

## CONSULTATION FORUM ON ANALYSIS OF COMMENTS ON THE REVIEW OF THE PROGRAMMING CODE

N o.	SECTION OF REVISED PROGRAMM ING CODE	CLAUSE	STAKEHOL DER	STAKEHOLDE RS COMMENTS	STAKEHOLD ER PROPOSAL	CA ANALYSIS & JUSTIFICATIO N	COMMENTS RECEIVED DURING CONSULTATI ON MEETING	ADDITIONAL CHANGES
	<b>DEFINITION</b>	<p>Definition of "Board"</p> <p>The draft code defines the Board as Kenya Film Classification Board (KFCB) responsible for film classification and rating</p>	<b>Kwese Free TV Kenya Ltd</b>	<p>Section 2 (1) of KICA as the principal Act from which the code emanates from, defines the Board as the Board of Directors of the Authority. Within the greater context of sector regulation, the different definitions are likely to cause confusion as to which Board has mandate over matters of the code. The</p>	<p>The board referred to in the Programming Code should remain as the Authority Board as envisaged in the Act and the Code is amended to maintain the Kenya Film Classification Board by its commonly known abbreviation KFCB.</p>	<p>Agreed. The Board referred to in the programming code shall remain as the CA Board in order to avoid confusion and the Kenya Film and Classification Board shall be referred to by its abbreviation KFCB.</p>	<p>The meeting agreed with CA Analysis</p>	<p>None</p>

				interchangeable use of the term for the different boards is likely to enable forum shopping or duplication on the basis of both Boards having concurrent jurisdiction, thereby causing confusion.				
		Proposed addition	<b>Kenya Film Classification Board</b>	None	Proposed addition of definition of film to read as follows:  "Film" means cinematographic film, recorded video cassette film, recorded video, disc, any recorded audio-visual medium and includes any commentary (wherever spoken and whether the person	The definition of film is not required as films are a part of programming aired by broadcasters and it is therefore covered in the definition of programming that reads as follows: "Programme" means a body of live or recorded material consisting of images, sounds or both	The meeting agreed with CA's Analysis.	None

					speaking appears in the film or not) and any music or other sound effect, associated with the film and any part of a film.	embodied in signals emitted for the purpose of ultimate broadcasting.		
		Definition of Programme classification or rating	<b>Kenya Film Classification Board</b>	None	Proposed addition of definition of Programme /film Classification or rating	The inclusion of film in the title Programme/film classification is not required. It is already defined in Clause 3.4.1 under the scope of program classification and rating that reads as follows: Classification guidelines as prescribed apply to all programme and non-programme matter, namely commercials, infomercials, documentaries, programme	The meeting agreed with CA Analysis.	None

						promotions, programme listings, community service announcements and station identifications Further, filming is not part of the Authority's mandate.		
		Definition of "Television" means a communication system that broadcast video programmes to the audience.	<b>Kenya Film Classification Board</b>	None	Proposed addition of definition on television to read as follows: "Television" means a communication system that broadcast audio visual programmes to the audience	The definition of televisions is not required, instead the broad definition of broadcasting will suffice and shall be amended to read as follows: "Broadcasting" means unidirectional conveyance of sounds or television programmes, Whether encrypted or not by radio, television or other means telecommunications, for reception by the public;	KFCB: Defining the word television is important for the public to understand.  TEVIRA: The word audiovisual is very broad, some words are better off left so as not to bring confusion. CA is also subject to various forms of legal connotation that can make the definition difficult.	To adopt and add definition of Television & Broadcasting as below:  Television (TV) means A form of telecommunication for the transmission of signals representing scenes, images of the scenes being reproduced on a screen as they are received. The received signals may be stored for subsequent display of the images on a screen.

								“Broadcasting” means unidirectional conveyance of sounds or television programmes, whether encrypted or not by radio, television or other means telecommunications, for reception by the public;
		Definition of “Block timers” means an independent journalism/producer who buys airtime in order to broadcast programmes on radio/television	<b>GO TV Kenya Limited</b>	This term is not used in the draft code	Proposed to remove the definition	This is in order and will be removed.	The meeting agreed with CA Analysis	None
		Definition of Minor means child of tender age	<b>GO TV Kenya Limited</b>	None	Proposed amending definition to read as follows: Minor means child under the age of ten (10) years	This is in order. The definition will be amended to read as proposed: “Minor” means child under the age of (10)	TEVIRA: The definition of minor should not contradict other existing statutory instruments. CA to revisit	The Children Act defines “child of tender years” as a child under the age of ten years; This will be adopted as the

						years.	and align definition of minor with other relevant legal instruments such as the Child Act	definition of a Minor in the programming Code
		Definition of 'Child of tender years" means child under the age of ten (10) years	<b>GO TV Kenya Limited</b>	This term overlaps with the term minor.	Suggest consolidating them and using the term minor.	This is in order and will be replaced with the definition of child of tender years with the definition of minor to read as follows: "Minor" means child under the age of (10) years.	CA to revisit and confirm definition with other legal instruments. Age of Majority Act, CAP 33	Definition according to Age of Majority Act, CAP 33, is that A person shall be of full age and cease to be under any disability by reason of age on attaining the age of eighteen years.  Hence the definition of "child of tender years" shall be a child under the age of ten years, as per the Children's Act.
		Definition of 'Parental guidance" means the programme that requires	<b>GO TV Kenya Limited</b>	None	Proposed to amend the definition as follows: 'Parental guidance"	This is in order. The definition will be amended to align with KFCB definition	The meeting agreed with CA Analysis	None

		parents/adults to provide guidance for the viewership of children of tender years.			means the programme that requires parents/adults to provide guidance for the viewership <b>minors</b>	to read: 'Parental guidance' means the programme may contain scenes that may upset children under the age of 10. This is an advisory category that warns parents that the content might confuse or upset children who consume it alone. While the content may be suitable for children, parents are advised to monitor the Content		
		Definition of "Programme Classification or rating" Means the rating or classification as described below allocated to a programme or film by Kenya Film	<b>GO TV Kenya Limited</b>	This term is not used as defined in the draft code. In addition, there may be instance where content e.g. programming on foreign channels is	Proposed to amend the definition as follows: Means the rating or classification as described below <b>which may be</b> allocated to a programme	This is noted and will be amended as proposed to read as follows: Means the rating or classification as described below allocated to a programme by	The meeting agreed with CA Analysis	None

		Classification Board as mandated by Film and stage plays Act, Cap 22		not classified by the Kenya Film and Classification Board.	or film by Kenya Film Classification Board as mandated by Film and stage plays Act, Cap 22	Kenya Film Classification Board as mandated by Film and stage plays Act, Cap 22 or adheres to the classification and ratings guidelines of Kenya.		
		Definition of ‘Public Affairs Programme’ means a programme on news or events happening in Kenya.	<b>GO TV Kenya Limited</b>	This term is not used in the draft code	Proposed deleting the definition	This is in order and will be removed.	The meeting agreed with CA Analysis	None
		Proposed addition to the definitions	<b>GO TV Kenya Limited</b>	None	Proposed adding definition of “Subscription broadcasting services provider” means any legal or natural person who is licensed by the Authority to provide subscription-broadcasting services in Kenya.	This is in order and will be added as proposed: “Subscription broadcasting services provider” means any legal or natural person who is licensed by the Authority to provide subscription-broadcasting services in Kenya.	The meeting agreed with CA Analysis	None
		Definition of	<b>GO TV</b>	This term is	Proposed	This is in order	The meeting	None

		“Text crawls” means sliding of text across the television screen	<b>Kenya Limited</b>	not used in the draft code	deleting the definition	and will be removed.	agreed with CA Analysis	
		Definition of “Watershed” is used to describe time in television and radio schedules after which material more adult in nature can be broadcast	<b>GO TV Kenya Limited</b>	This term overlaps with the term watershed period. We suggest consolidating them and using the term “watershed period”	Proposed deleting the definition	This is in order and will be removed. The definition watershed period will be retained instead of the definition of watershed	The meeting agreed with CA Analysis	None
	<b>SECTION 1 - PREAMBLE</b>	Clause 1.2 Scope This code will not apply where a broadcaster is a member of a body which has proved to the satisfaction of the Authority that its members subscribe and adhere to a programming code enforced by that body by means of its own mechanisms and such programming	<b>Kenya Film Classification Board</b>	None	How will this be communicated to KFCB in regard to classification	This information can be availed to KFCB when/if requested officially.	TEVIRA: Define the body that can have its own Programming code e.g. is it a statutory body?  CA: We want to encourage self-regulation, however other programming codes must be filed and approved by CA.	None

		code and mechanisms have been filed with the accepted by the Authority						
		Clause 1.3 Objectives of the code Broadcasting by its nature exerts a strong influence on a community it is a medium for entertainment, information and education. Both radio and television combined are accessible to nearly all the people of Kenya, including children. Because of this impact, programmes over broadcasting must at all times maintain a standard that is acceptable to the Kenya communities.	<b>GO TV Kenya Limited</b>	None	Proposed deleting the following paragraph: Both radio and television combined are accessible to nearly all the people of Kenya, including children. Because of this impact, programmes over broadcasting must at all times maintain a standard that is acceptable to the Kenya communities.	The clause shall remain as is. The purpose of the statement is to recognize the reach and impact of broadcasting in the country and therefore the importance of the Programming Code. Refer to section 46H and 46I of the KICA 1998. Section IV & V of the broadcasting regulations outlines that broadcasting content standards are applicable to all broadcasting licensees	The meeting agreed with CA Analysis	None
		Clause 1.3 Objectives of	<b>GO TV Kenya</b>	This is to demonstrate	Proposed adding the	The clause shall remain as	The meeting agreed with	None

