapter I
Preliminary Provisions

1. Title and Commencement
2. Scope of Application
3. Interpretation

Chapter II
General Rules on Broadcasting Media

4. Accuracy and Fairness
5. Sources
6. Impartiality
7. Corrective Statement and Reply
8. Respect of Privacy
9. The Medium's Impact
10. Protection of the Vulnerable
11. Reporting Crime

12. Reporting Violence and Pornography
13. Reporting Disasters
14. Discrimination
15. Broadcast Designation
16. Product placement
17. Language
18. Advertisement and Sponsorship
19. Copyright / Plagiarism
20. Funding
21. Undue Prominence of Commercial Interests

Chapter III

Miscellaneous Provisions

22. Other Terms and Conditions
23. Amendments

Laws of South Sudan
Media Authority Regulations on
Broadcasting Media, 2018

In accordance with the provisions of Section 18(1) read together with Section 67 of the Media Authority Act, 2013, the Authority with approval of the Competent Minister, hereby issue and promulgate the following Regulations:

Chapter I
Preliminary Provisions

1. Title and Commencement

These Regulations shall be cited as the Media Authority Regulations on Broadcasting Media, 2018, and shall come into force on the date of its signature.

2. Scope of Application

These Regulations shall apply to all Broadcasting Media, operating within the territory of the Republic of South Sudan.

3. Interpretation

In these Regulations, all words and expressions that

are defined under the Media Authority Act, 2013, shall have the same meanings herein; unless the context otherwise requires:

“Act” means the Media Authority Act, 2013.

“Journalist” means any person with formal training in mass communication and has recognised qualification to work for a media house on news coverage, editing, news presentation, programming, photographing and film production.

“Broadcasting Media” means any media that takes part in a radio or television or any voice or visual transmission.

“Code of Ethics” Means the Media Authority Code of

Ethics for the conduct
of Journalists in South
Sudan.

Chapter II

General Rules on Broadcasting Media

4. Accuracy and Fairness

- (1) The Broadcasting Medium has a fundamental duty to seek and broadcast true and well verified information. Journalists should be honest, fair and factual in gathering, reporting, interpreting and reporting information.
- (2) The Broadcasting Medium should take care not to broadcast inaccurate, misleading or distorted information, including pictures, data and graphics.
- (3) Whenever it is recognized that an inaccurate, misleading statement or distorted report has been broadcasted, it should be corrected promptly and with due importance. An apology must be broadcasted whenever deemed appropriate, but not later than three (3) days from the date of recognition.
- (4) Accuracy and fairness can best be achieved by avoiding deliberate distortion, by attempting to get the information from unreliable sources

and but by diligently seeking out subjects of news stories to give them an opportunity to respond to allegations and misrepresentations.

- (5) The Broadcasting Medium shall be impartial; however, facts must be distinguished from comments and conjecture.
- (6) Analysis and commentary should be distinguished from straight news reports and not represented as facts.
- (7) The Broadcasting Medium must avoid misleading headlines, news teasers, promotional materials and quotations.
- (8) The Broadcasting Media shall avoid concoction and or broadcasting malicious news.
- (9) Direct quotes, delineated by quote marks, must be distinguished from paraphrased speech. The Broadcasting Medium must ensure that when quoting people directly their exact words are reproduced in the original language.
- (10) Without prejudice to the above Rules of

accuracy and fairness, programmes shall not be misleading, through omission of essential information. If the broadcasting company has implemented reasonable checks prior to broadcasting and the information later proves to be incorrect, then the feature should not conflict with the requirement of accuracy and fairness. An inaccurate piece of information should always be corrected where warranted.

5. Sources

- (1) It is important to identify sources as often feasible. The public is entitled to as much information as possible on a source's reliability.
- (2) Whenever confidentiality is required and negotiated, the broadcaster must respect the terms.
- (3) Broadcasting Media must always question sources' motives before promising anonymity. Broadcasters must be wary of sources offering information for favours or money.
- (4) The Broadcasting Medium must recognize a special obligation that in nurturing South

Sudan's democracy, public business must be conducted in the open and journalists must insist that government records are open to inspection.

6. Impartiality

- (1) Being impartial is to adopt a neutral attitude without bias and it mainly involves three things:
 - (a) If a person is clearly singled out and criticised, they should be given an opportunity to respond to the criticism.
 - (b) Controversial topics or events may not be treated with bias.
 - (c) Representatives of the broadcasting medium may not take sides in any controversial issue.
- (2) The impartiality requirement does not, however, mean that a segment cannot adopt a critical approach or a particular angle.
- (3) The broadcasters, especially public broadcasters, are obligated to comment on different events, promote debate and scrutinise companies, organisations and authorities.

