

**INDEPENDENT BROADCASTING AUTHORITY**

# The Code of Ethics and Good Conduct



*Standards Committee*

**CODE OF ETHICS AND GOOD CONDUCT  
MADE UNDER SECTION 29 (6) of the IBA ACT 2000**

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# Preamble

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The IBA Act (2000) makes provision for the setting up of the 'Code of Ethics and Good Conduct'. The code has been elaborated to ensure that broadcasters, independent content providers and specialty services are aware that their foremost responsibility is to the radio listeners, television viewers and internet users of Mauritius. This responsibility should be duly exercised when it comes to the dissemination of information and news, the supply of a variety of entertainment programming to meet the various tastes of listeners, viewers and other content users.

It is now widely recognized and agreed upon that the most valuable asset to a broadcaster is public respect, which must be earned and can be maintained only by adherence to the highest possible standards of public service and integrity.

# 1

## Offence to Good Taste and Decency

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### 1.1 Language

- (i) Strong and bad language is a subject of deep concern to many people. Language may be offensive because of political, religious or social sensitivities and may have a negative impact on the audience. Careful consideration should therefore be given to the language used in programmes in general and in relation to the broadcasting time in particular.
- (ii) Offence is more likely to be caused if audiences are taken by surprise, specially within family viewing hours when strong language occurs without warning and is done in a gratuitous manner.
- (iii) The language used in programmes aimed at children should be suitable and appropriate to the age group targeted. However, some words and expressions which were considered unacceptable in the past have been absorbed into our daily language.  
Licencees should ensure that such expressions are employed with due discretion.
- (iv) Licencees should be attentive to the religious, cultural, sexist and racial connotations of language.
- (v) Licencees must in no case use words or expressions that might offend

people suffering from disabilities or illnesses.

- (vi) When subtitles are used, licencees must see to it that the correct form of the language is employed.

### 1.2 Sex and Nudity

Many people are offended, some of them deeply, by the portrayal of sex and nudity in television programmes. The existing ethnically and culturally diverse nature of the Mauritian society makes content that is liable to cause offence on television a potentially charged issue

Though popular entertainment and comedy have always relied to some extent on sexual innuendo and ambiguous gesture and behaviour, this however does not justify crudity. Therefore the portrayal of sexual behaviour and that of nudity needs to be contextualised and scheduled appropriately.

### 1.3 Violence

It may be asked why violence has to be portrayed at all on the screen. The real world contains much violence in many forms and when television and radio seek to reflect the world it would be unrealistic and untrue to ignore its violent aspects.

At the same time, the portrayal of violence is an area of public concern. This is due to the fact that violence portrayed on television might be imitated in real life as well as the recurrent portrayal of violence might lead viewers to think that violence in one form or

another has been given the stamp of approval.

All those concerned in the planning, production and scheduling of television programmes must keep in mind the following:

- (i) People seldom view just one programme. An acceptable minimum of violence in each individual programme may add up to an intolerable level over a period.
- (ii) Violence, whether its consequences are concealed or revealed can be equally harmful.
- (iii) Methods of inflicting pain or injury which are capable of easy imitation should not be avoided.
- (iv) Violent scenes in news and current affairs programmes are inevitable. But the editor or producer must be sure that violence shown is essential to the integrity and completeness of his or her programme.
- (v) Scenes that might unsettle young viewers require special care. Violence, menace and threats can take many forms – emotional, physical and verbal. Scenes of domestic friction whether or not accompanied by physical violence can easily cause fear and insecurity.

## 1.4 Scheduling

There is an implied contract between the viewer/listener and the broadcaster about the terms of admission to the home. The broadcaster should therefore respect the expectations of the viewer / listener. The viewer/listener has the right about what sort of material should be broadcast at a certain time of day, on a particular

channel and within a certain type of programme, or indeed whether it should be broadcast at all.

