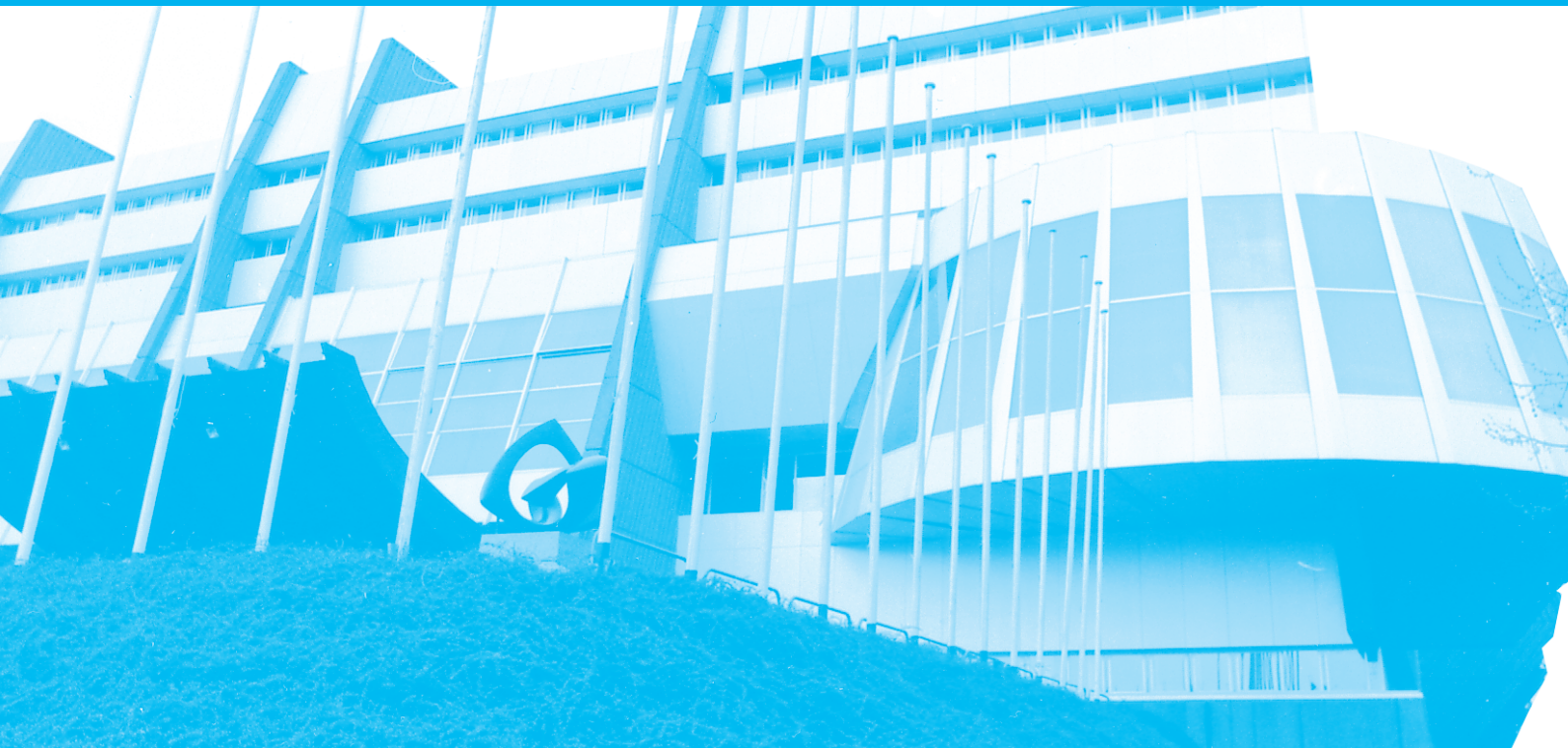


**European Ministerial Conferences
on Mass Media Policy
and Council of Europe Conferences
of Ministers responsible
for Media and New Communication Services**



Strasbourg, 2016

**European Ministerial Conferences
on Mass Media Policy**

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**Council of Europe Conferences
of Ministers responsible
for Media and new Communication Services**

Texts Adopted

**Media and Internet
Directorate General of Human Rights and Rule of Law**

Strasbourg 2015

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1st European Ministerial Conference on Mass Media Policy

(Vienna, 9 and 10 December 1986)

The future of television in Europe

RESOLUTION NO. 1 THE PROMOTION OF EUROPEAN AUDIO-VISUAL WORKS: PRODUCTION, SCHEDULING, DISTRIBUTION AND TRANSMISSION ACROSS FRONTIERS

The Ministers taking part in the first European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, particularly Article 10 thereof;

Having regard to the European Cultural Convention;

Having regard to the Declaration on the Freedom of Expression and Information, adopted by the Committee of Ministers of the Council of Europe on 29 April 1982;

Recalling Resolution No. I of the 4th Conference of European Ministers responsible for Cultural Affairs, meeting in Berlin in May 1984;

Having regard to Recommendation No. R (86) 2 of the Committee of Ministers on principles relating to copyright law questions in the field of television by satellite and cable;

Having regard to Recommendation No. R (86) 3 of the Committee of Ministers on the promotion of audio-visual production in Europe;

Bearing in mind furthermore Recommendations Nos. R (84) 22 and R (85) 6 of the Committee of Ministers on the use of satellite capacity for television and sound radio and on aid for artistic creation;

Referring also to Recommendations Nos. R (84) 17 and R (86) 9 of the Committee of Ministers on equality between women and men in the media and on copyright and cultural policy;

Bearing in mind the relevant Recommendations of the Parliamentary Assembly;

Welcoming, on the one hand, the multiplication of technical facilities for programme distribution, such as satellite, cable and video;

Aware, on the other hand, of the difficulties this development may pose for the traditional modes of distribution of audio-visual works;

Being concerned to foster the creation, production and distribution of audio-visual works of European origin in order to meet the cultural and economic challenges posed by the development of communication techniques;

Aware of the need to enable countries with a limited geographical or linguistic area to play an active part in the production and distribution of audio-visual works;

Wishing to intensify co-operation and exchanges in order to develop European cultural identity as regards both its specific national features and common values,

I. Policies to promote audio-visual production in Europe

Resolve to implement policies on the basis of the principles embodied in Recommendation No. R (86) 3 to stimulate the production, scheduling, distribution and transmission of audio-visual works of European origin, and, with this in mind,

1. recommend the establishment in all participating states, taking into account their specific situation, of national public and private schemes for the promotion of audio-visual production, including that of independent production undertakings;
2. agree to take appropriate steps, such as the conclusion of bilateral and multilateral agreements, with a view to:
 - increasing the opportunities for personnel and capital from all participating states to take part in productions and co-productions made under such promotion schemes;
 - promoting the realisation of co-productions;
 - providing assistance under such promotion schemes for the distribution of co-productions as well as of productions of European origin;
3. agree to promote conditions to enable investment at national and European level for financing the production of audio-visual works of European origin irrespective of the originating state;
4. decide to take appropriate measures so that television programme services comprise a reasonable proportion of audio-visual works, in particular fiction works, of European origin;
5. decide to take measures to develop dubbing and sub-titling, as well as research and training in this field;
6. agree to promote and develop, in compliance with the conventions concerning copyright and neighbouring rights, the implementation of systems of remuneration of authors, creators and other rights holders which stimulate creativity;
7. decide to develop media education as an integral part of the tasks of general education;

II. Complementary measures

Agree further to encourage:

1. cinema and television to work together regarding, in particular, the best possible exploitation of cinematographic works, the promotion of films through television, the development of commissions from television companies to the film sector as well as of the co-production and co-financing of films;
2. closer relations between television and all forms of cultural expression, with a view to promoting European talent and developing the role of television as a vehicle for cultural identity and diversity;
3. the adoption of common technical standards, notably for satellite transmissions;
4. intensified European co-operation on research and development into new technologies for audio-visual production and a common standard for high definition television;
5. the systematic exchange of information on audio-visual production of European origin, as well as increased co-operation on a European level, within existing or new international structures, in the area of audio-visual archives and programme exchanges;
6. the distribution of programmes of European origin in non-participating states, as well as the exchange of programmes between participating and non-participating states, including developing countries;

III. Co-operation at professional level

Invite the professional bodies operating in the audio-visual field in Europe, with due regard for their independence, to:

1. develop co-operation between production structures at European level;
2. generate structures and arrangements for promoting audio-visual works of European origin, such as a permanent forum of European audio-visual professionals, a European clearing house for co-productions, a European co-operative of programmes free of rights and pre-production agreements on the distribution of audio-visual programmes;

3. establish closer relations with all forms of cultural expression;
4. facilitate the participation of broadcasting organisations with fewer resources or a limited linguistic area in co-production initiatives;
5. co-ordinate the activities of their audio-visual programme marketing networks and bureaux outside Europe and consider the creation of an annual market of audio-visual works of European origin;

IV. Specific field of action of the Council of Europe

Recommend that the Committee of Ministers of the Council of Europe:

1. review progress in the mutual promotion of audio-visual works of European origin under national promotion schemes and formulate, where appropriate, further measures in this regard;
2. pursue the elaboration of concrete measures aimed at:
 - facilitating private savings and investment in the audio-visual field, accompanied by incentives notably of a fiscal nature, as well as their transfrontier circulation, *inter alia* through the possible creation of a private European stock exchange for companies operating in the audio-visual field;
 - encouraging audio-visual creation through measures in the fiscal field and overcoming tax obstacles to European co-productions;
 - overcoming other obstacles, notably of an administrative nature, to European co-productions;
 - securing the contribution of public and private broadcasters to the development of audio-visual creation;
 - promoting the training of creators in new audio-visual techniques and exchanges of students and training expertise between participating states as well as the possible participation in European prizes;
 - supporting intensified research and training in new techniques, particularly for dubbing and sub-titling;
 - encouraging co-operation in the area of external television services, notably through the common use of satellite capacity and/or the creation of a European television picture agency;
3. study the development of technical production, transmission and reception standards in Europe and the world, and assess the implications of this development for mass media policy;
4. intensify its study of measures designed to avoid, in the interest of the public, authors and artists, abuses with regard to exclusive rights to important events.

RESOLUTION NO. 2

PUBLIC AND PRIVATE BROADCASTING IN EUROPE

The Ministers taking part in the first European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;

Considering that the aim of the Council of Europe is to achieve greater unity between its members *inter alia* for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, particularly Article 10 thereof;

Having regard to the European Cultural Convention;

Recalling Resolution No. 1 of the 4th Conference of European Ministers responsible for Cultural Affairs, meeting in Berlin in May 1984;

Having regard to the Recommendations of the Committee of Ministers of the Council of Europe Nos. R (84) 3 on principles on television advertising, R (84) 17 on equality between women and men in the media, R (84) 22 on the use of satellite capacity for television and sound radio, R (86) 2 on principles relating to copyright law questions in the field of television by satellite and cable, R (86) 3 on the promotion of audio-visual production in Europe and R (86) 9 on copyright and cultural policy;

Bearing in mind the relevant Recommendations of the Parliamentary Assembly;

Aware of the changing media environment within individual participating states;

Aware also of the rapid developments in the field of transfrontier broadcasting;

Welcoming the increased opportunities offered by these developments for international communication and contacts between nations;

Bearing in mind the effects of transfrontier broadcasting on national media structures, the content of programmes and Europe's cultural heritage;

Aware of the growing importance of the role of the Council of Europe as a forum for exchange of experience and establishment of common lines of action;

Wishing to promote the positive and harmonious development of broadcasting arrangements in Europe,

I. General principles

1. **Emphasise** their commitment to maintaining the principles of public service broadcasting, acknowledging that this function may be fulfilled by publicly or privately organised entities;
2. **Resolve** to safeguard, while respecting to rights of the individual, the interest of the public to receive a full range, high quality television service which contributes as a whole to the free formation of opinions and the development of culture;
3. **Recognise** that one fundamental purpose of public service broadcasting is to provide programmes for both large and small audiences;
4. **Stress** the importance of national television services, available throughout the country, in order to enhance national cultures;
5. **Recognise** the significance of local and regional programmes for developing the diversity of cultural identities;
6. **Undertake** to sustain the independence of the broadcasters and to secure the funding of public service broadcasting;
7. **Acknowledge** that the changing media environment calls for a flexible approach to the regulation of public service broadcasting;
8. **Consider** that the development of new television services may be a means of increasing cultural expression and genuine consumer choice;
9. **Agree** to take positive measures to ensure harmony between public service broadcasting and the new television services;
10. **Resolve** to guard against monopolistic trends of the new television services;
11. **Emphasise** the importance of the effects of decisions taken in the technological field as well as by authorities responsible for transponder leasing and for the establishment of cable networks;

II. Transfrontier aspects

1. **Agree** to stimulate a common awareness of national cultures by facilitating the transmission of programmes across frontiers, in accordance with the generally held principles of free flow of information and ideas;
2. **Support** the consolidation and development of a common broad framework of regulation among participating states so that barriers to the free circulation of programmes are minimised, while taking account of the need to preserve public service broadcasting, and to respect, in particular, the technical regulations of the International Telecommunications Union, as well as copyright and neighbouring rights;
3. **Emphasise** the importance of a flexible approach to international regulation in this field to accommodate the rapid pace of technological and policy changes as well as the specific features, notably legal, of mass media arrangements in individual states;
4. **Agree** in this context that Recommendations No. R (84) 3 on principles on television advertising, R (84) 22 on the use of satellite capacity for television and sound radio and R (86) 2 on principles relating to copyright law questions in the field of television by satellite and cable shall form, with regard to both public and private broadcasting, the guidelines for mass media policy in the coming years;

III. Specific role of the Council of Europe

1. **Emphasise** their commitment to the Council of Europe, having regard notably to the geographical area reflected in its composition, as the most suitable institution in Europe for the elaboration and further development of an appropriate framework for transfrontier broadcasting;
2. **Invite** the Committee of Ministers of the Council of Europe to pursue the evaluation of the aforementioned Recommendations in the light of the mass media problems of individual participating states and the experience which will be gained of broadcasting by satellite and propose measures to resolve any new problems that develop in this field;
3. **Recommend** that the Committee of Ministers formulate a common European framework for sponsorship and other forms of patronage, bearing in mind, in particular, the transfrontier implications and the importance of the editorial independence of broadcasters;
4. **Emphasise** the necessity of continued co-operation at Ministerial and official level with a view to resolving existing problems and extending the Council of Europe framework of regulation, and invite accordingly the Committee of Ministers to take the necessary measures to this effect.

RESOLUTION NO. 3 ON THE CONVOCATION OF THE SECOND EUROPEAN MINISTERIAL CONFERENCE ON MASS MEDIA POLICY

The Ministers taking part in the first European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986,

Express their warmest thanks to the Austrian Government for the excellent organisation of the first Conference in Vienna and for its kind hospitality;

Emphasising the importance of holding regular meetings at Ministerial level so as to evaluate the effectiveness of existing measures and to identify common solutions to new problems arising from the development of transfrontier broadcasting in Europe;

Having learnt with pleasure of the invitation by the Swedish Government to hold the Second European Ministerial Conference on Mass Media Policy in Stockholm at the end of 1988;

Gratefully accept this invitation.

DECLARATION

1. The Ministers taking part in the first European Ministerial Conference on Mass Media Policy, held in Vienna on 9 and 10 December 1986;
2. Affirming the importance of broadcasting, both public and private, for the free formation of opinions and the development of culture;
3. Reaffirming their commitment to the principle of the free flow of information and ideas, which constitutes an indispensable basis for their media policy, as well as their readiness to promote this principle at the international level;
4. Bearing in mind the need for co-ordination between mass media policies and cultural policies;
5. Aware of the challenges posed by the new communication technologies, and being determined to seize the opportunities they offer for enabling creativity to flourish and for developing the quality of television programmes to meet the needs of individual viewers;
6. Wishing to foster the expression of the national characteristics and common values of the citizens of Europe;
7. Considering the opportunities offered by the Council of Europe, having regard notably to the geographical area reflected in its composition, as the most suitable institution for shaping a coherent mass media policy and for implementing such a policy through the concerted action of all participating states;

Decide:

- to recognise the Recommendations of the Council of Europe concerning the media and audio-visual production as fundamental political instruments and to do their utmost to ensure the effective

implementation of these texts in their domestic legal systems, noting that the principles of the Recommendations will also apply to the distribution, within participating states, of programmes from other states;

- to assign the highest priority, bearing in mind the aforementioned Recommendations, to the rapid preparation, within the Council of Europe framework, of binding legal instruments on certain crucial aspects of transfrontier broadcasting;
- to co-operate through bilateral and multilateral channels in order to promote the production of audio-visual works of European origin as well as a complementary development in cinema and television;

Urge the Committee of Ministers of the Council of Europe:

- to elaborate concrete measures for promoting European audio-visual creation and production capable of being broadly distributed;
- to provide the appropriate means for preventing or solving possible conflicts caused by the transfrontier development of the mass media and for evaluating the implementation of the Council of Europe's legal instruments in the field;
- to study concrete measures to improve, in Europe, possibilities of access by broadcasters to information of general public interest, concerning specific fields of knowledge, or of an urgent nature;
- to institute a fellowship scheme for studies and research on specific topics covered by this Declaration;

Agree to hold regular meetings at Ministerial level so as to evaluate the effectiveness of existing measures as well as the progress in the implementation of the decisions taken at the present Conference, and to identify common solutions to new problems arising from the development of transfrontier broadcasting in Europe.

