

Broadcasting Service Grievance Handling Directive No **03/2008**

Whereas, it is very important of the community participation in developing the broadcasting service to play in political, social, economic role, one of the participation indicators are providing the grievance on the broadcasters;

Whereas, it is essential to set the grievance handling procedure in order to provide the broadcasting service listener or viewers grievance and information about broadcasters and get the necessary decision;

Now, therefore; this directive in accordance with Article 47 of the broadcasting service proclamation No 533/2007 it is hereby issued.

Part One **General Provision**

1. Short title

This directive may be cited as the “Broadcasting Service Grievance Handling Directive No 03/2008”.

2. Definition

In this directive, unless the context requires otherwise:

1. “Grievance” means a complaint of any person who has been aggrieved of being denied a right or unfairly treated by broadcasting service;
2. “Grievance presenter” means a person who presents a complaint on every condition that relates to a broadcasting service of transmitted program, the quality of sound or vision, the jamming and others being denied a right or privileges;
3. “Broadcaster” means a person who gives broadcasting service that establishes in accordance with Ethiopian law;
4. “Grievance hearing team” means a team which is established by the director general of the Authority that gives a decision on grievance based on this directive;
5. “Disclosure” means information on every broadcaster for broadcasting service in order to be corrected or commented.
6. “Inspector” means a person assigned by the Authority to supervise the proper observance, by licensees of the provisions of the proclamation, regulations and directives issued hereunder;
7. “Higher official” means the director general or deputy director general of the Authority;
8. “Authority” means The Ethiopian Broadcasting Authority;
9. “Board” means the Ethiopian Broadcasting Authority Board;
10. “Management committee” means the committee which has a process owners of the Authority in it and chaired by higher official;

11. “Ministry” means The ministry of information;
12. “Proclamation” means the proclamation on Broadcasting service of 533/2007;
13. “Person” means any juridical and physical person.

Part Two **Grievance procedure, Review and Decision**

3. Forms of Grievance

1. Any person shall have the right to petition upon any broadcaster to the Authority.
2. When any person submits a petition to the Authority the petition shall contain the following:
 - A. The name and address of the petitioner
 - B. The name of the broadcaster, types of broadcasting service, causes of the grievance, date and time (if any) and the title of the program (if any).
 - C. Violation of right or injury to the cause of grievance.
 - D. If it is submitted previously to the Broadcaster, the result or the reply of the grievance shall be stated.
3. If the grievance is submitted by the Agent, the Agent’s Authority evidence shall be attached with the application.
4. If similar grievances on the same broadcaster are submitted by different aggrieved persons, they can be examined together.

4. Unacceptable grievance

1. Any grievance:
 - a. If it is a court jurisdiction;
 - b. If the case is still pending in court;
 - c. If the cause of the grievance is transmitted on air or if the action is performed after thirty (30) days, it may be rejected without detail screening.
2. Without prejudice to the above sub article 1 (c) if the aggrieved person submits the evidence of the transmitted program, the grievance may be examined until six months.

5. Submission of disclosure

1. Any person may give information to the Authority when the broadcaster transgresses the laws of the country and the system;
2. The Inspector of the Authority shall give a decision by examining the information.

6. Decision making Procedure

1. The Authority shall assign an expert who registers complaints from any person;
2. In accordance with Article 3 of this directive if the grievance is rejected by grievance hearing team, the petitioner shall be notified forthwith;

3. If the complaints are necessary to be examined, the grievance hearing team can review the case by gathering necessarily evidence and information, by receiving or by calling the broadcaster's response who has been proved to caused grievance;
4. Based on the above facts, the grievance hearing team shall give a decision by examining the grievance. It notifies the decision to the petitioner and to the alleged broadcaster in writing. It will follow up whether the decision is functional or not;
5. If the grievances person or the broadcaster disagreed with the grievance hearing team's decision, the appeal can be submitted to the management committee within 14 days from submission of the decision. And the management committee shall give its decision after examining the grievance.
6. If the grievance presenter or the broadcaster is dissatisfied with the management committee's decision, the appeal can be submitted to the Board in 14 days from submission of the decision. And The Board shall give the last decision after examining the grievance;

7. Measures that can be taken based on the decision

1. After examining the grievance in accordance with article 5 of this directive, and the alleged broadcaster has pleaded guilty. So in this decision;
 - a. The accused broadcaster shall arrange a proportional air time to give the corrected version within 2 days from submission of the decision and shall transmit correctional program or shall handle the aggrieved person's idea;
 - b. If the transmitted program or the performed action may not be corrected, it shall not be on air again;
 - c. The Authority's decision shall be transmitted through the broadcaster station who has been proved to have grievance;
 - d. The broadcasting service license may be suspended or revoked in accordance with the proclamation.
2. If the case imposes criminal or civil responsibility on the accused person, the case shall be submitted to the court.

Part Three **Miscellaneous cases**

8. Obligation of the Broadcaster

Any Broadcaster:

1. Shall give a relevant reply within 5 working days when the Authority presents a request regarding grievance;
2. Shall treat the customer by establishing a grievance resolving system;
3. Shall register the grievance; compile the document of response and penalties of the grievance. When the Authority requests the documents, the broadcaster has responsibility to give it back.

9. The scope of Application

This directive shall be applicable on public, commercial and community broadcasting services which are established in Ethiopia.

10. Repealed Directive

The Broadcasting service grievance handling directive No 5/06 is hereby repealed.

11. Amendment of the directive

This directive can be amended by the Ministry

12. Effective date

This directive shall come in to force from 22nd day of July, 2008.

Birhan Hailu
Minister of Information