

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

SUPPORTING PUBLIC SERVICE MEDIA

Presentation at the Conference “National Public Service Broadcasting
in Bosnia and Herzegovina (13 June 2017, Sarajevo)

PATRICK PENNINCKX
HEAD OF INFORMATION SOCIETY DEPARTMENT
COUNCIL OF EUROPE

European Convention on Human Rights

Article 8

Right to privacy

For the Government of the Kingdom of Belgium
Paul-Emile Stassart

For the Government of the Kingdom of Denmark
H. H. H. H.

For the Government of the French Republic
Thorez

For the Government of the German Federal Republic
Klein

Article 10

Freedom of expression

For the Government of the Italian Republic
Spadolini

For the Government of the Grand Duchy of Luxembourg
J. J.

For the Government of the Kingdom of the Netherlands
P. J.

For the Government of the Kingdom of Norway
Norvald H. Lange

Legal guarantees
for the freedom of
expression

Protection of
journalists and other
media actors

Media
independence

Freedom of expression

Media pluralism
and diversity

Protection of
freedom of
expression on the
Internet

THE ROLE OF PUBLIC SERVICE MEDIA

- **Fostering public debate**
- **Supporting political pluralism**
- **Increasing awareness of diverse opinions**
- **Promoting social cohesion**
- **Integrating all communities, social groups and generations**

BASIC PRINCIPLES

- **Independence** – funding, appointments, legal basis
- **Accountability** – to whom? For what? How? When?
- **Effective management** – meet new audience needs
- **Responsiveness and responsibility** – communication with audience, use of editorial codes
- **Transparency and openness** – publishing agendas and minutes, developing partnerships

BASIC PRINCIPLES: funding

- **States are responsible** to set the method and level of funding
- **It cannot be used to exert editorial influence** or threaten institutional autonomy
- **PSM is consulted** over the level of funding required to meet their mission and purposes
- **The funding provided is adequate** to meet the agreed role and offer sufficient security for the future

MAIN CHALLENGES

- Lack of funding
- Political interference
- The need to modernise for a digital age
- The need to protect free speech, while preventing hate speech
- The need to ensure democratic accountability, while passionately defending editorial independence

SPECIFIC EXAMPLES: alerts concerning public service broadcasting

- Political appointments to the management of public television in Spain;
- Pressure exerted by a political party to replace one of the members of the Ukrainian public broadcaster's supervisory board;
- Staff changes in public media in Croatia;
- A new media law in Poland that puts public broadcasters under direct government control;
- State funding cuts as a tool of pressure in Bulgaria, Romania and Greece.

ZOOM IN: threat of Closure of the Public Broadcast Media Service in Bosnia-Herzegovina

NO REPLY YET

Threat of Closure of the Public Broadcast Media Service

YEAR	COUNTRY	CATEGORY	SOURCE OF THREAT	PARTNER	ALERT LEVEL
18 Apr 2017	Bosnia and Herzegovina	E. Other acts having chilling effects on media freedom	State	EFJ/IFJ , AEJ , Index , RSF	🔥 Level 2

NO REPLY YET

The Radio and Television of Bosnia-Herzegovina (BHRT) is facing possible shut down due to the absence of an agreed plan for sustainable funding of public media service. The BHRT, which is marred in financial difficulties including debts to staff and to service providers such as the European Broadcasting Union (EBU), has been operating a heavily reduced service since June 2016, only broadcasting sports competitions and reruns of old programmes. The EBU reportedly has launched a lawsuit for payment of debts accumulated to unsustainable amounts and placed BHRT under sanction 3, stopping its services to the public broadcaster. BHRT is now under heightened risk of closure.

ZOOM IN: threat of Closure of the Public Broadcast Media Service in Bosnia-Herzegovina

“BHRT plays a crucial role in the democratic process, for building national identity and promoting social cohesion and tolerance in the divided post-war society.

Failure to ensure stable, adequate and independent funding for BHRT will result in the closure of this institution and will create a serious precedent in Europe.

This would seriously damage the democratic processes in the country and the association process with the European Union.”

*Statement on Bosnia and Herzegovina, International conference
“Public Service Media and Democracy”, Prague, 10-11 November 2016*

CONCLUSIONS

- **Public Service Media represent a genuine value** for every society and must be supported and protected.
- **States have the duty** to provide the legal, financial, technical and other means necessary to ensure editorial independence and institutional autonomy of PSM.
- **Pan-European cooperation** plays an important role in setting standards, sharing best practices and providing specific support.



References:

- Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance
- PACE resolution 2141 (2017) on Attacks against journalists and media freedom in Europe, 24 January 2017
- Report by the Secretary General of the Council of Europe “State of democracy, Human Rights and the Rule of Law”, 19 May 2017.
- Platform to promote the protection of journalism and safety of journalists
- International conference “Public service media and democracy”, Prague, 10-11 November 2016




- Thanks for your attention !

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 Andorra - Andorre Andorre-la-Vieille Andorre-la-Vieille	 Finland - Finlande Helsinki	 Luxembourg Luxembourg	 Serbia - Serbie Belgrade
 Armenia - Arménie Yerevan - Erevan	 France Paris	 Malta - Malte Valletta - La Valetta	 Slovakia - Slovaquie Bratislava
 Austria - Autriche Vienne - Vienne	 Georgia - Géorgie Tbilisi - Tbilissi	 Republic of Moldova - République de Moldova Chişinău	 Slovenia - Slovénie Ljubljana
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 Denmark - Danemark Copenhagen - Copenhague	 Liechtenstein Vaduz	 Russian Federation - Fédération de Russie Moscow - Moscou	 Belarus - Bélarus Minsk - Minsk



 non-member state of the Council of Europe (Belarus)