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The role of regional media as a tool for building participatory democracy

Current Affairs Committee
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Summary

The media play a vital role in pluralist democratic societies, circulating information and ideas, and providing forums for public debate. This role assumes, in democracies, a particular importance at the regional level, due to the proximity of regional media to the people. The importance of media pluralism and diversity of media content and ownership is especially evident at the regional level due to political and economic considerations particular to regional media. At the same time, tremendous technology-driven changes in the media sector have led to unprecedented levels of interaction and engagement by citizens and new opportunities for their democratic participation. The evolving relations between traditional and new media prompts a need to re-examine the existing media policy at all levels of governance, in order to offer a policy framework which guarantees an appropriate level of protection to all media actors and provides a clear indication of their duties and responsibilities.

The report recommends adapting the existing regional regulatory frameworks to the new media environment, ensuring continued support for regional public service media, facilitating the development of nonprofit media and community media in particular, as well as revising media ownership rules to seek greater transparency and pluralism, and taking measures to bridge the 'digital divide' and promote media literacy. The report also calls for a review of the existing Council of Europe instruments in the media field, with particular attention to the state and prospects of regional media in a reconfigured media environment, and the drafting of a new recommendation to Council of Europe member States addressing the key aspects of the regional media situation. The Congress offers its input in this context and the report recommends including the safety of journalists and journalism as part of a wider notion of media freedom.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

THE ROLE OF REGIONAL MEDIA AS A TOOL FOR BUILDING PARTICIPATORY DEMOCRACY

RESOLUTION 374 (2014)²

1. Pluralist democracy necessarily requires a plurality of sources, voices and functionalities in the media sector. Independent and diverse media are a prerequisite for freedom of expression to flourish, while the freedom of expression and media freedom are in turn closely linked to the question of citizen participation. The right to freedom of expression and the right to participate in public affairs together constitute a crucial element of pluralist democracy.

2. Media play vital roles in pluralist democratic societies, such as acting as public or social watchdogs, circulating information and ideas, and providing forums for public debate. Over the past years, the media sector has undergone tremendous technology-driven changes, with the digitalisation of media services, emergence of new media and 'citizen journalism', and development of community media. This transformation has led to unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship and for users' participation in the process of creating and disseminating information and content, thus blurring the boundaries between public and private communication. The evolving relationship between traditional and new media prompts a need to re-examine the existing media policy at all levels of governance, in order to offer a policy framework which guarantees an appropriate level of protection to all media actors and provides a clear indication of their duties and responsibilities.

3. The democratic role of the media assumes particular importance at the regional level due to the proximity of the relationship between regional media and populations from the areas and communities they serve, enhancing the participatory potential of citizens. This relationship tends to be closer, stronger and more representative than at the national level. The proximity of regional media to their target communities is also political in character as regional journalism fosters engagement with regional politics and issues that are either underrepresented in, or absent from, national media. The importance of media pluralism and diversity of media content is especially evident at the regional level due to politico-economic considerations particular to regional media.

4. The Council of Europe has adopted a range of instruments relevant to the operation of media across its 47 member States, which are also relevant to regional media. In this regard, the Congress notes in particular the Committee of Ministers' Recommendation R(99)14 on "Universal community service concerning new communication and information services"; its Recommendation Rec(2003)9 on "Measures to promote the democratic and social contribution of digital broadcasting"; its 2007 Declaration on "Protecting the role of the media in democracy in the context of media concentration"; its Recommendation CM/Rec(2007)2 on "Media pluralism and diversity of media content"; its Recommendation CM/Rec(2007)11 on "Promoting freedom of expression and information in the new information and communications environment"; its 2008 Declaration on "The role of community media in promoting social cohesion and intercultural dialogue"; its 2011 Recommendation on "A new notion of media"; and its 2012 Declaration and Recommendation on "Public service media governance".

5. The Congress also notes the conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), including the Political Declaration on "Freedom of Expression and Democracy in the Digital Age: Opportunities, rights, responsibilities", and resolutions on "Internet freedom, on preserving the essential role of media in the digital age and on safety of journalists". Furthermore, the Congress reiterates the continued relevance of its Resolution 145(2002) on "The state of regional print media in Europe – Pluralism, independence and freedom in regional press", its Resolution 203(2005) on "Regional media and transfrontier co-operation", and its Resolution 282(2009) on "The digital divide and e-inclusion in the regions".

² Debated and approved by the Chamber of Regions on 14 October 2014, 1st sitting and adopted by the Congress on 15 October 2014, 2nd sitting (see Document CPR (27)3FINAL, explanatory memorandum), rapporteur: Johan van den HOUT, Netherlands (R, SOC).

6. At the same time, the Congress notes with concern that the general situation of media freedom and safety of journalists in Europe is becoming increasingly worrisome. In their Resolution on “Safety of Journalists”, the Ministers responsible for media and information society expressed their deep concern about continuing physical violence including killings, inhuman treatment, harassment, judicial intimidation, threats, as well as arbitrary measures such as detentions, expulsions, surveillances, searches and seizures. Media pluralism and content diversity, including at the regional level, also continue to be threatened by growing monopolisation of the media market and insufficiency of financial means, as well as excessive concentration of ownership and centralised control over media, leading to a loss of editorial independence and disguised censorship.

7. The Congress is convinced that a robust and forward-looking new system of media governance is essential for the successful transition of public service media to a new media environment and for the development of new media, including at regional level. In the light of the above, the Congress invites regional authorities of the Council of Europe member states to:

a. recognise the role of regional media in promoting participatory democracy, and revise the existing regional regulatory frameworks to adapt them to the new media environment, taking into account the relevant provisions of the Committee of Ministers’ recommendations referred to in paragraph 4 above, as well as Resolutions 145(2002) and 203(2005) of the Congress;

b. ensure continued support for regional public service media, enjoying independent editorial control and organisational autonomy and providing distinctive content on all services and platforms;

c. support and facilitate the development of nonprofit media, especially community media, in particular by avoiding licensing regimes for new media, ensuring sufficient frequency allocation and exploring various funding possibilities – for example, using a ‘volunteer model’ whereby only a limited number of professional staff train and help volunteers largely responsible for content creation;

d. establish mechanisms to ensure the safety and protection of journalists and journalism at local and regional level, and to prevent or promptly investigate alleged violations of media freedom;

e. revise, as appropriate, media ownership rules to seek greater transparency in order to protect and promote structural pluralism of audiovisual and print media;

f. put in place effective safeguards to prevent the risks of political influence and a lack of transparency in regional media, for example by declaring executive positions within regional media incompatible with holding a political mandate, and integrating political oversight of media financing within a system of checks and balances that guarantees editorial independence;

g. take measures to bridge the ‘digital divide’ and promote media literacy, using as a reference Resolution 282(2009) of the Congress on “The digital divide and e-inclusion in the regions”, as well as best practices of the European Broadcasting Union (EBU) for encouraging online engagement and facilitating interaction and creativity to promote media literacy.

