

International Mechanisms for Promoting Freedom of Expression

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

Having discussed these issues virtually with the assistance of ARTICLE 19, Global Campaign for Free Expression;

Recalling and reaffirming their Joint Declarations of 26 November 1999, 30 November 2000, 20 November 2001 and 10 December 2002;

Condemning attempts by some governments to limit freedom of expression and to control the media and/or journalists through regulatory mechanisms which lack independence or otherwise pose a threat to freedom of expression;

Noting the importance of protecting broadcasters, both public and private, from interference of a political or commercial nature;

Recognising the fundamentally unique nature of the Internet and the serious problems with trying to apply systems designed for the print or broadcast sector to this new medium;

Recalling that the right to freedom of expression guarantees everyone the freedom to seek, receive and impart information through any medium and that, as a result, attempts to limit access to the practise of journalism are illegitimate;

Aware of the important watchdog role of the media and of the importance to democracy and society as a whole of vibrant, active investigative journalism;

Welcoming the commitment of the African Commission on Human and Peoples' Rights to adopt a regional mechanism to promote the right to freedom of expression and noting the need for specialised mechanisms to promote freedom of expression in every region of the world;

Adopt, on 18 December 2003, the following Declaration:

On the Regulation of the Media

- All public authorities which exercise formal regulatory powers over the media should be protected against interference, particularly of a political or economic nature, including by an appointments process for members which is transparent, allows for public input and is not controlled by any particular political party.
- Regulatory systems should take into account the fundamental differences between the print and broadcast sectors, as well as the Internet. Broadcasters should not be required to register in addition to obtaining a broadcasting licence. The allocation of broadcast frequencies should be based on democratic criteria and should ensure equitable opportunity of access. Any regulation of the Internet

should take into account the very special features of this communications medium.

- Imposing special registration requirements on the print media is unnecessary and may be abused and should be avoided. Registration systems which allow for discretion to refuse registration, which impose substantive conditions on the print media or which are overseen by bodies which are not independent of government are particularly problematical.
- Content restrictions are problematical. Media-specific laws should not duplicate content restrictions already provided for in law as this is unnecessary and may lead to abuse. Content rules for the print media that provide for quasi-criminal penalties, such as fines or suspension, are particularly problematical.
- Media outlets should not be required by law to carry messages from specified political figures, such as the president.

On the Restrictions on Journalists

- Individual journalists should not be required to be licensed or to register.
- There should be no legal restrictions on who may practise journalism.
- Accreditation schemes for journalists are appropriate only where necessary to provide them with privileged access to certain places and/or events; such schemes should be overseen by an independent body and accreditation decisions should be taken pursuant to a fair and transparent process, based on clear and non discriminatory criteria published in advance.
- Accreditation should never be subject to withdrawal based only on the content of an individual journalist's work.

Investigating Corruption

- Media workers who investigate corruption or wrongdoing should not be targeted for legal or other harassment in retaliation for their work.
- Media owners should be encouraged to provide appropriate support to journalists engaged in investigative journalism.

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