

POLITICAL AND PARTY ELECTION BROADCASTS
DIRECTIVES FOR PRIVATE AND PUBLIC BROADCASTERS
RODRIGUES REGIONAL ASSEMBLY ELECTIONS 2012
(DIRECTIVES ISSUED IN PURSUANCE OF SECTION 5(1) OF THE IBA ACT 2000)

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 substitution to but are addition to the IBA Act and all Codes in force.

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 the broadcasting licensee 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 it is 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 48 hours immediately preceding polling day, they do not broadcast any '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.
 - (c) For the purposes of subparagraph (b), "politically-related matter" does not include a party 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 Directives.
- (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 country 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 and not collectively.

(b) Equity also applies to the duration of broadcasts, to scheduling, to issue coverage and approach, to conditions under which an appearance or/and intervention may be made, and in the case of paid political announcements, to cost of same.

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;

“phone-in or call-in” is a programme format in which viewers or listeners are invited to air their comments by telephone, electronic or any other means of communication, usually in respect of a specific topic selected for discussion on the day of the broadcast.

“political party” includes a registered political alliance to which the party belongs, and reference to a political party shall, wherever the context so requires, be deemed to be a reference to an individual candidate;

“political programme” –

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

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 and members of the Judiciary;
 - (c) contain political appeals based on race, colour, caste, creed, gender 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 remarks likely to hurt the feelings of any person by reason of his gender, sex, race, colour, caste, creed or place of origin;
 - (f) contain any statement which may constitute or result in a breach of law;
 - (g) allow political debates where participants are invited or otherwise to degenerate into a situation of mockery of our electoral system.
- (2) (a) Broadcasting licensees shall ensure that paragraphs 1 and 4 of the Preamble to Part A of these Directives are strictly adhered to in relation to special political programmes and political debates with reference to themes, duration of programme, time allocation and envisaged sequence of appearances or interventions.

- (b) (i) Broadcasting licensees and the political parties/alliances/ independent candidates 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.
 - (c) Any allocation of air-time under subparagraph (a) shall be in addition to and not in lieu of the allocation of air-time under paragraph B.4.
- (3) (a) No advertisement, other than a paid political announcement, shall be broadcast towards any political end.
 - (b) 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, and shall contain only the name of the party, the name(s) of the speaker(s) and the time and place of the event.
 - (5) Neither slogan of any nature, nor 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 and 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 to carry any programmes with a local content.
 - (7) No broadcasting licensee shall put on air a party election broadcast immediately before, or immediately after, an advertisement or a paid political announcement.

A.4 Interviews in political programmes

- (1) Broadcasting licensees shall ensure that an interviewee identified as a representative of a 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 exercise restraints and ensure that interviewees stick to the theme chosen. The moderator shall warrant that the programme does not degenerate into a mockery and abuse of 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.

A.5 Phone-in programmes

- (1) Broadcasting licensees shall endeavour to ensure a fair and equitable balance of views expressed by phone-in callers on political matters. Broadcasters should in particular have regard to Clause 2.3 of the Code of Ethics issued by the Authority in particular to the four principles on which live phone-in programmes are based: Fairness, Integrity, Objectivity and Balance.
- (2) Broadcasting licensees shall take such measures as are necessary to ensure that no caller or contributor participating in political or other programmes contravenes the Independent Broadcasting Authority Act or any other law of Mauritius and, in particular, the law relating to libel, slander and defamation.
- (3) Notwithstanding Clause 2.4 of the Code of Ethics, the broadcast delay for politically related excluding phone live-in programme during an election period shall be sixty (60) seconds. This should give the licensee ample time to bleep, pixilate or otherwise pre-empt offending materials before they are broadcast. Phone live-in programme is subject to being broadcast pre-recorded in accordance with Clause A5 (4) below.
- (4) Broadcasting licensees shall not broadcast any live phone-in calls on political matters or politically-related matters from, and inclusive of, **the day fixed by the Electoral Supervisory Commission for the withdrawal of candidates**. However, broadcasting licensees may broadcast recorded phone-in programmes provided they ensure fairness, integrity, balance and objectivity.

