

Re-Frame the Case: A Rights-Based Approach to Public Service Media

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1. Introduction: Re-Frame the Case for PSM?

A rights-based approach is a conceptual framework for a process of development that is based on international human rights standards and directed at promoting and protecting human rights, analyzing inequalities, and redressing discriminatory practices and the unjust distribution of power.

– Council of Europe: Public Service and Human Rights - Issue Discussion Paper (CoE 2011, 32)

Immense changes are reshaping the media landscape, affecting the way citizens are informed, governments and corporations are made accountable, and societies fulfill their potential. Most of these changes are 'cross-boundary'. For example, mass communication exists in the same ecosystem with the Internet, social networks, and mobile communications. In addition, more than ever before, communication and related technologies influences other fields other issues, ranging from health (the so called *e- and mHealth*), to education (*Massive Open Online Courses* and other virtual learning), to national and global security.

These changes also naturally affect traditional media institutions by bringing new opportunities, but also ethical, procedural, and financial challenges. In particular, journalism that upholds pluralism and diversity, transparency and accountability, editorial independence, access to information, public service values, and high professional standards. In addition, from the perspective of individuals, one of the defining characteristics of the contemporary media environment is the extent to which it can facilitate a greater array of – and deeper forms of – audience participation (Carpentier 2011). There

are the new questions about ‘user agency’ (Postigo 2012) in the world where production is not only in the hands of institutional players, but potentially everyone.

As for policy-making, many boundaries need to be redefined: media regulation meets with telecommunication laws, copyrights and privacy laws become issues that affect freedom of expression (CLD 2013), and so on. Finally, the question of how to create and evaluate media policies, systems, and practices, becomes ever more complex when media forms and participatory actions can take local, national, global, or issue-driven, borderless forms (e.g., Aufderheide & Clark 2009).

Given the above rapid changes, it could be argued that there is a momentum, and even urgent need, for those advocating the existence of public service media (PSM), to rethink how to *frame* the core principles, philosophies, actions, and allies of such an institution. In Goffman’s (1974, 21) words, framing is about how to “to locate, perceive, identify, and label”; in the normative policy and governance context, as understood here, framing is about how to define, understand, and act upon the role and the mission of PSM in a media system, and in a society. In this paper, the concepts of framing, re-framing, and frames are not used in the sense of formal linguistic or discourse-based systematic frame analysis, as a method, but rather in the more loose, and lay, use of the word, also as in ‘frameworks’. Here, the terms refer to basic approaches, expressed in policy documents, academic research, and other discussions, as to why and how public service media (PSM) should (or should not) exist.

Perhaps the furthest-reaching effort in rethinking PSM is *Vision 2020* of the European Broadcasting Union (EBU 2014). The EBU includes 76 active members in 56 European countriesⁱ as well as 36 associate members in 21 other countriesⁱⁱ, many of which are public service media organizations. The *Vision 2020* lists ten recommendations for facing the new challenges (op cit. 15-33), the last of which is specifically about how to ‘make the case’ for (op cit., 32) or to *frame* (in Goffman’s, 1974, 21 sense, as in to “to locate, perceive, identify, and label”) the existence of public service media in a society:

As with other public organizations, PSM are subject to changing views on the relationship between governments, markets and society. PSM management needs to adapt their legitimacy to the emerging new context.

While the EBU *Vision 2020* includes specific, programmatic actions (see section 2. of this paper), this discussion is an attempt to propose a way to frame PSM in a wider context: as a global, rights-based project. Connecting public service, be it education, health care, or safety and human rights, is not a new concept. Rights-based approaches to communication and development have been in the international agenda for decades. The digital age has brought about debates about human rights, the

media, and media technologies, ranging from new opportunities but also challenges for freedom of expression, access to technologies and content, and privacy, to the very concept of authority in the digital era and the democratizing potential of the media in non-democratic contexts (e.g., Klang & Murray 2005; Ziccardi 2013). Currently, many civic groups, working on media reform, media development, and Internet rights, are calling for global standards and policies, for example, the inclusion of the media and communication technologies in the new *United Nations Sustainable Development Goals*ⁱⁱⁱ that will come in effect in 2016.