		the code	<b>Limited</b>	that there are different types of business models which will impact broadcaster's ability to comply with the requirements of the code	following paragraph: Broadcasting service have different business models and content acquisition strategies. Some produce and/or commission programmes, some produce and/or commission channels, and others acquire complete channels, which they package into boutiques. As a results, broadcasting services have varying degrees of editorial control and oversight over the programming content on their broadcasting	is. The Objective of the Programming Code is to detail broadcasting standards of the services and not the Business model.	CA Analysis	
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					services.			
		Clause 1.3 Objectives of the code	<b>GO TV Kenya Limited</b>	This is aimed at distinguishing subscription broadcasters and free to air in respect of their influence	Proposed adding the following paragraph: While free to air services are available to all persons, subscription broadcasting services are provided pursuant to a contract with subscribers and are therefore accessible only to those members of the public that subscribe to pay the applicable subscription fees for those services. Their influences and reach is therefore limited to a particular group of subscribers.	The clause shall remain as is. The uptake of Pay TV service is now significantly higher than that of FTA TV, hence necessary for Subscription Service Providers to be included in the Programming Code.	The meeting agreed with CA Analysis  GOTV: Clarified that they are not opposed to being included in the Programming Code, but are reflecting the reality of the business.  CA: No business model will be excluded from the Code or provisions of the law.	None
		Clause 1.3 Objectives of the code	<b>GO TV Kenya Limited</b>	This is aimed at distinguishing	Proposed adding the following	The clause shall remain as is.	CA: Clarified the objectives are general	None

				<p>subscription broadcasters and free to air in respect of their influence</p>	<p>paragraph: The provision of this Code are made bearing in mind the varying degree of editorial control exercised by broadcasters, the varying degrees of impact and influence of different broadcasting services, and the procedures and mechanism that broadcasters are required to put in place in order to ensure that their services comply with the provisions of this code.</p>	<p>The increased uptake of Subscription Broadcasting Services in the country necessitates their inclusion in the Code.</p> <p>Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.</p>	<p>and apply to all broadcasters.</p> <p>TEVIRA: Support CA, all broadcasters should be treated equally with no discrimination.</p> <p>MULTICHOICE: Looking to recognize broadcasters based on their business models. FTA does not have parental guidance and restriction the way pay TV does.</p> <p>KFCB: Appreciated that pay TV has strong mechanisms, but the content for children on their channels might not be understood</p>	
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							by the parents and the classification might be misleading. Also public spaces have pay TV services and the public watching do not have the remote or control over what they are watching.  The meeting agreed with CA Analysis.	
	<b>SECTION 2 – GENERAL PRINCIPLES</b>	Clause 2.3 on Public Interest (C) Protection of minors, children and viewers from indecent programming	<b>Kenya Film Classification Board</b>	None	Proposed amendment of clause to read as follows: Protection of minors, children and viewers from indecent programming and potentially harmful content.	The amendment is in order and will be added as proposed	The meeting agreed with CA Analysis.	None
		Kwese Free TV Kenya Ltd	<b>Public Interest Obligations</b>	The provision discounts the reality of	Take cognizance of exceptionaliti	Propose to rephrase Clause 2.3.2 (a)	The meeting agreed with CA Analysis.	None

			<p>Clauses 2.3.2 (a) broadcasters have an obligation to serve the public interest at all times. Public interest of broadcasters include but are not limited to: Provision of uninterrupted services throughout the entire term of their respective licenses.</p>	<p>service interruptions, which are due to circumstances beyond the broadcasters control e.g. network downtime and poor weather.</p>	<p>es and leave room for acceptable service interruptions in the event of:</p> <p>i. Unforeseen service interruptions due to external factors or Scheduled interruptions for network maintenance, service upgrades and similar justifications, which operators notify to both the subscribers and the Authority in advance.</p>	<p>to read: 'Provision of uninterrupted services throughout the entire term of their respective licences with the exception of periods of service interruptions that have been duly notified to and authorized by the Authority as provided in the respective licences.</p>		
		<p>General obligations for broadcasting stations Clause 2.4.4 Scheduled programme materials that adhere to generally</p>	<p><b>Kenya Film Classification Board</b></p>	<p>None</p>	<p>Proposed amendment of clause to read as follows: Scheduled programme materials that adhere to generally</p>	<p>This in order and will be amended to read as proposed</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

		accepted standards of decency. These standards include but are not limited to respect of ethnic, cultural, economic and religious adversities.			accepted standards of decency. These standards include but are not limited to respect of <b>age</b> , ethnic, cultural, economic and religious adversities.			
		General obligations for broadcasting stations	<b>GO TV Kenya Limited</b>	This section has been amended to take into account that the provisions are applicable to some broadcasting services, but not at all, based on their ability to exercise control over content	Proposed adding the following to Clause 2.4.4, 2.4.5, 2.4.6  Clause 2.4.4 Broadcasters who package and/or commission programming content and channels must schedule programme materials that adhere to generally accepted standards of decency. These standards include but	The clauses shall remain as is. The general obligation for broadcasting stations caters for all broadcasters and sets the general aspiration of responsible broadcasting.	The meeting agreed with CA Analysis.	None

					<p>are not limited to respect of ethnic, cultural, economic and religious diversities. Clause 2.4.5 Broadcasters who package and/or commission programming content and channels must ensure special attention in programmes dedicated to treatment of vulnerable persons who appear in these programmes. Clause 2.4.6 Broadcasters who packages and/or commission programming content and channels must publish and make their editorial policies publicly</p>			
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					available.			
		<p>General obligations for broadcasting stations Clause 2.4.6</p> <p>Ensure special attention in programmes is dedicated to treatment of vulnerable persons who appear in these programmes</p>	<b>Kenya Film Classification Board</b>	None	<p>Proposed amendment of clause to read as follows:</p> <p>Ensure special attention in programmes is dedicated to treatment of vulnerable persons who appear in these programmes or are the targeted audience.</p>	The amendment is in order and will be added as proposed	The meeting agreed with CA Analysis.	None
		Section 2:General Principles	<b>Radio Africa Group</b>	There are some changes in wording and deletions on Section 2 that are not in the 2nd Edition.	Please advise on why the changes were made. Please advise on whether we can comment on why some phrases from the 2nd Edition were edited out/in by the CA.	The changes were effected to improve on the document and to focus on key issues pertaining to each section. The phrases/clauses that featured in the 2 <sup>nd</sup> edition have been moved to other sections of the code to ensure effective flow of the	The meeting agreed with CA Analysis.	None

						document.		
	<b>SECTION 3- WATERSHED PERIOD</b>	Section 3 Watershed Period Relevant legislation to this section includes Section 46 I (2) (a) (b) of the Kenya Information and communication s Act, 1998 and Section 20 (b) and 34 (1) (2) of the Kenya Information and Communication s (Broadcasting) Regulations, 2009	<b>Kenya Film Classification Board</b>	None	Proposed including the Films and Stage Plays Act Cap 222 as part of the relevant legislation	Section 46H (C) of KICA and Part IV Section 34 (1) of the Broadcasting Regulations have adequate provisions on the watershed period. The Authority shall only refer to another Act where the provisions of KICA and regulations thereof are insufficient.	The meeting agreed with CA Analysis.	None
		Watershed Period Scope	<b>GO TV Kenya Limited</b>	This explains the problem of enforcing watershed in a multichannel environment so as to contextualize the amendments proposed in this section	Proposed additional clause that reads as follows: It is however, difficult to enforce a watershed period on multichannel broadcasting services which	The clause shall remain as is.  Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and	The meeting agreed with CA Analysis.  TEVIRA: Members/ subscribers pay for the content aired on pay platforms, therefore content should be	None

					<p>package foreign channels for viewing by consumers, since programming on a channel may be broadcast at an appropriate time, from the perspective of protection of minors, in the country in which the channel is packaged while, due to different time zones, the channel may be broadcast in Kenya or other African countries, at a time that may be inappropriate from the perspective of protection of minors.</p>	<p>licence requirements in the countries in which they operate.</p>	<p>tailored to air in accordance with our time zones.</p> <p>DBA: GOTV business model is by choice therefore the content should be in accordance with the jurisdictions in which they operate.</p>	
		<p>Clause 3.2 Definition of watershed period</p>	<p><b>Kenya Film Classification Board</b></p>	<p>None</p>	<p>Proposed amendment of clause to read as</p>	<p>The definition of the watershed period shall</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

