

BACKGROUND TO GUIDELINES FOR BROADCASTERS

The Broadcasting Act, 2011, identifies a number of functions of the Authority at section 18. Within these functions is the making of rules, guidelines and standards covering different areas of broadcasting. The following rules are identified in the Act:

1. Rules to govern the timing, duration, frequency and content of advertising and publication of advertising tariffs¹;
2. Rules giving guidance in connection with balance and fairness on matters of national political or industrial controversy or relating to current public policy²;
3. Rules for programmes³; and
4. Rules for advertisements⁴.

It also identifies certain guidelines for the issuance of licences at section 32 and these include that:

(i) all programmes should be **fair and balanced in content**;

(j) programmes dealing with controversial public policy matters of political or industrial controversy must meet **standards of fairness and balance, accuracy, maintaining a proper balance and respect for truth and integrity and always ensuring that opposing views are not misrepresented**;

(k) the reporting of news should be **objective, wide-ranging and well informed; in reporting matters of international, political, industrial or other controversy**;

(l) news judgements should always **take account of events as well as arguments**;

(m) the **privacy of the individual and the private lives of individuals shall be respected** in all cases;

(n) **all public comment**, whether by way of interview, discussion, debate or phone-in conversation should be **well mannered and courteous**;

(o) **contributors to live, phone-in and other programmes, as well as presenters themselves, must be briefed to minimize the risk of causing offence in matters of taste, decency, language or breaking the law**; and

(p) at election time licensees by agreement with political parties and in consultation with the Guyana Elections Commission afford such parties air time on their stations

¹ See Article 32 of the Broadcasting Act

² Article 34 requires that Rules are to be published in the media

³ Article 35 requires that Rules are to be published in the Gazette, local media and government website

⁴ Article 36 requires that Rules are to be published in the Gazette, local media and government website

The overall purpose of the rules, guidelines and standards is to encourage broadcasting of the highest possible standard. In addition to the development of the foregoing, the Authority has to establish a system for monitoring the programmes of licensees with a view to obtain adherence to the Act and its regulations. This is according to section 18 (2) (d). It is through the development of these guidelines that the Authority would be able to effectively monitor the programmes of licensees.

It is important to note that while the Rules are required to be published in the Gazette the Guidelines are not. But, acceptance and implementation of the guidelines would make it easier to translate relevant sections into Rules for approval by the Minister and then for publication in the Gazette.

The Guidelines for Broadcasters are intended to assist the Licensee in interpreting and applying the Broadcasting Act 2011, pending the development of Regulations and Rules under the Act. They will be revised by the Authority from time to time as needed.

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PREAMBLE

Cognizant of the role of the Authority to develop national broadcasting and to regulate and supervise private, public and community broadcasting in consonance with the broadcasting policy;

Recognizing that the broadcasting policy, among other things, contributes to the strengthening of a shared Guyanese consciousness and identity, fostering national unity and building a harmonious society;

Also recognizing that all licensees are subject to an overall obligation to operate in the public interest and to ensure balance in locally produced programmes;

The Authority, pursuant to its functions enunciated in the Broadcasting Act, hereby issues these Guidelines which are intended to assist licensees and to ensure that broadcasting in Guyana is consistent with the right to freedom of expression and journalistic ethics; the provision and production of quality and balanced information for the Guyanese public.

In these Guidelines:

“**advertisements**” mean commercial references in radio and television programming;

“**broadcasting agency**” means a person engaged in providing a broadcasting service;

“**educational programme**” means formal courses of study, instruction or training;

“**endogenous**” means originating from internal sources;

“**prime time**” means between the hours of 06:00 hrs and 22:00 hrs;

“**public information**” means information on any programmes issued by the Civil Defence Commission, the Guyana Police Force, Guyana Fire Service and or health services, and certain public service broadcast or development support broadcast;

“**public service broadcast**” includes programmes produced for the purpose of informing, educating, promoting policies and activities of the Government that benefit the public as a whole at no cost;

“**licensee**” means a person who holds a licence under the Broadcasting Act;

GENERAL OBLIGATIONS

1. Fostering National Identity

- (a) Emphasis must be placed on local programmes in pursuance of cultural and social development with special emphasis on children's programmes.**
- (b) Programmes should reflect and promote national development as well as family, community and indigenous values.**
- (c) All members of society, especially the indigenous and other marginal communities should be facilitated.**
- (d) Respect for human dignity and the environment should be upheld.**
- (e) Up to 60 minutes of free public service broadcast per day is mandatory.**
- (f) Public service broadcast must be done during prime time.**
- (g) At least 10 % of broadcast time should be dedicated to local productions.**

