



BROADCASTING GUIDELINES SERVICES 2017

1. INTERPRETATION

In these guidelines, unless the context otherwise requires -

"broadcasting" means the provision of vision, sound, multimedia and data service, principally intended for delivery of information, entertainment and education to the general public;

"broadcasting service" means a service that delivers vision, sound, multimedia and data programmes to persons having equipment appropriate for receiving that service, whether the delivery uses the radio frequency spectrum, cable, optical fibre, satellite or any other means or a combination of those means;

"Code of Conduct" means the Code of Conduct developed by the Commission and set out in the Schedule;

"commercial broadcasting" means a broadcasting service operated for profit;

"Commission" means the Swaziland Communications Commission established under section 3 of the Swaziland Communications Commission Act, 2013;

"community" includes a geographically defined community or any group of persons or sector of the public having a specific and ascertainable common interest;

"community broadcasting" means a broadcasting service which-

- (a) is fully controlled by a non-profit entity and carried on for non-profit purposes;
- (b) serves a particular community;
- (c) encourages members of the community served by that broadcasting service or persons associated with promoting the interests of that community to participate in the selection and provision of programmes to be broadcast; and
- (d) is funded by donations, grants, sponsorship or advertising or membership fees, or by a combination of any of them;

"information" includes signs, signals, writing, pictures, sounds or other information of any nature which constitutes the content transmitted by electronic communication;

"licence" has the meaning assigned to it under section 2 of the Swaziland Communications Commission Act,

2013;

"licensee" has the meaning assigned to it under section 2 of the Swaziland Communications Commission Act, 2013;

"licensed service" means a service that is authorised to be undertaken under a licence granted by the Commission under the Electronic Communications Act, 2013;

"person" means an individual, partnership, association, joint venture, trust, company or corporation;

"programme content" means programming material intended for public consumption but excludes advertising content inserted within a programme during breaks or at end of a programme and the beginning of a programme;

"programme hook-ups" means live programmes that a licensee can technically hook up with another licensee for transmission of such programmes on commercial basis;

"public broadcasting service" means -

- (a) a broadcasting service provided by the Swaziland Broadcasting and Information Services (SBIS);
- (b) a broadcasting service provided by the Swaziland Television Authority (STVA);
- (c) a broadcasting service provided by any other statutory body; or
- (d) a broadcasting service provided by a person who receives funding from the State;

"signal distribution service" means a service whereby broadcasting signal distribution is provided;

"subscription broadcasting service" means a broadcasting service provided to an end user upon payment of a fee;

"subscription management service" means provision of service operated to enable consumption of a subscription broadcasting service;

"surreptitious filming or recording" Surreptitious filming or recording includes the use of long lenses or recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording telephone conversations without the knowledge of the other party, or deliberately continuing a recording when the other party thinks that it has come to an end.

"television" means the conveyance of visual information, together with one or more channels or associated audio or suitably encoded textual information; and

"television broadcasting service" means a broadcasting service consisting in the sending of visual images or other visible signals whether with or without accompanying sounds, where the visual images are such that sequences of them are seen as moving pictures.

"warranted" means that there is enough justification of the infringement of privacy. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy.

"watershed period" means the time before 2300hrs and after 0330hrs that is observed by licensees not to broadcast material unsuitable for children. The watershed time is 2300 hrs. This is applicable to on air television only.

2. APPLICATION

These guidelines shall apply to all Radio and Television broadcasting service providers as well as prospective broadcasting service providers. These guidelines are issued in accordance with section 38(b) of the Swaziland

Communications Commission Act, 2013. The effective date of the guidelines shall be the 1st November 2017 and shall be applicable until such time that the Commission indicates and shall be superseded by the promulgation of the Swaziland Broadcasting bill and corresponding regulations.

3. PURPOSE OF THE GUIDELINES

In accordance with section 6(c) of the Swaziland Communications Commission Act, the Commission is responsible for supervising and regulating the provision of radio and television broadcasting services, including the content of those services. This responsibility requires that the necessary legislative and regulatory instruments are put in place. However, the lack of the principal legislation governing broadcasting services in the country has made it difficult to carry out this responsibility. In this regard and to close this gap the Commission has taken a decision to develop this set of guidelines primarily:

- (1) to assist the Commission to regulate broadcasting services in Swaziland in a manner that would inform, educate and entertain the public and that would ensure a balanced development of broadcasting on radio and television.
- (2) to assist the Commission in the discharge of the duties of the Commission in relation to the issue of licences and spectrum to an applicant for provision of Broadcasting services. The duties include the following
 - (a) upholding of the unity and integrity of Swaziland and the values enshrined in the Constitution;
 - (b) safeguarding rights of citizens to be informed freely, truthfully and objectively on all matters of public interest, national or international;
 - (c) promoting the development of broadcasting services which are responsive to the needs of the people of Swaziland;
 - (d) ensuring that licensees include in their services regular locally produced programmes;
 - (e) preserving and promoting Swaziland culture by ensuring that licensees include in their services programmes reflecting the linguistic and cultural diversity of Swaziland;
 - (f) promoting the provision of a diverse range of radio and television broadcasting services throughout Swaziland;
 - (g) promoting research and development activities in order to ensure that radio and television broadcast technology are constantly updated by licensees; and
 - (h) ensuring fair competition between broadcasting licensees.

These guidelines will remain effective until such a time that the Swaziland Broadcasting Bill becomes effective law and the corresponding regulations are developed.

4. RESPONSIBILITIES OF THE COMMISSION

- (1) The Commission, as guided by the Swaziland Communications Commission Act 2013, the Electronic Communications Act 2013 and these guidelines may be expected to do the following:
 - (a) grant any authorisation for the provision of Broadcasting services;
 - (b) Investigate all complaints made against any licensee and determine the appropriate action, if any, to be taken by the Commission, on proof of the complaint on such licensee;
 - (c) set acceptable standards for programmes and advertising and monitor compliance with those standards; and
 - (d) ensure that broadcasting services -
 - (i) do not encourage or incite crime, unfair discrimination leading to disorder or offending public feeling;
 - (ii) promote culture, entertainment and recreation; and
 - (iii) are impartial and accurate.

5. CLASSES OF BROADCASTING SERVICES

- (1) A broadcasting licence shall authorise the licensee to provide any of the following classes of broadcasting services -
 - (a) a signal distribution service;
 - (b) a public broadcasting service;
 - (c) a commercial broadcasting service;
 - (d) a community broadcasting service;
 - (e) a subscription broadcasting service; or
 - (f) a subscription management Service.