8. The Congress instructs its Current Affairs Committee to continue to address questions related to improving the functioning of regional media, and to ensure that the relevant good practices are disseminated to regional authorities, inter alia through their national and European associations.

9. The Congress also invites its Governance Committee to include in its work programme, as aspects of good regional governance, the question of the good functioning of regional media, and to undertake a review of the existing legal framework and practices, leading to a new resolution and recommendation on the state and prospects of regional media in a reconfigured, new media environment.

THE ROLE OF REGIONAL MEDIA AS A TOOL FOR BUILDING PARTICIPATORY DEMOCRACY

RECOMMENDATION 364 (2014)³

1. Media play vital roles in pluralist democratic societies, such as acting as public or social watchdogs, circulating information and ideas, and providing forums for public debate. Those democratic roles assume particular importance at the regional level due to the proximity of the relationship between regional media and populations from the areas and communities they serve, which tends to be closer, stronger and more representative than at the national level. The proximity of regional media to their target communities is also political in character as regional journalism fosters engagement with regional politics and issues that are either underrepresented in, or absent from, national media. The importance of media pluralism and diversity of media content is especially evident at the regional level due to politico-economic considerations particular to regional media.
2. Over the past years, the media sector has undergone tremendous technology-driven changes, with the digitalisation of media services, emergence of new media and 'citizen journalism', and development of community media. This transformation has led to unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship and for users' participation in the process of creating and disseminating information and content, thus blurring the boundaries between public and private communication. The evolving relationship between traditional and new media prompts a need to re-examine the existing media policy at all levels of governance, in order to offer a policy framework which guarantees an appropriate level of protection to all media actors and provides a clear indication of their duties and responsibilities.
3. The Council of Europe has adopted a range of instruments relevant to the operation of media across its 47 member States. The Congress notes in this regard the most recent conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), including the Political Declaration on "Freedom of Expression and Democracy in the Digital Age: Opportunities, rights, responsibilities", and resolutions on internet freedom, on preserving the essential role of media in the digital age and on safety of journalists. However, references to regional media are dispersed across relevant provisions of these texts, and a considerable dot-joining exercise is required in order to draw a coherent picture.
4. At the same time, the Congress notes with concern that the general situation of media freedom and safety of journalists in Europe is becoming increasingly worrisome. In their Resolution on Safety of Journalists, the Ministers responsible for media and information society expressed their deep concern about continuing physical violence including killings, inhuman treatment, harassment, judicial intimidation, threats, as well as arbitrary measures such as detentions, expulsions, surveillances, searches and seizures. Media pluralism and content diversity, including at the regional level, also continue to be threatened by growing monopolisation of the media market and insufficiency of financial means, as well as excessive concentration of ownership and centralised control over media, leading to a loss of editorial independence and disguised censorship.
5. The Congress notes in this regard the current work of the Council of Europe aimed at protecting media freedom and ensuring the safety of journalists, including the Committee of Ministers' decision to develop a Council of Europe Internet-based platform on violations of media freedom, the holding of a round table on "Safety of Journalists: From Commitment to Action" in Strasbourg on 19 May 2014, and the planned conference on "Media freedom and the safety of journalists", to be organised by the Council of Europe Parliamentary Assembly in December 2014.
6. Referring to its Resolution 374(2014) on "The role of regional media as a tool for building participatory democracy", the Congress is convinced that improving the operation of regional media is an important factor for promoting media freedom and requires adaptation of legal frameworks to the new media environment, taking into account recommendations and policy guidelines elaborated by the Council of Europe.

³ Debated and approved by the Chamber of Regions on 14 October 2014, 1st sitting and adopted by the Congress on 15 October 2014, 2nd sitting (see Document CPR (27)3FINAL, explanatory memorandum), rapporteur: Johan van den HOUT, Netherlands (R, SOC).

7. In the light of the foregoing, the Congress asks the Committee of Ministers to undertake a review of the existing instruments, with a particular attention to the state and prospects of regional media in a reconfigured media environment, and to elaborate a new recommendation to Council of Europe member States addressing the key aspects of the regional media situation.

8. The Congress further asks the Committee of Ministers to invite the member States of the Council of Europe to:

a. recognise the role of regional media in promoting participatory democracy in European regions, and revise the existing regulatory frameworks to adapt to the specific situation of regional media in a new media environment, taking into account the relevant provisions of the Committee of Ministers' recommendations in the media field, the conclusions of the 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013), as well as Recommendation 119(2002), Recommendation 173(2005) and Recommendation 263 (2009) of the Congress;

b. include the safety of journalists and journalism as part of a wider notion of media freedom, i.e. not only related to physical threats and attacks but also to legislation and practice contradicting Council of Europe standards on freedom of expression, and establish mechanisms to ensure the safety and protection of journalists and journalism and to prevent or promptly investigate alleged violations of media freedom;

c. include regional media within the existing media subsidies and use specific subsidy schemes for the promotion of regional journalism;

d. support regional efforts to maintain regional public service media, and to develop non-profit media, in particular community media;

e. take financial and regulatory measures necessary to protect and promote structural pluralism of audiovisual and print media, seeking greater transparency in media ownership rules;

f. support measures to bridge the 'digital divide' and promote media literacy at the regional level, taking into account Recommendation 263(2009) of the Congress on "The digital divide and e-inclusion in the regions".

THE ROLE OF REGIONAL MEDIA AS A TOOL FOR BUILDING PARTICIPATORY DEMOCRACY

EXPLANATORY MEMORANDUM

1. Introduction

1. The media play vital roles in pluralist democratic societies, such as acting as public or social watchdogs, circulating information and ideas, and providing forums for public debate. They foster participatory democracy by opening up shared spaces for discussion and debate on matters of public interest. An enabling environment for freedom of expression is a pre-requisite for the media to be able to fulfil the democratic roles ascribed to them.

2. Those democratic roles assume particular importance at the regional level due to the proximity that characterises the relationship between regional media and populations from the areas and communities they serve, enhancing the participatory potential of citizens. This relationship tends to be closer, stronger and more representative than equivalent relationships at, for example, national or international levels. This proximity is often evident in audience, readership and user statistics and in levels of participation in the media.

