

**40<sup>th</sup> EPRA meeting:**  
**Tbilisi – 8-10 October 2014**  
**Plenary session 2**  
**Ensuring Diversity and Inclusion in the Media**  
**Background Document (Status 3 October 2014)<sup>1</sup>**  
**Summary of NRA Responses to EPRA Questionnaire**  
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As stated in the EPRA Annual Plan for 2014, the plenary session entitled “*Ensuring Diversity and Inclusion in the Media*” has the aim to explore how predominant manners of representations of age, social class, ethnicity, gender, sexuality and disability in the media are treated by national regulators. The session would also like to look at current regulatory provisions, the balance to be struck with editorial freedom, and the role played by NRAs in monitoring and promoting diversity, non-discrimination and inclusion in the media.

In preparation of this plenary session of the EPRA, a questionnaire was circulated among EPRA members in July in order to have a better picture of the situation of Diversity and Inclusion in the Media, as well as to gather information on current tools, practices to ensure these goals. The purpose of the questionnaire has been to highlight aspects that NRAs deem important regarding these issues as well as to provide a starting point for further discussion in the plenary session.

The present document is based on the responses to the questionnaire<sup>2</sup> provided by 23 regulatory authorities: *Audiovisual Media Authority (AMA-AL); National Commission on TV and Radio of Armenia (NCTR-AM); KommAustria (AT); Communications Regulatory Agency (CRA-BA); Conseil supérieur de l'audiovisuel (CSA – BE); Flemish Regulatory Authority for the Media (VRM - BE), Council for Electronic Media (CEM-BG); Radio and Television Board (DK); National Authority for Markets and Competition (CNMC - ES); Audiovisual Council of Catalonia (CAC - ES); Conseil Supérieur de l'Audiovisuel (CSA-FR); Ofcom (GB); National Council for Radio and Television (NCRT-GR); Broadcasting Authority of Ireland (BAI-IE); Communications Commission - IOMCC (IM); Agcom (IT); Radio and Television Commission of Lithuania (RCTL-LT); Agency for Audio and Audiovisual Media Services (AAMS-MK); Commissariaat voor de Media (CvdM-NL); Norwegian Media Authority (NMA-NO); the National Broadcasting Council of Poland (KRRiT-PL), Regulatory Authority for the Media (ERC-PT) and National Audiovisual Council (NAC-RO).*

## **I. LEGAL BACKGROUND**

1 out of the 23 responses state the existence of regulation regarding the diversity and inclusion in the media (Fig. 1).

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1 **Disclaimer: This document has been produced by the EPRA, an informal network of 52 regulatory authorities in the field of broadcasting. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of EPRA or any member within the EPRA network.**

2 <http://www.epra.org/surveys/epra-tbilisi-2nd-plenary-session-ensuring-diversity-and-inclusion-in-the-media>

Fig.1. Are there any laws in your country/region that contain specific provisions on diversity and inclusion in the media?



Source: EPRA Tbilisi 2<sup>nd</sup> Plenary Session “Ensuring Diversity and Inclusion in the Media” <<http://www.epra.org/surveys/epra-tbilisi-2nd-plenary-session-ensuring-diversity-and-inclusion-in-the-media/results>>

According to the responses submitted by the RAs (AMA-AL), (NCTR-AM), (KommAustria-AT), (CRA-BA), (CSA-BE), (VRM-BE), (CEM-BG), (RTB-DK), (CNMC-ES), (CAC-ES), (CSA-FR); (Ofcom-GB); (NCRT-GR); (BAI-IE); (IOMCC-IM); (Agcom-IT); (RCTL-LT); (AAMS-MK); (CvdM-NL); (NMA-NO); (KRRIT-PL); (ERC-PT) and (NAC-RO), the audiovisual legal references regarding the diversity and inclusion in the media state, in most of the cases, general provisions concerning this subject, that are laid down in some concrete items referring to Public Service Broadcasting Services, (CAC-ES), (CNMC-ES), (KommAustria-AT) (NMA-NO), (ERC-PT), (CSA-FR), (CSA-BE), (CEM-BL). There are also media legal references mentioning in their wording references to the accessibility to the content, the languages and minorities protection (CvdM-NL), (CAC-ES), (CNMC-ES), (KommAustria-AT), IOMCC (IM), (Ofcom-UK), (RTB-DK), (CRA-BA).

#### a. General provisions

Regarding the general references to the ensuring of diversity and inclusion in the media, in some countries these are foreseen in the Constitution as in The Netherlands (CvdM-NL) and Greece (NCRT-GR). For example, under the Dutch Constitution, “(...) *the government has a duty of care for the media. It must support and protect the media and ensure that they represent a variety of viewpoints and are accessible and affordable for everyone in the Netherlands. (...)*”. According to Art.15 par. 2 of the Greek constitution, “(...). *The direct control of the State, which may also assume the form of a prior permission status, shall aim at the objective and on equal terms transmission of information and news reports, as well as of works of literature and art, at ensuring the quality level of programs mandated by the social mission of radio and television and by the cultural development of the Country, as well as at the respect of the value of the human being and the protection of childhood and youth.*”

The rest of the general provisions contained in the legal references submitted by the NRAs in the questionnaire are contained in media laws, except the (CNMC-ES) reference to the Act of Equal

Opportunities, Non-Discrimination and Universal Access for Persons (LIONDAU, in Spanish), which is developed in this section of the document.

Basically, the general legal provisions on ensuring of diversity and inclusion in the media refer to the existence of a plurality of television and radio services programmes which reflects the pluralism of views and opinions or cater a wide range of tastes throughout the territory and respect the constitutional rights of the territory the rules apply<sup>3</sup>. There are some other legal provisions that introduce in their wording specific references to the targeted social groups like children rights, gender equality, minority and ethnic group rights, as well as the rights of ethnic, religious and other groups. A special emphasis is put on establishing mechanisms to protect potentially vulnerable and disadvantaged social groups as well as cultural and linguistic diversity<sup>4</sup>.

Art. 39 of the Flemish Media Act and Art. 4 of the Spanish Act 7/2010 complements the aforementioned, by introducing the concepts like “*discrimination*”, “*philosophical*” “*political*” and “*ideological*” impartiality or pluralism<sup>5</sup>. The Austrian *Audiovisuelles Mediendienste-gesetz* introduces in its wording the reference to “*hate speech*” on grounds of race, sex, religion, disability, and nationality<sup>6</sup>. The Italian AVMS Code contains in its wording among the fundamental principles of the system of audiovisual media services (besides a similar reference to the items already mentioned) the need to “*safeguard artistic and environmental heritage*”.