2nd European Ministerial Conference on Mass Media Policy

(Stockholm, 23 and 24 November 1988)

European Mass Media policy in an international context

RESOLUTION NO. 1

The Ministers participating in the Second European Ministerial Conference on Mass Media Policy, held in Stockholm on 23 and 24 November 1988;

Recalling Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Declaration on the Freedom of Expression and Information of the Committee of Ministers of the Council of Europe and the Declaration and Resolutions adopted at their first Conference (Vienna, 9-10 December 1986);

Reaffirming their commitment to the principle of the free flow of information and ideas, as well as to the independence and pluralism of the media, as an indispensable basis for their policy in the media field;

Reaffirming the importance of television for meeting individual and collective requirements for information, culture, education and entertainment, recognising that this public service mission may be fulfilled by publicly or privately organised entities;

Acknowledging television as a valuable means of facilitating cultural exchange and cross-fertilisation, the sharing of experience, and the development of mutual understanding;

Considering the increased interdependence in the audio-visual field between national, European and international systems;

Considering the impact of technical innovation in the audio-visual field;

Recognising the need to strengthen their co-operation with regard to the free circulation of television services and audio-visual works and the establishment of technical standards, in order to safeguard European interests, notably in the industrial and cultural spheres;

Wishing to address the increasingly complex developments in the audio-visual field -in particular the inherent opportunities and challenges for freedom of expression and information - and to promote Europe's cultural identity, both in its specific national and local features and common values,

I. Policy objectives

1. **Agree** to deploy appropriate, political, legal or other means in order to achieve their common objectives in the audio-visual field, taking into account the distinctive features of the different media, notably:

- a) safeguarding and promoting freedom of expression and information by guaranteeing pluralism in television and respect of the rights of the human being;
- b) ensuring that television services fulfilling a public service mission have the appropriate basis of funding to carry out their tasks;
- c) developing the cultural and educational component of television and encouraging programming which reflects and enhances European cultural richness and plurality and the different specific identities;

- d) encouraging the production and broadcast of high quality television programmes, for example, through selective aid measures for both the production and broadcast of particular works;
- e) strengthening measures designed to promote creativity and to protect the interests of authors;
- f) developing media education and a critical awareness among viewers;
- g) promoting the free circulation of information and ideas by improving the analysis and measurement of the international circulation of television services and audio-visual works;
- h) identifying the effect on the international flow of audio-visual works of the increasing development of transfrontier television services and non-public service television within Europe;
- i) increasing the competitiveness of the European audio-visual industries and developing the marketing and distribution of European television services and audio-visual works within and outside Europe;

II. Implementation

► a. Evolution of the media

1. **Welcome and encourage** the initiatives taken by the various public and private bodies, in particular the broadcasters, aimed at:
 - a) promoting quality programming which provides the public with additional choice;
 - b) developing the training of professionals according to common European criteria and exchanges between training centres in different countries;
 - c) increasing co-productions and co-financing arrangements between European partners and with non-European partners;
 - d) augmenting the capacities of investment of European audio-visual enterprises, for example, through fiscal measures;
2. **Recommend** that the Committee of Ministers of the Council of Europe pursue consideration of questions raised by media concentrations and develop research and the exchange and distribution of information in order to:
 - a) evaluate the consequences of such concentrations for the freedom and pluralism of information, cultural diversity and the circulation of television services and audio-visual works;
 - b) identify appropriate means of preventing abuses of dominant positions and the harmful consequences which could result therefrom;
3. **Recommend** that the Committee of Ministers of the Council of Europe monitor and evaluate the cultural implications of transfrontier television, particularly as regards European countries with a limited geographical or linguistic area, and to identify suitable measures, where appropriate, in the form of concerted action to stimulate the audio-visual production of such countries;
4. **Recommend** that the Committee of Ministers of the Council of Europe develop initiatives likely to facilitate a critical understanding of the audio-visual media by the public and encourage more discerning viewing patterns;

► b. Improving the distribution of television services and audio-visual works

5. **Recommend** that the Committee of Ministers of the Council of Europe and interested circles in the audio-visual field - whilst welcoming the efforts already made in this area - intensify their initiatives and collaboration in order to identify and pursue the most suitable means of:
 - a) overcoming linguistic obstacles, notably by encouraging research and translation activities in the area of dubbing, sub-titling and multi-lingual production;
 - b) improving distribution arrangements, with particular reference to the problems of countries with a limited geographical or linguistic area;
 - c) instituting new forms of exportation and joint sales of European audio-visual works from different participating states;
 - d) exchanging systematically information between European distributors on their experience of foreign markets;

- e) organising European events outside Europe;
- f) extending the use of new forms of financial or fiscal incentives for exportation;
- g) developing the training of professionals responsible for the international marketing of European audio-visual works;
- h) increasing the broadcast of European television services outside Europe;

► **c. Studies and evaluation**

6. **Recommend** that the Committee of Ministers of the Council of Europe stimulate the assessment of developments in television in Europe and in the circulation of audio-visual works, notably by:

- a) developing a European information system on domestic legislation and practices in the audio-visual field;
- b) considering - in collaboration with other institutions and professional bodies concerned - the possibilities of regularly drawing up and reviewing a harmonised data collection for analysing and measuring the circulation of television services and audio-visual works within and outside Europe.

RESOLUTION NO. 2

The Ministers participating in the Second European Ministerial Conference on Mass Media Policy, held in Stockholm on 23 and 24 November 1988,

Express their warmest thanks to the Swedish Government for the excellent organisation of this Conference in Stockholm and for its kind hospitality;

Emphasising the importance of holding further regular meetings at Ministerial level so as to assess the rapid developments in the media field and to take in common any cultural, political or legal measures which these developments may require;

Having learnt with pleasure of the invitation by the Government of Cyprus to hold the Third European Ministerial Conference on Mass Media Policy in Cyprus in 1991,

Gratefully accept this invitation.

DECLARATION

The Ministers participating in the Second European Ministerial Conference on Mass Media Policy, held in Stockholm on 23 and 24 November 1988;

Wishing to safeguard and promote the common aims of the participating states;

Referring to the goal fixed at the First Conference, held in Vienna, in December 1986, of achieving a common European mass media policy of the participating states,

1. **Note** with satisfaction that this goal is being progressively achieved through the on-going work of the Council of Europe;
2. **Recognise** that the finalisation and subsequent opening for signature of the Draft European Convention on Transfrontier Television will be an important development in this connection;
3. **Recommend** that the Committee of Ministers of the Council of Europe intensify the study and analysis of the rapid developments in the media field with a view to preparing any necessary further cultural, political or legal measures, to be taken in common;
4. **Note** that the increase in the number of television services in Europe will lead to an increase in the demand for audio-visual works and cinematographic films and recognise, therefore, the need for a concerted policy to promote the production and broadcast of European audio-visual works;
5. **Note** with interest the initiatives taken by the European Communities in collaboration with the Council of Europe - notably European Cinema and Television Year - as well as by certain participating states, such as the institution of EURIMAGES;

6. **Urge** the Committee of Ministers of the Council of Europe to examine the matters referred to in Resolution No. 1 of this Conference in order to develop new strategies calling for concrete political measures, notably in the following fields:

- a) international circulation of quality European audio-visual works;
- b) financial and fiscal questions relating to the audio-visual industries;
- c) new forms of advertising and commercial promotion;
- d) cultural implications of transfrontier television;
- e) media concentrations.

3rd European Ministerial Conference on Mass Media Policy

(Nicosia, 9 and 10 October 1991)

Which way forward for Europe's media in the 1990s?

RESOLUTION NO. 1

MEDIA ECONOMICS AND POLITICAL AND CULTURAL PLURALISM

The Ministers of states participating in the 3rd European Ministerial Conference on Mass Media Policy, being held in Nicosia, on 9 and 10 October 1991;

Noting that the new economic, political and technological environment in which the media are now operating will be a determining factor in the development of Europe's media in the 1990s;

Determined therefore to take steps to ensure and preserve a plurality of independent and autonomous media and to strengthen cultural pluralism in Europe;

Desirous also to ensure that the development of Europe's media in the 1990s will occur in respect for the legitimate interests of the different actors concerned, taking account in particular of the needs and interests of the public in general.

Agree on the following:

Media concentrations and pluralism

Noting the increasing phenomenon of media concentrations and the different forms which they may take;

Noting that this phenomenon, due to its complexity, must be the subject of a balanced assessment which takes into account its positive and negative implications;

Aware that this phenomenon may give rise to concentrations which may be prejudicial to freedom of information and pluralism of opinions, as well as to the diversity of cultures;

Recognising nevertheless that concentrations may promote the development of the media by enabling them to operate more competitively in national and international markets;

Convinced however that the issue of media concentrations should not only be regulated on the basis of economic criteria but should be dealt with primarily from the perspective of measures designed to safeguard political and cultural pluralism;

Stressing, in this regard, the specific responsibility and role of the Council of Europe:

- **Call on** the participating states to exchange and discuss their experiences and approaches in this field within the Council of Europe with a view to the elaboration and development of policies addressing the specific problems raised by media concentrations.

- **Recall**, in this regard, the wide range of measures identified by the Council of Europe from among those which have been or might be applied in the member states for preventing the negative consequences of concentrations.
- **Draw** attention to the need to guarantee the independence and the development of the media when adopting such measures.
- **Invite** the participating states, when adopting measures concerning the economic status of the media, to develop consultation procedures with other states concerned so that any possible consequences for pluralism in those states are taken into account.
- **Invite** the Committee of Ministers of the Council of Europe to follow closely the evolution of media concentrations at the transnational level, taking into account the work being conducted in this field in other international fora, with a view to elaborating, if necessary, legal instruments designed to supplement and co-ordinate the measures taken by the member states.
- **Invite**, in this context, the Committee of Ministers of the Council of Europe to consider the establishment of a consultation mechanism providing for periodic reporting by the participating states on the evolution of media concentrations and on national measures taken in this respect, as well as for ad hoc consultations on particular situations raised by one or more participating states.
- **Stress**, in this regard, the need to take account of the particular problems which transnational media concentrations might raise for those European countries and cultural or linguistic entities with a limited geographic area.
- **Affirm** their intention, when implementing strategies in the area of media concentrations, not to lose sight of the need to strengthen the viability of European undertakings, both large and small, in the media sector, and **agree** to study means capable of preserving, in these circumstances, the competitiveness of these undertakings, while respecting pluralism and freedom of information.

Exclusivity rights

Noting that the multiplication and diversification of television services in Europe and increased competition between them have led broadcasters to acquire exclusive broadcasting rights for major events, including exclusive rights covering countries other than their countries of origin;

Believing that it is essential to guarantee the right of the public in countries covered by exclusivity rights to have access to information on events which are of particular concern to it;

Stressing that Recommendation No. R (91) 5 on the right to short reporting on major events where exclusive rights for their television broadcast have been acquired in a transfrontier context, adopted by the Committee of Ministers of the Council of Europe on 11 April 1991, is a major step in this regard:

- **Call on** the participating states to implement the principles laid down in Recommendation No. R (91) 5.
- **Invite** the Committee of Ministers of the Council of Europe to review at regular intervals the implementation and effectiveness of this Recommendation in the light of the evolution of practices in this area.
- **Invite** the Committee of Ministers of the Council of Europe to examine other issues raised by the acquisition and exercise of exclusivity rights which may have consequences for the public's access to information, with a view to elaborating, if need be, additional legal instruments, taking into account in particular the needs of smaller broadcasting organisations in Europe, especially those in countries with a limited geographic or linguistic coverage, as well as the interests of the populations which they serve.

Advertising, sponsorship and other forms of commercial promotion

Aware that the availability of a diversity of sources of funding can promote a plurality of broadcasting undertakings, with corresponding benefits for right holders and the public;

Noting the increasing financial pressures on broadcasters as a result of rising production costs and increased competition and their legitimate concern to seek out new sources of funding;

Conscious of the fact that recourse to new and diverse sources of funding may involve risks for the editorial independence of broadcasters and the fundamental principle of separation and identification of advertising messages and programmes, as embodied in the European Convention on Transfrontier Television:

- **Encourage** professional circles concerned to adopt self-regulatory measures so as to contribute to the formulation of national and European policy in regard to advertising, sponsorship and new forms of commercial promotion and funding for broadcasting undertakings.
- **Invite** the Committee of Ministers of the Council of Europe to keep the development of practices in the area of advertising, sponsorship and new forms of commercial promotion and funding under continuing review and to elaborate, if need be, appropriate policy instruments.

Legal protection of television services

Noting that technological progress and other factors have allowed the public increased access to a diversity of television services, of both a thematic as well as a general nature;

Aware also that this has provided right holders with increased outlets for their creative talents in the audio-visual field, with corresponding economic benefits;

Conscious nevertheless that the new diversity of television services is vulnerable as a result of unlawful uses of such services by third parties, with corresponding repercussions for broadcasting organisations, right holders and the public;

Noting that the Committee of Ministers of the Council of Europe has provided the first international legal response to one of the new problems arising in this area by adopting Recommendation No. R (91) 14 on the legal protection of encrypted television services:

- **Encourage** broadcasting organisations providing encrypted television services to contribute to the protection of such services by making use of best technical equipment and by co-operating with industry in the development and improvement of such equipment.
- **Call on** the participating states to implement in their domestic law the principles laid down in Recommendation No. R (91) 14 on the legal protection of encrypted television services.
- **Invite** the Committee of Ministers of the Council of Europe to review at regular intervals the effectiveness of this Recommendation in combating illicit access to encrypted television services, and, so as to meet the expectations of professional bodies, to pursue further its work with a view to seeking appropriate solutions to protect broadcasting organisations against misappropriation and unlawful uses of their television services.

Copyright and neighbouring rights

Noting that copyright and neighbouring rights are at the basis of the creation, production and circulation of audio-visual works in Europe;

Believing that it is necessary to provide for a minimum harmonisation of national rules in the area of copyright and neighbouring rights so as to guarantee adequate protection of right holders, while facilitating the public's access to audio-visual creations through the new opportunities offered by technical developments;

Bearing in mind that the preparation of the draft European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite constitutes an important step in the achievement of this objective;

Having taken note of the state of progress of this draft Convention:

- **Stress** the importance of finalising the text of this draft Convention.
- **Place** themselves at the disposal of the Committee of Ministers with a view to settling the outstanding issues concerning this draft Convention so as to facilitate its speedy adoption by the Committee of Ministers.
- **Propose** to this effect that a special informal meeting at Ministerial level be convened before Spring 1992.

Production, distribution and marketing of European audio-visual works

Recognising the need to encourage all the professions in the European audio-visual landscape to produce and distribute quality works, and stressing that this is a constant concern of the Council of Europe;

Recognising that the encouragement given to quality productions, reflecting the richness of Europe's cultural diversity, must contribute to the reduction of imbalances within Europe which affect the European audio-visual landscape;

Convinced, in this regard, that the specific problems of European countries and regions with a low audio-visual output or a limited geographic or linguistic coverage require concrete solutions;

Aware of the fact that such solutions must involve means to enable small production units to work more effectively;

Welcome the fact that these problems have been placed at the centre of the Council of Europe's concerns through its "Project on Equality of Opportunity in the building of a European Audio-visual area (Greater Europe)":

I

Call on participating states to promote the production, co-production, distribution and marketing of audio-visual works, in particular by:

- supporting European mechanisms which exist for this purpose and, in particular, by working for the granting of priority treatment to smaller partners in such mechanisms;
- acceding to the European Support Fund for the co-production and distribution of creative cinematographic and audio-visual works ("EURIMAGES") and increasing, as the case may be, the funds available to it;
- pursuing financial and fiscal support policies for the benefit of undertakings in the audio-visual sector;
- encouraging the development of co-operation between the cinema and television sectors, while respecting the specific nature of each sector;
- improving the conditions of distribution of audio-visual works originated in countries or regions with a low audio-visual output or a limited geographic or linguistic coverage, in particular so as to promote increased access for such works to the European television market.

II

Invite the Committee of Ministers of the Council of Europe to study fiscal and financial measures which might stimulate audio-visual creativity in Europe, in particular by:

- specific projects designed to facilitate the development of national policies in this area;
- making available to the governments of the participating states, as well as to interested professional bodies, up-dated comparative data on various types of financial and fiscal support policies which benefit the audio-visual industry.

III

Invite the Committee of Ministers to study measures likely to encourage the development of European audio-visual co-productions, in particular by:

- considering the extension of existing mechanisms or the creation of additional mechanisms to promote more particularly co-operation between the various audio-visual sectors;
- examining, in co-operation with interested sectors, the possibility of developing at the European level a guarantee mechanism for audio-visual co-productions, thus enabling the production of audio-visual works carried out in the framework of bilateral and multilateral co-production agreements to be completed;
- bringing to a speedy conclusion the work being undertaken within the Council of Europe on a draft European Convention on multilateral cinematographic co-production, so as to promote co-productions of this nature;

- pursuing further this work with a view to working out framework arrangements designed, in response to the needs expressed by the professional circles concerned, to improve the conditions of multilateral co-production in the audio-visual sector, an important feature of which would be to contribute to a better understanding of the culture of the participating states.

IV

Invite the Committee of Ministers of the Council of Europe to study, in particular in liaison with the Customs Co-operation Council, measures which might improve the circulation of audio-visual works and equipment in Europe.

V

Invite the Committee of Ministers of the Council of Europe to ensure that in implementing the project on “Equality of Opportunity in the building of a European Audio-visual area (Greater Europe)”; priority is given to the development of the Mechanism for the promotion of and exchanges in training in audio-visual skills.

