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**AD HOC COMMITTEE FOR THE PROTECTION
OF NATIONAL MINORITIES**

(CAHMIN)

**Political Declaration, Resolutions and Statement adapted by
the Ministers of State participating in the 4th European
Ministerial Conference on Mass Media Policy
(Prague, 7-8 December 1994)**

Political Declaration, Resolutions and Statement

DECLARATION ON MEDIA IN A DEMOCRATIC SOCIETY

1. The Ministers of the States participating in the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994);
2. **Recalling** that respect for pluralist democracy, the rule of law and human rights are threshold requirements for accession to the Council of Europe and that membership of the Organisation entails a solemn commitment to entrench and develop these basic values;
3. **Recalling** the obligations of the member States of the Council of Europe to defend and promote media freedoms and media pluralism in accordance with Article 10 of the European Convention on Human Rights, as interpreted by the Convention's organs, as well as their commitments under the Declaration on Freedom of Expression and Information of the Committee of Ministers of 29 April 1982;
4. **Recalling** also that the Heads of State and Government of the member States of the Council of Europe solemnly declared at the Vienna summit conference (October 1993) that guaranteed freedom of expression and notably of the media are among the decisive criteria used for assessing any application for membership of the Organisation, and **stressing** that this is a continuing commitment for all member States;
5. **Resolved** to guarantee and strengthen further the freedom of the media to impart information, ideas and opinions regardless of frontiers, and thus the development of human rights and genuine democracy;
6. **Affirming** that media pluralism and diversity are essential for democracy and that media transparency is an important means for assisting the competent national authorities to evaluate the effects of media concentrations on these values as well as for allowing individuals to form an opinion on the information provided by the media;
7. **Condemning**, in line with the Vienna Declaration, all forms of expression which incite to racial hatred, xenophobia, antisemitism and all forms of intolerance, since they undermine democratic security, cultural cohesion and pluralism;
8. **Affirming** that the media can assist in building mutual understanding and tolerance among persons, groups and countries and in the attainment of the objectives of democratic, social and cultural cohesion announced in the Vienna Declaration;

9. **Concerned** by the undue prominence given to the portrayal of violence in some media, notably broadcast media, and of the impact thereof on the public and **noting** the need for guidelines at the European level on this issue;
10. **Noting** that the functioning of the media in a democratic society must be constantly reassessed so that the speed of economic, technological and regulatory developments does not prejudice the independence and pluralism of the media, human rights, intellectual property or cultural and social policies;
11. **Affirming** that the Council of Europe, with its specific vocation in the human rights field, its particular competence in the area of mass media and its broad geographic basis, is a particularly appropriate framework for elaborating policies designed to promote the functioning of the media in a democratic society,
12. **Decide:**
 - to adopt as basic policy instruments in the media field the Plan of Action and the two Resolutions appended to this Declaration;
 - to safeguard the independence of public service broadcasting and to secure for it a safe and appropriate funding framework enabling it to fulfil its mission in accordance with the guidelines provided in Resolution 1;
 - to secure, within the framework of the principles provided in Resolution 2, the rights and freedoms of all those engaged in the practice of journalism while acknowledging that they have the right to elaborate self-regulatory standards, for example in the form of codes of conduct;
 - to intensify their support for the democratic reform of the media in Central and East European countries, which sets the stage for closer co-operation in the media field in the context of wider European integration;
 - to ensure for this purpose better co-ordination of the various initiatives to assist both policy makers and media professionals in these countries;
13. **Welcome** the entry into force of the European Convention on Transfrontier Television and **underline** the necessity of a coherent development of both the Convention and the "Television without Frontiers" Directive having regard to the discussion within the European Union on the application of that Directive;

