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**Assessment of policies and measures aimed at enhancing diversity
of the media, including through
Public Service Broadcasting**

Prepared by Christine M. Merkel

Part A: Introduction, methodology, signposts.
The 2005 Convention and relevant trends and challenges in diversity of the media

October 2015 will mark ten years since the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (subsequently quoted as "the Convention"). 133 States and the European Union are Parties to this Convention (August 2014). As the Convention moves into its fully operational phase, Parties from all UNESCO regions submitted their first quadrennial periodic reports in 2012 and 2013[1], the International Fund for Cultural Diversity helped support 71 projects across 44 developing countries (2010 through 2014), and the UNESCO/EU project on Strengthening the System of Governance for Culture in Developing Countries carried out 13 technical assistance missions (2010-2014) that helped establish legal and institutional frameworks for the development of national culture sectors and the cultural economy.

The Intergovernmental Committee (IGC) reviewed the 65 quadrennial implementation reports received as of November 2013 and decided to re-visit this material with a view to set priorities. Hence their request "to analyze all relevant information provided in the Parties' periodic reports and other relevant sources relating to the development of digital technologies, *public service broadcasting*[2], and the engagement of civil society in the implementation of the Convention"[3].

On a general level, the reports demonstrate that the Convention is increasingly used as an overall framework for the governance of culture.[4] 23 out of these 65 periodic reports provided information on measures taken in the field of or relevant to media diversity, audiovisual production, distribution and dissemination, including public service broadcasting.

While there is an obvious inter-relatedness between the development of digital technologies, public service broadcasting and the engagement of civil society in the implementation of the Convention, this assessment paper will focus on measures enhancing media diversity as part of the rights of Parties at the national level.

From the perspectives of (public) broadcasters and independent media producers, the most important aspects of the Convention are:

- the recognition of the specific role of enhancing media diversity for achieving the Convention's overall objectives across the cultural value chain;

- the recognition of the need to ensure freedom of thought, expression and information, the free exchange and circulation of ideas as well as diversity of the media for cultural expressions to flourish within societies;

- the recognition of the principle of technological neutrality, hence the prevalence of content over technological channels of transmission;

- the explicit mentioning of public service broadcasting as a measure for enhancing diversity of media and as an enabler of promoting and protecting the diversity of cultural expression;

- The articulation of binding policy standards regarding the dual nature of cultural goods and services that should achieve a balanced and specific treatment of cultural and audiovisual goods and services in international trade policies.

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[1] As of November 2013; full reports as well as an action-oriented synthesis are available under https://en.unesco.org/creativity/node/4142
[2] Emphasis by the author
[3] Decision of the 7. IGC 13 (December 2013)
[4] Compare the Information Document on Global Trends and Challenges on the State of Implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions: Concept Note, para 2 (CE/13/7.IGC/INF.6)

The Convention is the only UNESCO instrument to focus on promoting contemporary art and cultural production and the international cooperation processes this entails. It is also the only normative instrument linking up cultural policy measures with promoting domestic independent cultural industries and measures aimed at enhancing diversity of the media, including through public service broadcasting.

The Convention aims to foster local/regional (self-) development and democratic self-governance, while also correcting the imbalances of global markets, in particular with regard to music, books, films, cinema, visual arts, graphic services, IT, games, fashion, radio, television, and other branches of the artistic and creative industries and the contents created by them, whatever the means and technologies used. Co-production, co-distribution and knowledge partnerships, as well as granting preferential treatment and increasing mobility of artists and cultural producers, are all effective ways to achieve these goals.

In this respect, implementing the Convention differs substantially from other well-known UNESCO Culture Conventions in the area of cultural goods and heritage. There is no national 'listing' methodology. Instead, each party to the Convention is invited to pro-actively identify on an ongoing basis *which* regulatory measures and promotional policies are necessary and effective to protect and promote the diversity of cultural expressions in their specific context. Parties report periodically on these measures taken, and, in the case of developing countries, can make use of hands-on Convention facilities such as the International Fund for Cultural Diversity and/or cultural governance technical assistance options. (UNESCO/EU program 2010-2014).

Methodology and scope

This paper focuses on main trends and challenges faced by Public Broadcasting / Media Services organizations and independent media producers when contributing to implementing the Convention, as well as on policy solutions and strategies put forward by Parties and identified through other Convention connected policy or program initiatives. Good practices and innovative initiatives will be highlighted[5]. Selected comparative results from other relevant documents and studies will be summarized where relevant (Part B). In addition, some efforts of developing evidence based tools for enhancing media diversity will be summarized (Part C). Conclusions and points for discussions (Part D) as well as selected references (Part E) complete the assessment.

The assessment will be approached from two angles: from media diversity relevant provisions of the Convention on one hand, and from depicting essential trends and challenges in the field of media diversity/media pluralism and independent public service broadcasting on the other hand.

Media diversity as a provision of the Convention

When drafting the very important anchor Article 6 on the Rights of Parties at the national level, government experts outlined an illustrative list of eight signposts for relevant policy measures "each Party may adopt [...] aimed at protecting and promoting the diversity of cultural expressions within its territory."[6] In the culture of international law, this suggests "a best effort obligation instead of a strict obligation."[7]

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[5] Good practices examples are described more extensively (within the limits of the 20 pages - length of this assignment), followed by a 2-3 line comment in italics, highlighting why the measure can be considered to be relevant/ innovative. Guidelines in order to identify good practice were Article 19 (para 6 (ii) of the Operational Guidelines): "meaningful best practices on ways and means to protect and promote cultural expressions" and Article 11 (para 6 of the Operational Guidelines): "innovative cultural processes, practices or programs that help achieve the objectives of the Convention".

[6] See Ivan Bernier, Article 6, Rights of Parties at the National Level. Drafting History, Wording, Conclusion. In: Sabine von Schorlemer, Peter-Tobias Stoll (Editors). The UNESCO Convention on the

"Measures aimed at enhancing the diversity of the media, including through public service broadcasting" were mentioned as the eight dimension of the main driving forces to achieve the Convention's objectives. This provision was included very late but successfully in the drafting process, through the joint effort of several international NGOs and the government experts of Switzerland and the European Union[8].

The other seven dimensions of policy measures recognize the right of each Party to regulate and allocate resources for promoting and protecting *local production* of cultural content in quite a broad scope of application, including all stages of the cultural value chain as well as e.g. specific public financing mechanisms. Hence, the *overall* rationale of Article 6 is highly relevant for the role of public media services and independent media producers when implementing the Convention and for assessing policy measures by Parties.

Given the overarching challenge of media convergence in the current stage of encompassing digitization of cultural expressions across all stages from the creation to the consumption of cultural activities, good and services, it is also important to recall that the challenges of digitization and convergence of technologies were clearly envisaged when drafting the Convention. The **principle of technology-neutrality** was enshrined in the definition of cultural diversity/cultural expressions[9]. Thus, cultural content was prioritized against any future development of means and technologies.

Essential trends and challenges in the field of media diversity and public service broadcasting/public service media

This second angle relates to other Convention-relevant work done by UNESCO as the United Nations Agency with a specific mandate to defend freedom of expression. In March 2014, UNESCO released a report on *World Trends in Freedom of Expression and Media*

Protection and Promotion of the Diversity of Cultural Expressions. Explanatory Notes. Springer Heidelberg New York Dordrecht London 2012, pp. 179-198.

