

DRAFT

**GUIDELINES
FOR
PRIVATE AND PUBLIC
BROADCASTERS**

**THE NATIONAL ASSEMBLY
ELECTIONS 2014**

**(GUIDELINES ISSUED IN PURSUANCE OF
PARAGRAPH 6 OF THE CODE OF CONDUCT FOR
BROADCASTING SERVICES SET OUT IN THE
SECOND SCHEDULE TO THE IBA ACT 2000)**

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GUIDELINES FOR PRIVATE AND PUBLIC BROADCASTERS

POLITICAL BROADCASTS AND PARTY ELECTION BROADCASTS

GENERAL GUIDELINES FOR PRIVATE AND PUBLIC BROADCASTERS

(ISSUED IN PURSUANCE OF PARAGRAPH 6 OF THE CODE OF CONDUCT FOR BROADCASTING SERVICES SET OUT IN THE SECOND SCHEDULE TO THE IBA ACT)

Broadcasting licensees shall ensure that these Guidelines are strictly adhered to by their officers, employees and agents, and, wherever applicable, their interviewees. These Guidelines 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 Guidelines. This includes opinion and intention polls. Surveys are covered under A.11
- (c) For the purposes of subparagraph (b), "political programme" and "politically-related matter" do not include a party election broadcast, such broadcast being, in any event, subject to the requirements laid down in Part B (and more particularly paragraph B.2(2))of these Guidelines.

- (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 Guidelines, 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 Guidelines –

“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 Part A of these Guidelines 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 Party Election Broadcast as defined in Part B or 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 Guidelines (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 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 Guidelines, 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 Guidelines issued under Section 6 of the Second Schedule of the IBA Act 2000, as amended, (Code of Conduct for Broadcasting Services) 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- PARTY ELECTION BROADCASTS

B.1 Preamble

- (1) This Part, in addition to Part A, shall apply to any party election broadcast.
- (2)
 - (a) Broadcasting licensees which are wholly or partly financed from public funds shall, in accordance with this Part and more particularly paragraph B.4, grant, free of charge, air-time for party election broadcasts to the duly registered political parties and alliances fielding a minimum of 6 candidates (and, in the case of Rodrigues, a minimum of 2 candidates) at the General Elections so that they may assist the public in making an informed choice from among the various parties and candidates.
 - (b) Subject to sub-paragraph (c), broadcasting licensees, other than those referred to in sub-paragraph (a), are strongly urged to grant, free of charge, and in accordance with this Part and more particularly paragraph B.4, air-time for party election broadcasts to the duly registered political parties and alliances fielding a minimum of 6 candidates (and, in the case of Rodrigues, a minimum of 2 candidates) at the General Elections so that they may assist the public in making an informed choice from among the various parties and candidates.
 - (c) No air-time, other than the time used for paid political announcements, shall be sold to any party/alliance, individual candidate or group of candidates or party-related body.

- (3) In these Guidelines-

“election broadcast period” means the period starting from the date fixed for withdrawal of candidatures for general elections up to the eve of polling day;

“party election broadcast” means a political programme (other than a debate or an interview) broadcast by a broadcasting licensee, by virtue of an arrangement providing for allocation of air-time to a political party under paragraph B.4, during the election broadcast period, or part of that period.

B.2 Party election broadcasts

- (1) Broadcasting licensees shall ensure that every participant in a party election broadcast has been duly designated by his political party to participate in the programme.
- (2) Broadcasting licensees shall ensure fairness in the broadcasting of party election broadcasts, including, as far as possible, a fair and equitable balance in the allocation of air-time among political parties on each day of party election broadcast.

- (3) (a) The opening and closing credits ('génériques') of party election broadcasts shall contain the programme title, name of the party or alliance (where applicable) and the name(s) of the speaker(s).
- (b) The party election broadcast shall not contain any slogan, jingle, music, song, cliché, special electronic effect, video or computer-aided illustration.
- (c) The broadcasting licensee's common signature tune for all party election broadcasts shall be neutral.
- (d) In the case of a televised party election broadcast, the picture of the political party symbol, shall appear on screen.

B.3 Quality of broadcast and recorded material

- (1) Broadcasting licensees shall ensure that the party election broadcasts are of good broadcast quality and that all necessary measures, technical or otherwise, are taken to ensure the same.
- (2) Broadcasting licensees shall make arrangements for pre-recorded election broadcasts or paid political announcements to be submitted to them in good time before scheduled transmission time for the broadcast.
- (3) Broadcasting licensees shall reserve the right to edit and, in extreme cases, reject any recorded material submitted to them for a party election broadcast –
 - (a) which they reasonably consider to be contrary to the Code of Conduct for Broadcasting Services or any law; or
 - (b) on technical or other reasonable grounds.
- (4) Where any recorded material is rejected by a broadcasting licensee under paragraph (3), the broadcasting licensee may accept fresh recorded material from the same party for broadcast at the scheduled time.

B.4 Air-time allocation

- (1) The precise allocation of the air-time for party election broadcasts shall, subject to this Part, be the responsibility of the broadcasting licensee. Broadcasting licensees shall exercise their judgement based on the following factors -
 - (a) the number of candidates being fielded by parties/alliances;
 - (b) the number of candidates who were elected Members of the outgoing National Assembly.

- (2) (a) Subject to subparagraphs (b) and (c), the broadcasting licensee and all political parties concerned shall, by agreement, decide upon the schedule of broadcast of party election broadcasts during the election broadcast period. Failing such agreement, the broadcasting licensee shall, in accordance with these Guidelines, determine the schedule of broadcast.
 - (b) The 2 political parties or alliances entitled to the highest number of units of air-time pursuant to this Part (“main parties/alliances”) shall both be allocated air-time on the first and last day of the election broadcast period.
 - (c) The political broadcast shall be scheduled as follows:
 - (i) The political parties/alliances to which the Leader of the Opposition belongs shall be entitled to the first party election broadcast on the first day of broadcast but that broadcast shall be immediately followed by the party election broadcast of the parties/alliance led by the Prime Minister of the outgoing government;
 - (ii) The political parties/alliance led by the Prime Minister of the outgoing government shall be entitled to the last party election broadcast on the last day of the broadcast but that broadcast shall be immediately preceded by the party election broadcast of the parties/alliance to which the Leader of the Opposition belongs;
 - (iii) Other parties or alliances shall be scheduled on the remaining airtime by the broadcasting licensees as evenly as practically possible.
- (3) Broadcasting licensees shall enter into a common agreement with all parties or alliances fielding candidates at the General Elections on the scheduling of the respective Party Election Broadcasts and shall send a copy of the agreement and the schedule of broadcasts to the Authority before the first election broadcast.
- (4) Broadcasting licensees shall request each party or alliance to designate representative(s) who shall control the time allocation of the party or alliance, and the technical quality of the recordings and transmission.
- (5) Air-time allocated to one political party or alliance, individual candidate or group of candidates or organization shall, in no circumstances, be used by or on behalf of, or to promote the cause of, another political party, individual candidate or group of candidates or organization.

- (6) In case of disruption of the political programme on air due to technical breakdown in the transmission system, broadcasting licensees shall propose appropriate alternative air-time to the party or candidate concerned.

PART C - MATERIAL TO BE SENT TO AUTHORITY

C.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.

Signed and dated by

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and

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**TRILOCK DWARKA
(CHAIRPERSON)**

**DULLIPARSAD SURAJ BALI
(DIRECTOR)**

DATE

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