The broadcasters' obligation to comment also implies a certain scope for evaluative opinions.

(4) Criticism of a clearly designated party

If a clearly designated party is subjected to severe criticism or serious accusations, they should, as a rule, be given an opportunity to defend themselves in the same programme. This can be achieved either through the designated party's participation in the programme or by providing a statement by the party. Refusal to participate does not preclude the programme being aired. In such cases, the designated party's opinion should be presented in another way when possible.

(5) Biased treatment of a topic or an event

Controversial topics or events may not be treated biasedly so that only one party's version or views clearly dominate. It is, however, allowed to depict a topic from a particular point of view, if it is evident from the programme or the programme's presentation. A biased report in one programme may be balanced by another report in another programme.

(6) Positioning in a controversial issue

Presenters, reporters and others who may be perceived as representatives of the broadcasting medium shall not make evaluative statements or take a stance on controversial issues. In surveys, causeries and reviews; there is a space for critical and evaluative reviews, provided the nature of the feature is considered clearly evident to the audience.

7. Corrective Statement and Reply

- (1) The Constitution guarantees freedom of expression and also the right to rejoinder. In discharging this responsibility, broadcasters must ensure that replies are responsive and in proportion to the prominence given the original topic.
- (2) Any inaccurate piece of information shall always be rectified, i.e. be corrected. If it is warranted to have someone reply to a statement, this person should always be given an opportunity to do so.
- (3) A request for rectification or to make a reply shall always be handled promptly. A corrective statement or reply shall be broadcasted in or in

conjunction with a programme of the same or similar character as the complaint refers to.

8. Respect of Privacy

- (1) There must be respect for private life. A person is entitled to privacy in his/her home, and in matters such as health and correspondence. It is unacceptable to use long-lens camera and recording devices without the consent of news subjects and to intrude into places where there should be reasonable expectation of privacy.
- (2) The Broadcasting Medium must recognize that private individuals have a greater right to control information about themselves than do public officials and others who seek power or command influence or attention.
- (3) The privacy of individuals should be respected unless the public interest dictates otherwise. This Rule is designed to protect people's privacy, and is also applicable on publication of names in reports on crimes or suspected crimes. The Media Authority may only grant invasion of privacy issues if the person in question has given his/her consent.

9. The Medium's Impact

- (1) The broadcasting radio and TV in the terrestrial or cable network shall take into account the impact of the medium in terms of format, topics and broadcasting hour. This provision apply to the evaluation of programmes that contain or deal with subject matters such as violence, sex or drugs, and any means that the broadcasting media should exercise caution.
- (2) Programmes that could be construed as incitement to crime are not allowed. Features that are clearly offensive to either genders are also prohibited, as well as programmes that are offensive to people of a certain skin colour, tribe, nationality or religion.
- (3) The application of the provisions of this Rule shall not apply to satirical or humorous programme or features in nature.

10. Protection of the Vulnerable

- (1) Children:
 - (a) It is unacceptable to interview, film or photograph a child on subjects involving the welfare of the child or any other

child in the absence of, or without the consent of a parent or guardian who is responsible for the child.

- (b) A child must be protected from unnecessary intrusion, and must not be approached, filmed or photographed at school without the permission of school authorities that shall obtain consent from a parent or guardian of the child.
- (c) Children deserve privacy irrespective of the status of their parents and guardians. Where material about the private life of a child is broadcasted, there must be justification for broadcasting it other than the fame, notoriety or position of his or her parents or guardians.
- (d) A child must not be enticed with money or any other inducement for information that will compromise their welfare and best interest.
- (e) The Broadcasting Medium must not identify children who are involved in cases concerning sexual offences, whether as victims, suspects or as witnesses.
- (f) The word “incest” must not be used

where a child victim might be identified. Care must be taken such that nothing in the report identifies the relationship between the accused and the child.

- (g) Adult victims of sexual abuse, or crime, either male or female, should not be named, filmed or photographed without their consent.

(2) Grief

- (a) In cases involving bereavement, personal grief or shock, the Broadcasting Media must show compassion. Broadcasting must be handled sensitively at such times.
- (b) Special sensitivity should be shown when dealing with children and inexperienced sources or subjects affected by tragedy.

(3) Patients

- (a) Journalists, filmmakers or photographers making enquires at hospitals or similar institutions should identify themselves to responsible

officials and obtain permission before entering designated non-public areas.

- (b) The Broadcasting Media must remember that restrictions on intrusion are particularly relevant to enquiries about individuals in hospitals or similar institutions.

