Thematic factsheet[1]
Update: June 2018

FREEDOM OF EXPRESSION AND THE BROADCASTING MEDIA

Member States must ensure that the public has access through television and radio to impartial and accurate information and to a range of opinion and comment reflecting the diversity of political outlook within the country. According to the case-law of the European court of Human Rights, it is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself. The choice of the means to achieve this aim may vary according to local conditions and falls therefore within the State's margin of appreciation. Thus, for example, while the Court has recognised that a public service broadcasting system is capable of contributing to the quality and balance of programmes, there is no obligation under Article 10 to put in place such a service provided that some other means are used to the same end.

Where a State does decide to create a public broadcasting system, the domestic law and practice must guarantee that the system provides a pluralistic service, particularly where private stations are still too weak to offer a genuine alternative and the public or State organisation is therefore the sole or the dominant broadcaster within a country or region.

To ensure true pluralism in the audio-visual sector it is not sufficient to provide for the existence of several channels or the theoretical possibility for potential operators to access the audio-visual market. It is necessary in addition to allow effective access to the market so as to guarantee diversity of overall programme content, reflecting as far as possible the variety of opinions encountered in the society at which the programmes are aimed. A situation whereby a powerful economic or political group is permitted to obtain a position of dominance over the audio-visual media and thereby exercise pressure on broadcasters and eventually curtail their editorial freedom undermines the fundamental role of freedom of expression in a democratic society.

In addition to its negative duty of non-interference, member States have a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism. The manner in which the licensing criteria are applied in the licensing process must provide sufficient guarantees against arbitrariness, including the proper reasoning by the licensing authority of its decisions denying a broadcasting licence.

Insufficient statutory guarantees of independence of public broadcaster

Manole and Others v. Moldova – no.13936/02
Judgment 17.9.2009

The applicants were employed by Teleradio-Moldova (TRM), a State-owned company which at the material time was the only national television and radio station in Moldova. According to the applicants, TRM had, throughout its existence, been subjected to political control. In particular, senior managers

[1] This document presents a non-exhaustive selection of the European Court relevant case-law and of other CoE instruments in the field of the audio-visual broadcasting. Its aim is to improve the awareness of the acts or omissions of the national authorities likely to amount to a hindrance of Article 10 of the Convention. This information is not a legal assessment of the alerts and should not be treated or used as such.

were removed and replaced by persons loyal to the Government. Only a trusted group of journalists were used for reports of a political nature, which were edited to present the ruling party in a favourable light. Journalists were reprimanded for using expressions which reflected negatively on the Soviet period or suggested cultural and linguistic links with Romania. Interviews were cut and programmes were taken off the air for similar reasons. Opposition parties were allowed only very limited opportunity to express their views. Journalists transgressing these policies were subjected to disciplinary measures and even interrogated by the police. The applicants alleged before the Court that, while working as journalists for TMC, they had been subjected to a regime of censorship by the State.

The European Court of Human Rights noted that there had been a significant bias by TRM towards reporting on the activities of the President and Government, with insufficient access being given to opposition parties. There was also evidence of a policy of restricting discussion or mention of certain topics considered politically sensitive or to reflect badly on the Government. For example, the Audiovisual Council had reported that it was TRM policy to prohibit the use of certain words and phrases, in particular words relating to the shared culture and language of Romania and Moldova and human-rights violations during the Soviet era and independent data showed a consistent pattern of disproportionate airtime being given to the activities of the President and the Government.

