



# *Independent Broadcasting Authority*

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## **POLITICAL BROADCASTS AND PARTY ELECTION BROADCASTS**

### **GENERAL GUIDELINES FOR PRIVATE AND PUBLIC BROADCASTERS**

#### **GENERAL ELECTIONS 2005**

#### **(ISSUED IN PURSUANCE OF PARAGRAPH 6 OF THE CODE OF CONDUCT FOR BROADCASTING SERVICES OF THE IBA ACT)**

Broadcasting licensees shall ensure that these Guidelines are strictly adhered to by their employees and agents, and, wherever applicable, their interviewees.

### **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 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 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 Guidelines.
  - (c) For the purposes of subparagraph (b), "politically-related matter" does 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 amounts 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 and defamation.
- (5)
  - (a) For the purposes of these Guidelines, equitable treatment shall not be construed as being equal treatment in all cases.
  - (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 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;

“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 issues, which is broadcast by the licensee; and
- (b) includes a debate, interview or any agreed programme format on political issues or politically-related issues to which representatives of political parties 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 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 sex, race, colour, caste, creed or place of origin;
  - (f) contain any statement which may constitute or result in a breach of law.
- (2) (a) Broadcasting licensees shall ensure that paragraphs 1 and 4 of the Preamble to Part A of these Guidelines 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 shall mutually agree on the format of special political programmes and debates.
  - (ii) The moderator/presenter of the programme or debate shall see to it 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 slogans 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 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.
- (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)
  - (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.
- (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 and defamation.

#### **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 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) 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 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 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 political programme broadcast 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 for whom, or the 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 counting process in any counting centre shall neither be broadcast live nor be recorded to be broadcast at a later time.
- (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 so as to give, or appear to give, an inequitable or unfair treatment to that party/alliance to the detriment of other parties/alliances.
- (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 and significant election issues, so that any unwarranted over-coverage or under-coverage of any party or alliance 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;
- (b) 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;
- (c) 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 (b) above, is broadcast during the election broadcast period and until the close of polling.

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

Broadcasting licensees shall not broadcast, by any means whatsoever, any political or politically-related survey, or comment on any political or politically-related survey, on election eve and polling day.

### **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 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 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 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 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) A drawing of lots shall take place to determine which of the 2 main parties /alliances shall be entitled to the first party election broadcast on the first day of broadcast. The main party/alliance, other than the main party/alliance entitled to the first party election broadcast after the drawing of lots, shall be entitled to the last party election broadcast. The main party/alliance entitled to the first party election broadcast after the drawing of lots shall then be entitled to an election broadcast immediately before the last broadcast on the last day of party election broadcast.

- (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 organisation 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 organisation.
- (6) In case of disruption of the political programme on air, broadcasting licensees shall propose appropriate alternative air-time to the party or candidate concerned.

## **PART C - MATERIALS TO BE SENT TO AUTHORITY**

### **C.1 Integral recording of broadcast to be sent to Authority**

- (1) Broadcasting licensees shall cause an integral recording of every political programme referred to in Part A or party election broadcast referred to in Part B to be sent to the Authority at latest 24 hours after the broadcast of the programme 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 recording shall be accompanied by the detailed political programme schedule of the day.