THE DUBAI TECHNOLOGY AND MEDIA FREE ZONE CODES OF GUIDANCE 2003

Introduction

The following Codes of Guidance are provided for the benefit of businesses operating from the Dubai Technology and Media Free Zone and primarily for those businesses operating as broadcasters and publishers from the Dubai Media City.

The Codes are based closely on the Codes published by the Broadcasting Standards Commission in the United Kingdom ("UK") but also take into account broadcasting and publication codes issued by the British Broadcasting Corporation the UK Independent Television Commission, the UK Press Complaints Commission and the UK Radio Authority. The cooperation and assistance of the UK Broadcasting Standards Council in the use and adaptation of the various UK Codes is gratefully acknowledged.

The Codes of Guidance are presented in two component parts; a Code on Fairness and Privacy and a Code on Standards. The Code on Standards generally applies to all broadcasters and publishers whereas the Code on Fairness and Privacy is more particularly aimed at Broadcasters. Nevertheless, the Code on Fairness and Privacy will have application to publishers in particular instances from time to time.

The Codes are drafted in a descriptive as opposed to a prescriptive manner. The Codes do not seek to ban or prohibit particular things as this would go against the concept of "Freedom of Expression" which is a cornerstone of Dubai Media City's business proposition. The Codes do however provide parameters to allow broadcasters and publishers to judge whether a particular broadcast or publication is reasonable in all the circumstances.

In interpreting the Codes, broadcasters and publishers should be mindful and take into account the prevailing social and religious mores of the United Arab Emirates and the Middle East and Islamic region generally. In many instances, what may be acceptable in a western country may be unacceptable in a Middle Eastern country. In any action before the Broadcasting & Publication Standards Tribunal in the Dubai Technology and Media Free Zone, the onus of proof as to the acceptability of a particular broadcast or publication will rest with the broadcaster or publisher concerned.

Code on Fairness and Privacy

FAIRNESS

1. General

Broadcasters have a responsibility to avoid unfairness to individuals or organisations featured in programmes in particular through the use of inaccurate information or distortion; for example, by the unfair selection or juxtaposition of material taken out of context, whether specially recorded for a programme, or taken from library or other sources. Broadcasters should avoid creating doubts on the audiences part as to what they are being shown if it could mislead the audience in a way which would be unfair to those featured in the programme.

2. Dealing Fairly with Contributors

From the outset, broadcasters should ensure that all programme-makers, whether in-house or independent, understand the need to be straightforward and fair in their dealings with potential participants in factual programmes, in particular by making clear, wherever practicable, the nature of the programme and its purpose and, whenever appropriate, the nature of their contractual rights. Many potential contributors will be unfamiliar with broadcasting and therefore may not share assumptions about programme-making that broadcasters regard as obvious.

3. Accuracy

Broadcasters should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations. Broadcasters should take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible are fairly presented.

4. Correction and Apology

Whenever the broadcaster recognises that a broadcast has been unfair, if the person affected so wishes, it should be corrected promptly with due prominence unless there are compelling legal reasons not to do so. An apology should also be broadcast whenever appropriate.

5. Opportunity to Contribute

Where a programme alleges wrongdoing or incompetence, or contains a damaging critique of an individual or organisation, those criticised should normally be given an appropriate and timely opportunity to respond to or comment on the arguments and evidence contained within that programme.

6. Non-Participation

Anyone has the right to refuse to participate in a programme, but the refusal of an individual or organisation to take part should not normally prevent the programme from going ahead. However where an individual or organisation is mentioned or discussed in their absence, care should be taken to ensure that their views are not misrepresented.

7. Deception

Factual programme-makers should not obtain or seek information or pictures through misrepresentation or deception, except where the disclosure is reasonably believed to serve an overriding public interest and the material cannot reasonably be obtained by any other means.

PRIVACY

1. General

An infringement of privacy has to be justified by an overriding public interest in disclosure of the information. This would include revealing or detecting crime or disreputable behaviour, protecting public health or safety, exposing misleading claims made by individuals or organisations, or disclosing significant incompetence in public office. Moreover, the means of obtaining the information must be proportionate to the matter under investigation.

Privacy can be infringed during the obtaining of material for a programme, even if none of it is broadcast, as well as in the way in which material is used within the programme.

For much of the time, the private lives of most people are of no legitimate public interest. It is important that when, for a short time, people are caught up, however involuntarily, in events which have a place in the news, their situation is not abused or exploited either at the time or in later programmes which revisit those events. When broadcasters are covering events in public places, they should ensure that the words spoken or images shown are sufficiently in the public domain to justify their broadcast without the consent of the individuals concerned.

