

Organisations defending and promoting the right to freedom of expression in Latin America, deeply concerned at the extent of media concentration in the Latin American region, issue the following

## **DECLARATION**

Freedom of expression is a universal human right and a necessary condition for the existence of effective political pluralism and diversity of information and opinion, as well as for informed participation by citizens, making it a cornerstone of democracy;

Bearing in mind that media concentration conspires against democracy and is a serious barrier to the exercise of freedom of expression and the right to information, inasmuch as it is an obstacle to media diversity and pluralism of ideas and information;

Reaffirming that diversity and pluralism of viewpoints and information sources reinforce the essential nature of freedom of expression as a requisite for democratic regimes, as well as its role as an enabling and interdependent right along with the exercise of other civil, political, social, cultural and economic rights;

Recognising that the historic existence of monopolistic or oligopolistic structures and vertical, horizontal and interconnected ownership of media in the region, whether private or governmental, affects the requisite diversity of viewpoints and pluralism by reducing the available sources of information for exercising citizenship, thus becoming an obstacle that prevents other sectors of the population from publicly expressing their own opinions;

Fully aware that in recent years in the Latin American region there have been repeated and insistent denunciations from civil society, research projects and studies, showing the existence of high levels of concentration of the traditional media to be a structural problem with multiple consequences, in many cases exacerbated by recent processes of technological convergence and digital transition, and resulting in reduced numbers of media companies producing a wide range of contents;

Pointing out that as a consequence of undue concentration, the contents received by audiences are in the hands of a few media groups that, in turn, often combine different financial and political interests with their activities, giving them in several instances greater power than that of state institutions, making them de facto powers that determine the public agenda, and posing a threat to democratic debate;

Further noting that undue concentration of the media undermines the labour rights of journalists, since without diverse employment opportunities they are forced to accept the conditions imposed by media companies without any options, encouraging self-censorship of journalists and communicators; this has led in some cases to journalists having to exercise their profession in high-risk situations without due protection;

Recalling that several international bodies have expressed the conviction that pluralism and diversity are necessary conditions for substantial and material guarantees of the full exercise of freedom of expression in their reports, declarations and rulings, especially the Special Rapporteur on Freedom of Expression, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; the Inter-American Court has in fact affirmed that state regulation for the protection of pluralism is a “legitimate and imperative” exercise of power;

The signatory organisations below DECLARE that:

1. States must fulfil their obligation to guarantee and protect freedom of expression, making maximum use of their institutional resources so that pluralism and diversity are an effective reality, allowing enjoyment of the right to freedom of expression and ensuring full exercise of the right to information in its collective, and not only individual, dimension; for the purpose of which it is necessary to harmonise internal legislation and to adopt active public policies in line with international human rights standards.
2. While recognising that there is strong media concentration in the Latin American region, particularly in the hands of private corporations, we nevertheless point out that in a few countries state media are also excessively concentrated, and we therefore call on states to assume their obligations to combat monopolies, oligopolies and undue concentration of the media without distinction of type of ownership, including media ownership by government leaders or politicians in public office. Where states have already enacted anti-monopoly regulations, we demand that these be applied actively, transparently and without discrimination.
3. Together with measures to limit and roll back media concentration, we demand that states review their regulatory frameworks and actively implement programmes and public policies with the goal of guaranteeing pluralism and diversity, especially recognising and promoting the non-profit media sector, including indigenous, social and community media, as well as strengthening public media.
4. We also demand concrete measures by the state so that effective internal pluralism is guaranteed in state-managed media, so that they do not operate as official media but as true public service media, with editorial independence and mechanisms for citizen participation

and accountability.

5. We are fully aware that current processes of technological convergence and digital transition are an invaluable opportunity for states to implement all the institutional actions necessary to ensure a diversity of voices and create a balance of ownership between the private, commercial, and social and community sectors; therefore we call for spectrum management of an inclusive, democratic and non-discriminatory nature. While economic and technical viewpoints are necessary in the media sector, they should not exclude the viewpoints of human rights and freedom of expression.
6. We call on the Special Rapporteurs on Freedom of Expression of the Inter-American Commission on Human Rights and of the United Nations to issue standards and recommendations on freedom of expression and media concentration, so that states are provided with guiding criteria to harmonise their legislation and public policies in order to democratise and roll back media systems that have already been concentrated, and so that the processes of digitalisation of radio and television do not result in consolidation or expansion of concentration, but instead provide an effective opportunity for greater pluralism and diversity in our countries.

Observatorio Latinoamericano de Regulación, Medios y Convergencia (OBSERVACOM)

Association for Progressive Communications (APC)

Asociación Mexicana de Derecho a la Información (AMEDI)

ARTICLE 19, Brazil

Centro de Archivos y Acceso a la Información Pública (CAINFO) de Uruguay

Colegio de Periodistas de Chile

Instituto Centroamericano de Estudios para la Democracia Social (DEMOS) de Guatemala

Civitas de Guatemala

Fundación para la Libertad de Prensa (FLIP) de Colombia

Intervezes – Coletivo Brasil de Comunicação Social

Asociación de Radios Comunitarias y Medios Alternativos VOCES Paraguay

Fundación de la Comunicación para el Desarrollo (Comunicándonos) de El Salvador