



Declaration of the Mediterranean Network of Regulatory Authorities on Audiovisual Content Regulation

Reggio Calabria, Italy, 3 October 2008

Preamble

The member authorities of the Mediterranean Network of Regulatory Authorities thereafter referred to as Mediterranean Regulatory Authorities,

Fully aware of the humanistic contribution of the Mediterranean civilisation, their common heritage, and of the values of freedom, tolerance, mutual respect and diversity attached thereto,

Recalling the requirements set forth in particular by various international conventions and declarations relating to Human Rights and the protection of minors,

Considering that freedom of communication may only be exercised where principles such as the respect for human dignity, the rule of law, pluralism, the protection of minors, combating hatred and violence based on race, gender, culture, religion, nationality or any other basis for discrimination, are upheld,

Highlighting the social and cultural impact of the audiovisual media beyond boundaries and the need for fundamental common principles to be set forth for audiovisual content while respecting national specificities,

Asserting that technological convergence and the cancellation of physical boundaries do not impinge in any way on the common values recognized in the countries and regions of the Mediterranean Regulatory Authorities,

Hereby decide to set forth common principles which the Mediterranean Regulatory Authorities in compliance with their specific competencies express their willingness to make audiovisual media service providers aware of, and which shall serve as additional reference for the regulation of audiovisual media content.

CHAPTER I

Content regulation

Article 1:

Each Mediterranean Regulatory Authority intends to refer to the principles set forth in articles 2 to 5 in its regulation of audiovisual services, in the framework within its competencies granted by national Law, while complying with the national and international rules by which it is bound.

Part 1: compliance with fundamental values, principles and rights

Article 2

Mediterranean Regulatory Authorities intend to ensure that audiovisual media service providers comply with the fundamental values, principles and rights associated with human dignity.

Article 2-1: Respecting human dignity

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers apply the following to all of their programmes:

- respect human dignity;
- do not incite inhumane or degrading practices or behaviours;
- respect the dignity of persons in their treatment of information;
- respect the privacy, image, honour and reputation of persons,
- do not exploit the inexperience and credulity of vulnerable persons in particular children and adolescents;
- do not incite hatred, violence or discrimination on grounds of race, gender, culture, religion, nationality or any other basis for discrimination;
- do not encourage attitudes of rejection or xenophobia against certain communities or against nationals of other countries;
- respect and promote where applicable, the cultural diversity of Mediterranean societies in a spirit of tolerance and mutual understanding.

Article 2-2: Protecting the rule of law

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers apply the following to all of their programmes:

- do not eulogize violence and terrorism;
- do not broadcast audiovisual documents promoting the violation of the 3rd Geneva convention relative to prisoners of war;
- do not broadcast programmes likely to incite illegal practices.

Part 2: protection of children and adolescents

Article 3

Mediterranean Regulatory Authorities intend to ensure the protection of children and adolescents, keeping in mind the best interest of the child in accordance with the International Convention on the Rights of the Child.

Article 3-1: Protecting children from sexual content and violence

Mediterranean Regulatory Authorities specifically intend to ensure compliance with article 34 of the International Convention on the Rights of the Child under which "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse".

Each regulatory authority intends to ensure that programmes of a pornographic and extremely or gratuitously violent nature shall not be accessible to the audience by means of a locking mechanism.

Article 3-2: Protecting the development of children and adolescents

Mediterranean Regulatory Authorities intend to ensure compliance with article 17 of the International Convention on the Rights of the Child, the purpose of which is to protect the child against images that may be harmful to his or her well-being.

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers shall warn the public in the appropriate manner –that may be easily identified by deaf and people with hearing disabilities- when programmes, whatever their nature:

- contain images and/or sounds likely to upset the sensitivity of children and adolescents;
- or are likely to impair their development in particular when they are violent or difficult to watch/hear or where testimonies relating to particularly tragic events are being broadcast during news bulletins, news programs or other programs of similar nature.

Each regulatory authority intends to ensure that audiovisual media service providers do not broadcast programmes likely to, seriously impair the development of minors, endanger their physical integrity, in particular those highlighting the trivialization of consumption of tobacco, alcohol, and drugs, or incite them to behave in a violent manner.

Article 3-3: Promoting children's and adolescents' respect of human rights

Mediterranean Regulatory Authorities intend to ensure the implementation of article 29 of the International Convention on the Rights of the Child, when encouraging audiovisual media service providers to educate children to have respect for human rights and tolerance.

Each Mediterranean Regulatory Authority intends in particular to ensure that no programme addressed to children and adolescents violate articles 2-1 and 2-2 hereof.

Part 3: accuracy of information and plurality of views

Article 4

The Mediterranean Regulatory Authorities are attached to freedom of information and expression as set forth in articles 18 and 19 of the Universal Declaration of Human Rights. They believe that freedom of information implies an obligation for accuracy of information and that freedom of expression implies respect for plurality of views and of fundamental rights.

Article 4-1: Accuracy of information

Mediterranean Regulatory Authorities intend to ensure that accuracy of information is applied to all programmes broadcast by audiovisual media service providers.

Each Mediterranean Regulatory Authority intends to ensure that audiovisual media service providers, in all of their programmes, shall take all necessary measures, at the right time, so that necessary corrections when information likely to be misleading has been aired. These rectifications must be made in conditions comparable to those in which the inaccurate information was diffused.

Article 4-2: Respecting the plurality of opinions

Mediterranean Regulatory Authorities are attached to pluralism and intend to ensure that audiovisual media service providers respect the diversity of opinions and expressions so as to foster each and everyone's liberty to form his or her own opinion. The expression of diverse opinions shall occur in conformity with the principles set forth in articles 2-1 and 2-2 hereof.

CHAPTER II

Implementation of the declaration

Part 4: cooperation and common regulatory mechanisms

Article 5

The Mediterranean Regulatory Authorities hereby undertake to implement this Declaration by applying its principles in the regulation of audiovisual content by ensuring a concerted and effective international cooperation.

The Mediterranean Regulatory Authorities hereby undertake to exchange information and cooperate, within their respective legal competencies, in the regulation of content provided by

audiovisual media service providers and received in countries or regions whose authority is a member of the network.

In the specific case of transfrontier audiovisual content, the members of the network hereby commit to transparency and mutual exchange of information.

Done in Marrakech, on 30 November 2007 and adopted in Reggio Calabria, on 3 October 2008