- (i) Licensees have a clear duty to schedule programmes so as not to expose children or minors to disturbing or offensive material.
- (ii) The time between 21.00 and 5.30 is a schedule marker (the Watershed) to distinguish clearly between adult viewing and family viewing. No material unsuitable for children should in general be shown before 21.00 and after 5.30.
- (iii) Parents are expected to take greater control over the choice of their children's viewing after 21.00 (the Watershed); however, there should not be an abrupt change from family viewing to adult viewing. From 21.00 until the second Watershed of 23.00, licensees shall provide sufficient information to assist parents and others to take the degree of responsibility they feel appropriate for the children in their care.
- (iv) Mature-audience rated material will be scheduled between 23.00 pm and 5.30 am.
- (v) It is understood that at such times as during school holidays, on or before public holidays and during week-ends, scheduling does not apply in the same way as children tend to stay up later than usual. Care should also be taken in the scheduling of daytime programmes in and out of term-time.
- (vi) Adequate information about a programme's content should be provided to enable parents and guardians to make an informed choice about the suitability of a

programme for the children in their care. Films must include as a minimum such rating or classification as under the existing code in Mauritius.

- (vii) Some footage in news programmes, documentary programmes or other factual genres during family viewing time may be unsuitable for child audiences. Licensees shall provide appropriate warnings before the broadcast of such programmes. Additionally, such programmes shall be identified by the presence of a visual symbol throughout their duration.
- (viii) Licensees shall also ensure that trailers and advertisements contain material suitable for the time of its transmission and likely audience.
- (ix) Although there is no Watershed for radio, caution should be exercised at the times children tend to listen, for instance during breakfast programmes.

*NB. Trailers are extracts of a film/programme used for advance advertising*

## 2

# Due Impartiality and Due Accuracy

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## 2.1 Principle

In a modern society, citizens have a right to information and broadcasters have the freedom to produce programmes satisfying that right. This freedom is linked only by the obligations of fairness, balance and a respect for truth, qualities which lie at the heart of impartial and accurate broadcasting.

‘Due’ means adequate or appropriate to the subject and nature of the programme.

## 2.2 Factual Programmes

In all factual programmes, due impartiality and accuracy must be preserved. This may be secured in a number of different ways, depending on the purpose and format of the programmes. Those primarily addressed to an examination of issues already in the arena of public debate should give a fair representation of the main differing views on the matter.

### *(i) News*

- Reporting should be dispassionate and the treatment of news should be even – handed.
- Significant mistakes in news should be acknowledged and corrected on the same channel at the first available opportunity and should be appropriately scheduled.

### *(ii) Special Impartiality Requirements: News and other Programmes*

*Matters of political or industrial controversy and matters relating to current public policy*

Matters of political or industrial controversy are political or industrial issues on which politicians, industry and or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by government or by bodies mandated by those public bodies to make policy on their behalf.

### *(iii) Personal View Programmes*

Programmes in which an individual contributor is given the opportunity to put forward his or her own views have a valuable place in the schedules. They are however, subject to specific safeguards in order to ensure compliance with the general provisions relating to due impartiality and due accuracy.

These safeguards are as follows:

- Each programme must be clearly identified as giving a personal view both in advance announcements and at the start of the programme itself.
- Facts, must be respected, and broadcasters have an obligation to do what they can to ensure that the opinions expressed, however partial do not rest on false evidence.

*(iv) Drama and  
Drama-Documentary*

Drama is by definition the work of a creative imagination and the impartiality due in respect of a play is not the same as that required of news or a current affairs programme. Nevertheless, questions of impartiality and accuracy do arise in the area of drama, particularly documentary-drama, when the boundaries between what is fact and what is fiction may become blurred. For this reason a clear distinction should be drawn between plays based on fact and dramatised documentaries which seek to reconstruct actual events. Much confusion may be avoided if plays based on current or very recent events are carefully labeled as such, so that the fictional elements are not misleadingly presented as fact.

*(v) Conduct of Interviews*

Interviewees should be made adequately aware of the format, subject matter and purpose of the programme to which they have been invited to contribute, and the way in which their contribution is likely to be used. Written confirmation should be provided if requested.

For programmes dealing with political or industrial controversy or current public policy, interviewees should also be told the identity and intended role of other proposed participants in the programme, where this is known.

Sometimes, interviewees will seek to impose their own conditions on the conduct and use of their interview. Such requests are improper in themselves, but care should be taken to ensure that what is included in the programme is determined by criteria of journalistic impartiality and not as a result of pressure.

