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Americas - Uruguay

Legislative progress

Deputies pass amended broadcasting law, new challenge ahead

12 December 2013

Reporters Without Borders welcomes the Chamber of Deputies' approval of the proposed Broadcasting Communication Services Law (LSCA) by 50 votes to 35 on 10 December and reiterates its support for this law, which it regards as [a broadcasting regulation model for the region](#).

"The LSCA takes pains to guarantee that the concentration of broadcast media ownership is reduced and that frequencies are redistributed fairly, without any control on content and without pressure on the editorial policies of the public, commercial or community media concerned," Reporters Without Borders said.

"We urge Uruguay's senators to approve this framework legislation without any changes when it comes before the Senate in March."

The version adopted on 10 December includes most of the changes that Reporters Without Borders, the Committee to Protect Journalists and Human Rights Watch proposed during a joint visit to Montevideo in October (see photo).

One of the main changes concerned the initial draft's ban on racist, discriminatory and hateful content. For the sake of freedom of information, this point is clarified by a new formulation banning content "praising" or "explicitly inciting" violence against a category of individuals or segment of the population on the grounds of its origin, gender, sexual orientation, age and so on.

The new version adds: "*Under no circumstances should these provisions be interpreted as prohibiting information about the facts concerned or analysis or discussion of these issues, especially as part of educational, informative or journalistic programmes.*"

In the same way, clauses on the protection of children and the broadcasting of certain kinds of violent content have been revised in order not to obstruct the provision of information of public interest. When appropriate, the public will be given a prior warning.

The three NGOs proposed limiting the number of cadenas – official announcements that must be carried by all the broadcast media – to eight a year. This limitation was accepted by the president's office but was not included in the final version adopted by the deputies.

Finally, as regards a fair distribution of government advertising, worth 85 million dollars a year, the Chamber of Deputies decided that this should be addressed in a parallel law. Without taking a position on the method chosen, Reporters Without Borders urges them to pass effective legislation on this crucial issue.

Council pending

Who will enforce the LSCA? The bill initially provided for the creation of an independent Broadcasting Communication Council (CCA) to do this. But Uruguay's constitution forbids the creation of a new public office in the last year before national elections (presidential and parliamentary), and the first round of the next elections are due on 26 October 2014.

The ruling, left-wing Frente Amplio's deputies finally decided to assign this duty to the Communications Services Regulatory Unit (URSEC), a technical entity reporting to the

executive, although this was against the latter's wishes.

A question remains: if the URSEC is not up to the task of enforcing the LSCA, will this law have to wait until after the elections to take effect? Which independent body will be responsible for the new regulation? The Senate should decide this when the LSCA is submitted for its approval.

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