In Romania (NAC-RO), the Audiovisual Law has a specific provision on ensuring of diversity and inclusion in the media in the audiovisual commercial communications that states that “*audiovisual commercial communications shall not include any discrimination based on race, ethnic origin, nationality, religion, belief, disability age or sexual orientation*”.

#### **b. Provisions for Public Broadcasting Services**

As for the implementation of all the general provisions mentioned in section a. of this document, it has to be noted that in the majority of these references the wording of the legal provisions is targeted to all broadcasters - public service and commercial broadcasters- (and also community broadcasters)<sup>7</sup>. Due to the duties and missions of the PSB, in all the responses submitted to the questionnaire there are, besides the general provisions, specific articles devoted to the PSB in order to ensure diversity and inclusion in the media. In principle, these provisions are guidelines but do not mandate specific quotas, etc.

According to these responses, the duty of the public broadcasting system regarding the ensuring of the diversity and the inclusion in the media shall be to provide programme services for general television and radio broadcasting purposes at national, regional and local level (depending on the territorial organization) in the fields of information, culture, education and entertainment to fulfill the democratic, social and cultural interests of the territory in which the rules apply.

This general mandate of the public media services would comprise, according to the responses, the guarantee of objective, accurate and plural information; a balanced, versatile, diverse content and of high quality and by a great diversity of form<sup>8</sup>; the provision for debate and the free expression of opinions; the

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3 (Ofcom-UK), CAC-ES, CNMC-ES, KommAustria-AT AMA-AL

4 BA, GR Article 1 par. 1 of Law 3592/2007, AT Article 30 para 3 Audiovisual Media Services Akt (Audiovisuelles Mediendienste-gesetz, AMD-G)

5 “(...) *any form of discrimination has to be avoided in the programmes. Programming must be structured in such a way that it cannot give rise to discrimination between different ideological or philosophical ideas. Information programmes, communications and programmes of a general informational nature, as well as all parts of information programme must be presented in a spirit of political and ideological impartiality.*”

6 Art. 30 para3.

7 The reference to “*community broadcasters*” applies to the CAC-ES CNMC-ES.

8 Furthermore, in The Netherlands, regional and local public broadcasters should have a body which determines its

promotion of the right to media access to political, trade union and social groups<sup>9</sup>; the support for the integration and protection of minorities<sup>10</sup>; the assurance of the maximum continuity and geographical and social coverage, the equal treatment of women and men, the considering of the religious beliefs (also stated as “recognized churches and religious communities”)<sup>11</sup>, and the non discrimination for sexual orientation and any other personal condition.

In some regulatory frameworks this public service mission are made concrete in documents like the “*Mandato-marco*” and the Catalan “*Mandat marc*” in which public audiovisual media providers have more specific provisions on diversity and inclusion. These documents that are charters of specific missions are approved by the Spanish and the Catalan Parliament. In addition to these charters of duties exist the “programme contracts” (also at local level) in which is established the pluriannual programme and financial schedule (CAC-ES). In the French (CSA-FR) “*Missions des Sociétés du Secteur Public*” there are, among others, more detailed provisions regarding diversity and inclusion in the media.

### c. Accessibility to the contents

It also has to be noted that the majority of legal provisions devoted to diversity and inclusion in the media refer to the accessibility to the contents of the visually and hearing impaired persons.

As this regard, in Denmark (RTB-DK) there are must carry rules - but they only apply to some programmes especially texted/synchronized for disabled persons and the Danish Parliament's TV channel. PSB Stations in Denmark have certain obligations regarding texting and synchronizing some of their programmes for people with visual or sensory impairments. In the UK, Section 303 of the Broadcasting Act sets targets for subtitling, signing and audio description and requires Ofcom to draw up a code giving guidance relating to provision of

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programme policy and which is composed in such a way as to be representative of the main social, cultural, religious and ideological movements within the municipality (article 2.61 Media Act 2008).

Since this body has to be representative for the different movements in the local and regional society, it is recommended that also members of the present local organisations of immigrants should participate in the programme policy body. Also, following article 2.70, paragraph 1, of the Dutch Media Act 2008, local and regional broadcasting establishment shall use its broadcasting time to provide a programme service of which at least fifty per cent consists of programmes of an informative, cultural and educational nature which have a particular relevance to the municipality or province for which the programme service is intended.

9 Art. 9 of the Act 8/2009, of 28 August, on the financing of the Spanish Radio and Television Corporation, (CNMC-ES).

10 For instance, in Bosnia-Herzegovina, art. 26 of the PSB System Law states that “(...) *The programmes of the public broadcasting services shall also affirm cultural and other needs of national minorities in Bosnia and Herzegovina*”. Also, “*In the production of their own programs and programs made in co-production, the public broadcasting services shall ensure equal representation of the content that matches the traditional heritage and culture of all three peoples and equal representation of others*” Also, under CRA Rule on Public Radio and Television Broadcasters (non-PSB but financed from public funds), these broadcasters have certain programming obligations such as the obligation to devote 10% of the total weekly programme for news and other informative and educational programme devoted to issues of refugees and displaced persons in Bosnia and Herzegovina, members of ethnic minorities and vulnerable groups of population. They must also have an editorial council which represents the ethnical, cultural and religious composition of the population being offered the services of that public broadcaster. (...).”

11 Regarding the religious diversity, the CvdM-NL once in five years national broadcasting time to organisations which represent the main religious and spiritual movements in our society (article 2.42 Media Act 2008). Currently, there are eight broadcasting organisations representing religious movements who are allotted a small percentage of air time: IKON (Protestant), RKK (Roman Catholic), HUMAN (Humanist), SZM (Muslim), OHM (Hindu), BOS (Buddhistic) ZVK (Protestant) and Joodse Omroep (Jewish) are broadcasters on a spiritual or religious basis. Their programmes give expression to the philosophical insights of the groups they represent. However, the current system of autonomous religious and spiritual broadcasters will come to end (per January 1 2016) and they all have to join existing public service broadcasters. The NPO (National Public Broadcasting) has the legal mission to offer a programme that caters for the needs of the main religions and spiritual movements in Dutch society. Within the NPO, the NTR, the Dutch Programme Foundation, will be responsible for that. According to article 2.35 of the Media Act 2008 the NTR has the specific legal task to focus on society, culture, religion, belief and education.

services for the deaf and visually impaired detailing how the subtitling, signing and audio description obligations are to be met.