5.1. Signal Distribution Service

- (1) The Commission shall grant a Signal Distribution Service license to construct the National Digital Terrestrial Television Broadcasting Platform and the transmission networks for the distribution of Digital Broadcasting Services and other value-added services to the end users based on the specifications issued and given by the Commission as may be specified in the license.
- (2) The Signal Distribution Licensee shall carry out the following primary functions:

- (a) Establish, operate and maintain a Digital Terrestrial Television broadcasting network including but not limited to the Head End, the Transmission network and the Transmitters;
 - (b) Provide and manage connectivity to broadcasting studios of the authorized Content Service Providers;
 - (c) Provide and manage delivery of multimedia service to the consumers conditions of which service delivery shall be determined by a Service Level Agreement Comply with adopted Quality of Services standards.
- (3) A Signal Distribution Licensee shall among other things comply with the following:
- (a) To ensure that any broadcasting signal or content carried through the network of the Signal Distributor is sourced from a licensed Broadcasting Service Providers;
 - (b) Broadcasting signal or content carried through the network of a Signal Distributor shall be of the specified and required quality and standard as may be prescribed by the Commission;
 - (c) Provide Signal Distribution Services in an equitable, reasonable and non-discriminatory manner;
 - (d) To ensure that the Signal Broadcasting Network is interoperable with other Electronic Communication Networks;
 - (e) To submit to the Regulatory Authority updated coverage and roll-out plans on the provision of its services and that, such updated roll-out shall be subject to inspection and approval by the Regulatory Authority;
 - (f) To ensure that the Digital Broadcasting Signal reaches at least the following percentage of the country coverage;
 - (g) To make available, provisioning of content aggregation and programme bouquet handling system that shall support data paths embedded in the DVB stream based on open source (non-proprietary) multimedia system to support Electronic Programme Guide (EPG) and Electronic Programme Information (EPI) for FTA and Conditional Access (subscription) services. The schedule on STB shall describe all services carried on the DTT platform for the following 7 days.
 - (h) The Signal Distributor shall ensure that all Free to Air Channels shall be accessible without constraints to a single universal Set-Top-Box (STB) and integrated digital television (iDTV).
 - (i) all conditional access television channels shall be accessible through a single Set-Top-Box and integrated digital television using mechanisms such as, smart cards, passwords or keys or any other mechanisms compatible with the single receiver system;
- (4) A Signal Distribution service licence shall be for a period of ten years and shall be renewable subject to such terms and conditions as the Commission may stipulate.
- (5) The Commission reserves the sole responsibility of assigning frequency spectrum to broadcasting service providers, and the Commission shall assign frequency spectrum to broadcasting service providers based on available capacity.

5.2. Public broadcasting Services.

- (1) The Commission may grant a Public broadcasting service licence in the following categories-
- (a) free-to-air radio broadcasting services; or
 - (b) free-to-air television services.
- (2) The commission may grant a license for provision of Public Broadcasting services which shall;

- (a) make programmes available to Swazis in all the languages commonly used in Swaziland;
- (b) reflect both the unity and cultural nature of Swaziland;
- (c) strive to be of high quality in all the languages of broadcast;
- (d) provide news and public affairs programming which meets the highest standards of journalism, and which is fair and unbiased and independent from government, commercial or other interests;
- (e) include significant amounts of education programming, both curriculum-based and informal, including educative topics from a wide range of social, political and economic issues such as human rights, health, early childhood development, agriculture, culture, justice and commerce;
- (f) enrich the cultural heritage of Swaziland by providing support for traditional and contemporary artistic expression;
- (g) strive to offer a broad range of services aimed in particular at children, women, the youth and people with disabilities;
- (h) include programmes commissioned from independent producers;
- (i) include programmes featuring national sports as well as developmental and minority sports;
- (j) promote programmes with local content in line with the local content instructions described in clause 8 of these guidelines;
- (k) comply with copyright laws.
- (l) ensure that its broadcasting services help towards the development of the knowledge, sense of initiative, duties and responsibilities of the population of Swaziland;
- (m) ensure that its broadcasting programmes -
 - (i) maintain a high general standard both in respect of content and quality;
 - (ii) cover a wide range of subject matter;
 - (iii) appeal to the aspirations, needs and tastes of its audience;
- (n) ensure that its broadcasting programmes, including advertisements -
 - (i) do not offend against decency, good taste or public morality;
 - (ii) are not likely to encourage or incite to crime, disorder or violence;
- (o) give adequate coverage in its broadcasting programmes to news items, both local and foreign and

ensure to the best of its ability that the news bulletins broadcast is accurate and presented in an impartial manner;

- (p) strike a fair balance in the allocation of broadcasting hours among various educational, cultural, political and religious standpoints;
- (q) refrain from expressing its own opinion and observe neutrality and impartiality on -
 - (i) current affairs;
 - (ii) matters of public policy; or
 - (iii) matters of controversy relating to culture, politics, religion or any other subject, other than broadcasting.

(3) A Public Broadcasting licensee shall have power to

- (a) commission, complete, prepare, edit, make, print, publish with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact disks, video tapes, audio visuals and interactive material, whether analogue or digital and whether on media known or invented, as may be conducive to any of the objects of the Corporation;
- (b) commission programmes from independent producers;
- (c) organise, present, produce or provide concerts, shows, live recorded performances in connection with broadcasting and programs supply service of the Corporation;
- (d) collect news and information in any part of the world and to establish and subscribe to news agencies;
- (e) carry out research and development work in relation to any technology relevant to the objects of the Corporation;

(4) A Public Broadcasting licensee shall have the right to establish and put into place, various electronic communications networks including broadband technologies for interactive purposes but, the licensee shall not be restricted to any one technology to be used for the said interactive purposes.

(5) A Public Broadcasting licensee shall carry out the following functions –

- (a) provide sound and television broadcasting services, whether by analogue or digital means, funded through advertisements, subscriptions, sponsorships, licence fees or any other means of lawful finance;
- (b) provide, in its public broadcasting service, radio and television programming that is informative, educational, and entertaining;
- (c) be responsive to audience needs and account on how to meet these needs;

- (d) provide other services, whether or not broadcasting or programme supply services, which services shall be ancillary services;
 - (e) provide television and radio programmes and any other material to be transmitted or distributed by the common carrier for free to air reception by the public, subject to these guidelines;
 - (f) provide to other bodies by such means and methods as maybe convenient, service, programmes and materials to be transmitted or distributed by such bodies;
- (6) A Public broadcasting service licence shall be for a period of ten years and shall be renewable subject to such terms and conditions as the Commission may stipulate.

5.3. Commercial broadcasting Service.

- (1) The Commission may grant a commercial broadcasting service licence in the following categories-
- (a) free-to-air radio broadcasting services; or
 - (b) free-to-air television services.
- (2) The Commission may grant a commercial broadcasting licence to provide
- (a) a diverse range of programming addressing a wide section of Swaziland;
 - (b) programming in the official language or in any other local language of Swaziland widely spoken in Swaziland or any particular area; and
 - (c) within a reasonable time, comprehensive coverage of the areas which a licensee is licensed to serve.
- (3) All programmes by a commercial broadcasting service shall, subject to the conditions of a licence and regulations of the Commission –
- (a) reflect the culture, character, needs and aspirations of the people in the areas that the licensee is licensed to serve;
 - (b) provide an appropriate amount of local or national programming as may be prescribed
 - (c) include news and information programmes on a regular basis, including discussion on matters of national, regional, and where appropriate, local significance; and
 - (d) meet the highest standards of journalistic professionalism
- (4) A commercial broadcasting service licence shall be for a period of five years and shall be renewable subject to such terms and conditions as the Commission may stipulate.

