



A Consultation Document

Development of the National Broadcasting Code for the Republic of Trinidad and Tobago

(DRAFT)

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1 Introduction

The Telecommunications Authority of Trinidad and Tobago ('the Authority'), established on July 5th 2001, is an independent regulatory body responsible for the liberalisation and the regulation of both the telecommunications and broadcasting sectors in Trinidad and Tobago. The development and promulgation of a Broadcasting Code are prescribed in Section 79 of the Telecommunications Act No 4 of 2001, which also mandated the establishment of the Authority. The Act states the following:

“(1) Subject to this Act, the Authority shall, within a year of its establishment, by Order subject to affirmative resolution of Parliament, promulgate a Broadcasting Code to regulate the practices of concessionaires of broadcasting services.

(2) In the course of developing a Broadcasting Code, the provisions of section 78(3) shall apply mutatis mutandis.

(3) The Authority may, by Order, amend the Broadcasting Code, subject to affirmative resolution of Parliament.”

The Broadcasting Code applies to the transmission of audio, video and text broadcasts via any medium, whether “free to air”, subscription based, or the Internet.

Enshrined in the Trinidad and Tobago Republican Constitution, are a number of rights and freedoms that guide the maintenance of this country’s democratic process. Among these are the “freedom of thought and expression” and “freedom of the press”. The Broadcasting Code does not seek to abrogate, abridge or authorise the abrogation, abridgement or infringement of these freedoms. The Broadcasting Code, like the National Policy on Broadcast and the Broadcasting Industry, seeks to ensure the healthy development of Trinidad and Tobago’s dynamic broadcasting sector which meaningfully contributes to our economic, social and cultural development. The provisions of this Broadcasting Code therefore, should not be construed as preventing or impeding the broadcast of the wide range of material necessary to help broadcasters fulfil their obligations and to operate in the public interest and be viable corporate entities. The challenge to the broadcaster would now be to determine how to cater suitably for the

complexities of human behaviour in our multi-ethnic, multi-cultural, and multi-religious society within the parameters of the Broadcasting Code.

Over the last decade this country's broadcasting sector has been undeniably transformed, primarily as a consequence of rapidly evolving information and communications technologies, fuelled by the market forces of a globalised environment. The broadcast media, including radio and television, in Trinidad and Tobago and indeed worldwide, are potent and dynamic cultural platforms that allow for the interactive exchange of ideas and information between broadcasters and the general public. Arguably, no other form of telecommunications has as much impact upon the psyche of the average individual as broadcasting.

The broadcasting industry in Trinidad and Tobago operates in a democratic society, where the rich diversity of its people should be a source of pride. These virtues can contribute to the building of an enviable democracy. Positive discussions on our radio and television stations on issues such as race, religion and politics as well as programmes and broadcasts, that deal with real life issues such as rape, violence and relationships can aid in shaping social consensus on acceptable behaviour and introducing positive values. Unfortunately, there has been the persistent dissemination of offensive information in some of the local broadcast media which denigrates and humiliates various sections of our national community, and may prompt negative inter-group perspectives and stereotyping and may even incite violence. This can, over time, lead to the erosion and ultimate collapse of our democracy.

Cognisant of the need to guide and encourage broadcasters to develop and transmit programmes directed towards advancing the cultural, social and educational aspects of our communities and, by extension, the wider national community, the Government of the Republic of Trinidad and Tobago (GoRTT), through the Telecommunications Authority of Trinidad and Tobago is proposing to develop the National Broadcasting Code in collaboration with the general public. The document gives broadcasters and the general public an understanding of the factors which should be taken into account when making editorial judgements.

The Authority is of the view that broadcasters should respect and value the diversity that exists in the society and, as such, must not only support all efforts and activities that redound to social peace and mutual respect among its constituent groups, but should also not engage in any activity which may directly or indirectly lead to a breakdown in societal harmony. Broadcasters are required to exercise the utmost responsibility and diligence when deciding upon the content of the material to be broadcast, and the manner of interaction with the public. They should provide coverage of public events consistent with the needs of an informed and enlightened citizenry. The treatment of such events must serve to provide adequate and informed coverage.

Television provides a valuable forum for the expression of responsible views on public issues of a controversial nature. The responsibility of the television broadcaster is to seek out and develop with individuals, groups and organisations, programmes relating to controversial public issues of importance, and to give fair representation to opposing sides of issues which affect the life or welfare of the national community. Programmes devoted to the discussion of national public issues and events should not be presented in a manner which may mislead listeners or viewers to believe that the programme is purely of an entertainment, news, or other nature. Similarly, statements of station opinion are to be appropriately distinguished from news or any other programme material. Broadcasts in which the opinions of stations are expressed on issues of general public and national interest must be clearly identified as editorials.

Ultimately, editorial responsibility lies with the broadcasters themselves. However the Broadcasting Code draws attention to specific issues on which it offers clear guidance. The Broadcasting Code provides a set of principles and rules for broadcasters to interact with the general public in a manner which is acceptable to the national community.