		<p>All programmes broadcast between 5:00am and 10:00pm must be suitable for family listening and viewing. Any programmes or movies classified or rated by the Board for adults only should not be aired during this period.</p>			<p>follows: All programmes broadcast between 5:00am and 10:00pm must be suitable for family listening and viewing. Any programmes or movies classified or rated by the Kenya Film Classification Board (KFCB) in line with the Films and Stage Plays Act, for adults only should not be aired during this period.</p>	<p>remain as prescribed by law.</p> <p>Section 46H (C) of KICA empowers the Authority to prescribe a watershed period programming when large numbers of children are likely to be watching programmes. Part IV Section 34 (1) of the Broadcasting Regulations therefore defines the watershed period as follows: All programmes broadcast between 5:00am and 10:00pm Kenyan time, must be suitable for family listening and viewing. Any programmes</p>		
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						for adults only should not be aired during this period.		
		<p>Clause 3.2.1 All programmes broadcast between 5.00am and 10.00pm must be suitable for family listening and viewing. Any programmes or movies classified or rated for Adults only shall not be aired during this period.</p>	<p><b>Radio Africa Group</b></p>	<p>The transformation of the broadcast market has resulted in changing audience preferences and increased uptake of subscription broadcasting services, hence its impact on the population.</p>	<p>The TV Broadcast department raised concern about Clause 3.2.1. They propose that it is more practical to have the Watershed period from 5.00am to 8.30pm/9pm, as this is the legitimate time period within which minors and children are likely to be watching television. They propose that television broadcasts should have a separate watershed period from radio broadcasts. Comparative analysis</p>	<p>The definition of watershed period shall remain defined by law: The watershed period is defined in KICA as the time between 5.00 am and 10.00 pm, or such other time as may be prescribed by the Authority by Notice in the Kenya Gazette, within which content intended for an adult audience is not to be aired.</p> <p>Amendment of the definition of the watershed period can only be effected if the Act is reviewed accordingly.</p>	<p>The meeting agreed with CA Analysis</p> <p>ICAK: Be cautious regarding the time that pertains to Kenya.</p> <p>TEVIRA: Consider if the watershed period can be enforced. Not just set the period, but implementing it.</p> <p>CA: The watershed has already been defined by law and can only change when KICA is amended.</p>	<p>None</p>

					shows that there are countries that have watershed from 5.30am to 9pm. And some have broken down the watershed hours based on the parental guidance ratings of programmes.			
		Guidelines to programming during the watershed period Clause 3.3.1 Materials unsuitable for children should not be shown between 5:00am and 10:00pm. The transition from family oriented to adults only programming after the watershed period of 10:00pm shall be gradually executed. For	<b>Kenya Film Classification Board</b>	The gradual execution has not been used well by the broadcasters and it has been interpreted in various ways giving leeway to broadcast of adult content during watershed.	Materials unsuitable for children should not be <b>broadcast</b> between 5:00am and 10:00pm. Any film or programme classified or rated by the Kenya Film Classification Board as General Exhibition (GE) Parental guidance (PG) or 16 may be aired during this period. The	The clause shall remain as prescribed by law.  The entity mandated with programme classification and rating is already detailed under definition.	KFCB: Is the meaning of gradually executed clear. This might be the opportunity to clarify it in the code.  ICAK: Proposed rewording to gradually introduced instead of gradually executed.  A member: What is the purpose of the clause. Is it	None

		subscription and pay per view services mechanisms put in place to protect children must be clearly explained to subscribers.			transition from family oriented to adults only programming after the watershed period of 10:00pm shall be gradually executed. For subscription and pay per view services mechanisms put in place to protect children must be clearly explained to subscribers. Separate clause - For subscription and pay per view services mechanisms put in place to protect children must be clearly explained to subscribers.		necessary?  ICAK: It is necessary so that programming does not go from GE to adult immediately.  TEVIRA: Consider replacing gradual execution with a less ambiguous word such as "gradual execution" so that it is not misinterpreted  CA: Focus on the transition from the watershed period. The interpretation of the clause, is generally used by ICT regulators worldwide.	
		Guidelines to programming	<b>GO TV Kenya</b>	This section has been	Proposed amending	The clause shall remain as	The meeting agreed with	None

		during the watershed period Clause 3.3.1 Materials unsuitable for children should not be shown between 5am to 10pm. The transition from family-oriented to adults only programming after the watershed period of 10pm shall be gradually executed. For subscription and pay per view services, mechanisms put in place to protect children must be clearly explained to subscribers.	<b>Limited</b>	amended to take into account the degree of editorial control exercised by broadcasters over the content on their services.	clause to read as follows: All programmes broadcast by broadcasters who package and/or commission programming and channels between 5am and 10pm must be suitable for family listening and viewing. Any programme or movies classified or rated for adults only shall not be aired by these broadcasters during this period. The transition from family oriented to adults only programming after the watershed period of 10pm shall be gradually executed.	is.  The Clause already recognizes the unique position of subscription service providers.	CA Analysis.	
			<b>GO TV</b>	Guidelines to	Proposed an	The clause	The meeting	None

			<b>Kenya Limited</b>	<p>programming during the watershed period. This section has been amended to take into account the degree of editorial control exercised by broadcasters over the content on their services.</p>	<p>additional clause that reads as follows:  A broadcaster which acquires complete channels, whenever practicable, must attempt to ensure that:</p> <ul style="list-style-type: none"> <li>a) All programs broadcast between 5am and 10pm are suitable for family listening and viewing.</li> <li>b) Any program or movies classified or rated for adults are not aired during this period and</li> <li>c) The transition</li> </ul>	<p>shall remain as is.</p> <p>The Clause already recognizes the unique position of subscription service providers.</p>	<p>agreed with CA Analysis.</p>	
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					from family oriented to adults only programming after the watershed period of 10pm is gradually executed.			
		Guidelines to programming during the watershed period Clause 3.3.2 Consumer advice such as warnings, labeling, classification details and other announcements should be given prior to the telecast of the programme or its trailers	<b>GO TV Kenya Limited</b>	This section has been amended to take into account the degree of editorial control exercised by broadcasters over the content on their services.	Proposed amending the clause as follow: Classification details or rating should be shown throughout while the programme is running, However this does not diminish the responsibility of broadcasters who package and/or commission programming of channels for sensitive scheduling of programmes	It is implied that this applies to all broadcast categories, the clause will be amended to read as follows: Consumer advice such as warnings, labeling, classification details and other announcements should be given prior and throughout the telecast of the programme or its trailers.	The meeting agreed with CA Analysis.	None

					to reduce the risk of causing offence.			
		Guidelines to programming during the watershed Clause 3.3.4 Save for educational programmes, which may require graphic details, no broadcasting station shall air programmes including interactive call-ins or discussion sessions whose content is suitable for adult only audience during the watershed period.	<b>GO TV Kenya Limited</b>	This section has been amended to take into account the degree of editorial control exercised by broadcasters over the content on their services.	Proposed amending the clause as follow: Save for the educational programmes, which may require graphic details no broadcaster who package and/or commission programming and channels shall air programmes including interactive call-ins or discussions sessions whose content is suitable for adult only audience during the watershed period.	The clause will remain as is.  This clause applies to all Broadcasters.	The meeting agreed with CA Analysis.	None
		Guidelines to programming during the	<b>GO TV Kenya Limited</b>	This section has been amended to	Proposed amending the clause as	The clause will remain as is.	The meeting agreed with CA Analysis.	None

		watershed Clause 3.3.5 Promotional material and music videos, which contain scenes of violence, sexually explicit conduct and/or offensive language intended for adult audiences shall not be broadcast during the watershed period.		take into account the degree of editorial control exercised by broadcasters over the content on their services.	follow: A broadcaster who packages and/or commissions programming and channels shall not broadcast promotional material and music videos, which contain scenes of violence, sexually explicit conduct and/or offensive language intended for adult audiences shall not be broadcast during the watershed period.	This clause applies to all Broadcasters.		
		Guidelines to programming during the watershed	<b>GO TV Kenya Limited</b>	This section has been amended to take into account the degree of editorial control exercised by broadcasters over the	Proposed additional clause to read as follows: A broadcaster, which acquires complete channels, shall, where	The clause shall remain as is.  Broadcasters are responsible for the content aired on their platform and subscription providers are	The meeting agreed with CA Analysis.	None

				content on their services.	practicable, attempt to ensure that material referred to in 3.3.4, 3.3.5 and 3.3.6 are not broadcast during the watershed period.	required to adhere to the regulations and licence requirements in the countries in which they operate.		
		Guidelines to programming during the watershed Clause 3.3.6 Material that contains images and/or language of a strong nature or strong language in general must not be broadcast during the watershed period	<b>GO TV Kenya Limited</b>	This section has been amended to take into account the degree of editorial control exercised by broadcasters over the content on their services.	Proposed amending the clause as follow: A broadcaster who packages and/or commissions programming and channels shall not broadcast material that contains images and/or language of a strong sexual nature or strong language in general must not be broadcast during the watershed period.	The clause will remain as is. This applies to all broadcast categories.  Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.	The meeting agreed with CA Analysis.	None
		Guidelines to programming	<b>Kenya Film Classificati</b>	None	Proposed additional	The additional clause is	ICAK: Submission of	None

		during the watershed period	<b>on Board</b>		clause that reads as follows: Advertisements of products or services which are not suitable for children or which might cause them physical, mental, psychological or moral harm shall not be aired during the watershed period.	provided for in Clause 4.2.6.1 Guidelines on advertising	<p>comments must be definitive so as to avoid ambiguity e.g. how do we define moral.</p> <p>TEVIRA: Consider omitting the word 'moral' as it can easily be misinterpreted</p> <p>A member: Justify how content can harm children physically.</p> <p>The meeting agreed with CA Analysis.</p>	
		<p>Programme classification and rating Clause 3.4 This means the rating or classification allocated to a programme or broadcast in Kenya</p> <p>Clause 3.4.1</p>	<b>Kenya Film Classification Board</b>	None	<p>Proposed amending the clauses to read as follows:</p> <p>Clause 3.4 This means the age rating or classification allocated to a programme</p>	The clauses will remain as is. Programme classification and rating is adequately articulated in the definitions and it is clear that KFCB is the body mandated with	The meeting agreed with CA Analysis.	None