3. The special significance of regional media for participatory democracy can also be gauged by the nature and focus of regional journalism. This is due, first, to regional journalism's coverage of regional politics and issues that are either underrepresented in, or absent from, national journalism. Second, regional journalism also fosters public discussion of, and engagement with, regional politics and issues. The proximity of regional media to their target communities is therefore also political in character. This extends to social media (eg. Twitter), which have become an increasingly important source of information and engagement tool when it comes to regional politics and issues, particularly during the run-up to regional elections or plebiscites.

4. The communicative space created by regional media allows for regional identities (including cultural, linguistic and religious identities) to be explored, developed, sustained and promoted to a greater extent than it is usually possible at the national level. Regional identities and languages are sometimes marginalised by dominant mainstream national media, which underscores the importance of their regional counterpart as alternative discussion forums. Regional languages are a case in point: their vibrancy in society is often dependent on the availability and accessibility of regional media operating in those languages.

5. The shared nature of the communicative space created by regional media also facilitates intercultural dialogue, understanding and tolerance, and thus contributes to the pre-emption and countering of hate speech.

6. Well-designed regulation and policy – at European, national and regional levels – fosters an enabling environment for regional media and thus for participatory democracy in European regions. The Council of Europe has adopted an array of instruments relevant to the operation of regional media across its 47 member States. They vary from legally binding standards (for example the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages) to political commitments and policy recommendations (such as Declarations and Recommendations of the Committee of Ministers). These instruments recognise an overall importance of many of the functions carried out by different types of regional media (such as participation in public debates, social cohesion, diversity, etc.). However, references to regional media are dispersed across relevant provisions, and a considerable dot-joining exercise is required in order to draw a coherent picture.

7. For its part, the Congress has addressed the issue of the proper functioning of regional media and their role in the democratic system of government as well as in regional public life in its Resolution 145(2002) and Recommendation 119(2002) on "The state of regional print media in Europe – Pluralism, independence and freedom in regional press", and its Resolution 203(2005) and Recommendation 173(2005) on "Regional media and transfrontier co-operation".⁴

⁴ Resolution 145 (2002) on "The state of regional print media in Europe – Pluralism, independence and freedom in regional press", 6 June 2002; Recommendation 119 (2002) on "The state of regional print media in Europe – Pluralism, independence and freedom in regional press", 6 June 2002; Resolution 203 (2005) on "Regional media and transfrontier co-operation", 2 June 2005; Recommendation 173 (2005) on "Regional media and transfrontier co-operation", 2 June 2005.

8. However, the implementation and impact of these provisions depends to a large extent on the adequacy of corresponding or complementary standards at the national and regional levels. The term “regional media” itself is open to interpretation and multiple definitions. It comprises a range of different types of media operating at various sub-national levels and sometimes in cross-national contexts, covering print, broadcast and digital media, as well as public service, commercial, community, local and transfrontier media. It is also useful to point out that while regional media are the primary outlet for regional journalism, they are not necessarily or exclusively concerned with journalistic activities. It should also be recognised that emergent trends of collaborative or so-called ‘citizen journalism’ show significant similarities with news-related community media activities.

9. At the same time, the general situation of media freedom and safety of journalists in Europe is becoming increasingly worrisome, with a growing number of physical attacks, intimidations and defamation lawsuits against them, and other serious threats to the functioning of the media and the exercise of the freedom of expression. In their Resolution on “Safety of Journalists”, the Ministers responsible for media and information society, meeting in Belgrade in November 2013, expressed their deep concern about continuing physical violence including killings, inhuman treatments, harassment, judicial intimidation, threats, as well as arbitrary measures such as detentions, expulsions, surveillances, searches and seizures. Media pluralism and content diversity, including at the regional level, also continue to be threatened by excessive concentration of ownership and centralised control over media, leading to a loss of editorial independence and disguised censorship, as well as increasing use of defamation laws, pressure to reveal journalists’ sources, growing monopolisation of the media market and insufficiency of financial means, especially for independent and small-scale media. The emergence of blogging and other forms of ‘citizen journalism’ raises a new layer of legal questions with regard to their status and the journalist profession.

2. Media and participatory democracy

10. Freedom of expression and media freedom are closely linked to the question of citizen participation. The right to freedom of expression and the right to participate in public affairs together constitute a crucial element of pluralist democracy.

11. The media play a crucial instrumental role in the realisation of the right to freedom of expression. In practice, information and ideas are circulated, and debate is conducted, primarily in the media. By virtue of their reach, speed, influence and impact, the media are often the most effective means of receiving, imparting and seeking information and ideas. These are complementary roles that generate considerable power and influence for the media. Thus, the media have come to be regarded as “an essential dimension of contemporary experience”⁵ and as “the central *institution* of a democratic public sphere”.⁶ With the emergence of social media and trends towards individualised media services, their influence today has extended into the private sphere as well.

12. The media play an equally crucial role in the realisation of the right to effective participation in public affairs. They do so most obviously through ensuring a wide dissemination of information and ideas, based on which opinions are formed and decisions are made. They also create forums in which democratic deliberation can take place, thus facilitating participation in debate on matters of public interest. This can be described as participation *through* the media.

13. Another important dimension of participation is participation *in* the media, i.e., in media decision-making structures and processes. It implies participation in the production of media output (content-related participation) and in media organisational decision making (structural participation), which enhances the potential for members of different groups in society to influence how they are represented in the media.⁷ Self-representation and empowerment are strengthened through participation in the media.

14. The governance structures in regional media can determine the degree of participation in those media, as well as their importance for democratic society. Discussion forums created by the media can be seen either

5 Roger Silverstone, *Why Study the Media?* (London/Thousand Oaks, CA/New Delhi, SAGE Publications, 1999), p. 1. See also, Peter Dahlgren, *Television and the Public Sphere: Citizenship, Democracy and the Media* (London, SAGE Publications, 1995), p. 155.

6 (emphasis per original). C. Edwin Baker, *Viewpoint Diversity and Media Ownership*, 60 *Federal Communications Law Journal* (No. 3, 2009), p. 651-671, at p.654.

7 Nico Carpentier, *Media and Participation: A site of ideological-democratic struggle*, *op. cit.*, p. 68.

as part of a shared public sphere or as segregated public sphericules.⁸ Thus, regional media owned and run by particular (minority) groups in society may deliberately have an essentially intra-group communicative function, whereas mainstream media may be open to everyone, including minority groups, and fulfil an essentially inter-group communicative function. These two functions are not necessarily mutually exclusive. Intra-group communication can be a beneficial preliminary step towards subsequent inter-group communication, as it creates and protects a space for internal deliberations before the outcome of those deliberations would feed into inter-group communications.⁹ This can result in net benefits for the quality of public debate.¹⁰

15. Participation in the media has given rise to the so-called “democratic-participant theory”¹¹ based on the principles of participation, interactivity, smallness of scale, local identity, cultural autonomy and variety, emancipation and self-help.¹² Its main beneficiaries are groups within the larger society – including minorities, migrants, local community as such, special needs’ or interests’ groups, etc.¹³

16. The participatory model of media governance implies the application of principles of participatory democracy to media structures within a framework that can be described as “representative participatory communicative democracy”.¹⁴ The basic idea is that while not every individual member of a group can actually broadcast, the organisational structures of a media entity should strive to facilitate maximum participation by all members in influencing policies and decisions and fixing goals.