Further, since for most of the period in question TRM had enjoyed a virtual monopoly over audiovisual broadcasting in Moldova, it had been vital from the democratic perspective that it transmit accurate and balanced news and information reflecting the full range of political opinion and debate. Having decided to create a public broadcasting system, the State had been under a strong positive obligation to guarantee a pluralistic audiovisual service by putting independence from political interference and control. This, however, it had failed to do during the relevant period when one political party controlled the Parliament, the Presidency and Government. Thus, although TRM's Statute had been amended to be protected by law from interference, no suitable structure had been put in place. The Audiovisual Council, which acted as the supervisory body, was composed of members appointed by the Parliament, the President of Moldova and the Government, w management was appointed by Parliament on the proposal of the Audiovisual Council. Even after the replacement of the management board by the Obser prevent all but one of that body's fifteen member

In sum, the legislative framework had been flawed throughout, in that it did not provide sufficient safeguards against the control of TRM's senior ma organ of the Government.

Conclusion: violation of Article 10 of the Convention

Accessibility and foreseeability of the domestic law regulating broadcasting

Groppera Radio AG and Others v. Switzerland – no. 10890/94
Judgment 28.3.1990

This case concerns a ban on cable retransmission in Swizerland of the programmes broadcast by sound radio from Italy. The main point was whether the domestic law in force of that time was sufficiently accessible and precise to enable those interested to adapt their behavior. In the Court's view of the concepts of foreseeability and accessibility depends to a considerable degree on the content of the law in issue, the field it is designed to cover and the number and status of those to whom it is addressed. In the instant case the relevant provisions of international telecommunications law were highly technical and complex; furthermore, they were primarily intended for specialists, who knew, from the information given in the Official Collection, how they could be obtained. It could therefore be expected of a business company wishing to engage in broadcasting across a frontier that it would seek

to inform itself fully about the rules applicable in Switzerland, if necessary with the help of advisers. As the 1983 Ordinance and the International Telecommunication Convention had been published in full, the applicant had only to acquaint itself with the Radio Regulations, either by consulting them at the PTT's head office in Berne or by obtaining them Geneva. Therefore, it could not be said that the various instruments were lacking in the necessary clarity and precision. In short, the rules in issue were such as to enable the applicant and their advisers to regulate their conduct in the matter.

On the necessity of the ban, the Court noted that the ban on cable retransmission in Switzerland of programs broadcast by sound radio from Italy was not a form of censorship directed against the content or tendencies of the programs concerned, but a measure taken against a station operating from the other side of the border in order to circumvent the statutory telecommunications system in force in Switzerland. Therefore, the national authorities did not overstep the margin of appreciation left to them under the Convention.

Conclusion: no violation of Article 10 (freedom of expression)

General ban on paid political advertising on TV and radio

Animal Defenders International v. the United Kingdom - no. 48876/08
Judgment 22.4.2013

The case concerns a complaint by an NGO that it had been denied the possibility to advertise on TV or radio its campaign seeking to achieve changes in law and to influence public and parliamentary opinion against the use of animals in science, commerce and leisure. The Court weighed in the balance, on the one hand, the applicant NGO's right interest, with, in the part inf other hand, the authorities' desire to protect t financial groups with advantageous access to influential media. The Court took into account the process by which the ban had been adopted and reviewed by the judicial authorities; the impact of the ban and any steps that might have been taken to moderate its effect; and what happens in other countries, particularly those where the Convention applies.

As far as the process was concerned, account was taken of the fact that the complex regulatory regime governing political broadcasting in the United Kingdom had been validated by both parliamentary and judicial bodies. There was an extensive pre-legislative review of the ban, which was enacted with cross-party support without any dissenting vote. Allowing a less restrictive prohibition could give rise to abuse and arbitrariness, such as wealthy bodies with agendas being fronted by social advocacy groups created for that precise purpose or creating a large number of similar interest groups, thereby accumulating advertising time. Given the complex regulatory background, this form of control could lead to uncertainty, litigation, expense and delay.

As to the impact of the ban, the Court noted that the applicant had access to alternative media, both broadcast (radio and television discussion programmes of a political nature or adverts on radio and television on nonpolitical matters via a charitable arm) and non-broadcast (print media, the internet and social media, demonstrations, posters and flyers).

