

## **Preamble**

Freedom of expression and information are fundamental human rights guaranteed by international law and should be recognized as such by all democratic societies. The right to communicate and fair and equitable access to communication media should be protected and extend as a consequence of fast changes created by information and communication technologies. Press and broadcasting freedom and key and indivisible aspects of the aforesaid rights.

# **Principles for a Democratic Legislation on Community Broadcasting**

## **1. Media diversity, content and perspectives**

Diversity and pluralism are the main objectives of any regulatory framework for democratic broadcasting. These require effective measures to prevent the concentration of media ownership, to guarantee the dissemination of diverse contents and perspectives in the media and to recognize a diversity of forms of media ownership, goals and logic, which provides for three differentiated sectors: public/state, private/commercial and social/non-profit. Community media are part of this third group.

## **2. Recognition and promotion**

The recognition and differentiation of community media in national legislative framework aims to guarantee the right to information and freedom of expression, to ensure diversity and pluralism and to promote the sector. Its inclusion in law must be accompanied by procedures, conditions and public policies of respect, promotion and protection, in order to ensure their existence and development.

## **3. Definition and characteristics**

Community radio and television are private entities with public objectives. They characterize by being managed by various types of non-profit social organizations. Their fundamental characteristic is the participation of the community, in ownership as well as programming, management, operation, financing and evaluation. They are independent and non-governmental media that do not do religious proselytism, nor are they either controlled or linked to political parties or private firms.

## **4. Objectives and ends**

Community media exist to satisfy the communication needs of their territorial, ethnolinguistic or interest communities' members. Their aims are directly related to the communities they serve and represent. Among others, the promotion of social development, human rights, cultural and linguistic diversity, pluralism of information and opinion, peaceful coexistence, and the strengthening of social and cultural identities. They are pluralist media and for that reason they must ensure and promote the access, dialogue and participation of a range of social movements, races, ethnic groups, genders, sexual orientations, religions, ages and others to their media.

### **5. Technological access**

All organized communities and non-profit groups have the right to use all available broadcasting and telecommunications technologies, including cable or other wired means, satellite or other radio and TV frequency bands, as well as other uses of the electromagnetic spectrum, in both analogue and digital systems. The technical characteristics of a station will depend only on the needs of the community it serves and represents and the communicational project of the media.

### **6. Universal access**

All organized communities and non-profit institutions, whether they are geographic communities or communities of interest, have the right to install community radios or TV in either rural or urban areas. This means that there should not be arbitrary and pre-established limits related to geographical service area, coverage, power or number of stations in a particular location, region or country. Any other restriction to this right should be established previously in the regulation and will be measures that are needed in a democratic society to protect public interest and in conformity with this Principles, such as limited availability of frequencies or the need to avoid the concentration of media ownership.

### **7. Spectrum reserves**

National spectrum management plans must include, in all broadcasting bands, a significant and equitable reserve in all broadcastings bands, among other tiers of broadcasting, for the access to community media and other non-commercial media as a way to guarantee their existence. This principle extends to allocations in digital broadcasting frequencies.

## **8. Competent authorities**

Spectrum allocation, frequency concessions and other aspects related to the functioning of community broadcasting should be regulated by state agencies that are independent from the government, as well as from economic groups or corporations. There must be guaranties for an effective participation of civil society members in the decision making process. Due process and the provision of the possibility to appeal its decisions are essential to guarantee the rule of law.

## **9. Frequency allocation and concession procedures**

The general principle for the allocation of frequencies and broadcast should be an open, transparent and public **contest**, and should include public participatory mechanisms such as audience's, when these are relevant. Competitive processes, which may be differentiated according to the different sectors of broadcasting with clauses and specific criteria, and must take into account the nature and particularities of community media in order to guarantee them an effective and non-discriminatory participation. The procedure may be initiated by state initiative, or in response to requests by interested non-profit groups, as long as there are frequencies available, and should last for a reasonable period of time.

## **10. Non-discriminatory requirements and conditions**

The administrative, economic and technical **requirements** demanded of organized communities and non-profit groups interested in creating community media will be limited to those strictly necessary to guarantee their functioning and the full exercise of their rights. The conditions for concessions should not be discriminatory and should be compatible with the above principles. These conditions as well as the criteria and evaluation mechanisms and processing schedule, will be clearly established in the regulation and will be widely distributed before the beginning of the procedure

## **11. Evaluation criteria**

Whenever there may be need for a selection among competitive candidates, the evaluation criteria will differ depending on the diverse modes of broadcasting. In the case of community media there will be a previous qualification of the relevance of the project, of the communicational, social and cultural project, of the participation of the community in

the radio station, the antecedents of community work of the interested organization and the expected contribution the station will make to media diversity in the coverage area. The economic capacity of the proponent should not be a selection criteria, although there could be reasonable requirements to guarantee the sustainability of the radio station

## **12. Financing**

Community media have the right to assure their economic sustainability, independence and development, through resources such as donations, sponsorships, commercial and public advertising and other legitimate means. All of these will be entirely reinvested for the functioning of the station and the achievement of its objectives and goals. Any limitations imposed on the amount of time or quantity of advertising must be reasonable and non-discriminatory. Community media should present periodic accounts to the community it is representing making their resources management public and transparent.

## **13. Public funds**

The existence of public funds with sufficient resources should be available to ensure the development of community media. It is desirable to have public policies exonerating or reducing community media payments of fees and taxes including spectrum allocation, to adapt them to the characteristics and public mission of these radio stations.

## **14. Digital inclusion**

The commitment of States to overcome the digital divide and to involve all sectors in the Information and Knowledge Society, implies the creation of mechanisms to ensure the access and migration of community media to the new technologies. The challenges of media convergence and digitalization of analogic supports should be confronted in the framework of technologic and regulatory adaptation, transparency and equity.

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