17. This kind of participation depends on the access to the media in the first place, which involves a number of levels and forms: at the level of (i) programming, (ii) work-force, (iii) editorial control and management, (iv) ownership of the media, (v) regulation and oversight of the media, (vi) legislation, etc.¹⁵

18. The different types of participation can optimally be realised in an environment that is conducive to free expression, which is sometimes referred to as an “enabling environment” for freedom of expression.¹⁶ Its key characteristic is media pluralism. A free, independent and diversely constituted media sector is a prerequisite for freedom of expression to flourish. Pluralist democracy necessarily requires a plurality of sources, voices and functionalities in the media sector.

3. Council of Europe legal framework

19. The Council of Europe has developed an elaborate system for the protection of freedom of expression, centred on Article 10 of the European Convention on Human Rights (right to freedom of expression, freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers). This system lays the ground for creating an “enabling environment” for media freedom. In its judgments, the European Court of Human Rights found that States are required to create a favourable environment for participation in public debate for everyone and to enable the expression of ideas and opinions without fear.¹⁷ The Court has therefore recognised the clear relationship between freedom of expression, media freedom and participation in public debate.

8 See further: Todd Gitlin, *Public Sphere or Public Sphericules?*, in Tamar Liebes and James Curran, Eds., *Media, Ritual, Identity* (London, Routledge, 1998), pp. 168-175.

9 See, for example: Cass R. Sunstein, “Ideological Amplification”, 14(2) *Constellations* (2007), 273-279; Cass R. Sunstein, *Why Groups Go to Extremes* (Washington, D.C., The AEI Press, 2008).

10 *Ibid.*

11 Denis McQuail, *Journalism and Society* (Los Angeles, etc., SAGE, 2013), p. 47.

12 *Ibid.*

13 *Ibid.*

14 Karol Jakubowicz, “Access to the Media and Democratic Communication: Theory and Practice in Central and Eastern Europe”, in Andras Sajó, Ed., *Rights of Access to the Media* (The Hague, Kluwer Law International, 1996), pp. 139–63, at p. 145.

15 Karol Jakubowicz, “Report: A critical evaluation of the first results of the monitoring of the Framework Convention on the issue of persons belonging to national minorities and the media (1998-2003)” in *Filling the Frame: Five years of monitoring the Framework Convention for the Protection of National Minorities* (Strasbourg, Council of Europe Publishing, 2004), pp. 113-138, at p. 116; Karol Jakubowicz, “Persons Belonging to National Minorities and the Media”, 10 *International Journal on Minority and Group Rights* (2004), pp. 291-314, at pp. 294-295; Karol Jakubowicz, “Minority Media Rights: A Brief Overview”, in George Jones, Sally Holt & John Packer, Eds., 8 *Mercator Media Forum* (2005), pp. 100-113, at pp. 104-5.

16 For a comprehensive exploration of the concept, see, Peter Krug & Monroe E. Price, “The Enabling Environment for Free and Independent Media: Contribution to Transparent and Accountable Governance”, The USAID Office of Democracy and Governance Occasional Paper Series, January 2002, Doc. No. PN-ACM-006, and more recently and succinctly, Monroe Price & Peter Krug, “The Enabling Environment For Free and Independent Media” in Mark Harvey, Ed., *Media Matters: Perspectives on Advancing Governance & Development from the Global Forum for Media Development* (Beijing, Internews Europe, 2007), pp. 94-101.

17 *Dink v. Turkey*, nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, 14 September 2010, § 137.

20. The instrumental importance of journalists and the media for enhancing public debate in democratic society has been stressed repeatedly by the Court. The media can make important contributions to public debate by (widely) disseminating information and ideas and thereby contributing to opinion-forming processes within society. As the Court consistently acknowledges, this is particularly true of the audiovisual media because of their reach and impact. The Court has traditionally regarded the audiovisual media as more persuasive than the print media and now considers the Internet to be a medium with “no less powerful effect than the print media”.¹⁸ The media can also make important contributions to public debate by serving as forum for discussion.¹⁹ This is especially true for regional media, by virtue of their close physical proximity to their audiences. It is also especially true for new media technologies which have considerable potential for high levels of individual and group participation in society.²⁰

21. Furthermore, the media and journalists in a democratic society also play the role of “public watchdog”, by monitoring vigilantly activities of governmental authorities and publicising any wrongdoing on their part. In respect of information about governmental activities, but also more broadly in respect of matters of public interest generally, the Court has held time and again that “not only do the media have the task of imparting such information and ideas: the public also has a right to receive them”.²¹

22. In light of the important democratic functions which the media can fulfil, the case-law of the Court tends to acknowledge an enhanced level of freedom of expression for journalists and other media actors (as opposed to ordinary individuals). The same approach is taken in relevant standard-setting texts adopted by the Council of Europe’s Committee of Ministers and Parliamentary Assembly as well.²²

23. Article 9 of the Framework Convention for the Protection of National Minorities recognises the right to freedom of expression of every person belonging to a national minority, which entails effective access of national minorities to the media, and regional media in particular. Article 15 of the Framework Convention provides for the effective participation of national minorities in cultural, social and economic life and in public affairs. This right to participation is also recognised in the European Charter of Local Self-Government and its Additional Protocol on the right of citizens to participate in the affairs of a local authority.

24. The European Charter for Regional or Minority Languages, in its Article 11, also provides for the right to freedom of expression and the media.²³ The Charter calls for the respect of the independence and autonomy of the media, and refers specifically to : public service broadcasting; newspapers, radio and television generally; production and distribution of audiovisual works and funding for the audiovisual production; support for the training of journalists and media professionals; direct reception and retransmission of broadcasts from neighbouring countries; and representation of regional or minority language speakers in media-governance bodies. The Charter also provides for media or broadcasts in these languages.

