[CH] Space for Small Political Groupings on Television

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On 3 November 1997, Télévision Suisse Romande (TSR) devoted its programme "Droit de cité" to the election of the Conseil d'Etat of the Canton of Geneva. All the candidates had been invited to take part, including the candidate representing a small political grouping called the Alliance des citoyens contribuables (alliance of tax-paying citizens). Feeling that it was not being allowed its fair share of space, the Alliance refused to take part in the broadcast and lodged a complaint with the independent radio and television http://services.obs.coe.int/en/index.htm authority (AIEP). In its decision on 3 April 1998, the AIEP noted firstly that it was not within its powers to reach a verdict on the right of access to the media and on the preparatory work of a program, as its investigatory powers were limited to the content of broadcasts. Up to now, and in accordance with consistent case-law at Federal Tribunal level, individuals, associations, and political parties have no entitlement to broadcasting time. Secondly, the AIEP looked into the conditions for speaking, being present and intervening on the air, which were different for the complainant from those allowed to candidates from groups already represented in the Grand Conseil. During programmes broadcast on the occasion of voting or elections, the duty to give a faithful presentation of events usually coincided broadly with the duty to reflect equitably the diversity of opinions . In order to achieve this, however, it was not necessary to give the same amount of space to each idea. The broadcaster remained free to choose the type of programme it felt was most suited to the circumstances, provided that differences in treatment were based on reasonable criteria. The presence of a group in the Grand Conseil constituted one such criterion. Criteria concerning the number of candidates presented for election or the specific nature of the topics defended by a given party during the election campaign were too random to be satisfactory. As the broadcaster had, moreover, pointed out the reasons for the complainant's non-participation in the programme, it could not but be considered that programming legislation had been respected. "While the AIEP notes that in the present case programming legislation has not been infringed, it nevertheless wonders if, from the point of view of democratic requirements, small emerging formations should not be given specific opportunities to make themselves heard, for example in programmes specially devoted to them. Democracy indeed supposes that renewal - even if it is radical - of the existing political forces is always a possibility. However justified from the point of view of the value of the programme to the public, the practice of allowing new formations no more than a small part in major overall debates was not

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entirely satisfactory. This practice could possibly be complemented by measures in another context." As this question was outside the scope of its terms of reference, the AIEP left the question unanswered.

Décision du 3 avril 1998 de l'Autorité indépendante d'examen des plaintes en matière de radio-télévision (b.361).

Decision of 3 April 1998 by the independent authority for investigating complaints concerning radio and television (AIEP) (b.361).

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