[7] Bernier 2012:183

[8] Article 6, 2 (h). As analyzed by Ivan Bernier, this addition was made relatively late in the drafting process. In the Preliminary Draft Convention of summer 2004, *diversity of the media* did not appear in the list of measures of Article 6 para. 2 but was *mentioned in the Preamble of the Convention*, in recital 6, which read as follows: "Reaffirming that freedom of thought, expression and information, and its corollary, pluralism of the media, ensure that cultural expressions may flourish within societies, and that the greatest possible number of individuals may have access thereto" (Bernier 2012:196). In December 2004, when *amendments* and comments on Article 6 were tabled, only *one State made explicit reference to the diversity of the media,* suggesting the addition to Article 6 para.2. Among the NGOs that participated as observers in the negotiations, however, diversity of media appeared much more of a concern. *Four out of the seven NGO-Interveners* explicitly proposed this additional paragraph, three of them proposed to also include an explicit reference to "measures to prevent excessive concentration of ownership" (Bernier 2012:197). The NGOS concerned were the International Music Council (IMC), the NGO-UNESCO Liaison Committee (CLO UNESCO), the European Broadcasting Union (EBU) and finally, the International Federation of Musicians (IFM), the International Federation of Actors (DIA) and the Union Network International-Media Entertainment (UNI-MEI).
Discussion of Article 6 as such began at the *second Intergovernmental Meeting of Experts*, which lasted from 29 January to 11 February 2005 and brought about significant additions to the illustrative list of measures proposed in this paragraph. It was first decided to add a new *lit. a* of a general character intended to cover *regulatory measures* not mentioned in the list. Secondly, two new types of measures covering specific areas were added, the first one concerning artists and other creators of cultural expressions, the second one concerning the enhancement of the diversity of the media, including through public service broadcasting (Bernier 2012: 182,183, emphasis by the author). Finally, this late addition to the list of measures in Article 6 was adopted on the basis of a proposal by the European Union and Switzerland during the *third and last Intergovernmental Meeting of Experts* which lasted from 25[t] May to 3[r] June 2005.

[9] Compare Convention Article 4, para.1, which reads: "Cultural diversity refers to the manifold ways in which the cultures of groups and societies find expression. […] Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, dissemination, distribution and enjoyment, *whatever the means and technologies used*" (emphasis by the author).

Development[10], commissioned in 2011 by the General Conference and sponsored by Sweden. The report covers trends and challenges of the last six years since 2007, hence the first implementation cycle with the Convention in force. Driven by falling prices, and the ubiquity of the digital devices with which media can be produced, disseminated, and used, there has been an explosive expansion of audio-visual media in recent years.

Media diversity and public service broadcasting trends as articulated in the Convention are addressed in the 2014 UNESCO World Trend Report's chapters on Pluralism and Independence. "Press freedom covers the freedom by all individuals or institutions to use media platforms in order that their expression may reach the public"[11]. *Freedom, pluralism, independence and safety* are the four main components of the report, regarded as interdependent: "It is evident that the state of media freedom sets the context for media pluralism and independence, and it is not possible to envisage these where media freedom is absent" (2014:16). The gender dimension is spelled out in all these four dimensions. A special chapter is dedicated to the role of global media. The *research base* of this report covers *more than 800 quantitative and qualitative sources from a wide and global range*[12].

The most essential trends and challenges are summarized by UNESCO as follows:

The media business is undergoing a revolution with the rise of digital networks, online platforms and social media. *New actors* are emerging, including citizen journalists, who are redrawing the boundaries of journalism. New technology is opening channels for *new voices*, including for women – but there is no rising gender equality in media content or decision-making, where women remain excluded to greater or lesser degrees[13]. *Gender equality* is hence a necessary priority action, the report concludes, as society cannot get the full story with only half of the world's voices.

Yet, traditional news institutions remain predominant *agenda-setters* for media and public communications in most regions in general – but they are also deeply caught up with the digital revolution, even as *radio* and *television* remain a major source of information for most people across the world.
Online journalism through social media is blurring the lines between advertising and editorial material, and private actors emerge as key intermediaries, accompanied by new forms of 'private censorship.'

The dominant trend with respect to *pluralism of the media* – and implicitly diversity of the media in the sense of the Convention provision– is the expansion in access to media worldwide, resulting in a quantum leap in the production, consumption and distribution of media, with an overall gain for media pluralism, but with mixed results for content pluralism. Expanding diversity of news media content, the Internet, digitization and online-search capacities have enabled more people to participate in information production and news flows (2014:9).

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[10] Subsequently quoted *as UNESCO's 2014 World Trend Report*

[11] World Trends in Freedom of Expression and Media Development. UNESCO Publishing, 2014, p.15.

[12] The full report is available both as e-book and in .pdf format from unesco.doc; in addition, detailed regional profiles and trend analysis are available for all six UNESCO-regions of approximately 30 pages each.

[13] Women constitute less than a quarter (24%) of the people heard or read about in print, radio and television across the world according to the Global Media Monitoring Project (GMMP), the world's largest and longest running longitudinal research on gender in the news media. This marks a 3% rise since 2005 and a significant improvement from 1995, when only 17% of the people featured in the news where women. In addition, data on women in media professions, ownership, and leadership positions in regulatory bodies are of relevance (UNESCO 2014: 61 ff.). As one measure, UNESCO has launched a *Global Alliance on Gender and Media*, in Bangkok, Thailand, to intensify action towards gender equality, working with more than 80 organizations.

With some exceptions, however, there has been *lack of progress in supporting community radio and independent public service broadcasting* as elements of a pluralistic media landscape. Thus, pluralism has been impacted by a lack of progress in supporting *independent* public service broadcasting (2014:47*)*, with the exception of Latin America and the Caribbean and parts of the South-East Asia sub region, where there has been some progress, and Western Europe and North America, where it was already strongest.

The aim of such systems is to provide *diverse and representative programming* ensuring that public service broadcasters are sufficiently provided for financially and enjoy full editorial independence. The past six years have seen ongoing struggles over the role and position of public service broadcasters as regards organizational and economic models. Regarding independence, *public-service broadcasting* (as distinct from government-controlled broadcasting) *with editorial independence* has remained virtually non-existent in many countries, due to both the absence of adequate legal and regulatory frameworks as well as lack of appropriate distance by the government (2014:68 f).

Worldwide, an overwhelming majority of *state-owned broadcasting entities*, including those in the transnational domain and *acting as global media outlets*, have tended to remain without effective provision for editorial independence. Many global media outlets have been owned predominantly by States, with journalistic independence remaining limited, even where there has not been direct control. *Independent and autonomous public (international) broadcasting* has made progress only in the Western Europe and North America region, where it was already relatively strong.

As a distinct sector in a pluralistic media landscape, *community media* have achieved greater legal recognition over the past six years, but have continued to face sustainability problems and have remained in a regulatory vacuum in many countries (2014:47 f). Community radio is particularly important as regards media pluralism in rural areas and marginal geographic areas, as well as for religious groups and language minorities. This sector often represents the only media offering local news and programming *in local languages*.

In sum, concludes this 2014 UNESCO Report on World Trends, freedom of expression faces a volatile mix of old and new challenges – including threats against the safety and life of journalists, and impunity, which remains the norm across the world[14].

The UNESCO 2014 report's findings on the media pluralism/media diversity landscape and the volatile position of public service broadcasting/media are certainly highly relevant information for prospects of implementing the Convention provision on enhancing diversity of the media, including through public service broadcasting. They send clear signals of urgencies for action to policy makers and Parties to the Convention.

The new audio-visual media are characterised by the convergence of content and technology. Specifically on the important issue of technology-neutrality included in the Convention framework, the April 2013 Green Paper *Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values* of the European Commission[15] is highly relevant for future implementation of the media diversity provision of the Convention, even if primarily related to a regional perspective at this point in time.

The Green paper wants to assess the impact of media convergence on values such as media pluralism, cultural diversity (Treaty on the European Union, Article 167), and consumer protection and on specific user groups such as minors. In principle, this technological change is an opportunity to offer all Europeans the most comprehensive access to diverse European content and to guarantee a broad range of high quality media offer.

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[14] The rate of journalists' death rose through the past 6 years, with 430 journalists killed between 2007 and 2012, 23 of them women. Every seven days, a journalist is being killed when exercising his/her profession. Nine out of ten cases go unpunished. This inacceptable trend led to the adoption of the *United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity* in December 2013*,* spearheaded by UNESCO and taken up across the UN system, currently implemented in Nepal, Pakistan, South Sudan, Tunisia and Iraq.