25. Other standard-setting work complements the treaty-based approaches by spelling out the relevance of the Court’s general principles for regional media. This includes, among others, the Committee of Ministers’ Recommendation R(99)14 on “Universal community service concerning new communication and information services”; its Recommendation Rec(2003)9 on “Measures to promote the democratic and social contribution of digital broadcasting”; its 2007 Declaration on “Protecting the role of the media in democracy in the context of media concentration”;²⁴ its Recommendation CM/Rec(2007)2 on “Media pluralism and diversity of media content”;²⁵ its Recommendation CM/Rec(2007)11 on “Promoting freedom of expression and information in the new information and communications environment”; its 2008 Declaration on “The role of community

18 *Fatullayev v. Azerbaijan*, no. 40984/07, § 95, 22 April 2010.

19 *Társaság a Szabadságjogokért v. Hungary*, no. 37374/05, § 27, 14 April 2009.

20 *Ahmet Yıldırım v. Turkey*, no. 31111/10, § 49, ECHR 2012.

21 *The Sunday Times v. the United Kingdom*, (no. 1), 26 April 1979, § 65, Series A no. 30.

22 See generally: Susanne Nikoltchev and Tarlach McGonagle, Eds., *Freedom of Expression and the Media: Standard-setting by the Council of Europe, (I) Committee of Ministers - IRIS Themes* (Strasbourg, European Audiovisual Observatory, 2011); Susanne Nikoltchev and Tarlach McGonagle, Eds., *Freedom of Expression and the Media: Standard-setting by the Council of Europe, (II) Parliamentary Assembly - IRIS Themes* (Strasbourg, European Audiovisual Observatory, 2011).

23 See further, Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages: A critical commentary* (Strasbourg, Council of Europe Publishing, 2005), pp. 200-214, and very comprehensively, Tom Moring & Robert Dunbar, *The European Charter for Regional or Minority Languages and the media* (Strasbourg, Council of Europe Publishing, 2008).

24 Declaration on “Protecting the role of the media in democracy in the context of media concentration”, 31 January 2007.

25 Recommendation CM/Rec(2007)2 on “Media pluralism and diversity of media content”, 31 January 2007.

media in promoting social cohesion and intercultural dialogue”;²⁶ its 2011 Recommendation on “A new notion of media”; and its 2012 Declaration and Recommendation on “Public service media governance”.²⁷

26. This standard-setting work was complemented by the decisions of the Council of Europe Conference of Ministers responsible for Media and Information Society, held in Belgrade in November 2013 and entitled ‘Freedom of Expression and Democracy in the Digital Age: Opportunities, Rights, Responsibilities’. The Conference adopted a Political Declaration and resolutions on internet freedom, on preserving the essential role of media in the digital age, and on safety of journalists.²⁸

27. These texts stress the need to safeguard the democratic – and in particular, public watchdog – tasks of journalists and the media,²⁹ and identify media self-regulation, independence, ethics, diversity and pluralism as key features of the enabling environment for media in the digital age. The Ministers invited the Council of Europe to take specific action for strengthening those features – including a close examination of the state of media concentration, transparency of media ownership and regulation and their impact on media pluralism and diversity – and to consider the need for updating European standards in this respect in the digital age.

4. Traditional and new media and their regional impact

28. The term “media” includes various different types such as public service, commercial, community and transfrontier. They have different objectives, characteristics and working methods. In consequence, the modalities of participation in each of them also differ.

29. Commercial media often develop a strong presence at the regional level. Their interest in regional operations can be determined by commercial calculations such as critical mass; definable interests that are translatable into content terms; established patterns of media usage; general level of affluence, etc., but none of these considerations preclude them from making a contribution to regional participatory democracy. Commercial objectives do not necessarily negate coverage of public interest issues. Commercial media can, of course, also play a vital role at the regional level, either by counterpoising the public service media offer or by taking on public service tasks, based on legislative or licensing commitments and/or incentive-based opt-in arrangements.

30. Public service broadcasting/media³⁰ are based on three essential normative criteria: citizenship (“enhancing, developing and serving social, political and cultural citizenship”); universality and quality of services; and output.³¹ It is commonplace for public service broadcasters to have regional branches in order to realise their overarching objectives effectively at the regional level. Moreover, when notions of regionality transcend state borders, like in the Nordic countries, there is structured cooperation between national public service broadcasters at the regional level.

31. In November 2013, the Council of Europe Conference of Ministers responsible for Media and Information Society stressed that 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.

26 Declaration on “The role of community media in promoting social cohesion and intercultural dialogue”, 11 February 2009.

27 Declaration of the Committee of Ministers on “Public service media governance” and Recommendation CM/Rec (2012)1 of the Committee of Ministers to Member States on “Public service media governance”, both adopted on 15 February 2012.

28 The Council of Europe Conference of Ministers responsible for Media and Information Society, ‘Freedom of Expression and Democracy in the Digital Age: Opportunities, Rights, Responsibilities’, Belgrade, 7-8 November 2013; texts available at: http://www.coe.int/t/dghl/standardsetting/media/belgrade2013/Belgrade%20Ministerial%20Conference%20Texts%20Adopted_en.pdf.

29 This is clear from the text of the Resolution generally, but sees, in particular, para. 2.

30 See, for example, Eric Barendt, *Broadcasting Law: A Comparative Study* (Oxford, Clarendon Press, 1993), Chapter III ‘Public Broadcasting’, pp. 50-74 and Toby Mendel, *Public Service Broadcasting: A Comparative Legal Survey* (Second Edition) (France, UNESCO, 2011).

31 Georgina Born & Tony Prosser, “Culture and Consumerism: Citizenship, Public Service Broadcasting and the BBC’s Fair Trading Obligations”, 64 *The Modern Law Review* (Issue No. 5, September 2001), pp. 657-687, at 671.

32. Community media have at their heart the concepts of access and participation.³² The concept rests on the assumption of a shared relevance that community issues have for both senders and receivers, because they all participate in the same community which serves as a frame of reference for a shared interpretation of the relevance of the communicated topics.³³ The key features of community media can be described as service of community (both local communities and communities of interest); individual participation in all stages of production and dissemination; and independent and non-profit status.³⁴

33. In its 2008 Declaration on “The role of community media in promoting social cohesion and intercultural dialogue”,³⁵ the Committee of Ministers recognises “community media as a distinct media sector, alongside public service and private commercial media” and stresses the need to adapt legal frameworks in order to facilitate the development and optimal functioning of community media – among others, by allocating sufficient frequencies to community media, training community media workers, ensuring greater use of new technologies in communities through educational and vocational measures, and exploring various funding possibilities for the community media sector.