Finally, while there may be a trend away from broad prohibitions, there was no European consensus on how to regulate paid political advertising in broadcasting. A substantial variety of means are employed by the Contracting States to regulate political advertising, reflecting the wide differences in historical development, cultural diversity, political thought and democratic vision. That lack of consensus meant that the UK Government had more room for manoeuvre when deciding on such matters as restricting public interest debate.

Conclusion: no violation of Article 10 (freedom of expression)

See, for other examples of case law on bans to advertise on TV or radio:

- *Murphy v. Irland*, no. 44179/98, 10.7.2003 [Prohibition of the broadcast of religious advertisement]: non violation of Article 10
- *Vgt Verein gegen Tierfabriken v. Switzerland*, no.24699/94, 28.6.2001 [Prohibition of national advertisement on matter of public interest] : violation of Article 10

General ban to broadcast live interviews with the spoke persons of organizations condoning terrorist activities

Betty Purcell and others v. Ireland - no. 15404/89
Decision 16.04.1991

This case concerns a general prohibition falling on journalists from broadcasting any interviews or recording of statements uttered by any person whom they know to be a member of one of the proscribed organizations listed in a ministerial order.

The Court noted that the purpose of those restrictions was to deny representatives of known terrorist organisations and their political supporters the possibility of using the broadcast media as a platform for advocating their cause, encouraging support for their organisations and conveying the impression of their legitimacy. Although such restrictions may cause the journalists some inconvenience in the exercise of their professional duties, they do not amount to disproportionate restrictions on their right to freedom of expression.

The Court highlighted in this regard that radio and television are media of considerable power and influence. Their impact is more immediate than that of the print media, and the possibilities for the broadcaster to correct, qualify, interpret or comment on any statement made on radio or television are limited in comparison with those available to journalists in the press. Live statements could also involve a special risk of coded messages being conveyed, a risk which even conscientious journalists cannot control within the exercise of their professional judgment. Given the limited scope of the restrictions imposed on the applicants and the overriding interests they were designed to protect, they can reasonably be considered "necessary in a democratic society".

Conclusion: manifestly ill founded

Failure to allocate frequencies to a licensed television broadcaster

Centro Europa 7 S.r.l. and Di Stefano v. Italy - no. 38433/09
Judgment 7.6.2012

This case concerns an Italian TV company which was granted nabili
broadcasting licence. For the ECtHR, the authorities' failure to alloca
company had deprived its licence of all practical purpose since the activity it authorised had been de facto impossible to be carried out for nearly ten years. The domestic legislative framework lacked clarity and precision and did not enable the applicant company to foresee with sufficient certainty when it might be allocated the frequencies in order to start broadcasting. As a result, the laws in question did not satisfy the foreseeability requirements. The authorities did not observe the deadlines set in the licence, thereby frustrating the applicant company's expectations. Accordingly, the applicant company had not been afforded sufficient guarantees against arbitrariness. This shortcoming had resulted in reduced competition in the audiovisual sector. It therefore amounted to a failure by the State to comply with its positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective media pluralism.

Conclusion: violation of Article 10 (freedom of expression)

Failure to provide reasons for successive refusals to grant a television broadcasting license

Meltex Ltd and Movsesyan v. Armenia – no. 32283/04
Judgment 17.6.2008

The applicant company had its licence suspended by the authorities for refusing to broadcast pro-Government material in the run-up to the 1995 presidential elections. In January 1997 the applicant company was granted a five-year broadcasting licence. In October 2000 the Government brought in new legislation (the Television and Radio Broadcasting Act) establishing the National Television and Radio Commission ("the NTRC"), a public body composed Armenia which was entrusted with the licensing and monitoring of private television and radio companies. The Act also introduced a new licensing procedure, whereby broadcasting licences were granted by the NTRC on the basis of calls for tenders. In February 2002 the NTRC announced calls for tenders for various broadcasting frequencies, including the band on which the first applicant operated. At a public hearing in April 2002 it awarded the tender to another company, without stating reasons. The applicant company subsequently made bids for seven other bands, but was unsuccessful on each occasion. Although it challenged the decisions in the courts its claims were dismissed on the grounds that the tender procedure had been carried out in accordance with domestic law.

