

IAB Press Release on Draft Amendment to the Electoral Code in Costa Rica

The International Association of Broadcasting – IAB – observes with concern a draft amendment to the Electoral Code of Costa Rica, promoted by the Supreme Electoral Court of that country.

The legislative initiative contains a set of rules that regulate electoral propaganda on radio and television stations, imposing to over-the-air stations the obligation to give thirty minutes a day, free of charge to each station for broadcasting the electoral propaganda, during the four-month election campaign.

The reform includes granting the Supreme Electoral Court of the exclusive power to set the rules for managing radio and television slots, intended for the distribution of political parties' messages, as well as the power to impose sanctions in cases of noncompliance.

If successful, this project would seriously affect the freedom of programming and content of radio and television stations, which would mean a limitation to the full exercise of Freedom of Expression, also restricting the diversity of information, ideas and opinions that are essential to the public opinion and the freedom to decide the country's destiny, when a prior control is applied over the electoral messages and information.

The Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights establishes: "Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression".

Moreover, the requirement of free slots specifically from radio and television stations is discriminatory in relation to other media and communication systems, which would not be limited to disseminate messages, information and electoral propaganda through various ways during the campaign period.

The Hertzian waves and frequencies are assets of the International Community and are allocated to each State through international agreements and regulations, so that States with respect to radio frequencies they have been assigned should limit their powers to the distribution and administration of the same.

IAB respectfully urges the Supreme Electoral Court of Costa Rica to review the draft amendments to the Electoral Code in order to remove those articles that would be harmful to Freedom of Expression and to the full operation of free and independent radio and television stations of the country, which have extensive experience in major campaigns of public concern as well as for the widest broadcast of ideas and opinions that strengthen pluralism and the validity of democracy in Costa Rica.

April 12, 2013