2. Accuracy, Objectivity and Fairness

- (a) Contributions and information must be accurate, honest and impartial.**
- (b) Issues of public interest must ensure fairness.**
- (c) Where there is a genuine claim to misrepresentation it is entitled to a right of reply.**
- (d) Contributors must be informed concerning the nature of the programme (live, pre-recorded, interview, discussion, edited, unedited etc.); purpose and content; consent to participate; presentation of material; reason for the contribution and date and time of broadcast.**
- (e) Guarantees to contributors with respect to content, anonymity or confidentiality must be honoured.**
- (f) Before creating or re-using programme material, programmes and/or material facts are not to be disregarded or omitted, unfairly presented or used out of context.**

3. Privacy

- (a) Callers to phone-in programmes are deemed to have given consent.**
- (b) No person (licensee/programme hosts) should:**
 - i. disclose anyone's personal information without permission;**
 - ii. breach privacy in production and broadcast of programmes;**
 - iii. film or record persons for broadcast without seeking prior consent; and**
 - iv. continue filming, recording or broadcasting live if prior consent is withdrawn.**

3.1. Authenticity

- (a) The distinction between truth and fiction should not be blurred.**
- (b) Fictional events, including reconstructions, should be identified as such in advance.**
- (c) Statements or information that can mislead or cause ambiguity should be avoided.**

3.2 Suffering and distress

The following must not occur:

- (a) Broadcast of footage of persons in emergency situations;**
- (b) Pressuring persons in distress or emergency situations to participate in a programme or interview;**
- (c) Revealing the identity of deceased persons, and victims of accidents or violent crimes, before a next of kin has been informed by the Police, Hospital or other relevant authority;**
- (d) The use of close-ups of faces and serious injuries of those who are dead, suffering or in distress.**

4. Incitement and Vulgar Language

The following must be avoided:

- (a) indecency, racial, ethnic or other forms of incitement, religious or sectional hatred and disaffection;**
- (b) obscene or vulgar language, expressions and presentations except in certain specific contexts including in educational and scientific programmes;**
- (c) offences to the sensibilities of mentally and physically challenged persons.**

4.1 Good Taste and Decency

Family, community and indigenous values should be promoted. Foreign cultural values should not be presented to the detriment of local cultural values.

5. Language in Broadcasts

- (a) Presenters of news, educational and other similar programmes as well as participants must speak standard grammatical English and observe proper diction.**
- (b) Indigenous broadcasts are encouraged to be carried out in their own languages and dialects.**
- (c) There are occasions when ‘creole’ dialect may be justified. The appropriateness of such language within the context of the program must be evaluated.**

6. Social Values

- (a) Gender based crimes and related issues should not be glamorized.**
- (b) Narcotic and psychotropic substances should only be presented to educate the public on their harmful effects or if consistent with plot of the production especially in local productions.**
- (c) Liquor consumption and smoking should be shown only when consistent with plot and character development in the production, especially local production.**
- (d) Suicide and practices of self-harm should not be presented as an acceptable solution to human problems.**
- (e) Programmes meant for adults of 18 years and above should be broadcast outside of prime time, that is, from 22:01 hrs. to 05:30 hrs.**

- (f) **Warnings and advisories relating to ratings as per Annex should be broadcast before every programme.**

7. Portrayal of Sex

- (a) **Treatment of sex in all programmes must be handled in a non-offensive manner.**
- (b) **Documentaries or programmes dealing with sexual themes should be preceded by an advisory.**
- (c) **In representing sexual activity in programmes, consideration must be given as to whether the degree of explicitness is justified.**
- (d) **Pornography is strictly prohibited.**

8. Portrayal of Violence, Cruelty and Horror

The following should be avoided:

- (a) **excessive or detailed portrayal of physical suffering, pain and gruesome images;**
- (b) **glamorizing violent crimes and criminals;**
- (c) **reconstructing violent crimes by over-emphasizing dramatic aspects, weapons and unnecessary details;**
- (d) **violence in drama which will have a “copycat” effect;**
- (e) **degradation of women as objects of gender-based violence;**
- (f) **presenting domestic violence as desirable and acceptable;**
- (g) **insensitive presentation of sexual violence and violence directed at children, the elderly, mentally challenged and other special categories of persons .**

9. Crime, Law and Order

Certain programmes must be avoided, unless editorially justified or in the public interest, these are programmes which:

- (a) include language or scenes inciting crime, glorifying war or leading to public disorder;
- (b) treat the commission of crime in a frivolous manner; and
- (c) offer payment, of any kind, to a convicted or confessed criminal or agent for a programme contribution.