RESOLUTION NO. 2

NEW CHANNELS AND MEANS OF MASS COMMUNICATION IN EUROPE

The Ministers of states participating in the 3rd European Ministerial Conference on Mass Media Policy, being held in Nicosia, on 9 and 10 October 1991;

Recalling Resolutions 937 (1990) and 956 (1991) of the Parliamentary Assembly on telecommunications - the implications for Europe and on transfer of technology to countries of Central and Eastern Europe, as well as its Recommendation 1122 (1990) on the revival of the countryside by means of information technology;

Bearing in mind the work conducted in other fora in the field of electronic communications, *inter alia*, within the International Telecommunication Union (ITU), the European Space Agency (ESA), the European Telecommunications Satellite Organisation (EUTELSAT) and the European Broadcasting Union (EBU), as well as within the European Community;

Noting that advances in communication technology have produced significant benefits in both the individual and mass communication sectors which have, in turn, contributed to the development of other industrial and economic activities, as well as to the development of culture;

Bearing in mind, in particular, developments such as the extension of broadcasting zones, the increase in channels, the improvement in quality of pictures and sound and the introduction of multilingual services, as well as the emergence of more individualised electronic services;

Recognising that these new communication technologies, while having the potential to strengthen the competitiveness of Europe as a whole on the world stage, must not be exploited in such a way as to increase existing imbalances within and between participating states in the communications sector as a result of socio-economic, geographic or cultural factors which place particular countries, regions or groups at a disadvantage;

Noting therefore, in this regard, the need to ensure that access to new communication technologies is not determined by market forces alone but is facilitated on a balanced and equitable basis which allows the corresponding benefits to accrue to all of the countries of Europe, in particular to the aforementioned disadvantaged countries, regions or groups;

Agreeing therefore to work for a coherent approach to the development of new communication technologies and, in particular, to the promotion of effective transfer of, and increasing access to, such technologies at national and pan-European level,

I. Decide to:

1. **promote** the access of all countries and regions throughout Europe, and their public, to new communication technologies, in particular by encouraging the transfer of production, broadcasting and reception technologies, in order to strengthen the exchange of information, ideas and programmes on a pan-European scale without overlooking, however, the possibility of including within this objective other countries sharing the same interests;
2. **pursue** policies which take account of the legal, social, economic, educational and cultural impact of new communication technologies so as to avoid disparities within and between participating states, as well as the various socio-cultural milieux within the same country;

3. **pursue** industrial and commercial policies which take account of both the actual needs of the public and trends in the new technologies market;
4. **support** efforts undertaken at European level for harmonising technical standards in order to maximise, on a pan-European scale, the benefits of new communication technologies and strengthen Europe's competitiveness in the worldwide communications sector;
5. **step up** their co-operation with a view to achieving a co-ordinated European mass media policy approach in the area of frequency allocation, with particular reference to the forthcoming World Administrative Radio Conference (Spain, 1992);
6. **work towards** a co-ordinated European approach in relevant international fora by highlighting the need for qualitative improvement in mass communication, notably with regard to the allocation of an appropriate frequency band for the implementation of digital audio broadcasting, as well as a more flexible allocation of frequencies for satellite broadcasting;
7. **promote** basic education, accessible to the public at large, in the use of new communication technologies and new services;
8. **encourage** the development of European news, educational and cultural channels, in particular when they exploit multilingual technologies;

II. **Recommend** that the Committee of Ministers of the Council of Europe, in liaison with other international bodies concerned:

1. **evaluate** the new challenges and opportunities offered by new communication technologies from the perspective of mass media policy and **consider** the mechanisms and standard-setting actions which should be developed at national and pan-European level;
2. **develop**, on the basis of research, concerted policies to assist participating states to take account of the social, legal, economic, educational and cultural impact of new communication technologies;
3. **integrate** into the co-operation and technical assistance programmes of the Council of Europe for Central and East European countries actions involving legal expertise and training adapted to the new communication technologies and **develop** similar programmes specifically geared towards the needs of those European partners with a low audio-visual output or a limited geographic or linguistic coverage;
4. **promote** policies which give concrete effect to the recommendations on media education and the use of new communication technologies and of new communication languages adopted by the Ministers participating in the 16th Standing Conference of European Ministers of Education (Istanbul, October 1989);
5. **ensure**, in this regard, that among the various training ventures to be supported through the Mechanism for the promotion of and exchanges in training in audio-visual skills to be set up in the Council of Europe, specific provision be made for the training of professionals in new technologies.

RESOLUTION NO. 3 ON THE CONVOCATION OF THE 4TH EUROPEAN MINISTERIAL CONFERENCE ON MASS MEDIA POLICY

The Ministers of states participating in the 3rd European Ministerial Conference on Mass Media Policy, being held in Nicosia, on 9 and 10 October 1991;

Express their warmest thanks to the Government of Cyprus for the excellent organisation of this Conference in Nicosia 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 the Czech and Slovak Federal Republic to hold the 4th European Ministerial Conference on Mass Media Policy in Prague in 1993,

Gratefully accept this invitation.

DECLARATION ON MASS MEDIA POLICY IN A CHANGING EUROPE

1. The Ministers of states participating in the 3rd European Ministerial Conference on Mass Media Policy, being held in Nicosia, on 9 and 10 October 1991;
2. **Recalling** that the principles of genuine democracy, the rule of law and respect for human rights - which constitute the guiding principles of the Council of Europe - form the basis of their co-operation;
3. **Recalling** the commitments entered into by the member states of the Council of Europe in the European Convention on Human Rights, as well as in the Declaration on the Freedom of Expression and Information of 29 April 1982;
4. **Recalling** the European Convention on Transfrontier Television, as a concrete illustration - in the specific field of television - of the aforementioned commitment to ensure freedom of expression and information and the right to impart information and ideas without interference and regardless of frontiers;
5. **Resolved**, in the light of the generally accepted principles and Resolutions adopted at the 1st and 2nd Ministerial Conferences on Mass Media Policy, to ensure the effective pluralism of the media throughout Europe by the adoption of appropriate measures;
6. **Welcoming** work being developed by the Parliamentary Assembly of the Council of Europe in the media field, *inter alia* on East-West audio-visual co-operation, on local radios, on the democratic reform of broadcasting and on the ethics of journalism;
7. **Being determined** to safeguard, enhance and promote Europe's cultural heritage and creativity;
8. **Stressing** the importance of the new era of co-operation emerging in Europe and being resolved to intensify their co-operation in order to address issues which the new political, economic and technological environment raises for the future of Europe's media;
9. **Noting** work being carried out within other international fora;
10. **Affirming** that the Council of Europe, with its specific vocation in the human rights and cultural fields and its broad geographic basis, is a particularly appropriate framework for their co-operation,
 - a) **Decide** to pursue the basic policy commitments set out in the Declaration of the member states of the Council of Europe on the Freedom of Expression and Information so as to define and promote throughout Europe the appropriate policy measures necessary for the establishment, consolidation and functioning of a plurality of independent and autonomous media reflecting a diversity of opinions and ideas and which meet the interests and expectations of the public;
 - b) **Agree** to promote Europe's cultural identity and diversity by concrete and joint measures to strengthen and supplement existing measures and mechanisms to enhance creativity in Europe, notably as regards audio-visual works produced by those European partners with a low audio-visual output or limited geographic or linguistic coverage;
 - c) **Decide** to promote and support the circulation of European audio-visual works so as to promote mutual understanding, awareness and cultural co-operation among European countries;
 - d) **Resolve** to provide support and assistance in Central and East European countries to facilitate structural change and adjustment of the media to democratic requirements, **accord** high priority in this regard to training of media professionals in those countries and **call for** the implementation of a Council of Europe medium-term programme to this effect, in co-operation with interested professional bodies;
 - e) **Note** with satisfaction that a number of participating states have already declared their readiness to contribute to the financing of such a programme;
 - f) **Decide** to pursue policies which are conducive to the diversification of sources of financing of the media as one means of promoting media plurality in the increasingly competitive environment in Europe;
 - g) **Decide** moreover to examine and, if necessary, take action to counter media concentrations harmful to the pluralism and independence of the media;
 - h) **Encourage** the use of those new information and communication technologies which are likely to increase the freedom of expression and information and the free circulation of information and ideas, as well as strengthen cultural diversity;

- i) **Resolve** to step up their efforts within the Council of Europe and other fora with a view to developing a concerted European policy in the field of copyright and neighbouring rights, recognising that the latter constitute the basis of European creativity;
- j) **Express** the firm hope that the European Convention on Transfrontier Television will shortly receive additional ratifications to enable it to enter into force as soon as possible, given the importance of this instrument for the unhindered transfrontier circulation of television programme services throughout Europe;
- k) **Reaffirm** the importance of making available reliable comparative data in the media field, **note** that the creation of a Council of Europe data base in the fields covered by the European Convention on Transfrontier Television (Medialex) is an important step in this direction and **call on** participating states to support and contribute to this important initiative;
- l) **Recommend** that the Committee of Ministers of the Council of Europe take all necessary steps to facilitate the implementation of the terms of this Declaration and of the recommendations set out in Resolutions Nos. 1 and 2 of this Conference.

4th European Ministerial Conference on Mass Media Policy

(Prague, 7 and 8 December 1994)
The media in a democratic society

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:

- a) 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;
- b) 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;
- c) 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 inter-governmental 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 CONVOCATION 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.

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:**
 - a) to adopt as basic policy instruments in the media field the Plan of Action and the two resolutions appended to this declaration;
 - b) 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;
 - c) 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;
 - d) 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;

- e) 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:

- i. access to information held by public authorities;
- ii. 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.

8. 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.

STATEMENT 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.

5th European Ministerial Conference on Mass Media Policy

(Thessaloniki, 11 and 12 December 1997)

The information society: a challenge for Europe

POLITICAL DECLARATION

1. The Ministers of the states participating in the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, 11-12 December 1997),
2. **Referring to** the commitment entered into by the Heads of state and government at the 2nd Summit of the Council of Europe (Strasbourg, 10-11 October 1997) to seek common responses to the development of the new information technologies;
3. **Noting** the development of the information society through the introduction of new technologies and new communications and information services, in particular online services, as a result of digitisation and the prospects for progressive disappearance of technological boundaries between broadcasting, telecommunications and informatics;
4. **Noting** that digitisation also leads to a multiplication in the number of channels available for the transmission of broadcasting services, in particular specialised and pay services;
5. **Noting** also that digitisation, by providing new opportunities for combining texts, images and sound, opens the way to the creation of new works, products and services;
6. **Convinced** that in the years to come the information society will be a significant driving force of economic, social and technological change and will influence significantly the functioning of society in general and the relations between individuals, groups and countries at the world level, by providing enhanced opportunities for communication and exchange of information, in particular at the transfrontier level, via the globalisation of networks and services widely accessible to the public;
7. **Noting** in particular the importance which this influence will have at the European level especially with regard to cultural and linguistic diversity and from the economic point of view;
8. **Noting** also that these developments may require a new approach concerning the regulation of the media sector, particularly in view of the fact that it is now possible to make both public and private communications via the same networks;
9. **Anxious** to promote a better balance in the access to the new technologies and the new communications and information services so that the development of the information society serves all the European countries and the well-being of all individuals and groups living in those countries;
10. **Anxious** that states develop their media policy in accordance with the principles of independence, respect for fundamental rights and pluralism, in the spirit of Article 10 of the European Convention on Human Rights and having regard to cultural diversity;

11. **Anxious** in particular that this development contributes to the promotion of freedom of expression and information, artistic creation and exchanges between cultures, education and the participation of individuals in public life, while respecting and serving human rights, democratic values and social cohesion;
12. **Welcoming** the opportunities offered or anticipated in this regard by the new technologies and new communications and information services, while noting that there is a risk that these technologies and services may in certain circumstances be used to the detriment of and contrary to respect for human rights and human dignity, the protection of minors and basic democratic values;
13. **Anxious** that the credibility of the media, especially in the field of news reporting and current affairs, be maintained in the new digital environment in view, in particular, of the increasing use of virtual images in both the traditional electronic media and the new communications and information services;
14. **Affirming** that the Council of Europe, as a result of its specific vocation in the areas of human rights and culture and its pan-European dimension, is a particularly appropriate forum for discussion and action on the human rights, democratic and social implications of the information society;
15. **Taking account** of work conducted by the Parliamentary Assembly, as well as in various international fora, on the new communications technologies and services;
16. **Stressing** the need for all the countries to play an active role in international discussions with a view to promoting the development of these technologies and services in the interest of human rights and democracy,
 - A. **Undertake** to encourage the development of the new technologies and new communications and information services in the interests of freedom of expression and information, artistic creation and exchanges between different cultures, education, as well as the participation of individuals in public life, with a view to promoting social cohesion;
 - B. **Undertake** in this respect to implement the basic principles contained in the two resolutions appended to this declaration and to co-operate with one another in the implementation of these principles;
 - C. **Undertake** in particular to work in favour of the application of the principle of “universal community service” as defined in Resolution No. 1;
 - D. **Urge** the speedy finalisation of work on the amendment of the European Convention on Transfrontier Television in order to create a coherent approach to transfrontier television between this instrument and the “Television without frontiers” Directive of the European Union, taking account of the new technological and economic developments in this sector.

ACTION PLAN

FOR THE PROMOTION OF FREEDOM OF EXPRESSION AND INFORMATION AT THE PAN-EUROPEAN LEVEL

WITHIN THE FRAMEWORK OF THE INFORMATION SOCIETY

The Ministers of the participating states, aware of the impact of technological changes on freedom of expression and information, beyond the framework of the traditional media:

Request the Committee of Ministers of the Council of Europe to implement the following Action Plan;

Underline in this respect that particular attention should be paid to the work undertaken in other international fora and to the co-operation which could be developed with these fora:

A. Action concerning the monitoring of the development of the information society

To ensure comprehensive monitoring and analysis of the development of the new technologies and new communications and information services as well as the regulatory initiatives taken in this area at both national and international levels, in particular keeping under review their effects on human rights under the European Convention on Human Rights, and to ensure regular exchanges of information and experience in this area, with a view to implementing concerted solutions at the pan-European level in the area of media law and policy.

B. Action concerning access to new communications and information services

To intensify work aimed at defining a common pan-European approach as regards the content and the means for implementing the “universal community service”, taking into account the different national and regional circumstances and resources.

To examine all suitable measures to promote training for the public in the knowledge, understanding and use of the new communications and information services, and take all appropriate initiatives in this respect.

C. Action in the area of self-regulation

To encourage, in particular at the transnational level, self-regulation by providers and operators of the new communications and information services, especially content providers, in the form of codes of conduct or other measures, with a view to ensuring respect for human rights and human dignity, the protection of minors and democratic values, as well as the credibility of the media themselves.

To encourage exchanges of information and experience as well as co-operation at the European and global level in this area.

D. Action in the area of regulation

To intensify work on the impact of new communications technologies and services on human rights and democratic values with a view to preparing within the framework of the Council of Europe any legal instruments or other measures which might be necessary to promote freedom of expression and information, especially across frontiers, and guarantee the protection of human rights and democratic values.

To promote transfrontier co-operation between national regulatory authorities responsible for the broadcasting sector and other communications and information services.

E. Action concerning the misuse of new technologies and new communications and information services

To study cases of misuse of the new technologies and new communications and information services for spreading any ideology, or carrying out any activity, which is contrary to human rights, human dignity and the fundamental rights of others, as well as to the protection of minors and to democratic values, and to formulate, where necessary, any proposals for legal or other action to combat such use.

To take into account, in this context, the different kinds of content responsibility of the various actors involved in the chain between the provision and use of the new communications and information services.

To examine the opportunity and feasibility of establishing warning, co-operation and assistance procedures, including legal ones, in liaison with other authorities, with a view to undertaking concerted action against these forms of misuse at the widest possible level.

F. Action in the area of violence and intolerance

To study the practical and legal difficulties in combating the dissemination of hate speech, violence and pornography via the new communications and information services, with a view to taking appropriate initiatives in a common pan-European framework;

To undertake a periodical evaluation of:

- the follow-up given by member states to Recommendation No. R (97) 19 on the portrayal of violence in the electronic media, No. R (97) 20 on “hate speech” and No. R (97) 21 on the media and the promotion of a culture of tolerance, as well as to Recommendation No. R (89) 7 concerning principles on the distribution of videograms having a violent, brutal or pornographic content;
- the implementation, by states parties to the European Convention on Transfrontier Television, of Article 7 of the Convention concerning, in particular, the responsibilities of broadcasters with regard to the content and presentation of their programme services;

To examine, as appropriate, the advisability of preparing in addition other binding or non-binding instruments.

G. Action in the area of media concentrations and pluralism and exclusivity rights

To continue the work in the area of media concentrations, paying particular attention to the development of new technologies and new communications and information services, with a view to undertaking any appropriate legal or policy initiatives to guarantee the maintenance of media pluralism in Europe;

To study, in particular, the issue of transparency of the new communications and information services' providers with a view, as appropriate, to supplementing the framework provided by Recommendation No. R (94) 13 on measures to promote media transparency;

To study also the issue of gateway monopolies hampering access to the new technologies and new communications and information services and the accumulation of interests in both the traditional media sector and the new communications and information services sector with a view, as appropriate, to formulating proposals aimed at regulating such developments;

To study the question of exclusivity rights in the digital environment and the possible need to take further initiatives within the framework of the Council of Europe.

H. Action in favour of the participation of individuals in public life

To consider ways of ensuring that the development of new communications technologies results in a more effective and participatory functioning of democracy, as well as the full respect of democratic principles and human rights.

