

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

Opening Speech by the Rt.Hon. Andrew McIntosh, Chairman of the Sub-Committee on the Media of the Parliamentary Assembly of the Council of Europe

Reykjavik, 28-29 May 2009

Ministers, Excellencies, Ladies and Gentlemen, Friends,

The first European Ministerial Conference on Mass Media Policy was organised by the Council of Europe in Vienna in 1986 under the theme "the future of television in Europe". While there have been many subsequent ministerial conferences, this theme is still paramount, but I note the new title of this ministerial conference: new communication services reflect an important transformation.

Media have undergone important technological progress since the last ministerial conference in Kyiv in 2005. Many broadcasters have switched over to digital from analogue thereby releasing analogue spectrum. Internet and mobile telecommunication have become a platform for audiovisual media. More and more users – especially the young – tend to use Internet media more frequently than traditional television or newspapers. The media market has also changed drastically: commercial advertising and sales have decreased, the profitability of private broadcasters has dropped and the protection of intellectual property have been challenged by Internet media.

The fundamental principles underlying media policy remain, however, the same: freedom of expression and information is a necessary condition for democratic society and the social and economic progress of society and every individual. This freedom is guaranteed for all European states except Belarus under Article 10 of the European Convention on Human Rights, and its respect is judicially enforceable by the European Court of Human Rights, which has functioned for fifty years as a de facto supreme court for fundamental human rights for wider Europe. Democracies depend on public awareness and public discussion of issues of political concern. The rise of new communication services has made this public function of the media more important.

The Parliamentary Assembly of the Council of Europe, which I have the honour to represent here, has dealt with a number of important aspects of European media policy since the last ministerial conference in Kyiv. I should like to mention Resolution 1438 (2005) on freedom of the press and the working conditions of journalists in conflict zones, which followed the kidnapping and attacks targeting journalists in Iraq. It is unfortunately still relevant in several regions, for example in the Caucasus region. In 2005, the Assembly also adopted Resolution 1706 on media and terrorism. Although some of the hysteria has decreased, it is still important to avoid the danger of restrictions and self-censorship under the pretext of anti-terrorism legislation.

Most importantly, however, states are still falling behind in guaranteeing the basics of media freedom. It is not enough for states to remain passive and wait until complaints are brought to the European Court of Human Rights in Strasbourg. The Assembly passed Resolution 1535 (2007) on threats to the lives and freedom of expression of journalists as well as Resolution 1636 (2008) on indicators for media in democracy. We as parliamentarians count on you as ministers to take appropriate steps for their implementation. It is unacceptable that the murders of Anna Politkovskaya and so many other dissident and critical journalists are still unresolved. It is unacceptable that journalists are physically attacked because of their work while law enforcement authorities remain ineffective. States assess environmental impacts and student success, but media freedom is not looked at by parliaments and governments. Therefore, I ask you to fully enforce the European Convention on Human Rights, use your political weight in order to set up a proper enforcement of media freedom and rights in your countries and support the monitoring mechanism by the Parliamentary Assembly, as we have been urged to do by the Committee of Ministers.

I should like to finish by submitting to you Assembly Recommendation 1855 (2009) on the regulation of audiovisual media services, for which I had the honour of being rapporteur. In this Recommendation, the Assembly specifically invites the ministers participating in this Ministerial Conference in Reykjavik to express their continued support for: 1. regulating their audiovisual media policies nationally as part of their general cultural policies, while ensuring international co-operation and respecting the right to freedom of information through audiovisual media services under Article 10 of the European Convention on Human Rights; 2. ensuring, through appropriate regulation and practice, the independence of their national regulators for the audiovisual media sector from undue party political, governmental or commercial influences; 3. preserving the principle of public service broadcasting in the changing media environment and extending it further to audiovisual media services as a whole, in particular the principles concerning their independence from political sides, the reach of their coverage and their funding.

Recommendation 1855 also asked member states to agree within the framework of the International Telecommunication Union on relevant technological standards and the allocation of spectrum. With regard to the revision of the European Convention on Transfrontier Television, the Assembly recommends the setting up of an effective mechanism to enforce the Convention and to resolve disputes among state parties minimising restrictions on freedom of expression. The Committee of Ministers has asked the Steering Committee on Media and New Communication services to set up workable mechanisms to tackle this problem. I know that the Steering Committee will accept this challenge with enthusiasm, accepting that it may mean new international rules on cross frontier data flows.

Within the European Union, technical and commercial aspects of media services are increasingly regulated in Brussels, because EU member states have given up legislative power. This does not apply to public service broadcasting where EU member states have retained their powers under the Amsterdam Protocol of 1997. Due to the wide impact of media on our societies, media policies are also cultural policies which must take account of national or regional circumstances. The Council of Europe continues to be the best platform for states to discuss at European level common national approaches in this field.

On behalf of the President of the Parliamentary Assembly, my colleague Lluís Maria de Puig, I wish this conference great success. Media policy is a core concern for the Council of Europe Parliamentary Assembly. The national parliaments coming together in the Parliamentary Assembly will support politically and follow closely the work of the ministers in this field.