

CONTRIBUTION TO THE 2016 ANNUAL COLLOQUIUM ON FUNDAMENTAL RIGHTS “MEDIA PLURALISM AND DEMOCRACY”

Summary headlines and key recommendations based on the conclusions of the Conference on “Public Service Media and Democracy” (Prague, 10-11 November 2016)

A) IMPLEMENTATION OF COUNCIL OF EUROPE INSTRUMENTS

Member States should respect and ensure the implementation of the Council of Europe standards on media freedom and pluralism; in particular as regards the independence, remit, governance and funding of public service media (PSM), the independence of national regulatory authorities, as well as the fight against hate speech and the promotion of a culture of tolerance.

EU institutions should make full use of, support and reinforce where appropriate the existing international bodies that help to implement these standards, such as the Council of Europe and Council of Europe's Venice Commission. Specialized body to supervise the implementation of the media legislation should be envisaged.

B) MONITORING AND SUPPORTING MEDIA FREEDOM AND PLURALISM

Member States' governments, parliaments and national human rights institutions should regularly review the state of freedom of expression in their countries.

PSM organizations should be encouraged to adopt and publish editorial guidelines and to set up peer-to-peer review processes as well as self-regulatory mechanisms to strengthen their responsiveness and accountability to citizens.

The aim is to develop a holistic approach that considers the quality and diversity of PSM content, its societal impacts, and both its internal and external context including the diversity of interests present in the society.

Civil society, in particular media-related NGOs, should continue to play an important role in scrutinizing freedom of expression in order to ensure the proper functioning and accountability of PSM.

C) MULTI-STAKEHOLDER DIALOGUE

Member States should establish and strengthen a broad dialogue between representatives of parliaments, PSM as well as other media organizations and relevant stakeholders in order to improve legislation and its practical implementation.

D) INDEPENDENCE OF PSM AND REGULATORY AUTHORITIES

Independent and financially-stable PSM are indispensable for upholding democracy and democratic values, promoting social cohesion and tolerance and reaching out to broad audiences. However, in spite of international instruments and domestic legislations, PSM organisations often face political and economic pressures that do not allow them to fulfil their mission.

Member States' governments and parliaments should respect and protect the independence of PSM and ensure that they are provided with sustainable funding.

The independence of media regulatory authorities is also crucial to ensure media pluralism and healthy democracies.

E) ACCESS TO PUBLIC VALUE CONTENT

EU institutions and Member States should ensure universal access to public value content by citizens, in the interest of media pluralism and cultural diversity, and the functioning of democracy.

ANNEX



POSLANECKÁ
SNĚMOVNA
PARLAMENTU
ČESKÉ REPUBLIKY

EBU

OPERATING EUROVISION AND EURORADIO

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



PUBLIC SERVICE MEDIA AND DEMOCRACY

Prague, 10-11 November

CONCLUSIONS AND RECOMMENDATIONS BY THE CONFERENCE PARTICIPANTS

GENERAL CONCLUSIONS

Independent and financially-stable Public Service Media (PSM) are indispensable for upholding democracy and democratic values, promoting social cohesion and tolerance and reaching out to everyone at the national and regional levels.

In spite of adopted and ratified international documents and domestic legislation, there is political interference with the independence of PSM, as well as insufficient funding to allow them to fulfil their mission.

Governments and parliaments should respect and protect the independence of PSM and ensure that they are provided with sustainable funding.

Constitutional and legislative safeguards for freedom of expression, including media freedom and especially for sustainable funding and the independence of PSM should be strengthened.

Laws on PSM should be adopted or revised only after broad public discussions involving PSM and all relevant stakeholders, thus protecting PSM from urgent *ad hoc* and “omnibus” legislation.

Discussions about the funding of PSM should always be considered in the context of PSM's remit to society.

Politically balanced and transparent, merit-based procedures should be in place for appointing members of supervisory bodies. In cases where parliaments nominate members of the supervisory bodies, the decision should be made with a qualified majority. Once appointed, members of supervisory bodies should perform their tasks in an independent manner and they should not be perceived as representatives of the Parliament or any political force.

Members of PSM supervisory boards should have a definitive mandate, which should not be allowed to be discontinued following changes in political powers.

PSM reports to the parliament should not be used as tools for political pressure or threats of dismissal.

In order to avoid undue weakening of the role and funding of PSM with a view to favouring interests of politicians linked with private broadcasters, transparency of ownership of all media should be guaranteed. Incompatibility rules should

be put in place to avoid a conflict of interest for office-holders who are in charge of determining or implementing media policies, in particular as regards ownership or control of private media companies.

