

New Declaration by Specialised Mandates for Freedom of Expression

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

Facilitated by ARTICLE 19 Global Campaign for Free Expression, the specialised mandates for promoting freedom of expression of three international organisations, viz. the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, and the Organization of American States Special Rapporteur on Freedom of Expression, recently adopted a joint declaration. It addresses three broad themes: regulation of the media; restrictions on journalists and the investigation of corruption.

Concerning the first of these, the Joint Declaration states that all public bodies exercising formal regulatory powers over the media should be insulated from political, financial and other types of interference. Qualitative differences between various sectors of the media (e.g. print, broadcasting and (particularly, owing to its "very special features") the Internet) should be given due consideration in regulatory matters. As regards broadcasting, the allocation of frequencies ought to be democratic in character and guarantee "equitable opportunity of access". Furthermore, broadcasters should not be subjected to additional registration requirements over and above the requirement to obtain a broadcasting licence. The practice of obliging media outlets by law to carry messages from political figures is criticised and the problematic nature of content restrictions is also highlighted.

The second section opposes licensing and registration requirements for individual journalists, as well as legal restrictions on who may practise journalism. It is stated that accreditation schemes are only appropriate where necessary to grant privileged access to certain places and/or events. Moreover, a number of criteria should apply: such systems should be overseen by independent bodies; decisions should be implemented through fair and transparent processes and be based on clear and non-discriminatory criteria which have been published in advance.

The third section states that media workers involved in the investigation of corruption or wrongdoing "should not be targeted for legal or other harassment" and that investigative journalists should receive appropriate backing from media owners.

This Joint Declaration is not the first of its kind; previous such declarations were issued in 1999 (on a wide range of themes), 2000 (on censorship by killing and defamation), 2001 (on countering terror; broadcasting, and the Internet) and 2002 (on freedom of expression and the administration of justice; commercialisation and freedom of expression, and criminal defamation). A Joint Statement on Racism and the Media was also issued by the three specialised mandates in advance of the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001 (see IRIS 2002-1: 3).

Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, 18 December 2003

<http://www.article19.org/docimages/1244.doc>

