

**GENERAL DIRECTIVES  
FOR  
PRIVATE AND PUBLIC  
BROADCASTERS**

**MUNICIPAL COUNCIL ELECTIONS  
2015**

**(ISSUED IN PURSUANCE OF SECTION 5 OF THE IBA  
ACT 2000)**

**[Effective date: 21 MAY 2015]**

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# **GENERAL DIRECTIVES FOR PRIVATE AND PUBLIC BROADCASTERS FOR THE MUNICIPAL COUNCIL ELECTIONS 2015**

## **(ISSUED IN PURSUANCE OF SECTION 5 OF THE IBA ACT)**

Broadcasting licensees shall ensure that these directives are strictly adhered to by their officers, employees and agents, and, wherever applicable, their interviewees. These directives are not in substitution for, but are in addition to the IBA Act, licence conditions and all Codes in force. In addition, licensees should adhere to the directives and other guidelines issued by the Electoral Supervisory Commission (ESC) as appropriate and relevant enactments.

### **PART A - POLITICAL BROADCASTS**

#### **A.1 Preamble**

- (1) (a) Broadcasting licensees shall provide fair, equitable, balanced, accurate and impartial reporting of political events and fair, equitable and balanced coverage to all parties, alliances and independent candidates at elections. This implies, *inter alia*, that broadcasting licensees shall be guided by what the public has the right to know and shall not pose as an unchallenged authority that has unrestrained freedom to decide what the public 'should' know. Nor is it the broadcasting licensee's function to arbitrarily decide in advance that some candidates are more 'worthy' of coverage than others.
- (b) Broadcasting licensees shall, in particular, ensure that, during the 24 hours starting from midnight immediately preceding polling day and up to the close of polling, they do not broadcast any political programme or politically-related matter which may reasonably upset the balance to be observed throughout the election broadcast period pursuant to these directives. This includes opinion and intention polls. Surveys are covered under A.11
- (2) Broadcasting licensees shall not rely on political parties to bring information to them. They shall actively seek out information so as not to give parties with greater resources inequitable amount of coverage.
- (3) A declaration from a broadcasting licensee that it declines responsibility for anything said in the course of a broadcast shall not absolve the licensee from responsibility arising under the law.
- (4) Broadcasting licensees are reminded that freedom of expression, as guaranteed under our Constitution, is subject to a number of limitations and that they have to comply with all the laws in force in the Mauritius and in particular, the law relating to libel, slander and defamation.

- (5) (a) For the purposes of these directives, equitable treatment shall not be construed as being equal treatment in all cases. Each Radio/TV station shall apply equitable treatment individually.
- (b) Equity also applies to the duration of broadcasts, to scheduling, to issue coverage and approach, to conditions under which an appearance and/or intervention may be made, and in the case of paid political announcements, to the cost thereof.

## **A.2 Interpretation**

For the purposes of these directives –

**“paid political announcement”** means an announcement, on behalf of a political party, of a political event, in respect of which a broadcasting licensee is entitled to claim payment and is subject to Clause 4.1 of the Code of Advertising Practice;

**“phone-in or call-in”**, in the context of broadcasting -

- (a) means a programme format in which viewers or listeners are invited to air their comments by telephone, or electronic or any other means of communication, usually in respect of a specific topic selected for discussion on the day of the broadcast;
- (b) includes a programme in which members of the public are invited as audience, participants or interveners to participate in the programme and is subject to Clause 2.3 of the Code of Ethics;

**“political party”** means a party registered under paragraph 2 of the First Schedule to the Constitution of Mauritius, and reference to a political party shall, wherever the context so requires, be construed as reference to an independent candidate not belonging to any party or a party alliance;

**“political programme”** –

- (a) means a programme on political issues which is broadcast by the licensee; and
- (b) includes a debate, interview or any agreed programme format on political issues to which representatives of political parties, candidates or other persons are invited by the broadcasting licensee;

**“politically-related matter”** means a programme format which is essentially on political, governmental or State matters and dealing with politics.

### A.3 Political programmes and paid political announcements

- (1) Political programmes and paid political announcements **shall not** –
  - (a) involve character assassination or vilification of any candidate or other person, or any adverse comment on the integrity of any person;
  - (b) involve any attack on the integrity of the President, the Vice-President or members of the Judiciary;
  - (c) contain political appeals based on race, colour, caste, creed, or place of origin;
  - (d) contain any defamatory, offensive or blasphemous language, or any language (or tone of language) which may provoke violence or sedition;
  - (e) contain any remark likely to hurt the feelings of any person by reason of his sex, race, colour, caste, creed or place of origin;
  - (f) contain any statement which may constitute or result in a breach of law;
  - (g) bring into derision or involve unfair criticism of, our electoral system.
  