I. Action in the area of copyright and neighbouring rights

To follow closely the evolution of digital techniques and their implications for the international policy concerning the protection of rights holders and the public, taking into account the work being conducted in this field in other international fora, with a view to elaborating, if necessary, legal instruments designed to supplement and co-ordinate the measures taken by the member states;

To review at regular intervals the follow-up given by the member states to the conclusions of the Seminars on sound and audio-visual piracy (Strasbourg, September 1995), copyright and neighbouring rights in the digital era (Oslo, May 1996) and the international co-ordination of identification techniques (Paris, April 1997), as well as the implementation of principles contained in Recommendation No. R (95) 1 on sound and audio-visual piracy;

To encourage member states to sign and ratify the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite, in order to accelerate its entry into force.

J. Action in favour of the Central and East European countries

To develop the Council of Europe's co-operation and assistance programmes for the Central and East European countries in the media field with a view to providing assistance with the development of media policy and legislation, as well as for the training of media professionals, in the new digital environment, so as to facilitate full participation by these countries in the establishment of the information society.

RESOLUTION NO. 1

THE IMPACT OF NEW COMMUNICATIONS TECHNOLOGIES ON HUMAN RIGHTS AND DEMOCRATIC VALUES

1. The Ministers of the states participating in the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, 11-12 December 1997),
2. **Concerned** to encourage the contribution of the new technologies and the new communications and information services to the development of human rights and democracy at the pan-European level, while striving for social cohesion;
3. **Wishing** to enable everyone to benefit from the economic, technical and social opportunities offered by these technologies and services;

4. **Convinced** of the importance of developing for this purpose the application of the principle of universal service beyond its current scope;
5. **Resolved** therefore to implement a principle, hereinafter referred to as “universal community service”, whereby, to the extent possible given the different national and regional circumstances and resources, the new communications and information services shall be accessible at community level by all individuals, at an affordable price and regardless of their geographic location;
6. **Noting** the importance of developing training for the public in the use of the new communications technologies and their applications;
7. **Stressing** the continuing importance of public service broadcasting, as an essential factor of pluralistic communication accessible to everyone and hence of social cohesion, in this new environment, and recalling their commitment to implement the principles contained in the Resolution on the future of public service broadcasting adopted at the 4th European Ministerial Conference on Mass Media Policy (Prague, December 1994);
8. **Aware** that states, as well as providers, operators and users of the new communications and information services, have specific responsibilities with regard to the risks which the use of such technologies and services may entail for the protection of human rights and the values which make up a democratic society;
9. **Condemning** the use of these technologies and services for spreading any ideology, or carrying out any activity, which is contrary to human rights, human dignity, and democratic values, and resolved to combat such use,
10. **Agree** as follows:

Access to new communications and information services

11. The participating states undertake to promote, without discrimination, the development and use of the new technologies and the new communications and information services and, where appropriate, regulatory frameworks, with a view to meeting the requirements of the principle of “universal community service”. To this end, and to the extent possible given the different national and regional circumstances and resources, the participating states undertake to:
 - (i) create a framework for access by the public to communications networks and new communications and information services on a universal basis, that is regardless of place of residence, at an affordable price, at individual and/or community level;
 - (ii) define at national, regional or local level the basic services, especially in the field of information, education and culture, to which all individuals should have access;
 - (iii) develop training for the public in the knowledge, understanding and use of the new communications and information services.
12. The participating states undertake to make provision to ensure fair and non-discriminatory access by all providers and operators of broadcasting and communications services to the new communications technologies and networks.

Freedom of expression and information

13. The participating states undertake, in accordance with the principles of Article 10 of the European Convention on Human Rights, to guarantee and promote freedom of expression and information and the exercise of journalistic freedoms in the new communications and information services, at both national and transfrontier levels, by legislative, administrative or other means.
14. The participating states undertake to promote the provision to the public of information held by public authorities, at national and local levels, via the new communications and information services, with due respect for other rights and legitimate interests, while ensuring that such information can still be obtained by other means.

Cultural pluralism

15. The participating states agree to promote or encourage the use of new communications technologies for the production and dissemination of creative works of European origin, especially cultural and

educational works, in the framework of the new communications and information services, while ensuring adequate protection of rights holders.

16. The participating states agree to promote or encourage cultural exchanges between European countries and regions via the new communications and information services, so as to improve knowledge and appreciation of European cultural diversity.

Promotion of democratic values and respect for human rights

17. The participating states undertake to promote the use of the new technologies and the new communications and information services in order to:

- (i) ensure better protection of human rights, in particular by disseminating information on the relevant instruments and mechanisms in this field;
- (ii) foster the participation of individuals in public life, at the national as well as local and regional levels;

18. The participating states undertake to ensure that their national legislation or administrative regulations, which are applicable to the new technologies and the new communications and information services, guarantee the respect for human rights and democratic values as set out in the European Convention on Human Rights and other texts of the Council of Europe. They agree to encourage the development by providers and operators of self-regulatory initiatives which also respect these rights and values.

19. Against this background, the participating states may take any measures which are considered necessary to:

- (i) combat the use of the new communications and information services for spreading any ideology, or carrying out any activity, which is contrary to human rights, human dignity and the fundamental rights of others, as well as to the protection of minors and to democratic values, and to co-operate in the fight against such use;
- (ii) prevent the creation, processing or manipulation of images and sounds - rendered possible by the new technologies - prejudicing human dignity or the rights of others and compromising the fair presentation of facts and events in news reporting and current affairs;
- (iii) ensure also that these activities respect the rights of authors and neighbouring rights holders;
- (iv) ensure that the use of the new communications and information services for electoral purposes or referenda does not prejudice the fundamental principle of free, universal, secret and periodic elections and the principle of representative democracy;
- (v) ensure that the use of the new communications technologies in the framework of judicial procedures does not prejudice the right to a fair trial nor the authority and impartiality of the judiciary;
- (vi) guarantee, in accordance with Article 8 of the European Convention on Human Rights and the case-law of the European Court of Human Rights, the right to privacy and correspondence within the framework of the use of new communications and information services, in particular by ensuring that the interception or control of communications via such services is only possible in accordance with the safeguards provided for by national legislation and in conformity with the aforementioned case-law;
- (vii) implement in their domestic law and practice Recommendation No. R (95) 4 on the protection of personal data in the area of telecommunication services, with particular reference to telephone services;
- (viii) provide for the citizen's right to increase the level of confidentiality in correspondence and the transmission of personal data by the use of cryptography, subject to restrictions allowed under Article 8, paragraph 2 of the European Convention on Human Rights;
- (ix) define the conditions governing the sending of unsolicited communications to individuals, and encourage the development of techniques allowing users to prevent reception of such communications;
- (x) allow anonymous access to and use of the new communications and information services, while:
 - encouraging the development of self-regulatory measures and/or adopting legislation aimed at allowing users to determine by whom and when content was disseminated to the public via the

new communications and information services, in particular with a view to be able to appreciate the value to be given to this content, with due respect for the confidentiality of journalists' sources of information;

- enabling competent public authorities to identify, if necessary, the authors of communications, in accordance with safeguards provided under national legislation and the European Convention on Human Rights.

RESOLUTION NO. 2

RETHINKING THE REGULATORY FRAMEWORK FOR THE MEDIA

1. The Ministers of the states participating in the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, 11-12 December 1997),
2. **Concerned** to establish a clear and predictable regulatory framework which favours the contribution of the new technologies and new communications and information services to the development of freedom of expression and information, artistic creation and exchanges between cultures, education and the participation of individuals in public life, while providing an answer to the new issues raised by such technologies and services for the protection of human rights and democratic values;
3. **Noting** that this regulatory framework must, in particular, take account of the specific nature of the traditional media, regardless of how they are disseminated, in view of the particular contribution they make to freedom of expression and information, democratic values and cultural pluralism;
4. **Stressing** the fact that regulatory measures which are specific to the new communications technologies and services should be adopted only to the extent that it is necessary to respond to such issues, over and above the self-regulatory measures which can be taken by those who design, provide, exploit and use these technologies and services;
5. **Welcoming**, in this regard, the self-regulatory measures already introduced in this field, and encouraging the development of such measures;
6. **Noting** also that the definition and implementation of this regulatory framework calls for the development of a common approach at the pan-European level so as to take into consideration the globalisation of communication made possible by the new technologies and new communications and information services,

General principles

7. **Call on** the participating states:
 - (i) to monitor to what extent their national regulatory framework in the media sector needs to be adapted to the development of the new technologies and new communications and information services so as to guarantee freedom of expression and information and the free circulation of information and opinions, especially at the transfrontier level, while ensuring respect for human rights, the protection of minors, human dignity and democratic values, particularly in view of the fact that it is now possible to make both public and private communications via the same networks;
 - (ii) to ensure that any measures taken in domestic law on the new communications and information services guarantee freedom of expression and information and the free circulation of information and opinions, especially at the transfrontier level, in accordance with the provisions of Article 10 of the European Convention on Human Rights and considering the case-law of the European Court of Human Rights, and, where applicable, the secrecy of correspondence, in accordance with Article 8 of the European Convention on Human Rights;
 - (iii) to take account of the different kinds of content responsibility of the various actors involved in the chain between the provision and use of the new communications and information services;
 - (iv) to prevent any interference by public authorities in the content of the new communications and information services as well as in the operation of those bodies which might be established at the national level to regulate such content, over and above what is permitted by the European Convention on Human Rights, taking into consideration the case-law of the European Court of Human Rights;

- (v) to encourage self-regulation by providers and operators of the new technologies and new communications and information services at national and pan-European levels (via codes of conduct, technical procedures for controlling access to content or services, etc.) in order to protect human rights and democratic values, especially respect for human dignity and the rights of others and the protection of minors, in the use of new communications services;
- (vi) to encourage the development and dissemination of techniques allowing users to limit the reception of particular content or services.

Communication and violence and intolerance

8. Call on the participating states:

- (i) to implement in their domestic law and practice the principles contained in Recommendation No. R (97) 19 on the portrayal of violence in the electronic media, in Recommendation No. R (97) 20 on "hate speech" and in Recommendation No. R (97) 21 on the media and the promotion of a culture of tolerance;
- (ii) to ensure that measures for combating the dissemination of opinions and ideas which incite to racial hatred, xenophobia, antisemitism and all forms of intolerance through the new communications and information services duly respect freedom of expression and, where applicable, the secrecy of correspondence;
- (iii) to reinforce co-operation within the Council of Europe with a view to studying and reaching solutions at European level, in close co-operation with other intergovernmental organisations and interested professional organisations, as a first step towards measures which could be undertaken at the world level, to problems of delimiting public and private forms of communication, liability, jurisdiction and conflict of laws in regard to hate speech disseminated through the new communications and information services.

Communication and pluralism

9. Call on the participating states:

- (i) to implement in their domestic law and practice the principles laid down in Recommendation No. R (94) 13 on measures to promote media transparency;
- (ii) to pay particular attention to the influence which the development of the new technologies and new communications and information services may have on media pluralism and access by the public to information, particularly in view of the control exercised by operators on access to the new communications and information services as well as the acquisition of exclusivity rights for the television broadcast of major events;
- (iii) to assess the impact at national and international levels which the introduction of measures for regulating the new technologies and new communications and information services, or the absence of such regulation, may have on media pluralism;
- (iv) to reinforce co-operation within the Council of Europe with a view to monitoring the evolution of media concentrations in Europe and to undertaking, as appropriate, any initiatives which might be necessary to guarantee the maintenance of media pluralism.

Communication and access to official information

10. Call on the participating states to reinforce their co-operation within the Council of Europe with a view to providing an input to the work on the right of access to official information, taking into account the impact which the development of the new communications and information services may have on such access, in particular by the media.

Communication and the protection of rights holders

11. Call on the participating states to continue their work and exchange of experiences and approaches in the field of the protection of rights holders within the Council of Europe, with a view to the elaboration and development of measures addressing the specific problems raised by this issue in the digital era.

RESOLUTION NO. 3 ON THE CONVOCAION OF THE 6TH EUROPEAN MINISTERIAL CONFERENCE ON MASS MEDIA POLICY

The Ministers of the states participating in the 5th European Ministerial Conference on Mass Media Policy being held in Thessaloniki on 11 and 12 December 1997;

Express their warmest thanks to the government of Greece for the excellent organisation of this Conference in Thessaloniki 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;

Note with gratitude the invitations issued by the governments of Poland, Portugal and the Slovak Republic to hold the 6th European Ministerial Conference on Mass Media Policy in the year 2000.

STATEMENT ON FREEDOM OF EXPRESSION AND OF THE MEDIA IN THE REPUBLIC OF BELARUS

The Ministers of the states participating¹ in the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, 11-12 December 1997),

Recalling that Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms proclaims freedom of expression, including the right to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers;

Recalling that the Declaration on the Freedom of Expression and Information, adopted by the Committee of Ministers of the Council of Europe on 29 April 1982, regards the freedom of expression and information as vital for the social, economic, cultural and political development of every human being and as an essential foundation of democracy, and calls on states to guard against infringements of the freedom of expression and information;

Recalling that the Ministers of the states participating in the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994) resolved to guarantee and strengthen further the freedom of the media, affirmed that media pluralism and diversity are essential to democracy, and undertook to guarantee the existence of public service broadcasting;

Recalling that the Heads of state and government, meeting for the second Summit of the Council of Europe (Strasbourg, 10-11 October 1997), reaffirmed their attachment to the fundamental principles of the Council of Europe - pluralist democracy, respect for human rights and the rule of law;

Noting repeated reports on actions by the Belarus authorities to restrict media freedom, including (i) the direct subordination of some major media organisations to the President's administration, (ii) the jailing of journalists, (iii) the closing down of media (such as the newspaper "Svaboda", the television station "Channel 8" and the radio station "101.2"), (iv) the harassment of journalists and media organisations;

Noting also that the Belarus government has proposed amendments to the media law which would ban "criticism of the President and other public figures", give the administration the right to suspend newspapers and close borders to the entry of media regarded by the government as "inimical" to the political or economic interests of the Republic,

- a. **Express** grave concern at these actions, which are incompatible with the European Convention on Human Rights and which violate the Belarus people's freedom of expression and of the media;
- b. **Express their support** for publishers, journalists and broadcasters who under highly adverse conditions seek to uphold the values of free speech, freedom of the press and open public debate, as well as for calls made both in Belarus and elsewhere to bring media legislation in that country into line with democratic standards;

1. The Russian Federation could not endorse this statement.

- c. **Call** on the Belarus authorities to take appropriate steps urgently with a view to creating a political, legal and administrative framework based on respect for freedom of information and media independence, as a foundation of the country's democratic development, and recall that Belarus has already assumed an obligation to do so by acceding to relevant international agreements;
8. **Express the hope** that such steps will eventually enable Belarus to join the family of democratic nations.

6th European Ministerial Conference on Mass Media Policy

(Cracow, 15 and 16 June 2000)

A media policy for tomorrow

DECLARATION “A MEDIA POLICY FOR TOMORROW”

The Ministers of the states participating in the 6th European Ministerial Conference on Mass Media Policy, held in Cracow on 15 and 16 June 2000,

Recalling the commitment of the member states of the Council of Europe to the fundamental principles of pluralistic democracy and respect for human rights;

Stressing the fundamental importance for democracy of freedom of expression and information, the free flow of information and ideas and media freedoms, as enshrined in Article 10 of the European Convention on Human Rights, including the principle of editorial independence;

Stressing the importance of the work done by the Council of Europe during the last 50 years for the promotion of freedom of expression and information and media freedoms at the pan-European level, especially after the democratic changes in Central and Eastern Europe;

Welcoming the activities undertaken by the Council of Europe to promote freedom of expression, in particular the procedures initiated at the political level by the Committee of Ministers and the Parliamentary Assembly to monitor compliance by member states with the commitments which they have undertaken concerning freedom of expression and information;

Reaffirming the crucial role of the Council of Europe in promoting democracy and observance of human rights, in particular by the definition of common principles in the area of media law and policy, in the context of continuing political, cultural, economic and technological changes in the media sector;

Recalling the texts adopted at the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, December 1997), which have underlined in particular the importance of a media policy which would aim both at taking advantage of opportunities, and preventing risks, which may result from new information and communication technologies;

Agree to enhance the impact of the Council of Europe intergovernmental activities in the media field at the pan-European level, by focusing them on fundamental issues, in line with the texts adopted at the 2nd Summit of Heads of state and Government of the Council of Europe, as well as the Declaration of the Committee of Ministers on a European policy for new information technologies;

Agree that the human and democratic dimension of communication should be at the core of these activities, focusing around the following four essential axes:

- the balance between freedom of expression and information and other rights and legitimate interests;
- pluralism of media services and content;
- the promotion of social cohesion;
- the adaptation of the regulatory framework for the media in the light of the ongoing changes.

Agree on the following programme of action at the pan-European level.

This programme of action should be implemented by the Steering Committee on the Mass Media (CDMM) of the Council of Europe in co-operation with other relevant Council of Europe bodies and in close consultation with the various bodies concerned, in particular with professional media organisations, self-regulatory bodies and regulatory authorities; on the basis of the Council of Europe instruments and standards, bearing in mind developments in other international fora; taking into account the need to avoid unnecessary duplication of work.