11. Reporting Crime

- (1) A balance must be struck between a suspect's right to a fair trial and the public's right to be informed, bearing in mind that suspects are innocent until proven guilty.
- (2) The Broadcasting Media must be judicious in naming criminal suspects and filming or photographing them before the formal filing of charges and trial.
- (3) Journalists must be careful about interviewing suspects and accused persons since some of them may incriminate themselves.
- (4) Suspects and accused persons should be identified as such until they have been

convicted of the crime.

- (5) The Broadcasting Media must avoid identifying relatives or friends of persons suspected, accused and convicted of crime without their consent.
- (6) Particular regard should be paid to the potentially vulnerable position of children who are witnesses to, or victims of crime.

12. Reporting Violence and Pornography

- (1) This Rule apply to public broadcasters, terrestrial TV, cable TV, satellite TV, on-demand TV, online TV, teletext and all kind of Radio. Programmes with detailed and lifelike depictions of violence or pornographic images are not allowed.
- (2) Note, a well protected demand TV may air such programmes on definite times with prior warnings, but not to the general public.
- (3) Violence must not be exploited in broadcasting media. As much as possible coverage and reportage of violence should be warranted and

should not be undertaken for shock effect or for trivial reasons.

- (4) In cases where there is civil disorder or civil violence, every precaution must be taken to ensure that the presence of journalists on the scene of the event and broadcast on the event[s] do not provoke or inflame the situation.
- (5) Journalists are advised to:
 - (a) Assume low profile if their presence is evidently inspiring a potentially dangerous situation;
 - (b) Be wary of persons and groups who are clearly performing for the press; and
 - (c) Avoid making suggestions or requests to participants, which would lead to any form of staging.
- (6) Broadcasters shall exercise due diligence when reporting tribal or ethnic related violence.

13. Reporting Disasters

News, views or comments relating to disaster, communal or religious disputes/clashes and natural disasters should be broadcasted after proper

verification of facts, and should be presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity, peace and grief.

14. Discrimination

- (1) The Broadcasting Media must avoid prejudicial or pejorative reference to a person's race, ethnicity, colour, religion, gender or to any physical or mental illness or disability.
- (2) The Broadcasting Media must not originate material, which encourages discrimination on the grounds of race, ethnicity, colour, religion, gender, physical illness, disability, social status.

15. Broadcasting Designation and Video Footage

- (1) Broadcasting designation
 - (a) The broadcasting radio and TV shall use the designation for their broadcasts that have been approved by the Media Authority. The designation shall be shown at least once every broadcast

hour or, if this is not possible, between programmes.

- (b) This Rule applies to: Public broadcasters, terrestrial TV, cable TV, satellite TV, on-demand TV, online TV, teletext, commercial radio, community radio and online radio.

(2) Video footage

- (a) Video footage and photographs must be used tastefully so as not to offend public sensibilities. The Broadcasting Media must be circumspect in using graphic video footage and pictures of tragedies so as not to contribute to the pain of victims and the bereaved.
- (b) The Broadcasting Media must not distort the content of news video footage or photographs. Image enhancement for technical clarity is permissible but not manipulations that mislead viewers.

16. Product Placement

- (1) The rules on product placement apply to all TV broadcasts. Product placement is permitted in films, TV series, sports programmes and

live entertainment programmes, provided the programme is not primarily intended for children under the age of twelve.

- (2) Product placement may lead to undue prominence of commercial interests. There are also limitations on the types of products that may be placed. Information on the use of product placement shall be presented at the start and end of the programme and following advertisement breaks. The information shall only comprise a neutral announcement that the programme contains product placement and the information about which product or service that has been placed.

18. Advertisement and Sponsorship

- (1) Broadcasting Medium may advertise on:
 - (a) Satellite TV;
 - (b) TV on demand;
 - (c) Cable TV;
 - (d) Teletext; and
 - (e) Commercial radio.
- (2) Those broadcasts media may do advertisement, and must adhere to the regulations regarding

the placement, duration and signature of advertisements.

- (3) The regulations do not apply to those advertisements that the broadcasters air for their self-advertising. Advertisements may not be aimed at children under the age of twelve.
- (4) Advertisements of alcohol and tobacco are prohibited.
- (5) Broadcasting Media that shall not broadcast promotional advertisements are:
 - (a) Community radio associations;
 - (b) Cable organisations; and
 - (c) The public service companies.

The above mentioned broadcasting media shall not contain any advertisement. These regulations do not apply to those advertisements the broadcaster airs for their own programming activities, known as self-advertising.

- (6) Advertisement duration
 - (a) Advertisements may be broadcasted for a maximum of twelve minutes per hour on the clock.