[15] See EU Glossary, retrieved 14.08.24

Convergence can be understood as the progressive merger of traditional broadcast and Internet services. Internet content has entered the TV screen which at the same time lost its role as the sole possibility to consume audiovisual content at home. Viewing possibilities today extend from TV sets with added Internet connectivity, through set-top boxes delivering video content 'over-the-top', to audiovisual media services provided via computers, tablets and other mobile devices. The lines are blurring quickly between the familiar twentieth century consumption patterns of linear broadcasting received by TV sets versus on-demand services delivered in computers. Media users generate increasingly personalized profiles (pre-selection through search machine and platforms) while the role of professional edition and professional media in structuring public space in society is weakening.

According to the Green Paper, smart, web-capable fully connected TV-sets are expected to be available in the majority of all TV-owning households in the EU by 2016. A raise from 22, 5% to 43,1% is predicted for the US. Currently, across the EU, people still watch 4 hours of traditional television a day. Also, even where smart TV is already available, users only make active use of 11 % of them, in contrast to 44 % in China, 18 % in Korea und 17 % in India. At the same time, 72 hours of video content are being uploaded on YouTube per minute.

Attention is no longer focused on one screen only. In parallel to watching TV, viewers use tablets or smartphones which can provide more information about the content watched, allow interaction with friends or with the TV program itself through social networks. "Second screen" applications on these devices offer the prospect of "social TV" which delivers a more interactive experience for the consumer and also new revenue streams for the content provider. Many of today's devices not only facilitate consumption but give consumers an easy option to create their own content. All these developments make convergence more and more visible in our daily lives.

Under the pressures and opportunities of digitized multi-media platforms and rapidly changing user habits, Public Service Broadcasting is transforming into Public Service Media. The transformation in the audiovisual media landscape has the potential for a new viewing experience for audiences and business opportunities for enterprises. The EU Green paper outlines policy options for Member States, such as obliging net providers to include certain TV channels in their offer, to make certain digital radio services available and to oblige navigation aids to make content of general interest available. Thus, it poses many questions also many other Convention Parties are seeking answers to.

Part B: Enhancing diversity of the media to protect and promote the diversity of cultural expressions on the national level:
Policy action, (regulatory) measures, program initiatives

Most of the periodic reports submitted in 2012-2013 contain a wealth of interesting descriptive material on cultural policy measures and related strategies adopted by the Parties, addressing the broad scope of application as outlined in Article 6, including all stages from the creation to the consumption of cultural activities, goods and services. 23 of 65 reports provided information on measures taken in the field or related to audiovisual initiatives and media diversity at large, as part of their action on the national level. This is a first and interesting feedback on the relevance of this particular dimension in the Convention, given the fact that the list of potential policy measures is illustrative and not a strict obligation.

A second interesting feedback stems from the fact that those contributions came from diverse regions, such as the Asia-Pacific region (China, New Zealand, Mongolia, Viet Nam), Latin America and the Caribbean (Argentina, Brazil, Cuba, Dominican Republic, Peru, Uruguay), the Arab region (Egypt), Central and Eastern Europe (Armenia, Montenegro, Romania) as well as Western Europe and Northern America (Austria, Canada, Denmark, France, Germany, Greece, Italy, The Netherlands, Norway, Portugal, Sweden, United Kingdom as well as the European Union). The large response by the latter group is not surprising in the light of the development and maturity of *Independent and autonomous public broadcasting* in this region, as indicated in UNESCO's 2014 report on World Trends in Freedom of expression.

In addition, developing countries from Africa, Asia and Latin America used Convention assistance to enhance media diversity on the national level. For an analytical synopsis of the regulations, policies and measures reported by Member States, relevant implementation initiatives[16] or otherwise relevant information, the illustrative list of measures contained in Article 6 is being used as a grid.

Regulatory measures

Regulatory measures (Article 6.2a) are mentioned explicitly and first in the illustrative list as distinctive from measures in a broader sense which can cover both voluntary measures, practices, and compulsory measures. Regulatory measures as listed here probably are meant to have *a legal character* in the form of laws, regulations or decrees, and are mostly susceptible to sanctions in case of non-respect (See Bernier 2012:185).

Argentina passed a new *law on Audiovisual Communication Services* in October 2009 (Law No. 26.522), promoting diversity and universality in access and participation, thus abolishing the law on broadcasting passed in 1980 by the military dictatorship.

Responding to the role played by **pay-tv** for the dissemination of cultural content, ***Brazil*** has established *a new regulatory regime* as a legal structure in 2011 (Law No. 12.485/11). The provisions of the Brazilian constitution on promoting the diversity of audiovisual communication have thus been enacted. The principles of the Convention are being used as framework of reference.

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[16] Developing countries are entitled to make use of two Convention implementation facilities. Firstly, projects funded with small grants through the International Fund for Cultural Diversity, operational since 2010. In addition to governments, national and international NGOs can apply. Among the successful projects decided upon annually by the Intergovernmental Committee, are AV and media diversity relevant initiatives.
Secondly, developing countries were eligible for the UNESCO-EU Cultural Governance technical assistance program (2010-2014). Requests had to address the role of culture in social and economic development, particularly through the creative economy and cultural industries. Applications were to be tabled by national level public authorities or agencies, or local level public authorities if their activity had direct impact on the governance for culture in the country. Among the successful applications were AV and media diversity relevant initiatives.

The revision of the EU Directive Television Without Frontiers was launched in 2005, in synchronicity with negotiating the Convention, and accomplished in 2007 as *Audiovisual Media Services Directive (AVMSD),* using *inter alia* the Convention rationale. The AVMSD applies to media service providers under EU jurisdiction, including those who deliver content over the Internet. As long as a provider has responsibility for the choice of the content and determines the manner in which it is organised, it has to follow EU broadcasting rules.

A first EU report on legal options and action taken by EU Member States under the AVMSD was delivered in 2009. On 4 May 2012, the European Commission submitted its first report on the application of the AVMS Directive. The report showed that while the AVMS Directive is working, Internet-driven changes such as Connected TV could blur the boundaries between broadcasting and over-the-top delivery of audiovisual content. As a result, the current regulatory framework may need to be tested against evolving viewing and delivery patterns, taking into account related policy goals such as cultural diversity, consumer protection and the level of media literacy. The 2013 Green Paper *Preparing for a Fully Converged Audiovisual World: Growth, Creation and Value*s was launched by the European Commission in order to look for feedback on the scope and definition of providers covered by EU broadcasting rules. The process may lead to the re-thinking of the Directive and its regulatory scope.

As a regulatory measure, in accordance also with requirements of the EU Audiovisual Media Services Directive, the **German** *Inter-State Treaty on broadcasting* (version in force since 2013) requires that both private and public broadcasting services/companies ensure that diversity in society is represented in news and informational, cultural and educational programming. Broadcast media serve to protect cultural identity as well as diversity and freedom of opinion.

The revised *film law* of **Greece** (2011) aims at featuring new artists, create new jobs, increase investments in film production, attract foreign producers and enhance the outward looking of the national film industry.

In response to very quick developments of technology and the Internet in recent years, **Viet Nam** has amended its 2005 *law on Intellectual Properties* in 2009, providing clear provisions for literary and artistic works as well as for digital technology products and broadcast programs.

UNESCO's 2014 World Trend Report indicates **enhanced regulatory activity** but insufficient implementation in practice: the past six years have seen increasing **convergence of international norms of free expression** (as manifested in constitutional guarantees, regional declarations, freedom of information laws), with a clear trend of adopting Freedom of Information (FOI)/Access to Information laws.