14. **Consider** that the most suitable way of ensuring such coherent development would be for the European Commission to keep the Council of Europe regularly informed of the work in progress within the European Community on the revision of the said Directive and to examine any views and suggestions the Council of Europe has expressed;
15. **Agree** to promote media transparency and **welcome** the adoption by the Committee of Ministers of the Council of Europe of Recommendation No R (94) 13 on measures to promote media transparency;
16. **Recommend** that the Committee of Ministers of the Council of Europe instruct its Steering Committee on the Mass Media to consider the advisability of preparing a binding legal instrument or other measures embodying basic principles on the right of access of the public to information held by public authorities;
17. **Underline** the positive contribution of the Programmes of the Council of Europe to the media reform process in Central and East European countries, especially as regards the training of media professionals;
18. **Welcome** the announcement made by a number of governments of their intention to make voluntary financial contributions to these Programmes and **urge** other governments to follow suit;
19. **Urge** the Committee of Ministers of the Council of Europe when implementing the terms of the Action Plan appended to this Declaration to consult closely with media professionals and regulatory authorities and to take due account of all relevant work being carried out within other regional and international fora;
20. **Call on** the Committee of Ministers to take due account in the implementation of this Action Plan of the need to promote equality of opportunity for Central and East European countries as well as other European countries with a low audio-visual output or a limited geographic or linguistic coverage.

**ACTION PLAN SETTING OUT STRATEGIES FOR THE
PROMOTION OF MEDIA IN A DEMOCRATIC SOCIETY ADDRESSED TO THE
COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE**

MEDIA IN A PAN-EUROPEAN PERSPECTIVE

Encourage the implementation, where appropriate in consultation with interested organisations, of specific activities and procedures, including information exchange and training, to: foster the democratic reform of the media; broaden media freedom in the context of European integration; create awareness of interferences with media freedom and the independence and security of journalists; promote equality of opportunity in the audio-visual sector.

THE FUNCTIONING OF THE MEDIA IN A DEMOCRATIC SOCIETY

1. Media concentrations

- i. **Monitor** the evolution of media concentrations in the member States of the Council of Europe and report on any significant developments which have an impact on political and cultural pluralism;
- ii. **Monitor** the implementation in domestic law and practice of Recommendation No R (94) 13 on measures to promote media transparency;
- iii. **Propose** any necessary measures in the light of (i) and (ii).

2. Information and human rights

Study, in a comparative perspective, national and international law and practice on:

- access to information held by public authorities;
- confidentiality of journalists' sources of information.

3. New communications technologies

Monitor and evaluate the implications of new communications technologies, in particular for human rights and democratic values, as well as from the angle of equality of opportunity between countries and social groups.

4. Media and the protection of right holders

- i. **Evaluate** the impact of new communications technologies on the current level of protection of holders of copyright and neighbouring rights, with a view to guaranteeing and furthering such protection while taking account of the need to ensure a balanced approach to the protection of the various categories of right holders and to facilitate the circulation of European audio-visual works;
- ii. **Provide** a forum for the working out of pan-European approaches to discussions on the protection of right holders being conducted within the framework of other bodies.

5. Sound and audio-visual piracy

- i. **Monitor** the level of sound and audio-visual piracy in the member States of the Council of Europe;
- ii. **Propose**, if appropriate, legal and practical measures for combating sound and audio-visual piracy, based on the initiatives already undertaken within the framework of the Council of Europe.

6. Media and intolerance

Study, in close consultation with media professionals and regulatory authorities, possible guidelines which could assist media professionals in addressing intolerance in all its forms.

7. Media and violence

Prepare, in close consultation with media professionals and regulatory authorities, possible guidelines on the portrayal of violence in the media.

MEDIA AND CONFLICT

Study, in close consultation with media professionals, possible ways for improving the protection of journalists in situations of conflict and tension, and the role which the media can play in such situations.

RESOLUTION No 1

THE FUTURE OF PUBLIC SERVICE BROADCASTING

The Ministers of the States participating in the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994);

Recalling the principles which were adopted on public and private broadcasting in Europe on the occasion of the 1st European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

Noting the importance of the changes which have taken place in broadcasting since that Conference, and in particular the emergence of the mixed system of public and commercial broadcasting;

Acknowledging that public service broadcasting, both radio and television, support the values underlying the political, legal and social structures of democratic societies, and in particular respect for human rights, culture and political pluralism;

Stressing the importance of public service broadcasting for democratic societies;

Recognising therefore the need to guarantee the permanence and stability of public service broadcasting so as to allow it to continue to operate in the service of the public;

Underlining the vital function of public service broadcasting as an essential factor of pluralistic communication accessible to everyone;