34. For their part, transnational media can also play an important role at the regional level, through their ability to meet informational needs of communities no longer resident in their countries of origin. Another important dimension of transnational media is their role in cultural representation and identity building. In this respect, transnational media represent both the possibilities of networks and communities to surpass national boundaries and the continuing significance of national borders.³⁶

35. Social media constitute a new category. Owing to their participatory and many-to-many character, it is difficult to position social media in an institutional or institutionalised media setting; rather, they operate around existing institutionalised media. Notwithstanding their differences with institutionalised media, social media play an increasingly important role in the media system.³⁷

36. The Committee of Ministers’ 2011 Recommendation on “A new notion of media” documents various technology-driven changes in the media sector and their broader consequences – including unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship and for users’ participation in the process of creating and disseminating information and content, thus blurring the boundaries between public and private communication.

5. Evolving media environment: challenges and responses

37. The evolving relationship between traditional and new media prompts a need to re-examine the existing media policy. All actors – whether new or traditional – who operate within the media system should be offered a policy framework which guarantees an appropriate level of protection and provides a clear indication of their duties and responsibilities in line with Council of Europe standards. In its recommendation, the Committee of Ministers calls on member States to adopt a new, broad notion of media, review regulatory needs in respect of all actors, engage in dialogue with them and adopt strategies to promote, develop or ensure suitable levels of public service delivery.

38. This recommendation rings true also for regional governments.

Media pluralism and concentration of ownership

39. Media pluralism and diversity of media content are key features of a healthy enabling environment for media freedom. Their importance is especially evident at the regional level due to politico-economic considerations particular to regional media. The communities and markets served by regional media tend to be smaller, more specific and less lucrative than those served by media operating at the national and

32 Chris Atton, *Alternative Media* (London, SAGE Publications, 2002), p. 17.

33 Ed Hollander, James Stappers, and Nicholas Jankowski, “Community Media and Community Communication”, in Nicholas W. Jankowski, Ed., *Community Media in the Information Age: Perspectives and Prospects* (Cresskill, New Jersey, Hampton Press, Inc., 2002), pp. 19-30, at 23.

34 Tarlach McGonagle, *Minority Rights, Freedom of Expression and of the Media: Dynamics and Dilemmas* (Antwerp, Intersentia, 2011), p. 142.

35 Declaration on the role of community media in promoting social cohesion and intercultural dialogue, 11 February 2009.

36 Myria Georgiou, *Diaspora, Identity and the Media: Diasporic Transnationalism and Mediated Spatialities* (Cresskill, New Jersey, Hampton Press, Inc., 2006), p. 10.

37 See generally, Eugenia Siapera, *Understanding New Media* (Los Angeles, etc., SAGE, 2012).

international levels, which has obvious implications for advertising and other sources of revenue. Such financial limitations can also lead to concentrations of ownership of regional media. The production of regional content can be resource-intensive, and presents a real challenge to the financial sustainability of regional media, especially in the current climate of prevalent economic cutbacks and austerity. In light of these observations, general measures to promote media pluralism may require specific adjustment for optimal application to regional media.

40. In its Resolution 145 (2002) on “The state of regional print media in Europe – Pluralism, independence and freedom in regional press”,³⁸ the Congress of Local and Regional Authorities has put forward proposals to improve pluralism among regional media, warning of the overall decline in the number of independent media, growing monopolisation and excessive concentration of media ownership at the regional level, and urging measures to ensure respect of editorial independence, high standard and ethics in regional journalism and use of subsidies to promote media diversity.

41. In its 2007 Recommendation on “Media pluralism and diversity of media content”,³⁹ the Committee of Ministers recommended adapting media ownership rules to the size and the specific characteristics of the national, regional or local audiovisual media and/or text-based media market to which they would be applicable, and called for financial and regulatory measures necessary to protect and promote structural pluralism of audiovisual and print media.

42. The same recommendation stressed the crucial contribution of the media in fostering public debate, political pluralism and awareness of diverse opinions, notably by providing different groups in society – including cultural, linguistic, ethnic, religious or other minorities – with an opportunity to receive and impart information, to express themselves and to exchange ideas. In this regard, the Committee of Ministers called on the media to develop organisational policies accommodating the participation of minorities and responses to “dynamic technological changes”, including the promotion of digital media literacy. For their part, member States should, while respecting editorial independence, encourage the media to supply the public with a diversity of media content capable of promoting a critical debate and a wider democratic participation of persons belonging to all communities and generations, and to contribute to intercultural and inter-religious dialogue, so as to promote mutual respect and tolerance and to prevent potential conflicts through discussions.

43. Finally, the Committee of Ministers’ 2007 Declaration on “Protecting the role of the media in democracy in the context of media concentration”⁴⁰ highlighted the opportunities offered by the development of new communication services and of phenomena such as multimedia, alternative media, community media and consumer-generated content on the Internet. The Declaration stressed that policies to encourage the development of not-for-profit media can be another way to promote a diversity of autonomous channels for the dissemination of information and expression of opinion, especially for and by social groups on which mainstream media rarely concentrate.

Participatory potential of the media

44. The participatory potential of the media, as well as their effectiveness for communicative purposes depend to a large extent on their availability, affordability, accessibility and functionality.

45. Availability implies that the public is able to receive information, ideas and opinions disseminated by the media. This includes the ability to receive content, regardless of the technical means of distribution used. To further this objective, a number of Council of Europe standard-setting texts call for the introduction and development of particular types of media, for example digital broadcasting and ICTs. Availability is often closely affected by affordability: the high costs associated with the introduction of new technologies can hinder their penetration and take-up in society, and thereby their overall availability.

46. The notion of availability could also be taken to include the availability of a pluralistic media landscape. In this regard, the Committee of Ministers’ Recommendation R(99)14 on “Universal community service” brings together principles dealing with questions of access, content and services, information and training, financing

38 Resolution 145 (2002) on “The state of regional print media in Europe – Pluralism, independence and freedom in regional press”, 6 June 2002; Recommendation 119 (2002) on “The state of regional print media in Europe – Pluralism, independence and freedom in regional press”, 6 June 2002.

39 Recommendation CM/Rec(2007)2 on “Media pluralism and diversity of media content”, 31 January 2007.

40 Declaration on “Protecting the role of the media in democracy in the context of media concentration”, 31 January 2007.

the costs of universal community service and fair competition safeguards. Its Recommendation Rec(2003)9 on “Measures to promote the democratic and social contribution of digital broadcasting” also puts forward a set of basic principles focusing on the switch-over to digital television and issues of orientation in the digital environment. These principles also concern the activities of broadcasters, especially public service broadcasters, in the digital environment (such as the questions of remit, universal access and financing). Furthermore, the Guidelines set out in Recommendation CM/Rec(2007)11 on promoting freedom of expression and information in the new information and communications environment are aimed at:

- Empowerment of individual users;
- Common standards and strategies for reliable information, flexible content creation and transparency in the processing of information;
- Affordable access to ICT infrastructure;
- Access to information as a public service, and
- Co-operation between stakeholders.