In this, the quest for ‘making the case for PSM’ (EBU 2014) is repositioned within the broader quest for more democratic media and communications systems and practices. Hence, the attempts to re-visit PSM are seen as a part of the very eclectic, and many sided, broad ‘media reform’ or media democratization movements that are both local as well as global. In this context, framing becomes important. As contemporary theories of social movements posit (Benford & Snow 2000, 613):

Social movements are not viewed merely as carriers of extant ideas and meanings that grow automatically out of structural arrangements, unanticipated events, or existing ideologies. Rather, movement actors are viewed as signifying agents actively engaged in the production and maintenance of meaning of constituents, antagonists, and bystanders or observers. They are deeply embroiled [...] in what has been referred to as ‘the politics of signification’.”

First, in order to point out the idea and ideal of public service are not uniform and set in stone, the paper highlights some of the diversity of the ways to legitimize PSM. Second, some main frames of the media democratization movements – the movements to reclaim digital commons, as some say (Thompson 2014) – are discussed vis-à-vis the arguments often used by supporters of PSM. Third, a key frame – the rights-based approach to the media and communication – is introduced as a global tradition and standard. Then, based on a topical European policy analysis, the framing of PSM with human rights is outlined. Finally, the possibility to use a rights-based approach as an anchor for making the case for PSM internationally, if not globally, is discussed. The core idea here is that, regardless of the nation-bound nature and origins of PSM, and its variations in different countries, there are rights-based arguments that can globally be used as a unifying framework for PSM governance, remit, and accountability. It is further suggested that the rights-based framework can also help in bringing together multiple stakeholders with specific interest in digital human rights; not only across a variety of professional fields, organizations, and mandates (see, e.g., Horowitz & Clark 2014), but also across national borders.

2. Context: Some Frames for PSM

As for example the RIPE Conferences and related books^{iv} attest, there are numerous variations of public service media in terms of the institutional factors, programming priorities, funding models, and (national) regulatory frameworks and remits of PSM. Yet, there exist several ways of justifying the overall role of PSM in societies, and anchoring it into broader frameworks of policy-making and governance, that are more general and extend beyond nation- or organization-specific remits and legitimization. Here are some examples of those frames from recent academic and related discussions:

First, from a **theoretical media policy perspective** (Napoli 2007), the ideas of why public service media should exist could be framed around one of the three predominant policy philosophies: *The Free Speech*, *The Marketplace of Ideas*, or *The Public Interest* philosophy. The Free Speech refers to the ideal of allowing, and securing, multiple voices to exist in the media sphere. The Marketplace of Ideas refers to the demand of the marketplace for certain kind of content and service and treats media policy as industrial policy supporting fair competition. The Public Interest philosophy, then, is the one that most directly supports the idea of public service media: As a policy principle, it seeks to ensure that the public be served with what it needs.

Second, Jakubowicz (2014, 213-214), offers a **genealogical societal** perspective to the PSM remit by depicting three main models of the creation of PSB or the transformation of state broadcasting to PSM, as applying to different country contexts. The *paternalistic model* is based on the idea of public enlightenment, giving PSM a normative role (as in the classic BBC model of public broadcasting); the *democratic and emancipatory* model emerged when state broadcasting organizations were transformed into PSB in the 1970s and 1980s, when state broadcasting became obsolete as state monopoly (a development in some European as well as non-European countries); and finally, the *systemic* approach where PSB has been considered a part and parcel of a political change, transition to democracy (as in many former Eastern European countries).

Third, Bajomi-Lazar et al. (2012, 374-375) offer three **revisionist frames** to the way PSM should be redesigned in the drastically changed media landscape. The *Liberal Approach* believes that the role of PSM is to correct market imperfections, i.e., to fill in the gaps in content and services that the free market – the commercial competitors – do not find profitable to offer. This approach is very much synonymous to the Market Failure Perspective (e.g., Berg et al. 2014) on PSM, in alignment with the Market Place of Ideas policy philosophy: The role of demand is emphasized and the purpose of PSM is to serve those underserved by the free market. The *Radical Democratic Approach*, in contrast, focuses

on the distinctiveness of PSM in its mission to serve the public interest. This means that PSM should to (continue to) offer news and journalism, music and culture, drama, children's programming, as well as events that bring the nation together. As a new alternative, Bajomi-Lazar et al. (op cit.) propose an *ecological mission* for PSM in which public interest media could be reinterpreted, and serve as an ambassador for, ecological, sustainable life styles.