10. Broadcasts and the Law

The contents of all programmes shall not be in breach of the Constitution, copyright and any other law of Guyana.

CHILDREN AND VULNERABLE PERSONS

11. Consent with regard to children and vulnerable persons

(a) Consent must be obtained from the following persons with respect to minors or persons with mental disability:

- i. a parent,
- ii. guardian, or
- iii. other person of eighteen (18) or over *in loco parentis*; (in the case of persons under sixteen), or a person with primary responsibility for the care of a vulnerable person because of mental disability or emotional distress and trauma.

(b) Permission may be obtained by telephone or a mandatory standardized form (permission form), signed by both the licensee and the de facto parent/guardian prior to contact with the child.

12. Protection of persons under eighteen

(a) Reasonable steps to protect persons under eighteen must be taken and special attention must be given to child audiences. During prime time, that is between 06:00 hrs – 22:00 hrs, programmes containing the following subject matters, must not be broadcast, such as, but not limited to:

- i. *illegal drugs, cigarettes, solvents and alcohol;*
- ii. *Dangerous and self-harming behavior;*
- iii. *Violence and crime;*
- iv. *Offensive language;*
- v. *Sexually-explicit material or language;*
- vi. *Nudity*

(b) Persons under 18 must be protected from all forms of discrimination including ethnic and racial stigma.

(c) The identity of persons under 18, in whatever circumstances of reportage, shall be avoided.

13. Children's programmes

The provisions of Sections 6. Social Values; 7. Portrayal of sex; 8. Portrayal of Violence Cruelty and Horror, previously stated in these Guidelines must be adhered to stringently with regard to Children's programmes.

In addition to the above, children's programmes should avoid materials:

- (a) likely to affect adversely their sensitivities and sensibilities;**
- (b) which contravene and disrespect law, order, social values and the like;**
- (c) with swearing or offensive, or obscene language;**
- (d) with themes of dangerous acts where such acts may result in irresponsible behaviour;**
- (e) with foreign folklore and values which have an undue influence and may counteract Guyanese culture, folklore and values;**

14. Interviews of children and vulnerable persons

- (a) Interviews should not be conducted with children or vulnerable persons who are grieving or in shock.**
- (b) Children or vulnerable persons should not be interviewed without the parent, guardian or primary caregiver being present. All unwholesome information must be removed before broadcast to ensure secrecy of a child's identity.**
- (c) Where a child or vulnerable person is represented by an attorney at law, permission must be granted by the attorney to interview the child or vulnerable person. Otherwise, the legal parent or de facto guardian or caregiver ought to be consulted.**
- (d) Matters heard in camera shall not be filmed, recorded or broadcast without the prior consent of the Court.**

14.1 Information/language during broadcasts about Children and vulnerable persons

Sensitive information should be excluded when the subject of the broadcast is children or vulnerable persons. These include:

- (i) name/names of the victim;
- (ii) information that explicitly reveal the address/location of the victim;
- (iii) information pertaining to the school of the victim;
- (iv) names of parents and guardians of the victim

14.2 Language in Children's Programme

Simple and appropriate language should be used in children's programmes.

15. Music

- (a) *The provisions in Sections 4.1. Good Taste and Decency; 6. Social Values and 18 shall also apply to music broadcast to children, particularly lyrics and visual presentation.*

16. School Programmes

- (a) Educational programmes should be broadcast to advance education levels of our children;
- (b) School programmes must be of high quality and broadcast in consultation with appropriate educational authority;
- (c) The integrity of school programmes must not be compromised or influenced by sponsorship or advertising considerations;
- (d) Advertising in school programmes should conform to the programme theme and credit the sponsor(s) accordingly. A sponsor's advertisement should only be allowed at the beginning and at the end of schools programmes.
- (e) Persons who present school programmes must have the appropriate qualification in the subject(s) they present.

LOCAL PROGRAMMING AND CONTENT**17. Local audio, film and television production and programming**

- (a) Local programmes must serve as means of education, promotion of national consciousness, entertainment, social, cultural and economic development of Guyana;**
- (b) Licensees should devote a minimum of 10% of their airtime to local productions and create internal mechanisms to protect Guyanese values and interests;**
- (c) Television licensees should show local and regional films and television products and seek to produce same;**

18. Music

- (a) Emphasis should be placed on promoting endogenous Guyanese music;**
- (b) Guyanese music should constitute a minimum of 5% of all music in any particular week including representation of local ethnic talent.**
- (c) *The provisions in Sections 4.1. Good Taste and Decency; and 6. Social Values, shall also apply to music, particularly lyrics and visual presentation.***