		Classification guidelines as prescribed apply to all programme and non-programme matter, namely commercials, infomercials, documentaries, programme promotions, programme listings, community service announcements and station identifications.			or broadcast by the Kenya Film Classification Board as mandated by the Films and Stage Act Cap 222	programme classification Therefore this does not need to be reiterated in the subsequent clauses.		
		Guidelines for	<b>Kenya Film</b>	None	Clause 3.4.2.1	This is in order	The meeting	None
					Clause 3.4.1 Classification guidelines as prescribed by the Kenya Film Classification Board (KFCB) shall apply to all programme and non-programme matter, namely commercials, infomercials, documentaries, programme promotions, programme listings, community service announcements and station identifications.			

		programme classification and rating Clause 3.4.2.1 (b) To empower consumers, particularly parents and those with responsibility for children, to make informed viewing Analysiss.	<b>Classificati on Board</b>		(b) To empower consumers, particularly parents and those with responsibility for children, to make informed listening and viewing Analysiss.	and will be amended to read as proposed: To empower consumers, particularly parents and those with responsibility for children, to make informed listening and viewing Analysiss.	agreed with CA Analysis.	
		Guidelines for programme classification and rating Clause 3.4.2.3 Broadcasters are encouraged to include in all parental guided programmes warnings in other publicity materials like the TV page in newspapers and TV guidelines.	<b>Kenya Film Classificati on Board</b>	None	Broadcasters must include warnings for all age-restricted programmes in all other publicity materials that include the TV page in newspapers and online TV guides.	This is in order and will be amended to read as follows: Broadcasters are encouraged to include warnings for all parental guided and age-restricted programmes in their programme guides in publicity materials, electronically and on online platforms.	TEVIRA: CA should consider replacing 'encourage' with either 'required' or 'shall' in order to make it mandatory for broadcasters to comply with the provision  CA: Our jurisdiction is for electronic broadcasting and not print media. Therefore we cannot enforce.	None

		FTA broadcasting rating system Clause 3.4.3.1 Representations of sexually explicit content must not occur before the watershed (in the case of television), when children are particularly likely to be listening (in the case of radio), or when content is likely to be accessed by children.	<b>Kenya Film Classification Board</b>	None	Proposed the following amendment: Representations of <b>violence and</b> sexually explicit content must not occur before the watershed (in the case of television), when children are particularly likely to be listening (in the case of radio), or when content is likely to be accessed by children.	This is in order and will be amended to read as follows: Representations of content that depicts explicit sex, nudity, glorifies violence and inappropriate language must not occur before the watershed period where children are likely to be audience.	ICAK: The word violence can be misinterpreted and does not take into account cartoons. Therefore violence should be removed. KFCB already has the mandate to classify content that has violence accordingly, so it does not have to be introduced in KICA or the Code.  MTN: we need to define violence  KFCB: Classification is done with a guideline that defines violence. The code had not taken care of violence.	Violence to be deleted from Clause 3.4.3.1 since violence is already covered under 4.1.4, 4.2.2.2 and 4.2.2.8 with the appropriate context
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							<p>Eshniphly: Redefine/ reword it as graphic violence.</p> <p>Multichoice: From KFCB guidelines violence is already defined. It is not defined by KICA. How can CA interpret this through the law?</p> <p>A member: Retain the aspect of violence, because children learn from observation and we have a lot of violence in our society.</p> <p>TEVIRA: The word violence is subject to several interpretation s.</p> <p>CA: The Broadcasting</p>	
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							Regulations Section 19 (c ) covers the aspect of violence. Section 20 on protection of children also provides for violence.	
		Clause 3.4.4 Subscription and pay per view broadcasting rating system	<b>Radio Africa Group</b>	The justification for the inclusion of Classification and rating, for Subscription and 'Pay per view' rating system are: - To protect children and vulnerable adults from potentially harmful or otherwise unsuitable content . To empower consumers, particularly parents and those with responsibility for children, to make	No objections, additions or comments on the inclusion of child protection mechanisms and rating system for subscription and pay-per-view services.	This is noted	The meeting agreed with CA Analysis.	None

				informed viewing Positions.				
		Clause 3.4.2 Guideline for programme classification or rating	<b>Radio Africa Group</b>	The code itself clearly defines a minor and a child. The law recognizes an adult as a person above the age of 18. The law does not define a vulnerable adult. For that reason it is difficult to understand and embrace the concept of a vulnerable adult. <i>Article 260 of the Constitution</i> defines an adult as a person who has attained the age of 18 years. <i>The Age of Majority Act (Cap 33)</i> states that a person shall be of full age and cease to be under any disability on attaining the age of 18	None	This is noted. The definition of Vulnerable adult will be added to the definitions to read as follows: "Vulnerable adult" is a person over the age of 18 who requires care or assistance due to mental disability, and who is unable to protect themselves against significant harm or serious exploitation. Note: The Sexual Offences Act defines a "vulnerable person" means a child, a person with mental disabilities or an elderly person	TEVIRA: Definition of vulnerable person to be redefined and should not refer to the sexual offences Act because the context is different.	CA has further reviewed the definition of Vulnerable adult in relation to the Sexual Offence Act and the Programming Code. And therefore the definition of vulnerable adult shall be Vulnerable adult is a person over the age of 18 who requires care or assistance due to mental disability, and who is unable to protect themselves against significant harm or serious exploitation.

				years.				
		Subscription and “Pay per view” broadcasting rating system Clause 3.4.4.3 Provide information to subscribers about programme content that will assist adults to assess its suitability for children.	<b>Kenya Film Classification Board</b>	None	Provide information to subscribers about programme content <b>and rating</b> that will assist adults to assess its suitability for children.	This is in order and will be amended to read as proposed: Provide information to subscribers about programme content <b>and rating</b> that will assist adults to assess its suitability for children.	The meeting agreed with CA Analysis.	None
	<b>SECTION 4 – GOOD TASTE AND DECENCY</b>	Generally accepted standards Clause 4.1.2 Broadcast content/material that might seriously impair the physical, mental or moral development of children must not be broadcast. In the provision of services, broadcasters must take all reasonable	<b>Kenya Film Classification Board</b>	None	Broadcast content/material that might <b>in any way</b> impair the physical, mental or moral development of people under eighteen (children) must not be broadcast. In the provision of services, broadcasters must take all reasonable steps to	This is noted, but since we cannot measure “seriously” or “in any way” this will be amended to read as follows: Clause 4.1.2 Broadcast content/material that might impair the physical, mental or moral development of children must not be broadcast. In	TEVIRA: The clause is not measurable and should be deleted. It can be misinterpreted and misconstrued.	Amended to retain the last part of the clause to read as follows: In the provision of services, broadcasters must take all reasonable steps to protect children from material that is unsuitable for them.

		steps to protect children from material that is unsuitable for them.			protect children from material that is unsuitable for them.	the provision of services, broadcasters must take all reasonable steps to protect children from material that is unsuitable for them.		
		Good taste and decency - Generally accepted standards Clause 4.1.6 meaning of context includes but is not limited to	<b>Kenya Film Classification Board</b>	None	Propose to add clause that reads as follows: The intention of the producers/ content creators.	This is in order and will be added to read as proposed: The intention of the producers/ content creators.	ICAK: The word "intention" can be misused and it also negates the artistic creativity of producers and therefore should be removed/deleted.	The proposed clause not to be added
		Family programming scope Clause 4.2.1 The children and broadcasting guidelines apply to all programme and non-programme matter namely advertisements, infomercials,	<b>GO TV Kenya Limited</b>	None	Proposed amending the clause as follows: The family programming guidelines apply to all programme and non-programme matter namely advertisements,	This is in order and will be amended to read as proposed: The family programming guidelines apply to all programme and non-programme matter namely advertisements , infomercials,	The meeting agreed with CA Analysis.	None

		programme promotions, programme listings, commentaries, interviews and documentaries			infomercials, programme promotions, programme listings, commentaries, interviews and documentaries.	programme promotions, programme listings, commentaries, interviews and documentaries.		
		On Section 4.2.2 Family Programming Guidelines, we refer to 4.2.2.10 Music videos with content that may be harmful to children in terms of lyrics, video images and dressing should be avoided during the watershed period when most children are likely to be watching or listening	<b>Radio Africa Group</b>	On the content of music videos. Is it possible to give a clear definition of what type of dressing in a music video would be harmful to children?	For example in what context of a music video would swimwear be harmful to children, as opposed to underwear or lingerie or negligee	The clause will be amended to read inappropriate instead of harmful. Also point 4.1.6 (a) of meaning of context will be amended as follows: (a) Offensive/ inappropriate as measured by the contemporary community standards.  Broadcasting is regarded as a powerful medium for influencing culture and the code desires that it should reflect the national values,	CA to revisit the aspect of children's programming as prescribed by the law.	None

						of Kenyans; Therefore music videos that show dressing that is not in good taste and decency (inappropriate) should be avoided during the watershed period when most children are likely to be audience, so as to avoid negatively influencing minors.		
		Guidelines on religious programmes Clause 4.2.4.2.2 Religious programmes shall not be used to maliciously attack, insult, harass or ridicule other churches, faiths, sects or denominations or their followers because of their beliefs.	<b>Kenya Film Classification Board</b>	None	Proposed to add any programmes involving such Subjects must conform to the requirements of the watershed and rating by the Kenya Film Classification Board or its successor thereof.	The additional clause is not necessary since this is already covered under clause 3.4.1	The meeting agreed with CA Analysis.  CA: Religious programmes might not necessarily be classified by KFCB, but must adhere to classification guidelines. Also Broadcasters are required to have a delay mechanism in	None