47. In turn, the accessibility of particular media for particular sections of the public depends on their availability and affordability. It also depends on the ability of the public to use them in an informed way. This requires technological and linguistic knowledge and understanding of how the media work, sometimes referred to as media literacy. The promotion of media literacy is another important aspect regularly included in Committee of Ministers’ texts.⁴¹

48. Finally, from the perspective of users, the functionality of the media is largely determined by its accessibility. The question of media functionality is particularly important for persons belonging to minorities. For example, the availability of media in a dominant or national language may be of little functional value to a linguistic minority group. In the same vein, local broadcasting facilities may be of little functional value to a group that is dispersed throughout a country, or that has a transfrontier presence. As such, the criteria of availability, affordability and accessibility are prerequisites for (but not necessarily guarantees of) the achievement of media functionality.

Media governance

49. Accessibility has another important dimension: media governance, meaning the sum total of mechanisms for organising media systems according to media regulations.⁴²

50. In 2012, the Committee of Ministers adopted a Declaration and a Recommendation on “Public service media governance”.⁴³ The Declaration stresses that a robust and forward-looking system of governance is essential for the successful transition of public service media to a new media environment, and proposes a broad definition of ‘governance’ that includes the following elements:

- The legal frameworks through which the State ensures an appropriate balance between the independence and accountability of public service media;
- The regulations and practices through which public service media ensure that their processes and culture are the most appropriate to fulfil their remit and best serve the public interest;
- An active and meaningful dialogue with its wider stakeholders including new levels of interaction, engagement and participation.

51. The Recommendation on “Public service media governance” focuses on the ability of public service media to promote broader democratic, social and cultural participation, including with the help of new interactive technologies. To this end, it encourages public service media to co-operate actively on a pan-European scale and to exchange best practice and best content, in order to create a vibrant European public sphere and to foster democratic citizenship within the wider Europe. The appended Guiding principles for public service media governance are structured into two main sections: the context/challenges facing public service media and the role of governance in meeting those challenges. The challenges are identified as:

41 For a detailed overview, see: Tarlach McGonagle, “Media Literacy: No Longer the Shrinking Violet of European Audiovisual Media Regulation?”, in Susanne Nikoltchev, Ed., *Media Literacy, IRIS plus 2011-3* (Strasbourg, European Audiovisual Observatory, 2011), pp. 7-27, at pp. 20-22.

42 W.A. Meier, ‘From Media Regulation to Democratic Media Governance’, in J. Trappel, W. A. Meier, L. d’Haenens, J. Steamer and B. Thomass, Eds., *Media in Europe Today* (Bristol/Chicago, Intellect, 2011), pp. 155–166, at p. 159.

43 Declaration of the Committee of Ministers on “Public service media governance” and Recommendation CM/Rec (2012)1 of the Committee of Ministers to member States on “Public service media governance”, both adopted on 15 February 2012.

securing the right level of independence from the State; transformation from public service broadcasting to public service media; justifying the “dual system” in today’s market, and the wider context of public service provision. In terms of the role of governance, there is significant emphasis on transparency and openness as well as responsiveness and responsibility *vis-à-vis* audiences and stakeholders.

Bridging the digital divide

52. The Internet has now become one of the principal means by which individuals exercise their right to freedom of expression and information, providing as it does essential tools for participation in activities and discussions concerning political issues and issues of general interest.⁴⁴ The more governmental services are provided online, the more important it will become for all members of society to have full access to information and communication technologies (ICTs).

53. In its Recommendation CM/Rec(2007)11 on “Promoting freedom of expression and information in the new information and communications environment”, the Committee of Ministers stressed that access to the Internet was instrumental for accessing information and therefore also “participation in public life and democratic processes”. Similarly, as regards participation in public debates, increased interactivity with and within the media is evident across the services they provide.

54. Effective participation in democratic societies therefore increasingly requires bridging the so-called digital divide. A number of Committee of Ministers recommendations and other standard-setting texts aim to promote this objective, such as Recommendation R(99)14 on “Universal community service concerning new communication and information services”, Recommendation Rec(2003)9 on “Measures to promote the democratic and social contribution of digital broadcasting”, its 2005 Declaration on “Human rights and the rule of law in the Information Society”, Recommendation CM/Rec(2007)2 on “Media pluralism and diversity of media content”, and Recommendation CM/Rec(2007)11 on “Promoting freedom of expression and information in the new information and communications environment”.

55. In its Resolution 282(2009) and Recommendation 263(2009) on “The digital divide and e-inclusion in the regions”, the Congress called on regional authorities to implement regional digital agendas, focusing on balanced development telecommunications infrastructures, provision of affordable or free public access to the Internet, compliance of regional websites with accessibility standards, media literacy training and ICT benefits’ awareness-raising.

6. Best practices for an enabling environment

56. Regional media often face a number of practical, financial and technological limitations in expanding their reach for the entire region. Practical limitations include natural barriers (wide rural service area, mountains or valleys). Financial limitations are not just about the lack of sufficient resources for creating content, but are also at stake when finding technological solutions for distribution or building new infrastructures. Technological limitations include a lack of frequencies or of internet access in the region. On the other hand, using ‘bricks and mortar’ technology in areas with sophisticated distribution technology might not make sense, either: there might be no need to promote the use of the printing press when high-speed internet access is widely available, while traditional television broadcasts can be integrated in a less costly internet environment and allow for very small-scale media activities (including the use of apps, Twitter, etc.).

57. Best practices should be based on a functional approach: what can be done with existing distribution facilities and how can adequate access to these facilities be guaranteed? What is needed in addition to make regional media most effective? Must-carry obligations on analogue and digital distribution networks should include regional media. Fundability on platforms (eg. electronic programme guides) needs to be secured sufficiently. Supporting regional media may also include the reallocation of existing distribution resources (eg. frequencies, multiplexes, etc.).

58. Some best practices for creating and sustaining an enabling environment for regional media could be grouped under several categories as described below. There are based on existing studies and additional desk research, without reference to particular countries or examples.

⁴⁴ *Ahmet Yıldırım v. Turkey*, no. 3111/10, § 54, ECHR 2012.
14/17

Legal definitions and licensing schemes

59. Defining regional media - in a legal sense - is not an easy task. However, geographical criteria (combined with others, such as language) are often sufficient to create a regulatory environment for regional media. In some countries regional media are subject to more or less the same regulatory model as national media. In general, a more flexible approach seems appropriate in order to avoid the risk that the regulatory system and the obligations that come with it stifle the development of regional media. Certain obligations might turn out to be too costly (such as a 100% obligation to subtitle) or restrictive (excessive programming requirements).