More than 90 countries have FOI laws, with at least 17 passing them in the past five years. Many others are currently in process, although inadequate implementation remains a challenge. There is a slow trend towards decriminalization of defamation, with about 15 countries fully decriminalizing defamation since 2007, though not yet in all regions. However, the predominant trends during this period are stasis or even **regression in press freedom** and the **extension of censorial laws, policies and technologies to the Internet.**

Measures that […] provide opportunities for domestic cultural activities, goods and services […] for the creation, production, dissemination, distribution and enjoyment […] including relating to the *language* used for such activities (Article 6.2 b)

Parties reported measures for providing opportunities for domestic cultural activities by using audiovisual and electronic media as "highways" of culture thus making a broader diversity of cultural expressions more widely accessible.

For example, *promoting and disseminating cultural production* with an extensive social, federal and regional Latin American approach through different audiovisual formats is the role of the institute for Audiovisual Production and Research (CePIA) created in 2011. The institute is expected to feed all National State television stations with innovative and diverse content (***Argentina***). Regional cooperation to create an Ibero-American audiovisual space has been under way since 1997 (IBERMEDIA, IBERMUSICAS, IBERSCENA). Evaluation in 2008 demonstrated considerable impact of the IBERMEDIA fund, resulting in modernization and extension of the film industry in the region. In July 2010, the overall strategy was invigorated with the decision to promote the construction of an Ibero-American musical space (***Peru and other Latin American Member States)***.

For example, making audiovisual materials available for creators and for the enjoyment of the public at large, is the aim of a broad-based digitalization program of records (65 CDs and DVDs) and old films (several hundreds), implemented jointly with Public Radio and through public-private partnerships (Sony Austria*) (**Armenia, 2009).*** Extending audiovisual offer to rural areas and remote Western regions is the aim of two projects, the "Radio and TV Coverage for Every Village" and the "*Countryside Movie Screenings* project" (***China)***, having one movie screened per month in every Chinese village.

In a similar line, the *Rural Cinema Pilot Scheme* was launched in 2010. It brings high standard digital equipment to rural audiences, giving them the opportunity to enjoy the benefits that modern digital cinemas have to offer, including live satellite events and 3D films. Rural cinema in this sense means film screenings in rural areas and venues such as village and town halls, arts centers and other community spaces, involving film societies, film clubs, mobile cinemas and community centers (***United Kingdom***).

In response to the digitization challenge, after ***Norway, the Netherlands*** is the first country where distribution and exhibition of films will be 100% digital. Digitization of the film sector is at an advanced stage, following a national unique joint venture of the Dutch Exhibitors Association, the Dutch Film Distributors' Association and EYE Film Institute. 'Cinema Digitaal BV' was founded in January 2011 with a volume of USD 52 million, with co-financing of the Ministry of Economy Affairs (USD 4.2million) and the Netherlands Film Fund (USD 2.8 million). According to the periodic report, a close-knit network of cinemas has been retained and no Dutch cinemas of film theatres would disappear as a result of digitization.

Regarding the *languages* used for domestic cultural activities, goods and services, Parties reported on a multitude of measures taken *in the field of broadcasting* which is highly relevant for enhancing cultural diversity.

For example, there are radio broadcasts and radio programs in national minority languages, in particular provided by Public radio stations and by Public television (***Armenia).*** Radio and TV broadcasting entities have been set up by the State Administration of Radio, Film and Television in ethnic autonomous regions to strengthen public cultural service (***China***). The public radio and television company (ERT SA) offers national language satellite broadcasting for the diaspora, including information on cultural events in the countries of diaspora as well as within the national territory (***Greece***). Maori television was founded in 2003, with the remit to deliver high quality program mainly in reo Maori, pay special attention to needs of children and to needs of all Maori learning people. This remit may be amended in the future, resulting from a review currently under way. With the introduction of free-to-air digital television, more Maori language programs broadcast will be available on demand. Maori radio is widely available to listeners through online streaming (***New Zealand***). RTP guarantees broadcasting to Portuguese-speaking African countries (***Portugal***). ***Swedish*** public broadcaster's activities for linguistic and ethnic minorities are measured in the numbers of hours broadcast in different languages.

In addition, in March 2009, a ruling by the **European Court of Justice** in Luxembourg reaffirmed the legality of diversity enhancing policy measures. According to the ruling, EU States may require television producers to invest part of their operating income in the production of domestic and European films (File C-222/07). The Spanish private commercial broadcasters' association Uteca had complained that in **Spain** 5% of their income had to be

channelled into European film productions, of which 60% was to be used for films in Spanish or in one of Spain's other official languages. In the view of Uteca, this was a violation of the principle of free trade and other civil liberties. The judges were of a different opinion, holding that this Spanish cultural and media regulation was grounded in cultural considerations. Its aim was the *protection and promotion of multilingualism and the diversity of the cultural offerings,* and was as such in accord with both the European regulatory "Television without Frontiers/Audio-visual Media Services Directive" and with other Community law. The judges also expressly referred to the 2005 UNESCO Convention in their verdict.

A variety *of screen and radio quota systems* has been in place in many countries in order to provide production and distribution opportunities for domestic cultural goods. While **Brazil** has operated feature film quotas in cinemas since the 1930, Congress has introduced a new regulatory measure in 2011, extending the applicability of screen quotas for Brazilian content to pay-tv (Law 12.485/11). **France** has been operating public television screen quota for European (60% of programming time) and French-language (40%) works since 1986. These were expanded and updated in July 2010 to become compulsory production quota both for analogous, cable, satellite and digital television channels (with varying percentages, depending on the business model). Quota for French National TV have been enhanced by decree (70% European of which 50% French language productions). **New Zealand** reported a successful voluntary Code of Practice, adopted by the Radio Broadcasters Association. By 2007 the aim of raising the local music content to an average of 20% across commercial radio formats had been met, and is maintained ever since.

Local content quotas for television have been applied in such diverse countries as Argentina, Australia, Brazil, Canada, Chile, China, Costa Rica, Korea, South Africa and Venezuela with an increasing trend. Interestingly, some of those quote having seen their legitimacy confirmed in US free trade agreements such as that between the US and Chile (2002) and that between the US and Australia (2004) (Bernier 2012:186).

As a measure for enlarging dissemination opportunities of the diverse cultural expressions across the national territory, the Ministry of Culture of the **Dominican Republic** publishes a monthly bulletin, produces a weekly televised cultural program in prime time and offers a top-notch web-site on activities of the National cultural institutions. For raising public awareness about cultural diversity, the 126 **Mongolian** *television channels* and other media institutions play an important role. Since 2010, the Mongolian Arts Council has launched a TV Program "Arts Network", a monthly large scale advocacy activity to promote the diversity of cultural expressions and to make the voice of culture and arts institutes heard by the public.

Transforming Buenos Aires (**Argentina**) into a global hub for the production of Spanish-language *audiovisual content for children*:[17] Concerned about the lack of domestic content available to its children and youth, the Argentinian Government adopted in 2010 legislation requiring television to broadcast three hours of content for children a day, of which 50% must be domestically produced. At the same time, aiming at bridging the digital divide between children from different economy backgrounds, the Government started implementing the policy of 'one laptop per child', providing laptops for children in primary and secondary schools in the public school system in Buenos Aires. Considering the *market opportunity* that this legislation and policy would create for producers of children's content, the General Bureau of Creative Industries and City Government became interested. In 2011/2012, the City of Buenos Aires sought technical assistance from UNESCO's Expert Facility Project. Children in Argentina and around the world are increasingly consuming content on mobile platforms such as phones, tablets and laptops. The technical assistance was invited to help businesses understand how these changes will affect them, and to understand what's going on abroad, in global markets. The increasing interdependence of creative sectors, with lines blurred between the space occupied by business working in advertising, animation, film, music, publishing, radio, social media,

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[17] This good practice example is taken from UNESCO 2013: Strengthening the Governance of Culture to Unlock Opportunities. Results of the UNESCO-EU Expert Facility Project, p. 16-19

television and video games, needs to be taken into account. The mission was very successful as all stakeholders managed to focus on the *contents* the sector should be *producing for the young audience*, and not on the formats, as these are changing constantly with technology (convergence of media and content across platforms). Children should have *really good content* and develop pride in what's going on in the home city and country. A strong local independent sector, which is producing for the country and beyond, is needed for that. The question of *business sustainability*, access to international markets and the type of (public) support needed by start-ups and entrepreneur-led creative business is key. This is an important initiative of a local government to unlock content based development opportunities for the local independent audiovisual content producers, while at the same time offering children a quantum leap learning and development pathway.