Recalling the importance of radio and **stressing** its great potential for the development of democratic societies, particularly at the regional and local levels;

I. General principles

Affirm their commitment to maintain and develop a strong public service broadcasting system in an environment characterised by an increasingly competitive offer of programme services and rapid technological change;

Acknowledge, in line with the conclusions adopted at the 1st European Ministerial Conference, that privately owned companies as well as public organisations may provide such a service;

Undertake to guarantee at least one comprehensive wide-range programme service comprising information, education, culture and entertainment which is accessible to all members of the public, while **acknowledging** that public service broadcasters must also be permitted to provide, where appropriate, additional programme services such as thematic services;

Undertake to define clearly, in accordance with appropriate arrangements in domestic law and practice and in respect for their international obligations, the role, missions and responsibilities of public service broadcasters and to ensure their editorial independence against political and economic interference;

Undertake to guarantee public service broadcasters secure and appropriate means necessary for the fulfilment of their missions;

Agree to implement these commitments in accordance with the following framework:

II. Policy framework for public service broadcasting

Public service requirements

Participating States agree that public service broadcasters, within the general framework defined for them and without prejudice to more specific public service remits, must have principally the following missions:

- to provide, through their programming, a reference point for all members of the public and a factor for social cohesion and integration of all individuals, groups and communities. In particular, they must reject any cultural, sexual, religious or racial discrimination and any form of social segregation;
- to provide a forum for public discussion in which as broad a spectrum as possible of views and opinions can be expressed;
- to broadcast impartial and independent news, information and comment;
- to develop pluralistic, innovatory and varied programming which meets high ethical and quality standards and not to sacrifice the pursuit of quality to market forces;
- to develop and structure programme schedules and services of interest to a wide public while being attentive to the needs of minority groups;
- to reflect the different philosophical ideas and religious beliefs in society, with the aim of strengthening mutual understanding and tolerance and promoting community relations in pluriethnic and multicultural societies;
- to contribute actively through their programming to a greater appreciation and dissemination of the diversity of national and European cultural heritage;

- to ensure that the programmes offered contain a significant proportion of original productions, especially feature films, drama and other creative works, and to have regard to the need to use independent producers and co-operate with the cinema sector;
- to extend the choice available to viewers and listeners by also offering programme services which are not normally provided by commercial broadcasters.

Funding

Participating states undertake to maintain and, where necessary, establish an appropriate and secure funding framework which guarantees public service broadcasters the means necessary to accomplish their missions. There exist a number of sources of funding for sustaining and promoting public service broadcasting, such as: licence fees, public subsidies, advertising and sponsorship revenue; sales of their audio-visual works and programme agreements. Where appropriate, funding may also be provided from charges for thematic services offered as a complement to the basic service.

The level of licence fee or public subsidy should be projected over a sufficient period of time so as to allow public service broadcasters to engage in long term planning.

Economic practices

Participating states should endeavour to ensure that economic practices such as the concentration of media ownership, the acquisition of exclusive rights and the control over distribution systems such as conditional access techniques, do not prejudice the vital contribution public service broadcasters have to make to pluralism and the right of the public to receive information.

Independence and accountability

Participating states undertake to guarantee the independence of public service broadcasters against political and economic interference. In particular, day to day management and editorial responsibility for programme schedules and the content of programmes must be a matter entirely for the broadcasters themselves.

The independence of public service broadcasters must be guaranteed by appropriate structures such as pluralistic internal boards or other independent bodies.

The control and accountability of public service broadcasters, especially as regards the discharge of their missions and use of their resources, must be guaranteed by appropriate means.

Public service broadcasters must be directly accountable to the public. To that end, public service broadcasters should regularly publish information on their activities and develop procedures for allowing viewers and listeners to comment on the way in which they carry out their missions.

Means of transmission

Participating states should ensure that public service broadcasters are guaranteed adequate means of transmission and, as the case may be, of retransmission, to enable them to fulfil their missions.

New communications technologies

Participating states should bear in mind that new communications technologies are giving rise to profound changes in broadcasting, which require them to develop clear principles for sustaining a system of public service broadcasting capable of evolving in the new technological context.

Participating states should encourage public service broadcasters to contribute to the development of research and experimentation in new communications technologies in close collaboration with industry, taking account of the interests of consumers.