5.4. Community broadcasting service.

- (1) The Commission may grant a community broadcasting service licence in the following categories-
 - (a) free-to-air radio broadcasting services; or
 - (b) free-to-air television services.

- (2) A person who wishes to apply for a community broadcasting service licence shall do so in accordance with section 10 of the Electronic Communications Act, 2013, relating to the application for a radio licence.

- (3) Requirements to qualify for consideration as a community broadcasting applicant shall among others include the following:
 - (a) Applicant's establishing documents e.g. Constitution, certificate of incorporation as a non-profit entity.
 - (b) Governance structure and identity documents (Board and Management, including evidence of community interest participation).
 - (c) Proof and source of funding.
 - (d) Any other documentation or information the Commission may require to assist in the evaluation of the application.
 - (e)

- (4) A community broadcasting service shall be -
 - (a) for community purposes;
 - (b) received by commonly available equipment;
 - (c) free to the public; and
 - (d) produced and broadcast in the language of the community.

- (5) An applicant shall not be eligible for a community broadcasting licence if the applicant -
 - (a) is profit making;
 - (b) is wholly foreign owned;
 - (c) has been convicted of an offence involving dishonesty;
 - (d) is a political party or entity or holds office in that entity; or
 - (e) is an operator, shareholder, employee or holds an interest in any media establishment.

- (6) A newspaper, private radio, commercial radio or television station proprietor shall not own or control any share or interest in a community radio station.

- (7) A community broadcasting service licence shall be for a period of five years and shall be renewable subject to such terms and conditions as the Commission may stipulate.

- (8) A community broadcasting service shall serve a community, and the members of that community that such community broadcasting service is intended to serve shall be given an opportunity to run the service.

- (9) The programming provided by a community broadcasting service shall reflect the needs of the people in the community, which shall include culture, language and demographic needs, and shall

- (a) provide a distinct broadcasting service dealing specifically with issues which are not predominantly dealt with by the public broadcasting service covering the same area;
 - (b) shall serve to eradicate information poverty through participatory communication in the community;
 - (c) be informative, educational and entertaining;
 - (d) focus on the provision of programmes that highlight grass root community issues including, but not limited to, developmental and general educational, environmental, local, international and current affairs and reflect local culture;
 - (e) promote the development of a sense of common purpose and improve the quality of life; and
 - (f) help foster cultural and communal identity.
- (10) Subject to Part VII of the Electronic Communications Act, 2013, with regard to radio frequency management, the Commission shall, before issuance of a community broadcasting service licence, be guided by the number of available frequencies for community broadcasting.
- (11) A person shall not hold more than one community radio license at any one time
- (12) A community radio station shall have, and use equipment in accordance with the International Telecommunication Union specifications or any regulations made under these Guidelines.
- (13) The Commission may grant a Temporary community broadcasting service license under the same conditions outlined in clause 5.3, in a remote area where spectrum is not scarce and where community need is demonstrated.
- (14) The allocation of a temporary community broadcasting licence for temporary use of a frequency planned for a long-term community radio broadcasting licence does not mean that the temporary licence holder will be allocated a long-term licence.
- (15) The allocation of a temporary community broadcasting service licence to a former licensee of a long-term community radio licence that has been cancelled, not renewed, surrendered or lapsed does not mean that the former licensee will be allocated a long-term licence if the Commission later decides to allocate a long-term licence.
- (16) A temporary community broadcasting service licence shall be for a period determined by the license conditions, for a maximum of 12 months and cannot be renewed and shall be awarded subject to such terms and conditions as the Commission may stipulate.

5.5. Subscription broadcasting services.

- (1) A subscription broadcasting service licence shall, for purposes of providing the broadcasting service, draw revenue from subscription, advertising and sponsorship.
- (2) A subscription broadcasting service licence in providing subscription broadcasting services, shall not acquire exclusive rights to the broadcasting of a national, sporting or other event which is identified, by

the Commission, to be in the public interest.

- (3) A subscription broadcasting service licensee may not add a channel to its service unless the Commission, on application by the licensee, has authorised the channel.
- (4) A subscription broadcasting licence shall, to the satisfaction of the Commission, in addition to records prescribed by any other law, keep the following records relating to its broadcasting activities: -
 - (a) documentation relating to the person or entity who or which is in control of or in a position to exercise control over the licensee concerned including documentation relating to
 - (b) its legal status including all founding documentation pertaining to the licensed entity and any member organisations of the entity;
 - (i) details of the directors, members or trustees including the gender, race and address of such person or entity, as the case may be; and
 - (ii) in the case of a licensee which is a company, the shareholding, the extent thereof and any changes which may occur in the control thereof;
 - (c) a list of capital assets, books of account, financial records and audited financial statements;
 - (d) details of all financial and non-monetary donations received by the licensee;
 - (e) all documentation pertaining to the opening, maintenance and changes in the status to banking accounts;
 - (f) all contracts entered into by or on behalf of the licensee in connection with the daily operational activities of the licensee;
 - (g) a public file for keeping
 - (i) written complaints received by the licensee;
 - (ii) correspondence between the licensee and complainants;
 - (h) a log of telephonic complaints received by the licensee;
 - (i) information pertaining to personnel records including full details of individuals employed by the licensee on a full time or part-time basis including an indication of the race and gender of each employee, the length of service and information pertaining to the status of each employee as well as training programmes arranged by a licensee;
 - (j) a log of all advertisements broadcast;
 - (k) a log of all sponsorships for programmes together with details of payment, financial or otherwise, received for such sponsorship; and
 - (l) a log of all direct and indirect on-air fundraising activities for the stations.
- (5) A licensee shall, by notice directed to him or her, be required to produce or furnish to the Commission, at a time and place specified in the notice such records, including documents, accounts, estimates, returns and information as may be specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on the licensee by these guidelines or by the relevant licence.
- (6) A person licensed to provide subscription broadcasting services shall provide a subscriber with information, in writing, relating to the
 - (a) products and services offered;
 - (b) cost of subscription including installation and maintenance;
 - (c) options of programming service available;
 - (d) conditions under which the service is supplied;

- (e) instructions regarding to usage of the service in the official languages;
 - (f) number and allocation of channels carried on the system and the programming available on each channel;
 - (g) billing and complaints procedures;
 - (h) address and telephone number of the licensee's business office.
 - (i) Notice period of at least fourteen days to be given before effecting to any changes in the programming service or channel allocation, in writing.
- (7) A person licensed to provide subscription broadcasting services shall provide means that parents or guardians may use to control access to broadcast content that is accessible and that they may consider inappropriate.
- (8) A Subscription broadcasting service licence shall be for a period of ten years and shall be renewable subject to such terms and conditions as the Commission may stipulate.

