

THE EURALVA NEWSLETTER

News from the European Alliance of Listeners' and Viewers' Associations

September 2009

From the Editor

Dear Reader,

This is the second edition of the *EURALVA Newsletter*, and I am very grateful for the positive reception of the first edition in April this year.

In this issue we are including articles about important problems concerning political information and ideas in several European countries- seen in connection with the right of listeners and viewers to receive information of this nature.

There are also reports about the EU Kids Online and about regional listeners' and viewers' organisations in Australia.

Finally we have included the programme for the EURALVA Conference which will be held on 6.October 2009 in Copenhagen, where all readers of the EURALVA Newsletter are very welcome to participate.

If you are interested in joining us, please send your registration **as soon as possible** to my e-mail address, and also reserve your hotel room as mentioned in the programme.

The next edition of the newsletter will be published in December. If you have any comments and ideas for the content of the newsletter please contact me by e-mail: prebensorensen@bbsyd.dk

Preben Sørensen
President of EURALVA

The Mediation of Political Information and Ideas: What Are the Rights of Listeners and Viewers?

In the last issue of *EURALVA News*, we reported the judgement of the European Court of Human Rights that Norway's blanket ban on political advertising was a breach of Article 10 of the European Convention of Human Rights. However, according to *Iris*, the authoritative legal observatory of the *European Audiovisual Observatory*, the Norwegian Government has taken a contrary view. As a result, it has engendered a heated public debate between the Government and a number of experts in media law.

Article 10 (1) of the European Convention of Human Rights guarantees to everyone the right to receive information and ideas from different political parties. But by what means can they do so; and in what proportion? What should be the balance between political advertising, party political

broadcasts, and the balanced coverage of the political debate by public service broadcasters? Moreover, what should be the balance between the major political parties and their smaller rivals?

Norway's Response

Norway's response to the ruling of the European Court of Human Rights has not been to allow political advertising for minority political parties, as the Court had ruled. Instead it is changing the remit of the Norwegian public service broadcaster (*NRK*), in order to ensure that it allows more editorial time for smaller political parties over a certain size. This means that the change in the rules will still not guarantee equal treatment to every political party, and it will be the responsibility of Norway's media authority, *Medietilsynet*, to monitor whether the public service broadcaster is fulfilling its obligations. In addition, the Government has also indicated that, at a later date, it may permit party political broadcasts, in which political parties are allowed free air time to present their policies, sometimes in the form of advertisements.

The main aim of the Norwegian Government, of course, has been to remove the link between the financial backing for a political party and the presentation of its political ideas, which has led to the heavy political advertising during election campaigns in the USA. But the opponents to the Norwegian Government's proposals have argued that the proposed change is of little real value, and that it interferes with *NRK*'s editorial independence. In addition, several local stations have already defied the government's ban on political advertising by transmitting advertisements for both small and large political parties.

Achieving Editorial Balance

Norway is by no means unique. Similar dilemmas face legislators, governments and broadcasters across Europe. At stake are not only the principles of access and the official regulations which surround party political broadcasts, but also the mix of external regulation and self-imposed professional practice, which shape the editorial guidelines of fairness and objectivity required of broadcasting organizations. In between elections, these rules, codes and guidelines often apply to news and current affairs coverage generally. But the period ahead of an election triggers increased sensitivity, and therefore increased precision in monitoring the entitlement and editorial allocation of airtime. Major broadcasters informally consult political parties, and rely on case-law and legal advice, to guide them through the pressures of an election campaign. In media offices and party headquarters alike, stop-watches are at the ready.

The formulaic nature of the problem is well illustrated by what happens in France. There, as elsewhere, the government and the party in power can often seize the information initiative by creating news-worthy stories and events, because it is they who have the most opportunities to launch political policies which are worth reporting. The need, for broadcasters, therefore, is to establish an editorial balance which does not over-represent the parties in power, but which also gives a voice to alternative views, while simultaneously avoiding the other extreme, namely a cacophony of voices – many of which may be small and unrepresentative - which fail to reflect the realities of mainstream political debate.

Constitutional Authority and Political Debate in France

The French situation is instructive. The *Conseil d'Etat* recently fired a shot across the bows of the French audiovisual regulatory authority, the *Conseil Supérieur de l'Audiovisuel* (*CSA*). In France, political balance has traditionally been determined by 'the rule of three thirds'. This allocates equal airtime and 'comparable programming arrangements' to the President, to members of the Government, and to members of the parliamentary opposition. However, when the *CSA* decided that speeches by the President and his associates should not be included within their calculations for balanced airtime, the minority parties appealed to the *Conseil d'Etat*. The latter ruled that, constitutionally, the French President did not speak in the name of a political party. Nevertheless,

just because of his constitutional role, the *CSA* could not regard all the speeches by the President and his associates as being irrelevant to the political debate. The *CSA* had therefore made a mistake in law by refusing to take all the President's speeches into account when applying the rule of three thirds.

