Republic of Iraq

Broadcasting Programme
Code of Practice

Communications and Media Commission

2010
Communication and Media Commission

Broadcasting Programme Code of Practice
Preamble

Pursuant to the law forming the Communications and Media Commission (the "Commission"), the Commission is the sole and independent regulator for the licensing and regulation of the broadcasting, communication, information, and media sectors in Iraq.

It is one of the fundamental tasks of the Commission to create professional codes and mandatory rules to regulate broadcasting and media in Iraq.

The Commission created an effective and mandatory Code of Practice for broadcasting responsibility sets forth rules and editorial standards for programme content of television and radio broadcasters in Iraq.

The Code is intended to endorse and respect the right to freedom of expression as envisaged in Para. 1 of Article 38 of the Iraqi Constitution; Article 19 of the International Covenant on Civil and Political Rights; and Article 19 of the Universal Declaration of Human Rights, while accommodating generally accepted standards of decency, non-discrimination, fairness, accuracy and balance.

This Code is designed to ensure that broadcasters promote educational, civic, cultural and democratic goals of television by allowing the Commission to
regulate speech that may incite, represent or portray violence or ethnic, national or religious intolerance. The Commission recognises that the prevention of such activity is vital to the well-being of the people of Iraq.

The Commission is willing to give general advice on the interpretation of this Code. However, broadcasters themselves are responsible for the content of all material transmitted by them, whatever its source, and it is the responsibility of broadcasters to ensure that their programmes and services operate in compliance with the Code.

The Code is not a complete guide to good practice in every situation, nor does it say everything that can be said on the topics it covers. Broadcasters should therefore aim to operate within the spirit of the Code as well as the strict letter of it. The Code is subject to interpretation in the light of changing circumstances within Iraq, and on some matters it may be necessary for the Commission to introduce new requirements or advice from time to time.

The Commission will administer this Code and impose sanctions in accordance with international standards, as well as the due process protections set forth in the law establishing the Commission. Violations of the Code may expose broadcasters to sanctions, the gravity of which will be in proportion to the seriousness of the breach.
1. GENERAL STANDARDS FOR AUDIO-VISUAL PROGRAMMES

1.1 Prohibition on Incitement to Violence and hatred

Programmes shall meet with generally accepted standards of civility and respect for ethnic, cultural and religious diversity of Iraq. Broadcasters shall not broadcast any material that, by its content or tone:

a) carries the clear and immediate risk of inciting imminent violence, ethnic or religious hatred, civil disorder or rioting among the people of Iraq or advocates terrorism, crime or criminal activities, threat to democracy and election process, a particular care is required where a programme carries the views or transmits the messages of people or organisations who use or advocate terrorism or the use of violence or other criminal activity in Iraq; or

b) carries a clear and immediate risk of causing public harm, such harm being defined as death, injury, damage to property or other violence, or the diversion of police, medical services or other forces of public order from their normal duties.

1.2 Decency and Civility

Broadcasters shall observe general standards of decency and civility in programme content and scheduling, taking particular care to protect the
interests and sensitivities of children and minors. Material unsuitable for children, including pornography or gratuitous violence and terror must not be transmitted at times when large numbers of children may be reasonably expected to be watching or listening.

Broadcasters must show consideration when reporting the effects of natural disaster, accident, violence or terror acts. Broadcasters must balance the wish to serve the needs of truth against the risk of sensationalism, causing distress or the possibility of unwarranted invasion of privacy.

1.3 Fair and Impartial Programming

Broadcasters must ensure due accuracy and fairness in all programming, including news. Opinion should be clearly distinguished from fact. News reporting should be dispassionate and news judgments based on the need to give viewers and listeners an even-handed account of events. Sensitivity will be exercised in broadcasting images of or interviews with bereaved relatives and survivors or witnesses of traumatic incidents. Editors, reporters and journalists shall not be obliged to disclose their confidential sources of information and shall have the right to protect them at all times.

1.4 Religious Programmes

Effort must be made to ensure that programmes
about religion or religious groups are accurate and fair. The belief and practice of religious groups must not be misrepresented. Programmes must not denigrate the religious beliefs of others.

1.5 Sanctity and Privacy

Broadcasters shall exercise care and consideration in matters involving the private lives and dignity of individuals, bearing in mind that the right to privacy and dignity may be overridden by a legitimate public interest.

In cases involving children, broadcasters must demonstrate an exceptional public interest to override the normally paramount interest of the child.

1.6 False and Deceptive Material

Broadcasters must not broadcast any material that they know to be false or deceptive, or by reasonable inquiry could determine was false or deceptive. If broadcast material proves to be false or deceptive, a correction must be broadcast as soon as possible.

2. RIGHT OF REPLY

Any person who proved to have been unjustly placed in an unfavourable light by broadcast material may petition the Commission for a right of reply within a period not exceeding thirty (30) days from the date of the broadcast in question. If the Commission finds that such a right is warranted, and such person does
not have an alternate means of reaching the public, it may order the broadcaster of such material to afford such person a reasonable right of reply.

3. ACCESS TO INFORMATION AND FREEDOM TO PUBLISH

Broadcasters’ freedom of access to information and publish are based on Article 19 of the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

4. COPYRIGHT OBLIGATIONS

Broadcasters shall comply with the Iraqi Copyright Law No. 3 of 1971, as amended by administrative order on April 29, 2004, and with generally accepted international conventions and standards for intellectual property protection, and refrain from any misappropriation of programmes.

5. PROGRAMME RECORDINGS

Broadcasters shall make complete sound and/or video recordings of all programmes transmitted by them. Such recordings shall be kept for at least forty-five (45) days. If the Commission submits a request for a right to reply, a demand for a correction or a request
for review to a broadcaster within such 45-day period, the broadcaster shall maintain all records relevant to such request or demand until the matter is definitively resolved.

6. DATE OF ENTRY INTO FORCE

This Code enters into effect on 22 November, 2009 corresponding to 5 Dhi-Hija, 1430 Hijra.
Broadcasting Programme
Code of Practice

Hay Babel - al - Masbah
Baghdad - Iraq
Tel: 7180009 - 7195839
Email: enquiries@cmc.iq
Http://www.cmc.iq
P. O. Box 2044 Jadreiah Baghdad - Iraq

© All Right Reserved.
COMMUNICATION AND MEDIA COMMISSION