According to the European Court of Human Rights, The NTRC's refusal to grant the applicant company a broadcasting licence effectively amounted to an interference with its freedom to impart information and ideas. Although the Broadcasting Act defined the criteria on which the NTRC was to make its choice, it did not explicitly require it to give reasons, so that while the NTRC had held public hearings, it had not announced the reasons for its decisions. Consequently, neither the applicant company nor the public were aware of the basis on which the NTRC had exercised its discretion to refuse a licence. The Court noted that the Committee of Ministers' guidelines transparent application of regulations governing licensing procedures and specifically recommended that all decisions taken by regulatory authorities sho procedure which did not require the licensing authority to give reasons for its decisions did not provide adequate protection against arbitrary interference by a public authority. The interference therefore failed to meet the Convention requirement of lawfulness.

Conclusion: violation of Article 10 (freedom of expression)

See, also, *Glas Nadezhda EOOD and Anatoliy Elenkov v. Bulgaria*, no. 14134/02, 11 .10.2007 [Lack of reasoning for decisions refusing to grant a license] : violation of Article 10 (freedom of expression) and 13 (effective remedies) of the Convention

See, for other examples of case law on refusal to grant a broadcasting license,

- *Tele 1 Privatfernsehgesellschaft mbH v. Austria*, no. 32240/96, [Refusal to grant a broadcasting license because of the public monopoly] 20.10. 1997: violation of Article 10
- *Leveque v. France*, no. 35591/97, 23.11.1999 [Justified refusal to grant a broadcasting license to a local radio] : inadmissible
- *United Christian Broadcasters Ltd v. the United Kingdom*, no. 44802/98, 7.11.2000 [General ban on awarding a national radio license to a body whose objective were of a religious nature]: no violation of Article 10
- *Demuth v. Switzerland*, no. 38743/97, 5.11.2002 [Refusal to grant a broadcasting license to a company wishing to promote cars and car accessories]: non-violation of Article 10

- *Groppera Radio AG and Others v. Switzerland*, no. 10890/94, 28.3.1990 [Ban on cable retransmission in Switzerland of programs broadcast by sound radio from Italy]: no violation of Article 10

One-year suspension of right to broadcast, following repeated radio programmes deemed to be contrary to principles of national unity and territorial integrity and likely to incite violence, hatred and racial discrimination

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Medya FM Reha Radyo ve ÿletiÿim Hizmetleri A.ÿ. v. Turkey (dec.) - 32842/02
Decision 14.11.2006

The applicant is a Turkish limited company which broadcasts radio programmes. In 1998 a decision was taken by the broadcasting regulatory authority (Radio and Television Supreme Council) to suspend its authorisation to broadcast on account of comments made during a programme that undermined the existence and independence of the Turkish Republic, as well as the principles of State and national unity and the indivisibility of the nation. The Supreme Administrative Court set aside the decision, which had never been enforced. However, the applicant company again broadcast comments that showed disrespect for the above-mentioned principles and it was issued with a warning by the broadcasting regulatory authority. Subsequently, after the applicant company had broadcast comments considered capable of inciting people to violence, terrorism or racial discrimination, or of provoking feelings of hatred, the regulatory authority decided on two occasions to suspend its right to broadcast for a 30-day period, and finally imposed a ban on broadcasting for 365 days – the maximum penalty, in view of the reiteration of its offending conduct.