The *CSA*'s response was to advise France's radio and television companies that from 27 April until the end of the elections for the European Parliament, that if the content and context of the speeches of the President and his associates 'fell within the scope of the national political debate' then any responses from the opposition which were broadcast within two days would not be included in the opposition's quota of airtime. After that, the *CSA* would establish more permanent rules.

Whose Right? - The Right to Impart or the Right to Receive?

The interesting aspect of these legal and political manoeuvres is that, in both France and Norway, the arguments have been centred around the rights of the political parties to *impart* their information and ideas to the listeners and viewers, rather than on the rights of listeners and viewers to *receive* political information and ideas, whichever party they come from. What we are witnessing, therefore, is a *conceptual* slippage in the regulation of the flows of political information and ideas from the rights of people, as listeners and viewers, to the rights of institutions, namely the political parties. Moreover, that slippage also empowers both national governments and the major political parties to reinforce their own access to the broadcast media at the expense of the minor parties.

This is happening in spite of the provisions of article 10(2) of the European Convention on Human Rights, which are quite clear. Any restriction which a signatory state imposes on the freedom of expression must be both 'prescribed in law' and 'necessary in a democratic society'. It is arguable perhaps, that the rules which the French and Norwegian governments have imposed on their national broadcasters have been 'prescribed in law,' although in both countries the details seem to be a more a matter of administrative practice, rather than legal prescription.

But the further, and more important, question is whether those rules are really 'necessary in a democratic society'? On what grounds do both governments and parliaments justify a set of rules which deny airtime to small political parties?

What Rules Are Necessary in a Democratic Society?

The decision by the European Court of Human Rights to refuse to allow any European government to impose a blanket ban on political advertising is no solution in itself, since it only focuses on the right of small political parties to impart information and ideas. The likely result will be that by overruling Norway's ban on political advertising, the Court will introduce into European politics a free market in political advertising, in which the parties with the wealthiest backers will be able to purchase more airtime than the smaller parties. The result will be that the power of money will prevail over the obligation for fairness.

The role of the public service broadcasters in mediating these arrangements is less clear. In Norway, the Government has sought to preserve its ban on political advertising by looking to *NRK* to allow airtime to a wider range of political parties, whereas in France, both the public service broadcasters and the commercial broadcasters are required to observe the rules established by the *CSA*. On the other hand, within the European Union, the Amsterdam Protocol only justifies State aid for public service broadcasters on the grounds that they fulfil the democratic, social and cultural needs of each Member State – a requirement which also extends to Norway as it is a member of the European Economic Area.

What precisely, therefore, are the democratic needs of listeners and viewers, both in between elections, and during the run-up to an election? And what role should public service broadcasters

play in meeting those needs? As Europe establishes its ‘information society’, it seems blindingly obvious that listeners and viewers will want to know as much as possible about the policies – and arguably the probity – of all the candidates who are standing for election, however large or small the political party which they support. On what basis should a public service broadcaster, which fails to give equal airtime to every candidate, justify its derogation from the principle of equality? And how should it explain the rationale by which it allocates editorial coverage or airtime to the various parties?

The regulatory details may well vary, of course, between local, regional, national and European elections, and thus between local, regional and national broadcasts. It would obviously be unreasonable to expect a public service broadcaster with only a national channel to devote hours of airtime to the views of the candidates in a local election. It is also important, however, for listeners and viewers to interrogate major broadcasters – especially those in receipt of public funds - as to how they do actually meet the democratic needs of their respective national societies and the regions, provinces or sub-communities contained in them. How, in short, do they meet the democratic needs of their listeners and viewers?

It is true that there are both representative and participative dimensions of democracy, but the informational needs of listeners and viewers are clearly more important in regard to the former than to the latter. Moreover, even though States provide the funds for public service broadcasters, their purpose – in theory if not in practice - is to enable public service broadcasters to serve the informational needs of listeners and viewers. The recent developments in France and in Norway clearly show that Europe needs a full and proper debate about how best broadcasters, and public service broadcasters in particular, can properly ensure that listeners and viewers *do* have adequate and balanced access to the information and ideas which are advanced by all political parties.