People in the public eye, either through the position they hold or the publicity they attract, are in a special position. However, not all matters which interest the public are in the public interest. Even when personal matters become the proper subject of enquiry, people in the public eye or their immediate family or friends do not forfeit the right to privacy, though there may be occasions where private behaviour raises broader public issues either through the nature of the behaviour itself or by the consequences of its becoming widely known. However, any information broadcast should be significant as well as true. The location of a person’s home or family should not normally be revealed unless strictly relevant to the behaviour under investigation.

2. Suffering and Distress

Broadcasters should not add to the distress of people caught up in emergencies or suffering a personal tragedy. People in a state of distress must not be put under any pressure to provide interviews. The mere fact that grieving people have been named or suggested for interview by the police or other authorities does not justify the use of material which infringes their privacy or is distressing. Such use is justified only if an overriding public interest is served. Broadcasters should take care not to reveal the identity of a person who has died, or victims of accidents or violent crimes unless and until it is clear that the next of kin have been informed.

Programme-makers should also be sensitive to the possibility of causing additional anxiety or distress when filming or recording people who are already extremely upset or under stress, for example at funerals or in hospitals. Normally, prior consent should be obtained from the family or their agents.

Broadcasters should ask themselves whether the repeated use of traumatic library material is justified if it features identifiable people who are still alive or who have died recently.

3. Revisiting Past Events

Programmes intended to examine past events involving trauma to individuals, including crime, should try to minimise the potential distress to surviving victims or surviving relatives in retelling the story. So far as is reasonably practicable, surviving victims or the immediate families of those whose experience is to feature in the programme, should be informed of the programme's plans and its intended transmission. Failure to do this might be deemed an unwarranted infringement of privacy, even if the events or material to be broadcast have been in the public domain in the past.

4. Children

Children's vulnerability must be a prime concern for broadcasters. They do not lose their rights to privacy because of the fame or notoriety of their parents or because of events in their schools. Care should be taken that a child's gullibility or trust is not abused. They should not be questioned about private family matters or asked for views on matters likely to be beyond their capacity to answer properly. Consent from parents or guardians should normally be obtained before interviewing children under 16 on matters of significance.

5. Agency Operations

Broadcasters should be clear about the terms and conditions upon which they are granted access to police operations and those of other law enforcement agencies, emergency services or bodies working directly with vulnerable people. When accompanying such operations, crews should identify as soon as practicable for whom they are working and what they are doing. If asked to stop filming on private premises by the property owner or occupier, or to leave, they should do so unless there is an overriding public interest. Bystanders caught on camera should have their identities obscured, where unfairness might arise.

Code of Standards

GENERAL

1. Labelling and Warnings

Breaches of taste and decency in broadcasting and publishing can cause particular offence when they are encountered with little or no warning. Broadcasters and publishers have to fulfil the conflicting objectives of attracting audiences whilst simultaneously warning other viewers or listeners that they may find content offensive. Providing as much advance information as possible about the nature of content can often fulfil both objectives.

2. Respect and Dignity

Broadcasting and publishing touches the lives of their audiences in many ways, and from time to time involves those audiences in the creation of content.. Whatever the relationship, broadcasters and publishers have a responsibility to preserve, as far as possible, the dignity of the individual. Individuals should not be exploited needlessly or caused unnecessary distress, nor should the audience be made to feel mere voyeurs of others distress.

3. Occasions of Grief and Bereavement

Not every community, nor every family, nor indeed every individual, deals with disasters in the same way for example, the very public displays of grief practised in some cultures or the wish of some bereaved parents to talk about their immediate sense of loss while others take refuge in silence. But viewers, listeners and readers are offended if they consider that a broadcaster or publisher has failed to observe basic decencies. Care must be taken not to take advantage of people in deep shock, or persuade them into an expression of their emotions or views, for example, which they may later regret. Such approaches must be made with discretion and sensitivity.

4. Swearing

The use of language of all kinds is never static; words acquire new meanings and interpretations and levels of offence undergo constant change. The impact of particular words can differ between generations and between different countries and regions, as well as between different tones of voice. There is a range of words which can be terms of near-affection in some places when spoken with particular emphasis. In other circumstances or places, they remain terms of strong abuse. Language may be offensive because of political, religious or social sensitivities; though language can occasionally have a shock value, expressing moments of extreme stress or even outrage.

5. Offences against Religious Sensibilities

The casual use of names, words or symbols regarded as sacred by different sets of believers can cause hurt as well as offence. People of all faiths are distressed by affronts to their sacred words. This should not be underestimated, particularly in the United Arab Emirates and in the Middle Eastern region generally. For example, a majority would not wish to cause offence to others by the casual use of religious holy names as expletives. There is particular offence taken by the linking of the names with sexual swear words. Often, the offence is not intended, but arises from an unawareness of the weight attached to words or symbols which have religious connotations for some of the audience.

