

Broadcasting Principles Devised by International Human Rights Organisation

IRIS 2002-4:1/1

*Tarlach McGonagle
Institute for Information Law (IViR), University of Amsterdam*

The international human rights organisation, ARTICLE 19, Global Campaign for Free Expression, recently elaborated and issued a set of principles entitled "Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation". The Principles are the latest thematic focus of ARTICLE 19's International Standards Series. Previous sets of principles to appear in this series include: "The Public's Right to Know: Principles on Freedom of Information Legislation" (June 1999) and "Defining Defamation: Principles on Freedom of Expression and Protection of Reputation" (July 2000).

The first section of "Access to the Airwaves" comprises general principles. As such, the right to freedom of expression and information is reaffirmed and the importance of editorial independence and the promotion of diversity are stressed. The issues of emergency measures affecting broadcasting and the liability of broadcasters for the statements of others are then addressed. The second section of the document deals largely with structural considerations: the need for States to promote "universal and affordable access to the means of communication and reception of broadcasting services" and, in this connection, to give due consideration to the likely impact of prevailing economic conditions. Section 3 focuses on the equitable allocation of frequency spectrum.

Regulatory and complaints bodies are examined in detail in the fourth section. The need for their de jure and de facto independence is underscored, as is the need for a clear statement of the policy objectives that underlie broadcasting regulation. Such a statement of intent should guide the modus operandi of regulatory bodies at all times. Furthermore, the precise remit of regulatory bodies should also be a model of clarity. Criteria for membership of such bodies are elaborated in detail in order to prevent conflicts of interest and related difficulties from arising. The importance of the accountability of regulatory bodies to the public is also stressed. In addition, these bodies should be adequately funded in a manner that would not compromise their independence and all decisions taken by these bodies should be subject to judicial review.

Licensing is examined at length in Section 5. This comprises an examination of issues such as licence requirement, responsibility for licensing, eligibility, licensing processes and licence conditions. An array of other major themes is also

dealt with in "Access to the Airwaves": content matters; sanctions (procedure and proportionality); access to State resources; election coverage (adequate public information, voter education, direct access political broadcasts, commercial political advertisements and rapid redress) and public service broadcasting (independence, funding, remit).

As stated in the Preface to the Principles, it is intended that they will be used by "campaigners, broadcasters, lawyers, judges, elected representatives and public officials in their efforts to promote a vibrant, independent broadcasting sector that serves all regions and groups in society".

"Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation", International Standards Series, ARTICLE 19, Global Campaign for Free Expression, March 2002

<http://www.article19.org>

