

11.06.2012

THE PRESS COUNCIL IN BIH

AT THE FIRST ACADEMY ON MEDIA LAW IN SOUTH EAST EUROPE

The Press Council in BiH was one of two representatives of Bosnia and Herzegovina, being by the organizers invited to participate in the First Academy on Media Law in South East Europe, which was held in the period from 03.06.2012 to 08.06.2012 in Zagreb, Republic of Croatia. The Academy made recommendations on public service media remit, media pluralism, professionalism and responsibility.

The five-day event was held under the auspices of the Regional Cooperation Council (RCC), with support of the Friedrich Ebert Foundation, the OSCE Representative on Freedom of the Media, and the OSCE Mission to Bosnia and Herzegovina. The project was implemented by ARTICLE 19, Global Campaign for Free Expression and the European Association of Public Service Media in South East Europe. Its aim was to improve cooperation in the development and implementation of progressive media legislation in South East Europe in accordance with international and European media standards, as well as to safeguard media freedom and the right to freedom of expression by sharing and learning from the best legislative frameworks of each country and practice in the enforcement of media standards in the region.

The participants were media professionals from the region – practicing media lawyers, legislators, media representatives, members of media regulators and self-regulatory bodies, and academics – from all of the South East European countries, as well as international experts.

Against the backdrop of the European standards, the participants shared professional experience in the area of public service media remit, media pluralism, and media law and responsibility. They made recommendations based on the best media law and policy practices in the region.

The introductory speech was held by: Hido Bisevic, Secretary General of the Regional Cooperation Council, Josip Popovac, Chair of the European Association of Public Service Media of South East Europe/ Chair of the Board of the Croatian Radio-Television, and Nina Suomalainen, Deputy Head of the OSCE Mission to Bosnia and Herzegovina.

Besides the mentioned topics, a special focus was placed on media self-regulation and its contribution as a tool of developing media responsibility. In this context, it was pointed out that the European Commission will, in the future, pay attention to and support self-regulation measures in South East Europe and in potential EU candidates. Isabella Kurkowski, Media Expert of the Press Council in BiH from Germany (CIM/GIZ), explained that media responsibility is not just the duty of the media and the civil sector, but of governments as well, who need to start conducting yearly monitoring of media freedoms in their countries, as members of the Council of Europe, in accordance with Resolution 1636 of the Council of Europe from 2008. Ms. Kurkowski indicated the importance of media pluralism and a well-developed process of self-regulation, which already exists in BiH through the operations of the Press Council in BiH. Self-regulation is a key part of media pluralism in other countries of the region as well. Emphasizing the importance of the significant work of the self-regulatory bodies, the question

was raised of their self-sustainability and to this related obligatory partial financing through responsible governments, which are members of the Council of Europe.

Isabella Kurkowski also presented the state of media pluralism in BiH, the Law on Protection against Defamation by which Defamation in BiH is decriminalized, and to which before filing law suits the self-regulatory system is compatible. Both systems, the self-regulation and the legislation, function in very good mutual cooperation in BiH. Ms. Kurkowski emphasized the efficient work of the Press Council in BiH, especially with regards to alleviating the courts from media related cases, as well as its important contributions to the improvement of the quality of media coverage through its work which is based on Professional Guidelines of the Press Code in BiH for print and online Media. The cooperation between the Press Council in BiH and Justice, which evolves already since 2006 with the aim to improve the application of the Law on Protection against Defamation related to Media is an outstanding example of accomplishing Media Self-regulation and Media Legislation in BiH. This kind of cooperation can be a good example for other countries facing similar challenges related to media practice. In continuation of the Academy, she introduced the yearly media education program of the Press Council which has been unfolding for years through the seminars „Media School of Ethics for Journalism Students“ and „Judiciary and Media - Work in the Public's Interest“.

Mr. Andris Kesteris, Principal Advisor at the European Commission on Civil Society and Inter-institutional Relations at the Directorate General for Enlargement, spoke about the application of EU standards and the importance of media legislation within the EU Enlargement context, stressing the importance of Media Self-regulation as well as the compliance with the European Convention on Human Rights, with special regards to Article 10, „Freedom of Expression“. The practical application of this convention in accordance to Article 23 of the Acqui Communautaire, „Judiciary and Fundamental Rights“, will be monitored by the European Commission in the context of Media and Media Freedom.

In the preliminary conclusions of the academy, with regards to media law and responsibility, the participants commended the trend of decriminalizing defamation in the region; however, the legislation should include specific defenses for journalists and the media in line with the European Convention of Human Rights practice in defamation cases. Alternative remedies for imputed reputation should be provided by law and used as much as possible in order to avoid costly court proceedings.

In view of the importance of media pluralism, the experts recommended that the legislation introduces mechanisms for the assessment of media concentration, transparency of media ownership, political and cultural diversity of opinion, as well as strengthen the efforts by the media regulatory bodies to safeguard media pluralism in practice. The responsibility of states is to support Media Pluralism in the countries of SEE region.

The participants of the First Academy on Media Law in SEE made a set of recommendations in relation to funding, governance and remit, with regards to public service media. They called for relevant actors to ensure the financial and editorial independence of public broadcasting service media, in order to keep the public well informed on it. They recommended for the funding to be linked to the mission, the public service media to be accountable to the public for the fulfillment of the mission, and for fully independent supervisory bodies to assess the work of the public broadcast service media on the basis of their mission.

All relevant information about the Academy, are available on the website of the Regional Cooperation Council www.rcc.int , while the final recommendations, together with the summary of the situation and problems across the entire South East Europe Region, are expected to be

distributed and made available on the RCC website by the end of June 2012.