Particular attention should be given to developing the opportunities offered by telecommunications for the introduction of digital broadcasting and new services.

Public service broadcasters should be able to exploit new technologies necessary for the fulfilment of their missions.

Participating states, together with public service broadcasters, should examine at regular intervals at the European level the impact of technological change on the role of public service broadcasting at both the national and transnational levels.

European co-operation and solidarity

Bearing in mind the possibilities offered by existing European structures, participating States should facilitate co-operation between those public service broadcasters wishing to collaborate and form alliances in areas such as programme exchange, the production of programmes, technological research and the development of multilateral public service channels.

The Council of Europe should follow closely the development of multilateral public service channels and study the problems which may arise in this respect.

RESOLUTION No 2

JOURNALISTIC FREEDOMS AND HUMAN RIGHTS

The Ministers of the States participating in the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994);

Noting that freedom of expression, including the freedom of the media, is one of the fundamental conditions of a genuine democratic society;

Emphasising in this respect that the functions of all those engaged in the practice of journalism, in particular journalists, editors, publishers, directors and owners, in the different electronic and print media are essential, and that the guarantee of their freedom of expression is indispensable;

Reaffirming the solemn commitments which the member States of the Council of Europe have undertaken within the framework of Article 10 of the European Convention for the Protection of Fundamental Rights and Freedoms, as well as the political commitments which these States have accepted under the Declaration on the freedom of expression and information of 29 April 1982 in which the member States of the Council of Europe reiterated their firm attachment to the principles of freedom of expression and information as a basic element of democratic and pluralist society;

Aware of the existence of different legal and cultural traditions in the member States for reconciling the exercise of freedom of expression by those engaged in the practice of journalism with the protection of other rights and freedoms;

Convinced that all those engaged in the practice of journalism are in a particularly good position to determine, in particular by means of codes of conduct which have been voluntarily established and are applied, the duties and responsibilities which freedom of journalistic expression entails,

Agree on the following principles:

Principle 1

The maintenance and development of genuine democracy require the existence and strengthening of free, independent, pluralistic and responsible journalism. This requirement is reflected in the need for journalism to:

- inform individuals on the activities of public powers as well as on the activities of the private sector, thus providing them with the possibility of forming opinions;
- allow both individuals and groups to express opinions, thus contributing to keeping public and private powers, as well as society in general, informed of their opinions;
- submit the exercise of the various types of powers to continuous and critical examination.

Principle 2

The practice of journalism in the different electronic and print media is rooted in particular in the fundamental right to freedom of expression guaranteed by Article 10 of the European Convention on Human Rights, as interpreted through the case law of the Convention's organs.

Principle 3

The following enables journalism to contribute to the maintenance and development of genuine democracy:

- a) unrestricted access to the journalistic profession;
- b) genuine editorial independence vis-à-vis political power and pressures exerted by private interest groups or by public authorities;
- c) access to information held by public authorities, granted on an equitable and impartial basis, in the pursuit of an open information policy;
- d) the protection of the confidentiality of the sources used by journalists.

Principle 4

Bearing in mind the fundamental role of journalistic freedom of expression in a genuine democracy, any interference by public authorities with the practice of journalism must:

- a) be foreseen in the complete and exhaustive list of restrictions set out in paragraph 2 of Article 10 of the European Convention on Human Rights;
- b) be necessary in a democratic society and reply to a pressing social need;
- c) be laid down by law and formulated in clear and precise terms;
- d) be narrowly interpreted;
- e) be proportional to the aim pursued.

Principle 5

Encouragement should be given by public authorities or, as appropriate, by those engaged in the practice of journalism, to:

- a) high quality systems of professional training for journalists;
- b) dialogue between journalists, editors, publishers, directors and media owners in the different electronic and print media and the authorities responsible for media policy at the governmental and intergovernmental levels;
- c) the creation or maintenance of conditions which protect journalists (national and foreign) engaged in dangerous missions or involved in dangerous situations, including by means of bilateral or multilateral agreements;
- d) transparency in regard to:
 - the ownership structures of the various media enterprises;and
 - the relationships with third parties who have influence on the editorial independence of the media.