Fourth, a recent speech by the Director General of the EBU^v, Ingrid Deltenre, lays out a **pragmatic societal** perspective of public service media's value. Her speech highlights the view that quality journalism, representation of culture, as well as the media's role in political and economic development are the trademarks of PSM:

[I]ndependent media, producing good journalism and high quality programmes, serving the people (majorities and minorities) contribute to the cultural diversity and social cohesion of a country and are the cornerstones of every democracy and economy.

The media, and especially public service media, are always a point of reference of a country. They mirror the culture, the level of democracy and the quality of the economy of a country.

[P]ublic service media can be the engine of change and improvement of the level of democracy and the efficiency of the economy.

In line with the core philosophy, the *Vision 2020* (EBU 2014, 32) notes that in order to "make the case" for PSM, one imperative is to "develop a long-term view on the positioning public organizations within the government-market- society triangle and the unique potential of PSM as a distinctive media organization (...)". This seems to suggest an approach that, in the terms of Bajomi-Lazar et al. (2012) is both 'liberal' as well as 'radical democratic', and perhaps entails some concern for sustainability as well.

If we take for granted the normative quest for making the case for PSM, the question becomes: Which of the ways to frame, to understand and position the role of PSM, might be the most fruitful, in terms of PSM as an organization; in terms of PSM's purpose in a society; and, given the quest for cross-boundary, international, connections, in a global context? In his analysis of the EBU Vision 2020, Thompson (2014, 72-73), a political economist, offers one answer in noting that the danger is to take the pro-market policy setting as a default and let that hinder the developments to realign government policy and broadcaster priorities with public service principles:

PSMs obviously have to adapt to the new environment, but there is no need to apologise for or dismiss public service principles (...). On the contrary, public service media need to be made meaningful, but in the context of a wider movement to reclaim the digital commons.“

3. Beyond the Market Structure and Distinctiveness: Reclaiming the Digital Commons

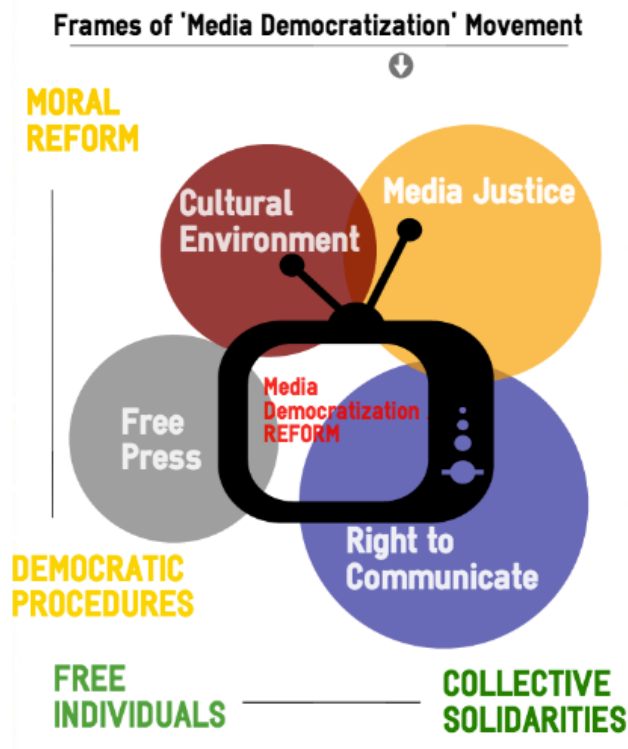
What is the wide movement reclaiming digital commons? Thompson (op cit.) does not elaborate on his use of the term, but scholars have for a couple of decades documented movements that are concerned about the media and communication in general, and their relation to social justice and public interest (see, e.g., Janssen et al. 2011). Often these efforts are discussed under the broad umbrella title of *Media Reform*.