60. A flexible and realistic approach is also necessary when it comes to the scale of regional media. A regional television station covering millions of inhabitants is by nature different from a small-scale community media station. It can be argued that – unless the allocation of scarce resources is at stake – regulation should provide for licence-free solutions (i.e. by creating a system of ‘general authorisations’). Certain countries already have put such licence-free solutions into place. Furthermore, it should be noted that the notion of regional media includes the printing press which, in many countries, has always been free from a specific regulatory regime, as is also the case with several types of so-called ‘new media’ (such as websites, Twitter, blogs). The operation of new media should not lead to the introduction of new licensing regimes.

Participatory provisions

61. In order to facilitate the participatory aspects of regional media, several options are available. In the first place, participatory requirements can be integrated into the regulatory system. This assumes some contextualisation of the participation model, in particular whether participation is embedded in the organisational structure and whether it is linked to the media activities as such. Participation which is part of the organisational structure can include models whereby decision making is subject to the consent or advice of a body reflecting the participatory framework (such as a representative programming council). Another option could include representation at the level of decision-making entities within the organisation (for example the editorial board). It should be noted that participatory elements can but do not necessarily need to overlap with protecting or embedding media pluralism.

62. Sometimes participatory aspects are also reflected at the content level as part of the quota regulation, which can have a stifling effect on editorial freedom. It should be examined whether it is necessary to seek ‘double guarantees’ (both at the organisational and editorial level) with regard to the content. More voluntary instruments, such as an editorial statute, provide a higher level of flexibility in this respect.

63. Strategies to promote participatory activities can include the use of a volunteer model. Several countries have community media based on this model, with only a limited number of professional staff training and helping volunteers who are mainly responsible for creating content. Using this volunteer model allows for regional media to exist in circumstances where budgets are tight.

Independence and autonomy

64. Regional media are close to their social environment, which creates additional challenges regarding independence. The risks of political influence and a lack of transparency are often higher than at the national level. Effective safeguards need to be put in place to prevent these risks. For example, executive roles within regional media should be declared incompatible with holding a political mandate. Financing should not be subject to political oversight alone, but framed in a system of checks and balances that guarantees editorial independence.

65. Regional media can have many different organisational structures. The entities involved can be outside any specific regulated structure (such as ‘new media’) or part of a hierarchical system where regional media are a subset of a national broadcasting system. Best practices in this regard include independent editorial control and organisational autonomy (i.e., regional media as a *sui generis* institution).

Media literacy

66. Media literacy is often understood as “the ability to access, analyze, evaluate, and create messages in a variety of forms”.⁴⁵ It has evolved from an emphasis on critical engagement with media output to embrace the ability to use media technologies in order to contribute to media production and content creation processes. Media literacy has been described as a prerequisite for full participation in late modern society, involving the critical skills of analysis and appreciation of the social dynamics and social centrality of media as framing the cultures of the everyday.⁴⁶ It empowers individuals and enables them to participate more fully in democratic societies, which are increasingly reliant on media and ICTs.

67. The European Broadcasting Union (EBU) sees the promotion of media literacy as an objective that should typically be pursued by public service broadcasters/media. It has organised its Principles on Media Literacy along three main axes: “[b]ridging the digital divide”, “inform[ing] and empower[ing] citizens to democracy”, and “creating a trusted space”.⁴⁷ The organisation’s current efforts to promote media literacy include the show-casing of relevant best practices developed by its members. On the relevant section of the EBU website a number of these best practices have usefully been selected, itemised and grouped in categories, including: ‘Encouraging online engagement’, ‘Platform for expression’, and ‘Facilitating interaction and creativity’.⁴⁸ A number of these best practices from different countries could usefully be replicated at the regional level.

Promotional measures

68. Regional media often have fewer available resources than national media, leading to less developed media pluralism at the regional level. A balanced policy of reallocation of existing resources to support and promote regional media can be envisaged, along with alternative measures – such as the use of the earlier mentioned volunteer model – that can create new opportunities. Specific subsidy schemes can be put into place for the promotion of regional journalism, while the existing media subsidies should also include regional media.

7. Conclusions and recommendations

69. In developing regulatory and policy approaches to regional media, it is important to take into account their specific functions and a range of different media types. Regulatory and policy frameworks should include at least three elements: 1) defined goals must be accompanied by appropriate means to meet these goals (functional approach); 2) a broad orientation on all types of media, including new media, and not predominantly on traditional types such as radio and television (a technology-neutral approach); and 3) European regulatory and policy instruments must reflect the diversity of regional media to meet best the participatory needs, avoiding a ‘one-size-fits-all’ approach that ignores the regional potential (a dynamic approach).

70. While present in the Council of Europe’s instruments, the recognition of the important democracy-bolstering functions carried out by regional media is piecemeal and understated. It is not articulated explicitly, consistently or coherently. This calls for a “regionalism” audit of existing instruments, with a view to identifying provisions in which the regional perspective can be further specified and strengthened. Such an audit would provide a basis for developing strategic goals and guidelines for authorities at national and regional levels for safeguarding an enabling environment for regional media.

71. It is therefore recommended to undertake a review of the existing instruments, with a particular attention to the state and prospects of regional media in a reconfigured media environment and measures that could be taken in Council of Europe member States to address the key aspects of the regional media situation.

45 Sonia Livingstone, “Media Literacy and the Challenge of New Information and Communication Technologies”, 7 *The Communication Review* (No. 1, 2004), pp. 3-14, at p. 5. See further, Tarlach McGonagle, ‘Media Literacy: No Longer the Shrinking Violet of European Audiovisual Media Regulation?’, in Susanne Nikoltchev, Ed., *Media Literacy, IRIS plus 2011-3* (Strasbourg, European Audiovisual Observatory, 2011), pp. 7-27.

46 Roger Silverstone, “Regulation, media literacy and media civics”, 26 *Media, Culture & Society* (No.3, 2004), pp. 440-449, at p. 448.

47 European Broadcasting Union, “Empowering Citizenship Through Media Literacy: the Role of Public Service Media”, *European Broadcasting Viewpoint*, February 2012.

48 See: <http://www3.ebu.ch/sites/ebu/contents/policies/eu---policy/public-affairs-and-legal-issues/media-literacy-1.html>.

72. This review process could lead to the elaboration of new Council of Europe texts and, at the Congress level, to a new report, resolution and recommendation that would consolidate and expand on the Congress' existing expertise and experience and usefully integrate those developed by other Council of Europe bodies. Such new texts should be functional, technology-neutral and dynamic in character, in order to ensure their coherence and ability to embrace future technological changes affecting the media environment.