- (5) Broadcasting licensees shall not allow callers to directly or indirectly assault verbally or insult other callers overtly or covertly, by naming them or by making couched reference to them, when expressing their views and opinions on any particular subject or issue, in the same or earlier programmes, with which they do not agree.

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 Part A of 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) Where the sequence of speeches and times of delivery of such speeches at a public meeting held by a political party clash with or overlap those of another meeting (held by another 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.
- (4) Broadcasting licensees shall take special precautions to avoid broadcasting defamatory statements made at public political meetings.

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 48 hours immediately preceding polling day, broadcasting licensees shall ensure that

parties/alliances/independent candidates which are entitled to a right of reply are as far as possible, given time to reply at a reasonable time before polling day.

A.8 Polling day and counting day

- (1)
 - (a) There shall be no party election broadcast or paid political announcement as from midnight of the eve and on polling day.
 - (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 programme broadcast as from 18:00 hours of the eve and on polling day shall, directly or indirectly, invite or persuade any voter to cast his vote in favour of any political party or candidate .
 - (d) No interview –
 - (i) in the course of which a voter has been led to reveal the candidate party for 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 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) shall be without prejudice to the powers of the Returning Officer within a polling station or counting centre.
- (4) The whole counting process in any counting centre shall neither be broadcast live nor be recorded to be broadcast at a later time or as directed by the Electoral Supervisory Commission .

- (5) Broadcasters may inform the public of the number of votes cast in favour of any candidate or party 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. Coverage of election results may also include analysis and comment.
- (6) The broadcaster shall clearly indicate whether results being broadcast are official 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 party/alliance/independent candidate so as to give, or appear to give an unfair advantage to that party/alliance/independent candidate to the detriment of other parties/alliances/independent candidates.
- (2) Paragraph (1) 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 parties/alliances/independent candidate and significant election issues, so that any unwarranted over-coverage or under-coverage of any party or alliance or independent candidate may be identified and rectified.

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 or alliance or independent candidate;
- (b) no presenter or reporter shall use his position on air to vehicle his personal opinions or comments;
- (c) During the course of politically related programmes, 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 to rectify any such misstatements.
- (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 or politically related programmes and party election broadcasts - featuring any such presenter or reporter referred to in paragraph (c) above, 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 withdrawal day of candidates to the end of polling day.
2. No licensees shall carry out any political or politically-related survey by any means or cause to broadcast the result or outcome of such survey.

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 at the Rodrigues Regional Assembly Elections 2012 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 candidates, and independent candidates, at the Rodrigues Regional Assembly Elections 2012 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 Directives-

“election broadcast period” means the period starting from the date fixed for withdrawal of candidatures for the Rodrigues Regional Assembly Elections 2012 up to the 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 the participants in a party election broadcast have been duly designated by the relevant 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 party or alliance symbol or, where applicable, the candidate's 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 the 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 judgment 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 Regional Assembly.
- (2) (a) Subject to subparagraphs (b) and (c), the broadcasting licensee and all 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 Directives, determine the schedule of broadcast.

- (b) The 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 led by the Minority Leader 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 Chief Commissioner of the outgoing Regional Assembly.
 - (ii) The political parties/alliance led by the Chief Commissioner of the outgoing Regional Assembly 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 led by the Minority Leader.
 - (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 Rodrigues Regional Assembly Elections 2012 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 or individual candidate to designate representative(s) who shall control the time allocation of the party or alliance or individual candidate, 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

- (1) Prior to broadcasting any politically-related programme, licensees shall send a programme grid to the Authority at least 48 hours, in advance, informing it of any such programmes and the time, title, theme, duration and interveners. Broadcasting licensees shall cause an integral recording of every political programme referred to in Part A and/or party election broadcast referred to in Part B to be sent to the Authority at latest **4 hours before** (Part A) and **24 hours after** (Part B) the broadcast of the programme respectively and, in the case of a programme or election broadcast aired on the last day of election broadcast, at the end of that same day.

- (2) The recordings along with their transcripts shall be accompanied by the detailed political programme schedule of the day.