5.6. Subscription Management Broadcasting services.

- (1) The Commission may require licensee to offer subscription management services to provide the following services on behalf of a multi-channel satellite provider broadcasting from outside Swaziland: -
- (a) subscription fee collection;
 - (b) marketing and sales;
 - (c) technical and installation support;
 - (d) operation of a national call centre;
 - (e) guarantees of quality of service and customer protection; and
 - (f) any other services as the Commission may require.
- (2) A subscription management services provider shall not enter into contractual arrangements with a foreign multi-channel satellite provider unless the foreign multi-channel satellite provider has landing rights in Swaziland.
- (3) A subscription management services licensee shall be required to have minimum local equity participation of at least thirty (30) percent.
- (4) A person licensed to provide subscription management services shall provide a subscriber with information, in writing, relating to the
- (a) products and services offered;
 - (b) cost of subscription including installation and maintenance;
 - (c) options of programming service available;
 - (d) conditions under which the service is supplied;
 - (e) instructions regarding to usage of the service in the official languages;
 - (f) number and allocation of channels carried on the system and the programming available on each channel;
 - (g) billing and complaints procedures;
 - (h) address and telephone number of the licensee's business office.

- (i) Notice period of at least fourteen days to be given before effecting to any changes in the programming service or channel allocation, in writing.
- (5) A person licensed to provide subscription management services shall provide means that parents or guardians may use to control access to broadcast content that is accessible and that they may consider inappropriate.
- (6) A Subscription Management Broadcasting service licence shall be for a period of five years and shall be renewable subject to such terms and conditions as the Commission may stipulate.

6. LICENSING OF BROADCASTING SERVICES

- (1) The Electronic Communications Act, 2013 stipulates that authorizations to provide Television broadcasting services should be issued under individual licenses.
- (2) Licensing of signal Distribution Service providers shall be according to conditions set by and to the discretion of the Commission. (Vest provision for Signal distribution to a designated operator – no provision for new applications for signal distribution service)
- (3) The Commission shall indicate the number of Radio Broadcasting service providers that may be licensed at any point in time. (For now, the market needs to be regulated)

6.1. General Requirements.

- (1) Any person who wishes to provide broadcasting services in Swaziland except for Signal distribution services shall apply to the Commission for the licence through the prescribed procedure (clause 5.2).
- (2) The Commission shall provide information relating to the availability of broadcasting frequencies, the application requirements and the selection criteria for issuance of a licence.
- (3) A person who wishes to provide broadcasting services in more than one station shall apply for a licence for every broadcasting station they wish to operate.
- (4) The Commission may require an applicant to provide additional documentation or information that is directly relevant to assessing whether the applicant meets the criteria established in the Electronic Communications Act 2013, and other Legislation for the grant of the licence.
- (5) The Commission shall grant a successful applicant a broadcasting services licence and require the licensee to establish the necessary broadcasting infrastructure and commence broadcasting within a period of twelve months from date of issue of license.
- (6) The commission shall revoke the licence of a licensee who does not establish the necessary broadcasting infrastructure within the period specified in clause 6.1(5) without notice.

6.2. Licensing procedure.

- (1) Subject to the Electronic Communications Act, 2013, the Commission shall publish an invitation to apply (ITA) calling upon interested persons to lodge their applications to be licensed to provide broadcasting services in the country in accordance of section 11 of the Electronic Communications Act, 2013.
- (2) Any person who wishes to obtain a licence shall make an application to the Commission in accordance with the Electronic Communications Act, 2013, and the application shall, in addition to the requirements under that Act, be accompanied by the following particulars: -
 - (a) the name of the broadcasting service
 - (b) the name and place of residence of each director, or proprietors of the broadcasting service;
 - (c) the name, place of business and place of residence, if any, of the proprietors of the business;
 - (d) the nationality of the applicant;
 - (e) evidence of financial capability to operate a broadcasting service; and
 - (f) such other information as the Commission may require and as may be prescribed.
- (3) The Commission shall, publish a list of all applicants by notice in the Gazette and in the national and print media, giving particulars of the applicant, the licence area and the nature of the proposed service.
- (4) The Commission shall, by notice in the Gazette and in the national media, invite interested persons to lodge with the Commission their written objections in relation to these applications within two weeks from the date of the notice, and objectors shall send a copy of the objection to the applicant by registered mail.
- (5) Where objections have been received, the Commission shall, within thirty days from the expiry of the period referred to in clause 6.2(4), convene a public hearing to which the applicants and persons who have lodged objections and the general public as observers shall be invited.
- (6) The Commission shall make a decision within sixty days after the receipt of the applications, or in the case where there are objections, within sixty days after the public hearing.
- (7) Subject to clause 6.2(6), the Commission may decide to grant a provisional licence subject to such conditions as it considers appropriate.
- (8) Notwithstanding the Electronic Communications Act, 2013, the Commission shall not grant a licence where the applicant: -
 - (a) already holds a licence, directly or indirectly controls, or has an interest in, an organisation, association or company which already holds a licence;
 - (b) is not a citizen of Swaziland or is not ordinarily resident in Swaziland;
 - (c) is an office bearer in a political party or is actively engaged in politics;
 - (d) is a political party or an association;
 - (e) has been declared bankrupt or insolvent by a court of law, or has been convicted of any offence involving fraud or dishonesty; or
 - (f) is a body corporate which is registered in a foreign country or where twenty percent or more of the directors are foreign nationals.

6.3. Transitional provision for existing licenses

- (9) For licensees currently providing broadcasting services under Swaziland Posts and Telecommunications Corporation (SPTC) Act 1983 and Swaziland Television Authority Act 1983, their licenses will be converted to comply with the provisions of the Electronic Communications Act 2013 and these guidelines.

6.4. Conditions of a licence.

- (1) A broadcasting licence shall be granted subject to additional conditions as may be prescribed in the licence in addition to any conditions as may attach to that category of licence granted under the Electronic Communications Act, 2013.
- (2) Without prejudice to the generality of clause 6.4(1), the conditions of a licence may specify: -
 - (a) the site or sites at which a broadcasting station to be operated under the licence is to be located and the manner of installation of the broadcasting station;
 - (b) the kind of broadcasting authorised by the licence and the type of and standard of broadcasting stations apparatus to be used in any such broadcasting station;
 - (c) the payment to the Commission of any annual or other periodic licence fees;
 - (d) the furnishing of such document, accounts, returns, estimates and other information as the Commission considers necessary;
 - (e) reference of specified matters to the Commission for determination;
 - (f) compliance with directives given by the Commission in relation to specified matters;
 - (g) contravention arising in connection with the terms and conditions of the license will be dealt with by the Commission in terms of the law;
 - (h) the payment of fines and penalties by the licensee for breaches of any specified terms and conditions of the licence;
 - (i) a requirement that the licensee shall afford, in such manner as may be prescribed, a right of reply to a person whose character, goodwill or reputation has been adversely affected by a broadcast; and
 - (j) the amount of any charge or fee leviable by the licensee from any person who avails themselves of the broadcasting service provided by the licensee.
- (3) A licensee shall comply with the terms and conditions of a licence and shall be subject to the Electronic Communications Act, 2013.
- (4) A licensee shall carry out the activities of the licensee in compliance with the Code of Conduct (clause 10 of these guidelines).

6.5. Variation and revocation of licence

- (1) Involvement in political formations and or politics of the directors
- (2) Notwithstanding the Electronic Communications Act, 2013, a licensee may make a written application to the Commission to vary the terms and conditions of the licence and the Commission may vary the licence

subject to such conditions as the Commission considers appropriate.