PROGRAMME OF ACTION

I. Activities relating to the balance between freedom of expression and information and other rights and legitimate interests

The CDMM should:

- step up its work on the balance between freedom of expression and information and the right to privacy;
- complete the work on the disclosure of information and the expression of opinions about political figures and public officials, the disclosure of information in the public interest, as well as media reporting on legal proceedings, so as to define common orientations for the whole of Europe as speedily as possible;
- examine the problems caused by the dissemination of material casting doubt on individuals' dignity and integrity, even in the traditional media;
- examine the implications of the on-line dissemination of information by individuals or other sources which may not be bound by professional journalistic ethics or codes of conduct.

II. Activities relating to pluralism of services and content

The CDMM should:

- monitor the impact on pluralism of both the development of new communication and information services and the trend towards greater media concentrations, so as to undertake, as appropriate, any initiatives which might prove necessary to safeguard or promote pluralism of content and services;
- examine in this context the importance for pluralism of preserving the diversity of sources of information;
- examine strategies to preserve the principle of cultural diversity, as enshrined in relevant Council of Europe instruments, in view of developments at the international level, and contribute to deliberations aimed at promoting and implementing this principle, at the pan-European and international levels, in a rapidly changing environment;
- monitor the impact on the protection of copyright and neighbouring rights of the development of new communication and information services, so as to take all the steps which might prove necessary to improve the level of this protection, taking into account the need for an adequate balance between such protection and the wide circulation of works and other protected material;
- complete its work on the protection of the neighbouring rights of broadcasting organisations.

III. Activities relating to social cohesion

The CDMM should:

- develop policies and measures enabling the media to promote social cohesion and prevent the threat of social exclusion and divisions posed by the development of the information society;
- undertake work on the use of new communications services to promote their widespread adoption and enhance their democratic potential as a means of society-wide exchange of information and opinions;
- promote media education and media literacy in new services with a view to developing a critical and discerning attitude towards media content, as well as ensuring greater awareness by individuals concerning the opportunities offered and challenges posed by these services and thus contributing to greater social cohesion;

- design policies and measures which shall assist member states in the development of public service broadcasting organisations in line with the relevant Council of Europe principles, as set out in the Resolution on the future of public service broadcasting adopted at the 4th European Ministerial Conference on Mass Media Policy (Prague, December 1994), and which might be promoted in other regions and other fora;
- promote an exchange of information and experience between its member states concerning the public service broadcasters' remit, organisation and funding in the digital age, where appropriate within the framework of a dual broadcasting system, in order to develop orientations for the member states aiming at enabling public service broadcasters to adapt to the challenges raised by the new media environment;
- examine ways of promoting the pluralistic and quality programming of public service broadcasters, strengthening their independence and ensuring an appropriate and secure funding framework in the age of technological convergence and globalisation.

IV. Activities relating to the adaptation of the regulatory framework for the media

The CDMM should:

- monitor and study the development of new communications and information services with a view, as appropriate, to defining common pan-European principles in order to adapt the regulatory framework for the media;
- promote pan-European exchanges of information and experience concerning regulatory, co-regulatory and self-regulatory initiatives taken in member states;
- review the legal and political instruments which it has already produced so as to determine whether, in the light of new information production, processing and dissemination techniques, they should, as appropriate, be revised or supplemented by legal or practical measures;
- promote the adoption of measures intended to limit the harmful effect which the dissemination of certain content on the new communication and information services, such as violent or pornographic content, may have on vulnerable groups, such as minors, in particular by promoting the development and co-ordination of content classification systems, "hotlines" for complaints about harmful content, and codes of conduct by the industry throughout Europe;
- analyse common approaches to raise awareness about user-control mechanisms offering protection against harmful content as well as to educating users towards greater understanding and responsibility in this respect.

* * *

In the light of the above programme of action, request the Committee of Ministers of the Council of Europe to:

- make all appropriate arrangements for the implementation by the CDMM of this programme, by allocating it adequate resources;
- continue and step up its co-operation and assistance programmes relating to the media, especially its training and awareness-raising activities for official circles and media professionals, allocating appropriate resources to this.

RESOLUTION ON THE DRAFT EUROPEAN CONVENTION ON THE LEGAL PROTECTION OF SERVICES BASED ON, OR CONSISTING OF, CONDITIONAL ACCESS

The Ministers of the states participating in the 6th European Ministerial Conference on Mass Media Policy being held in Cracow on 15 and 16 June 2000;

Anxious to promote the development of broadcasting as well as new communication and information services in Europe, in the interest of the free flow of information, ideas and opinions as well as pluralism;

Concerned about the acts of piracy against these services, which undermine their development and accordingly the interests of operators, rights holders and the public, and determined to combat such piracy in an effective manner;

Endorse the draft European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access, as finalised by the Steering Committee on the Mass Media (CDMM) of the Council of Europe on 14 June 2000;

Request the Committee of Ministers of the Council of Europe to adopt the Convention and open it for signature as soon as possible, and to authorise publication of the Explanatory Report thereto;

Invite all states and the European Community to become party to the Convention once opened for signature, in order to ensure that it is applied at the widest geographical level and accordingly to combat more effectively the illicit reception of services based on, or consisting of, conditional access.

7th European Ministerial Conference on Mass Media Policy

(Kyiv, 10 and 11 March 2005)

Integration and diversity: the new frontiers of European media and communication policy

POLITICAL DECLARATION

1. The Ministers of states participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Determined** to protect and promote the fundamental values underpinning European construction, namely human rights, democracy and the rule of law, and in particular freedom of expression and information;
3. **Resolved** to enhance the essential role of the media in the creation of a pluralist public sphere involving active communication within society;
4. **Convinced** that these values and ideas should also be actively promoted in the information society;
5. **Convinced**, in view of the process of European Union enlargement, that the Council of Europe, as the only organisation at the pan-European level dealing with the human and democratic dimension of communication, will continue to play a central role in strengthening these values and principles, in particular by setting common pan-European minimum standards in this area;
6. **Stressing** also that the Council of Europe has an essential role to play in promoting mutual understanding between people with different cultural and religious backgrounds, both within European societies and between Europe and other regions;
7. **Recalling** the need to safeguard the independence of the media and to guarantee freedom from interference by political authorities;
8. **Having** regard to the profound changes which affect societies today, notably:
 - increasing international tensions and a rising tide of terrorism which pose a direct threat to peace and social stability and to the values of democratic societies;
 - globalisation of economies and means of communication, migrations and increasing interaction between cultures, the individualisation of ways of living and the resulting transformation of social relations;
 - technological changes which fundamentally influence patterns of social communication and the media;
9. **Aware** that these changes may have profound long-term consequences for nation-states and cultural and national identities, social cohesion, the framework of human rights and democracy and international relations;

10. **Concerned** therefore to promote, *inter alia* by means of audiovisual and media policies, the positive impact which some of these changes may have, through means of communication, on the progress of European societies and the personal development of individuals living on their territory, notably as regards the protection and promotion of human rights, the free circulation of information, ideas and opinions, pluralism and diversity of information, access to knowledge and culture, as well as mutual understanding, which should be promoted by intercultural and inter-religious dialogue,

11. **Welcome** the activities carried out by the Council of Europe in the media field since their last Ministerial Conference in Cracow in June 2000;

12. **Decide** to adopt the three resolutions and action plan which are appended to this declaration and which focus on promoting freedom of expression, pluralism and diversity of communication services and their content as well as on protecting human rights and promoting the widest possible participation of all individuals in the information society;

13. **Request** the Committee of Ministers of the Council of Europe to implement the action plan adopted by this Ministerial Conference and, for this purpose, to redefine the mandate of the Steering Committee on the Mass Media (CDMM) so that it can fully encompass the new information and communication technologies and, accordingly, to rename it Steering Committee on the Media and New Communication Services (CDMC);

14. **Underline** that particular attention should be paid by the CDMM to following the concrete measures taken by the governments of member states in order to implement the three aforementioned resolutions as well as the legal or other initiatives that the CDMM could launch in order to follow up the action plan of this Conference.

15A further resolution, concerning the media in Ukraine, was adopted by the Ministers and appears at the end of this document.

RESOLUTION NO. 1

FREEDOM OF EXPRESSION AND INFORMATION IN TIMES OF CRISIS

1. The Ministers of states participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),

2. **Resolved** to respond to the challenge that crisis situations such as war and terrorism constitute for democracies and their respect for freedom of expression and information;

3. **Affirming** that freedom of expression and information and media freedom must be respected in crisis situations, since the public's right to be informed about the actions of public authorities and all other parties involved in order to keep them under scrutiny is especially important in these situations;

4. **Stressing** that any interference with the work of journalists in such situations must remain exceptional and be strictly in line with the conditions set out in relevant international human rights instruments;

5. **Condemning** attacks on freedom of expression, the free and unhindered exercise of journalism and the physical integrity of journalists, which are more widespread in times of crisis;

6. **Convinced** that, when the media promote understanding and tolerance, they can help prevent crisis situations from occurring;

7. **Reaffirm** their determination to ensure in times of crisis respect for freedom of expression and information as a basic element of a democratic and pluralist society;

8. **Reaffirm** their undertaking to respect and implement the Council of Europe standards in the field of freedom of expression and information during times of crisis, as set out in the Declaration on freedom of expression and information in the media in the context of the fight against terrorism which the Committee of Ministers of the Council of Europe adopted on 2 March 2005, as well as Recommendation No. R (96) 4 which the Committee of Ministers adopted in 1996 on the protection of journalists in situations of conflict and tension;

9. **Agree** that journalists should be able, without impediment and without threat to their security, to freely and independently report on crisis situations, without any possibility of this right being restricted beyond those limits set by the relevant international instruments;

10. **Agree** that the safety and security of media professionals is a matter of continuing concern, particularly in times of crisis, which requires that all cases of violence against journalists or media be fully and

independently investigated, and that media professionals and their professional organisations be assisted in appropriate ways to take measures to reduce the risks facing media personnel;

11. **Agree** on the importance of setting up new forms of regular exchanges of information and experience between governments and all other interested parties at the European level on the impact that the fight against terrorism has had and might have in future on freedom of expression and information, with a view to taking all necessary measures to protect this freedom;

12. **Agree** that co-operation should be developed at the European level in order to remedy situations where media professionals of a member state encounter a threat to their safety or their freedom when covering crisis situations on the territory of another member state;

13. **Agree** that the laws and regulations in force or under preparation in the member states on the question of freedom of expression and information in times of crisis have to be consistent with the principles established at the European level;

14. **Agree** to promote in any other international instances where questions concerning freedom of expression and information during times of crisis might be addressed, the democratic principles established in this field within the Council of Europe.

RESOLUTION NO. 2

CULTURAL DIVERSITY AND MEDIA PLURALISM IN TIMES OF GLOBALISATION

1. The Ministers of states participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),

2. **Agreeing** to recognise, preserve and promote cultural diversity as a common heritage of humanity and stressing the importance of cultural diversity for the realisation of fundamental rights and freedoms enshrined in the European Convention on Human Rights;

3. **Reaffirming** the importance of media pluralism and editorial independence for the full exercise of freedom of expression and information in a democratic society;

4. **Noting** the increasing trend towards concentration in the media sector, both in Europe and worldwide, as a result in particular of the globalisation of economies;

5. **Resolved** to maintain and promote cultural and linguistic diversity in the media, also in the interest of intercultural dialogue, paying particular attention to the interests of persons belonging to minority groups and to minority community media;

6. **Convinced** of the desirability of drawing up an international convention on the protection of the diversity of cultural contents and artistic expressions;

7. **Noting** that, to prevent the potential harmful impact of media concentrations on pluralism, the adoption of sector-specific rules designed to safeguard plurality and diversity in the media, taking into account the particularities of each country, may be important in addition to general competition law;

8. **Underlining** the need for transparency in the media sector, including transparency of ownership, and the importance of monitoring media concentrations, both at the national and European level;

9. **Convinced** of the need for a European voice in international fora discussing media concentrations at the global level and of the Council of Europe's ability to contribute to this;

10. **Noting** that the Council of Europe, as a pan-European organisation committed to the protection of freedom of expression and the free flow of information, is an appropriate framework for the exchange of information and experience on the issues raised by media concentrations and regulatory and other responses to these issues, as well as to address the transnational aspects of media concentrations in Europe;

11. **Convinced** of the need to safeguard in the digital environment the essential public interest objectives which are cultural diversity and media pluralism;

12. **Convinced** also of the particularly important role of public service broadcasting in the digital environment, as an element of social cohesion, a reflection of cultural diversity and an essential factor for pluralistic communication accessible to all,

13. **Undertake** to ensure that the guarantee and promotion of media pluralism is one of the central objectives of their national policy in the media field in the years to come;

14. **Agree** to facilitate cultural exchanges and the free flow of information and, for this purpose, to encourage the production and distribution of diversified content, both in the traditional media and the new communication services, including through the exploitation of their archives;
15. **Support** the work carried out at UNESCO with a view to adopting an international convention on the protection of the diversity of cultural contents and artistic expressions;
16. **Agree** that the free circulation of information across frontiers should be accompanied by efforts to promote media pluralism at the national, regional and local levels;
17. **Agree** to encourage access to the media by persons belonging to national minorities in order to promote tolerance and enhance cultural pluralism;
18. **Reaffirm** their commitment to respect and implement the Council of Europe standards concerning the maintenance and development of a strong and independent public broadcasting service;
19. **Stress** the importance of the political, financial and operational independence of broadcasting regulators;
20. **Recognise** the importance of ensuring free and universal access to the services of public service broadcasters across various platforms and the need to develop further the public service broadcasting remit in the light of digitisation and convergence;
21. **Undertake** to ensure the legal, financial and technical conditions to enable public service broadcasters to accomplish their mission in an effective manner, so that they contribute in particular to cultural diversity and media pluralism;
22. **Reaffirm** their commitment to implement Recommendation Rec (2003) 9 of the Committee of Ministers on measures to promote the democratic and social contribution of digital broadcasting and agree to inform the Council of Europe about the measures taken to apply this recommendation.

RESOLUTION NO. 3

HUMAN RIGHTS AND REGULATION OF THE MEDIA

AND NEW COMMUNICATION SERVICES IN THE INFORMATION SOCIETY

1. The Ministers of states participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Welcoming** technological developments in the field of communications which enhance the free flow of information within and across national borders and provide individuals with unprecedented opportunities to exercise their right to freedom of expression and information, while improving the conditions for cultural exchanges;
3. **Determined** to ensure that the development of the information society in Europe will be based on respect for human rights and the rule of law through concerted action by public authorities and civil society;
4. **Underlining** the role that can be played by the new communication services industry in this respect, by means of self-regulatory or co-regulatory measures;
5. **Convinced** that the new communication services can enhance the exercise of human rights, for example by means of e-democracy, and serve human rights protection by spreading information on violations of these rights and enabling rapid reaction;
6. **Stressing** that the speed with which information circulates around the world calls for particular care on behalf of content producers and disseminators, notably in order not to harm human dignity and the rights of individuals, especially minors;
7. **Condemning** attempts to limit public access to communication networks and their content or to interfere with communications for motives contrary to democratic principles, and recalling in that respect that, as regards Europe, any limitations must be in conformity with Articles 8 and 10 of the European Convention on Human Rights;
8. **Reiterating** their commitment to create conditions for equitable access to new communication services by all individuals in their countries in order to promote their participation in public life;
9. **Convinced** that the professional media will continue to play an important role in shaping public opinion by providing information which has been gathered and processed in accordance with professional standards and by scrutinising public authorities and all other power holders in society;

10. **Convinced** also that the effective protection of copyright and neighbouring rights is an important factor for the development of the media and new communication services in the information society;
11. **Having regard** to the Declaration of the World Summit on the information society and reaffirming the principles contained in the Political message from the Committee of Ministers to the Summit,
12. **Reaffirm** their commitment, in line with the principles of the Declaration on freedom of communication on the Internet adopted by the Committee of Ministers on 28 May 2003, to remove, when technically feasible, any hindrances to the free flow of information through new communication services;
13. **Undertake** to ensure that the regulatory measures which they may take with regard to the media and new communication services will respect and promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access;
14. **Undertake** to step up efforts to ensure an effective and equitable access for all individuals to the new communication services, skills and knowledge, especially with a view to preventing digital exclusion, as well as to encourage media education for the general public;
15. **Undertake** to take measures which foster public access to official documents and information on the activities of public authorities through the new communication services so as to increase transparency in public life and to promote democratic decision-making;
16. **Undertake**, mindful of the importance of protecting minors, to step up their efforts and co-operation to minimise the risks for them of the dissemination of harmful content on the new communication services;
17. **Agree** at the same time to give special encouragement to training for children in media literacy, enabling them to benefit from the positive aspects of the new communication services and avoid exposure to harmful content;
18. **Undertake** to step up their efforts to combat the use of the new communication services for disseminating content prohibited by the Cybercrime Convention and its additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

ACTION PLAN

Sub-theme 1 (Freedom of expression and information in times of crisis)

1. Review the texts under consideration or adopted by the Council of Europe and other bodies, including the media and their professional and self-regulatory organisations, concerning freedom of expression and information in order, if necessary, to elaborate European standards to guarantee this freedom in times of crisis.
2. Examine the issues specific to times of crisis regarding the right of access to information, as well as the right to privacy and respect for human dignity, with a view, as appropriate, to defining relevant European standards which could be implemented through regulation, co-regulation or self-regulation.
3. Examine whether measures should be taken at the pan-European level in order to ensure the free movement of media professionals to cover crisis situations.
4. Establish a forum for the regular review, in consultation with media professionals and other interested parties, of the question of the rights and responsibilities of the media and the working conditions of journalists in times of crisis.
5. Encourage the training of media professionals in order to provide professional and independent coverage of crisis situations.
6. Encourage the media's contribution to intercultural and inter-religious dialogue, through initiatives such as the setting up of a network to exchange information and co-ordinate initiatives which exist in this field in Europe.
7. Institute an award for those media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue.
8. Monitor the implementation by member states of the texts adopted by the Council of Europe on freedom of expression and information in times of crisis.