A ground-breaking study involving experts from different countries recently revealed **Latin America's** *"Invisible cinema"* (July 2014). The growing importance of community cinema across 14 Latin American and Caribbean countries stems from advances in technology making it easier for people to create their own audio-visual products. While much has been written about community radio**,** *community cinema* in Latin America and the Caribbean is almost as invisible, as the communities that it represents. Community cinema is sprouting up everywhere. These are driven by groups such as indigenous peoples, women, young people, Afro descendants, migrant workers, the people with disability and many others who are far too often overlooked by mainstream media.

Experiences of 55 communities in 14 countries were documented. The study was devised by Cuban-based non-governmental organization *Fundación del Nuevo Cine Latino-Americano*, with support from UNESCO's International Fund for Cultural Diversity. Communities created documentaries, feature films, television content and much more. Likewise, it was found that *dissemination* was *diverse* through networks, film clubs, cultural centers, churches, unions, festivals, showcases, special events, schools and other educational spaces, electronic means, DVDs, and websites.

In terms of *impact***,** the study revealed that community cinema invigorated communities' *identity and organization*, often improving their sense of self-esteem and self-confidence. Community cinema also reaches beyond the groups them-selves. It enables a wider public to identify with and value the stories of life not included in mainstream media.

Measures […] providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services (Article 6.2 c)

In March 2009, the EU Commission published a study on *media diversity* in EU Member States. Among the cited examples of best practice, the following examples of independent media producers and activities in the informal sector where from the **United Kingdom:** Radio Salaam Shalom, based in Bristol, is an Internet broadcaster and the UK's first combined Muslim-Jewish broadcast project; the Creative Collective National Print Media Internship promotes ethnic diversity in the print media; Mama Youth is a production company that offers young adults from minority communities a chance to gain practical skills and improve their employment opportunities in the media sector; the PEARLS Radio Training course for Women offers training opportunities in radio program production groups.

Digitization is one of the major challenges not only for public service media and independent media producers, but also for *independent art-house/repertory cinemas and small/regional cinemas.* They are key actors for providing access to the diversity of audio-visual cultural expressions. The rapid conversion from analogue to digital projection technology is putting increased pressure on these types of cinemas[18]. Many of them cannot afford to convert their screens to digital projection technology without financial support.

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[18] The European Digital Cinema Report (2011) confirms for Austria that the smaller the cinema site, the less screens are digitized. 80% - of a total of 231 – of screens operated by major exhibitors are digitized against only 17% - a total of 129 – digitized screens operated by small exhibitors.

For example, after consultations with sector stakeholders and the concerned trade associations in the Austrian Federal Economic Chamber and based on transparent criteria, the Federal Ministry for Education, Arts and Culture decided to provide USD 1, 3 million in total as co-financing for the *digitization* of art-house / repertory and small / regional *cinema screens,* 50% earmarked for art-house / repertory cinemas[19], the other 50% for small and regional cinemas[20] (*Austria*, 2011). Thus, the programming of independent and art-house films will be safeguarded, and the future existence of local cinemas will be ensured. *Germany* (2011) and *Sweden* (2011*)* have taken analogous measures. These initiatives represent well thought- through evidence based cultural policy measures to respond swiftly and adequately to new technological challenges in the media diversity landscape. As a consequence, it is expected that independent actors in the audiovisual/film field will continue to have effective access to means of dissemination, and that more citizens will be in a position to enjoy a diverse range of domestic/regional cultural products.

The *Cameroonian* Association to Promote Audiovisual and Live Performance has created the *first database of central African cinematographic and audiovisual productions.* The initiative offers an innovative channel for independent producers and broadcasters to distribute or access quality audiovisual works. The non-governmental organization's initiative was funded by UNESCO's International Fund for Cultural Diversity. Back in the 1970s and 1980s, Cameroon's audiovisual industry was a rising star in Africa with homegrown talent and cinematographic productions. But, new technologies permitting home viewing of films, piracy, and obsolete structures saw the demise of audiovisual and cinematographic distribution companies and the closure of many cinemas. Nowadays, films reach their *main market thanks to festivals and television.*

Through the project, APPAS has collected and digitalized hundreds of hours of film and audiovisual productions to create a regional audiovisual landscape. The Image Database of Central Africa, known as BIMAC, contains 400 films and AV productions of all categories and represents 350 viewing hours, ensuring their calibration, cataloguing, storage and conservation. A repository of past, present, and future productions, BIMAC functions like a *community film library on a commercial scale.* The collection is aimed at African and international television stations, public and private organizations and administrations, universities, youth clubs and various professional and cultural associations. It is accessible directly through BIMAC's sales and distribution structure and online. BIMAC actively promotes the project through professional networks and associations. Its goal is to cultivate a climate of confidence and the creation of quality films.

Measures […] providing *public* financial assistance (Article 6.2 d)

Audiovisual industries are generally considered to be the most heavily assisted by public finance, along all elements of the creation, production and dissemination process (compare Bernier 2012).

Parties reported about recent creations of *Sectorial Funds addressing the complete audiovisual value chain.* For example, both the French and the Brazilian Sectorial Audiovisual Fund finance projects throughout the complete value chain, from the creation and production through to distribution and exhibition (*France, Brazil).*

In exchange, the benefitting production companies have to invest directly into Brazilian audiovisual production. Public financial assistance is given by tender. From 2007 through 2011, 26 tenders for the development of cinematographic projects have been launched, leading to 250 assisted projects. All projects realized with public funding of the Ministry of Culture are being sent to the television stations for dissemination (*Brazil*).

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[19] Criteria applied by the Ministry: a high quality program, screening a high percentage of Austrian (min. 10%) and European (min. 30%) production, offer film/media/ screen education and the hosting of film festivals.

[20] Criteria developed by representatives of cinemas and film distributors: a regular service of a hundred days per year as a minimum and screening at least 5% Austrian and 15% European productions.

Measures […] encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promoted the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities (Article 6.2 e)

For example, the *National Inter-University Council* (CIN), a non-profit organization, conducted a new edition *of contests to select new High Quality and High Definition fiction series* for Digital TV, aimed at open Television channels and production companies associated to an open TV channel (***Argentina, 2012***). This is an interesting example of running a broad based media ecosystem, involving new actors beyond the professional field of media, in order to identify new, relevant and interesting cultural content.

Regarding media diversity, the Leicester Multicultural Advisory Group promotes multicultural society in Leicester, which is predicted to be the first European city to have a minority white population by 2020 (***United Kingdom***).

The project aiming to establish a *community-led audiovisual micro-industry* on the ***Indonesian*** island of Siberut (April 2013-July 2014) is noteworthy in this regard. In collaboration with the local government, a local NGO set up a creative workshop space within the existing local Intercultural Media Centre, as a platform for training 150 young creative professionals from indigenous communities in filmmaking and business management, half of them women. This initiative will also provide the opportunity for young participants to develop their business ideas and create their own micro-enterprises. Local films and audiovisual productions by young creative entrepreneurs from Siberut are being promoted and commercialized in the provincial and national markets.