- (2)
  - (a) Broadcasting licensees shall ensure that paragraph 1 of the Preamble to these directives is strictly adhered to in relation to political programmes and politically-related matter with reference to themes, duration of programmes, time allocation and envisaged sequence of appearances or interventions.
  
  - (b)
    - (i) Broadcasting licensees and the political parties shall mutually agree on the format of political programmes and debates.
  
    - (ii) The moderator/presenter of the programme or debate shall ensure that balance and fairness are observed throughout the programme.
  
- (3)
  - (a) Paid political announcements **shall not** exceed fifteen seconds in length and shall include **only** the name of the political party, the place and the time of event(s) and the names of speakers at the event(s);
  
  - (b) No advertisement, other than a paid political announcement, shall be broadcast towards any political end.
  
  - (c) No advertisement, other than a paid political announcement, may be broadcast by or on behalf of any entity, the objects of which are wholly or mostly political in nature.

- (4) Paid political announcements shall be factual and informative in nature.
- (5) No slogan of any nature, or music or songs which may have a political connotation, shall be broadcast during, or immediately before or after, any paid political announcement.
- (6) Subscription television broadcasting / rebroadcasting licensees shall, in no circumstances, carry any paid political announcement, as defined in this Part. Non-terrestrial licence holders are prohibited from carrying any programme with a local content unless approved by the Authority and such approval is permissible under the Act.
- (7) No broadcasting licensee shall put on air a party election broadcast immediately before, or immediately after, an advertisement or a paid political announcement.
- (8) In accordance with Clause 2.4 of the Code of Ethics, the broadcast delay for political programmes or politically-related matter during an election period shall be at least thirty (30) seconds. This should give the licensee ample time to bleep, pixilate or otherwise pre-empt offending materials before they are broadcast.

#### **A.4 Interviews in political programmes**

- (1) Broadcasting licensees shall ensure that an interviewee identified as a representative of a political party has been duly designated to speak on behalf of the party.
- (2) Broadcasting licensees shall ensure that no interviewee in a political programme is interviewed live without his consent.
- (3) Moderators of such programmes shall ensure that interviewees stay within the ambit of the theme chosen. The moderator shall warrant that the programme does not degenerate into an exercise whereby interviewees systematically deride each other or use vulgar or abusive language.
- (4)
  - (a) An edited or shortened version of an interview shall not misrepresent an interviewee's views and contribution.
  - (b) An interview shall not be edited so as to appear by juxtaposition to associate a contributor with a line of argument which he is unlikely to adhere to and on which he is given no opportunity to comment in the programme or feature.
- (5) Special precautions shall be taken to avoid broadcast of any gender-biased views or comments in programmes.

## **A.5 Phone-in/call-in programmes**

Broadcasting licensees shall **not** broadcast any live or recorded phone-in or call-in programmes on political matters or politically-related matters from, and inclusive of, **the date prescribed for the withdrawal of candidature up to and including close of polling**, unless the following conditions are complied with:

- (a) broadcast licensees ensure, within the limits of presently available technologies, that:-
  - (i) there is no capture of air by the same individuals or groups; and
  - (ii) as many callers as possible are allowed to air their comments, so as to have a diversity of views;
- (b) necessary mechanisms for control are put in place to ensure fairness on air and balance and avoid any slippage;
- (c) the hosts of programmes comply with paragraph (a) and (b) and abstain from giving their personal opinions and views to ensure fairness and impartiality;
- (d) the Broadcast Delay Mechanism is strictly applied in order to prevent any character assassination, defamation or insult on air;
- (e) no statement is made that may disrupt social peace and harmony.

The Authority reserves the right to seek information to ensure that radio licensees comply with paragraph (a).

## **A.6 Broadcasting of public meetings and rallies**

- (1) Broadcasting licensees are advised that the Code of Conduct for Broadcasting Services and paragraphs 1 and 4 of the Preamble to these DIRECTIVES (and, in particular, the provisions regarding fair, equitable, balanced, accurate and impartial reporting of political events) apply to any live or recorded broadcasting of political public meetings or rallies.
- (2) Broadcasting licensees shall make good any non-compliance with this paragraph, where such non-compliance results from technical breakdown during transmission of a political meeting.
- (3) In accordance with Clause 2.4 of the Code of Ethics, the broadcast delay for political programme or politically-related matter during an election period shall be at least thirty (30) seconds. This should give the licensee ample time to bleep, pixilate or otherwise pre-empt offending materials before they are broadcast.
- (4) Where the sequence of speeches and times of delivery of speeches at a public meeting held by a political party clash with or overlap those of another meeting

(held by another political party) which a broadcasting licensee also proposes to broadcast, the broadcasting licensee shall ensure that the broadcast of speeches is carried out in such manner as would result, as far as possible, in a fair and equitable allocation of time, on the day of the broadcast, to the respective political parties.

- (5) Broadcasting licensees shall not broadcast any defamatory and derogatory statement made at a public political meeting.