The European Court of Human Rights held that the suspension of the applica
broadcast radio programmes had constituted interference with its right to freedom of expression. The interference had been prescribed by law and had pursued legitimate aims. As to whether it had been necessary in a democratic society, the grounds given by the authorities to justify the penalty had been "relevant and sufficient" nts broadcast by the applicant. Lastly, the nature o
interference had been proportionate to the legitimate aims pursued, as dissuasive penalties might prove necessary when misconduct reached such a degree as that observed in this case and became intolerable in that it constituted a negation of the founding principles of a pluralistic democracy.

Conclusion: inadmissible (manifestly ill-founded)

180-day prohibition to broadcast certain type of comments: disproportionate interference

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Nur Radyo Ve Televizyon Yayıncılığı A.Ş. v. Turkey - 6587/03
Judgment 27.11.2007

The applicant, Nur Radyo Ve Televizyon Yayıncılığ
sector based in Istanbul. In October 1999 the Radio and Television Supreme Council (Radio ve Televizyon Üst Kurulu – RTÜK) censured the applicant company for broadcasting certain comments by a representative of the Mihr religious community, who had, among other things, described an earthquake in which thousands of people had died in the Izmi
Allah" against the "enemies of Allah", who had de
compared the "believers", presented as victims of their impiety, with that of the members of the Mihr community. The RTÜK found that such comments breached the rule laid down in section 4 (c) of Law no. 3984 prohibiting broadca
of the general principles laid down in the Consti
that the applicant company had already received a warning for breaching the same rule, the RTÜK decided to suspend its radio broadcasting licence for 180 days with effect from 8 November 1999. The applicant company challenged this measure in the Turkish courts, but to no avail. It argued, in particular,

that it had put forward a religious explanation for the earthquake which all listeners were free to support or oppose.

The European Court of Human Rights acknowledged the seriousness of the offending comments and the particularly tragic context in which they had been made. It also noted that they had been of a proselytising nature in that they had accorded religious significance to a natural disaster. However, although the comments might have been shocking and offensive, they did not in any way incite to violence and were not liable to stir up hatred against people who were not members of the Mihr religious community. The Court further reiterated that the nature and severity of the penalty imposed were also factors to be taken into account when assessing the proportionality of an interference. It therefore considered that the broadcasting ban imposed on the applicant company had been disproportionate to the aims pursued, in violation of Article 10.

Conclusion: violation of Article 10 of the Convention

See also, regarding **a 365-day suspension of the company's operat** which it broadcast, the case of *Özgür Radyo-Ses Radyo Televizyon Anonim Şirketi v. Turkey* 11369/03 [The applicant company is a radio and television station which used to broadcast in Istanbul. The case concerned in particular the 365-day suspension of the company's of a song which it broadcast. The Radio and Television Council (Radyo ve Televizyon Üst Kurulu – the RTÜK) took the view that the words of the offending song infringed the principle set forth in section 4(g) of Law no. 3984, prohibiting the broadcasting of material likely to incite the population to violence, terrorism or ethnic discrimination, and of a nature to arouse feelings of hatred among them. Conclusion of the European Court of Human Rights: violation of Article 10 (freedom of expression)]

Impossibility due to a public monopoly to be granted a broadcasting license to impart information

Informationsverein Lentia and Others v. Austria - no. 13914/88; 15041/89; 15717/89; 17207/90
Judgment 24 .11.1993

This case concerns an impossibility to set up a radio and a television station, as under the Austrian legislation in force at the relevant time, this right was restricted to the Austrian Broadcasting Corporation, an autonomous public-law corporation. According to the Austrian Government, only the system in force, based on the monopoly of the Austrian Broadcasting Corporation, made it possible for the authorities to guarantee the objectivity and impartiality of reporting, the diversity of opinions, balanced programming and the independence of persons and bodies responsible for programmes.