- (3) Subject to sub clauses (5) and (7), the Commission may vary the terms and conditions of a licence for the reasons specified in sub clause (4)
- (4) Notwithstanding the Electronic Communications Act, 2013, and subject to sub clauses (5) and (7) , the Commission may revoke a licence where the Commission is satisfied that: -
 - (a) the licensee has failed to operate within twelve months of the issue of the licence or within such additional period as the Commission may allow;
 - (b) the licensee has ceased operating under the licence;
 - (c) the licensee has given the Commission information which is false or misleading in a material particular;
 - (d) the licensee has failed to comply with the Code of Conduct or that the licensee has contravened a term or condition of the licence;
 - (e) it is in the public interest to do so; or
 - (f) the licensee no longer satisfies any of the conditions set out under clause 6.4.
- (5) Where the Commission is of the view that a licence should be revoked or varied, the Commission shall give written notice of the intention of the Commission to revoke or vary the licence to the licensee together with the reasons for that intention.
- (6) The Commission shall, in a notice under clause 6.5(4) , require the licensee to show cause in writing, within such time as may be specified in the notice, why the licence should not be revoked or varied.
- (7) The process for considering and deciding on any amendment, suspension and termination of a licence under the Electronic Communications Act, 2013, shall, *mutatis mutandis*, apply in the case of revocation or variation based on these guidelines.

6.6. Notification of material change.

- (1) A licensee shall inform the Commission of any material change that may occur after the granting of a licence.
- (2) Where a licensee fails to notify the Commission of any material change, the Commission may revoke the licence by notice served on the licensee, and the revocation shall take effect on a date specified in the notice, subject to the licensee being afforded the right to be heard.
- (3) In this clause, "material change" in relation to a body to which a licence has been granted, means: -
 - (a) any change affecting the characteristics of the body or structure; or

- (b) any change in the persons having control over or interests in the body;
- (c) any change in contact person and contact details, physical address.

6.7. Fees. (include provision which gives Commission power to review)

- (1) All applications and licenses granted under these Guidelines shall attract fees payable to the Commission as prescribed in Schedule 1 on fees.
- (2) The fees prescribed under clause 6.7(1) shall be in accordance with such tariff as may be fixed by the Commission from time to time.

6.8. Assignment or transfer of licence prohibited.

- (1) A licensee shall not buy, sell, lease, mortgage or charge or in any manner assign, demise or encumber a licence and shall not be transfer or cede a licence to any other person without the written consent of the Commission.
- (2) The Commission shall not give consent to a transfer of a licence unless the Commission is satisfied that the person to whom the licence is being transferred shall comply with all of the conditions of the licence.

6.9. Offences by licensee.

- (1) A licensee commits an offence if the licensee is required by virtue of any condition imposed under the Electronic Communications Act, 2013 to provide the Commission with any information; and in compliance with the condition, provides the Commission with information which is false in a material particular.
- (2) A licensee commits an offence if the licensee in provision of the broadcasting services is in breach to the conditions spelt out in the Code of Conduct (in accordance with clause 10 of these Guidelines).

7. PROGRAMMING, SCHEDULING AND ADVERTISING

7.1. General guidelines in programming.

- (1) A licensee shall, in the broadcasting of a licensed service by that licensee, comply with the following requirements -
 - (a) that nothing in the programmes of the licensee shall offend against good taste, morality or decency or is likely to encourage or incite crime or lead to disorder, or be offensive to public feeling, repugnant,

or conducted in bad faith;

- (b) that any news given, in whatever form, in the programmes of the licensee is presented with due accuracy and impartiality;
 - (c) that due impartiality is preserved on the part of the person providing the service as respects matters of political or industrial controversy or relating to current public policy;
 - (d) that due responsibility is exercised with respect to the content of any of the programmes of the licensee which are religious programmes, which do not involve -
 - (i) improper exploitation of susceptibilities of those watching the programmes; or
 - (ii) abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination;
 - (e) that the programmes of the licensee do not include any technical device which, by using images of brief duration or by other means, exploit the possibility of conveying a message to, or otherwise influencing the minds of persons watching the programmes without their being aware, or fully aware, of what has occurred; and
 - (f) that the programmes of the licensee do not encourage or foster hatred or racial tension.
- (2) A series of programmes may be considered as a whole in determining whether the requirements of subclause (1) are being complied with.

7.2. News and current affairs.

- (1) The licensee shall ensure that at least 2.0 hours of the daily programme output shall be for news. News updates shall be broadcast periodically on an hourly basis for radio broadcast.
- (2) The licensee shall-
 - (a) provide news of local, regional, national and international nature;
 - (b) report accurately and fairly;
 - (c) report news in an objective and balanced manner, without intentional or negligent departure from the facts, whether by distortion, exaggeration, misrepresentation or material omission;
 - (d) not accept sponsorship on news bulletins.
- (3) Every licensee shall ensure that, during the presentation of current affairs programmes, factual programmes and documentaries, where issues of public importance are discussed, reasonable effort is made and reasonable opportunity is given to present a fair, accurate, balanced and impartial view.
- (4) Notwithstanding the provisions of sub clause (3) above, where the licensee allows the expression of personal views during the programmes shall inform the audience in advance and give them an opportunity to respond to such views.

- (5) Every licensee shall advise the audience in advance of news items containing accounts of extraordinary violence, sexual conduct or gruesome accounts of death.
- (6) The licensee shall ensure that court and parliamentary proceedings are reported accurately and that the reporting does not contain premature conclusions which may prejudice the outcome of the case or parliamentary proceedings.

7.3. Privacy.

- (1) A licensee shall not use material relating to a person's personal or private affairs or which invades an individual's privacy other than where there is a compelling public interest for the material to be broadcast.
- (2) The identity of rape victims and victims of other sexual offences shall not be divulged on programme broadcasts without the prior written consent of the victim.
- (3) The identity of minors who are victims of rape or any other crime shall not be divulged.
- (4) Information which discloses the location of a person's home or family should not be revealed without permission, unless it is warranted.
- (5) Broadcasters should ensure that words, images or actions filmed or recorded in, or broadcast from, a public place, are not so private that prior consent is required before broadcast from the individual or organisation concerned, unless broadcasting without their consent is warranted.
- (6) Any infringement of privacy in the making of a programme should be with the person's and/or organisation's consent or be otherwise warranted. If an individual or organisation's privacy is being infringed, and they ask that the filming, recording or live broadcast be stopped, the broadcaster should do so, unless it is warranted to continue.
- (7) Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the broadcaster's own material.
- (8) Broadcasters can record telephone calls between the broadcaster and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that a call that has been recorded will be broadcast (but this was not explained to the other party at the time of the call) then the broadcaster must obtain consent before broadcast from the other party, unless it is warranted not to do so.
- (9) Surreptitious filming or recording should only be used where it is warranted. Normally, it will only be warranted if there is prima facie evidence of a story in the public interest; there are reasonable grounds to suspect that further material evidence could be obtained; and it is necessary to the credibility and authenticity of the programme.