Sub-theme 2 (Cultural diversity and media pluralism in times of globalisation)

1. Continue to monitor the development of media concentrations in Europe, in particular at the transnational level, as a political priority of the organisation, with a view, where appropriate, to suggesting any legal or other initiatives which it may consider necessary in order to preserve media pluralism.
2. In view of the fact that media concentrations continue to accelerate in the digital era, examine further the impact of the digital environment on cultural diversity and media pluralism and, if necessary, revise Recommendation No. R (99) 1 on measures to promote media pluralism.
3. Examine also whether the provisions contained in Recommendation No. R (94) 13 on measures to promote media transparency, including transparency of ownership, should be revised in the light of these developments.
4. Review the implications for the media sector of the ongoing preparation within UNESCO of an international convention on the protection of the diversity of cultural contents and artistic expression so as, if necessary, to adopt a common pan-European approach towards this initiative in order to ensure that their shared values of freedom of expression and information and pluralism of the media are fully taken into consideration.
5. Examine in particular how different types of media can play a part in promoting social cohesion and integrating all communities and generations.
6. Monitor the implementation by member states of Recommendation Rec (2003) 9 of the Committee of Ministers on the democratic and social cohesion of digital broadcasting with a view, if necessary, to providing further guidance to member states on how to ensure its implementation.
7. Examine how the public service remit should, as appropriate, be developed and adapted by member states to suit the new digital environment, and study the legal, financial, technical and other conditions needed to enable public service broadcasters to discharge it in the best possible manner, so as to formulate any legal or other proposals which it may consider advisable for this purpose.
8. Monitor the implementation by member states of Recommendation No. R (96) 10 of the Committee of Ministers on the guarantee of the independence of public service broadcasting, with a view, if necessary, to providing further guidance to member states on how to secure this independence.

Sub-theme 3 (Human rights and regulation of the media and new communication services in the information society)

1. Establish a regular pan-European forum to exchange information and best practice between member states and other stakeholders on measures to:
 - i. promote inclusion in the information society, inter alia by encouraging access to the new communication services along the lines of the principle of universal community service, as defined in Recommendation No. R (99) 14 of the Committee of Ministers;
 - ii. apply the Council of Europe's principles and standards in the digital environment.
2. Monitor the impact of the development of new communication and information services on the protection of copyright and neighbouring rights, so as to take any initiative which might prove necessary to secure this protection, while ensuring a wide circulation of works and other protected material.
3. Follow closely legal and other developments as regards liability for content made available to the public on the Internet and, if necessary, take any initiative, including the preparation of guidelines, inter alia, on the roles and responsibilities of intermediaries and other Internet actors in ensuring freedom of expression.
4. Support steps to promote, at all stages of education and as part of ongoing learning, media literacy which involves active and critical use of all the media, including electronic media.
5. Design strategies for member states with the aim of encouraging the media, in particular public service broadcasting organisations, to assume an increased role in promoting a wider democratic participation of individuals, inter alia with the help of new interactive technologies.
6. Examine ways of increasing the transparency of public authorities and facilitating public scrutiny via the media, having regard to Recommendation Rec (2002) 2 on access to official documents and the work on e-governance under way in the Council of Europe.

7. Promote the adoption by member states of measures to ensure, at the pan-European level, a coherent level of protection for minors against harmful content in traditional and new electronic media, while securing freedom of expression and the free flow of information.
8. Analyse to what extent the traditional media are being supplemented in their functions by other actors in the information society, and develop strategies so that the principles of transparency and fairness and respect for fundamental rights are also applied by the new media.
9. Promote the exchange of information between member states at the pan-European level regarding the development and regulation of new communication services. Examine further, in this context, the democratic and social impact of digital broadcasting.
10. Examine also in this context whether the principles contained in Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns should be reviewed in the light of the development of digital broadcasting services and other new communications services.
11. Follow closely the question of respect for human dignity in the media and in the new communications services, in order, if necessary, to take legal or other initiatives to complement and reinforce the Declaration of the Standing Committee on Transfrontier Television on human dignity and the fundamental rights of others.
12. Review the situation in member states regarding legislation on defamation through the media with a view, if necessary, to taking any appropriate initiatives in order to ensure that their domestic legislation and practice comply with Council of Europe standards.
13. Analyse the legal and security aspects specific to investigative journalism in order to determine whether initiatives should be taken in favour of this form of journalism in a democratic society.

RESOLUTION ON THE MEDIA IN UKRAINE

1. The Ministers of states participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Welcoming** the resolve and efforts of Ukraine to safeguard and promote freedom of expression and information in accordance with Article 10 of the European Convention on Human Rights and the case-law of the European Court of Human Rights, and to develop a legal and regulatory framework propitious to the operation of free, independent and pluralistic media in the country;
3. **Noting** the efforts made by the Council of Europe with the support of member states and other partners, in particular the European Union, to assist in attaining these objectives;
4. **Having regard** to the call made by Ukraine for a real partnership between European institutions and Ukraine;
5. **Convinced** that cooperation in the media field between Ukraine and the Council of Europe should be pursued and strengthened so as to bring about positive change and consolidate achievements, in particular as regards the legal and regulatory framework, the enhancement of media pluralism and independence, and the introduction of a genuine public service broadcasting system,
6. **Call upon** the Council of Europe to step up its cooperation with Ukraine in the media field, in particular by agreeing and implementing a new action plan for the media in Ukraine;
7. **Urge** Council of Europe member states and other interested countries and institutions to support actively the implementation of the action plan for the media in Ukraine once adopted, notably through providing political support and adequate resources towards its funding.

1st Council of Europe Conference of Ministers responsible for Media and new Communication Services

(Reykjavik, 28 and 29 May 2009)

A new notion of media?

POLITICAL DECLARATION

The Ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services, held in Reykjavik on 28 and 29 May 2009, make the following political declaration:

1. Free, independent and diverse media are essential for a democratic society. This is why the Council of Europe has developed a large body of standards over the years that seek to protect the media from interference, in compliance with Article 10 of the European Convention on Human Rights (ETS No. 5). Those standards also explore duties and responsibilities which equally stem from Article 10. Thanks to constant review and updating, their relevance has persisted over the years, even in a changing media landscape.
2. The ways in which information is gathered, content is created and the methods by which both are made available and sought have changed with technological developments. Users have ready access to, and create content for, means of mass communication which employ diversified communication platforms for both existing and newly developed media or comparable media-like mass-communication or information services. The relations between the media or other providers of those services and users or consumers have also evolved. It is therefore an opportune moment to review the notion of the media, understood as certain forms of mass communication that are transmitted by means of print or broadcasting involving ethical standards and editorial responsibility.
3. Like traditional media, new providers of media-like mass-communication services also should strive to promote and respect certain fundamental values. New modes of content creation and expression as well as seeking and imparting information in a mass-communication setting reinforce but may also challenge fundamental rights and freedoms. Existing media-related standards that were developed for traditional forms of mass communication may well apply to new services and service providers. However, additional tailored guidance to member states may be necessary. Further, new service providers should be made aware of their rights and also their duties and responsibilities.
4. Public service media, having genuine editorial independence and institutional autonomy, contribute to media diversity and help counterbalance the risk of misuse of power in a situation of strong concentration of the media and new communication services. They are therefore a fundamental component of the media landscape in our democratic societies. However, in a changing environment, public service media face major challenges which may threaten their very survival. Reflection on possible responses to these challenges should be pursued.

5. Growing numbers of people rely on the Internet as an essential tool for everyday activities (communication, information, knowledge, commercial transactions, leisure), ultimately improving their quality of life and well-being. People therefore expect Internet services to be accessible and affordable, secure, reliable and ongoing. Access to these services also concerns the enjoyment of human rights and fundamental freedoms, as well as the exercise of democratic citizenship. Council of Europe member states might therefore explore together the follow-up to be given to the Committee of Ministers' Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet.
6. Media or media-like services have growing cross-border importance. The revision of the European Convention on Transfrontier Television (ETS No. 132) is a welcome Council of Europe response to the diversification of communication platforms and information services. The revision process should be completed at the earliest opportunity. A broader legal response to the need to protect the cross-border flow of media and media-like content and, more generally, Internet traffic should be explored having regard to Article 10 of the European Convention on Human Rights. Steps may also be required to ensure that critical infrastructure and resources, which are essential for people's access to Internet services, are preserved in the public interest.
7. The question of the dignity of persons exposed to or affected by media or media-like services should be central to developing standards for those services. In this context, particular attention should be paid to children, young people and other groups with special needs or characteristics. Access by all these groups to media and media-like services is an important matter. Gender-related issues should also be mainstreamed with regard to these services. Users should be empowered to participate actively in the new communication environments, aware of their rights and responsibilities and adequately protected from possible harm.
8. In the interest of the required protection of the right to private life, the processing of personal data in new communication and information environments, and more particularly on the Internet, also needs to be addressed, including profiling practices.
9. There is ongoing concern about the effective implementation of Council of Europe standards on the freedom of expression and information and the freedom of the media. This implementation requires careful follow-up in the context of technological developments and market conditions. Threats derive also from crisis situations, be it terrorism, war or financial turmoil, as well as technological developments and market conditions which affect the position of journalists in information processes. There is, in particular, growing concern about the impact of terrorism, and of actions taken by member states to combat it, on those freedoms. Efforts have to be redoubled to ensure that these freedoms, underpinned by the rule of law, do not fall victim to these circumstances. Respect for Council of Europe standards on freedom of expression and information as well as freedom of the media in practice should therefore be an ongoing endeavour.
10. In light of the above, the ministers:

Agree to pursue co-operation on media and new communication services with a view to providing common responses to developments regarding the media and the provision of media-like services, in particular as regards the respect for freedom of expression and information, the right to private life and the dignity of human beings;

Adopt the resolution "Towards a new notion of media" and the corresponding action plan, and the specific resolutions on "Internet governance and critical Internet resources" and the "Developments in anti-terrorism legislation in Council of Europe member states and their impact on freedom of expression and information" which are appended to this political declaration and request the Committee of Ministers of the Council of Europe to take steps to implement the actions mentioned in those documents;

Ask the Committee of Ministers of the Council of Europe to continue to explore ways of enhancing the respect for freedom of expression and information and freedom of media standards in practice.

RESOLUTION TOWARDS A NEW NOTION OF MEDIA

The Ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services, held in Reykjavik on 28 and 29 May 2009, adopt the following resolution:

1. The purpose of media or comparable media-like mass-communication services remains on the whole unchanged, namely the provision or dissemination of information, analysis, comment, opinion and

entertainment to a broad public. The underlying objectives also remain comparable: to provide news, information or access to information; to set the public agenda; to animate public debate or shape public opinion; to contribute to development or to promote specific values; to entertain; or to generate an income or, most frequently, a combination of the above.

2. However, the content itself is evolving due to the way in which information is gathered and content is created, disseminated or distributed, sought, selected and received. This is due both to technical reasons, related to the communication platforms used, and to the presentation of content, which offers a perception of enhanced choice and interaction. In terms of income, new business models have been developed for associating revenue-generating activities to the dissemination of content through the means of mass communication.
3. These developments call for an in-depth analysis of our understanding of media, including the criteria and assumptions that underlie this understanding. It would therefore be desirable to explore the notion of media and, if necessary, review the concept itself. This would permit the establishment of criteria for distinguishing media or media-like services from new forms of personal communication that are not media-like mass-communication or related business activities.
4. Fundamental rights and freedoms and other Council of Europe values and standards, in particular the right to freedom of expression and information and its corollary freedom of the media, have to be promoted and protected, regardless of changes in the media and media-like landscape. The freedom of expression and information also carries with it certain duties, responsibilities and, in certain cases, can be subject to restrictions which are prescribed by law and necessary in a democratic society. Consequently, all media and media-like service providers have to respect certain benchmarks, and they should be adequately informed of their responsibilities.
5. Within an intergovernmental co-operation framework, the Council of Europe should consider the extent to which requirements of media or journalistic professionalism, editorial independence and editorial responsibility apply or should apply to new services or to media-like service providers. If appropriate, it should also provide guidance on the modalities of application of those standards to the operators of new services and business activities. More generally, it should explore whether and how Council of Europe standards that were developed with traditional forms of mass communication in mind apply to the new services or service providers. Those standards may have to be adapted, or new ones will have to be elaborated, for the new media-like service providers.
6. As for traditional media, self-regulation should be a key element for ensuring compliance with standards while respecting editorial independence; where necessary, self-regulation can be supported or underpinned by co-regulation. As a form of interference, regulation should be subject to the limits and conditions established by the European Convention on Human Rights and the relevant case law of the European Court of Human Rights and meet the tests elaborated by the latter. Media or media-like regulatory or accountability mechanisms, whether self- or co-regulatory or, if necessary, state driven, must be effective, transparent, independent and accountable. The Council of Europe should explore how to improve the functioning of those mechanisms, in particular how to improve the access to those mechanisms for persons or groups who consider that their rights have been breached by media or media-like service providers.
7. A people-centred approach also requires that individuals are allowed to exercise their right to free expression and information and use new communication services to participate in social, political, cultural and economic life and to do so without infringing the human dignity or the rights of others. The Council of Europe, in consultation and co-operation with relevant stakeholders, should provide member states with guidance, benchmarks and tools for the media and media-like mass-communication service providers that allow individuals to seek, create and distribute information without fearing breaches to their own human dignity or rights. The question of how rights and responsibilities should be apportioned in appropriate cases between the content creator and the distributor or service provider should also be explored.
8. In this context, media literacy should be considered essential. It should be recognised as part of the education for democratic citizenship. It is a particularly important tool in optimising children's and young people's comprehension, critical thinking, citizenship, creativity and critical awareness of the media. Their sense of responsibility when they create, use and distribute content is of key importance. Member states will also have to address other threats to children's dignity, security and privacy, in particular the question of the removal of content that children and young people create

or place on the Internet and that challenges their dignity, security and privacy or otherwise renders them vulnerable now or at a later stage in their lives.

9. It is also necessary to explore whether and to what extent data retention, the processing of personal data and profiling techniques or practices challenge unrestricted participation and people's rights to freedom of expression and information and other fundamental rights. Appropriate guidance should be provided to protect users' rights.
10. The plurality of sources of information and media and media-like services has to be ensured. Individuals' right to receive information can be challenged and democracy can be threatened by negative and significant market distortion as a result of media concentration; lack of diversity and pluralism; manipulative messages; new forms of content aggregation; the management and prioritisation of flow of content and of access and limited connectivity, or lack of access, to broadband services. Measures have to be proposed to address these risks. Part of the answer lies in the recognition of the public service value of the Internet and the resulting responsibilities for states.
11. Another important element for ensuring access to trustworthy sources of information is genuine, independent and adequately resourced public service media. At present, not all Council of Europe member states offer public service media that are able to attract and to serve all segments of society and contribute to people's full participation in political, social and cultural life. Developing the role of public service media may well involve public expenditure on cutting-edge media and media-like services and technologies. The modalities of expenditure on public media or information services may also need to be reviewed. The Council of Europe could provide a forum for discussion and, where appropriate, propose guidance on the manner in which public service media can discharge its duties, including by exploring innovative governance approaches.
12. We therefore:

Affirm the relevance of Council of Europe values, principles and standards for the media and media-like actors that operate within an evolving landscape of media services and information and communication technologies, and the need to explore the desirability of adapting existing and/or developing new standards or regulatory frameworks;

Agree to explore, in close co-operation with media professionals, in particular journalists, the roles and responsibilities they may have in the context of the provision of media or media-like services in the new information and communication environments;

Reaffirm our support for technology-neutral public service media, including public service broadcasting, which enjoy genuine editorial independence and institutional autonomy;

Reaffirm the importance of copyright protection and acknowledge the need to explore further, in close co-operation with relevant stakeholders, issues deriving from the use of copyrighted material or the exploitation of user-generated content by media-like services to protect and promote the freedom of expression and information;

Undertake to continue to resolutely support Council of Europe standard-setting work in the fields of freedom of expression and information and freedom of the media and to provide political backing to ensure that those freedoms are upheld as individual human rights and as essential components of a democratic society;

Acknowledge the need to put particular emphasis on ensuring the rights of children, young people and other groups with special needs or characteristics in the process of developing standards for media and media-like services;

Recognise the need to promote the implementation and respect of Council of Europe standards on freedom of expression and information and freedom of the media, and the positive impact that such efforts could have in the new information and communications environments;

Reiterate our support for action, within a Council of Europe context, to enhance users' media literacy so that they are able to express and inform themselves in a manner which makes them critical, competent and responsible when using media and media-like services;

Agree on the need to remain attentive to the risks involved in a situation of strong concentration of media and media-like mass-communication services, and to the role of those services, including public service and community media, in facilitating intercultural dialogue and promoting a culture of tolerance in multicultural societies;

Adopt the action plan set out below and request the Committee of Ministers of the Council of Europe to take all necessary steps to facilitate its implementation, acknowledging that this is a continuation of work carried out from the previous European Ministerial Conferences on Mass Media Policy.

