[BE] Access to Public Broadcasting during Election Campaigns

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During the last general elections, several courts were called upon to make rulings as to the conditions of access of the campaigning parties to electoral broadcasts on state-owned radio and television channels. The RTBF board of governors had laid down a regulation restricting access to those parties with seats in all the Assemblies concerned by the elections of 21 May (Senate, the Lower House, the Regional Parliaments), in the avowed aim of blocking access to the extreme right-wing parties.

This system, which favoured the established parties, was of course criticised by the smaller parties that were not represented in the outgoing Assemblies. No fewer than 6 decisions were handed down, including four from the judge for urgent applications (juge des référés), in Brussels and two from the State Council (Conseil d'Etat) . While the Brussels judge for urgent applications rejected an application from the Parti du Travail de Belgique, considering that the grounds laid down by the RTBF were objective, the State Council accepted the arguments of the Union et renouveau démocratiques and suspended the ruling of the RTBF, ordering them to broadcast a forum of the Party. The Council considered that such a measure went against the right held by all political parties, whether they held seats or not, to stand for election under equal conditions. This decision implicitly applied the principle of proportionality : while broadcasters might legitimately reserve more air time for the outgoing parties, they could not at the same time deny smaller parties access to air time.

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