There are countries (NMA-NO) (CNMC-ES) (CAC-ES) with provisions on universal access, establishing specifically accessibility quotas or percentages. For instance, in Norway (NMA-NO) there is a provision on subtitling on the National Television broadcast.

In Spain<sup>12</sup>, (CNMC-ES; CAC-ES) Art. 8 of the Audiovisual Communication Act on the rights of people with disabilities states that people with visual or hearing impairments have the right to universal accessibility of audiovisual communication, in accordance with the technological possibilities. The same Article establishes that people with hearing impairment are entitled to public broadcasting on a state or regional level being subtitled for 75% of programming, as well as to at least two hours a week of sign language interpretation. In the same line, people with visual impairment are entitled to public broadcasting on a state or regional level offering at least two hours a week of programming with audio description.

Also, art. 8 of the Act 7/2010, of 31st March, establishes the need, when broadcasting, audiovisual service providers to offer a correct, normal, respectful and inclusive image of persons with disabilities as an enriching expression of human diversity, while trying to avoid stereotypical or biased perceptions or perceptions based on possible social prejudice. At the same time, they will ensure that their appearance in programmes is proportional to their weight and participation in society as a whole.

The CAC-ES has passed a general Instruction on the accessibility to the contents developing the provisions contained in the Act 7/2010 of 31st March, and the Act 22/2005, of 29<sup>th</sup> December<sup>13</sup>.

In Romania, (NAC-RO) the Audiovisual Law stipulate that national coverage and local coverage TV stations shall provide access to persons with hearing disabilities by means of sign language and by subtitling during programmes that have a scheduled time of at least 30 minutes and that are dedicated to news, analysis, debates on political/ and/or economic programmes. The language sign and subtitling shall also be provided for during major importance events broadcast in full or during short extracts of these events. These programs shall be accompanied by the verbal announcement: *“Attention! This programme is also dedicated to persons with hearing disabilities”*, which shall also be mentioned on screen in a static and legible way. The provisions will enter in force on October 8th, 2014.

In the UK, besides the accessibility quotas there is, in the Communications Act of 2003, the entrustment to Ofcom with a duty to take appropriate steps for promoting training opportunities for those employed in TV or radio, or freelancers, and for promoting equality of opportunity in relation to employment and training, regardless of gender, disability or ethnic background (section 27). Ofcom also has a duty to require (through licence conditions) broadcasters with 20 employees or more to make arrangements for promoting equal opportunities and training (section 337).

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12 The CNMC-ES refers in their response to the Act of Equal Opportunities, Non-Discrimination and Universal Access for Persons with Disabilities (LIONDAU) of 2003. Its provisions aim to guarantee the right to equal opportunities for disabled persons by defining measures against discrimination and a series of affirmative actions for persons with severe disabilities and disabled women. The Act contains applies specific provisions on the field of telecommunications and the information society. It also applies to the following areas: urban public spaces, infrastructure and buildings; transport; goods and services for the public; relations with public administrations; legal system and cultural heritage.

13 <[http://www.cac.cat/pfw\\_files/cma/normativa\\_sa/Instruccio\\_accessibilitat\\_.pdf](http://www.cac.cat/pfw_files/cma/normativa_sa/Instruccio_accessibilitat_.pdf)>

Fig.2. Does your country/region/organisation use an “official” definition of Diversity and/or “Inclusion” specific in the media?



Source: EPRA Tbilisi 2<sup>nd</sup> Plenary Session “Ensuring Diversity and Inclusion in the Media” <<http://www.epra.org/surveys/epra-tbilisi-2nd-plenary-session-ensuring-diversity-and-inclusion-in-the-media/results>>

**a. “official” definitions of diversity and/or inclusion in the media**

According to the responses submitted by the RAs only in Norway (NMA-NO), in Albania (AMA-AL), in the Netherlands (CvdM-NL) and in Denmark (RTB-DK) an “official” definition of Diversity and/or “Inclusion” specific in the media is used.

In the Netherlands, according to the Media Act 2008, PSB should provide a varied range of information. The media must be diverse; they should represent all the opinions present in Dutch society. Only then can people form their own opinions objectively, based on information from the media<sup>14</sup>.

In Denmark, Art. 10 of the Danish Radio and Television Act states that *"The overall public service activities shall, via television, radio and the Internet or similar, provide the Danish population with a wide selection of programmes and services comprising news coverage, general information, education, art and entertainment. Quality, versatility and diversity must be aimed at in the range of programmes provided. In the planning of programmes, freedom of information and of expression shall be a primary concern. Objectivity and impartiality must be sought in the information coverage. Programming shall ensure that the general public has access to important information on society and debate. Furthermore, particular emphasis shall be placed on Danish language and culture. Programming shall cover all genres in the production of art and culture and provide programmes that reflect the diversity of cultural interests in Danish society."*

Although the term "official definition" is not entirely applicable to the Norwegian system, public service broadcasters however have an obligation to offer a broad range of content and also to represent different ages, ethnicities and make sure that their content or their services Reach the whole population.

<sup>14</sup>This is mainly reflected in article 2.1, paragraph 2 b and c of the Dutch Media Act 2008.

## **b. “Non-official” definitions of diversity and/or inclusion in the media**

Besides these 4 RAs, there also have been some responses from other RAs sharing their “non official” definition of “Diversity” and/or “Inclusion” in the media.

### **b.1 Greece**

In Greece, the NCRT-GR reports that although there is no term for inclusion, Art. 4 of the above mentioned presidential decree provides that it is not allowed to present a person in a way that might abet, under the circumstances, his/her humiliation, social isolation or discrimination especially due to his/her sex, race, nationality, language, religion, age, disability or sexual preferences.

### **b.2 Bosnia-Herzegovina**

In Bosnia-Herzegovina, Art. 3 of the CRA Code on Audiovisual and Radio Media Services stipulates the Basic principles of the media activity, such as the respect to the ethnic, cultural and religious differences and the prohibition of any discrimination or prejudice based on sex, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background, or any other content.

Art. 5 of the same Code states the Fairness and Impartiality of the Audiovisual and radio programmes, which has to be ensured by presenting all differing viewpoints whether in the same programme or over a series of other programmes taken as a whole in dealing with the same subject matter.

Also the Law on Gender Equality in Bosnia and Herzegovina stipulates in its Part X, regarding the media, that everyone shall have the right of access to the media regardless of gender; the public expression concerning presentation of any person in an offensive, depreciatory or demeaning manner in regard to gender is prohibited and the media are required in their programming to raise awareness on gender equality.

