



MCM(2005)005

**7th European Ministerial Conference  
on Mass Media Policy**

Kyiv (Ukraine), 10-11 March 2005

**Integration and diversity:  
the new frontiers of European  
media and communications policy**

Adopted texts

### Political Declaration

1. The Ministers of States participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Determined** to protect and promote the fundamental values underpinning European construction, namely human rights, democracy and the rule of law, and in particular freedom of expression and information;
3. **Resolved** to enhance the essential role of the media in the creation of a pluralist public sphere involving active communication within society;
4. **Convinced** that these values and ideas should also be actively promoted in the Information Society;
5. **Convinced**, in view of the process of European Union enlargement, that the Council of Europe, as the only Organisation at the pan-European level dealing with the human and democratic dimension of communication, will continue to play a central role in strengthening these values and principles, in particular by setting common pan-European minimum standards in this area;
6. **Stressing** also that the Council of Europe has an essential role to play in promoting mutual understanding between people with different cultural and religious backgrounds, both within European societies and between Europe and other regions;
7. **Recalling** the need to safeguard the independence of the media and to guarantee freedom from interference by political authorities;
8. **Having regard** to the profound changes which affect societies today, notably:
  - increasing international tensions and a rising tide of terrorism which pose a direct threat to peace and social stability and to the values of democratic societies;
  - globalisation of economies and means of communication, migrations and increasing interaction between cultures, the individualisation of ways of living and the resulting transformation of social relations;
  - technological changes which fundamentally influence patterns of social communication and the media;
9. **Aware** that these changes may have profound long-term consequences for nation-states and cultural and national identities, social cohesion, the framework of human rights and democracy and international relations;
10. **Concerned** therefore to promote, *inter alia* by means of audiovisual and media policies, the positive impact which some of these changes may have, through means of communication, on the progress of European societies and the personal development of individuals living on their territory, notably as regards the protection and promotion

of human rights, the free circulation of information, ideas and opinions, pluralism and diversity of information, access to knowledge and culture, as well as mutual understanding, which should be promoted by intercultural and inter-religious dialogue,

11. **Welcome** the activities carried out by the Council of Europe in the media field since their last Ministerial Conference in Cracow in June 2000;
12. **Decide** to adopt the three Resolutions and Action Plan which are appended to this Declaration and which focus on promoting freedom of expression, pluralism and diversity of communication services and their content as well as on protecting human rights and promoting the widest possible participation of all individuals in the Information Society;
13. **Request** the Committee of Ministers of the Council of Europe to implement the Action Plan adopted by this Ministerial Conference and, for this purpose, to redefine the mandate of the Steering Committee on the Mass Media (CDMM) so that it can fully encompass the new information and communication technologies and, accordingly, to rename it Steering Committee on the Media and New Communication Services (CDMC);
14. **Underline** that particular attention should be paid by the CDMM to following the concrete measures taken by the governments of member States in order to implement the three aforementioned Resolutions as well as the legal or other initiatives that the CDMM could launch in order to follow up the Action Plan of this Conference.

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A further Resolution, concerning the media in Ukraine, was adopted by the Ministers and appears at the end of this document.

**Resolution No. 1****Freedom of expression and information in times of crisis**

1. The Ministers of States participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Resolved** to respond to the challenge that crisis situations such as war and terrorism constitute for democracies and their respect for freedom of expression and information;
3. **Affirming** that freedom of expression and information and media freedom must be respected in crisis situations, since the public's right to be informed about the actions of public authorities and all other parties involved in order to keep them under scrutiny is especially important in these situations;
4. **Stressing** that any interference with the work of journalists in such situations must remain exceptional and be strictly in line with the conditions set out in relevant international human rights instruments;
5. **Condemning** attacks on freedom of expression, the free and unhindered exercise of journalism and the physical integrity of journalists, which are more widespread in times of crisis;
6. **Convinced** that, when the media promote understanding and tolerance, they can help prevent crisis situations from occurring,
7. **Reaffirm** their determination to ensure in times of crisis respect for freedom of expression and information as a basic element of a democratic and pluralist society;
8. **Reaffirm** their undertaking to respect and implement the Council of Europe standards in the field of freedom of expression and information during times of crisis, as set out in the Declaration on freedom of expression and information in the media in the context of the fight against terrorism which the Committee of Ministers of the Council of Europe adopted on 2 March 2005, as well as Recommendation No. R (96) 4 which the Committee of Ministers adopted in 1996 on the protection of journalists in situations of conflict and tension;
9. **Agree** that journalists should be able, without impediment and without threat to their security, to freely and independently report on crisis situations, without any possibility of this right being restricted beyond those limits set by the relevant international instruments;
10. **Agree** that the safety and security of media professionals is a matter of continuing concern, particularly in times of crisis, which requires that all cases of violence against journalists or media be fully and independently investigated, and that media professionals and their professional organisations be assisted in appropriate ways to take measures to reduce the risks facing media personnel;