- (10) Broadcasters should not take or broadcast footage or audio of people caught up in emergencies, victims of accidents or those suffering a personal tragedy, even in a public place, where that results in an infringement of privacy, unless it is warranted or the people concerned have given consent.
- (11) People in a state of distress should not be put under pressure to take part in a programme or provide interviews, unless it is warranted. Broadcasters should take care not to reveal the identity of a person who has died or of victims of accidents or violent crimes, unless and until it is clear that the next of kin have been informed of the event or unless it is warranted.

7.4. Live Programmes.

- (1) Every licensee shall-
 - (a) be technically equipped in handling live programmes so as to avoid broadcasting obscene and undesirable comments from participants, callers and audiences;
 - (b) ensure that contributors and participants to a programme are treated fairly without discrimination or denigration;

7.5. Sponsorships.

- (1) Every licensee shall develop a sponsorship policy which ensures that-
 - (a) any advertising material from the sponsor must be clearly distinct and separated from the programme;
 - (b) the content and format of the individual programmes are not influenced by the sponsors of the programme; and
 - (c) the sponsorship of news and current affairs programmes shall not be allowed;

7.6. Program Hook-up.

- (1) A licensee shall be free to undertake programme hook-ups from another broadcasting service provider subject to business agreements between them.
- (2) Programme hook-ups agreements shall not violate Copyright and any other related legislation.

7.7. Broadcasting of parliament sessions.

- (1) A licensee shall be free to cover parliamentary sessions subject to laid down parliamentary rules, regulations, procedures and or Parliamentary Broadcasting policies.
- (2) A licensee airing live parliamentary sessions shall not insert advertisement during the programme or display sponsorship logos.

7.8. Language.

- (1) Every free-to-air licensee shall-

- (a) ensure that only official languages, namely Siswati and English are used for all broadcasts except where specific authorization has been given to use non-official languages;
- (b) refrain from using language meant to mislead or unnecessarily cause alarm and despondency; and
- (c) take particular care to avoid blasphemy and take into account cultural and religious sensitivities.

7.9. Explicitness.

- (1) Every licensee shall ensure that, sexual activity shall-
 - (a) only be suggested in discreet visual or verbal reference and never in graphic detail;
 - (b) shall not be frequent and without any good reason.
- (2) In broadcasting programmes which contain sexual aspects or conduct, the broadcasters shall take into account community values on exposure to unsolicited sexual material.
- (3) Every licensee shall not broadcast any programme that depicts actual sexual activity.
- (4) Nude scenes which show the genitals shall not be broadcast except for educational purposes.
- (5) Where a news story involves a sexual aspect, it should be presented as such without undue exploitation.

7.10. Program Clarification Labels and warnings

- (1) During early hours of the adult listening and viewing period, the licensee shall provide audience advisories before the commencement of each programme.
- (2) In addition to verbal warning about the content, a visual warning shall be displayed on the screen at the start of the programme and on all promotional material.
- (3) The following warning symbols shall be displayed on television-
 - N.** – Content may contain nudity
 - L.** - Language may offend
 - V.**- Contains violence
 - V.L** - Contains violence and strong language
 - S.** - Sexual content may offend
- (4) The following classifications on age restrictions shall be used-
 - FAM.** - General/Family Viewing
 - P.G.A.** - Parental Guidance Advised
 - 13 +** - Approved for viewing by persons over 13 years
 - 16 +** - Approved for viewing by persons over 16 years
 - 18 +** - Approved for viewing by persons over 18 years.

7.11. Violence

- (1) Every Broadcasting Service licensee shall-

- (a) have particular regard to protect children from any violent material;
 - (b) have a responsibility to ensure that generally programmes broadcast do not-
 - (i) incite, encourage or glamorise violence and brutality;
 - (ii) contain gratuitous violence in any form that is, violence which does not play a leading role in developing the plot or theme of the material as a whole;
 - (iii) epitomize violence as the only legitimate ingredient and main theme without clearly showing the negative consequences of violence to its victims and perpetrators;
 - (iv) show methods or devices of inflicting injury which are capable of easy imitation;
 - (c) not portray conduct that encourages antisocial behaviour, abuse of alcohol or drugs;
 - (d) not air programme containing frightening and excessive special effects featuring violence not relevant to the story line;
 - (e) not air programme containing a combination of violence and sexual conduct meant to titillate the viewers or listeners;
 - (f) not air programme that portray violence against women in drama as to encourage the idea that women are to be exploited or degraded through violence or are willing victims of violence;
 - (g) not air programme that portray violence against women as an erotic experience.
- (2) Where, in rare cases, links between violence and sexual ratification are explored as a serious theme in drama, any depiction must be justified by its content.

7.12. Advertising Content.

- (1) Every licensee shall ensure that there is a clear separation of advertising content and programme, and shall-
- (a) broadcast a maximum of
 - 6 minutes for Public broadcasting licensees of advertising material in any thirty minutes of broadcasting in blocks of thirty seconds per advertising slot;
 - 6 minutes for commercial broadcasting licensees of advertising material in any thirty minutes of broadcasting in blocks of thirty seconds per advertising slot;
 - 2 minutes for community broadcasting licensees of advertising material in any thirty minutes of broadcasting;
 - (b) insert a maximum of two advertising breaks in a ten minutes programme; and
 - (c) ensure that every advertising does not exceed a duration of thirty seconds.
- (2) A licensee shall not broadcast advertising content
- (a) for a period exceeding four and half hours of the performance period in any day;
 - (b) during any break in the transmission of a children's programme.
- (3) A licensee shall ensure that all advertising content that is broadcast by its station are lawful, honest, decent and conform with the principles of fair competition.

7.13. Portrayal.

- (1) Every Broadcasting Service licensee shall: -
- (a) avoid broadcasting material which promotes or glamorizes discrimination based on race, national

ethnic, origin, colour, religion, gender, age, mental or physical disability;

(b) portray women and men as having equal capabilities in performing societal functions.

(2) Every licensee shall avoid: -

(a) identifying people by their ethnic origin or colour;

(b) usage of derogatory terms in speaking of men or women of particular ethnic groups or race;

(c) the presentation of a group of people as an undifferentiated similar mass, rather than a collection of individuals with different interests and beliefs;

(d) programmes which depict women as sexual objects.

(3) A licensee shall-

(a) be sensitive to the rights and dignity of people who are mentally or physically challenged;

(b) ensure that programmes which patronize and promote myths about people with disabilities are avoided;

(c) ensure that in portraying acts of violence, they are not always associated with people who are mentally challenged.

7.14. Program Classification

(1) The content of the Broadcasting Service licensee shall visually display classification warning symbols throughout the viewing period.

(2) The content of the Broadcasting Service licensee shall not only display the symbols but shall also give reason for the classifications as follows-

FAM - Family viewing.

Violence - shall be discreetly implied but have very low scenes of threat or menace and is infrequent.

Sexual Activity - shall be only suggestive in visual or verbal reference

Coarse Language - shall be mild

PGA - Parent Guidance Advised.

Violence - shall be discreetly implied or styled.