Vincent Porter

A Dilemma for Democracy: The BBC and the British National Party

The BBC is currently causing a flutter in the political dovecots. The reason: it is reliably reported that it is planning to invite Nick Griffin, the leader of the extreme rightwing British National Party (BNP), and Member of the European Parliament, to take part in Question Time – a flagship weekly discussion programme on its main channel (BBC-1). Question Time, broadcast weekly from different cities and towns around the country, features questions put by a local audience to a group of four or five panellists. The panellists are chosen from various fields for both who they are and what they represent. Question Time is cast so as to achieve an opinion mix across the political and other spectrums.

Each edition has panellists representing, or reflecting, the views of the two or three main political parties, but – party politics aside – is cast to reflect attitudinal and cultural variety in a more general sense. Selections have ranged from columnists of avowedly right-wing newspapers such as The Daily Telegraph, the Daily Mail and The Sun to leftwing trade unionists, radical greens and people from the literary artistic fringe. The British National Party (BNP) has members on several local councils in UK cities, secured two seats(including the one held by Nick Griffin) in the recent elections for the European Parliament and is expected to contest a sizeable proportion of the seats in the UK’s own General Election which must happen by June 2010.

So why the fuss about the rumoured invitation for Nick Griffin to be a panellist? After all, according to a typology of ‘broadcasting entitlements’ – proposed by a professor at London’s University of Westminster – there are two sorts of claim on airtime, especially publicly funded

airtime: by those who have an experience worth recounting and those who have an opinion worth hearing, for reasons of representativeness, expertise, or originality. It would be hard, on this basis, to say Nick Griffin did not merit an invitation. As the BBC said, the BNP “demonstrated evidence of support at national level.....We cannot ignore the 6.2% of the electorate that voted for the BNP in the European elections”. Party political considerations aside, Griffin is a forceful, articulate speaker (which leads many to regard him as the convenient acceptable face of an underlying boorish thuggery).

The fuss is about two totems of public service broadcasting – balance and tolerance; but, of course, who defines balance and tolerance? The Labour Party has refused, on principle, to put up speakers to appear on the same programme as representatives of the BNP or indeed of predecessor neo-Nazi parties such as the Greater Britain Movement and the National Front which have attracted varying degrees of attention since the Second World War. Labour’s refusal has been carried to the point of refusing to take part even from a different studio location from the one where the BNP representative is located.

The BBC’s Charter and remit generally require it to have no editorial opinion of its own but to reflect a wide and representative range of other people’s opinions. It believes it is obliged to treat with ‘due impartiality’ all political parties registered with the Electoral Commission. Broadcasting custom and practice require that, during pre-election periods, news and current affairs coverage reflect in a balanced, fair manner the campaign platforms of all political parties. ‘Balanced’ and ‘fair’ are, of course, subjective terms: but the BBC and other broadcasters take into account not just the number of seats a party is contesting (contests could be funded by rich patrons without solid evidence of support) but actual votes received in national, local or European elections clearly carry weight, as well as the realistic scope and range of a party’s aspirations - taking into account opinion poll ratings.

Beyond that it is a long established practice that, at regular intervals and more intensively during election campaigns, political parties be provided with airtime to produce and present their own party political platforms[Party Political Broadcasts and Party Election Broadcasts]. This programming is under the editorial control of the party concerned - which, subject to the constraints of libel and other legal restrictions, may publish what it chooses. Worth noting – against the background of broader European experience and a recent European Court judgement on a case referred from Norway [mentioned in the previous edition of EURALVA’s Newsletter] – is the fact that airtime cannot be bought by the political parties but is guaranteed and supplied free of charge.

This writer recalls a time when one of the BNP’s predecessor parties was invited to nominate a representative for a discussion programme in the UK’s London & South East region where the party concerned was contesting a proportion of seats which justified its participation in an inter-party studio discussion. The Labour Party (alone of the other participant parties) refused to nominate anyone to appear in the same studio. Their argument was that allowing the (then) National Front to appear alongside representatives of mainstream parties would give it a status it did not deserve. It was never entirely clear whether that position was a mere statement of distaste or an attempt to use the threat of Labour’s non-participation to keep the BNP off the air. The broadcasters did not, in any event, concede.

The other principal political parties did not, of course, wish to be seen seeking the BNP’s company but they generally supported the view that the Labour Party stance, by stirring controversy, afforded the BNP more publicity, allowed them to present themselves as victims of a supercilious, arbitrary establishment and ended up giving them airtime of which Labour (had it agreed to participate) could have availed itself.