11. **Agree** on the importance of setting up new forms of regular exchanges of information and experience between governments and all other interested parties at the European level on the impact that the fight against terrorism has had and might have in future on freedom of expression and information, with a view to taking all necessary measures to protect this freedom;
12. **Agree** that co-operation should be developed at the European level in order to remedy situations where media professionals of a member State encounter a threat to their safety or their freedom when covering crisis situations on the territory of another member State;
13. **Agree** that the laws and regulations in force or under preparation in the member States on the question of freedom of expression and information in times of crisis have to be consistent with the principles established at the European level;
14. **Agree** to promote in any other international instances where questions concerning freedom of expression and information during times of crisis might be addressed, the democratic principles established in this field within the Council of Europe.

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**Resolution No. 2****Cultural diversity and media pluralism in times of globalisation**

1. The Ministers of States participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Agreeing** to recognise, preserve and promote cultural diversity as a common heritage of humanity and stressing the importance of cultural diversity for the realisation of fundamental rights and freedoms enshrined in the European Convention on Human Rights;
3. **Reaffirming** the importance of media pluralism and editorial independence for the full exercise of freedom of expression and information in a democratic society;
4. **Noting** the increasing trend towards concentration in the media sector, both in Europe and worldwide, as a result in particular of the globalisation of economies;
5. **Resolved** to maintain and promote cultural and linguistic diversity in the media, also in the interest of intercultural dialogue, paying particular attention to the interests of persons belonging to minority groups and to minority community media;
6. **Convinced** of the desirability of drawing up an international convention on the protection of the diversity of cultural contents and artistic expressions;
7. **Noting** that, to prevent the potential harmful impact of media concentrations on pluralism, the adoption of sector-specific rules designed to safeguard plurality and diversity in the media, taking into account the particularities of each country, may be important in addition to general competition law;
8. **Underlining** the need for transparency in the media sector, including transparency of ownership, and the importance of monitoring media concentrations, both at the national and European level;
9. **Convinced** of the need for a European voice in international fora discussing media concentrations at the global level and of the Council of Europe's ability to contribute to this;
10. **Noting** that the Council of Europe, as a pan-European Organisation committed to the protection of freedom of expression and the free flow of information, is an appropriate framework for the exchange of information and experience on the issues raised by media concentrations and regulatory and other responses to these issues, as well as to address the transnational aspects of media concentrations in Europe;
11. **Convinced** of the need to safeguard in the digital environment the essential public interest objectives which are cultural diversity and media pluralism;

12. **Convinced** also of the particularly important role of public service broadcasting in the digital environment, as an element of social cohesion, a reflection of cultural diversity and an essential factor for pluralistic communication accessible to all,
13. **Undertake** to ensure that the guarantee and promotion of media pluralism is one of the central objectives of their national policy in the media field in the years to come;
14. **Agree** to facilitate cultural exchanges and the free flow of information and, for this purpose, to encourage the production and distribution of diversified content, both in the traditional media and the new communication services, including through the exploitation of their archives;
15. **Support** the work carried out at UNESCO with a view to adopting an international convention on the protection of the diversity of cultural contents and artistic expressions;
16. **Agree** that the free circulation of information across frontiers should be accompanied by efforts to promote media pluralism at the national, regional and local levels;
17. **Agree** to encourage access to the media by persons belonging to national minorities in order to promote tolerance and enhance cultural pluralism;
18. **Reaffirm** their commitment to respect and implement the Council of Europe standards concerning the maintenance and development of a strong and independent public broadcasting service;
19. **Stress** the importance of the political, financial and operational independence of broadcasting regulators;
20. **Recognise** the importance of ensuring free and universal access to the services of public service broadcasters across various platforms and the need to develop further the public service broadcasting remit in the light of digitisation and convergence;
21. **Undertake** to ensure the legal, financial and technical conditions to enable public service broadcasters to accomplish their mission in an effective manner, so that they contribute in particular to cultural diversity and media pluralism;
22. **Reaffirm** their commitment to implement Recommendation Rec (2003) 9 of the Committee of Ministers on measures to promote the democratic and social contribution of digital broadcasting and **agree** to inform the Council of Europe about the measures taken to apply this Recommendation.

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**Resolution No. 3****Human rights and regulation of the media and new communication services  
in the Information Society**

1. The Ministers of States participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Welcoming** technological developments in the field of communications which enhance the free flow of information within and across national borders and provide individuals with unprecedented opportunities to exercise their right to freedom of expression and information, while improving the conditions for cultural exchanges;
3. **Determined** to ensure that the development of the Information Society in Europe will be based on respect for human rights and the rule of law through concerted action by public authorities and civil society;
4. **Underlining** the role that can be played by the new communication services industry in this respect, by means of self-regulatory or co-regulatory measures;
5. **Convinced** that the new communication services can enhance the exercise of human rights, for example by means of e-democracy, and serve human rights protection by spreading information on violations of these rights and enabling rapid reaction;
6. **Stressing** that the speed with which information circulates around the world calls for particular care on behalf of content producers and disseminators, notably in order not to harm human dignity and the rights of individuals, especially minors;
7. **Condemning** attempts to limit public access to communication networks and their content or to interfere with communications for motives contrary to democratic principles, and recalling in that respect that, as regards Europe, any limitations must be in conformity with Articles 8 and 10 of the European Convention on Human Rights;
8. **Reiterating** their commitment to create conditions for equitable access to new communication services by all individuals in their countries in order to promote their participation in public life;
9. **Convinced** that the professional media will continue to play an important role in shaping public opinion by providing information which has been gathered and processed in accordance with professional standards and by scrutinising public authorities and all other power holders in society;
10. **Convinced** also that the effective protection of copyright and neighbouring rights is an important factor for the development of the media and new communication services in the Information Society;
11. **Having regard** to the Declaration of the World Summit on the Information Society and **reaffirming** the principles contained in the Political message from the Committee of Ministers to the Summit,

12. **Reaffirm** their commitment, in line with the principles of the Declaration on freedom of communication on the Internet adopted by the Committee of Ministers on 28 May 2003, to remove, when technically feasible, any hindrances to the free flow of information through new communication services;
13. **Undertake** to ensure that the regulatory measures which they may take with regard to the media and new communication services will respect and promote the fundamental values of pluralism and diversity, respect for human rights and non-discriminatory access;
14. **Undertake** to step up efforts to ensure an effective and equitable access for all individuals to the new communication services, skills and knowledge, especially with a view to preventing digital exclusion, as well as to encourage media education for the general public;
15. **Undertake** to take measures which foster public access to official documents and information on the activities of public authorities through the new communication services so as to increase transparency in public life and to promote democratic decision-making;
16. **Undertake**, mindful of the importance of protecting minors, to step up their efforts and co-operation to minimise the risks for them of the dissemination of harmful content on the new communication services;
17. **Agree** at the same time to give special encouragement to training for children in media literacy, enabling them to benefit from the positive aspects of the new communication services and avoid exposure to harmful content;
18. **Undertake** to step up their efforts to combat the use of the new communication services for disseminating content prohibited by the Cybercrime Convention and its additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

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### **Action Plan**

#### *Sub-theme 1 (Freedom of expression and information in times of crisis)*

1. Review the texts under consideration or adopted by the Council of Europe and other bodies, including the media and their professional and self-regulatory organisations, concerning freedom of expression and information in order, if necessary, to elaborate European standards to guarantee this freedom in times of crisis.
2. Examine the issues specific to times of crisis regarding the right of access to information, as well as the right to privacy and respect for human dignity, with a view, as appropriate, to defining relevant European standards which could be implemented through regulation, co-regulation or self-regulation.
3. Examine whether measures should be taken at the pan-European level in order to ensure the free movement of media professionals to cover crisis situations.
4. Establish a forum for the regular review, in consultation with media professionals and other interested parties, of the question of the rights and responsibilities of the media and the working conditions of journalists in times of crisis.
5. Encourage the training of media professionals in order to provide professional and independent coverage of crisis situations.
6. Encourage the media's contribution to intercultural and inter-religious dialogue, through initiatives such as the setting up of a network to exchange information and co-ordinate initiatives which exist in this field in Europe.
7. Institute an award for those media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue.
8. Monitor the implementation by member States of the texts adopted by the Council of Europe on freedom of expression and information in times of crisis.

#### *Sub-theme 2 (Cultural diversity and media pluralism in times of globalisation)*

9. Continue to monitor the development of media concentrations in Europe, in particular at the transnational level, as a political priority of the Organisation, with a view, where appropriate, to suggesting any legal or other initiatives which it may consider necessary in order to preserve media pluralism.
10. In view of the fact that media concentrations continue to accelerate in the digital era, examine further the impact of the digital environment on cultural diversity and media pluralism and, if necessary, revise Recommendation No. R (99) 1 on measures to promote media pluralism.
11. Examine also whether the provisions contained in Recommendation No. R (94) 13 on measures to promote media transparency, including transparency of ownership, should be revised in the light of these developments.

12. Review the implications for the media sector of the ongoing preparation within UNESCO of an international convention on the protection of the diversity of cultural contents and artistic expression so as, if necessary, to adopt a common pan-European approach towards this initiative in order to ensure that their shared values of freedom of expression and information and pluralism of the media are fully taken into consideration.
13. Examine in particular how different types of media can play a part in promoting social cohesion and integrating all communities and generations.
14. Monitor the implementation by member States of Recommendation Rec (2003) 9 of the Committee of Ministers on the democratic and social cohesion of digital broadcasting with a view, if necessary, to providing further guidance to member States on how to ensure its implementation.
15. Examine how the public service remit should, as appropriate, be developed and adapted by member States to suit the new digital environment, and study the legal, financial, technical and other conditions needed to enable public service broadcasters to discharge it in the best possible manner, so as to formulate any legal or other proposals which it may consider advisable for this purpose.
16. Monitor the implementation by member States of Recommendation No. R (96) 10 of the Committee of Ministers on the guarantee of the independence of public service broadcasting, with a view, if necessary, to providing further guidance to member States on how to secure this independence.

*Sub-theme 3 (Human rights and regulation of the media and new communication services in the Information Society)*

17. Establish a regular pan-European forum to exchange information and best practice between member States and other stakeholders on measures to:
  - i. promote inclusion in the Information Society, *inter alia* by encouraging access to the new communication services along the lines of the principle of universal community service, as defined in Recommendation No. R (99) 14 of the Committee of Ministers;
  - ii. apply the Council of Europe's principles and standards in the digital environment.
18. Monitor the impact of the development of new communication and information services on the protection of copyright and neighbouring rights, so as to take any initiative which might prove necessary to secure this protection, while ensuring a wide circulation of works and other protected material.
19. Follow closely legal and other developments as regards liability for content made available to the public on the Internet and, if necessary, take any initiative, including the preparation of guidelines, *inter alia*, on the roles and responsibilities of intermediaries and other Internet actors in ensuring freedom of expression.

20. Support steps to promote, at all stages of education and as part of ongoing learning, media literacy which involves active and critical use of all the media, including electronic media.
21. Design strategies for member States with the aim of encouraging the media, in particular public service broadcasting organisations, to assume an increased role in promoting a wider democratic participation of individuals, *inter alia* with the help of new interactive technologies.
22. Examine ways of increasing the transparency of public authorities and facilitating public scrutiny via the media, having regard to Recommendation Rec (2002) 2 on access to official documents and the work on e-governance under way in the Council of Europe.
23. Promote the adoption by member States of measures to ensure, at the pan-European level, a coherent level of protection for minors against harmful content in traditional and new electronic media, while securing freedom of expression and the free flow of information.
24. Analyse to what extent the traditional media are being supplemented in their functions by other actors in the Information Society, and develop strategies so that the principles of transparency and fairness and respect for fundamental rights are also applied by the new media.
25. Promote the exchange of information between member States at the pan-European level regarding the development and regulation of new communication services. Examine further, in this context, the democratic and social impact of digital broadcasting.
26. Examine also in this context whether the principles contained in Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns should be reviewed in the light of the development of digital broadcasting services and other new communications services.
27. Follow closely the question of respect for human dignity in the media and in the new communications services, in order, if necessary, to take legal or other initiatives to complement and reinforce the Declaration of the Standing Committee on Transfrontier Television on human dignity and the fundamental rights of others.
28. Review the situation in member States regarding legislation on defamation through the media with a view, if necessary, to taking any appropriate initiatives in order to ensure that their domestic legislation and practice comply with Council of Europe standards.
29. Analyse the legal and security aspects specific to investigative journalism in order to determine whether initiatives should be taken in favour of this form of journalism in a democratic society.

### **Resolution on the Media in Ukraine**

1. The Ministers of States participating in the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005),
2. **Welcoming** the resolve and efforts of Ukraine to safeguard and promote freedom of expression and information in accordance with Article 10 of the European Convention on Human Rights and the case-law of the European Court of Human Rights, and to develop a legal and regulatory framework propitious to the operation of free, independent and pluralistic media in the country;
3. **Noting** the efforts made by the Council of Europe with the support of member States and other partners, in particular the European Union, to assist in attaining these objectives;
4. **Having regard** to the call made by Ukraine for a real partnership between European institutions and Ukraine;
5. **Convinced** that cooperation in the media field between Ukraine and the Council of Europe should be pursued and strengthened so as to bring about positive change and consolidate achievements, in particular as regards the legal and regulatory framework, the enhancement of media pluralism and independence, and the introduction of a genuine public service broadcasting system,
6. **Call upon** the Council of Europe to step up its cooperation with Ukraine in the media field, in particular by agreeing and implementing a new action plan for the media in Ukraine;
7. **Urge** Council of Europe member States and other interested countries and institutions to support actively the implementation of the action plan for the media in Ukraine once adopted, notably through providing political support and adequate resources towards its funding.