6. Lyrics

The lyrics of contemporary music can also cause problems. Care should be taken over material which glamorises crime and drug-taking, incites aggression, or debases human relationships.

7. Drugs

Drugs provide a legitimate subject matter for both factual and fictional programmes and articles, but nothing should be done to promote their irresponsible or illegal use.

8. Alcohol and Smoking

Neither smoking nor the drinking of alcohol should be glamorised, especially in programmes and articles directed mainly towards the young.

9. Race

There needs to be sensitivity towards the differences which exist between people from different ethnic backgrounds. There are times when racial or national stereotypes, whether physical or behavioural, may be used without offence in programmes, but their use and likely effect should always be considered carefully in advance.

Almost invariably, the use of derogatory terms in speaking of men and women from particular ethnic backgrounds and nations gives offence and should be avoided unless the context warrants it. Great distinctions exist between many people within single countries, let alone whole continents, and a broad community of interest or a common identity cannot always be assumed. The presentation of minority groups as an undifferentiated mass, rather than a collection of individuals with limited interests in common, should be discouraged.

10. Stereotypes

Much humour depends on stereotypes and there are many occasions when their use can be justified for the purposes of a particular programme. Care, however, is needed to avoid the unthinking or lazy adoption of stereotypes. The same is true of a number of groups which may be singled out on grounds of race, religion, or sexuality.

11. Crime

Programmes, articles or reports should neither glamorise nor condone criminals or their actions as crime is rarely without victims.

12. Language

The Arab world is justifiably proud of the Arabic language. Care must be taken not to belittle or denigrate Arabic as this may cause offence or distress.

VIOLENCE

13. Violence in News, Current Affairs and Documentary Programmes and Reports

News and factual programmes and reports play an important part in informing citizens about their own society and the state of the world. By its nature, news will often be about violent events such as war, crime, accidents and natural disaster. The immediacy and speed with which images and reports can be relayed into people's homes means that decisions about the suitability of items for different time slots sometimes have to be made swiftly by broadcasters with little time for consultation.

The increasing availability and use by broadcasters of amateur and CCTV videos provides another source of material where careful editorial decisions are called for, balancing the immediacy of the material with its suitability for transmission at one time of the day or another. Broadcasters will have to make difficult decisions on occasions about how much detail of shocking material is necessary or acceptable, and to what degree material must be edited before it can be shown at all, even where the piece is designed to evoke outrage at the violence shown.

Images shown on television and carried in publications can have an overwhelming impact. While broadcasters and publishers should not shy away from showing the consequences of violence, they must also take care in the choice of accompanying words to ensure that they put the scenes into the right perspective and ensure that those exercising editorial judgments are aware of the impact such material may have on the audience.

Reports of attacks on children or on older people, which might engender the fear of crime, should be handled with particular sensitivity.

14. Explicitness of Violence

A balance needs to be struck between the demands of truth and the danger of desensitising people. Where scenes of violence are included in news bulletins, the fact that violence has bloody consequences should not be glossed over. There is also a danger of sanitising violence. However:

the dead should be treated with respect and not shown in close-up unless there are compelling reasons for doing so;
close-ups of the injuries suffered by victims should generally be avoided;
care should be taken not to linger unduly on the physical consequences of violence.

15. Violence in Radio News

Radio can also respond rapidly to news events, but it too faces the difficulty of maintaining a perspective on the violence it reports. The choice of language is crucial. Where casualties occur, accurate reporting of the details will be equally important. In reporting certain kinds of crime, such as sexual assaults or incidents involving children, the time of transmission must be taken into account and the degree of explicit detail matched to the probable presence of children in the audience. A balance needs to be struck between accurate and full news reporting and engendering unjustified fear.

16. Violence in Drama

Violence is a legitimate ingredient of drama, but should seldom be an end in itself. The context of the violence, and the audience's ability to appreciate the conventions within which the drama is being played out, will be key. The impression of violence goes beyond the number of punches thrown or guns fired and is connected with the audience's expectations. Research suggests that people are more concerned when the act of violence is personal and shown explicitly and realistically. Action films and thriller or adventure series create a perception of violence because of the subject matter, and the noise of running feet, shouting and squealing tyres and the firing of weapons, but these are considered to be less realistic and. therefore less disturbing. It is the combination of pain, cruelty and viciousness in a recognisable situation which causes anxiety as fictional violence is seen by some as more real than the actual violence of war in a far off place.