### **b.3. Spain (CAC-ES)**

There is no official definition neither stated in the Spanish or Catalan legal framework. However, the CAC in its report on the diversity and equality in the television services, published in 2013<sup>15</sup> has elaborated a definition that is still valid for the reports that are currently being carried out regarding this subject on the television services. By diversity the CAC understands *“the image of a non-univocal society giving a voice to both men and women, presenting the different age groups, and including the presence of people from several origins; a television service that also shows the existence of the disability, cultures and various religious options”*.

### **b.4. UK**

For the Ofcom-UK, although there is no official UK definition, the legal framework (the Equality Act 2010) is designed to combat discrimination or individuals based on “protected characteristics”<sup>16</sup>. Section 337 of the Communications Act, entrusts Ofcom with a duty to require broadcasters to promote equal opportunities for everyone with determined characteristics<sup>17</sup>. Ofcom has also established an internal Single Equality Scheme to promote equal employment opportunities in the organisation.

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<sup>15</sup> <[http://www.cac.cat/pfw\\_files/cma/actuacions/i58\\_2013\\_cat.pdf](http://www.cac.cat/pfw_files/cma/actuacions/i58_2013_cat.pdf)>

<sup>16</sup> Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion and belief; Sex and Sexual orientation.

<sup>17</sup> For everyone of either sex; for everyone of any racial group; for disabled people.

The IOMCC-IM states that The Equality Bill of 2004<sup>18</sup>, which does not specifically make any provision for the media in respect of diversity and inclusion, does make unlawful discrimination on the grounds of sex, age disability, race, religion/belief, marriage and transgender. According to the IOMCC-IM, this will greatly strengthen the protection on the Island of Man of those who feel they may have been discriminated against unlawfully. The IOMCC understands of Diversity and Inclusion would be that all groups were represented fairly, and those that needed extra representation or support was given that assistance.

#### **b.5. Poland**

For the KRRIT-PL, diversity in the media means providing all social groups with wide range of media content, reflecting different points of view. Inclusion in the media means wide representation of all social groups in the content as well as in the structure of media organizations. It is also connected with the role of promoting social cohesion

#### **b.6. Macedonia**

For the Agency for Audio and Audiovisual Media Services Diversity and inclusion in the media means representation of different age, social class, ethnicity, gender, sexuality and disability groups of the society both in the process of the production of the programs and in the representation of the content of the programmes.

#### **b.7. Romania**

The NAC–RO refers to the legislation in force to show the scope of the terms diversity and inclusion in the media. With this regard, audiovisual media service providers are compelled to respect the fundamental human rights and freedoms, the private life, to honor and reputation, and the right to a person's own image.

The Romanian legislative framework on non-discrimination provides the principle of equality among all citizens without discrimination on account of race, nationality, ethnical origin, language, religion, gender, belief, political orientation, social origin, as well as sanctioning the discrimination deeds: the Romanian Constitution, which establish as fundamental value the principles of equality and non-discrimination<sup>19</sup>.

#### **b.8. Portugal**

Diversity is understood by the ERC as media contents reflecting the varied interests, values, thoughts and ways of living of different groups in society. Inclusion is seen as the effort of giving mediated voice to minority groups in society and those who are fragile and unprotected towards the dominant groups, avoiding discrimination. Inclusion is also understood as the efforts to bring media contents, mostly television contents, accessible to disabled people, such as blind or deaf.

#### **b.9 Armenia**

The understanding of the NCTR-AM is summarized in the Law on in the Article 47, Point 5 in which is stated the thematic direction of state transmission exercise broadcasting and the commercial television services via digital broadcasting network<sup>20</sup>

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<sup>18</sup> Currently out on consultation.

<sup>19</sup> Also applying, the Romanian Government Ordinance no. 137/2000 regarding the prevention and sanction of all forms of discrimination (that provides the definitions of direct and indirect discrimination); The Convention for the Protection of Human Rights and Fundamental Liberties ratified by Romania by the Law no. 30/1994, regarding the ratification of the Convention for the Protection of Human Rights and Fundamental Liberties and of the additional protocols to this convention.

<sup>20</sup> 5. Television companies with the following thematic direction of state transmission exercise broadcasting via digital



## b.10 France

According to the response from the CSA-FR although there is no “official” definition of diversity and inclusion, the law of the 30<sup>th</sup> September 1986 regarding the freedom of communication entrusts the CSA to monitor its representation (how the media reflect the diversity and inclusion of the society) in the audiovisual programmes to the service of the social cohesion and to avoid any kind of discrimination.

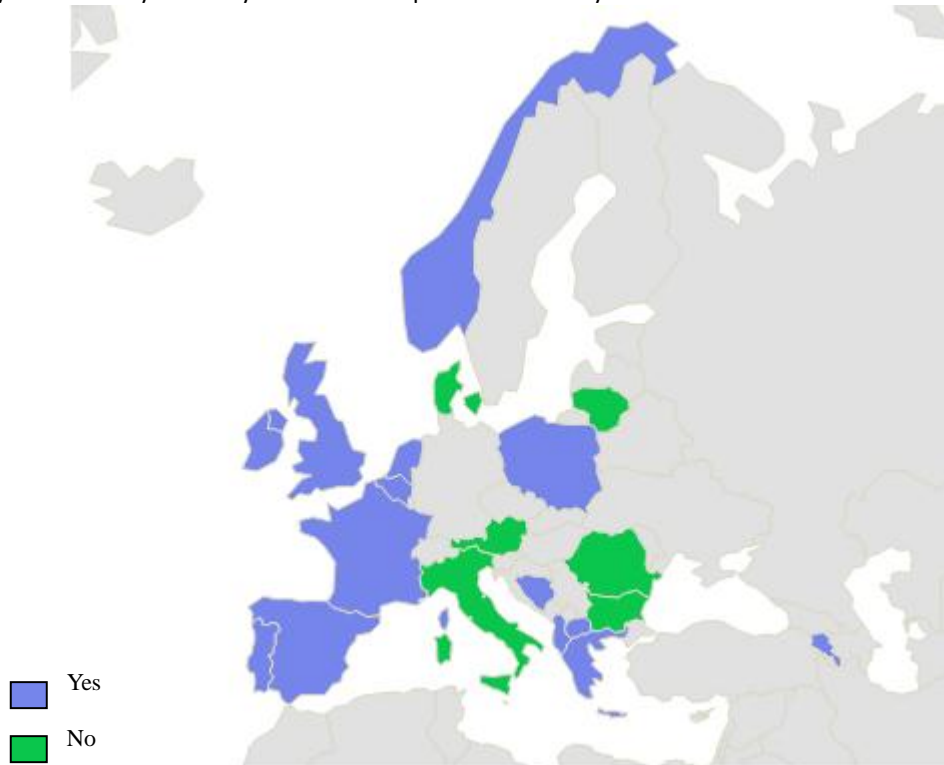
The CSA-FR has chosen a plural approach of the term diversity, taking into consideration different criteria like the sex, the age, the origin, the disability and the socio-professional category.

## b.11. Belgium (CSA-BE)

The Belgian CSA uses five measurable indicators of diversity in its quantitative approach in the assessment of diversity and inclusion in the media: sex, ethnicity, age, occupation and disability. But there are a lot of other criteria for defining diversity that should take into account all that constitutes alterity such as nationality, sexual orientation, civil status, religion and/or philosophy, etc.

## 2. ROLE OF REGULATORS

Fig.3. Does your authority have any formal role to promote diversity and inclusion in the media?



broadcasting network: 1) In conformity with paragraph one of Article 30 of the Law, two television programmes (television channels) of the Public Television and Radio Company, one of which is of general direction, and the other – of intellectual-cultural;

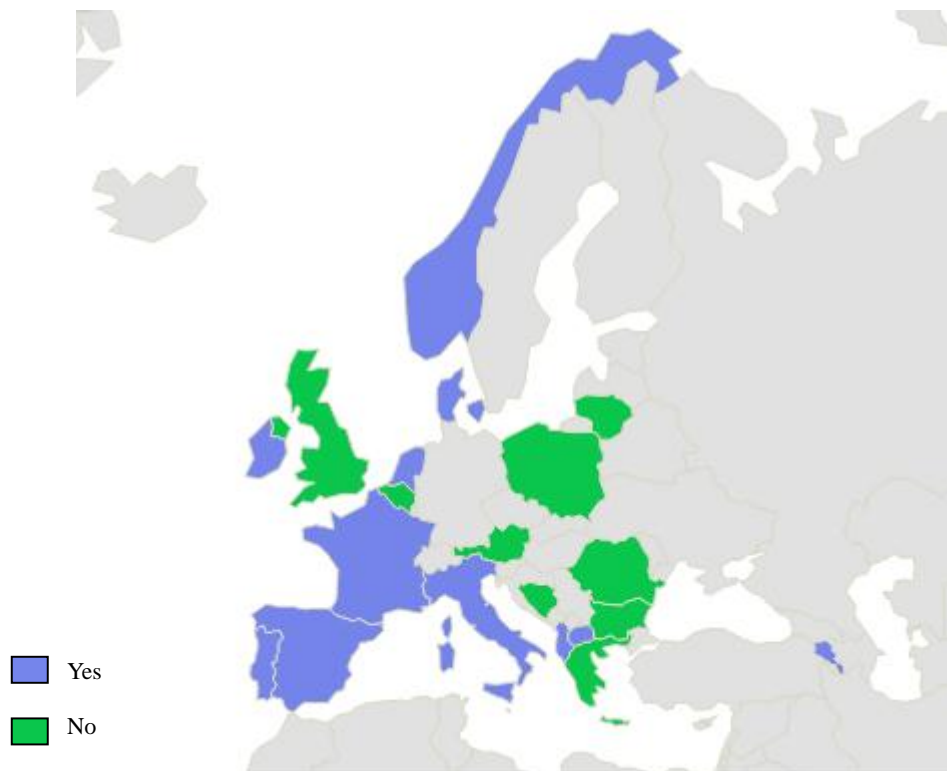
2) Five private television companies of general direction; 6. Television companies with the following thematic direction of the capital transmission exercise broadcasting via digital broadcasting network: 1) One private television company of an entertainment direction; 2) One private television of youth direction; 3) One private company of musical direction; 4) One private company of children-youth, scientific-academic, educational and informative direction; 5) One private company of international and local news analytical direction;

6) Four re-broadcasting television companies. 7) Through digital transmission network in each region of Armenia and in Yerevan city, one private TV company of general direction and satisfying the interests of the population of a given area and of general direction shall broadcast.

Source: EPRA Tbilisi 2<sup>nd</sup> Plenary Session “Ensuring Diversity and Inclusion in the Media” <<http://www.epra.org/surveys/epra-tbilisi-2nd-plenary-session-ensuring-diversity-and-inclusion-in-the-media/results>>

Please note that in this response in Belgium the CSA-BE declares to have a formal role to promote diversity and inclusion in the media. On the contrary, the VRM-BE has no formal role to promote diversity and inclusion in the media.

Fig.4. Does your authority have any other responsibilities in relation to ensuring diversity and inclusion in the media (e.g. research, organised events, publications, stakeholder management, etc.)?<sup>21</sup>



Source: EPRA Tbilisi 2<sup>nd</sup> Plenary Session “Ensuring Diversity and Inclusion in the Media” <<http://www.epra.org/surveys/epra-tbilisi-2nd-plenary-session-ensuring-diversity-and-inclusion-in-the-media/results>>

#### a. Roles and responsibilities in ensuring the diversity and inclusion in the media

The RAs that have declared roles and responsibilities in ensuring the diversity and inclusion in the media carry out these duties in relation to equal employment and training opportunities in broadcasting (Ofcom-UK)<sup>22</sup>, carrying out pluriannual plans, surveys and reports of the Public service missions and reports (CvdM-NL; DRTB-DK; CAC-ES<sup>23</sup>; AMA-AL; ERC-PT, CSA-FR<sup>24</sup>, CSA-BE<sup>25</sup>), adopting rules and codes of broadcasting (CRA-BA; CAC-ES; KRRIT-PL, BAI-IE), monitoring the broadcastings for compliance with the licence terms and

<sup>21</sup> Please note that in this response, in Belgium the VRM-BE declares not to have other responsibilities in relation to ensuring diversity and inclusion in the media. On the contrary, the CSA-BE declares to have duties in relation to it.

<sup>22</sup> Since 2011 Ofcom implemented the Single Equality Scheme. This Scheme was designed to be a clear action plan of Ofcom’s objectives in relation to equality and diversity.

<sup>23</sup> *Estudi de la diversitat i la igualtat a la televisió.*

<sup>24</sup> *Étude sur la représentation de la diversité à la télévision.*

<sup>25</sup> The CSA-BE coordinated in 2011 a comparative survey on regulator’s policies regarding women representation for the French speaking regulatory authorities’ network REFRAM. Moreover, in 2010, a three-year “plan on equality and equality in the audiovisual media of the Federation Wallonia-Brussels” under the coordination of the CSA was launched by the Minister in charge of equality.

conditions (CvdM-NL; CRA-BA; CAC-ES, CNMC-ES, ERC-PT, CEM-BL, promoting media literacy (CRA-BA; CAC-ES, BAI-IE), monitoring compliance with accessibility CAC-ES; KRRIT-PL; CNMC-ES; ERC-PT, BAI-IE, CSA-BE), assuring that the audiovisual media services do not incite hate or discrimination based on gender or any personal or social circumstance, and that they are respectful to human dignity and constitutional values, with particular attention to the eradication of conduct furthering the inequality of women (CNMC-ES; CAC-ES, AAAMS-MK), elaborating self-regulatory codes (AGCOM-IT, BAI-IE), sensitizing the media for an inclusive and anti-discrimination discourse (ERC-PT, CSA-FR<sup>26</sup>), setting up observatories, barometers, carrying out research (CSA-FR<sup>27</sup>, CSA-BE<sup>28</sup>), and platforms to work on Diversity and inclusion in the media issues (CSA-FR<sup>29</sup>; CAC-ES<sup>30</sup>).

## **b. Other roles and responsibilities in ensuring the diversity and inclusion in the media**

### **b.1. The Netherlands**

The PSB NTR has a specific legal task to focus on society, culture, religion, belief and education. In Denmark, DR's and the TV 2 Regions Boards of Directors have the responsibility to comply with the rules in the Radio and Television Act and their PS contracts.

There are also other organisations, in parallel with the duties carried out by the CvdM and the PSB that play a role in the policies of diversity and inclusion in the media or take part in activities to promote them. The Concession Plan of the Netherlands Public Broadcasting outlines the key actions planned for the period 2010-2016. One of these key actions, is to ensure that programmes provide a more balanced picture of the society, with a special focus on the representation of woman and non-western minorities. The CvdM also refers in their response, as an example of involved organisations in the ensuring of diversity and inclusion, the *Council of Culture*, the *Dutch Cultural Media Fund* and *Stichting Mira Media*, this latter, where stakeholders can share best practice and work together regarding the diversity and inclusion in the media.

### **b.2. Belgium**

As stated by the VRM, the "Steunpunt Media" is a media research expertise center of four Flemish universities (Ghent University, KULeuven, VUB, UA) supported by the Flemish Government, which aims to research pluralism and diversity in the media, with a close involvement of stakeholders.

The VRM also refers to the Interfederal Centre for Equal Opportunities, whose task is a lot larger than only diversity and inclusion in the media. The Centre has also been asked to prepare a "National Action Plan for combating racism, racial discrimination, xenophobia and related intolerance" in order to implement the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which the United Nations organised in September 2001 in the South African city of Durban.

There is also the "Minderhedenforum" (the Minorities Forum). For over 10 years the Minorities Forum ensures that ethnic minorities are heard and that their needs are recognized. It brings people together, and intends to come to recommendations which are submitted to policymakers and which are presented in the media. Its activities are larger than only the media.

The CSA mentions the steering committee supervising the "equality/diversity plan" was composed of organizations involved in diversity issues in general the Interfederal centre for equal opportunities, the King Baudouin Foundation and the Institute for the equality of women and men.

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<sup>26</sup> *Délibération adoptée le 10 novembre 2009 tendant à favoriser la représentation de la diversité de la société française dans les programmes des chaînes nationales hertziennes gratuites et de Canal+.*

<sup>27</sup> *Baromètre de la diversité.*

<sup>28</sup> In 2010, there was the first exploratory research on diversity and equality in the media of the Federation Wallonia-Brussels. Also in 2013, a research was issued by the CSA on the representation of homosexuality on television.

<sup>29</sup> *Baromètre de la diversité* and the *Observatoire de la diversité.*

<sup>30</sup> *Mesa per la Diversitat per l'Audiovisual.*

As the CSA states in their response, the journalists' union (*Association des Journalistes Professionnels- AJP*) developed two surveys: one about diversity in newspapers and one about young people representation (to be issued in 2014) in similar ways than the CSA. The CSA was a partner of the AJP to think and transpose methodologies with the main goal of making possible comparisons between results in audiovisual media and in the press.

Finally, at the regional level, the CSA has participated to the Council of Europe's projects regarding diversity issues in the media (MARS and Mediane) and takes advantages in doing so to enrich its approaches on the issue and draws inspiration from other experiences.

### **b.3. Austria**

In Austria, there are no bodies that deal with the matters of inclusion and diversity in media specifically, but bodies that deal with inclusion and diversity in a more general manner (The Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry for Employment, Social and Consumer Protection Affairs, ...).

Moreover, Open Access Radio and TV stations in Austria promote diversity and inclusion in the media policies. There is an umbrella organization for the Open. The Access Radio stations which is called Verband Freier Radios Österreich.

### **b.4 Italy**

In Italy, apart from AGCOM, some initiatives have been carried out by the Department on equal opportunities within the Presidency of Council of Ministries, also with Agcom's participation.(e.g. an attempt of creating a self-regulation initiative on representation of women on the media).

### **b.5. Lithuania**

In Lithuania, the Ombudsman's Office of Legal Opportunities plays some role in this regard.

### **b.6. Romania**

In Romania, there are national NGOs activating in human rights and preventing discrimination fields. Also, in Romania there is the National Council for Combating Discrimination, the National Authority for People with Disabilities, the National Agency for Equal Opportunities between Women and Men, and NGO's with activities in the field of human rights protection.

### **b.7. UK**

In the UK, Ofcom refers as examples of groups engaged in activities specifically related to diversity and inclusion in the media Changing Faces, the British Sign Language broadcasting Trust, the Public Sector Equality Duty, and the ITV and Channel 4 broadcasters initiatives and units that promote diversity among its workforce and contents.

There is also a network for organisations that employ and/or make programmes across the UK television industry, known as the Creative Diversity Network: Current members are BAFTA, BBC, Channel 4, Creative Skillset, PACT, ITN, ITV, Media Trust, S4C, Sky and Turner Broadcasting. It seeks to promote and share best practices around diversity among the media industry.

The IOMCC-IM mentions in their reply that there is a Gaelic Broadcasting Committee who have responsibility for ensuring the promotion of the making and broadcasting of programmes in Manx Gaelic.

This Committee sits regularly and represents the Island at Celtic Cultural Events across Europe. Also, the Island's broadcasters do work closely with the Commission where complaints are identified.

#### **b.8. Poland**

In Poland, the Human Rights Defender (Ombudsman), the Government Plenipotentiary for Equal Treatment, and the PSB take part in activities promoting the diversity and the inclusion in the media.

#### **b.9. Spain**

In Spain, the main contact point for co-ordination of disability policy at the national level is the State Secretariat for Social Services and Equality (Ministry of Health, Social Services and Equality) with responsibility for coordinating policies on disability. Within this structure, the Instituto de Mayores y Servicios Sociales, IMSERSO (Institute on Social Services and Aging) has responsibility for social security issues.

Other important national bodies with responsibility for disability issues include: Consejo Nacional de la Discapacidad (National Disability Council), the Oficina Permanente Especializada (OPE), the Real Patronato sobre Discapacidad (Royal Board on Disability), the Spanish National Council of Disabled Representatives, Comité Español de Representantes de Personas con Discapacidad (CERMI). In addition, to the aforementioned, the CNMC mentions the Spanish Center of Subtitling and Audiodescription (CESyA) a Public Reference Institution depending on the Ministry of Health and Social Affairs and cofunded by the Carlos III University of Madrid.

In Catalonia, besides the CAC functions there are several organizations that carry tasks regarding the diversity and inclusion in the media as a part of transversal policy action plans. Some of them carried out by the Department of Social Welfare and Family of the Catalan Government.

#### **b.10. Macedonia**

The Ministry for labour and social policy is a key player in the field of antidiscrimination and equal opportunities. Also, there are several active associations for the advancement of gender equality and protection of the people with disabilities.

#### **b.11 Portugal**

Some organisations have a role in diversity and inclusion in society as a whole. In Portugal, the Alto Comissariado para a Imigração e o Diálogo Intercultural-ACIDI (High Committee for Immigration and Intercultural Dialogue), the – Instituto Nacional da Reabilitação-INR (National Institute for Rehabilitation). The ACIDI and the INR cooperate with TV public service in a program addressed to disabled people.

Besides the aforementioned, there is a working group named Media and Disability where various institutions, including INR - National Institute for Rehabilitation and ERC, discuss, investigate and make efforts to implement solutions that make media contents more accessible to disabled people, preventing exclusion. Disabled people's representations in the media are also a concern of the group.

#### **b.12. Ireland**

Amongst other organisations, there are the Women on Air; TV Access Coalition; and the National Disability Authority.

## **b.13 France**

There is the *Observatoire de la diversité*, and also the *Défenseur des droits* which is the institution responsible for the fight against discrimination in the areas of employment, housing, education and access to goods and services, based on 20 criteria prohibited by law: age, physical appearance, membership or not an ethnic group, belonging to a nation or not, belonging or not to a race, or not belonging to any religion, state of health, sexual identity, sexual orientation, pregnancy, marital status, disability, family name, gender, union activities, genetic characteristics, lifestyle, political views, origin, place of residence. It is thus seized in the audiovisual field, complaints about discrimination off the air, such as hiring or access to trays.

## **b.14. Armenia**

There is the non-profit organizations and the customers protection office. Plus, there are some NGOs and Forums where stakeholders can share their experience or work together.

### **III. RECENT DEVELOPMENTS AND CHALLENGES**

The examples submitted by the RAs of a recent initiatives, projects or pieces of research in the field of ensuring diversity and inclusion in the media are the following:

#### **a. Recent developments**

##### **a.1. The Netherlands**

The Nu of Nooit project (Now or Never, previously Kind & Kleur/Child & Colour) is recently organized by the Mediafonds and Zapp (youth programmes of PSB), for the development and implementation of culturally diverse youth drama with a length of 25 minutes for children.

In 2012 and 2013 the marketing research institute The Dutch Newsmonitor assessed the visibility of woman in the media for certain categories of media (like: news, sports, politics, culture) it was assessed how often woman occur in national daily newspapers and programmes of public service broadcasters.

##### **a.2. UK**

In December 2013, the Creative Diversity Network published some figures on diversity in the media industries, drawing on data from an Employment Census carried out by Creative Skillset; an agency that aims to promote skills and develop talent in the creative industries.

The survey found that:

- The number of women employed had increased from 2009 to 2012. Women represented 36% of the total workforce in the sector in 2012, compared to 27% in 2009. This reversed a previous decline from 2006-2009.
- Representation of Black, Asian and Minority Ethnic (BAME) people declined from 7.4% of the workforce in 2006, to 6.7% in 2009, and is now just 5.4% in 2012.
- Levels of employment have increased in Wales, Scotland, Northern Ireland and the South East and South West of England.

##### **a.3. Denmark**

In the latest Media agreements, a political agreement on the highest level between the political parties, the obligations regarding texting and synchronizing programmes for the PS stations have been increased.

#### **a.4. Bosnia Herzegovina**

Mediacentar Sarajevo, in cooperation with the Center for Social Research Analitika, published in the first half of 2010 a collection of research papers on the relationship between minorities and media in SEE, titled "On the margins: Minorities and media in SEE". As acknowledged in the introductory chapter, this book analyzes "three models of organization of the relationship between majorities and minorities in the media sphere," pointing towards a whole number of problems: "the tension between the majority and ethno-cultural minorities observed through the prism of media representation of minorities in majority and minority media in a specific context (Croatia, Kosovo); the challenges of specific consociation mechanisms of power-sharing in pluralistic societies and challenges of guaranteeing of an adequate minority position in such societies, with a focus on the question of how the position of minority ethno-cultural collectivities is reflected in the media (Bosnia and Herzegovina and Macedonia), and mechanisms of discrimination, faulty representation and marginalization of gender/sexual minorities in the media, with a special focus on film and the Internet in Croatia, Bosnia and Herzegovina and Serbia".

#### **a.5. Belgium**

The Flemish Minister for Media has granted subventions to companies which are doing efforts in the field of diversity and inclusion in the media. NV Mediaaan en NV SBS Belgium, the two most important commercial broadcasting companies in Flanders have elaborated, as a result of this, their own diversity plan.

As for the CSA, following the Mediane European Encounters in Lisbon in 2014 (organized by the Council of Europe), contacts have been taken to develop such an exchange forum under Mediane II and a meeting has been organized in September 2014 between the CSA and the ERC (Portugal) to exchange initiatives, methodology and tools in the assessment of diversity and inclusion in the media. Unfortunately, the funds for Mediane II have not been renewed but the idea of an exchange group or project to develop common monitoring tools/methodologies and share good practices remains relevant for both RA.