19. News and Current Affairs Programmes**19.1 Diversity, Impartiality, Accuracy and Truthfulness**

News and current affairs should:

- (a) promote diversity, truthfulness, accuracy and impartiality;**
- (b) should clearly identify commentary, opinion and analysis as such;**
- (c) ensure fairness and balance of views in the discussion of controversial public affairs ;**

19.2 Due impartiality and Truthfulness

In matters of political or industrial controversy and matters relating to current public policy and, in order to preserve due impartiality:

- (a) a wide range of views must be presented and due weight given to opposing sides in each programme.**
- (b) personal views/opinions must be represented as such and not as facts.**
- (c) personal interests should be declared and subject to a disclaimer.**
- (d) the broadcast of editorially linked programmes dealing with the same subject matter (as part of a series) should be made clear to the audience on air.**

19.3 Accuracy

- (a) Mistakes must be acknowledged and retracted in a timely manner, with similar prominence, as the mistake.**
- (b) Politicians presenting, interviewing or reporting news programmes must state political affiliation;**
- (c) Material for presentation must be gathered using first hand sources wherever possible;**
- (d) Information should be checked and cross checked before presenting;**
- (e) The authenticity of documentary evidence and digital material must be validated;**
- (f) Claims and allegations made by contributors must be corroborated, wherever possible.**
- (g) Care should be taken not to reveal several pieces of information that could compromise a person's anonymity when put together.**

20. Political Broadcasts

- (a) All paid or free broadcasts in support of political parties or candidates shall be clearly identified before and after the programme;**
- (b) The public should be provided with information that would enable the electorate to make intelligent choices during elections;**
- (c) The coverage of political activities shall be objective and impartial;**
- (d) Political discussion or debates involving partisan speakers or on behalf of political parties should clearly be labelled as such;**
- (e) Race, ethnicity and/or religious beliefs as a basis for denigration of a person's political affiliation shall not be permitted;**
- (f) Controversial or offensive references to opponents shall be avoided.**

21. Religious Programmes

- (a) Religious broadcasts that relate to religious doctrine exclusively should be presented by responsible representatives of the religion.**
- (b) Religious broadcasts should not incite any attack on any other religion.**
- (c) Conditions for broadcasting religious programmes should be the same for all religious groups.**
- (d) Attacks, in any form on other religious groups shall not be condoned.**

ADVERTISEMENT AND SPONSORSHIP

22. Advertisements

- a. Licensees must maintain independent editorial control over all programming.**
- b. Editorial content must be distinct from advertising;**
- c. Advertisements should be clearly identified as such and distinguished from normal programmes.**
- d. There should be not more than ten (10) minutes of advertisements in any one (1) hour.**
- e. No advertisement should be broadcast in connection with a product or service, which is illegal.**
- f. All claims made on behalf of a product or service should be substantiated or an appropriate disclaimer should be applied.**
- g. Advertisements must comply with the Use and Sale of Alcohol and Tobacco Act and other relevant legislation.**
- h. Advertisements must be in Standard English language although ‘Creole’ may be used as a device to attract attention or create an artistic effect. In such cases, the advertisement must remain intelligible to the audience and the advertiser must use appropriate means to adapt its message to the majority audience.**

- i. Any advertisement which falls in a grey area should be referred to the Authority for clearance.

22.1 Programme Sponsorship

- a. Sponsorship for entire programmes or parts of a programme (news, weather, traffic, sports) is allowed except where the Authority deems such sponsorship contrary to national interest or security.
- b. No political party or affiliate shall be allowed to sponsor any programme other than a political broadcast. Such sponsorship must be in alignment with any other national stipulations/policy on advertisement and sponsorship including GECOM's.
- c. Sponsorship conditions should not interfere with the integrity of the programmes. However, commercial breaks may be allowed in such programmes.
- d. Sponsorship of a programme or part of a programme by a promoter of a product or service will be considered as advertising.

22.2 Unacceptable Advertising

- a. No advertisement should cause those who see or hear it unwarranted anxiety. Neither should there be an appeal to fear.
- b. No advertisement should promote stereotypes or in any way denigrate any individual or group in society, religions, faiths and philosophies of life.
- c. Certain professions shall not be allowed to advertise as per the laws of Guyana. Where advertising of a profession is permitted it must be done in the manner prescribed in the relevant Act.
- d. Television advertising time for cigarettes shall not exceed six minutes per hour, averaged over the day's programme, with a maximum of seven minutes in any single period of sixty minutes.

