[FR] Reaffirmation of the Principle of Equity among Political Parties in the Context of the Recent Referendum Campaign

IRIS 2005-9:1/18

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On 22 March 2005 the Conseil supérieur de l'audiovisuel (French audiovisual regulatory body - CSA) sent all the radio and television services a recommendation on the referendum of 29 May 2005 in which it invited them to ensure that the political parties or groupings enjoyed equitable presentation and access to the airwaves (see IRIS 2005-5: 13). A number of political personalities claimed that there should be equal treatment for those in favour and those against, and a number of media representatives contested the rules concerning access to the airwaves. The CSA, which is responsible for ensuring respect for the diverse expression of currents of thinking and opinions, reaffirmed this principle of equity that took a battering a number of times in the recent referendum campaign. In its report on the campaign, the CSA did not feel it was necessary to review the basis of its recommendation, but it did draw up proposals for amending the texts for the forthcoming elections in the light of the difficulties encountered in the application of its recommendations on the referendum. Thus the CSA could submit to the Constitutional Council for its opinion the introductory memorandum to the CSA's recommendation which explicitly referred to statements made by the Head of State. The President's involvement in the campaign brought this question to the fore once again. In accordance with previous recommendations on referendums, statements and comments made by the President - whether they referred to current affairs concerning the referendum or not - were not included in any way in the calculation used to evaluate the political parties' conditions of access to the media. This was the subject of an application for cancellation before the Conseil d'Etat. In a decision on 13 May 2005, the administrative judge, upholding the position adopted by the CSA, found that “by reason of the position occupied, according to republican tradition, by the Head of State in the organisation of the public powers, the President of the Republic does not speak on behalf of any political party or grouping”. Consequently, the Conseil d'Etat dismissed the application brought against the introductory memorandum to the CSA's recommendation of 22 March, as it considered that the President's comments and statements were not connected to any political party.

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Rapport sur la campagne en vue du référendum du 29 mai 2005 sur le traité établissant une constitution pour l'Europe, juillet 2005

http://www.csa.fr/upload/publication/referend.pdf

Report on the campaign with a view to the referendum of 29 May 2005 on the treaty establishing a constitution for Europe, July

Conseil d'Etat, 5e et 4e sous-sections réunies, 13 mai 2005, Hoffer

http://www.legifrance.gouv.fr/

Conseil d'Etat, 5th and 4th sub-sections combined, 13 May 2005, Hoffer

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