The European Court of Human Rights did not share its views. It stated that a public monopoly was the measure imposing the greatest restrictions on the freedom of expression, namely the total impossibility of broadcasting otherwise than through a national station. The far-reaching character of such restrictions means that they can only be justified where they correspond to a pressing need. As a result of the technical progress made over the last decades, justification for these restrictions can no longer today be found in considerations relating to the number of frequencies and channels available. Citing the practice of other countries which either issue licenses subject to specified conditions of variable content or make provision for forms of private participation in the activities of the national corporation, the Court noted that it cannot be argued that there were no equivalent less restrictive solutions. The experience of several European States of a comparable size to Austria, in which the coexistence of private and public stations, according to rules which vary from country to country and accompanied by measures preventing the development of private monopolies, shows the fears expressed by the Government, namely that the Austrian market was too small to sustain a sufficient number of stations to avoid regroupings and the constitution of "private monopolies", to be groundless.

Conclusion: violation of Article 10 of the Convention

Other Council of Europe relevant resources

1. *Committee of Ministers*

- Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance (2012)

" S t r u c t u r e s

Independence

21. Independence is the core requirement for every public service media organisation. Without demonstrable independence of action and initiative, from government as well as from any other vested interest or institution, public service media organisations cannot sustain their credibility and will lose (or never gain) popular support as a forum for carrying forward the national debate and holding power to account.

22. Securing and safeguarding independence is therefore a primary role of any framework of public service media governance, and this is why independence has been at the heart of all of the relevant Council of Europe standards.

23. The fundamental requirement is that the editorial autonomy of the public service media should be guaranteed, and the structures necessary to ensure independence of editorial action clearly and unambiguously set out.

The guiding principles can be summarised under three key headings:

Regulatory and policy framework

24. Public service media organisations operate within a statutory and policy framework which sets out the responsibilities of the different parties involved: government, parliament, regulatory authorities (including auditing and other inspectorates) and the public service media themselves, as well as any specified engagement from designated third parties (civil society, market representatives, etc.).

25. The framework should, regardless of its configuration, be such that:

- there is explicit recognition of the scope and reach of the public service media remit, and absolute clarity about whose role it is to set it and review it;
- the policy goals for public intervention are clearly and consistently laid out, including unambiguous support for the principles of freedom of expression and journalistic enquiry;
- there is clarity about the responsibility of the regulator in relation to the public service media;
- the regulator is required to operate openly and transparently in respect of regulatory action, and is itself guaranteed independence from the State in its decision-making powers.

Funding

26. While it inevitably remains the State's responsibility to determine the method and the level of funding, it is nevertheless imperative that the system should be so designed that:

- it cannot be used to exert editorial influence or threaten institutional autonomy – either of which would undermine the operational independence of the public service media;
- the public service media is consulted over the level of funding required to meet their mission and purposes, and their views are taken into account when setting the level of funding;
- the funding provided is adequate to meet the agreed role and remit of the public service media, including offering sufficient security for the future as to allow reasonable future planning;
- the process for deciding the level of funding should not be able to interfere with the public service media's editorial autono

Appointments

27. As public institutions, it is legitimate for the State to be involved in the appointment of the highest supervisory or decision-making authority within the public service media. To avoid doubt, this involvement should not normally extend to appointments at executive or editorial management level. Furthermore, any such appointment processes should be designed so that:

- there are clear criteria for the appointments that are limited, and directly related, to the role and remit of the public service media;
- the appointments cannot be used to exert political or other influence over the operation of the public service media;
- the appointments are made for a specified term that can only be shortened in limited and legally defined circumstances – which should not include differences over editorial positions or decisions;
- in line with Council of Europe standards, representation of men and women in decision-making bodies should be balanced.[2]

Accountability

28. Public service media are ultimately, and fundamentally, accountable to the public. However, the public is composed of an increasingly complex range of institutional and other stakeholders:

- the public as represented by the **State** – through government and parliament, as well as other independent regulatory and supervisory bodies;
- the **public** directly as audience and as citizens and participants;
- the public as represented by **civil society** groups as well as wider communities of interest.