Governments, parliaments and national human rights institutions are encouraged to regularly review the state of freedom of expression in their countries and raise awareness of the fact that public service cannot be reduced to financial profit.

A broad dialogue between representatives of parliaments, PSM and multiple stakeholders is important and should be strengthened in order to improve legislation and its practical implementation.

PSM institutions should elaborate appropriate strategies with clear vision and mission following broad discussions with citizens and reflecting the new media environment.

PSM should adopt and enforce editorial guidelines and ethical codes across all platforms on which they disseminate their content.

Development of PSM self-regulatory mechanisms will strengthen PSM's responsiveness, accountability to the citizens and increase the trust of the audience.

Fulfilment of PSM's remit should be particularly strengthened during election campaigns, enabling adequate representation of all political opinions.

PSM should adapt to reflect the diversity and pluralism of European societies, with particular regard to the integration of minorities and other vulnerable groups. PSM institutions should become one of the main drivers of open and informed discussions on such matters.

Effective regulation must ensure that PSM comply with their content obligations in terms of social inclusion and cohesion, representation of diversity and promotion of a culture of tolerance.

Diversity is not only a matter of representation in the media. There should

also be diversity in the supervisory board and management of PSM.

While promoting and protecting the culture of freedom of expression, PSM should abide by the restrictions on hate speech deriving from national legislation, in line with the European Convention on Human Rights, case-law of the European Court of Human Rights and other international legal instruments.

A wide range of tools should be developed to combat hate speech on PSM: not only restriction, but also prevention (measures to avoid the broadcasting of hate speech) and explanation (measures to put hate speech in context and demonstrate its noxiousness).

International Law and policy standards should broaden the definition of PSM's remit to incorporate the production and dissemination of new forms of content, particularly regarding non-linear and other services provided through digital platforms.

PSM institutions need to reach segments of the audience that do not consume traditional media, giving them access to public-value PSM content as well. The availability of PSM content requires clear and applicable rules to ensure its prominence on all platforms and interfaces. Traditional must-carry and must-offer rules need to be revisited and adapted to the reality of the current digital space.

PSM institutions should use big data and algorithms in an ethical way, promoting access to, and consumption of, high-quality PSM content in the digital environment, while respecting citizens' rights.

Parliaments should ensure the institutional independence and financial sustainability of regulatory authorities.

Neutrality rules need to be in place in order to guarantee that PSM content is carried and offered in a non-discriminatory manner through the main communication networks, services and applications and is accessible from a variety of devices.

PSM can use trans-frontier distribution platforms and promote PSM national content to a global audience.

SPECIFIC RECOMMENDATIONS & PROPOSALS

The implementation of relevant Council of Europe instruments should be strengthened, in particular Council of Europe Committee of Ministers' Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting; the Recommendation CM/Rec (2007) 3 on the remit of PSM in the information society; and the Recommendations (97) 20 and (97) 21 on "hate speech" and on the promotion of a culture of tolerance, respectively. The implementation of the latter two recommendations, in particular, could be enhanced by the elaboration of a compilation of the various guidelines and best practices adopted by media, public bodies, regulators and other stakeholders.

The elaboration of new instruments should be envisaged in the light of new developments and the new media environment and existing or emerging gaps.

The case-law of the European Court of Human Rights and the Council of Europe's assessment and annual reports, in particular the Secretary General's annual reports and the Commissioner for Human Rights' reports on violations of freedom of expression, should be used as effective tools by journalists and civil society to draw attention to failures to ensure independence and/or sustainable funding for PSM.

Existing international bodies, such as the Council of Europe's Venice Commission,

should be fully used and reinforced when needed, and the establishment of a specialized body to supervise the implementation of the media legislation should be envisaged.

Civil society, in particular media-related NGOs, should continue to play an important role in scrutinizing freedom of expression in order to ensure the proper functioning and accountability of PSM.

Further professional education of PSM personnel is needed to ensure that reporting, including on how to deal with hate speech, discrimination and stereotypes, is of a high professional standard.

Special safeguards for the protection and security of journalists should be ensured by national authorities in line with international standards. PSM should adopt in-house guidelines for the deployment of journalists on difficult assignments. PSM should provide journalists with requisite training in all matters of safety and digital security.

Increased cooperation between PSM and exchange of content would promote excellence and a culture of tolerance.

Where public service radio and television are separate entities they should support and promote each other and the value that they offer to society.

The EBU should further develop its own principles on the independence of PSM.

PSM peer-to-peer review processes or other assessment procedures need to develop a holistic approach and consider not only the content that PSM provides, but also its impact, the context, and the diversity of interests present in the society.