							<p>place for live broadcasts.</p> <p>TEVIRA: Must ensure that religious programming is regulated by CA. Protect the public from consuming harmful religious content.</p> <p>CA: There are provisions covered elsewhere concerning religious programming.</p>	
		<p>Guidelines on occultism and superstition          Clause 4.2.5.2.1          Programmes featuring superstitious and pseudo – scientific beliefs and practices such as supernatural powers, foretelling of the future,</p>	<p><b>Kenya Film Classification Board</b></p>	<p>None</p>	<p>Proposed to add any programmes involving such Subjects must conform to the requirements of the watershed and rating by the Kenya Film Classification Board or its</p>	<p>The additional clause is not necessary since this is already covered under clause 3.4.1</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

		astrology, phrenology, palm reading, numerology, mind reading, hypnotism, faith healing or similar subjects shall be carefully represented as not to mislead the viewer/listener . Care should be taken to prevent the exploitation of people who may be easily swayed by such superstitious and pseudo-scientific beliefs and practices.			successor thereof.			
		Guidelines on advertising Clause 4.2.6.4 requires that no television advertising may include any technical device, which by using images of very brief duration or by any other means, exploits	<b>Kwese Free TV Kenya Ltd</b>	The clause is vague and too extensive to comply with because ordinary advertisements are brief accounts of the nature and demonstration of the technical functionality	Recommend a revision to precisely state what specific mischief the advertisement must deter, without causing confusion or uncertainty. In addition, its scope	Broadcasters are obligated to respect professional and generally accepted values, ethical and moral standards, while creating and editing programs. Therefore this clause seeks to	ICAK: Seeks to protect against subliminal advertising. CA should also investigate subliminal messages in advertising.  A Member: The purpose	Clause 4.2.6.1.4 to be deleted

		<p>the possibility of conveying a message to, or otherwise influencing the minds of members of an audience without being aware or fully aware, of what has been done.</p>		<p>of the equipment. It is not clear whether the guideline seeks to deter very brief advertisements or mental manipulation of viewers by advertisers, or concealment of true impact of the advert. In addition, the guideline conceives television advertisements as the only ones likely to have such negative implications for consumers yet even audio sound can be manipulated technically or otherwise to influence the consumer's minds without being fully aware of what has been done.</p>	<p>should extend to all advertisements and not limited to TV adverts only.</p>	<p>ensure that broadcasters do not air adverts that use technical devices to manipulate people, force a desired outcome or to influence the minds of the audience without them knowing. It is agreed that this clause applies to both television and radio and will be amended to read as follows: Clause 4.2.6.4 requires that no television or radio advertising or any other programming may include any technical device, which by using images or sounds of very brief duration or by any other means, exploits the possibility of conveying a</p>	<p>of advertising is to influence.</p> <p>Nyota TV: How is this enforceable. How will you know that someone is being manipulated?</p> <p>Multichoice: Broadcasters do not have expert knowledge on the products being advertised. Other jurisdictions have an advertisers code that holds advertisers accountable.</p> <p>ICAK: Broadcasters should share responsibility with advertisers on what is aired on their platform.</p> <p>TEVIRA:</p>	
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						message to, or otherwise influencing the minds of members of an audience without being aware of fully aware, of what has been done.	Proposed that the clause is deleted because it can be misinterpreted.  CITIZEN: Media is responsible for content aired on their platform, however it is hard to verify the advertisers.	
		Guidelines on advertising Clause 4.2.6.1.3 The expression of “News flash” must not be used as an introduction to an advertisement, even if preceded by an advertisers name.	<b>Kenya Film Classification Board</b>	None	The expression of “News flash” or “ <b>Breaking news</b> ” must not be used as an introduction to an advertisement, even if preceded by an advertisers name.	This is in order and will be amended to read as proposed: The expression of “News flash” or “ <b>Breaking news</b> ” must not be used as an introduction to an advertisement, even if preceded by an advertisers name.	The meeting agreed with CA Analysis.	None
		Guidelines on advertising Clause	<b>Kwese Free TV Kenya Ltd</b>	The clause unreasonably outlaws	Recommend that it be deleted	Broadcasters are responsible for all content	A member: It is the responsibility	Clause 4.2.6.1.10 to be deleted since

		<p>4.2.6.1.10 advertisers shall not directly encourage minors to persuade their parents or other to make enquiries about the goods or services being advertised.</p>		<p>advertisements, which encourage minors to persuade their parents or others to purchase or make enquiries about goods or services being advertised. The provisions unfairly block the main objectives of advertising, which are to: inform potential buyers of the commodity about it and persuade or stimulate interest in its use or acquisition.</p>	entirely.	<p>that is aired on their platform and therefore must ensure that adverts aired do not directly encourage children to persuade a parent or adult to buy a product or cause conflict or unnecessary demands on parents or adults. Children should not be misused in adverts. Therefore the clause shall remain as is.</p>	<p>of parents to determine their spending power.</p> <p>Nyota TV – We are failing as adults and parents, we should take responsibility on what we can or cannot purchase.</p> <p>TV 47: The clause should be removed as it is stifling creativity because the objective of an advert is to influence people to buy a product/service.</p> <p>A Member: This will open doors for people to take advantage of broadcasters and they will be accused of unduly influencing children.</p>	<p>children are already considered as per Clause 4.2.2.6</p>
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							<p>A Member: This is interfering with creative expression of advertisers.</p> <p>ICAK: CA should define the mischief to be addressed by the clause.</p> <p>DBA: The spirit of the Code is to protect children from undue influence.</p>	
		Clause 4.2.6.1 Guidelines on advertising	<b>Kenya Film Classification Board</b>	None	Proposed adding a clause that reads as follows: Advertisements for products and services that are strictly for adults shall not aired during the watershed period.	This is in order and will be amended to read as follows: Unless it can be justified, advertisements of products or services, which are strictly for adults, should not be aired during the watershed period.	<p>TEVIRA: This should be removed unless it can be justified.</p> <p>Unnamed: There is ambiguity in the clause, because most products are targeted towards adverts. Specify the</p>	Proposed Clause not to be added as it is already covered by Clause 4.2.2.6

							<p>products that are not meant for children.</p> <p><b>CITIZEN:</b> Focus on the content and not the product of the advert.</p> <p><b>KFCB:</b> Focus on the section which is advertising. This context looks at products meant for adults.</p> <p><b>ICAK:</b> Find a generic way of looking at the content. Have a provision that will hold broadcasters accountable/li able.</p> <p><b>A Member:</b> Reword it to read inappropriate for children instead of strictly for adults.</p>	
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		<p>Advertisement scope  Clause 4.2.6.1  Broadcasters are responsible for advertising material transmitted by their stations and must therefore ensure that all advertisements are legal, honest, decent, truthful and conform to the rules of fair competition. Broadcasting and particularly radio and television broadcasting, because of their constant presence in the home, must maintain a consistently high quality broadcast advertising.</p>	<b>GO TV Kenya Limited</b>	None	<p>Proposed amending the clause as follows:  Free to air broadcasters who package channels are responsible for advertising material transmitted by their stations and must therefore ensure that all advertisements are legal, honest, decent, truthful and conform to the rules of fair competition.</p>	<p>The clause shall remain as is.   Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.</p>	The meeting agreed with CA Analysis.	None
		<p>Guidelines on advertising</p>	<b>GO TV Kenya Limited</b>	None	<p>Proposed the Guidelines on advertising be amended to read as  The Guidelines on</p>	<p>The clause shall remain as is.   Broadcasters are responsible for the content</p>	The meeting agreed with CA Analysis.	None

					Advertising on FTA services.	aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.		
		Clause 4.2.7.2 Guidelines On Sex, Obscenity And Pornography	<b>GO TV Kenya Limited</b>	None	Proposed including where applicable to clause 4.2.7.2.1 and clause 4.2.7.2.2	Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.  Clause 4.2.7.2.1 will be amended to read as follows: Sex and related subjects must be treated with care and must conform to what is generally acceptable to	The meeting agreed with CA Analysis.	None

						<p>the Kenyan society. Any programmes involving such subjects must conform to the requirements of the watershed period.</p> <p>Clause 4.2.7.2.2 will be amended to read as follows: Explicit depiction of sexual arts in any programme including music, sexual perversions, nudity and pornography are prohibited during the watershed period.</p>		
		<p>Clause 4.2.8 Guidelines on liquor, cigarettes and dangerous drugs</p>	<p><b>Kenya Film Classification Board</b></p>	<p>None</p>	<p>Proposed to add to the following sentence: any programmes involving such Subjects must conform to the</p>	<p>Programme classification and rating is adequately articulated in the definitions and it is clear that KFCB is the body mandated with</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

					requirements of the watershed and rating by the Kenya Film Classification Board or its successor thereof.	programme classification Therefore this does not need to be reiterated in the subsequent clauses. Therefore the clauses will remain as is.		
		<p>Liquor, cigarettes and dangerous drugs</p> <p>Clause 4.2.8.2.1 the use of liquor and use of dangerous drugs shall never be presented as socially desirable or acceptable.</p> <p>Clause 4.2.8.2.3 drug abuse, smoking and alcohol abuse shall not be promoted as acceptable, nor shall it be encouraged or justified in the stations programming.</p>	<b>Kwese Free TV Kenya Ltd</b>	<p>Clause 4.2.8.2.1 and 4.2.8.2.3 are unnecessarily repetitive yet their content and objective is the same. In addition clause 4.2.8.2.1 blanketly prohibits the use of liquor and unfairly ignores some of its positive uses. For instance, alcohol is used for medicinal, manufacturing , culinary, cultural and educational purposes among others. We thus propose a</p>	<p>Recommend joining clause 4.2.8.2.1 and 4.2.8.2.3 to read as follows: “The use of dangerous drugs, smoking, alcohol abuse and other harmful substances shall not be promoted, justified or presented as socially desirable or acceptable in the stations programming .”</p>	<p>This is in order. Clause 4.2.8.2.1 will be removed and clause 4.2.8.2.3 will be amended to read a follows: “The use of dangerous drugs, smoking, alcohol abuse and other harmful substances shall not be promoted, justified or presented as socially desirable or acceptable in the stations programming.”</p>	<p>The meeting agreed with CA Analysis.</p> <p>ICAK: Check the relevant laws pertaining to tobacco. It is not necessary to mention cigarettes.</p> <p>TEVIRA: The clause should retain everything, including the aspect of smoking</p>	None

				limit on the prohibition to liquor abuse and misuse only, which allows fairly acceptable uses.				
		Family programming Clause 4.2.2.12 Broadcasters should give more time and emphasis on programmes that promote educational standards, positive moral character and religious upbringing of the child.	<b>GO TV Kenya Limited</b>	This is inappropriate for subscription broadcasting services which are constrained by customer preferences	Proposed amending the clause as follows: Free to air broadcasters should give more time and emphasis on programmes that promote educational standards, positive moral character and religious upbringing of the child.	Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.  However the clause will be amended to read as follows: Broadcasters should give more time and emphasis on programmes that promote educational standards and positive moral character.	The meeting agreed with CA Analysis.	None
		Clause 4.2.9.2	<b>GO TV</b>	This is aimed	Proposed	The clause	The meeting	None

		Guidelines on broadcast competitions	<b>Kenya Limited</b>	at contextualizing the scope of the requirements that follow to ensure that the person who commissions or produces the completion is required to comply appropriately.	adding “ A person who commissions and/or produces a broadcast competition or voting” to clause 4.2.9.2.2, 4.2.9.2.3 and 4.2.9.2.5	shall remain as is.  Broadcasters are responsible for the content aired on their platform and subscription providers are required to adhere to the regulations and licence requirements in the countries in which they operate.	agreed with CA Analysis.	
		On Section 4.2.9 Broadcast Competitions, we refer to 4.2.9.2.2 Broadcasters must ensure that viewers and listeners are not materially misled about any broadcast competition or voting	<b>Radio Africa Group</b>	The proposed introduction of requirements on broadcast competitions is as a result of the increased uptake of broadcast competition/voting by broadcasting stations in order to ensure that viewers and listeners are not materially misled about any	Where it is proposed that broadcasters ensure that viewers and listeners are not <b>materially misled</b> about any broadcast competition or voting. We propose that the CA enumerates clear circumstances that would be considered by a reasonable	This is noted, the clause will be amended to read as follows: Broadcasters must ensure that viewers and listeners are not misinformed about any broadcast competition or voting.	ICAK: By deleting “materially misleading” you lose the intention of the clause.  TEVIRA: The word misinformed is vague. Leave the wording “materially misled”.  CITIZEN: Contextualize, do not put it as a standard	“Materially misled” to be retained.

				broadcasting competition or voting	person as <i>materially misleading</i> viewers and listeners. What constitutes <i>materially misleading</i> viewers and listeners?		for the industry because of a few people.	
		<p>Broadcast competitions</p> <p>Clause 4.2.9.2.3 broadcasters must draw up rules for a broadcast competition or vote that are clearly and fully disclosed to the audience including the cost to be incurred by the audience in participating. In particular, significant conditions that may affect a viewers or listeners Position to participate must be stated at the time an invitation to</p>	<b>Kwese Free TV Kenya Ltd</b>	<p>Clause 4.2.9.2.3 and 4.2.9.2.5 are unnecessarily repetitive in so far as guideline 4.2.9.2.5 simply echoes the duty to disclose participant costs which is already prescribed in 4.2.9.2.3</p>	<p>Delete clause 4.2.9.2.5 and amend clause 4.2.9.2.3 to read as follows: Broadcasters must draw up clear rules for a broadcast competition or vote and fully disclose them to the audience including the cost to be incurred for anyone who interacts with or participates in the programme. In particular, significant conditions that may affect viewers</p>	<p>This is noted, however both clauses shall remain in order to emphasize on the key aspect of costs. The clauses will be amended to read as follows:</p> <p>Clause 4.2.9.2.3 broadcasters must draw up rules for a broadcast competition or vote that are clearly and fully disclosed to the audience. In particular, significant conditions that may affect a viewers or listeners</p>	<p>The meeting agreed with CA Analysis.</p>	None

		<p>participate in broadcast.</p> <p>Clause 4.2.9.2.5 broadcasters must fully disclose the costs to be incurred by the audience in interacting with the programming and participating in the broadcast competitions and voting.</p>			<p>or listeners</p> <p>Position to participate must be stated at the time an invitation to participate is broadcast.</p>	<p>Position to participate must be stated at the time an invitation is made to participate in the broadcast competition and voting.</p> <p>Clause 4.2.9.2.5 broadcasters must fully disclose the costs to be incurred by the audience in interacting with the programming and participating in the broadcast competitions and voting.</p>		
		<p>User Generated Content</p> <p>Clause 4.2.10.2.1</p> <p>(a) Ensure no harmful UGC is broadcast on their broadcasts.</p> <p>(b) No libelous, threatening and hate</p>	<p><b>Kwese Free TV Kenya Ltd</b></p>	<p>The mentioned clauses on User Generated Content have grammatical errors</p>	<p>The errors may be revised as follows:</p> <p>Clause 4.2.10.2.1</p> <p>a) Ensure no harmful, libelous, threatening</p>	<p>This is in order and will be amended to read as proposed:</p> <p>(a) Ensure no harmful, libelous, threatening and</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

		UGC is aired on their stations			and hate UGC is aired on their stations. b) Avoid obscenity, indecency and spam in their UGC programmes.	hate UGC is aired on their stations. (b) Avoid obscenity, indecency and spam in their UGC programmes.		
	<b>SECTION 5 – PRIVACY AND FAIRNESS</b>	Right to privacy Clause 5.1.2.13 Where a programme features an individual under eighteen or a vulnerable person in a way that infringes privacy, consent must be obtained from a parent or guardian or person with primary	<b>Kwese Free TV Kenya Ltd</b>	Clauses 5.2.1.13 and 5.1.2.14 are unnecessarily repetitive in so far as they both relate to privacy and engagement of underage or vulnerable persons subject to supervisory consent	Propose a merger of the two clauses for precision by deleting clause 5.1.2.14	This is agreed, therefore clause 5.1.2.14 shall be removed and Clause 5.2.1.13 shall be retained to read as follows: Where a programme features an individual under eighteen or a vulnerable adult in a way that infringes	ICAK: The clause does not really deal with issues of privacy.  TEVIRA: We have seen the identity of children who have undergone traumatic experiences being exposed. The clause seeks	None

		<p>responsibility for their care.</p> <p>Clause 5.1.2.14 Persons under eighteen and vulnerable people should not be questioned about private matters without the consent of a parent or guardian (in the case of persons under eighteen), or a person with primary responsibility for their care (in the case of a vulnerable person).</p>				<p>privacy, consent must be obtained from a parent or guardian or person with primary responsibility for their care.</p>	<p>to prevent this.</p> <p>The meeting agreed with CA Analysis.</p>	
		<p>Guidelines on Right to Privacy, specifically Clause 5.1.2.1 which states that intrusion into purely personal matters, which have no bearing on the public interest, is prohibited.</p>	<p><b>Radio Africa Group</b></p>	<p>We need clarification on whether this is specific to private civilians/citizens or does it also apply to public figures. Because as a principle in journalism public figures and celebrities</p>	<p>On this issue the provisions of the Media Council Code of Conduct already guide the press for the Practice of Journalism.</p>	<p>Public interest is the welfare of the general public in contrast to the selfish interest of a person, group or firm. Therefore the intrusion of privacy of a private citizen that is not of concern to the</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

				are persons of interests to the public and are held accountable by the public in all aspects of their lives, therefore this section needs to be worded carefully to avoid gagging the press.		welfare of the general public is what is prohibited. In regards to public figures, broadcasters are obligated to respect professional and generally accepted values, ethical and moral standards while Creating and editing programmes.		
		Guidelines on right to privacy Clause 5.1.2.6 The broadcast of material showing arrested or detained persons being physically assaulted or verbally abused in a manner that demeans or humiliates them should be avoided.	<b>Radio Africa Group</b>	This is an issue of public interest and members of the public have the right to information under <i>Article 35 of the Constitution</i> . Arrested and detained persons also have rights under <i>Article 49 and Article 51 of the Constitution</i> . And anything contrary to the	-Please clarify on why the broadcast of material showing arrested or detained persons being physically assaulted or verbally abused should be avoided.	The clause is against the depiction of detained persons in a manner that demeans or humiliates them. The code aims to ensure that broadcasters protect the sacredness of individual dignity. However, in order to cater for the need to highlight cases of injustice, the	ICAK: There should be a provision to cater for overwhelming public interest.  The meeting agreed with CA Analysis.	None