29. The precise nature of this accountability will necessarily differ between countries, determined by the political systems, cultural and civil society traditions and the wider development of the market. It is not the purpose, however, of the guiding principles to define exactly to whom public service media organisations should be held accountable or the precise mechanisms for doing so. Instead, the guiding principles set out the characteristics that any system of accountability should display if it is to give both the public service media and its stakeholders confidence that it is fit for the purpose.

30. Any accountability framework should offer clear answers to four questions:

- **Accountable to whom?** Public service media organisations should operate within a framework that clearly establishes the bodies to whom they are to be held accountable. They should also identify those organisations and representatives to whom, even if they are not covered by a formal relationship, public service media organisations should nevertheless be prepared to give account of themselves: this should include, *inter alia*, youth and wom organisations, minority and ethnic groups, unions and other specific interest groups. Public service media organisations should include their own staff among the groups to whom they should consider themselves accountable.

- **Accountable for what?** The accountability framework should make clear the public purposes and wider responsibilities for which the public service media are to be held accountable. These will include the purposes set out in the remit, but may also go wider to embrace issues of value for money and efficiency. Where the public service media are charged with collaboration with other market players – for instance, through requirements to commission work from independent third parties, or through their wider responsibility to share its research and development or training – these responsibilities should be clearly set out. The outcomes for which the public service media will be held accountable should also be clearly set out.

- **Held accountable how?** The framework should set out clearly the information that the public service media are required to supply, and the access that they should offer to their stakeholders.

- **Held accountable when?** In addition to establishing a clear timetable for annual reports and other audit processes, the framework should set out the terms on which the public service media are required to consult with stakeholders ahead of their key decisions.

Management

Effective management

(..32. Above all, it is essential that the public service media organisation can feel confident that the decisions it takes have been properly considered and weighed, with the appropriate mix of skills and perspectives brought to bear and the right level of engagement across the organisation.

Internal management and resource allocation

33. Public service media organisations, coming from a tradition of stable schedules and linear services, comprising more or less fixed volumes of a known asset (namely their programmes), have a tendency to become fixed in their internal management systems. Audiences' demands for different kinds of con greater levels of interactivity and engagement will require public service media organisations to re-examine their organisation and processes. If they are to thrive and prosper in the future, they need to be able not only to sustain their existing services, but also to develop new ways of meeting and serving their audiences, which are increasingly used to accessing and participating in media in more direct and interactive ways:

- they must use the new opportunities afforded by the Internet and other new and more interactive distribution platforms to find new ways of expressing enduring public service goals reinterpreting them as technology enables wider user choice;

- they must strive to use their brand to enable all parts of society to participate in the richness of content and experience that new media make available, thus giving real energy and drive to a media literacy and digital empowerment agenda which, in the long run, will contribute to a better functioning of democratic societies.

34. Public service media organisations should therefore be prepared:

- to **innovate in the way they allocate resources** to allow for new media or different ways of serving audiences to receive the necessary levels of funding and management time and focus;

- to ensure that all staff resources are managed in such a way that the changing needs of audiences are being met, including through: making progress towards a more balanced participation of women and men in decision-making processes; providing training opportunities that enhance the participation of staff in the delivery of services (including **gender-awareness and cultural diversity training** at all levels of the organisation and for all media professionals); and establishing appropriately transparent recruitment policies that leads to the creation of a diverse workforce **with the necessary skills** to produce and deliver services that meet the changing patterns of consumer behaviour;

- to focus on how best to meet **senior management challenges**, recognising that the best editorial leaders may not have learnt the most appropriate general and strategic management skills during their editorial career, and devising ways to fill these gaps either through training or specific external recruitment; and also to recognise the value of getting fresh thinking into the senior management team by more diverse recruitment at the top;

- to ensure that workplace practices and policies are in place to secure that all employees in the organisation can work in an environment free from discrimination and harassment.(…) "