Now the Labour Party (New Labour as it came to be called under Tony Blair) is said to be reconsidering its position. There is still strong support, though, for the traditional stance. One (unnamed) cabinet minister is said to have declared his refusal to go into a studio with Nick Griffin. Denis MacShane, a prominent Labour MP, one-time President of the National Union of Journalists and former BBC employee, has called the proposed invitation to the BNP “a disgraceful BBC stunt”, adding “... the BBC whose lavish salaries and expenses are paid for by the poorest in the land are obsessed with media stunts as they watch ratings slump.....inviting the BNP’s Nick Griffin as if he were the same as a senior politician from a democratic party is a stunt too far”.

The bloggers and twitters are having fun – on both sides of the argument. Contradicting Denis McShane one commentator wrote : “you don’t tackle wrong opinions by ignoring them. You take them on, show them to be wrong, and give people credit to make up their own minds in full possession of the facts”.

The controversial edition of Question Time is believed to be for recording next month (i.e. October). The BBC, having deliberately made known its intentions ahead of time, is gratified that public reaction seems to be behind it, adopting the celebrated maxim of Francois-Marie Arouet (better known as Voltaire): “I may not agree with a word you say; but I will fight to the death for your right to say it”.

Taussig

EU Kids Online conference in London

Researchers, policy makers, industry, educators and NGOs were gathered at the London School of Economics for an international conference on 11th June 2009 celebrating the conclusion of the EU Kids Online project.

This 21 country thematic network, directed by Professor Sonia Livingstone of the LSE, presented the results of three years’ policy relevant research. From 2006 to 2009, EU Kids Online, funded by the EC’s Safer Internet programme, has brought together the collective expertise of a pan-European body of researchers to examine research availability and key gaps in European research with children and the internet, producing comparative cross-national findings and policy recommendations.

The conference began with Christine Kormann of the European Commission presenting the agenda of the Safer Internet programme. She outlined its priorities for 2009-2013 and commended the EU Kids online network for a successful project and timely completion, asserting that the findings would now feed into more targeted awareness-raising and effective implementation of the Safer Internet programme. Next, the network presented its evaluation of the research field, cross national comparisons, explanation of differences, and reflections on best practice guidelines, with presentations by Leslie Haddon, Uwe Hasebrink, Katia Segers and Bojana Lobe.

Sonia Livingstone presented the policy recommendations next, highlighting the necessity for evidence-based policy, and drawing out from the evidence a series of focused recommendations for E-inclusion, education and the role of schools, awareness-raising, advising parents, media literacy and co- and self-regulatory codes of practice. Tanya Byron, author of the *Byron Review*, responded to Professor Livingstone’s recommendations, congratulating the network for its success and urging policy makers to translate its recommendations into effective and accountable actions that will minimise risk but without wrapping children in cotton wool, as they need to explore, experiment and take risks to grow and develop.

Views from outside Europe saw Charo Sadaba (reporting on Latin America), Janis Wolak (United States of America) and Lelia Green (Australia) present social, educational and policy considerations for youth online, bringing together a wealth of empirical research and reflections on academic and policy situations on children and the internet in these continents, identifying similarities and differences with Europe.

Parallel research sessions over the day saw over 30 research papers being presented on cyber-bullying, risk management, children's perceptions of risk taking, emergent literacies, privacy, identity and evaluation of policy tools. These were followed by a plenary on policy implications as Annie Mullins of Vodafone chaired a panel comprising Dieter Carstensen (Save the Children and eNACSO), Maria José Cantarino (Telefonica, Spain), Janice Richardson (Insafe and European Schoolnet) and Agnieszka Wrzesień (Nobody's Children Foundation, Poland).

Panellists provided a range of suggestions for policy relevant research, including the importance of understanding how children cope with risk, and anticipating future developments such as GPS systems and mobile communications.

As the conference marked the successful completion of EU Kids Online (2006-2009), Professor Livingstone concluded the proceedings by announcing the network's forthcoming book *Kids Online*, the network's final report, and the commencement of EU Kids Online II (2009-2011), a two year EC funded project geared to produce robust, new, relevant and comparable findings at individual and comparative levels amongst children in Europe. The new project will survey children and parents across Europe, asking about online risks, degrees of vulnerability, the effectiveness of parental strategies and awareness-raising, children's coping responses to risk and their media literacies.

For more on the network's activities and for conference material (full papers, abstracts and presentations) please visit www.eukidsonline.net.

Ranjana Das

Listeners' and viewers' organisations in Australia

The Australian listeners' and viewers' organisation, FABC, (Friends of the ABC), is a associated member of EURALVA.