The Authority will respond to registered complaints and concerns from the listening and viewing audiences and subscribers as they pertain to this Broadcasting Code and substantiated breaches thereof, and will apply graduated sanctions where deemed appropriate. The procedures to be employed in effecting such sanctions shall be transparent, and consistent with the nature, degree and number of complaints.

The Authority recognises that audience expectations are varied. Yet, in fulfilling the expectations of a varied audience, broadcasters should do so in a manner that is acceptable to the national community, and be guided by the Broadcasting Code in formulating their own codes or guidelines.

2 The Broadcast Code

The Broadcasting Code of the Republic of Trinidad and Tobago is as follows:

2.1 Definitions

- 2.1.1 The “Authority” means the Telecommunications Authority of Trinidad and Tobago.
- 2.1.2 The “Broadcasting Code” hereinafter referred to as “the Code” means the rules for regulating broadcasting in the Republic of Trinidad and Tobago.
- 2.1.3 “Broadcasting Service” means the offering of the transmission of programmes, whether or not encrypted, by any means of telecommunications, for reception by the general public, local and international, including sound, radio, television and other types of transmissions, such as those on a point to multipoint basis.¹
- 2.1.4 “Broadcaster” means an individual or company who provides and/or enables the provision of a “Broadcasting Service” in the Republic of Trinidad and Tobago.
- 2.1.5 “Telecommunications” includes the transmission, emission, or reception of signals, writing, pulses, images, sounds, or other intelligence of any kind by wire, wireless, optical or electromagnetic spectrum or by way of any other means.¹
- 2.1.6 “Pornography” means sexually explicit pictures, writing or other material whose primary purpose is to cause sexual arousal.
- 2.1.7 “Explicit” in relation to sexual acts means portraying or depicting the act in a manner which exhibits the genitalia of the participants.

¹ Telecommunications Act 2001

- 2.1.8 “Indecent” means offending against socially acceptable standards.
- 2.1.9 “Obscene” means offensively or repulsively indecent.
- 2.1.10 “Profanity delay” is a facility that affords the broadcaster the ability to edit obscene or offensive material prior to broadcast.

2.2 Taped Recordings of Programmes Broadcast

- 2.2.1 *Broadcasters must provide within 48 hours of a written request by the Telecommunications Authority of Trinidad and Tobago, unedited audio and/or videotaped recordings and transcripts of any programme, transmitted by the broadcaster’s station.*
- 2.2.2 *Broadcasters shall be required to keep a manual and electronic log of actual and planned programme broadcasts for a minimum period of fourteen (14) days. Thereafter, planned and actual programme logs can be electronically stored and archived.*

2.3 Provision of Help Lines

- 2.3.1 *Broadcasters shall provide information to the public on existing and relevant help lines, prior to and after transmitting programmes identifying abuse and portraying individuals as victims of any form of abuse.*

2.4 The Child Audience

- 2.4.1 The child audience covers a wide age range (as identified by the **Children Act**). Some children’s programmes or news programmes may contain offensive or disturbing material. Parents or guardians must be given the opportunity to make informed judgements about the programmes to be viewed.

- *Broadcasters have a clear duty to give sufficient information about the nature and content of programmes to allow parents and guardians to make an informed judgement on a programme's suitability for their children to view or hear. Such information shall, in the case of any feature film broadcast via television, include as a minimum such rating or classification given to such film under the relevant legislation in force from time to time, or in the absence of such classification or legislation or where such notification is made impracticable by the broadcast (for example the re-broadcast of unedited international channels on subscription television) a classification issued by any body (whether situated in Trinidad and Tobago or not) whose classifications have been approved by the Authority for this purpose.*
- *Broadcasters are not permitted under any circumstances to broadcast or transmit at any time of day or night any material which depicts or contains explicit scenes of intercourse or other sexual activity.*

2.4.2 Parents must be confident that their children can view or listen to programmes without the risk of being exposed to disturbing or offensive material.

Broadcasters shall not transmit disturbing or offensive material before 11:30 pm.

2.4.3 Television and radio programming, which starts at 11:30 pm and lasts until 5.30 am, will be viewed as a scheduling marker to distinguish clearly between programmes intended to be suitable for family viewing and those intended primarily for adults.

Broadcasters shall only be allowed to transmit mature audience rated material between 11:30 pm and 5:30 am.

2.4.4 Some footage contained in news programmes may be unsuitable for child audiences.

Broadcasters shall provide suitable effective parental warnings before the broadcast of disturbing or offensive material during news programmes.

2.4.5 Programmes transmitted via cable and licensed satellite are viewed by a very wide child audience who should not be exposed to programmes containing disturbing or offensive material.

Cable and licensed satellite services shall operate by the standard 9:00 pm to 11:30 pm time frame for the airing of children's material and 11:30 pm to 5:30 am for mature material for all channels.