- Recommendation no. R(96)10 of the Committee of Ministers to member states on the "The Guarantee of the Independence of Publ (1996)
- Recommendation (2000)23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector (2000)
- Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting in the member states (2006)
- Recommendation (2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content (2007)
- Recommendation (2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society (2007)
- Declaration of the Committee of Ministers on public service media governance (2012)
- Resolution No. 1 on The Future of Public Service Broadcasting (1994)
- Recommendation Rec(96)10 on the guarantee of the independence of public service broadcasting (1996)

- Recommendation Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector (2000)
- Recommendation Rec(2003)9 on measures to promote the democratic and social contribution of digital broadcasting (2003)
- Recommendation Rec(2002)7 on measures to enhance the protection of the neighbouring rights of broadcasting organisations (2002)
- Declaration on the exploitation of protected radio and television productions held in the archives of broadcasting organisations (1999)
- Recommendation Rec(94)13 on measures to promote media transparency (1994)
- Recommendation Rec(93)5 containing principles aimed at promoting the distribution and broadcasting of audiovisual works originated in countries or regions with a low audiovisual output or a limited geographic or linguistic coverage on the European television markets (1993)
- Resolution Res(92)70 on establishing a European Audiovisual Observatory (1992)
- Recommendation Rec(91)14 on the legal protection of encrypted television services (1991)
- Recommendation Rec(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 (1991)
- Recommendation Rec(88)1 on sound and audiovisual private copying (1988)
- Recommendation Rec(86)3 on the promotion of audiovisual production in Europe (1986)
- Recommendation Rec(86)2 on principles relating to copyright law questions in the field of television by satellite and cable (1986)
- Recommendation Rec(84)22 on the use of satellite capacity for television and sound radio (1984)
- Recommendation Rec(84)3 on principles on television advertising (1984)
- Resolution Res(74)43 on press concentrations (1974)
- Resolution Res(70)19 on educational and cultural uses of radio and television in Europe and the relations in this respect between public authorities and broadcasting organisations (1970)
- Resolution Res(67)13 on the press and the protection of youth (1967)
- Resolution Res(61)23 on the exchange of television programmes (1961)

2. Parliamentary Assembly of the Council of Europe

- Recommendation 1878 (2009) "The funding of public service b
- Recommendation 1855 (2009) "The regulation of audiovisual me
- Resolution 1636 and Recommendation 1848 (2008) "Indicators for media in

- Recommendation 1641 (2004) "Public service broadcasting"
- Recommendation 1228 (1994) "Cable networks and local television for Greater Europe"
- Recommendation 1147 (1991) "Parliamentary responsibility for broadcasting"
- Resolution 957 (1991) "The situation of local radio in Europe"
- Resolution 937 (1990) "Telecommunication and its implications for Europe"
- Recommendation 1098 (1989) "East-West audiovisual co-operation"
- Recommendation 1096 (1989) "European Convention on Transfrontier Television"
- Recommendation 1077 (1988) "Access to television and other audiovisual media during election and referendum campaigns"
- Recommendation 1067 (1987) "The cultural dimension of broadcasting"
- Recommendation 749 (1975) "European broadcasting"
- Recommendation 748 (1975) "The role and image of the press and the management of broadcasting"
- Recommendation 747 (1975) "Press concentrations"

3. Council of Europe's Commissioner for Human Rights

"Public service broadcasting under threat" (2017)

4. Conventions and agreements with provisions relevant for the broadcasting media

- European Convention on Transfrontier Television (ETS No. 132, 1989) and the Protocol amending the European Convention on Transfrontier Television (ETS No. 171, 1998)
- European Agreement on the Protection of Television Broadcasts (ETS No. 34, 1960)
- European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories (ETS No. 53, 1965)

See also: Conclusions of the Council of Europe Conference of Ministers responsible for Media and Information Society "Freedom of Expression, Democracy and Human Rights in the Digital Age" (2016)

Council of Europe Publications:

- Human rights and a changing media landscape (2011)
- Journalism at risk (2015)