[MT] Guidelines on the Obligation of Due Impartiality

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Kevin Aguilina
Faculty of Laws, University of Malta

In April 2012, the Maltese public service broadcaster - Public Broadcasting Services Limited - issued a set of Guidelines on the Obligation of Due Impartiality addressed at news, current affairs programmes and programmes dealing with controversial issues. According to these Guidelines, “due impartiality is the presentation of divergent views on any issue that is objectively presented by the producer and presenter”. Responsibility in law vests in the Head of News for decisions concerning the content of news bulletins and current affairs programmes transmitted by the public service broadcaster. These Guidelines apply to all PBS employees. These employees are debarred from associating themselves “with a political party or undermin[ing] the perception of the impartiality, integrity, independence and objectivity of PBS”.

The Guidelines further provide that topics selected for discussion should be selected without any pressure whatsoever and should be presented in an objective manner, with the presenter providing accurate information. Programme guests are enjoined to offer a wide range of opinions and views. In the case of programmes dealing with political or industrial controversy or public policy, guests should reflect a balanced and adequate representation of all interested parties. The Guidelines also mandate that audiovisual material used should reflect divergent views as well.

Interestingly enough, the Guidelines state that: “Journalists, presenters and producers are not expected to be neutral on every controversial issue,” but if they do air their views “care is to be taken that they do not favour one opinion as opposed to another in such a manner that gives advantage to that opinion or that invites the viewers or listeners to adhere to that opinion”. Where presenters have a strong opinion on a topic they have to consult the editor to guide them as to “whether the presenter should declare his position during that programme.”

A presenter’s conduct is not limited to the actual programme but extends to when s/he is engaged in activities off-air. A presenter’s behaviour off-air may tarnish the reputation as to the objectivity of the public service broadcaster. Hence, they should not express support for any political party or lobby group or campaign in favour of a policy that is of the nature of political or industrial controversy. Nor can they disclose their voting intentions either in elections or in referenda. Nor can they endorse political candidates. Furthermore, presenters of public broadcasting services programmes are prohibited from demanding a change in

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“high profile public policy”. All “news presenters, producers, journalists and presenters of news and current affairs programmes are not to undertake promotions or endorsements of political parties or individual candidates or political organisations as well as endorse commercial products”. All these persons are also requested not to write on or participate in public debate on a number of matters such as current affairs, politics, economics, business, finance, public policy and matters of political or industrial controversy. This participation can take place through letters to the editor, newspaper contributions, blogging online, posting remarks or opinions online, participating in public debates and fronting a campaign. Should any of the above take place, prior authorisation is required and the Registered Editor may, depending on the circumstances of each case, change, adapt or even stop the programme in question.

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