2.4.6 Pay Per View services give subscribers greater choice over what they may choose to view. While these services have stricter access systems the programmes shown must also conform to the Code.

Operators of Pay Per View services shall ensure that their films or programmes conform to the principles set out in this Code.

2.4.7 Children are exposed to radio broadcasts, especially during breakfast programming and school broadcasts and as such they must not be exposed to disturbing or offensive material.

Broadcasters shall exercise sensitivity at all times when children are more apt to listen to radio programmes. Broadcasters are therefore required to clearly identify programming unsuitable for child audiences.

2.4.8 News bulletins and documentary programmes are now part of the day-long output of many broadcast services. At certain times of the day, large numbers of children are viewing or listening. Although documentary programmes may be seen to have greater licence, similar considerations must apply.

In airing news bulletins and documentaries, broadcasters shall exercise discretion over what is transmitted at different times of the day and provide appropriate warnings as identified within the Code.

2.4.9 There should be no justification for the broadcast of intrusive material about children, even if children and their families have been fully briefed and given their consent beforehand.

Broadcasters shall not air material containing intrusive material about children without written consent from their parents or guardians (as identified in the Children Act). Even so, broadcasters shall exercise extreme caution when including this material in programmes.

2.4.10 The Authority is concerned about the use of obscene and abusive language especially by those whom children look upon as role models, for example, sporting and entertainment personalities.

Broadcasters shall not subject the audience to the use of obscene language by anyone, in their material, particularly before 11:30 pm.

2.4.11 In reporting certain kinds of crimes, such as sexual assaults or incidents involving children, the time of transmission and protection of the children involved must be taken into account and the degree of explicit detail matched to the probable presence of children listening or viewing. Children should be protected from any psychological trauma. Steps should be taken to minimise psychological trauma on a child.

Broadcasters shall draw a definitive line as far as possible between what is required for accurate reporting and what may result in engendering unjustified fear.

Programme Repeats, Trailers and Advertisements

2.4.12 Trailers come upon audiences without warning, so that individuals cannot make informed choices about whether or not to be exposed to them.

Broadcasters shall ensure that trailers that contain material unsuitable for children are broadcast only between 11:30 pm and 5.30 am.

2.4.13 Similarly, advertisements also appear without warning and can have the power to surprise and shock an audience which cannot selectively screen them out. There must be advertised cautions to surrounding programmes and any juxtaposition that might cause offence – especially in relation to programmes which appeal to children.

Broadcasters shall ensure that the content and style of an advertisement are suitable for the time of its transmission and likely audience in accordance with the Code.

Incest and Child Abuse

2.4.14 Where a programme takes incest or child abuse as its theme, there should be particular awareness of the relative ease with which some people, including children, may identify characters or actions with their own circumstances.

Broadcasters shall ensure that material for broadcast that takes incest or child abuse as its topic or theme, is accompanied by a clear warning of the programme's content; sensitive scheduling and labelling are also required as identified in this Code.

2.4.15 The inclusion of incest or child abuse in a well-established series or single programme can be justified as public information, even in programmes directed at older children. These programmes may also play a legitimate role in warning children about the dangers of abuse and advising them of the help available.

Broadcasters shall ensure that programmes that take incest or child abuse as their topic or themes shall provide suitable warnings prior to airing and also provide information on help-lines.

2.4.16 A sexual relationship between an adult and a child or between under-age young people can be a legitimate theme for programmes. However, it is the treatment that can make it inappropriate or unlawful. The treatment must reflect the illegality of such behaviour and that such illegality must be discouraged. Material of this nature should be treated with the utmost care and sensitivity by

broadcasters, bearing in mind the psychological effects it can have on child-victims.

Broadcasters shall not air programmes in which a sexual relationship between an adult and a child or between under-age young people is viewed as acceptable behaviour.

Children and Drama

2.4.17 Broadcasters should be aware that some children are disturbed by the portrayal of extreme violence in familiar surroundings. Domestic violence is particularly distressing for children.

Broadcasters shall not air programmes in which there is violence in settings familiar to a child or acts of domestic violence, outside of the 11:30 pm to 5:30 am time frame.

2.4.18 Coarse humour and sexual innuendos can cause offence, especially when there are children in the audience.

Broadcasters must give clear guidance to their audience as to the material to be aired or broadcast, particularly in programmes which would not normally be expected to contain material of this kind or in radio broadcasts when a substantial number of children may be in the listening audience, such as at breakfast time, school broadcast times; and school holidays between 11:30 pm and 5:30 am.

Factual Programmes

2.4.19 In the course of news reporting there may be occasions when some content may be of a sexual nature. It is important that these instances are presented with due audience caution and without exploitation.

The broadcaster shall edit this broadcast given the relative explicitness of such content against the time of day at which it is transmitted and the likely presence of children in the audience. Where factual programmes deal with a variety of sexual themes, explicit or fictional representations must not be broadcast.

2.4.20 *Broadcasters shall not transmit programmes with the following dramatic material:*

- *Material that suggests that violence does not injure people or have consequences for the perpetrator as well as the victim.*
- *Material that implies that violence does not cause damage or psychological harm.*
- *Material that shows dangerous conduct that might be copied by children.*
- *Material that portrays characters, especially those likely to be children's heroes, who resort easily to violence as the means of resolving differences, exhibit callousness to their victims or enjoy inflicting pain and humiliation.*

2.4.21 *Broadcasters shall alert parents and guardians by scheduling and by providing adequate information about a programme's content so that they are able to make an informed choice about its suitability for their child or children.*

Informing and Warning

2.4.22 Broadcasters have to fulfil the conflicting objectives of attracting audiences while simultaneously warning viewers or listeners that they may find a programme offensive. Providing as much clear information as possible in advance about the nature of programmes can often fulfil both of these objectives.

Broadcasters shall give accurate information about the nature and content of programmes to allow the audience to make an informed listening or viewing choice.

2.5 Respect and Dignity

2.5.1 Broadcasting touches the lives of its audiences in many ways and from time to time involves them in programme making. Challenging or deliberately flouting

the boundaries of taste in drama and comedy is a time-honoured tradition. These programmes have a special freedom but do not give unlimited licence.

Broadcasters shall act responsibly for preserving the dignity of the individual and respect for human life. Programmes of a dramatic or comic nature shall in no way humiliate individuals or groups.

- 2.5.2 Individuals, particularly vulnerable members of the community, should not be exploited or caused distress, particularly if consent has only been given by a third party.

Broadcasters shall not air programmes that may cause members of the community to be exploited or distressed unless a clear public interest justification exists, or unless the broadcast is live and consensual. Wherever possible, written consent of the individual(s) concerned shall be obtained before transmission.

- 2.5.3 Call-in programmes afford viewers in democratic societies the opportunity to contribute to meaningful public debates for shaping public policies or influencing the crafting of important legislation. This must be encouraged without the audience being the victims of insults, abuse or unreasonable treatment.

Persons participating in programmes, particularly children, shall not be treated unreasonably, nor should they appear to the audience at large to have been so treated, by the broadcaster (See The Child Audience).

- 2.5.4 ***Individuals identified as the victims of prank calls and set-ups must be treated with respect and dignity. Broadcasters must inform those individuals of the nature and content of the programme and obtain their right of release.***

- 2.5.5 The line between the public's right to receive information and the citizen's right to privacy can be fine and difficult to draw – the public accepts that people have legitimate expectations of privacy that can, at times, be overridden by the wider public interest. There is a strong sense that certain information is publicly owned

because it relates to individuals who hold public office, to publicly funded bodies or because of its potential impact on the public in general.

Broadcasters shall not invade the privacy of members of the public to the point where this action can result in harmful consequences.

2.5.6 ***Broadcasters shall take steps to avoid airing material containing defamatory or misleading information on members of the public.***

2.6 Occasions of Grief and Bereavement

2.6.1 Matters of decency are based on deep, fundamental values and emotion: the respect owed to the bereaved at funerals is one example. Viewers and listeners can easily be offended if they consider that a broadcaster has failed to observe basic decencies or to demonstrate due sensitivity on occasions where there is grief and/or bereavement.

Broadcasters shall exercise the highest sensitivity when broadcasting material in which there is grief and bereavement and shall respect the rights of the bereaved.

2.6.2 Technology enables the programme-maker and the reporter to bring the starkness of grief and bereavement to the audience immediately. Intimate details can be available to everyone within minutes, if not seconds, before those affected can be shielded. Not every community, nor every family – nor indeed every individual – deals with this in the same way. Some are more willing than others to articulate their emotions.

Broadcasters shall not take advantage of individuals in deep shock, or persuade them into an expression of their emotions or views which they may later regret; such approaches must be made with discretion and sensitivity and approved at a senior management or editorial level.

2.6.3 If the explicit consent of the bereaved is obtained, the significance of funerals as a turning point in the story of an individual tragedy, or a major disaster in exceptional circumstances can justify the presence of reporters and their equipment.

Broadcasters shall not exploit situations in the belief that stories emanating from tragic incidents could be used to trigger corrective behaviour in the lives of others.

2.6.4 The broadcast of calls to emergency services and amateur footage of incidents must be treated with extreme caution and approved at a senior management or editorial level.

Broadcasters shall avoid sensationalism and undue repetition of material from distressing emergencies.

2.6.5 When using archived material, programme-makers should bear in mind the distress that can be caused to survivors or the relatives of victims when coverage of previous disasters or serious incidents is used to illustrate other programmes.

Broadcasters shall exercise extreme sensitivity when using archived material from disasters to create programmes. Such historical footage must conform to the guidelines in this Code.

2.7 Explicitness

2.7.1 A balance needs to be struck between the demands of truth and the danger of desensitising individuals. As general guidance in striking this balance, the following principles should be observed when transmitting non-fictional material:

- Decency requires that people should be allowed to die in private; therefore ***broadcasters should not show moments of death.***
- The dead should be treated with respect and not shown in close-up, unless there are reasons for doing so: therefore ***close-ups of the injuries suffered by dying victims should be avoided.***

2.8 Profane and Offensive Language

2.8.1 Language is never static; words acquire new meanings and interpretations, and levels of offence undergo constant change. The impact of particular words can differ between generations, as well as between different tones of voice. The repeated use of expletives can cause significantly greater offence than isolated incidents which may be justified by the context.

Broadcasters shall use the Profanity Delay facility for live shows where they do not have full control over the material being broadcast to minimise the airing of offensive language.

2.8.2 Racist terms and terms mocking disability and mental illness are regarded as deeply offensive, overtaking some traditional terms of abuse. Broadcasters should also be alert to the use of derogatory terms originating from ethnic origin, race, gender, mental or physical disability and religious affiliation. Broadcasters should be sensitive to the offence caused to the majority by these words, as well as to those sections of the national community directly affected.

Broadcasters shall use the Profanity Delay facility especially in relation to call-in talk shows to minimise the broadcast of offensive content in relation to ethnic origin, race, gender, mental or physical disability and religious affiliation of individuals.

2.9 Offences against Religious Sensibilities/Religious Programmes

2.9.1 Religion and faith are contentious topics, mainly because it is the source of deeply held convictions on the part of believers that are not easily understood by non-believers. Although religion and faith are not exempt from critical scrutiny, it is an important aspect of the culture of our diverse society, and particular care must be taken when referring to religion and faith in entertainment.

Broadcasters shall not use derogatory language or encourage the use of derogatory language regarding any religious or faith belief.

2.9.2 While many people may not themselves be offended by the casual use of holy names as expletives, the majority would not wish to cause offence to others by their usage.

Programme-makers shall not make casual, the use of names, words or symbols regarded as sacred by religious and faith groups. Broadcasters shall not link holy names with profane language.

2.9.3 The freedom of religious expression is enshrined in the Republican Constitution giving individuals of varying religious and faith groups, organisations and individuals the right to share their beliefs.

Broadcasters shall not air religious and faith programmes used as forums for the denigration or condemnation of the ethnic origin, race, religion, gender, mental or physical handicap of individuals.

2.9.4 *Broadcasters shall not air religious or faith programmes used for incitement to perpetrate criminal and/or terrorist acts.*

2.10 Suicide/Self-Harm Factual Programmes

2.10.1 The reporting of suicide and self-harm requires particular care and responsibility. Programmes should avoid being precise about the means of suicide/self harm, especially when that method is readily available or contains some novel aspect.

When transmitting programmes containing scenes or information on suicide and self-harm, broadcasters shall include help-line information for agencies and organisations available to offer help and advice in the particular area.

2.10.2 Factual reports/should not suggest that there is a simple explanation or conversely that the suicide/self-harm was inexplicable. The action must not be conveyed as an understandable response to difficulties encountered in life or perceived failures.

Broadcasters shall ensure that news on suicides and self-harm is not overly prominent or used repetitively, especially when a possible role model is involved.

2.10.3 In addition to the guidelines noted under the previous paragraphs, broadcasters shall exercise particular care over fictional suicides/self-harm involving role models, especially sporting or entertainment personalities. It is also important to depict the realities and the consequences of their actions for others.

Broadcasters shall not transmit material containing explicit hanging scenes, suicides and attempted suicides.

2.11 Drugs and Narcotics

2.11.1 It is considered proper for programme-makers to explore the style and prevalence of the drug culture in the society in both factual and fictional programmes but the use of these substances must not be encouraged.

Broadcasters shall ensure that no individual programme, taken in its entirety shall promote or encourage the use of illegal drugs and narcotics or the abuse of legally available drugs.

2.11.2 There is particular danger in showing in any detail how to administer drugs and in failing to illustrate the adverse consequences that drug abuse can bring about, especially in programmes that appeal to young people. Similar considerations apply to any other drug-related substance abuse.

Broadcasters shall be obliged to broadcast help-lines and appropriate warnings if the material transmitted is designed to bring about behavioural changes.

2.11.3 While some programmes may be construed to have portrayed drugs in an unrealistic manner, other programmes may be perceived to have glamourised those discovered to be drug abusers. This is particularly the case with so called celebrity coverage illustrated by library or archive footage.

Broadcasters shall exercise extreme vigilance and responsibility and never broadcast material which directly or indirectly promotes or glamourises the use of illegal drugs and narcotics.

2.11.4 The use of alcohol and cigarettes is widespread and is promoted by manufacturers and distributors. Equally as widespread are the negative effects from the abuse of alcohol and tobacco.

Broadcasters shall not transmit any advertisement which contains material that glamourises the use of alcohol and tobacco. Advisories as to the negative effects of alcohol and tobacco must be used in accordance with the guidelines of this Code.

2.11.5 ***Broadcasters shall ensure that neither smoking nor the abuse of alcohol or dangerous drugs is promoted, particularly in programmes directed towards young people.***

2.12 Race and Diversity

2.12.1 Care must be taken by broadcasters to foster tolerance, encourage appreciation and respect for difference and avoid the adoption of stereotypes with respect to ethnicity, race, culture, gender and religion. There are times when racial or national stereotypes, whether physical or behavioural, can be used without offence in programmes, but their use and likely effect should always be from an informed stance and considered well in advance. This applies to stereotypes of people from places, regions or nations which are foreign to Trinidad and Tobago.

Broadcasters shall not transmit any material which negatively stereotypes a particular ethnicity, race, culture, gender or religion.

2.12.2 Broadcasters must be cognisant of the fact that due to trade and the existing tourism industry, Trinidad and Tobago will be visited from time to time by persons from various countries. Our visitors must be made to feel welcome during their stay.

Broadcasters shall not use programming material which denigrates a particular region or country and the people thereof.

2.13 Persons with Disabilities or Mental Health Problems

2.13.1 There are many persons in our society who for one reason or another are mentally or physically challenged or both. Programmes should avoid anything encouraging prejudice or patronising attitudes towards persons with disabilities or mental health problems.

Broadcasters shall not transmit material encouraging prejudice or patronising attitudes towards persons with disabilities or mental health problems; where there is no medical evidence or legal grounds to declare an individual insane, broadcasters shall not do so.

2.13.2 It is also important when portraying acts of criminal violence not to associate them uncritically with questions about the mental health of their perpetrators.

Broadcasters shall not transmit in their programmes material portraying acts of criminal violence associated with the mental health of perpetrators.

2.13.3 While representing a small percentage of our society, the hearing and visually impaired have needs that must not be overlooked by the Broadcaster.

Broadcasters shall be cognisant of hearing-impaired individuals of the society and, in this respect, provide a facility for the hearing impaired for television news broadcasts and other news-related programmes.

2.14 Crime Terrorism and Violence

2.14.1 *Broadcasters shall ensure that programmes containing material of a violent nature are transmitted only within the guidelines and timeframes given in the Code.*

2.14.2 *Broadcasters shall also ensure that programmes with violent content are scheduled and trailed appropriately so that audiences can exercise informed judgement on whether or not to view; it is also important to have pre-transmission announcements for programmes with violent content.*

2.14.3 Although there are programmes that can legitimately be built around real-life crimes or criminals, the acts of these individuals must not be sensationalised.

Broadcasters shall not air programmes which sensationalise or condone any form of crime and/or terrorism.

2.14.4 The re-counting by criminals, terrorists or their relatives of their stories of criminal or anti-social behaviour must not result in their personal gain, unless there is an overriding public interest both in the telling of the story and in the making of payments.

Broadcasters shall not transmit material which seeks to sensationalise the lives of criminals and terrorists or their families.

2.14.5 It is possible to arrange interviews with named criminals and terrorists – sometimes with the legitimate aim of drawing attention to injustice or with the declared intention of helping the audience to understand the criminal mind. Programme-makers should be clear about the purpose of such an interview and ensure that its presentation is consistent with that goal. In such cases, broadcasters should also, where practicable, inform victims or their families. Consideration of the portrayal of an offender and their offences should also include that of the possible effect on his or her victim(s).

Broadcasters shall take steps to verify the accuracy of the information contained in interviews with named criminals and terrorists particularly where

national security can be breached. Broadcasters shall also ensure that details of such crimes are not transmitted in such a way that could lead to the copying or emulation of those or similar crimes.

2.14.6 Violence is a fact of life that society can do without. As long as it exists in society, television and radio programmes will portray it and report it. There are some significant concerns, however, about the portrayal of violence which broadcasters need to take into consideration. These include the concern that repeated exposure to violence desensitises audiences, making them apathetic towards increases in actual violence or indifferent to the plight of victims. There is also the concern that viewers might identify violence on the screen with the reality of their own lives and become unreasonably fearful; and the concern that it could also encourage the view that violence *or* aggressive attitudes are acceptable as responses to difficult situations *or* as a means of resolving disputes.

Broadcasters shall avoid airing material with the overly detailed portrayal of criminal or violent techniques and the sensationalisation and glamourisation of weapons; this also applies to any action which could promote illegal or anti-social behaviour in real life.

2.14.7 In scheduling a programme containing violence, especially where there is violence with which viewers may identify closely, broadcasters should consider the programmes placed before and after it and their likely audiences, as well as the time of transmission.

Broadcasters shall not air programmes containing scenes of graphic violence between 5:30 am and 11:30 pm.

2.14.8 *Broadcasters shall not air political advertisements which contain and/or incite acts of violence.*

Reconstruction of Violent Crimes

2.14.9 In the reconstruction of violent crimes it may be necessary to use some special video effects, give some details of the event or make mention of the weapon or weapons used to bring the story as close as possible to the real event. This must be done with a great deal of sensitivity.

Broadcasters shall not overemphasise certain aspects of a reconstructed crime by the insensitive use, for instance, of slow motion, music or other special dramatic effects; the weapons used shall not be discussed in unnecessary detail and broadcasters shall also ensure that helpline information is made available to the audience.

Violence in Drama

2.14.10 Violence in situations which are more distant, and which are further from reality, are less likely to disturb. Viewers are most shocked when violence occurs in locations that are familiar to them and with which they can identify, particularly if that violence 'erupts' and cannot be foreseen. Conversely, the apparently gratuitous intrusion of violence into locations regarded as places of safety can be deeply shocking. The impression of violence goes beyond the actual violence seen or heard, and is connected with the audience's expectations. People are more concerned when the act of violence is personal and shown explicitly and realistically. It is the combination of pain, cruelty and viciousness in a recognisable situation that causes anxiety, as fictional violence is seen by some as more real than the actual violence of war in a distant place.

Broadcasters shall ensure that in programmes containing violence, the context of the violence is clear.

Rape

2.14.11 Particular care needs to be taken when portraying sexual violence. When a scene involves rape or indecent assault, consideration must always be given, while achieving the dramatic purpose, to minimising the depiction of the details and avoiding any suggestion that such crimes are erotic or endorsed.

Broadcasters shall ensure that programmes portraying sexual violence do not contain materials which suggest that such crimes are erotic or endorsed.

Imitation

2.14.12 The description of ingenious methods of crime, the use of dangerous items and weapons, and the use of readily available objects for criminal purposes should be avoided. Detailed instructions on how to make weapons, explosives or other harmful or destructive substances are not permissible.

Broadcasters shall avoid any material likely to encourage or facilitate imitation of violent behaviour which can cause harm or injury.

Music Videos

2.14.13 Music videos have become popular among persons of all ages. These videos are very effective in helping to promote the music of songwriters and provide entertainment for its listeners. However some music videos contain scenes which sensationalise and glamourise crime and drug-taking, encourage aggressive, hedonistic and nihilistic behaviour or debase human relationships.

Broadcasters shall not transmit music videos, at any time of day or night containing scenes which sensationalise and /or glamourise crime and drug-taking, encourage aggressive behaviour or debases human relationships.

2.14.14 Images and music shown on television can have an overwhelming impact. While broadcasters can not shy away from showing the consequences of violence, they must also take care in the choice of accompanying words to ensure that they put the scenes into the right perspective.

Broadcasters shall exercise editorial judgement in broadcasting the consequences of violent material.

Violence in News, Current Affairs and Documentary Programmes

2.14.15 News and factual programmes play an important part in informing citizens about their society and the state of the world. The immediacy and speed with which images and reports can be relayed into people's homes mean that decisions about the suitability of items for different time slots sometimes have to be made swiftly, with little time for prior consultation.

Broadcasters shall exercise good and sound judgement in assessing the impact that news and factual programmes may have on the audience.

2.14.16 The increasing availability of amateur videos and webcam footage provide another source of material where careful editorial decisions at a senior level are called for, balancing the immediacy of the material with its impact and suitability for transmission at one time of the day or another.

Broadcasters shall make responsible decisions about how much detail of shocking material is necessary or acceptable, and to what degree material must be edited before it can be shown at all. Broadcasters shall be guided by this Code at all times when making any decision pertaining to programme content. Where the Code is silent, broadcasters must use sound judgement.

2.14.17 *Broadcasters shall not transmit material that lingers unduly on the physical consequences of violence.*

2.15 Radio and Television News/Interviews

2.15.1 Radio and television respond rapidly to news events and face the difficulty of maintaining a perspective on the violence reported. In this regard, the choice of language is crucial.

The broadcaster's news schedule shall be adequate and well- balanced and news reporting shall be responsible, factual, fair and without bias.

2.15.2 The time slots in which news programmes are broadcast are considered prime time by advertisers and therefore news broadcasts are replete with advertisements some of which may contain offensive and/or disturbing material.

Broadcasters shall exercise particular discretion in the acceptance, placement and presentation of advertising in news programmes so that such advertising could be clearly distinguishable from the news content and also to ensure that disturbing or offensive material is not broadcast outside of the 11.30 pm to 5:30 am time-slot.

2.15.3 Morbid, sensational or alarming details are not essential for factual reports, especially in connection with stories of crime or sex. At all times, pictorial and verbal material for both news and comment should conform to these standards.

News shall be broadcast in such a manner as to avoid panic and unnecessary alarm. Commentary and analysis shall be clearly identified as such. Pictorial material should be chosen with care and not presented in a manner to mislead.

2.15.4 *A television broadcaster shall exercise due care in the supervision of content, format, and presentation of newscasts originated by his or her station.*

2.15.5 *Broadcasters shall exercise discretion in the airing of movies or any other type of programme in which there are explicit scenes of hangings or other executions.*

2.16 Animals

2.16.1 Images of cruelty to animals are especially upsetting to many members of the audience, particularly children – even when no harm comes to the animals during production.