Principle 6

The fundamental function of journalism in a genuine democracy implies that all those engaged in its practice act in an ethical and responsible manner, in particular by not abandoning their independence nor their critical approach. Journalism shall be exercised so as to serve freedom of expression, which includes the right to receive and impart information, while respecting other fundamental rights, freedoms and interests protected by the European Convention on Human Rights.

Principle 7

The practice of journalism in a genuine democracy has a number of implications. These implications, which are already reflected in many professional codes of conduct, include:

- a) respecting the right of the public to be accurately informed about facts and events;
- b) collecting information by fair means;
- c) presenting fairly information, comments and criticism, avoiding unjustified infringement of private life, defamation and unfounded accusations;

- d) rectifying any published or broadcast information which subsequently proves to be grossly inaccurate;
- e) observing professional secrecy with regard to the sources of information;
- f) avoiding the promotion of any violence, hatred, intolerance or discrimination based, in particular, on race, sex, sexual orientation, language, religion, politics or other opinions, national or regional origin, or social origin.

Principle 8

Bearing in mind the different and changing conditions of the various media, public authorities should exercise self-restraint in addressing the considerations mentioned in Principle 7 and should recognise that all those engaged in the practice of journalism have the right to elaborate self-regulatory standards - for example, in the form of codes of conduct - which describe how their rights and freedoms are to be reconciled with other rights, freedoms and interests with which they may come into conflict, as well as their responsibilities.

RESOLUTION No 3

**ON THE CONVOCAATION OF THE 5TH EUROPEAN MINISTERIAL
CONFERENCE ON MASS MEDIA POLICY**

The Ministers of States participating in the 4th European Ministerial Conference on Mass Media Policy being held in Prague on 7 and 8 December 1994;

Express their warmest thanks to the Government of the Czech Republic for the excellent organisation of this Conference in Prague and for its kind hospitality;

Emphasising the importance of holding further regular meetings at Ministerial level so as to exchange views on the rapid developments in the media field and to work out any concerted measures which such developments may require;

Having learnt with pleasure of the invitation by the Government of Greece to hold the 5th European Ministerial Conference on Mass Media Policy in Greece in 1997;

Gratefully accept this invitation.

**STATEMENT OF THE 4TH EUROPEAN MINISTERIAL CONFERENCE
ON MASS MEDIA POLICY**

ON VIOLATIONS OF JOURNALISTIC FREEDOMS

We, the Ministers and Heads of Delegation, participating in this 4th European Ministerial Conference on Mass Media Policy, being held in Prague on 7-8 December 1994:

Reaffirm our commitment to freedom of expression and information and to the free flow of information and ideas within and across frontiers without interference as a fundamental basis for the functioning of pluralistic democracy and for democratic security within Europe;

Recognise that the free and unhindered exercise of journalistic freedoms is crucial for the free formation of opinions and ideas;

Pay tribute to journalists and their untiring efforts to provide the public with information and critical analyses of events and occurrences within society and the world at large;

Recognise that, in accomplishing their task, journalists may place their lives and physical integrity at very great risk;

Note that this is particularly so in situations of war, conflict and social and political tension and that assassination, disappearance and detention of journalists and restrictions of their right to free and independent reporting frequently characterise such situations;

Are appalled by the fact that the number of disappearances and deaths of journalists has been greater within Europe in the last thirty-six months than anywhere else in the world, notably in connection with the conflict in territories of former Yugoslavia;

Are deeply concerned by the increasing number of assassinations and hostage-taking of journalists because of their exercise of investigative journalism or because of their independent thinking, as well as the numerous forms of physical and psychological harassment to which they may be subject,

VIGOROUSLY CONDEMN these violations of journalistic freedoms, as infringements of human rights and fundamental freedoms;

CALL ON all those who are responsible for perpetrating such violations to cease them immediately and urge all Governments to take all necessary steps to that effect, in particular to assist in the overall attempts to find information and, if possible, to locate missing journalists;

GIVE OUR SUPPORT to journalists in their task of independent provision of news and information;

RECOMMEND that the Committee of Ministers of the Council of Europe urgently pursue work aimed at improving the protection of journalists, particularly when on perilous missions or operating in situations of tension and conflict.