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Declaration of the Committee of Ministers on Public Service Media Governance

(Adopted by the Committee of Ministers on 15 February 2012

at the 1134th meeting of the Ministers' Deputies)

I. As regards public service media in a democratic society

1. Freedom of expression, and free and pluralist media, are indispensable to genuine democracy. Media are the most important tool for freedom of expression in the public sphere, enabling people to exercise the right to seek and receive information. Council of Europe member States have undertaken to secure to everyone within their jurisdiction the fundamental right to freedom of expression and information, in accordance with Article 10 of the European Convention on Human Rights (ETS No. 5).

2. In a democratic society, people should be able to understand, contribute to and participate in the decision-making processes which concern them. Public service media play a fundamental part in sustaining this right through their mandate to ensure, via the relevant modes of delivery, universal access to impartial news and a diverse range of high-quality content which meets the needs of the wide variety of audiences.

3. The primary mission of public service media is to support general interest objectives such as social progress, public awareness of democratic processes, intercultural understanding and societal integration, and to achieve this through a varied and high-quality mix of content. As an important public source of unbiased information and diverse political opinions, public service media must remain independent from political or economic interference and achieve high editorial standards of impartiality, objectivity and fairness.

4. Public service media should be subject to constant public scrutiny and be accountable and transparent when performing their functions as they have the obligation to serve the public in all its diversity, including minority communities that would not be served in a purely commercial market. Public service media must also take into account the gender equality perspective in terms of both content and staff.

5. Editorially independent public service media help counterbalance the risk of misuse of power in a situation of excessive concentration of media, services and platforms.

6. For some public service media organisations, the transition from State broadcaster to public service media has yet to be completed. The challenge is both to secure independence from the State and also to earn the trust of the audience by using that independence to exercise genuine editorial autonomy. For all public service media, new skills and approaches will be needed to complement, or in some cases replace, long-established ways of functioning.

7. The Committee of Ministers has always provided unfaltering support for public service media, calling on member States to secure the necessary legal, political and organisational conditions for their independence and to provide adequate means for their functioning. In keeping with this, it has adopted Recommendation Rec(96)10 on the guarantee of the

independence of public service broadcasting and Recommendation CM/Rec(2007)3 on the remit of public service media in the information society, as well as the Declaration on protecting the role of the media in democracy in the context of media concentration (31 January 2007), and has expressed its support for Parliamentary Assembly Recommendation 1878 (2009) on “The funding of public service broadcasting” (reply of 26 April 2010).

II. As regards public service media in a new media environment

8. Media across Europe face rapid and profound change and, as a result, public service media find themselves in an unprecedented period of transition. The emergence of digital media brings about certain challenges to media as they strive to provide multimedia, interactive and non-linear services.

9. The development of new information and communication technologies gives public service media an unrivalled opportunity to fulfil their remit in new and more effective ways, allowing them to offer better-targeted and more interactive content and services. It also allows public service media to enter into a meaningful dialogue with their audiences, engaging them as stakeholders, participants and co-creators, rather than as simply passive recipients. This is particularly relevant to services aimed at youth, whose use of Internet-delivered, mobile and participatory media is significant. Successful adaptation and adoption of new platforms assist public service media in fulfilling additional purposes within their public service remit.

III. As regards the need for an effective new system of governance

10. A robust and forward-looking system of governance is essential for the successful transition of public service media to a new media environment. Public service media need to show that their own governance systems subject any decision to proper scrutiny, while ensuring that any external oversight (by governments or independent regulators) do not undermine the organisation’s independence. As is also the case for public service media undergoing a transition from State to public institutions, it is essential to define the necessary levels of independence from the State. This should be balanced by accountability to a wide range of stakeholders and coupled with a culture that is open to new ideas and which demonstrates high levels of professional integrity. For public service media seeking to justify continuing levels of public funding, it is important to demonstrate that funding decisions and resource allocations are focused entirely on meeting public needs of all citizens, irrespective of their gender and background, and that the organisation’s assessment of its future requirements is rooted in its public service remit.

11. An appropriate system of governance is a decisive factor in the ability of both member States and the public service media they support to meet these and future challenges, and take full advantage of the new opportunities offered by digital technologies and platforms. The effective governance of public service media, to the equal benefit of all members of the public, is an important element and a specific example of the larger concept of good governance in democratic society. In order to fulfil its role, governance should expand beyond the narrow understanding of the concept as related to appointment procedures and the composition of boards of public service media. Governance should therefore be broadly defined so as to include:

– 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.

12. A properly functioning governance system depends on a number of conditions. These include the processes through which the support of the key stakeholders – including the State – is secured, the existence of an appropriate level of independence from government or other public and private interests, and the procedural guarantees ensuring that the decisions of public service media are consistent with their remit, are properly taken and fully implemented.

13. It is of great concern for all member States that public service media governance should be addressed, and where necessary rethought and reconstructed, so as to ensure that public service media can take advantage of the new possibilities to overcome present and future challenges and obstacles.

14. The Committee of Ministers therefore:

- declares that the duty of public service media to promote the values of democracy and diversity within and through their content and services remains of utmost importance in the new dynamic media environment. Public service media play a vital role in supporting such non-commercial objectives as social progress, public interest and ability to engage with democratic processes, gender equality, intercultural understanding and societal integration. These can be achieved through a varied and high-quality mix of content and services adhering to the highest professional standards which public service media have offered and will continue to deliver;
- alerts member States to the risks to pluralism and diversity in the media and, in consequence, to democratic debate and engagement, should the current model which includes public service, commercial and community media not be preserved and if the transitions from State to public service and from broadcasting to public service media are not successfully completed;
- reiterates member States' commitment to firmly support the remit, funding, editorial and organisational independence of public service media operating on any relevant platform, and underlines the importance of this support which has not always been uniformly thorough and sufficiently timely;
- encourages the establishment of dialogue at different levels with all stakeholders, including civil society and the public at large.

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