On occasion, proposed interviewees will be unable or unwilling to accept an invitation to participate in a programme. This need not prevent the programme going ahead, but in order to achieve impartiality, care must be taken to give an impartial account of the subject under discussion.

# 3

## Matters Relating to Privacy Principle

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In a modern society, the private lives of individuals are normally deemed to be of no legitimate interest to the public and should therefore be protected from public gaze. However collective interests prevail over those of the individual: when society's well-being is itself threatened and even then, subject to certain well defined conditions, the public's interest in private lives is justified, and his / her right to information recognised.

### 3.1 General

As a general rule broadcasters must take care to respect the privacy of the citizen during the process of collecting material as well as in the way the material is used in the programme. This applies to the time at which the relevant events occur as well as later, should the programme be re-used.

It is not always easy to draw the line between the citizen's right to privacy and the public's right to information, but the following examples of overriding public interest should prove useful.

### 3.2 Overriding public interest

Infringement of privacy is only justified by an overriding public interest in disclosure of information. Revealing or detecting crime or disreputable behaviour, protecting public health or safety, exposing misleading claims by

individuals or organisations, or disclosing significant incompetence in public office are accepted as such justifying factors.

Subject to the above, special care must be taken to protect the right to privacy at all times, including in the special circumstances listed below.

### 3.3 Special Circumstances

#### 3.3.1 Public places

- When for a short time, people are caught up in events which hit the headlines, their situation should not be abused or exploited.
- When covering events in public places, broadcasters should ensure that the content of their programme is sufficiently in the public domain to justify their inclusion without the consent of the individuals concerned.
- In sensitive situations as in hospitals, prisons or police stations, the consent of the individuals should have been obtained, unless their identity has been concealed.
- Not everything which interests the public is in the public interest. People who are in the public eye, their relatives and friends do not forfeit their right to privacy, unless their private behaviour raises broader public issues. The location of a person's home or family should not be revealed unless strictly relevant to the behaviour under investigation.

### 3.3.2 Secrecy

- The use of hidden microphones and cameras can be unfair to those recorded, as well as infringe their privacy; hence it should only be considered when it is necessary to the credibility and authenticity of the story
- An unattended recording device should not be left or placed on private property without the full and informed consent of the occupiers or their agents, unless seeking such permission might frustrate investigation into matters of **overriding public interest**; even then such use must be appropriate to the importance or nature of the story.
- When material which has been obtained secretly is being broadcast the privacy of innocent bystanders must be protected, for example by obscuring their identity.
- For secret recordings as part of an entertainment programme, broadcasters should seek the consent of the subjects of a recorded deception, before the material is broadcast. In a live broadcast special care should be taken to avoid offence to the individuals concerned.

### 3.3.3 Doorstepping

- People who are currently in the news cannot reasonably object to being questioned and recorded by the media when in public places. The questions however should be fair even if unwelcome. If the approach is made by telephone, the broadcaster should make clear who is calling and for what purpose. Nevertheless even

those in the news have the right to make no comment or to refuse to appear in a broadcast; this decision and the reason given should appear in any relevant broadcast.

- Outside the urgency of the daily news context, surprise can still be a legitimate device to elicit the truth especially when dealing with matters of overriding public interest in investigation and disclosure.
- Doorstepping in these circumstances may be legitimate when there has been repeated refusal or a history of such refusals or the risk exists that a protagonist might disappear. Repeated attempts to take pictures or to obtain an interview when consent has been refused can however constitute an unwarranted infringement of privacy and can also constitute unfairness.
- Care must also be taken not to make it easy to locate or identify the refuser's address unless it is strictly relevant to the behaviour under investigation and there is an **overriding public interest**.

### 3.3.4 Telephone calls

Broadcasters should normally identify themselves to telephone interviewees from the outset, or seek the agreement of the other party if they wish to broadcast the recording of a telephone call.

Recording a call for broadcast purposes without prior warning is the equivalent of *doorstepping*, and similar rules apply.