17. Genre Movies

Some film genres, such as the Western, sci-fi, action adventures, cartoons or action thrillers present violence as cartoon. In depicting violence which in other contexts would be unacceptable, it is important to schedule programmes appropriately and ensure that they are trailed so that audiences can exercise informed judgment on whether to watch.

18. Children and Drama

Broadcasters and publishers should be aware that some children can be disturbed by violence in familiar surroundings. Contemporary domestic violence is potentially distressing, while violence set in a distant land or in another era may be less disturbing for children.

In drama produced for children, the themes and content will cover a narrower range than drama for adult audiences. The levels of violence permissible in some adult plays would be unacceptable for broadcasts aimed at children or when children are likely to be viewing. Care should be taken to avoid:

(i) suggesting that violence does not injure people or have consequences for the perpetrator as well as the victim;
(ii) implying that violence does not cause long-term damage or psychological harm;
(iii) showing dangerous conduct which might be copied by children;
(iv) suggesting that characters, especially those likely to be children's heroes, resort easily to violence as the means of resolving differences capable of resolution by other means.

19. Imitation

In broadcasts and publications, the use of weapons, particularly knives or other objects readily available in the home, should be considered carefully. Care should also be taken not to give detailed instructions on how to make explosives.

20. Animals

Violence which involves animals is especially upsetting to many members of the audience, particularly children, even when no harm comes to the animals during production. If it needs to be included in a programme or publication, it should not be dwelt on. It may also be helpful with respect to a broadcast to indicate that no harm was caused to the animals in an appropriate transmission announcement.

21. Suicide

The presentation of suicide requires care. In particular, programmes and publications should avoid giving too much detail of the means of suicide or suggesting that there is a simple explanation, as suicide is rarely caused by a single factor. It is also important to depict the realities and the consequences of their actions.

SEXUAL BEHAVIOUR

22. Portrayal of sexual conduct

Broadcasters and publishers have to meet the expectations of wide audiences which will encompass a spectrum of tolerance towards the portrayal of sexual relationships. Broadcasters and publishers have a duty to act responsibly and reflect the fact that relations within and between the sexes normally reflect moral choices. Audiences should not be reduced to voyeurs, nor the participants to objects. The youth and physical attractiveness of the participants are no justification for explicitness.

With regard to broadcasters, sensitive scheduling is particularly important for items involving sexual matters. Broadcasters should provide straightforward labelling in clear language and sufficient warnings about programmes containing explicit material.

23. Factual Programmes

Where a news story or report involves a sexual aspect, it should be presented without undue exploitation. The relative explicitness of such stories and reports must, in the case of broadcaster, be measured by the broadcaster against the time of day at which they are transmitted and the likely presence of children in the audience. Other factual programmes deal with a variety of sexual themes, but producers should ask themselves whether an explicit representation is justified.

24. Fiction

The broadcast or depiction of sexually explicit scenes should always be a matter for judgment at the most senior levels within the broadcasting and publication organisations. Where a scene depicts rape or indecent assault, careful consideration must always be given to achieving the dramatic purpose while minimising the depiction of the details. Rape should not be presented in a way which might suggest it was anything other than a tragedy for its victim.

25. Children

A sexual relationship between an adult and a child or between under-age young people can be a legitimate theme for broadcasters and publishers; it is the treatment which may make it improper, or even unlawful. The treatment should not suggest that such behaviour is legal or is to be encouraged.

26. Incest and Child Abuse

The inclusion of these subjects may be justified as public information, even in programmes or publications directed at older children. These programmes and publications may also play a legitimate role in warning children of the dangers of abuse, and advising them of the help available.

Where a programme or publication takes incest as its theme, there should be particular awareness of the relative ease with which some people, including children, may identify characters or actions with their own circumstances, and may also take them as role models.

In television, material of this kind should be accompanied by clear labelling of the programme's content, while sensitive scheduling and labelling are also called for in radio.

27. Nudity

The depiction of the nude human body can have a justifiable and powerful dramatic effect and be a legitimate element in a programme or publication, provided it does not exploit the nude person. But it can also be disturbing and cause offence, especially where it appears that there is no clear editorial rationale. What may be acceptable in Western society may well be unacceptable and even offensive in the United Arab Emirates and the Middle Eastern region generally The justification must come from the intention and the merit of the individual programme or publication itself.

28. Innuendo

Sexual humour and innuendo may cause offence. With regard to broadcasting, it may pass over the heads of the young, but may nevertheless cause embarrassment to older people watching or listening with them. Care is needed therefore by broadcasters in the scheduling of risqué programmes and programmes which would not normally be expected to contain material of this kind.