ACTION PLAN

I. Towards a new notion of media and its consequences

1. Examine whether our understanding of media and mass-communication services remains valid in the new information and communications environment. If appropriate, elaborate a policy document reviewing the concept of media itself to include relevant new media and media-like mass-communication services and service providers.
2. Having regard to the results from this review, establish criteria for distinguishing media or media-like services from other forms of personal communication.
3. Examine whether and how the requirements of journalistic professionalism, editorial independence and editorial responsibility apply or should apply to operators of new media and media-like mass-communication services and service providers.
4. In consultation with relevant stakeholders, examine the need for, the modalities (such as self-regulation, co-regulation or regulation) and the subject of regulatory activities required to ensure respect for Council of Europe values in the framework of new media and media-like mass-communication services. If appropriate, provide guidance as to the application of existing Council of Europe standards to these new services.

II. Public service

5. Pursue work on the role of public service media in a democratic society. In particular, examine the modalities for delivery to the widest possible public, including young audiences, of trustworthy, diverse and pluralistic media and media-like services, paying attention to the way in which information and media or media-like services are sought and received and to the challenges of obtaining quality or trustworthy content.
6. In this connection, explore and, if appropriate, elaborate a policy document containing guidance for member states on governance approaches for public service media that will contribute to achieving the above objectives. This could extend to reflecting on other (organisational, financial and technical) features of the public service provision of media and media-like services.
7. Continue to develop the notion of the public service value of the Internet. In this context, explore the extent to which universal access to the Internet should be developed as part of member states' provision of public services. This may include policies for redressing market failure where market forces are unable to satisfy all legitimate needs or aspirations, both in terms of infrastructure and the range and quality of available content and services.

III. The individual and the media and media-like mass-communication services

8. Explore how newer or emerging modes of mass dissemination of and access to content, and the associated retention, processing and exploitation of data, affect the rights protected under Article 10 of the European Convention on Human Rights. If necessary, give guidance on how to strengthen the protection of those rights.
9. Examine how the status and rights of creators or providers of content can change, in particular when others associate that content to their own media or media-like services or income-generating activities (for example, advertising) in a mass-communication environment. If appropriate, elaborate guidance on the matter, including on the legal control of creators and providers over their content and the attribution of responsibility (such as when legal liability arises from the broad dissemination of such content).
10. Pursue reflection on possible means of ensuring the effective, transparent, independent and accountable operation and functioning of complaints bodies and procedures for media and media-like mass-communication services.
11. In consultation with relevant stakeholders, including education specialists, pursue work on media literacy with the aim of making users, creators and distributors of content (in particular children and young

people) responsible, informed and critical participants in the information society. Attention should be paid, as appropriate, to non-formal education as well as to the role of media themselves.

12. Continue to address other challenges to individuals' (in particular children's and young people's) rights to freedom of expression and information, privacy and other fundamental rights, as well as to their dignity and security on the Internet. In particular, explore possibilities for the removal of content that children create or place on the Internet. Pursue standard-setting work on the processing of personal data and profiling techniques or practices, explore common standards on privacy settings and examine the threats that could derive from systems designed to identify and track objects. In consultation with relevant stakeholders, develop appropriate guidance, benchmarks and tools to protect users' rights.

13. Explore the question of the possible use of newer or emerging services of mass communication to shape opinion and consumption of different groups in society in a surreptitious, subliminal or otherwise manipulative manner and, with due regard to Articles 8 and 10 of the European Convention on Human Rights, explore ways in which to protect the users or public from such use.

RESOLUTION

INTERNET GOVERNANCE AND CRITICAL INTERNET RESOURCES

The Ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services, held in Reykjavik on 28 and 29 May 2009, adopt the following resolution:

1. Fundamental rights and Council of Europe standards and values apply to online information and communication services as much as they do to the offline world. This stems, *inter alia*, from Article 1 of the European Convention on Human Rights whereby member states undertake to "secure to everyone within their jurisdiction" the rights and freedoms protected by the Convention (without the online/offline distinction). This approach has been confirmed in a number of Council of Europe standard-setting instruments.
2. Member states can be held to account for the rights involved before the European Court of Human Rights. The very nature of the information society and, to an even greater extent, of the Internet, has significant cross-border implications. Article 10 of the European Convention on Human Rights is especially relevant in this respect given that the rights and freedoms protected therein are guaranteed "regardless of frontiers".
3. The question of fundamental rights online is compounded by users' significant reliance on the Internet as an essential tool for their everyday activities (communication, information, knowledge, commercial transactions, leisure). As recalled in paragraph 5 of the preceding political declaration, this has led the Committee of Ministers of the Council of Europe to recognise the public service value of the Internet. People have a legitimate expectation that Internet services should be accessible and affordable, secure, reliable and ongoing. The notion of positive obligations developed in the case law of the European Court of Human Rights is particularly relevant in this context.
4. Various entities and persons, some state but mostly non-state actors, have contributed over the last few decades to shaping the development and use of the Internet. Their goodwill and ongoing efforts to promote the universality of the Internet and to ensure the robustness and resilience of its networks should also be acknowledged and welcomed. They are contributing to the Internet's safety, stability and continued functioning while helping to unleash economic potential and develop democratic processes.
5. The Internet relies on a variety of resources which are indispensable for its functioning and which, because of their very nature, can at any one time have a considerable impact on the ability of large numbers of users to access or fully benefit from the Internet. These critical resources include, for example, 13 so-called "root servers" (which permit the routing of most information and communications on the Internet) and the Internet's backbone structures (large-scale channels for data transit) which are controlled by a variety of government authorities, including re-designated defence agencies, academic institutions and private/business entities.
6. The Internet Corporation for Assigned Names and Numbers (ICANN), a not-for-profit entity established in 1998 under the laws of the state of California, in the United States of America, is also a

key component in managing the technical management of critical Internet resources worldwide. Although its constitutional documents and by-laws require it to co-operate with relevant international organisations and to carry out its activities in conformity with relevant principles of international law and applicable international conventions and local law, there are no related formal accountability arrangements.

7. The borderless and universal nature of the Internet depends, *inter alia*, on arrangements that ensure full compatibility or interoperability. The use of different alphabets should not represent an obstacle to the enjoyment of the rights and freedoms protected under Article 10 of the European Convention on Human Rights “regardless of frontiers”. Equally, choices made in respect of Transmission Control Protocols/Internet Protocols (TCP/IP) should not lead to fragmentation or barriers to seamless communication.
8. Council of Europe member states share the responsibility to take reasonable measures to ensure the ongoing functioning of the Internet and, in consequence, of the delivery of the public service value to which all persons under their jurisdiction are entitled. Interstate co-operation and solidarity is of paramount importance to the proper functioning, stability and universality of the Internet. By working together, member states can help each other to prevent or manage events, including malicious acts, falling within their jurisdictions or territories, which could block or significantly impede Internet access to or within fellow members of the international community. Such events may have significant implications on Article 10 of the European Convention on Human Rights.
9. In their standard-setting work, member states are inspired by the Tunis Agenda for the information society and the United Nations-led Internet Governance Forum (IGF) which facilitates the development and application of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet by governments, the private sector and civil society in their respective roles. Internet governance is an example of organisational innovation and mutual adaptation between society and technology around the world in pursuit of the objective of ensuring the openness and neutrality of the Internet.
10. Pan-European discussions on Internet governance are also important for member states. European Union directives and communications on information society matters, including the European Parliament Resolution on the second Internet Governance Forum, held in Rio de Janeiro from 12 to 15 November 2007, which encourages the organisation of a “European IGF”, provide an important starting point for such dialogue. Among other initiatives, the European Dialogue on Internet Governance (EuroDIG) is a welcome arrangement that responds to this need.
11. We therefore:

Support Pan-European efforts for enhanced co-operation on Internet governance, having due regard to the Council of Europe’s values and standards on human rights, democracy and the rule of law, and the need for a multi-stakeholder approach to it;

Welcome, in this connection, the steps taken by the Council of Europe to facilitate, in co-operation with other stakeholders, the organisation of IGF-like meetings at the pan-European level and ask the Council of Europe to make more lasting arrangements for dialogue on Internet governance;

Call on all state and non-state actors to explore ways, building upon current arrangements, to ensure that critical Internet resources are managed in the public interest and as a public asset, ensuring the delivery of public service value, in full respect of international law, including human rights law;

Call also on these actors to ensure full compatibility and interoperability of TCP/IP so as to guarantee the ongoing universal nature and integrity of the Internet;

Invite the Council of Europe to explore the feasibility of elaborating an instrument designed to preserve or reinforce the protection of the cross-border flow of Internet traffic;

Undertake to explore further the relevance of Council of Europe values and, if necessary, ways in which to provide advice to the various corporations, agencies and entities that manage critical Internet resources that have a trans-national function in order for decisions to take full account of international law including international human rights law and, if appropriate, to promote international supervision and accountability of the management of those resources.

RESOLUTION

DEVELOPMENTS IN ANTI-TERRORISM LEGISLATION IN COUNCIL OF EUROPE MEMBER STATES AND THEIR IMPACT ON FREEDOM OF EXPRESSION AND INFORMATION

The Ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services, held in Reykjavik on 28 and 29 May 2009, adopt the following resolution:

1. Terrorism has a devastating effect on the enjoyment of human rights. This is true for the right to life, but also for other fundamental rights and freedoms that Council of Europe member states have undertaken to protect. Terrorism is not only a threat to the individual but also poses considerable threats to the state, democracy and the rule of law.
2. Freedom of expression and information risk falling victim to terrorism, due to a climate of fear that terrorism can create or as a side effect of anti-terrorism legislation or measures. This would be a double success for the terrorists. The freedom of expression and information is, on the one hand, an essential part of the values that terrorism seeks to destroy and, on the other, indispensable to fighting terrorism effectively.
3. People have a right to be informed of terrorist attacks and of the authorities' action to combat terrorism. However, there are cases where it is inappropriate for the media to disseminate – or disseminate immediately – particular information in order to prevent terrorist acts or to protect the safety of victims or in the interests of an ongoing investigation or to protect the administration of justice. This calls for the observance of professional standards and responsibilities. However, the mere fact of reporting on terrorism cannot be equated to supporting terrorism. It is also legitimate to engage in open dialogue and public debate about the causes of terrorism or about political issues surrounding it.
4. The Committee of Ministers of the Council of Europe has adopted important standard-setting texts designed to assist member states in this respect, including: Guidelines on human rights and the fight against terrorism (11 July 2002); Declaration on freedom of expression and information in the media in the context of the fight against terrorism (2 March 2005); Guidelines on protecting freedom of expression and information in times of crisis (26 September 2007).
5. Any interference with the freedom of expression and information must be prescribed by law and be a proportionate response to a pressing social need related to the limited exceptions set out in Article 10 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights.
6. However, concerns have been raised that, in some cases, anti-terrorism legislation restricting freedom of expression and information is too broad, fails to define clear limits to authorities' interference or lacks sufficient procedural guarantees to prevent abuse.
7. Concerns have also been raised about undue restrictions on media professionals' access to information, interference with their rights to privacy (including home and professional premises) and communications, and the protection of journalistic sources. There have also been concerns about what may be undue limits on the media reporting, commenting and giving opinions about proscribed organisations. Such restrictions could have an adverse effect on the exercise of the right to freedom of expression and information.
8. It has been alleged that restrictions are sometimes also applied under anti-terrorist pretences without a legal basis in line with Council of Europe standards. Accession to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), which prescribes the criminalisation of certain acts, and its appropriate application with particular regard to the provisions of Article 12, should help member states avoid these risks.
9. Given that news is a perishable commodity, it is claimed that legal remedies for abuses are often inadequate or not timely where media or media professionals are concerned.
10. We therefore:

Reiterate our commitment to the right to freedom of expression and information as defined by Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights;

Resolve to pursue and redouble co-operation and efforts to protect effectively, in law and in practice, the right to freedom of expression and information while vigorously combating terrorism;

Resolve to review our national legislation and/or practice on a regular basis to ensure that any impact of anti-terrorism measures on the right to freedom of expression and information is consistent with Council of Europe standards, with a particular emphasis on the case law of the European Court of Human Rights²;

Underline the importance of judicial authorities and law-enforcement officials involved in implementing anti-terrorism measures being trained in these Council of Europe standards;

Ask the Council of Europe to assist, when requested, member states to implement the policies recommended above;

Encourage the media to train its staff on their rights and responsibilities according to national anti-terrorism legislation and Council of Europe standards on freedom of expression and information.

2. The Delegation of the Russian Federation made a reservation in respect of this paragraph. It indicated that the subject matter dealt with in it does not fall entirely under the competence of the authorities of the Russian Federation responsible for media and mass communication.

Council of Europe Conference of Ministers responsible for Media and information society

(Belgrade, 7-8 November 2013)

*Freedom of Expression and Democracy in the Digital
Age – Opportunities, Rights, Responsibilities*

POLITICAL DECLARATION

FREEDOM OF EXPRESSION AND DEMOCRACY IN THE DIGITAL AGE OPPORTUNITIES, RIGHTS, RESPONSIBILITIES

The Ministers of states participating in the Council of Europe Conference of Ministers responsible for media and information society, held in Belgrade, Serbia, on 7 and 8 November 2013, adopt the following political declaration:

1. We affirm that the right to freedom of expression, to hold opinions and to receive and impart information and ideas as enshrined in Article 10 of the European Convention on Human Rights and its corollary media freedom are fundamental prerequisites for pluralist democracy. Freedom of expression is not absolute; its exercise must respect the rights of others in particular the right to private life, in accordance with the European Convention on Human Rights and in light of the case law of the European Court of Human Rights.
2. Freedom of expression and media freedom are threatened in various parts of Europe, online as well as offline. This calls for political commitment and additional efforts by member states. In this respect, we acknowledge the longstanding work carried out by the Council of Europe and its potential to further promote freedom of expression and media freedom in Europe.
3. In 2011, the Council of Europe embraced a new notion of media, acknowledging that media-related policy must take full account of traditional and new forms of media. The new notion provides criteria for identifying various forms of media and offers guidance for differentiated responses, in particular in respect of media freedom and its protection, media independence, pluralism and diversity, as well as a reference for the duties and responsibilities of the various actors, in line with Council of Europe standards. This however does not apply automatically and may require implementation through appropriate national law.
4. We agree that the independence of the media and media freedom – whether print, broadcast or online – require effective self-regulation. Undue state regulation, control and supervision of the media have negative effects in this respect, including individuals' perception of media freedom.
5. Access to the Internet is inextricably linked to human rights, in particular to the exercise of the right to freedom of expression. We acknowledge the fundamental importance for people to be able to express themselves and access information on the Internet without undue restrictions, thus enabling them to effectively exercise their rights under Article 10 of the European Convention on Human Rights.

6. The right to private life is protected under Article 8 of the European Convention on Human Rights and the protection of personal data, one of its corollaries, has been expounded among others in Convention 108, European Union legislation and other relevant international and national laws or principles. The protection of personal data is both itself a right and an enabler for the exercise of other rights.
7. Data can be collected and processed for a legitimate aim including the objectives set out in the Council of Europe's Statute. Any data collection or surveillance for the purpose of protection of national security must be done in compliance with existing human rights and rule of law requirements, including Article 8 of the European Convention on Human Rights. Given the growing technological capabilities for electronic mass surveillance and the resulting concerns, we emphasise that there must be adequate and effective guarantees against abuse which may undermine or even destroy democracy.
8. The widespread and growing phenomenon of hate speech and intolerant discourse online calls for concerted action at national and transnational levels. The promotion of respect for human rights, dignity and ethics online are important and we welcome the Council of Europe campaign against hate speech. We believe that media professionals have an important role to foster ethical journalism offline and online.
9. We are appalled that journalists and other media actors who carry out journalistic activity or perform public watchdog functions are increasingly subject to physical attacks and other forms of harassment and are even being killed because of their media related activities.

10. In view of the above, we:

- a) invite the Council of Europe to pursue as a matter of priority its efforts to uphold and promote the respect of Articles 8 and 10 of the European Convention on Human Rights and as regards the latter article we invite the Council of Europe to promote media freedom – whether print, broadcast or online – and the implementation of existing European standards at national level as well as additional standard setting as appropriate;
- b) encourage member states to reinforce their work on freedom of expression and media freedom on the basis of the new notion of media with a view to preserving the core values of the Council of Europe and to guarantee the same human rights protection in all forms of media, whether offline or online;
- c) declare our firm commitment to Internet freedom which must be fully compatible with the International Covenant on Civil and Political Rights and the European Convention on Human Rights, and to this end, fully support the implementation of the Council of Europe's Internet Governance Strategy 2012-2015;
- d) declare our support for the complementary efforts made by the United Nations, the Council of Europe, the European Union, the Organisation for Security and Co-operation in Europe and other organisations to address the urgent need to establish a safe and enabling environment for journalists and the media;
- e) consequently, we adopt the resolutions "Internet freedom", "Preserving the essential role of the media in the digital age" and "Safety of journalists" which are appended to this political declaration and invite the Committee of Ministers of the Council of Europe to take appropriate steps to implement the actions proposed in those documents.

RESOLUTION NO 1 INTERNET FREEDOM

The Ministers of states participating in the Council of Europe Conference of Ministers responsible for media and information society, held in Belgrade, Serbia, on 7 and 8 November 2013, adopt the following resolution³:

1. The Internet, which was designed to exchange information and knowledge, plays a unique role in assisting individuals to work, to be politically and culturally engaged, to assemble, associate and, above all, to communicate and express diverse views and varied opinions, including those of discontent and protest.

³. The delegation of the United Kingdom made a statement prior to the adoption of this Resolution. To read this statement. See below.