### 3.3.5 Suffering and distress

- Broadcasters should not add to the distress of people involved in emergencies or personal tragedies. The use of material which infringes their privacy or is distressing can only be justified by **overriding public interest**. Broadcasters should not reveal the identity of a person who has died, or victims of accidents or violent crimes unless and until it is clear that the next of kin has been notified.
- Broadcasters should also refrain from causing additional anxiety or distress when filming or recording people who are already extremely upset or under stress, for example at funerals or in hospitals. They should seek consent from the family or its agents, and respect any request to withdraw, as well as any arrangements made by the families, at funerals, or authorities, in hospitals.
- Broadcasters should ask themselves whether the repeated use of traumatic library material is justified if it features identifiable persons who are still alive or who have died recently.

### 3.3.6 Children

- Children's vulnerability needs special protection from broadcasters, regardless of the status or actions of their parents. Their gullibility or trust must not be abused. Nor should they be questioned about private family or other matters beyond their understanding. Consent of parents should be obtained before

interviewing children under 16 on matters of significance.

- Where consent has not been obtained or actually refused, only **overriding public interest** can justify a decision to go ahead.

Similarly children under 16 involved in police enquiries or court proceedings relating to sexual offences should not be identified in news or other programmes.

### 3.3.7 Agency operations

When accompanying operations of police, emergency services or other social bodies, broadcasting crews should declare as soon as practicable for whom they are working and what they are doing. If asked to stop filming on private premises or leave, by owners or occupiers, they should comply unless there is an **overriding public interest**. Bystanders caught on camera should have their identities obscured where unfairness might arise.

# 4

## Human Rights

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Broadcasting licensees enjoy the privilege of licences issued by the Authority to operate undertakings through the use of frequencies that are public property. This privilege is granted on the clear understanding that licensees have a responsibility for the programmes they broadcast and is subject to the requirements of the Laws of Mauritius, and any conditions of licence that may be imposed by the Authority pursuant to the IBA Act.

The Authority's mandate is to achieve the objectives of the Act, which requires it to strike an appropriate balance among those objectives. Every licensee has a duty to the achievement of those objectives.

### 4.1 Rights and Freedoms

The fundamental rights and freedoms of the individual are enshrined in Chapter II of the Constitution. Additional legal protection is afforded to the individual under the various existing laws of Mauritius.

The international community has stated its commitment to the right to free expression in a series of fundamental agreements such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights.

The Republic of Mauritius, as a member of the international community, is also bound by its treaty obligations under international law.

Building on the Constitutional rights and principles expressed in international human rights instruments, the broadcaster must be guided by the following:

- (i) The right to respect for the individual's private and family life, his home and his correspondence.
- (ii) The right to freedom of thought, conscience and religion of any member of society.
- (iii) The right to freedom of expression. This right shall include freedom to hold opinions and receive and impart information and ideas without interference by public authority and regardless of frontiers
- (iv) There shall be no interference with the exercise of the rights of the individual except such as is in accordance with the law, and, is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for protection of health of the morals, or the protection of the rights and freedoms of others.

## **4.2 Freedom of Expression**

The authority recognizes the importance of the principle of freedom of expression, which protects those who express their views and those who hear them. The freedom of expression of broadcasters is thus counterbalanced by the right of listeners to programming that complies with the Act and associated regulatory requirements.

## **4.3 Abusive Comments**

The broadcaster shall ensure that his programming does not contain abusive comments, discriminatory remarks on material pertaining to race, colour, age, sex, religion, social origin, marital status, physical or mental disability. Remarks which are abusive and risk exposing an individual or a group to contempt or hatred contravene the objectives of the broadcasting policy set out in the Code.

Programming should be of high standard and the Mauritian licensees broadcasting system should, through programming, reflect the circumstances and aspirations of Mauritian citizens, including the linguistic, cultural and ethnic plurality of the Mauritian society.

The Authority recognizes the right of licensees, through their employees, to criticize and question on air the actions of individuals, groups and institutions in the interest of community. However, the Authority considers that the right to criticize does not give anyone the right to degrade others, to be unduly fierce in his / her criticism, or to use the airwaves to make personal attacks.