The researchers of the Media Reform Movement in the U.S., Canada, and the U.K., Hackett and Carroll (2006), note that most individuals and organizations working in the Media Reform sphere are concerned with one or more aspects what Hackett and Carroll call the media's democratic deficit. This deficit can be deconstructed into several distinct aspects (op cit.) – many of which can be seen as challenges of the media marketplace, and many are also issues that are pointed out when legitimizing the need for a distinct public service media.

According to Hackett and Carroll (op cit.), the media's democratic deficit includes the *Public Sphere Failure*, that is, the situation where people have insufficient access to relevant civic information. Another concern is the *Centralization of Power*: Ownership concentration and media monopolies. These two aspects are connected to *Corporate Enclosure of Knowledge*: Commercialization of privatization of common cultural products and public commons of knowledge. This is related to *Homogenization* of content. While multiple platforms exist in the digital era that does not automatically translate to diverse content. The issue of *Inequality* has to do both with access (social class: can one afford a broadband access, for instance?) and with media representations (including ethnic/religious minorities, gender, and age). These problems tend to *undermine community*: In several senses: media contents are homogenized (same content is recycled everywhere, and local media outlets die); media marketers try to find and create consumer segments (fragmentation); and regardless of globalization of communication and information sharing, the lack of the sense of a global community. Policy-making is not helping. Many working on media reform issues note that our lives become more and more mediatized, media policy-making matters more and more to our everyday lives. Yet, ordinary citizens are seldom invited to engage in related debates. In general, media reformists see that *Communication Rights are eroding*: Apart from digital divides, the web and mobile technologies also pose challenges such as privacy and surveillance.

Hackett and Carroll (2006, 31) go on to note that individuals, organizations, and movements that could be counted as Media Reform use different frames to legitimize, and focus, their quest for a more democratic media, and communications landscape. The *Free Press* frame is concerned with the basic freedom of speech, and all forms of censorship. *Media democratization* stresses the importance of democratic processes in media decision- and policy-making; very often challenging the specifically corporate and commercial media culture. *Cultural environmentalists* parallel toxic media culture (violence, one-sidedness, hyper-commercialism, and so on) with environmental movement: the desired outcome would be a humane, healthy media output (less emphasis on democratic processes within media structures). *Media justice* refers to activism that views media issues as a part of other global social justice questions. It often addresses matters of race, class, gender, and so on. Finally, the *Right to Communicate* frame sees communication as a human right. It extends the idea of free speech to the right to communication in public for i.e., there should be platforms for all who wish to express themselves publicly.

Figure 1.



(Source: Hackett & Carroll 2006, 31)

The question that has engaged media reformists of all kinds during the mass media era often on the media *system* and the diversity it manifests, whether in terms of media ownership, content, or exposure. The 'old media issues' have tended to focus on ownership concentration and biased

content. In other words, the movements that were born in the mass media era were mostly about the democratic deficiency as lack of media (ownership, content, localism) diversity (e.g., Napoli 2007). With centralized, often nation-based media systems where few produced for masses, this approach made a great sense. And, even in the multi-platform, era of user-generated content, ownership concentration still is a key concern for media reformers. Some even talk about a new form of media concentration, a kind of 'Platform Imperialism' (Jin 2013).

However, more recent movements of the digital era are often framing their activism and advocacy in terms of human rights, more specifically, as *communications rights*. Many have noted the power of not only media organizations but platforms in terms of commercial dominance, but also their role in providing access and human rights -- resisting censorship^{vi} -- as well as their role in fundamentally shaping how we communicate, what we know, what we share^{vii}. In other words, the movement to reclaim the digital commons (Thompson 2014) is finding as its unifying principle a rights-based approach to media and communication. Might that be a frame through which reframe, and reclaim, the case for public service media – not only as a nation-based project, but also in a global context?

4. Rights-Based Approach, Or, Communication, the Media, and Democracy in a Global Context

The Scope of Movements

To be sure, just like public service media, