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THE TANZANIA COMMUNICATIONS REGULATORY AUTHORITY ACT,

(CAP.172)

CODE

(Made under section 15)

THE POLITICAL PARTY ELECTIONS BROADCASTS CODE, 2020

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THE POLITICAL PARTY ELECTIONS BROADCASTS CODE, 2020

**PART I
PRELIMINARY PROVISIONS**

- | | |
|------------------------|--|
| Citation | 1. This Code may be cited as the Political Party Elections Broadcasts Code, 2020. |
| Application and scope | 2. This code shall apply and govern all content service providers operating in Mainland Tanzania. |
| Interpretation Cap.172 | 3. In this Code unless the context requires otherwise-
“Act” means the Tanzania Communications Regulatory Authority Act;
“advertisements” means the broadcasting of any material in return for payment or other valuable consideration to a broadcaster with a purpose of-
(a) selling to audiences any product or service; |

(b) convincing audiences of a belief or course of action; or

(c) promoting a product, service, belief, course of action, person or organization;

“advertising content” means any paid message appearing in between content programming for the purpose of selling, informing or persuading people about particular products, services or beliefs;

“Authority” means Tanzania Communications Regulatory Authority established under section 4 of the Act;

“blog or weblog” means a website containing a writer’s or group of writer’s own experiences, observations, opinions including current news, events, journals, advertisements and images, video clips and links to other websites;

“blogger” means a writer or group of writers owning and performing the act of blogging and any other acts similar to blogging;

“broadcasting services” means content transmitted using electronic communications services in which the transmission is intended for direct reception by members of the general public;

Cap.343 “candidate” has the meaning ascribed to it under the National Elections Act;

Cap.343 “campaign” has the meaning ascribed to it under the National Elections Act;

“Content Committee” means a Committee established under section 27 of the Act;

“complaint” means any statement of dissatisfaction with goods or services made by a consumer; bad conduct in the process of service provision; content not compliant to broadcasting ethics;

“content services” means services offered for speech or other sound, text or images whether still or moving except where transmitted in private communications;

“content services provider” means a holder of content service license issued by the Authority;

“complainant” means a person who lodges a complaint to the Authority against aired material by content service provider which injured his interests;

“Director General” means the Director General of the Authority;

“electronic communication” means radio

- communication or as appropriate, the communication of information, in the form of speech or other sound, data, text or images by means of guided or unguided electromagnetic energy;
- Cap. 343 “elections” has the meaning ascribed to it under the National Elections Act;
- Cap. 343 “election day” has the meaning ascribed to it under the National Elections Act;
- “election period” means the period between the initiation of an elections campaign under the provisions of the relevant law pertaining to the election and the eve of the polling day;
- “election programme” means any programme which relates to an election for the office of President, Parliament or any local authority and such programme-
- (a) encourages or persuades or appears to encourage or persuade voters to vote for a political party or election of any person at election;
 - (b) advocates support for a candidate or for a political party; or
 - (c) notifies meetings held or to be held in connection with an election;
- “exit polls” means an evaluation of the voting process through observations or an opinion poll of voters leaving a polling station;
- “fake news” means news and images that are fabricated to appear authentic but are not factual;
- “hate speech” means any portrayal in words, speech, pictures, which denigrates, defames or otherwise devalues a person or group on the basis of race, ethnicity, religion or disability;
- “Minister” means Minister responsible for broadcasting;
- “online” means a networked environment available via online whereby content is accessible to or by the public whether for a fee or otherwise and which is intended for consumption in or originated from Tanzania
- “online content service” means content broadcasting to the public through internet websites, application software, forums, blogs, weblogs, microblogs, public account, instant messaging tools, online live streaming, aggregators and other related platform;
- “online content provider” means a person who provides online content service;

“online platform” means any internet outlet where people can get news, entertainment, education, religious or other related information such as online television, radio, social media and blogs;

“radio communications” means electronic communications by means of radio waves;

“party election broadcasts” means free time slots allocated to political parties/contestants to inform the electorate of their policies;

“phone in” means a radio and television programme in which the public is allowed to participate and contribute by way of telephone;

“political advertisements” means paid for advertisements intended to advance the interests of any political party;

Cap. 343

“political party” has the meaning ascribed to it under the National Elections Act;

“political party materials” means any form of material, from a political rally, political speaking, political debate, party press conference, and party statement to election campaigns;

“programme” means a body of live or recorded broadcast materials consisting of images, sound or both embodied in signals transmitted for the purpose of broadcasting to the public;

“political party programme” means a broadcast of political content which influence people to make political decisions and choices when voting;

“SMS” means short message service through telecommunications devices including mobile phones.

PART II

NEWS BROADCASTS

Duty to report news

4. Every content services provider shall ensure that-

- (a) all news broadcast during general elections is reported and presented in an objective, impartial manner, equitable and balanced coverage to all parties;
- (b) the treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial

manner;

- (c) the political news be presented without any expression of the broadcaster's own views;
- (d) the political party information included in news broadcast is truly news worth that is – new, fresh, interesting and relevant, like other material competing to be broadcast in the news;
- (e) political party materials be carried in brief and free of commentary by the presenter;
- (f) not allow broadcasting any inflammatory, defamatory and divisive matter in its provocative form;
- (g) reports are accurate, fairly and balanced about the election procedures, and the positions of the contesting candidates;
- (h) coverage of the elections is designed to emphasise the relevance of elections and encourage participation by all citizens in the election process; and
- (i) during elections period news are focused on issues of relevance and interest to citizens and not purely cover events of political parties or contestants.

Presentation of programmes

5. Every content services provider shall ensure that programmes and its presentation-

- (a) comply with the provisions of the Policies, Acts and Regulations governing operations of the electronic media;
- (b) do not involve character assassination or vilification of any candidate or other person, or any adverse comment on the integrity of any person;
- (c) do not contain political appeals based on gender, race, religion or place of origin;
- (d) do not contain any defamatory, offensive or blasphemous language, or any language (or tone of language) which may provoke violence or sedition;

- (e) do not contain any remarks likely to hurt the feelings of any person by reason of his gender, sex, race, colour, caste, creed, disability or place of origin;
 - (f) contain political party broadcasts which the parties seek to explain their policies, programmes and targets;
 - (g) contain political party broadcasts that are clearly identified and shall not be presented in a manner that would mislead the audience to believe that the programme is of any other character;
 - (h) when a broadcast presenter or moderator interacts with politicians in the course of his professional duties, the interaction shall not lead to the belief that he is either a member or sympathizer of any political party;
- Cap. 343
- (i) comply to the directives given by the National Elections Act ;
 - (j) shall ensure that any impression of one-sidedness is avoided in all programming and not be influenced by political or other interests;
- Interviewee be
dully
designated
6. Where a content service provider interviews in a political programme shall ensure that-
- (a) an interviewee identified as a representative of a political party has been duly designated to speak on behalf of the political party;
 - (b) no interviewee in a political programme is interviewed without his consent;
 - (c) moderators of such programmes exercise restraints and ensure that interviewees strictly abide to the chosen theme;
 - (d) moderator warrants that the programme does not degenerate into a mockery and abuse of language;
 - (e) an edited or shortened version of an interview does not misrepresent or distort an interviewee's views and contribution;
 - (f) an interview is not edited so as to appear by juxtaposition to associate a contributor with a line of argument which he is unlikely to adhere to and

on which he is given no opportunity to comment in the programme or feature;

Phone in programme

7.-(1) Content services providers shall ensure that-

- (a) a fair and equitable balance of views expressed by phone-in callers on political matters and based on principles of live phone-in programmes which are fairness, integrity, objectivity and balance;
- (b) no caller or contributor participating in political or other programmes contravenes the Regulations;
- (c) the privacy of callers are respected and their personal information are safeguarded and their telephone numbers are not revealed to third party;
- (d) callers go through a scanning process before going live on air in a programme, whereby the scanning process will also include a delay of 3 to 5 second from studio to the transmitting end which will help in editing any live content which goes against the Regulations;
- (e) all live programme are presented in special care and that all information are accurate and without misinterpretation of facts;
- (f) the viewers, listeners and callers during live programmes are treated with respect, honest and fairness;
- (g) during audience participated programmes in which audiences and phone-ins callers participate, they will not be allowed to plant information or make unsubstantiated remarks that could undermine the interests of any particular party or Individual; and
- (h) proper use of SMS sent by the public to ensure accuracy, integrity, objectivity and balance.

(2)The presenter shall be alert and prepared to challenge a caller who says something that is problematic.

Public to take part in political debates

8. Content services providers shall provide opportunities for the public to take part in political debates on election issues, and ensure that, participants of such broadcasts shall be as representative as possible of different views and sectors of society.

Political debate 9.-(1) A political debate shall consist of a moderator and equal representative from each of the political parties participating the discussion on a subject or related subjects.

(2) Where one side fails to participate in the dialogue or interview when two parties are involved the programme shall be postponed until both parties participating are represented.

(3) For the case of more than two parties involved, and if there is no reasonable cause for absence of a party representative within 24 hours to the start of the programme, the dialogue or interview shall proceed.

Content services Provider to ensure balance in debates

10. In order to provide a certain balance within the audience the content services provider shall ensure that-

- (a) each of the contesting candidates shall be invited to bring a reasonable and equal number of supporters as the station may determine;
- (b) the party supporters sit separately to enable the moderator to involve them judiciously;
- (c) the moderator while in the course of the programme or at the end of the programme, shall not attempt to summarise or make conclusions which is one sided;
- (d) they treat all political parties or contestants equitably and facilitate fair play;
- (e) political parties or candidates have the right of reply where a report aired under the editorial responsibility of the broadcaster contains inaccurate information or unfair criticism based on a distortion of facts;
- (f) the opportunity to reply is given within twenty four (24) hours in a programme of similar weight and audience; and
- (g) do not allow invited participants to the political debate to degenerate into a situation of mockery of the electoral system.

Online content provider

11. A person residing within or outside Tanzania territory who creates content intended for Tanzania mainland

using Swahili or any other languages which have large audience shall ensure that-

- (a) they are registered by the Authority;
- (b) comply with the relevant provision of the policies, Acts and other regulations;
- (c) information and report provided in the online platform are accurate, fair factual, and balanced to all parties alliances and independent party at election;
- (d) they make efforts to edit interactive discussion likely to hurt the feeling of any person offensive of blasphemous language which may provoke violence, sedition or breach of peace;
- (e) they take care to ensure accuracy on publishing any election results or public opinion polls; and
- (f) they take necessary measures to screen information and reports before posting or undergo publication.

PART III
BROADCASTING DURING POLITICAL ELECTION
CAMPAIGNS

Political
campaign

12. During political campaigns the content services provider shall ensure that-

- (a) balance in political programmes is achieved through equal presentation of alternative or opposing points of view or interest;
- (b) the subject of a political broadcast shall preferable be similar as between one party and another ,except where the subject has been chosen by the respective party;
- (c) persons nominated to put across the various parties' view points shall generally be of comparable status in their parties ,and shall be persons named by the parties concerned;
- (d) where a right of reply is upheld ,the aggrieved party shall be given an equal time and opportunity to reply in the same format of the programme that led to the complaint;
- (e) where the first right of reply leads to another complaint, a debate or discussion programme shall be arranged;

- (f) political party election broadcasts shall only be transmitted during the election broadcast period;
- (g) where a station employee becomes a candidate or is employed by a candidate he shall go on leave for the duration of the election period or terminate his employment with the station.

Number of slots to be made available

- 13: -Every content services provider who transmits election broadcasts shall-
- (a) make available on every day throughout the election broadcast period the number of slots for the transmission of election broadcasts; and
 - (b) do so in accordance with the sequence and timing prescribed by the Code.

Opinion polls to be treated with caution

- 14.-(1) All public opinion polls shall be treated with caution and in reporting the findings of such polls the content services provider shall inform the public on the source of the poll, the commissioning agency, the period of time over which it was conducted, the sample size and the likely margin of error, similar care must be applied when dealing with exit polls.
- (2) Subject to the provision of sub-paragraph (1), results from SMS opinion polls from the audience shall not be treated as representative scientific results.
 - (3) No opinion poll findings shall be broadcast within 30 days before polling day.

Broadcasting on polling day and silent period

- 15- (1) For the purpose of avoiding conflict of interest, staff members of a content service provider who hold political office, or is an office bearer with a political party or active in political campaigning or standing for parliament, shall not be allowed to broadcast or participate in editorial decision making during the election period.
- (2) The content service provider shall, in particular, ensure that, during the twelve hours immediately preceding polling day, they do not broadcast any politically-related matter which may reasonably upset the balance to be observed throughout the election broadcast period pursuant to this Codes.
 - (3) The content service provider shall not make their personal opinions part of any reports and are supposed to give

actualities and eye-witness accounts while reporting periodically turnout at polling stations.

(4) The observers' interviews may be preferred for transparency of polling.

(5) Journalists are bound to maintain neutrality and avoid speculative or hypothetical reporting.

(6) The content services provider shall ensure that defamatory reports are not aired and journalists possess the knowledge of libel and defamation laws.

(7) Content services provider shall not be permitted to broadcast to the public on any polling day until after the closure of the polling within any programmes, the following:

- (a) discussion and analysis of election and referendum issues;
- (b) the result or purported result of the voting in a constituency before the close of all of the polling stations in that constituency;
- (c) the results of any opinion poll;
- (d) any political advertisements, political broadcasts or any other election programming produced by or on behalf of a candidate, political party or other person or entity;
- (e) the results of the previous polls; and
- (f) exit polls.

Broadcasting
election results

16.-(1) The content services provider shall have an obligation to inform the public of the election results, as they become available:

Provided that, special care shall be taken to ensure the accuracy of all results broadcast.

(2) The content services provider shall not broadcast views that could incite violence or advocate hatred that is based on race, ethnicity, gender, religion or political conviction, and that constitute incitement to cause harm.

Political
advertisements

17.-(1) The content services provider shall where applicable afford political parties or contestants equitable and fair access to party election broadcasts and political advertisements.

(2) The content service provider shall ensure in such instances that they develop transparent formulae for

calculating the allocation of air time, including the amount of time and the time of broadcast, to be provided to individual political parties or contestants.

(3) No advertisement, other than a paid political announcement, shall be broadcast towards any political purpose.

(4) A paid political announcement shall be factual and informative in nature, and shall contain only the name of the party, the name of the speaker, time and place of the event and cannot run negative advertising

(5) Neither slogan of any nature nor music or songs which may have a political connotation shall be broadcast immediately before or after, any paid political announcement.

(6) Content services provider shall not put on air a party election broadcast immediately before, or immediately after, an advertisement or a paid political announcement of another political party or candidate.

(7) Content services provider shall develop procedures on submission of such party election broadcasts and political advertisements including details of the required time frames, formats and technical standards:

Provided that, Content services provider shall publish such procedures widely and the copy submitted to the Authority.

(8) Content services provider shall develop transparent mechanisms and procedures to ensure that political advertisements and party election broadcasts are not unilaterally edited or amended without consent of political parties and contestants, unless where such advertisement or broadcasts do not comply with reasonable technical standards, laws of the country or any electoral codes.

(9) Where a political party or contestant in such instances refuses to edit or amend such advertisement or broadcast, the content services provider has the right to refuse to air it.

PART IV ALLOCATION OF AIR –TIME

General
Guidelines

18.-(1) The general guide on allocation of air-time shall apply to practically all political party broadcasts.

(2) During elections, political party broadcasts shall be aired in accordance with approved programme line-

up by the Authority.

(3) A party representative shall speak in a straight talk to viewers on a subject or range of policies and the duration shall not be more than 45 minutes.

(4) Air-time in respect of party election broadcasts shall be allocated by the content services provider to the various parties contesting the elections based on the pre-determined criteria by the content services provider.

Sales of airtime

19 (1) The content services provider shall be free to sell airtime for the purpose of political campaigns.

(2) Subject to subregulation (1), the content service provider shall ensure that-

- (a) voices of members of staff of a content services provider shall not be used in political advertisement;
- (b) political advertisement shall conform to the standards of decency, taste, morally and truth;
- (c) the parties and candidates shall be offered the same rate card and terms including any volume discounts and bonus allocation;
- (d) whenever practicable, time shall be allotted fairly to contesting candidates;
- (e) the time allocated to the parties shall have, as much as possible, the same premium;
- (f) the station shall keep the register that shows the allocation of time to each party with dates, title of programme and other information as may be requested;
- (g) candidates and political parties shall be given equitable opportunities in the access of unpaid airtime;
- (h) the amount of time allocated to political propaganda and the rates to be charged for it shall be consistent to all parties and candidates;
- (i) programme or sponsor shall not be allowed to manifestly oppose any candidate or political party.

PART V
COMPLAINTS AND APPEALS

Submission of
complaints

20.–(1) The complaints shall be submitted to the content services provider within forty eighty (48) hours of airing the complained material.

(2) Where a complainant is not satisfied with the decision made by content services provider, shall lodge the complaints to the Content Committee of the Authority within forty eight (48) hours after the decision,

(3) The Content Committee shall, among others, in order to constitute the ground for up-holding the right to reply the complaints, consider the following:

- (a) a charge against integrity and privacy;
- (b) breach of the balance and fairness rules; or
- (c) rejection or refusal to air any political advertisement.

Procedure for
filing
complaints

21. Without prejudice to other provisions of any other written laws, the procedures for filing complaints to the Content Committee shall be as follows:

(a) made in writing and specify-

- (i) that the complaint is a formal complaint about an election programme;
- (ii) the name of the programme;
- (iii) the party or candidate featured in the broadcast;
- (iv) the radio station or television channel where the broadcast featured;
- (v) the date and time of broadcast or programme;
- (vi) the provisions for the purpose of this Code alleged to have been breached and the reasons; and

(b) lodged directly to the Authority within forty-eight (48) hours after the decision of the Content services provider.

Appeals
Cap 172

22:- Where a political party or candidate is aggrieved by the decision of the Authority the complainant may appeal against the decision of Authority to the Fair Competition Tribunal in accordance of provisions of section 45 of the Act.

Revocation of
GN.No.228 of
2015

23. The Broadcasting Services (Content) (The Political Party Elections Broadcasts) Code, 2015 is hereby revoked.

Dar es Salaam
....., 2020

JAMES M. KILABA
*Director General Tanzania Communications
Regulatory Authority*