Broadcasters shall exercise discretion when broadcasting material depicting cruelty to animals.

2.17 Political Broadcasts

2.17.1 Political broadcasts presented by a broadcaster must not mislead or attempt to mislead listeners or viewers to believe that the programme is of any other character.

Broadcasters shall air political broadcasts only if such broadcasts are clearly identified. Political advertisements shall not incite violence, denigrate or humiliate individuals or communities based on ethnic origin, race, religion, gender, physical and/ or mental handicap.

2.17.2 *Broadcasters shall not air, political advertisements in which graphic material depicting crimes is used for political purposes.*

2.17.3 Broadcasters will have private opinions and likewise personal political preferences.

Broadcasters who have made a conscious decision to openly and publicly endorse a particular political party, politician and/ or political viewpoint(s) shall make this stance explicitly known to their audiences.

2.18 Portrayal of Sexual Conduct/Nudity/Pornography

2.18.1 On general broadcast channels, radio and television have to meet the expectations of wide audiences with widely varying levels of tolerance of the portrayal of sexual relationships. Even those unlikely to be offended, may be concerned about viewing some programmes in the company of others and are likely to be mindful of the effects on children.

Broadcasters shall accurately schedule and provide straightforward labelling in clear language and sufficient warnings about programmes containing material of a sexual nature. Such programmes shall not be broadcast outside of the 11:30 pm to 5:30 am time-frame.

2.18.2 Broadcasters have a duty to act responsibly and reflect the fact that relationships normally reflect moral choices.

Editorial judgement shall be exercised when there is any association of sex with pain or humiliation, especially if this is non-consensual. Such programmes shall not be broadcast outside of the 11:30 pm to 5:30 am time-frame.

2.18.3 The appearance of the nude human body can be a legitimate element in a programme, provided it does not exploit the nude person and there is a clear editorial rationale.

Programmes where the appearance and use of the nude human body is for pornographic purpose shall not be transmitted by broadcasters.

2.18.4 *Broadcasters are not permitted under any circumstances to broadcast or transmit any material which depicts or contains explicit scenes of intercourse or other sexual activity at any time.*

2.19 Discussion and Phone-In Programmes

2.19.1 Discussion and phone-in programmes are valuable forums for exchanges on a variety of topics. However listening audiences need to be aware of the schedules and likely content for such programmes so that informed decisions can be made by the public on whether or not to tune in.

Broadcasters shall ensure that discussion and phone-in programmes are scheduled with care and clear warnings given of their likely content.

2.19.2 Broadcasters must be cognisant of the fact that there is a wide difference of attitudes with respect to the open debates of various topics such as politics, religion, race relations, gender and crime.

While broadcasters do not have control over what their live phone-in audience may utter, denigration and vilification of an individual's ethnic origin, race, religion, gender, physical and/ or mental disability shall not be encouraged directly or indirectly by the host of the programme. In this respect broadcasters are required to make use of the Profanity Delay facility in order to eliminate such occurrences.

2.20 Misleading Advice

2.20.1 Individuals and organisations from time to time offer professional advice in the marketing and advertising of medical, pharmaceutical, educational or other products and services. This advice does not always conform to recognised professional standards and can be misleading, resulting in a negative outcome or even death.

Broadcasters shall be held liable for broadcasting material that gives misleading advice or that does not conform to the law, recognised professional standards and ethics.

2.21 Subliminal Messages

2.21.1 The broadcast media is a powerful forum for persuading audiences to take a particular course of action, or purchase a particular product. Various techniques can be utilised to accomplish this. However subliminal messages are frequently used and are also very powerful.

Any technique whereby an attempt is made to convey information to the viewer by transmitting messages outside the threshold of normal human awareness shall be forbidden.

2.22 Audience Deception

2.22.1 Each broadcaster must exercise reasonable and sound judgement to determine whether a particular method of presentation would constitute a material deception, or would be accepted by the audience as normal theatrical illusion.

No program shall be presented in a manner which through artifice or simulation would mislead the audience as to any material fact.

2.22.2 Programmes of a fictional nature or containing non-news material can be entertaining, but the audience must be made aware of the nature of the material.

A television broadcaster shall not present fictional events or other non-news material as authentic news telecasts or announcements, nor permit dramatisations in any programme which would give the false impression that the dramatised material constitutes news.

3 Conclusion

The Broadcasting Code, as stated in the introduction is not meant to prohibit creativity, healthy criticism or other activity that contributes to the development of the Republic of Trinidad and Tobago. The Authority recognises the value of debating opposing views, or broadcasting programmes that portray real life issues, or entertain. The Authority however maintains that this must be done in a manner that encourages and promotes respect, tolerance, understanding and appreciation of each other while allowing for the maintenance of niche markets and expanding profits.