In the next months, the CSA will issue a survey about the representation of women in the audiovisual media coverage of the last elections.

#### **a.6. Poland**

One of the goals envisaged in The National Programme of Actions towards Equal Treatment 2013-2016 is "counteraction against discrimination based on sex, racial or ethnic origin, disability, age or sexual orientation in media". The National Broadcasting Council is indicated as the body cooperating with the Government Plenipotentiary for Equal Treatment in achieving this goal.

The International conference "Equal Treatment in Advertising" organized by the Government Plenipotentiary for Equal Treatment in cooperation with the Austrian Embassy and the Council of Europe.

Finally, there's the World Radio Day - "Gender Equality and Women's Empowerment in Radio".

#### **a.7. Norway**

The latest revision of the Broadcasting Act increased the level of required subtitling in television broadcasts and the political aim is to ensure universal access. In the current revision of the state public broadcaster, NRK, it's a debate about whether the NRK should have more specific rules concerning universal access. The Media Authority has recently published a report on available studies on Media Literacy, which highlights the areas that need further mapping and measures.

#### **a.8. Romania**

Considering the major role that media plays in combating discrimination and the encouragement of

intercultural dialogue, as well as its contribution to public information and the free formation of opinions, the National Audiovisual Council has contributed in 2010 to promote the Council of Europe campaign, "Say NO to discrimination", that was run in collaboration with the Ministry for Administration and the Interiors and the Ministry for Education, Research, Youth and Sports.

More specifically, the NAC has urged all national and local broadcasters to broadcast the TV commercials.

The National Audiovisual Council collaborated with the Information Office of the Council of Europe in Bucharest in order to launch and implement in the Romanian media the Council of Europe campaign "Dosta, Overcome Prejudices, Learn to Know the Roma". The media campaign was run in the period June 1, 2009 through August 31, 2009.

#### **a.9. Portugal**

The second MEDIANE European Encounter occurred in Lisbon, 26-28 March 2014. This meeting intended to develop and implement various workshops and speed-dating sessions aiming at guiding MEDIANE Team and Partners in the building and finalisation of the MEDIANE Index on Diversity Inclusiveness and in the definition of a very concrete and practical content to the approach of diversity inclusiveness in media context on participants' practices and experiences.

#### **a.10 France**

On the 11 February 2014, it has been signed a charter with the aim to boost the education and the working insertion of the handicapped people in the audiovisual media sector. This charter has been signed by the audiovisual schools, the audiovisual companies, the Ministry in charge of the handicapped people and the fight against the exclusion and the CSA.

In 2013 and in 2014, the CSA has asked the DTT channels, as a complementary compromise, to make a spot for the National Day pointing out how positive is the diversity for France and portraying it as a common richness.

### **b. Challenges regarding the diversity and the inclusion in the media in a converged environment**

For the CvdM the main challenge for ensuring diversity and inclusion in the media in a converged media environment would be to ensure diversity in the programmes of the PSB, it is necessary to have diversity amongst employees at the editorial offices. However, various studies show that minorities and woman are still underrepresented in media organizations.

Ofcom, the CRA-BA and the CAC-ES considers the diversity of voices in the media and the right of viewers with sensory impairments to access content to be fundamental policy objectives which should be achieved regardless of the means by which audiovisual content is created or its source. Convergence offers challenges and opportunities in this sphere. According to Ofcom understanding, the number and diversity of media sources can be expected to grow further in the near future. However, access to media – particularly in relation to public service content and news and current affairs is crucial for the social participation of all citizens. To Ofcom opinion, the lack of standardisation may be a barrier to the production of standardised consumer equipment that can work across platforms, and the roll-out of access services by broadcasters and content providers (because of the cost of supporting multiple platforms). Progress could be achieved by encouraging industry-led initiatives to standardise accessibility features at the national and European level.

Ofcom, the BAI-IE and the CAC-ES also point out that media literacy will become increasingly important as the number of means of accessing content increases. There will be a task for governments, regulators and industry to provide clear information, education and tools through which people can exercise informed choices and participate in a connected society. Ofcom believes that research and information will be at the



heart of improving media literacy levels, as this will help policy makers identify the support and education that people might need.

For the NCRT-GR the convergence would make more difficult the safeguard of the "diversity and inclusion" in traditional audiovisual media services". Similar as for the CSA-BE, whose the main challenge for diversity and inclusion issues in a converged media environment can be summarized in how to maintain and perform social cohesion between all the constitutive groups of society, reflect their diversities and learn from alterity while convergence tends to multiply platforms and segment/target audiences/publics?

On the contrary, for the ERC-PT in a converged media environment diversity and inclusion are potentially easier to achieve. Online media tend to be more democratic in access than classic media. However, hate speech in online media comments tends to be a great challenge to balance with freedom of speech.

According to AGCOM-IT opinion, one of the main challenges could be the ensuring of a stronger and deeper respect in representing diversities on media, by strengthening the existing provisions with a view to all providers, not only the PSB.

The VRM-BE, and also the KRRIT-PL understands that a converged media environment would bring, amongst others, a positive vision of diversity (multiculturalism). For the VRM-BE the convergence possibilities can focus on similarities ("we") instead of focusing on differences ('us' vs. 'them'), involving a correct perception and correct word usage and monitoring procedures, the existence of a strategic project approach in media companies, make public broadcasting a trendsetter and a platform for dialogue and the existence of small-scale projects in collaboration with immigrant associations.

For the CNMC-ES and the AAAMS-MK one of the main challenge of the convergence process in media the respect of the rights of persons with disability. Audiovisual convergent services usually do not include in its contents subtitles and audio-description services, even is technologically possible, which may entail the risk of exclusion of this collective. The AAAMS-MK also makes reference to the access in rural areas to the new converged media.

For the NMA-NO, the main challenge is that a converged media environment gives less room for imposing content obligations, and that the market tendency to not cater for smaller and commercially less interesting groups.

The CSA-FR understands, as it was stated in their response to the Green Paper "Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values", the need for a change in the regulation approaches. The increase of the consumption of audiovisual products via Internet implies somehow the modernisation of the regulation mechanisms used by the public powers. Perhaps, as it is pointed out in their reply, going towards an «auto-régulation supervisée» where the civil society is more committed to the regulation of the audiovisual contents, including in terms of diversity and inclusion in the media.