- (b) Each individual advertisement block must in general be at least one minute long.
 - (c) In commercial radio, if the duration of the broadcast does not encompass one full hour, advertisements may be aired during a maximum of fifteen (15%) per cent of the airtime.
 - (d) There are no regulations pertaining to how much advertising may be broadcast in on-demand TV.
- (7) Placement of advertisements
- (a) Most of the programmes may be interrupted for advertisements, if it takes into account natural breaks in the programme if its duration and its nature does not influence either the programme's integrity, its value or violates the holders' rights.
 - (b) Awareness advertisements may be broadcasted on online and community radios.
 - (c) In addition, the following shall also apply:

- (I) Broadcasting of news programmes, feature films and films produced for TV, with the exception of TV series and documentaries, may be interrupted by advertisements once every scheduled period of at least thirty minutes.
 - (II) Advertisements may not interrupt or occur immediately before or after programmes or a part of a programme primarily aimed at children under twelve. Nor is it permitted for advertisements to interrupt religious services.
 - (III) Advertisement may not feature people who play a prominent role in programmes that focus primarily on news or news commentary.
 - (IV) On-demand TV programmes
- (8) Advertisement signature
- (a) Before and after each advertisement, a special signature should be heard that clearly separates the advertisements from other broadcasts.
 - (b) In television, the signature should

comprise both audio and video.

- (c) When breaking for advertising in radio, the word advert “advertisements”* should be included in the signature.

(9) Sponsorship

- (a) Programmes that focus primarily on news or contain news commentary may not be sponsored.
- (b) A company that mainly produces or sells alcohol or tobacco may not sponsor programmes.
- (c) If pharmaceutical companies sponsor programmes, the sponsorship may not promote prescription medication and medical treatments available on prescription.
- (d) The sponsorship message shall be shown at the start and/or the end of the programme. If a clearly defined part of the programme is sponsored, the message should be shown at the beginning or at the end.
- (e) The message should contain the sponsor’s name, logo or other distinctive marks. But the sponsorship message may not

contain promotional elements.*

- (f) Public Broadcasters have strict limitations with regards to sponsorship. They may for example acquire sponsorships for the Public Contest programme or arrangements. They may also acquire sponsorships for broadcasts in conjunction with certain sporting or cultural events. A message that the programme is sponsored shall be announced in an appropriate manner at the start and/or end of the programme. Sponsorship messages shall be brief and neutral in format.

19. Copyright / Plagiarism

- (1) Journalists must not appropriate the work of others as their own.
- (2) Where the work of others is used, it must be identified as such and appropriately credited.

20. Funding

- (1) Funding can also be used as a means of exerting programme editorial pressure; if the Broadcasting Medium does not act in

accordance with funder's wishes, funding could be withdrawn. *

- (2) Terms of funding shall be set out in a way that do not contravene provisions of Rule 21 of these Regulations, and wherever possible be kept separate from any potential political or any other interference.*

21. Undue Prominence of Commercial Interests

- (1) It is prohibited to unduly favour or promote commercial interests. This provision means that programmes may not encourage the purchase or hire of, or in any way promote a product or service in an improper manner. The aim is to prevent surreptitious advertising.
- (2) Some promotion of a commercial interest may be accepted if it is motivated by informative or entertainment interests.
- (3) This Rule applies to: public broadcasters, terrestrial TV, cable TV, satellite TV, on-demand TV, online TV, teletext, commercial radio, community radio and online radio.

Chapter III

Miscellaneous Provisions

22. Other Terms and Conditions

(1) Programmes that are in foreign languages shall be subtitled and Broadcasting Media are encouraged to broadcast regional programmes.

(2) Special regulations for community radio associations

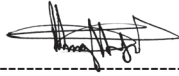
A community radio association is a union of several licence holders in one broadcast area with common community radio objectives. A broadcast area for community radio usually encompasses one municipality or town. The community radio associations' programmes may only contain:

- (a) broadcasts from events of common interest to the licence holders;
- (b) limited information about community activities;
- (c) information about programmes, programme times and other notices regarding community radio activities in the community; and
- (d) some test broadcasts of programmes.

23. Amendment

The Authority, in consultation with the Minister, may amend these Regulations when it is required.

Issued by the Media Authority this day ^{the}~~2018~~ in the month of November in the year 2018.



Hon. Atong Majok Kur
Chairperson,
Board of Directors
Media Authority
Republic of South Sudan
Juba

In accordance with the provisions of Section 18(1) read together with Section 67 of Media Authority Act, 2013; I, Michael Makuei Lueth, Minister of Ministry of Information, Communication Technology and Postal services; do hereby grant approval and authorize the Media Authority to issue these Regulations.



Hon. Micheal Makuai Lueth
Minister,
Ministry of Information, Communication
Technology and Postal Services
Transitional Government of National Unity
Republic of South Sudan
Juba