Sexual Activity - shall be suggested, but discreetly and infrequent.

Language - coarse languages shall be very infrequent.

16+ - (recommended for over 16 years)

Violence - shall not contain a lot of detail and should not be prolonged

Sexual Activity - verbal reference to sex may be slightly more detailed, but Sexual activity not depicted

Coarse Language - shall be used infrequently.

Drug Use - shall be shown only briefly if it enhances the story line.

Nudity - shall be shown, but should not be detailed.

18+ - this category is legally restricted (material classified under this Category deals with issues or contain depictions which require mature perspective).

Violence - depiction of violence shall not have a high impact.

Sexual Activity - sexual activity may be implied but actual sexual activity shall not be shown. Verbal reference to sexual activity may be detailed.

Depiction of nudity must not be detailed.

Drug Use - may be shown but not promoted or encouraged.

7.15. Program Schedules

- (1) A licensee shall publish a weekly programme schedule in all daily newspapers circulating widely in Swaziland.
- (2) A licence shall adhere to the programme schedules which have been provided in advance to the subscribers unless is obliged to broadcast spontaneous events of national or international significance live or through special news programmes.
- (3) A licensee shall submit to the Commission-
 - (a) advance quarterly programme schedule fourteen days before each quarter;
 - (b) transmission reports detailing programmes actually broadcast within seven days after the end of each calendar month;
 - (c) music play lists detailing all the music broadcast within seven days after the end of each calendar month;
- (4) A licensee shall maintain copies of all transmission recordings for three years.

7.16. Children Programs.

- (1) A licensee shall provide high quality programmes for children-
 - (a) not less than thirty minutes of its daily programme on weekdays; and
 - (b) not less than one hour of its daily programme on weekends and public holidays.
- (2) A licensee shall not provide content unsuitable for children at times when large numbers of children may be expected to be part of the audience.
- (3) A licensee shall exercise particular caution in, and as far as possible avoid, the depiction of violence in content directed at children.
- (4) Offensive language, including profanity, blasphemy and other religiously insensitive material, shall not be used in content specially designed for children.

7.17. Watershed Programs.

- (1) Content which depicts or contains scenes of violence, sexually explicit conduct or offensive language intended for adult audiences shall only be transmitted between 2300 hrs and 0330 hrs.
- (2) No excessive and gross offensive language should be used in content transmitted from 2300 hrs and 0330 hrs or at times when substantial numbers of children are likely to be part of the audience.

8. LOCAL CONTENT

- (1) A minimum of forty percent of all content provided by the licensee, measured as a weekly average over the period of a year, must be content produced by: -

- (a) a natural person who is a citizen of, and permanently resident in, the Kingdom of Swaziland;
 - (b) a legal person, the majority of whose directors or shareholders are citizens and permanently residing in the Kingdom of Swaziland;
- or
- (c) the Licensee.

(2) Notwithstanding the provisions of clause 8(1) above, the licensee shall ensure that sixty (60) per cent of local content aired by the licensee shall be produced and supplied to the licensee by independent local producers.

9. EDITORIAL POLICY

(1) Every Broadcasting Service Licensee shall have an independent editorial policy.

(2) The editorial policy of the Licensees shall -

- (a) reflect, without bias, a range of opinions, philosophical, religious, cultural, traditional, scientific and artistic trends;
- (b) contribute to the development of free and informed opinion;
- (c) respect human dignity, human rights and freedoms as enshrined in the Constitution of Swaziland;
- (d) advance and further international understanding of the sense of peace and social justice of the public;
- (e) contribute to the realization of equal treatment and gender balance; and
- (f) promote moral values and not broadcast programmes which contain, promote or perpetuate hate speech, messages or any prejudices against any person or group of persons.

(3) The Licensees shall, for the effective carrying out of its functions, develop the following-

- (a) news editorial policy;
- (b) programming policy;
- (c) local content policy;
- (d) educational policy;
- (e) access policy;
- (f) language policy;

- (g) religious policy; and
 - (h) political and elections policy.
- (4) In developing the policies referred to in clause 9(3), community attitudes to the following matters shall be taken into account-
- (a) the portrayal in programmes of physical and psychological violence;
 - (b) the portrayal in programmes of sexual conduct and nudity;
 - (c) the use in programmes of offensive language, including hate speech;
 - (d) the portrayal in programmes of the use of drugs, including alcohol;
 - (e) the portrayal in programmes of a matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group on the basis of ethnicity, nationality, race, gender, natural difference or condition, age, religion or physical or mental disability;
 - (f) the reasonable protection of the name and reputation of an individual;
 - (g) such other matters relating to programme content as are of concern to the community.
- (5) The Broadcasting Service licensee shall provide suitable means for the public to provide feedback on its programming and its services and shall ensure that the feedback is given due consideration.
- (6) The Broadcasting Service licensee shall ensure a high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of public interest.

10. BROADCASTING CODE OF CONDUCT

10.1. Scope of Application.

- (1) Broadcasting service licensees must ensure that all broadcasts comply with the broadcasting code of conduct.
- (2) Broadcasting services licensees must ensure that relevant employee and programme-makers, including those from whom they commission programmes, understand the contents and significance of the code.
- (3) All broadcasting service licensees should also have procedures for ensuring that programme-makers can seek guidance as to the code from them.

10.2. Violence and Hate Speech.

- (1) Broadcasting service licensees must not broadcast material which, judged within context:

- (a) contains violence which does not play an integral role in developing the plot, character or theme of the material as a whole; or
 - (b) sanctions, promotes or glamorises violence or unlawful conduct.
- (2) Broadcasting service licensees must not broadcast material which, judged within context, sanctions, promotes or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age or mental or physical disability.
- (3) Broadcasting service licensees must not broadcast material which, judged within context, amounts to: -
- (a) propaganda for war;
 - (b) incitement of imminent violence; or
 - (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and constitutes incitement to cause harm.

10.3. Exclusions.

- (1) Clause 10.1 does not apply to: -
- (a) a broadcast which, judged within context, amounts to *bona fide* scientific, documentary, dramatic, artistic, or religious broadcast;
 - (b) a broadcast which amounts to a discussion, argument or opinion on a matter pertaining to religion, belief or conscience; or
 - (c) a broadcast which amounts to a *bona fide* discussion, argument or opinion on a matter of public interest.

10.4. Children.

- (1) Broadcasting service licensees must not broadcast material which is harmful or disturbing to children at times when a large number of children is likely to be part of the audience.
- (2) Broadcasting service licensees must exercise particular caution, as provided below, in the depiction of violence in children's programming.
- (3) In the children's programming portrayed by real-life characters, violence may, whether physical, verbal or emotional, only be portrayed when it is essential to the development of a character and plot.
- (4) Animated programming for children, while accepted as a stylised form of story-telling which may contain non-realistic violence, must not have violence as its central theme, and must not incite dangerous imitation.
- (5) Programming for children must with reasonable care deal with themes that could threaten their sense of security when portraying, for example, domestic conflict, death, crime or the use of drugs or alcohol.
- (6) Programming for children must with reasonable care deal with themes which could influence children to

imitate acts which they see on screen or hear about, such as the use of plastic bags as toys, the use of matches or the use of dangerous household objects as toys.

