

**44th EPRA Meeting Yerevan:
20-21 October 2016
Working Group 1: Media in Times of Crisis:
The role of regulatory authorities**

**Summary of the WG discussion
by WG-Content Producer Asja Rokša-Zubčević, CRA (BA)**

The autumn session of WG1 “*Media in Times of Crisis: The role of regulatory authorities*” in Yerevan focused on the particular role that media regulators can play in this context, while the spring meeting in Barcelona had addressed the topic from the perspective of media service providers and journalists.

As we unfortunately live in turbulent times with a number of crises and tragic events in Europe and elsewhere in the world, the choice and timing of this topic attracted a lot of interest from EPRA members.

In order to prepare the session, a questionnaire was circulated to EPRA members¹ and a background paper based on the responses was prepared. It is important to point out that the term “propaganda” in the questionnaire has been used for convenience to cover a variety of situations including hate speech, bias, false and deceptive materials related to crisis situations such as conflict, migrant crisis, terrorist attacks and similar.

One key finding of the background document is that the regulatory toolkit at the disposal of media regulators in times of crisis greatly varies among members.

The paper reported a number of recent changes to legislative and regulatory norms. Whereas the reported changes are very varied with regard to their legal nature and their binding character, a common trait is the willingness to strengthen restrictions regarding discrimination, hate speech, terrorism etc. Some of these changes are in relation to enhancing the codes of conduct of broadcasters, while others relate to more direct limitations of the dissemination of content.

A number of cases has also been reported, including breaches related to incitement to hatred, incitement to violence and distortion of public order, bias/impartiality/alleged propaganda, cases related to coverage of terrorist attacks on TV and discrimination based on race, nationality and sexual orientation.

It appears that the programme genres covered by these cases are diversified, and include not only news and current affairs, discussion programmes and panel debates, but also religious programmes and political advertisement. The techniques and persuasion tactics used for this purpose are also very varied.

Further to the responses, obstacles that regulators face when dealing with sensitive cases in times of crisis, range from political influence, public pressure, problems with enforcement, lack of legal punitive measures, to threatening the independence of the regulatory authority.

The working group included three inspiring presentations from EPRA members.

¹The author would like to thank EPRA members for responding to the questionnaire and would like to warmly encourage members to submit their comments on the background paper, as it has been agreed that a final updated version of the document will be prepared.

First, [Thomas Dautieu](#) presented the recent activities of the CSA, particularly in relation to the very tragic events that took place in France from the killings of Charlie Hebdo journalists in January 2015 to the terrorist attacks in Paris and Nice. The CSA has identified several breaches regarding the coverage of these events, including on issues related to human dignity (e.g. portrayal of killings of police officers), and public order (cases related to the identification of terrorists, full coverage of police operations and portrayal of hostage situations, with identification of hiding places).

It appeared from discussions with broadcasters - initiated by the CSA - that there was some concern around the competition with social networks, the protection of sources and information and the lack of quick and reliable information from the police. The CSA conversed and consulted on these topics with a wide platform of stakeholders, from journalists to media outlets, including associations of victims. The result of this consultative work is a non-binding document outlining main principles and professional norms to be used and upheld in such situations².

[Dragica Ljubevska](#) of the AAAMS (MK) presented the legal background related to the issues as well as problems concerning the lack of punitive measures at the disposal of the Macedonian regulator. She presented the group with a few cases that included - among other things - discriminatory speech based on sexual orientation. She also pointed out that the staff members from the Macedonian authority faced public naming and shaming by a journalist who was found to have used discriminatory speech. She emphasized the key importance of the regulator's independence especially in situations when the political situation does not provide for stability.

After briefly presenting the statutory powers and regulatory framework the UK regulator is operating under, [Maria Donde of Ofcom](#) showed a few examples of programmes that were found to be in breach of relevant regulation related to harm, but also to accuracy and impartiality.

Furthermore, she emphasized the importance of NRA's activities which do not strictly relate to its core functions, and pointed out the importance of regulators providing for a wide-ranging dialogue among stakeholders, providing research on important topics, and being active in the area of media literacy.

The discussion also highlighted the importance of Article 10 ECHR. In that perspective it should be noted that the overwhelming majority of respondents to the questionnaire stated that NRAs in times of crisis have a difficult task to weight freedom of expression against the level and nature of the case which is presented to them. "Walking the thin-line" is a situation that regulators can experience when deciding between right to freedom of expression vs. propaganda.

It is of course important to reflect on the principal assignment that regulatory authorities have and that is to protect and cherish the right to freedom of expression. This has also been reflected in the discussions during the working group. The unhindered exercise of the right to freedom of expression and free media is vital in any democratic society. Despite difficult circumstances and turbulent times, NRAs should continue providing transparent, open, effective and efficient regulation, in cooperation with the industries and the wider society, with the aim of serving the public in the best possible manner.

The group continued its work way into the scheduled coffee break which clearly demonstrates that the participants were very interested in the topic and would like to continue discussing these and similar matters where practicable.

² The Code of conduct was adopted on 20 Oct. 2016: <http://www.csa.fr/Espace-juridique/Codes-de-bonne-conduite-et-textes-de-precautions-relatives-a-la-couverture-audiovisuelle/Precautions-relatives-a-la-couverture-audiovisuelle-d-actes-terroristes>