2. We recognise the social and economic benefits that Internet access creates in addition to enhancing democratic processes.
3. Internet freedom is a shared responsibility; the full and meaningful involvement of governments, the private sector, civil society and other communities in their respective roles is critical to encourage respect for and uphold freedom of expression and other fundamental rights, such as the right to assemble and associate, and to enjoy private and family life, which includes the protection of personal data.
4. We reaffirm our commitment to multi-stakeholder dialogue on Internet governance to build confidence and trust. This should include attention to the shared commitment of state and non-state actors to fundamental rights on the Internet.
5. Freedom of the Internet includes preserving the Internet's open architecture, supported and enhanced by open standards, development processes, and promoting innovation in the bottom up, decentralised multi-stakeholder manner which has proved so successful for the rapid evolution and spread of access to the Internet and its associated technologies and applications.
6. Access to the Internet is a key tool enabling people to effectively seek, receive and impart ideas and opinions. Interfering with access can undermine participation in democratic processes and affect the dissemination of information and expression in the public interest. Any interference must meet the requirements of Article 10, paragraph 2, of the European Convention on Human Rights.
7. We renew our commitment to do no harm to the Internet and to preserve its universality, integrity and openness. Any measure, including blocking and filtering, that might interfere with people's freedom to access and communication via the Internet must be taken in compliance with international human rights law.
8. We resolve to protect people from the risks encountered on the Internet, in particular by fighting cybercrime, sexual abuse and exploitation of children, cyber bullying, gender based discrimination, incitement to violence, hatred and any form of hate speech. This may require concerted efforts with other non-state stakeholders. At the same time, we reaffirm that any restrictive measure taken must be in compliance with international human rights law, in particular as regards the protection of personal data.
9. Measures taken in the interest of national security which interfere with the right to freedom of expression or to the protection of private life, should meet the requirements set out in the European Convention of Human Rights. These requirements constitute effective guarantees against abuse.
10. Unjustified interference threatens the universality and integrity of the Internet and will adversely affect people's trust in the Internet and undermine its public service value. Council of Europe member states should respect their commitment to do no harm to the Internet.
11. We acknowledge the paramount importance of improving media and digital literacy and skills of individuals, in particular those belonging to vulnerable groups, to use the Internet safely and in an informed way, in particular by knowing how to distinguish between public and private spaces on the Internet. Users should be properly informed of existing human rights and should be empowered to exercise their rights and fundamental freedoms online.
12. We encourage the Council of Europe to continue developing, within the framework of its Internet Governance Strategy, adequate safeguards to protect fundamental rights on the Internet, especially when action is taken that might interfere with access and free flow of information and expression online.
13. **In view of the above, we invite the Council of Europe to:**
 - (i) further develop, in a multistakeholder approach, the notion of "Internet freedom" on the basis of standards adopted by the Committee of Ministers on Internet governance principles, network neutrality and the universality, integrity and openness of the Internet;
 - (ii) promote media diversity and pluralism online, in particular by ensuring that users can access content of their choice;
 - (iii) complete as soon as possible the elaboration of a Compendium of existing human rights for Internet users;
 - (iv) step up efforts to protect the right to privacy and personal data, in particular in respect of young people;

- (v) examine closely, in the light of the requirements of the European Convention on Human Rights, the question of gathering vast amounts of electronic communications data on individuals by security agencies, the deliberate building of flaws and ‘backdoors’ in the security system of the Internet or otherwise deliberately weakening encryption systems;
- (vi) examine the role and human rights implications of the Internet and new technologies as tools for political debate, protest and other expressions of discontent;
- (vii) continue to combat hate speech and incitement to violence and terrorism, whether involving individuals, public or political persons or groups, including offering guidance on ways to mitigate its escalation, due to the speed and scope of its online dissemination;
- (viii) promote media and digital literacy programmes having due regard to the gender perspective and diversity implications;
- (ix) explore ways of enhancing online participation of vulnerable and disadvantaged people or groups taking into account their specific needs;
- (x) engage with the private sector and the business sector in order to encourage them to respect their obligations and responsibilities in protecting and respecting human rights on the Internet;
- (xi) offer guidance on enabling access to culture and encouraging innovation and creation on the Internet while ensuring that creators, innovators and producers of cultural products are appropriately rewarded and their rights protected.

Council of Europe Conference of Ministers responsible for Media and information society, Belgrade, 7 and 8 November 2013

UNITED KINGDOM STATEMENT

The United Kingdom needs to place formally on record that while it has not blocked consensus on this text, the UK needs to disassociate itself from paragraph 13(v). The UK strongly supports the overall approach of the resolution including supporting a free and open internet that promotes freedom of expression. However, as we stated during the plenary session, we are unable to accept the text of paragraph 13(v). The UK considers that paragraph 13(v) may have the effect of unduly constraining the scope of the work that the Council of Europe is invited to carry out. The UK proposed alternative language in line with the equivalent provision in the Political Declaration (cf. Para 7 of the Political Declaration on Freedom of Expression and Democracy in the Digital Age) which we consider provides a more neutral and objective basis for the Council of Europe’s work in this area. The UK does not consider the language of paragraph 13(v) to have any influence on positions that the UK may take on this issue, both in the Council of Europe and in other fora.

(Belgrade, 8/11/2013)

RESOLUTION NO 2

PRESERVING THE ESSENTIAL ROLE OF MEDIA IN THE DIGITAL AGE

The Ministers of states participating in the Council of Europe Conference of Ministers responsible for media and information society, held in Belgrade, Serbia, on 7 and 8 November 2013, adopt the following resolution:

1. Media are constantly evolving; society witnesses new forms of media and self-expression, bringing new possibilities for creation, innovation and dissemination. Whilst media in the digital age provide opportunities never known before, the development of new forms of media is inevitably disruptive to traditional media.
2. We are committed to creating the necessary conditions to maintain the essential role that media play in a democratic society also in the digital environment; the provision of information, the nurturing of public debate, the enhancement of the transparency and accountability in respect of public affairs and other matters of public interest or concern – the “public watchdog” function – justify media’s special status and protection in societies based on pluralism and democracy.
3. The Recommendation of the Committee of Ministers on a new notion of media provides criteria for identifying media and offers guidance for a graduated and differentiated regulatory response, in line with Council of Europe standards. This instrument offers assistance in understanding the functioning of the media, both online and offline, with a view to preserving and developing their traditional role in the digital age.

4. We are concerned that media pluralism and diversity can be threatened by excessive media concentration at national and international level and by state interference. The risks associated with media concentration have grown more acute in the digital age both in Europe and beyond. Access to diverse information and content is also threatened by the emergence of new online players and “gatekeepers” benefiting from dominant positions at national and global level.
5. We consider it important to further consolidate effective media self-regulation as a prerequisite for media freedom and independence of the media. Regulation, including its milder form of co-regulation, or “regulated” self-regulation, should comply with the requirements set out in Article 10 of the European Convention on Human Rights and the standards that stem from the relevant case law of the European Court of Human Rights.
6. We have entered into a new phase in digital convergence. Connected television and other connected devices lead to new forms of distribution and control over content. This may bear on the diversity of content and users’ choice or lead to fragmentation as a result of different platforms that are not interoperable. It also raises concerns about the protection of children. The constant development and convergence of technologies also poses new challenges as regards the collection and processing of personal data and the profiling of users irrespective of their gender.
7. We consider that, alongside editorial independence, professional journalism is crucial for accomplishing media objectives. The situation of journalists increasingly working in precarious situations and in freelance positions, together with the emergence of new forms of online journalism and what is sometimes referred to as “citizen journalism”, require innovative ways of promoting ethical standards while protecting freedom of expression and information, and reconciling it with the right to privacy.
8. We recognise that the protection of journalistic sources as a condition for investigative journalism remains of critical importance in the digital age, considering the necessity for media to ascertain the authenticity of content received from multiple sources without exposing them to tracking and reprisal.
9. The preservation of the essential role of media in the digital age justifies, alongside commercial media, further support for, on the one hand, a well-funded, sustainable, independent, high quality and ethical *public service media* providing distinctive content on all services and platforms and, on the other hand, non-profit *community media* capable of addressing the specific needs of various communities and committed to inclusive and intercultural practices.
10. **In view of the above, we invite the Council of Europe to:**
 - (i) closely examine the state of media concentration, transparency of media ownership and regulation and their impact on media pluralism and diversity, and consider the need for updating European standards in this respect in the digital age;
 - (ii) promote truly independent media in Europe based on effective self-regulation;
 - (iii) propose measures to preserve and strengthen media’s watchdog function by creating a favourable legal environment for vigorous investigative journalism and critical scrutiny of all matters of public interest;
 - (iv) explore means of promoting professional and ethical journalism effectively, taking due account of the expanded range and number of actors in the digital age;
 - (v) carefully consider, in the light of Council of Europe standards on media pluralism and diversity of content, questions relating to digital convergence, connected television and other new arrangements for the delivery of essential media content or information and, in this context, examine the role of public service media and community media services.

RESOLUTION NO 3

SAFETY OF JOURNALISTS

The Ministers of states participating in the Council of Europe Conference of Ministers responsible for media and information society, held in Belgrade, Serbia, on 7 and 8 November 2013, adopt the following resolution:

1. We are appalled that journalists in parts of Europe are increasingly being intimidated, physically or through other forms of harassment, deprived of their liberty and even killed because of their investigative work, opinion or reporting, often with insufficient efforts by relevant state authorities to bring the perpetrators to justice.

2. Similarly, on 20 September 2013, the Human Rights Council declared itself “Deeply concerned at the frequent violations and abuses of the human rights of journalists, including through killing, torture, enforced disappearance, arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence, as well as through measures, such as surveillance, search and seizure, when aimed at hampering the work of journalists”.
3. This situation is unacceptable and clearly violates Article 10 of the European Convention on Human Rights, which guarantees the right to freedom of expression and information
4. States are obliged to protect every person’s fundamental human rights; the right to life and the absolute prohibition of torture, which cannot be justified in any situation, as well as the right of liberty and security, the right to respect for private and family life, home and correspondence, freedom of thought, conscience and religion, and the freedom of assembly and association, as provided for by the European Convention on Human Rights.
5. The European Court of Human Rights has repeatedly ruled that states are required to create a favourable environment for participation in public debate by all persons, enabling them to express their opinions and ideas without fear. Furthermore, the Court has established that states must not only refrain from interference with the individual’s freedom of expression, but are also under a *positive obligation* to protect their right to freedom of expression against the threat of attack, including from private individuals through an effective system of protection.
6. Failures by law enforcement agencies and judicial authorities to investigate effectively and prosecute those responsible in cases of attacks on journalists, whether committed by public officials or by non-state actors, fuel a climate of impunity, which is liable to lead to further attacks and undermines the rule of law.
7. Freedom of expression cannot be upheld without free, pluralistic and independent media and the free exercise of journalistic freedoms as an instrument for the formation of opinions, ideas and decision making. Journalists serve society as a whole and democracy at large; they have a role to impart information and ideas of public interest and therefore require special protection. Freedom of expression is also essential for the protection of other human rights.
8. A definition of journalist can change from country to country depending on national legislation or case law on the subject. While Article 10 of the European Convention on Human Rights applies to everyone, the Court has afforded even stronger protection under it to journalists and others who communicate in the public interest. Related good practice in some member states includes special legal protection for journalists, for example in respect of the confidentiality of sources and their material or investigations. In some cases, violence against journalists is treated as an aggravated offence and carries higher penalties.
9. Moreover, in 2011 the Committee of Ministers recommended a new, broad notion of media to encompass all actors involved in the production and dissemination to potentially large numbers of people of content, including information, analysis, comment and opinion. The Committee of Ministers also acknowledged that, for certain purposes, some privileges which are normally recognised for journalists may extend to other actors who may not fully qualify as media (for example individual bloggers) taking account of the extent to which such actors can be considered part of the media ecosystem and contribute to the functions and role of media in a democratic society. The Committee of Ministers recommended a graduated response that should be taken into account as regards the safety and protection of various media actors.
10. In spite of member states’ commitments to the European Convention on Human Rights and undertakings to intensify efforts in this regard, authoritative reports by UN agencies, the Council of Europe, the OSCE, civil society and professional groups provide compelling evidence that journalists in some parts of Europe are still the targets of persistent physical attacks, intimidation, and other forms of harassment because of their media related activities.
11. **In view of this alarming situation:**
 - (a) we affirm that threats to freedom of expression and the safety of journalists must be dealt with as a matter of priority by all Council of Europe member states;
 - (b) we strongly condemn physical attacks and violence, intimidation, misuses of the power of the state, including unlawful monitoring of communications, and other forms of harassment of journalists as

well as others who contribute to shaping public debate and public opinion by exercising their right to freedom of expression and information;

- (c) we resolve to take all appropriate steps for ensuring the protection of journalists, in terms of both preventive measures and effective investigations;
- (d) we commit to contribute to the concerted international efforts to enhance the protection of journalists, in particular within the framework of the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, having regard to Resolution 21/12 of the Human Rights Council on the safety of journalists, and the endeavours of regional organisations, such as the OSCE and the Council of Europe, and of professional and non-governmental organisations to increase the safety of journalists;
- (e) we invite the Committee of Ministers to pursue its work, in co-operation with other institutions of the Council of Europe, including the Commissioner for Human Rights and the Parliamentary Assembly, with a view to:
 - (i) elaborating guidelines for the protection of journalism and the safety of journalists and others who carry out journalistic activity or perform public watchdog functions with a view to harmonising legislative frameworks, practice and law-enforcement processes at national level (including positive obligations as established by the European Court of Human Rights);
 - (ii) intensifying actions to implement such standards and best practices through appropriate efforts by states and through the Council of Europe's co-operation, technical assistance programmes and activities;
 - (iii) following the developments in members states, sharing and disseminating information about urgent cases and issues concerning journalists' safety and other serious threats to freedom of expression, and proposing remedial action when necessary;
 - (iv) addressing the specific challenges and threats that women journalists are confronted with in the course of their work.

INTERPRETATIVE STATEMENT OF THE RUSSIAN FEDERATION AT THE ADOPTION OF THE FINAL DOCUMENTS OF THE COUNCIL OF EUROPE CONFERENCE OF MINISTERS RESPONSIBLE FOR MEDIA AND INFORMATION SOCIETY

The delegation of the Russian Federation, driven by the desire to preserve the spirit of cooperation and consensus in the ranks of the Council of Europe Member states, considers it possible to support the amended compromise version of the final documents of the Council of Europe Conference of Ministers responsible for media and information society.

At the same time, we believe that the documents of the Ministerial Conference do not fully reflect the essential principle of the balance of rights and responsibilities in the information space, extolling the freedom of mass media, cyberspace and all of its actors and downplaying the importance of reasonable restrictions and supervision by the state. In such a position, in our view, lies a great threat to society. One of the main tasks of government is to protect citizens from unlawful and immoral content. We believe that the chaotic and uncontrolled flow of information can cause huge damage to all, especially the most vulnerable categories of citizens, in particular children.

Supporting the sovereign right of states to regulate their national segment of the Internet and media activity in their territories, we believe that, exercised within reasonable limits, it is the key to a well-balanced and safe media landscape and cyberspace.

We believe that the documents of the Conference cannot be considered or interpreted, even in the form of recommendations, as giving any special legal status to bloggers, human rights defenders, whistle-blowers or other "persons performing journalistic activities or public watchdog functions", as well as to the so-called "new media", which is merely a tool for certain individuals to exercise their right to freedom of expression.

This category is not only very arbitrary, but has no basis in binding international legal instruments. Provision of such privileges to a specific group, is not consistent with the spirit of the Universal Declaration of Human Rights (which recognizes all people as equal) and undermines the concept of professional, quality and ethical journalism.

Based on this view, we are convinced that a range of rights of Internet users put forward in the documents of the Conference cannot be considered and addressed in isolation from the obligations of Internet users and the availability of certain legal regulators of their activities. The specificity of cyberspace requires a more detailed approach, rather than wholesale transplantation of the existing international legal regime to cyberspace activities. This approach must be developed on the basis of consensus (which was, unfortunately, lacking during the preparation of documents for the Conference).

While fully acknowledging the right of Internet users to freedom of expression, we do not appreciate attempts of one-sided interpretation of opportunities provided by the Internet, which was originally created for the exchange of information and knowledge. It is puzzling when such crucial goals as combating cybercrime, terrorism and sexual exploitation of children are relegated to the bottom of the list, whereas the exaggerated importance of using the Internet for “discontent and protest” is emphasized at the very top. We stress the inadmissibility of absolutizing a principle that is potentially dangerous to social and political stability.

The role of the ECtHR, while substantial, should also not be misinterpreted. The Russian Federation reaffirms its position that the decisions of the Court are only legally binding vis-a-vis the parties of a specific case, and do not automatically create universal “standards”.

Finally, it is outside the Council of Europe’s competence to create and codify a terminology in the field of information and communications technologies this task should be performed by specialized organizations, such as the International Telecommunications Union. On that account we do not consider the Conference’s final documents as legally defining new terms in this sphere.

We declare that these documents are applicable to the Russian Federation only insofar as their compatibility with the Russian Federation’s Constitution, Federal legislation and international treaty obligations.

Every five years, the Ministers of the Council of Europe member states in charge of media, communications, broadcasting and also, more recently, information society and the Internet, meet to guide the work of the Council of Europe on matters concerning the media and information society, in particular in the light of Article 10 of the European Convention on Human Rights.

This compilation presents the political declarations and resolutions adopted by these ministerial conferences between 1986 and 2013 in the field of media and information society.

Article 10 of the European Convention on Human Rights

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.