#### **A.7 Right of reply**

- (1) Broadcasting licensees shall strictly comply with the Special Conditions of their licences relating to Right of Reply.
- (2) In addition, in respect of a programme broadcast during the 24 hours starting from midnight immediately preceding polling day, broadcasting licensees shall ensure that political parties which are entitled to a right of reply are, as far as possible, given the opportunity to reply at a reasonable time before polling day.

#### **A.8 Polling day and counting day**

- (1)
  - (a) There shall be no paid or free political announcement as from 48 hours starting from midnight immediately preceding polling day and up to the close of polling.
  - (b) News coverage on polling day and counting day shall be confined to statements of facts which are not open to controversy.
  - (c) No person intervening in a Radio/TV programme broadcast on polling day and up to the close of polling shall, directly or indirectly, invite or persuade any voter to cast his vote in favour of any political party.
  - (d) No interview –
    - (i) in the course of which a voter has been led to reveal the candidate or political party for whom or which, he has voted (or intends to vote); or
    - (ii) carried out in such a manner as to attempt to ascertain from a voter the candidate for whom, or the political party for which, he has voted (or intends to vote),shall be broadcast on polling day.
- (2) Broadcasting licensees shall not interfere, within polling stations or counting centres, with the voting and counting process.



- (3) Paragraph (2) above shall be without prejudice to the powers of the Returning Officer within a polling station or counting centre.
- (4) The counting process in any counting centre shall neither be broadcast live nor be recorded to be broadcast at a later time unless otherwise directed by the Electoral Supervisory Commission.
- (5) Broadcasting licensees may inform the public of the number of votes cast in favour of any political party or candidate at any stage of the counting process, whenever such information is made available to them by, or on behalf of, the Returning Officer in charge of the counting centre.
- (6) The broadcasting licensee shall clearly indicate whether results being broadcast are official and final or are official only in respect of part of the ballot-papers counted.
- (7) The official proclamation of results may be broadcast live.

#### **A.9 Over-exposure**

- (1) Broadcasting licensees shall ensure that excessive coverage is not provided during the election broadcast period to any political party so as to give, or appear to give an unfair advantage to that political party to the detriment of other political parties.
- (2) Paragraph (1) above shall not preclude broadcasting licensees from continuing to inform their audience, during the election broadcast period, about news and events having a genuine informative value or relating to the national interest.
- (3) During the election broadcast period, broadcasting licensees shall keep, and may be requested to provide the Authority with, records of the numbers and duration of broadcasts about political parties and significant election issues, so that any unwarranted over-coverage or under-coverage of any political party may be identified and rectified.
- (4) For the purposes of these directives, under-coverage does not arise if it results solely from a political party having voluntarily opted not to avail itself of coverage offered by a broadcasting licensee to it.

#### **A.10 Impartiality of presenters and reporters**

Broadcasting licensees shall ensure that –

- (a) no presenter or reporter takes advantage, by any means whatsoever in his appearance, gestures, action or words, of his position on-air to further his personal political objectives and/or that of a political party;

- (b) presenters of phone-in programmes are expected to moderate discussions and not to vehicle their personal opinion(s) on air and must always treat their callers fairly. Additionally, programmes must be protected against capture by organized pressure groups or by ill-motivated individuals;
- (c) during the course of political programmes and politically-related matter, facts must be respected and presenters of such programmes have an obligation to ensure that the opinions expressed, however partial, do not rest on false evidence. Moderators shall ensure that any such misstatements are rectified without delay making sure that the rectification obtains a fair degree of prominence;
- (d) no presenter or reporter who intends, or declares an intention, to stand for election shall be involved in any programming presentation until the close of polling;
- (e) no pre-recorded programme – other than political programme or politically-related matter - featuring any such presenter or reporter referred to in paragraph (d), is broadcast during the election broadcast period and until the close of polling.

#### **A.11 Surveys**

1. Broadcasting licensees shall not broadcast, by any means whatsoever, any political or politically-related survey, or comment on any political or politically-related survey, as from the day of withdrawal of candidatures to the end of polling day.
2. No broadcasting licensee shall carry out any political or politically-related survey by any means or cause to broadcast the result or outcome of such survey.

#### **A.12 Offence**

- (a) Non-compliance with these directives issued under Section 5 of the IBA Act is an offence under Section 37(1)(g) of the Act and may also result in the revocation or suspension of the licence of a broadcasting licensee under sections 24 and 25 of the Act.
- (b) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

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**PART B - MATERIAL TO BE SENT TO AUTHORITY**

**B.1 Integral recording of broadcast to be sent to Authority**

Broadcasting licensees shall make integral copies of recordings available to the Authority upon request, within 24 hours.

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Signed and dated by

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and

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**(CHAIRPERSON)**

**(Officer-in-Charge)**

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**DATE**

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