FABC works for the maintenance and advancement of the Australian Broadcasting Corporation (ABC) as an independent and comprehensive national public broadcaster.

FABC educates the community on the importance of independent public broadcasting and informs them on important matters concerning the ABC's healthy operation.

FABC challenges governments that fail to support the ABC or attempt to interfere with its independence.

FABC is a critical supporter of the ABC, speaking out on occasions it perceives the ABC Board or management not to be acting in the best interests of public broadcasting.

Every Australian state and territory has an autonomous FABC organisation. Each has an honorary elected committee of management. Only FABC Victoria operates on a professional basis and is making a newsletter etc.

ON THE WEBSITE: WWW.FABC.ORG.NATIONAL HYPERLINK "[HTTP://WWW.FABC.ORG.AU/NATIONAL](http://WWW.FABC.ORG.AU/NATIONAL)"

YOU CAN FIND FURTHER INFORMATION ABOUT FABC.

Glenys Stradijot

The EURALVA/SLS Conference
Listeners and Viewers in the Digital Age

6 October 2009

Danmarks Radio Byen (DR City), Emil Holms Kanal 20, Copenhagen

Conference Programme:

09.30 : Departure of *conference delegates* by bus/taxis from Hotel Selandia, Helgolandsgade to Danmarks Radio. Registration and Reception of Participants.

10.00: Conference room: DAB In, DR Byen (ground floor)

Welcome addresses:

Preben Sorensen, President of EURALVA

Lars Peter Melchiorsen , Chairman, SLS

Introduction to the new DR Concert House
Leif Lønsmann, Music Director, DR

10.30: ***The Protection of Children and Families***

Issues in the Field

Vincent Porter, Media Adviser EURALVA:

Contributions from:

10.45: The Role of National Authorities

Erik Nordahl Svendsen, Senior Consultant, Ministry of Cultural Affairs,
Denmark

11.00: Subsidiarity and the Single Market in On-line services

A representative for **the European Commission**

11.15: The Norwegian Approach

Øystein Samnøen, Chief of Barnvagten (Family and Media), Bergen, Norway

11.30: Coffee break

11.45: *The Approach of the Telecommunications Companies*

Anders Thomsen, Director of Public Affairs, TDC, Denmark

12.00: New Media Content, Families and Children: Social Responsibility and Business Objectives: Complementarity or conflict?

Karla Geci, BEBO, Head of Marketing for the UK & Ireland

- 12.15: The Approaches of Public Service Broadcasters
Ulla Hæstrup, Editor, DR, Denmark and a representative from **ARD, Germany**
- 12.45: Responses from the floor
- 13.00: What Young People Want
Birgitte Holm Sørensen, Professor, Århus University, chairman, the Danish Media Council for Children and Young People
- 13.15: Where do we go from here?
Andrew Taussig, VLV, U.K.

13.30: Lunch (buffet)

The Changing Role of the listeners and viewers under digital development

- 14.30 From Listeners and Viewers to Consumers of digital services: a Change of Status?
Preben Sørensen, President EURALVA
- 14.45: How to get focus on Media Literacy and Media Education Governance ?
Divina Meigs, Professor, ECREA, France
- 15.00: The Changing Role of Listeners' and Viewers' Associations
Inigo Millán-Astray, President, IcMedia, and **Andrew Taussig, VLV, U.K.**
- 15.40: The role of the Third Media Sector for Public Access and Public Service
Christer Hederström, Sweden, Editor and Vice President CMFE
- 16.00: The Approach of Public Service Broadcasters
Kenneth Plummer, General Director, DR (and EBU Board Member)
- 16.15: Responses from the floor
- 16.30: Where do we go from here?
Vincent Porter, Media Adviser, EURALVA
- 16.45: Closing remarks
Preben Sørensen, President EURALVA
- 17.00: Conducted tour in the DR Concert House
- 18.00: Delegates depart by bus/taxis to Hotel Selandia, Helgolandsgade
- 20.00: *Conference Dinner* in restaurant in Copenhagen City

Wednesday 7 October:

- 10.00-15.00: Co-operative House, Reventlowsgade 14, Copenhagen
Business Meeting of EURALVA's Board of Management

Conference language: English
Charge per participant: £ 50.00

**Names with affiliation/ organisation, please, by e-mail to
Preben Sørensen at: prebensorensen@bbsyd.dk
as soon as possible !**

Hotel-rooms can be reserved by e-mail: hotel-selandia@city.dk

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