22.3 Advertising and Children

- a. When children are likely to be viewing or listening, no product or service may be advertised and no method of advertising should be employed which takes advantage of their natural credulity and susceptibility.
- b. Advertisements should not excessively exhort children to purchase or to ask parents/guardians to purchase items/services.
- c. Advertisements for the following should not be transmitted during children's programmes or adjacent to them:
 - i. Alcoholic drinks;
 - ii. Tobacco;
 - iii. Medicines;
 - iv. Contraceptives;
 - v. Trailers of films with adult content, that is, sex, violence, nudity and bad language;
 - vi. Promotion of public events containing explicit sexual overtures; and
 - vii. Any other items that could pose a danger to children.
- d. Advertisements, which may frighten or cause distress to children should not be aired during the watershed hours.
- e. Raffles and lotteries should not be advertised in or juxtaposed to children's programmes neither should advertisements for such events be targeted at them.

22.4 Alcoholic Drinks

- (a) Advertising of alcoholic drinks should not be directed at persons less than 18 years in contravention of the Liquor Licensing of Guyana's Act;
- (b) Presentation of advertisements on alcoholic drinks likely to be of particular appeal to children should be avoided:
 - i. Children should not be seen or heard in an advertisement for alcoholic drinks.
 - ii. In advertisements for drinks containing alcohol, anyone associated with drinking should be at least 18 years old.

- (c) Advertisements should not claim that alcohol has therapeutic qualities nor should it be presented as a stimulant, sedative or tranquiliser.
- (d) While advertisements may refer to refreshment after physical performance they should not give any impression that performance can be improved by alcoholic drinks.
- (e) Advertisements should not suggest that a drink is to be preferred because of higher alcohol content or intoxicating effect.
- (f) Nothing in an advertisement should link drinking of alcohol with driving or the operation of potentially dangerous machinery
- (g) Advertisements should neither overwhelmingly claim nor suggest that any alcoholic drink can contribute towards sexual success or can enhance sexual attractiveness.
- (h) Advertisements should not excessively suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems.
- (i) No advertisement should suggest excessively that drinking is an essential attribute of masculinity. Advertisements featuring toughness or bravado in association with drinking should not be used.
- (j) Alcoholic drinks should not be seen to be consumed in a working environment unless it is clearly established that the working day has *ended*.

22.5 Cigarette or Tobacco Advertising

There shall be no advertising of cigarettes or tobacco products in programme breaks during the following:-

- (a) children's programmes and programmes for schools;
- (b) religious services and devotional programmes;
- (c) educational programmes,
- (d) current affairs and documentary programmes which are shown during hours designated for children's programming; or
- (e) parliamentary broadcasts or any formal government broadcasts or public service broadcasts.

22.6 Financial Advertising

- (a) Advertisements should not present a financial product or service in misleading terms.**
- (b) References to taxation or interest on savings etc. should be clearly explained, and be factually correct at the time of transmission.**
- (c) Any financial advertisement which falls in a grey area should be referred to the Authority for clearance.**

22.7 Comparison of Advertisements

Advertisements should not unfairly attack or discredit other products or services, advertisers or advertisements expressly or by implication.

23. Identification and Monitoring of Programmes

- (a) During normal broadcasting hours, a licensee's identification must be transmitted, including its name and operating frequencies/channel #, at intervals not exceeding 60 minutes;**
- (b) Each licensee shall operate logging systems and recordings of local and live programmes and shall be available at all times for inspection by the GNBA for infringements;**
- (c) Each licensee shall keep readily available a daily log of all transmitted programmes for a period of (six) 6 months, for monitoring purposes;**

RELAY OF FOREIGN BROADCASTS

24. Programme Relays

Caution should be exercised in the relay of foreign broadcasts, since they may directly or indirectly subvert national identity and culture.

ANNEX Warnings and**Advisories**

Warnings and advisories including appropriate on-screen ratings or labeling should broadcast before every programme and at suitable intervals during the programme.

Suggested wordings for advisories and warnings are as follows:

- i. “The following programme deals with mature subject matter and is intended for adult audiences. Viewer discretion is advised”**
- ii. “The following programme deals with mature subject matter and contains scenes of nudity and coarse language. Viewer discretion is advised.”**
- iii. “The following programme contains scenes of coarse language and is not suitable for younger children.”**
- iv. “The following programme contains sexually explicit material intended for adult audiences. Viewer discretion is advised.”**
- v. “The following programme contains sexually explicit material. Viewer discretion is advised.”**
- vi. “The following programme contains scenes of violence, coarse language and nudity intended for adult audiences. Viewer discretion is advised.”**