Measures […] establishing and supporting public institutions (Article 6.2 f)

For example, BACUA, the *Banco Audiovisual* de Contenidos Universales Argentino [Argentinian-made Universal Content] is a publicly created institution where all relevant productions are digitally stored in order to create *a federal space for audiovisual exchange.* BACUA searches, organizes, digitalizes and socializes audiovisual content reflecting the cultural diversity within the national territory. The aim is to upgrade the national audiovisual industry's productive potential and its capacity to generate high quality and socially relevant TV contents. This is one component of an operational national plan for the promotion and fostering of digital audiovisual contents. (***Argentina***). This initiative represents a very interesting public policy answer to challenges and opportunities of digitization. It thus democratizes access to audiovisual content as part of a diverse media landscape and promotes capacity building nationwide.

Uruguay has chosen an even more comprehensive approach with the creation of The Uruguayan Film and Audiovisual Institute in 2008 (Law 18284) as the public institution in charge of *the design of national policies towards the audiovisual sector* with a special emphasis on the creation of a legal framework for the film industry (www.icau.mec.gub.uy). All stages of the production and dissemination process are considered across the value chain, with a citizen oriented approach and support for diverse audiovisual contents, so as to put in practice the right of all sectors of the country to communicate, share and recreate their histories, values and ways of perceiving the world. Quality contents while respecting cultural diversity and identities are the main priority. Since 2010, almost 100% of all Uruguayan film releases have received financial support from the institute. This regulatory measure represents a very interesting public policy answer to needs of civic education and democracy building through cultural diversity. It thus boosts a domestic independent audiovisual sector while democratizing access to audiovisual content as part of a diverse media landscape.

According to the UNESCO 2014 World Trend report, *new global media actors* are starting to set the pace in an increasingly competitive ecosystem. Broad trends have been difficult to pinpoint. Many *global media outlets* have been owned predominantly by States, enjoying very limited journalistic independence, even where there has not been direct control. Thus most global media *are established and supported as public institutions*, competing globally for transnational audiences. Where journalistic independence is limited, this process is rather not enhancing diversity of media, even where the broadcasting offers covers impressive linguistic diversity. Within the state-owned global news broadcasters – the larger ones being Al Arabiya, Al Jazeera, BBC (via a trust), CCTC, China Radio International, Deutsche Welle, France24, RT (formerly Russia Today), and Voice of America (VOA), there have been different frameworks for independence of journalists and of media outlets, both legally and in practice, as well as by platform. The performance of international broadcasting continues being related to complexities of foreign policy, geopolitics and their relationship to the government. As such, some international and foreign broadcasting has tended to reflect the interests of the respective governments (2014:72).

For example, **China** has accelerated its plans: China Central Television (CCTV) has laid in place a basic seven-channel framework of an English channel covering the entire globe, supplemented by Chinese, Spanish, French, Arabic, Russian and Documentary channels. China Radio International (CRI) has the world's second-largest number of unshared-frequency overseas stations. CRI Online, a new media platform, is broadcasting in 61 languages and has developed a new remote management system for localized programming in foreign countries. China Network TV (CNTV) has vigorously pursued the rollout of a global, multilingual, multi-terminal online video public service platform.

Measures […] nurturing and supporting artists and others involved in the creation of cultural expressions (Article 6.2 g)

For enhancing media diversity and independent production, Parties report a range of measures aimed at supporting *talents* in the audiovisual and film sector. As these professional skills are cross-sectorial and will often be used in different media services throughout a professional career, the sectorial dividing lines are of secondary importance.

For example*, **Argentina, Canada, France, Germany** and others provide incentives for *independent* audiovisual and film producers by granting public funds.

Several countries mention support schemes to promote *young* audiovisual creators: For example, cross-disciplinary measures include *a coordination center for young talents in the film sector,* established in 2009 at the Ministry for Education, Arts and Cultural in cooperation with the Austrian Film institute, in order to create new opportunities for young professionals to establish themselves. The measures include selective support programs, promotion of works to be scheduled in broadcasting, on digital platform and theatre, a mentoring and networking scheme etc. (**Austria**). This initiative represents an innovative knowledge building and empowerment platform for a specific age-group. It provides young professionals with learning and promotion opportunities regarding the challenges of film and media systems. By bringing new talent and creating space for new voices, it also enhances the diversity of the audiovisual and media systems.

With a similar thrust, **United Kingdom** has responded to the enthusiasm of young people for filmmaking. Filmmaking has never been so popular with young people. Changes in the accessibility to technology means that more and more young people are creating their own films. However, the qualities of these films varies greatly. The *First Light's Young Film Fund* was set up in 2001 to provide professional support and help young people aged 5 to 19 from disparate backgrounds and abilities *unlock their creative potential.* In 2011-2012, theme funding rounds were offered for documentaries, archive film and a first comedy short strands in partnership with YouTube.

In 2009, First Light launched Second Light to address talent development for the post 19 age group, *feeding talent into the film industry*, in particular under-represented filmmakers. The overarching driver for this program was that the UK film industry should have an up to date, technically informed, skilled and diverse work force representative of the UK population. One to four day, skills specific work-shops targeted groups under-represented in the industry. First Light has enabled over 40,000 young people between the ages of 5 and 25 to make more than 1,000 films and create hundreds of media projects, including magazines, TV and radio broadcasts, comics and games. This initiative represents an innovative empowerment program for a specific age-group. It provides young people with learning and experimentation opportunities which have become possible because of technological change in the film and media systems. By bringing new talent and creating space for new voices, it also enhances the diversity of the audiovisual and media systems and contributes to social cohesion.

In **China**, the Film Bureau under the State Administration of Radio, Film and Television, has launched a grant program for creation by Young directors and a support plan for Quality Youth screenwriting, which has benefitted many directors and screenwriters from ethnic minority groups.

In **Greece,** the Greek Film Center, a nonprofit entity, promotes young creators and decides on production grants, with 80% of its budget coming from taxation, the remainder from the European Union and Third sources. The main challenges are low and not readily available funding and the lack of modern technological infrastructure.

IRIPAZ, an NGO committed to promoting **Guatemala**'s cultural diversity through audiovisual media, considers digital technology to become one of the most democratic forms of technologies there is. Firstly, young indigenous students were introduced to the digital world, where they learned how to operate digital cameras and how to use graphic design programs such as Photoshop and Illustrator, editing programs such as Final Cut Pro and After Effects and audio production programs such as Logic Pro.

The second phase of the project (May 2014), known as INCREA Lab, has been proving to be an even greater success, with students being taught skills in entrepreneurship in the creative audiovisual sector. Learning from the example of Spanish filmmaker Nicolás Alcalá who managed to raise half a million US dollars to produce and direct his feature film "The Cosmonaut", by using online crowd funding platforms only, the training provided by INCREA Lab with the support of UNESCO's International Fund for Cultural Diversity (IFCD) have encouraged many students to become entrepreneurs on their own in the audiovisual sector.

Measures […] enhancing diversity of the media, including through public service broadcasting (Article 6.2 h)

In *response to the convergence challenge*, some countries have come up with structured and comprehensive measures to implement the new technologies while at the same time expecting to enhance diversity of the media.

For example, **Argentina's** National Plan of Cultural Equality has the "*Open Digital Television*" (TDA/Television Digital Abierta) as one of its key components. TDA is part of the state's social plan to get ready for the deployment of Digital Terrestrial Television and Satellite Digital Television nationwide, based on the Japanese standard, thus generating a qualitative leap in terms of communication. TDA will have national coverage and thus promotes the *integration of (rural) areas* that currently do not even have access to analogous television. People will be able to watch TV with enhanced image and sound, in addition to having multiple programming options and interactive features. The idea is to supply high quality contents, promote local cultures and distance learning, thus turning TV into a participatory form where new actors such as NGOs, universities, cooperatives, community centers, the Catholic church et al will be able to participate. In addition, cooperation partnerships with other Latin American countries have been signed who are also adopting the Japanese Standard for Digital television. This is a highly relevant example for a

comprehensive package of measures, aiming to use the convergence challenge in order to both redress gaps in the available cultural infrastructure nation-wide as well as enhancing quality offers promoting locally generated contents.

