



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
and
The Mission to Georgia**

**Second South Caucasus Media Conference
“Public Service Broadcasting and the Internet”**

Tbilisi 17-18 November 2005

On **17-18 November 2005** the annual South Caucasus Media Conference was held in Tbilisi, Georgia. The Conference was jointly organized by the Office of the OSCE Representative on Freedom of the Media in cooperation with the OSCE Mission to Georgia.

For the second time, 70 participants from all three South Caucasus countries – Armenia, Azerbaijan and Georgia - discussed recent developments concerning the media within the region. Participants included journalists, representatives of media organizations, state officials, experts and foreign guests. As a follow-up to the first South Caucasus Media Conference in 2004, the event provided a unique platform for the mutual exchange of views on important media topics relevant for all three countries.

The specific themes discussed in Tbilisi 2005, were the quality of **Public Service Broadcasting** and the freedom of the **Internet**. A declaration on these subjects was adopted at the end of this Conference. The participants also noted that the subjects dealt with at the last year’s conference, i.e. Libel and Freedom of Information, still remain topical and the recommendations adopted in October 2004 are still valid.

Tbilisi Declaration on Public Service Broadcasting and the Internet

PUBLIC SERVICE BROADCASTING

The governments in South Caucasus should:

- reaffirm their commitment to maintain a strong and vibrant independent Public Service Broadcasting;
- refrain from interference with the editorial independence and institutional autonomy of Public Service Broadcasters;
- define and implement an appropriate legal, institutional and financial framework for the functioning of Public Service Broadcasting

The further development of Public Service Broadcasting should be based on the following principles:

Independence of Regulatory Bodies

- The independence of regulatory bodies and Public Service Broadcasters should be guaranteed by law and respected in practice.
- Appointment of members to boards and regulatory bodies should reflect a broad spectrum of stakeholders; and should be based on high professional criteria.
- Elections of regulatory bodies, if they are envisaged, should be transparent.
- The process of appointing members should be set out clearly in the law. Members should serve in their individual capacity and exercise their functions at all times and in the public interest.

Financing

- Public Service Broadcasters should be adequately funded, taking into account their remit, by a means that protects them from arbitrary interference in their budgets.
- Where government subsidies are provided, they should be granted on a secure, long-term basis, without infringing on the independence of Public Service Broadcasters.
- The financial security and economic independence of Public Service Broadcasters are necessary for their proper operation and credibility in the society. It is the duty of national parliaments and governments to ensure stable and adequate financing. It is also their duty to promote the development of a political and civic culture that guarantees the proper environment for Public Service Broadcasting as an emanation of civil society.
- In consideration of the subsidy provided by the government to produce socially important programming, the broadcaster should refrain from making programming decisions on a purely commercial basis.
- Placement of advertisement should not be used as an instrument of pressure

Editorial independence of Public Service Broadcasting Organizations

- The principle of editorial independence, whereby programming decisions are made by broadcasters on the basis of professional criteria and the public's right to know, should be guaranteed by law and respected in practice. It should be up to the editorial board of the broadcasters, not the government, regulatory bodies nor commercial entities, to make decisions about what to broadcast.

Pluralism

- Public Service Broadcasters should endeavour to reflect cultural, religious and languages diversities of their communities.
- Their programme offer should serve all groups of society, including those neglected by commercial broadcasters, such as ethnic minorities and others.

INTERNET

- Regulation of the Internet media should be limited only to those few instances which are absolutely unavoidable considering international norms.
- Internet media should enjoy the same protection by press freedom provisions as traditional media.
- All acts on regulations of the Internet should be taken after necessary consultations with the Internet community.
- There should be no state regulation or registering of websites or Internet domains besides purely technical matters.
- Websites should not be obliged to be physically hosted in the country even if targeting home audiences.
- Bodies administering the national domain name system (DNS) should be independent from the state.
- Internet access infrastructure should be fostered and not hindered. .
- In order to improve both public and media access to information and facilitate electronic government, public bodies should publish information about their structures and activities on web sites.

The following was also concluded from the debates at the Tbilisi Conference on Media:

- Governments should ease state secret and other laws that unnecessarily restrict access to information. States should fully implement freedom of information laws that maximize media and public access to government-held information.
- Further efforts should be made to decriminalize offences concerning libel and defamation. A clear distinction between criticism of private and public figures should be made throughout punitive legislation to allow for a vivid debate on public-interest issues.
- The fines imposed by the Courts on media enterprises should not drive them into bankruptcy.

The participants of the Conference appealed to the Azerbaijani authorities to accelerate the investigation of the murder of Elmar Huseynov.

Tbilisi, 18 November 2005