				<p>Constitution especially on injustices being meted out on citizens should be communicated to citizens because the Constitution is essentially a social contract between the people and the state, and is the supreme law of the land.</p>		<p>clause will be amended to read:  Clause 5.1.2.6  The broadcast of material showing arrested or detained persons being physically assaulted or verbally abused in a manner that demeans or humiliates them should be avoided.  Exception is made for Investigative Journalism on Injustices such as police brutality.</p>		
		<p>Guidelines on right to privacy  Clause 5.1.2.7  Broadcasting stations are not permitted to share phone-in commentaries, including names and phone numbers of the participants without first</p>	<p><b>Radio Africa Group</b></p>	<p>N/A</p>	<p>We need clear guidance on what to do when the authorities (police force etc.) ask for the contacts and names of people who have called in and who they suspect of</p>	<p>The clause shall be amended to read as follows:  Broadcasting stations are not permitted to share phone-in commentaries, including names and phone numbers of the</p>	<p>ICAK: This clause should be guided by data protection bill once it becomes law.  TEVIRA: Contacts should be provided to security agencies upon</p>	<p>The clause to be amended to read:  Broadcasting stations are not permitted to share phone-in commentaries, including names and phone numbers of the participants without first</p>

		seeking their consent.			having committed a crime.	participants without first seeking their consent, except to the security agencies upon request.	court order.  CA to review this matter once the Data Protection Bill is enacted.	seeking their consent, except where public interest is justified and in line with the law”  ,
		Guidelines on right to privacy Clause 5.1.2.9 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.	<b>Radio Africa Group</b>	We would like clarification on what exactly viewers cannot see. Is it excessive bleeding, broken limbs, detached body parts etc. This will make it easier for news editors to make Positions regarding this type of content.	Also be guided that these issues are already addressed in the <i>Media Council Code of Conduct for the Practice of Journalism</i> .	Broadcasting services are expected to respect the rights and sensitivities of all people by ensuring no disturbing footage is aired during crime and crisis situations, that is likely to traumatize or inflict shock and pain. This includes the images of dead, bloodied and maimed human bodies or the action of killing, injuring, extreme violence and terror thereof.	The meeting agreed with CA Analysis.	None
	<b>SECTION 6 -</b>	Guidelines on	<b>Radio</b>	Please clarify	None	Broadcasts that	TEVIRA: Hate	None since the

	<b>HATE SPEECH</b>	Crime or Crisis Situations Clause 6.4.2.1 Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services.	<b>Africa Group</b>	the meaning of that section and what the CA means by “material likely to encourage or incite the commission of a crime”. What are the parameters because it will be really difficult to determine what material would cause a viewer or listener to commit a crime and whether or not they will commit a crime in the first place? Is there data or evidence to show that a certain number of crimes have been committed and the culprits state that they committed the crimes due to		glorifies crime, or does not show the negative effect or consequences of crime, is likely to encourage or incite the commission of crime. Broadcasts containing hate speech or incitement to violence is also likely to encourage or incite the commission of crime.	speech is not definitive  ICAK: Refer and align to the NCIC act.	proposed clause is in line with the NCIC Act on Hate Speech.  NCI Act defines Hate speech as follows:  13. Hate speech (1) A person who— (a) uses threatening, abusive or insulting words or behaviour, or displays any written material; (b) publishes or distributes written material; (c) presents or directs the performance the public performance of a play; (d) distributes, shows or plays, a recording of visual images; or (e) provides, produces or directs a programme, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or
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				what they watched on television or heard on radio?				behavior commits an offence if such person intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.
		Clause 6.4.2.2 Descriptions or demonstrations of criminal techniques, which contain essential details that could enable the commission of crime must not be broadcast unless editorially Justified.	<b>Radio Africa Group</b>	Kenyans have a constitutional right to access information on all issues affecting them including crimes and where and how they are committed in order to ensure their security (a constitutional right too) is provided and also to ensure vigilance in communities which will also help the authorities.	Clarify what “editorially justified” means and entails.	In this context, editorially justified means, broadcasts that observe professionally and generally accepted values, ethical and moral standards while creating and editing programmes touching on crime, without divulging unnecessary details that could enable the commission of crime. For example instructions on how to create a bomb.	The meeting agreed with CA Analysis.	None

		Clause 6.4.2.6 Coverage of crime or crisis situations shall not provide vital information or offer comfort or support to the perpetrators.	<b>Radio Africa Group</b>	The <i>Media Council Code of Conduct for the Practice of Journalism</i> has already set out provisions on reporting crime and is specific on the crimes that need a level of restraint in reporting.	We propose a clear definition of vital information in this context.	Broadcasters are also required to avoid airing information that will hamper/interfere with ongoing security investigations.	The meeting agreed with CA Analysis.  CA: Added the word security operations/ investigations	Add the word security operations/ investigations
	<b>SECTION 8 - COPYRIGHT</b>	Copyright Clause 8.1.3 The broadcaster is obliged to have contracts for broadcast of copyrighted material and must, upon request, submit such contract to the Authority.  Clause 8.1.2 The broadcaster must have contracts with copyright licensing bodies or authorized legal vendors before broadcasting	<b>Kwese Free TV Kenya Ltd</b>	The requirement in clause 8.1.3 to submit copyright contracts to the Authority threatens the contractual confidentiality . Typically the copyright contracts include very sensitive commercial, financial and technical information of high economic value to both the content suppliers and broadcasters. In addition	Broadcasters should only be asked to submit contract copies to the Authority in case of an investigation about ones alleged piracy, contractual breach or non-compliance with the law or licence. Also recommend that 8.1.2 and 8.1.3 be combined to read as follows:	Section 46M (C) of KICA requires that with a view to solving any dispute a licensee shall furnish the Authority with any written material or oral evidence to assist in resolving the dispute or in answer to the complaint. It is envisaged that contracts or agreements of copyrighted material will only be requested from broadcasters	Unnamed: Suggested using “shall” instead of “must” in consideration of the CMO and broadcasters.  A Member: Replace ‘must upon request’ with ‘Shall upon request’ as ‘shall’ is legally recognized to mean that something is mandatory.  TEVIRA: CA should have powers to	The word “shall” will be used instead of “must”.

		copyrighted material.		clause 8.1.2 repeats 8.1.3 yet they both oblige the broadcaster to have copyright contracts.	The broadcaster must have contracts with copyright licensing bodies or authorized legal vendors before broadcasting copyrighted material and it must upon request submit proof of such contractual rights to the Authority.	when a need or dispute arises. However to avoid repetition, Clause 8.1.2 and Clause 8.1.3 can be merged to read as follows: The broadcaster must have contracts with copyright licensing bodies or authorized legal vendors before broadcasting copyrighted material and must, upon request, submit such contract to the Authority.	demand for documents, therefore the word shall is important for regulation.	
		Guidelines on copyright Clause 8.1.3 The broadcaster is obliged to have contracts for broadcast of copyrighted material and it must upon request, submit such contract to the Authority	<b>GO TV Kenya Limited</b>	If the intention is to safeguard copyright, evidence of rights to broadcast would be sufficient to demonstrate compliance with the requirement to respect copyright. The requirement to submit the contract to the	Proposed amending clause as follows: The broadcaster is obliged to have contracts for broadcast of copyrighted material and it must, upon request submit to the Authority evidence of its rights to			

				Authority is unreasonably invasive.	broadcast copyrighted material.			
	<b>SECTION 9 - LOCAL CONTENT</b>	Local content Clauses 9.1.1 Local content means the total of all television and radio programmes excluding news and advertisement, which fulfill any five of the defined conditions.	<b>Kwese Free TV Kenya Ltd</b>	While the criteria are suitable for General Entertainment (GE) channels, it neither recognizes nor accommodates the uniqueness of the niche channels. For instance the peculiarities of sports content renders sports channels like KFS highly unlikely to comply with the GE criteria in the draft code.	Recommend an expansion of the scope of GE criteria to include other ways in which the niche channels comply within their unique context or limited scope of activities that generate content. Propose less stringent but customized criteria for determination of what amounts to local content for niche channels.	The guidelines on local content refer to FTA broadcasters. The local content requirement of 40% is the minimum standard for the country and all FTA broadcasters must comply.	The meeting agreed with CA Analysis.	None
			<b>Kwese Free TV Kenya Ltd</b>	Sports increasingly has developed distinct consumption of patterns with audiences	Thus in computing compliance hours, instead of counting a single repeat, sports	The Authority plans to develop guidelines on local content in the next fiscal year, which will provide a	The meeting agreed with CA Analysis.  TEVIRA: There is fixing of sports analysis on	None