As a regulatory measure, **Norway** has revised its Act on Ownership of the Media in June 2011, also in response to the convergence challenge. The legislation covered daily print media, television and radio. Now, electronic mass media including audiovisual and auditive on-demand services have been included as integrated part of the media market, with the purpose to promote freedom of expression, genuine opportunities to express one's opinions and to provide for a comprehensive range of media, thus enhancing media diversity.

On another level, the convergence challenge relates also to capacities of users of all ages. As part of the resolve to enhance diversity of the media, Parties have reported measures in the field of *media literacy*, for example a 'Media Council for Children and Young People' (**Denmark)**. The Council works for improving digital capabilities of young users, work carried with children and young people, their parents and teachers and partners such as the International Safer Internet network.

In response to *the challenge of ensuring a high-quality and diversified radio and television program* in the context of the changing composition of society, Parties have introduced a couple of new regulatory measures to enhance diversity of the media.

For example, the Austrian Communications Authority Law (KommAustria, BGBl. I No. 53/2009) has been amended to establish two new funding schemes and thus enhance a diverse broadcasting landscape (**Austria**, 2009). Non-commercial private broadcasting can be supported financially[21], as can be commercial broadcasting[22]. Non-commercial private radio and TV broadcasters foster access to production skills and broadcasting possibilities for persons belonging to ethnic minorities or to persons with disabilities. In order to ensure that diversity of society, in particular the role of women, youth and minorities, is adequately mirrored in audiovisual-programming, broadcasters have introduced diversity clauses in all production contracts (**France,** since November 2009).

The French-German television channel ARTE has enhanced its explicit mandate to foster European audiovisual and cinematographic creation, including support on digitized platforms for live performances. 85% its programs are of European origin (**France, Germany**).

In the **German** Inter-State Treaty (latest update, entry into force January 1st, 2013), culture is part of the remit of public service media, as these have a particular responsibility for serving the democratic, social and cultural needs of society. The treaty stipulates that "public-service broadcasting corporations must provide a comprehensive overview of international, European, national and regional events in all major areas of life. In so doing, they shall further international understanding, European integration and the social cohesion on the federal and state levels. […] They must in particular provide contributions on culture…meaning in particular theatre, plays, music, television plays, television films and radio plays, fine arts, architecture, philosophy, literature and cinema".

In a similar line – also valid for more Member States of the European Union - , the **Italian** triennial public radio and broadcasting services contract (most recent version of 2011) stipulates clauses as to the protection and promotion of cultural expressions, integrating the relevant European Union Norms (Directive 2007/65/CE) and recommendations (EU report on the implementation of this directive of 2009). **Sweden** operates a quality remit for public service broadcasting. Programs must be high quality, satisfy different interests among the entire populations through availability and diversity. The achievement of the remit is monitored annually, highlighting the challenge and difficulty of quantifying diversity.

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[21] Through the "Fund for the promotion of non-commercial broadcasting", endowed with USD 2.7 million in 2011, 3.3 million in 2012 and 4.0 million in 2013.
[22] Through the "Commercial Broadcasting Fund", endowed with USD 13.3 million in 2011, 16.6 million in 2012 and 20.0 million in 2013.

The oldest public service broadcasting organization, BBC, has taken initiatives to promote diversity in the corporation's employment, output, audiences, strategy, and business planning, with the goal of becoming a true reflection of the nations and regions it serves; Channel 4 initiatives promotes diversity both on and off the screen, especially in relation to the training and development of ethnic minorities (**United Kingdom**).

The public **Greek** Radio Television Company (ERT SA) is obliged to allocate 1.5 % of its annual turnover to the creation of Greek film productions. In order to achieve media pluralisms and media diversity in accordance with European standards, 64 projects to produce quality program content of public interest have been co-financed 2009-2011 by public tender. 23 % of these projects have been implemented by non-governmental associations (**Montenegro**).

New-Zealand's broadcasting policy supports widely available quality public broadcasting and the production of local content through tendered funding which promotes competition for quality, content diversity and availability across a range of channels and platforms. Media diversity is enhanced by a policy framework for regional and community broadcasting. This framework enables a range of broadcasting services, content and formats for regional, local and community and minority audiences including ethnic minorities, communities of interests and students. Eligibility criteria for local licenses have been developed from this framework, providing scope for both new local commercial broadcasters as well as non-commercial ones. Free-to-air digital television was launched in 2008 and analogue signals have been switched off by end of 2013.

Professional capacity building in the field of cinema and television has been reported as measures by several Parties, for example the Internet-based Arab School of cinema and television, dissemination a large curriculum in cinema and television for Arabic speaking people world-wide (**Egypt**), and a three year national capacity building project for the use of digital technologies in creative industries development (**Mongolia).**

Part C: Moving forward. In search for media diversity indicators and tool boxes

As is known from longitudinal comparisons in the field of media development, media pluralism and media diversity, conceiving clear and easy-to-handle indicators and tool boxes is not an easy task. In order to strengthen the evidence base for policy measure and to empower media professionals, a couple of interesting efforts have been made in recent years.

The most comprehensive approach has been the debate on media pluralism within the European Union, launched in January 2007. An independent study was commissioned to a consortium consisting of academia, media professionals and media sector specialists. Their 170 pages strong Independent *Study on Indicators for Media Pluralism* (Leuven, April 2009) opted for a Risk-based approach. The objective of the study was to develop a monitoring tool (Media Pluralism Monitor, MPM) for assessing the level of media pluralism in the EU Member States and identifying threats to such pluralism based on a set of indicators, covering pertinent legal, economic and socio-cultural considerations. The Media Pluralism Monitor has been tested for proof of concept in various ways, including a partial implementation in three non-EU countries.

From a methodological angle, the UNESCO Institute of Statistics responded to the need for relevant statistics resulting from the adoption of the 2005 UNESCO Convention on the Promotion and the Protection of the Diversity of Cultural Expressions, in order for countries to become able to measure its impact. In a technical paper released in 2011, data from the *UIS Survey of Feature Film Statistics* were re-examined in a first study, applying the Stirling Model of Diversity to cultural studies. A second study examined the *content of private and public television channels* in several countries with the help of the Stirling Model of Diversity (France, The United Kingdom, Turkey). This study came to the conclusion that, contrary to the literature, there is no clear link between the type of financing and the level of diversity. Both studies acknowledge the utility of the Stirling model of diversity to cultural studies and the measurement of the diversity of cultural expressions, while confirming the need for adjustments to the methodology.

MEDIANE 2013-2014 is a hands-on joint European Union / Council of Europe initiative for an inclusive intercultural approach to media production. Its heart is the elaboration of a *Media Index on Diversity Inclusiveness.* This index is conceived as a self-monitoring tool, for the media and their staff members, on diversity inclusiveness in their professional practices. It is also conceived to serve for a decision-making tool on diversity inclusiveness in media content design and practice ('Mediane Tool Box'). The Media Index aims at covering the main stages of the media content design and production process. It is inspired by the principles of the already existing Intercultural Cities Index of the Council of Europe. Knowledge partners for this initiative are the Community Media Forum Europe (CMFE), the European Federation of Journalists (EFJ), the European Journalism Training Association (EJTA) and Media Animation, a media education resource center and lifelong learning organization. This is certainly a very interesting approach, relevant for media diversity prospects in the Convention context. However, as the tool box works with a diversity notion-at-large, transfer adaption for the specific objectives of the Convention required. Building on the lessons learned from forming a community of professional practice around MEDIANE, a Convention-compatible version could be envisaged and developed.

Part D. Conclusions, pointers to further discussion

The following ten messages can be drawn as conclusions of this assessment:

1. Since the Convention entered into force, there has been an impressive expansion of audio-visual media, broadening the opportunities for media diversity. In 2012-2013, one third of the Parties reported to have taken recent and specific measures in the field of media diversity, independent production, public service media and AV-connected policy and regulatory measures. Also, highly relevant and innovative program initiatives have been taken by other stakeholders such as local governments and NGOs. This points to the relevance of this field when putting the Convention into practice, and to political will to enhance media diversity in a variety of ways.

When assessing the range, scope and possible effect of these measures, it is clear that they broadly respond to old and new challenges faced by independent media producers and public service broadcasters/public service media. Parties have been reporting measures which range from a **(very) broad understanding of (cultural) diversity** in society (rural – urban, majority-minorities, inclusion), aiming to make cultural/AV-offerings available to the broadest possible number of citizens (gender, specific life situations, languages/linguistic diversity, groups of interest, specific age groups) *with a cultural content focus,* to promoting the diversity of cultural expressions along the different and *specific components of the full cultural/AV- value chain* (creation, production, dissemination, enjoyment).

Among the reported measures, overlaps do exist with *audiovisual capacity building* / production support / film policies as well as with *broader (national) digital agendas* (making cultural content available in digitized form/online; media literacy; ICT access/broadband infrastructure, consumer protection (minors), as well as with *broadcasting policies at large* (not focused on public service media/independent producers alone).

Most media diversity measures reported have been taken fairly recently, during the last 3 to 5 years. This points to the relevance and urgency of change in this field. At the same time, in most cases it is too early to assess effectiveness and impact at this point in time.

2. As stated by UNESCO's *2014 World Trends Report on Freedom of Expression and Media Development,* it is not possible to **enhance media diversity where media freedom and connected basic freedoms** such as freedom of thought, freedom of information and expression and its corollary, press freedom, are absent. Convention-related implementation prospects will take into account that *specific media work* is being done by UNESCO on the basis of its constitutional mandate, in conjunction with UN-wide activities, in particular regarding the Freedom of expression basic rights, gender issues, the safety of journalists/media professionals and the combat of impunity against media professionals. As indicated by the 2014 Report, there is a positive trend as more than 90 countries have adopted Freedom of Information laws by now, and many others are in the process of doing so. However, insufficient implementation in practice remains a problem. Extensive unevenness persists.

3. With the rise of digital networks and online platforms, **new types of media actors,** for example citizen's journalists and lay film producers are emerging. Boundaries with the professional field are blurring, but quality is a pertinent issue. Parties reported on a number of innovative capacity building measures in response to this trend, with a focus on the skills and motivation of young people, including from indigenous and minority groups. NGOs are particularly active in this field, offering programs for women, indigenous groups and youth, some of them funded through UNESCO's International Fund on Cultural Diversity.

4. **Gender equity** in media content and decision making, a top priority action identified by UNESCO in 2014, has been mentioned on a case-by-case base, but not featured very prominently in the Parties' periodic reports.

5. **Professional media institutions and public media** remain predominant agenda-setters for public communication in most regions. Parties report a bulk of measures aiming at providing innovative, culture oriented and diverse content to these media, in the line of promoting diversity of cultural expressions. Examples include the setting up of public AV-institutes, *Banques d'images*, digitizing historic and contemporary AV-materials, films etc. Few but significant examples address under-serviced groups and under-represented issues, such as the provision of quality AV-content for children and youth, and for extending audiovisual offerings to citizens of rural and/or remote areas.

6. **Locally (nationally) produced content and the languages** used for domestic cultural AV activities are of paramount prominence among the measures reported by Parties, ranging from financial and tax incentives, to specifying minimum or maximum quotes for national productions, including in specific (national / minority) languages as well as reaching out to diaspora groups around the world. Investment obligations for AV producers to promote diversity of nationally produced cultural contents as well as direct support programs / grant schemes for artists and independent AV-producers are another set of reported policy measures.

7. In Parties' Reports across all UNESCO regions, a broad range of measures **responding to the digital revolution and to convergence** in the field of media can be observed. Measures address infrastructure needs, needs to update existing regulatory systems to fit the new mixed media landscape, promoting 100% digitization in the film sector and building broadband platform as well as using the digital dividend for bringing enhanced public service media to more diverse communities, including specific communities of interest etc.

8. Measures supporting **independent media producers and/or public service media** were essentially reported from regions such as Western Europe and North America, where development was already strongest, or from Latin America and the Caribbean as well as from parts of South-East Asia where there is political will to enhance media diversity as an enabler of the diversity of cultural expressions.

9. **Community media,** especially radio, have been mentioned in a couple of reports. Significant is the recent regional study on the growing (invisible) community cinema initiatives across 14 Latin-American and Caribbean countries, made possible through UNESCO's International Fund on Cultural Diversity.

10. The regulatory measures and policy actions shared through the periodic reports as well as innovative initiatives of local governments and NGOs empowered through Convention implementation facilities demonstrate that *media diversity* is not only relevant for informing the citizens about diverse cultural expressions through raising awareness on the importance of protection and promoting this diversity of cultural expressions. **Media, and in particular public service media with editorial independence, where they exist, very often are crucial enablers of this diversity***, in particular as producers, commissioners, distributors, disseminators and cultural mediators of (local) program content, including in the multiplicity of languages used for program delivery. In this way, media diversity and media contribute *directly* to creating, promoting and protecting diversity of cultural expressions, activities and goods. As such, (public service) media are both part of the broader cultural fabric in the given society as well as an addressee of the Convention. The pre-conditions required for (public service) media to be a *meaningful* partner for achieving its objectives need to be addressed and ensured constantly.

This requires the full array of broadcasting and media laws to also take the 2005 UNESCO Convention on the Diversity of Cultural Expressions sufficiently into account, while heeding various principles of freedom of information, safeguarding access for users and providers, technological neutrality, promotion of cultural diversity in light of competitive policies and consumer protections. Safeguarding and promoting comprehensive and reliable journalism with editorial independence is another aspect of enhancing media diversity in the Convention context.

This task also requires inclusion of these principles in international trade agreements. Due to the tension between *cultural objectives and the marketplace*, this is a difficult but necessary task, in particular with regard to commercial broadcasting and private newspaper publishers, which can only promote public communication if also economically viable as enterprises. If successful, the partly contradictory demands made on the media sector and media culture can be reconciled. A vibrant array of high-quality media content will contribute substantially to achieving the Convention's objectives, while at the same time becoming a driver of media diversity in the media sector and the cultural economy as a whole.

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Additional background information was retrieved from expert information papers presented to the 7th session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions in December 2013[23] , from professional conversations with the participants of the informal working session on the subject in December 2013[24] as well as through desk research.

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[23] ARD Liaison Office Brussels, Jürgen Burggraf, 'Public Service Media and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions' (on file with the author); 'Draft paper to UNESCO/The contribution of Public Service Broadcasting to the Convention 2005', a compilation edited by Giacomo Mazzone in his personal capacity, using diverse sources such as the EBU Public Values Charter of 2012 and the 2012 EBU response to the Questionnaire of the EU Commission on implementing the Convention (on file with the author).
[24] Following the 7th session of the Intergovernmental Committee, an informal expert exchange was held in UNESCO headquarters on 13th December 2013 with members of the Convention Secretariat. The list of participating experts includes Aadel Essaadani, arterial network (Morocco); Georges Dupont (Conseil international du Cinéma, de la TV et de la Communication Audiovisuelle); Dounia Benslima, Association Racines (Maroc); Christine M. Merkel, German Commission for UNESCO; Jürgen Burggraf, ARD Liaison Bureau Brussels; Dawid Lewis, European Broadcasting Union; Giacomo Mazzone, European Broadcasting Union, Frans Jennekens, NTR/ European Broadcasting Union (Netherlands), Charles Vallerand, International Federation of Coalitions for Cultural Diversity; Diego Gradis, NGO-UNESCO Liaison Committee and Swiss National Commission for UNESCO; Christine Gradis, Traditions pour demain (Suisse) and Khalid Hadadi, Channel Four (United Kingdom).