# 5

## Protection of Children

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1. Licensees should be alert to the likely effects of all live broadcast materials of children. Children cover a wide age range. The capacity of children of different age groups to cope with the depiction and treatment of materials should be taken into consideration. Further there should be a balanced mix of programmes to cater for the needs of children of different age groups.
2. Materials that might seriously impair the physical, mental or moral development of children must not be broadcasted.
3. Children must also be protected from materials that is unsuitable for them by appropriate scheduling as defined in the present Code. ( Section 1.4 )
4. Radio broadcasters must have particular regard to times when children are particularly likely to be listening.
5. No advantage should be taken of children's natural credulity and sense of loyalty. The licensees should ensure that scenes likely to frighten or cause pain to children be avoided in programmes targeting children.
6. All scenes in which pleasure is taken in the infliction or acceptance of pain or humiliation upon others should be avoided.
7. The portrayal of dangerous behaviour easily imitated by children should be avoided. This applies especially to the use in a manner likely to cause serious injury, of knives and other offensive weapons, articles or substances which are readily accessible to children.
8. Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, should be avoided. These include, for example: rabbit punches, suffocation, sabotage of vehicles and booby traps.
9. Smoking, drinking of alcoholic beverages, use of illegal drugs, solvents and glues, by minors:
  - (i) must not be featured in programmes made for children,
  - (ii) must not be condoned, encouraged or glamorized.
10. References to the consumption of illegal drugs, should only be made where absolutely justified by the story line or programme context
11. Representation of sexual intercourse must not occur during children and family viewing hours are particularly unless there is a serious educational purpose.

12. Violence, its after-effects and descriptions of violence, whether verbal or physical:
  - (i) must not be featured in programmes made for children,
  - (ii) must not be condoned, encouraged or glamorized.
13. Care must be taken in the treatment of themes dealing with gambling, prostitution, crime, paranormal, social or domestic conflict.
14. Due care must be taken over the physical and emotional welfare and the dignity of children who take part or are otherwise involved in programmes.
15. The rules as to the use of children in advertising materials are clearly defined in the **Code of Advertising Practice** (*Chapter 3, Protection of Minors*)
16. Disrespect for law and order, adult authority, good morals and clean living and downgrading and/or humiliating situations for children should be strictly disallowed.
17. Children's programmes should be wholesome and in general designed to impart a broader knowledge of the world around them, to encourage the habit of acquiring knowledge, to stimulate active interest in sports and hobbies and to promote appreciation of spiritual and moral values.

# 6

## Religious Programmes Principle

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A balance must be struck between the fundamental human right to freedom of expression and the broadcasting of religious programmes. The purpose of religious broadcast being the promotion of spiritual harmony and understanding of humanity at large, due consideration must be given to the sensitivities of the different viewers and listeners.

A “religious programme” can be defined as a programme, which deals with matters of religion as the central subject, or as a significant part of the programme.

### 6.1 General

In the broadcast of religious programmes, licensees should be aware of what may cause offence. Religion being a sensitive issue in a multi-ethnic society, broadcasters must ensure that:

- (i) they exercise a proper degree of responsibility with respect to the content of the religious programmes;
- (ii) religious programmes do not involve any improper exploitation of susceptibilities of the audience for such a programme; and
- (iii) religious programmes do not involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination.
- (iv) Where a religion or religious denomination is the subject, or one of the subjects, of a religious programme, then the identity of the religion and/or religious

denomination must be clear to the audience.

### 6.2 Specific Cases

During the broadcast of religious programmes, licensees must be aware of circumstances which may cause distress to sections of the audience.

- (i) The casual use of names, words or symbols regarded as sacred by different sets of believers can cause hurt as well as offence. People of all faiths are distressed by affronts to their sacred words.
- (ii) Broadcast of programmes on the principal holy days of the main religions should not cause unnecessary offence in the way they are presented, though the same material may be more acceptable at other times.
- (iii) Offence may be caused by profane references or disrespect whether verbal or visual, directed at deities, scriptures, holy days and rituals which are at the heart of various religions.
- (iv) The promotion of religious views or beliefs, directly or indirectly, must not be done through the downgrading of other faiths.
- (v) Religious programmes must not influence audience members and viewers to join a particular religion or religious denomination.