- (7) Programming for children must not contain realistic scenes of violence which create the impression that violence is the preferred or only method to resolve conflict between individuals.
- (8) Programming for children must not contain realistic scenes of violence which minimize or gloss over the effect of violent acts. Any realistic depictions of violence must portray, in human terms, the consequences of that violence to the victims and its perpetrators.
- (9) Programming for children must not contain frightening or otherwise excessive special effects not required by the story line.
- (10) Offensive language, including profanity and other religiously insensitive material, must not be broadcast in programmes specially designed for children.
- (11) No excessively or grossly offensive language should be used before the watershed period on television or at times when a large number of children is likely to be part of the audience on television or radio.

10.5. Watershed Period.

- (1) Programming on television which contains scenes of explicit violence and/or sexual conduct and/or nudity and/or grossly offensive language intended for adult audiences must not be broadcast before the watershed period.
- (2) Promotional material and music videos which contain scenes of explicit violence and/or explicit threatening violence and/or sexual conduct and/or the fondling or touching of breasts and/or genitalia or the anus and/or nudity and/or offensive language intended for adult audiences must not be broadcast before the watershed period.
- (3) Some programmes broadcast outside the watershed period may not be suitable for very young children. Licensees must provide sufficient information, in terms of regular scheduling patterns or audience advisories, to assist parents and *de facto* or legal guardians to make appropriate viewing choices.
- (4) Television broadcasting service licensees may, with the advance of the watershed period, progressively broadcast more adult material.
- (5) Broadcasting service licensees must be particularly sensitive to the likelihood that programmes which commence during the watershed period and which run beyond it may then be viewed by children.

10.6. Sexual Conduct.

- (1) Broadcasting service licensees must not broadcast material which, judged within context, contains a scene or scenes, simulated or real, of any of the following:
 - (a) child pornography;

- (b) bestiality;
 - (c) sexual conduct which degrades a person in the sense that it advocates a particular form of hatred based on gender and which constitutes incitement to cause harm;
 - (d) explicit sexual conduct;
 - (e) explicit extreme violence or the explicit effects thereof; or
 - (f) explicit infliction of domestic violence.
- (2) Clause 10.6(1) shall not be applicable to bona fide scientific, documentary, dramatic or artistic material which, judged within context, is of such a nature; provided that it is broadcast with due audience advisory after the watershed on a sliding scale according to its content.

10.7. Audience Advisories.

- (1) To assist audiences in choosing programmes, television broadcasting service licensees must provide advisory assistance which, when applicable, must include guidelines as to age, where such broadcasts contain violence, sex, nudity and/or offensive language. The advisory must be visible on the screen for a minimum of 90 seconds at the commencement of the programme and for a minimum of 30 seconds after each advertisement or other break. Where the frequency of the said subject matters, or anyone or some of them, is high, a continuous advisory will be necessary, whether it is broadcast before or after the watershed.
- (2) The following visual advisory age system must be used: 10, 13, 16 and 18. The following symbols must be used in accordance with the relevant content:
V(violence), **L**(language), **N**(nudity), **S**(sex), **PG** (Parental Guidance).
- (3) An audio advisory before the commencement of the programme must also accompany the broadcast of a film with an age restriction of 18.

10.8. News.

- (1) Broadcasting service licensees must report news truthfully, accurately and fairly.
- (2) News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by:
- (a) Distortion, exaggeration or misrepresentation.
 - (b) Material omissions; or
 - (c) Summarisation
- (3) Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.
- (4) Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate clearly that such is the case.
- (5) Where there is reason to doubt the correctness of the report and it is practical to verify the correctness

thereof, the report must be verified. Where such verification is not practical, that fact must be mentioned in the report.

- (6) Where it subsequently appears that a broadcast report was incorrect in a material respect, it must be rectified forthwith, without reservation or delay. The rectification must be presented with such a degree of prominence and timing as in the circumstances may be adequate and fair so as to readily attract attention.
- (7) The identity of rape victims and other victims of sexual violence must not be divulged in any broadcast, whether as part of news or not, without the prior valid consent of the victim concerned.
- (8) Broadcasting service licensees must advise viewers in advance of scenes or reporting of extraordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates.
- (9) Broadcasting service licensees must not include explicit or graphic language related to news of destruction, accidents or sexual violence which could disturb children or sensitive audiences, except where it is in the public interest to include such material.

10.9. Comment.

- (1) Broadcasting service licensees are entitled to broadcast comment on and criticism of any actions or events of public importance.
- (2) Comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.
- (3) Where a person has stated that he or she is not available for comment or such a person could not reasonably be reached, it must be stated in the programme.

10.10. Controversial issues of public importance.

- (1) In presenting a programme in which a controversial issue of public importance is discussed, a broadcaster must make reasonable efforts to fairly present opposing points of view either in the same programme or in a subsequent programme forming part of the same series of programmes presented within a reasonable period of time of the original broadcast and within substantially the same time slot.
- (2) A person whose views are to be criticised in a broadcasting programme on a controversial issue of public importance must be given the right to reply to such criticism on the same programme. If this is impractical, a reasonable opportunity to respond to the programme should be provided where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme with the prior consent of the person concerned.

10.11. Elections

- (1) During any period of general, local or parliamentary election, and on the day of such election and ending

on the day the poll is to be taken, every licensee shall comply with such guidelines as shall be issued by the Commission and the Elections and Boundaries Commission.

10.12. Competitions and Audience Participation.

- (1) Broadcasting service licensees must make known during a broadcast the full cost of a telephone call or an SMS, where audiences are invited on air to react to a programme or competition.
- (2) Broadcasting service licensees must specify the proportion of the cost of the call or SMS, as the case may be, which is intended for any specified charitable cause.
- (3) Broadcasting service licensees must ensure that audiences who are invited to compete in any competition are made aware on air of the rules of the competition. Such rules must include the closing date and the manner in which the winner is to be determined.

Swaziland Communications Commission
Chief Executive Officer

SCHEDULE 1 - FEES

(a) application fees

(i) Television	
Commercial	E20, 000.00
Community	E15, 000.00
Public	E7, 500.00
Subscription	E20, 000.00
Subscription Management	E20, 000.00
(ii) Radio	
Commercial	E15, 000.00
Community	E10, 000.00
Public	E5, 000.00

(b) Initial license fees

(i) Television	
Commercial	To be specified in the decision
Community	E20, 000.00
Public	E15, 000.00
Subscription	To be specified in the decision
Subscription Management	To be specified in the decision

(ii) Radio	
Commercial	E20, 000.00
Community	E10, 000.00
Public	E10, 000.00

2 annual license fees,

(i) Television	
Commercial	2% of annual turnover
Community	E10, 000.00
Public	2% of annual turnover
Subscription	2% of annual turnover
Subscription Management	2% of annual turnover

(ii) Radio	
Commercial	2% of annual turnover
Community	E1, 000.00
Public	2% of annual turnover

3 Spectrum fees

In accordance to Radio Frequency Spectrum Regulations