				<p>preferring to view short format videos, rather than full programmes. The viewers repeat the short video 3-4 times to analyse the game proceedings and player performance.</p>	<p>channels ought to be allowed 2 repeats for normal programmes of at least 30 minutes and 3 – 4 repeats for short format content (A programme of less than 12 minutes)</p>	<p>forum to address the concerns raised.</p>	<p>some stations. Appeal to broadcasters to protect the consumer on betting.</p>	
			<p><b>Kwese Free TV Kenya Ltd</b></p>	<p>The prime time and news slots for sports are not a fixed hour of the night or day as is the case with GE. Instead it is whenever a match is first played or key development or announcements are first reported. With such mobile prime times, care must be taken not to comprise all announcements or</p>	<p>In instances where the content doubles as both news and sector developments, half the time of such announcements should be computed as local content while the other half is treated as news and thus excluded from local content.</p>	<p>The Authority plans to develop guidelines on local content in the next fiscal year, which will provide a forum to address the concerns raised.</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

				developments into news for sports channel.				
			<b>Kwese Free TV Kenya Ltd</b>	Sports content is strictly controlled by an events calendar and is not produced randomly as may be the case with GE. It is not feasible to fill the schedule with fresh sports content, hence the reliance on repeats, highlights, analyses and commentaries arising from major event.	Intercountry, regional or international games or programmes that include Kenyan participants (players, referees, commentators, analysts etc.) and are of interest to a significant percentage of Kenya's TV audience. Some recent examples, which were not necessarily produced by Kenyans but were extensively watched by Kenyans.	The Authority plans to develop guidelines on local content in the next fiscal year, which will provide a forum to address the concerns raised.	The meeting agreed with CA Analysis.	None
			<b>Kwese Free TV Kenya Ltd</b>	Niche channels face other unique overheads in their content production.	Establishment and operation of content production facilities or	The Authority plans to develop guidelines on local content in the next fiscal	The meeting agreed with CA Analysis.	None

				<p>An illustration is that sports content is mainly produced from live events played outdoors or games moving to other countries. Majority of today's local producers are skilled in GE content with hardly any specialists in sports content production and management. As such production of niche content includes extra expenses for partnership with foreign expertise and its compliance ratings should not be the same as GE quotas.</p>	<p>studios in Kenya which are used to produce content in-house and/or leased to other content producers for the production of local content. In this case a percentage of the hours of local content produced using those facilities to various local producers of content regardless of their business, is a key contributor to the growth of Kenya's local content and it deserves to be credited as an enabler of local content.</p>	<p>year, which will provide a forum to address the concerns raised.</p>		
			<p><b>Kwese Free TV Kenya Ltd</b></p>	<p>Production and acquisition of local content happens over</p>	<p>Amendment of the quotas so that new or niche players are</p>	<p>The guidelines on local content refer to FTA broadcasters.</p>	<p>The meeting agreed with CA Analysis.</p>	<p>None</p>

				<p>time subject to compelling consumer demands and availability of quality content. It is more complicated and costly for niche channels to produce all those hours of content within a short time frame. Thus it is not feasible for niche or young markets entrants of 0-4 years to achieve due compliance with 40% quota.</p>	<p>required to comply on a graduated scale with an increasing 10% milestone for each of the first 3 years. To that end, we recommend that Clause 9.2.1 is revised as follows: "FTA broadcasting stations shall ensure that at least 40% of their stations programming is local content. The FTA niche broadcaster shall air at least 20% local content in its first year of operation, 30% in the second year and reach the requisite 40% local content quota by the close</p>	<p>The local content requirement has been retained at a minimum of 40%.</p>		
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					of it's third year of operation. The local content programming excludes news and advertising." Calculations of compliance ought to include: - The time or length of shorter UGC of less than 3-4 minutes that is ran repeatedly for 2-3 times - Live programmes and short format clips of less than 5 minutes for local content quotas.			
	<b>SECTION 10 - PWD ACCESSIBILITY TO BROADCASTING SERVICES</b>	Section 10 PWD Accessibility to broadcasting services	<b>GO TV Kenya Limited</b>	Given that this was adequately addressed in the gazette published by CA on this subject matter, it is not necessary	Proposed removing the whole of section 10	It's a constitutional requirement that PWD's have access to information and communication services. The section	The meeting agreed with CA Analysis.	None

				to include these provisions in the code – particularly given that, in respect of subscription broadcasting services, the requirement is to put in place technical measures for accessibility by persons with disabilities		shall remain as it aligns with the published gazette notice.		
		Clause 10.2.2 Broadcasters are required to implement closed captioning, subtitling, and sign language inserts during news and current affairs programmes, emergency announcements and during programming of national interest such as national events.	<b>Radio Africa Group</b>	Introduction of the aspiration to progressively increase the accessibility to broadcasting services by Persons With Disabilities (PWDs).	We would like clarification on whether entertainment news and entertainment talk shows qualify as news and current affairs programmes.	Entertainment news and entertainment talk shows that are not political in nature or of national importance are not classified as current affairs.	The meeting agreed with CA Analysis.  TEVIRA: Broadcasters should include PWD accessibility to additional programming	None

	<b>SECTION 11 - COMPLAINTS HANDLING</b>	Section 11 Complaints Handling	<b>GO TV Kenya Limited</b>	The manner in which complaints relating to broadcasting content should be addressed is adequately dealt with in the procedure for handling complaints related to broadcast content 2015. It is therefore not necessary to deal with this in the draft code.	Proposed removing the whole of section 10	Section 46L of KICA and Part VI of the Regulations provides for complaints mechanism for all broadcasting services. This code incorporates both FTA and subscription broadcast service in the requirement for complaints handling.	ICAK: It is important to mention this requirement and to refer to the complaints handling procedure.  The meeting agreed with CA Analysis.	None
		Section 11:Public Complaints	<b>Radio Africa Group</b>	Introduction of the requirement for Subscription service broadcasters to establish and maintain Customer Service Support such as Helplines or its equivalent, and inform its clients on the availability of the same.	No objections or comments.	This is noted.	The meeting agreed with CA Analysis.	None
		Turn Around	<b>Kwese</b>	Clause	Alter clause	The clause	TEVIRA:	None

		<p>Time (TAT)</p> <p>Clause 11.4.1.2 The broadcaster must conscientiously consider complaints and must use its best endeavors to respond substantively in writing within 30 days of receipt of the complaint. If the broadcaster needs to investigate the complaint or obtain professional advice and a substantive response is not possible within 30 days, the broadcaster must in any event, acknowledged receipt of the complaint within 30 days and provide a final response within 45 days of receiving the complaint.</p>	<p><b>Free TV Kenya Ltd</b></p>	<p>11.4.1.2 imposes an onerous duty of substantively responding to all complaints in writing. However not all complaints need written responses. Further, many viewers or listeners call in with simple complaints, which are easily solved during the telephone discussion, without need to write them. Besides FTA TV viewers do not register their addresses with the broadcasters, so it is impractical for the stations to be obliged to write them.</p>	<p>11.4.1.2 by deleting the requirement for substantive written resolution of complaints. Instead it should require proof of resolution of the complaint within the 30 days without specifying form of response to read as follows: "The broadcaster must conscientiously consider complaints and its best endeavors to respond substantively within 30 days of receipt of the complaint. If the broadcasters needs to investigate the complaint</p>	<p>states that broadcasters must conscientiously consider complaints and thereafter respond in writing. Writing maybe email, on social media platform, via text message and letters depending on the media used by the complainant. The clause takes into consideration that there are categories of complaints that broadcasters are under no obligation to respond to such as frivolous, vexatious or abusive complaints.</p> <p>Section 40 of Kenya Information and Broadcasting</p>	<p>Media houses Should not be left to determine the validity of the complaint. The clause should remain as is.</p> <p>CA: If the complainant feels that the complaint is not frivolous they can escalate it to the Authority.</p> <p>The meeting agreed with CA Analysis.</p>	
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					<p>or obtain professional advice and a substantive response is not possible within 30 days, the broadcaster must in any event acknowledge receipt of the complaint within 30 days and provide a final response within 45 days of receiving the complaint.”</p>	<p>Regulations, 2009 requires that on 1<sup>st</sup> July of every year, submit to the Authority a written report of all complaints received during the period and the manner in which they were addressed.</p> <p>Therefore, valid complaints must be captured and recorded in writing regardless of the manner in which they are lodged in order maintain a record of the complaints received for submission to the Authority.</p>		
	<b>SECTION 12 - COMPLIANCE WITH THE CODE</b>	Section 12 Compliance with the code	<b>GO TV Kenya Limited</b>	None	Proposed adding a clause to read as follows: Unless a different	Compliance with the code is applicable to all broadcasters in Kenya.	The meeting agreed with CA Analysis.	None

					<p>intention appears from the wording of a section this programming code shall be as follows:</p> <ul style="list-style-type: none"><li>- A broadcaster, which packages and/or commissions programming content or channels must ensure that the programming complies with the requirements of this programming code.</li><li>- A broadcaster, which requires complete channels and is therefore not directly able to ensure compliance with the programming code, must</li></ul>			
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					<p>require its channel provider to comply with the requirements in this programming code.</p> <p>- Where restrictions on content are specified in this programming code, subscription broadcasters shall be exempt from such provisions where they can prove to the satisfaction of the Authority, that they provide sufficient parental control mechanisms or other technological measures to allow subscribers to restrict access to the</p>			
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					content concerned.			
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## 1. ADDITIONAL COMMENTS

Further to the comments in the table above, additional comments were received as follows:

- Q1.** Has there been discussion on guidelines on advertising or gambling?
- A1.** The Authority participated in the development of the Advertisers Code of Conduct of which is broad; CA will also develop guidelines on advertising specific to broadcasting that will be aligned to the Advertisers Code of Conduct. Gambling is not covered conclusively on the code but has been touched on.
- Q2.** The collaborative efforts between media houses and regulators is appreciated, however there is a gap when it comes to regulation of social media and the online platform. Is there regulation on ethics regarding social media? If it is not regulated it has the potential to go rogue.
- A2.** The Authority is planning to conduct a study on OTT in order to determine the growth impact. The study will guide on the steps to take in regards to regulation. Social media is still a challenge, stakeholders are therefore encouraged to participate in the study.
- Q3.** **Mother and child TV:** Sensitize the public on their rights and how to make a complaint, have a toll free number for complaints.
- A3.** The Authority has taken note of the request.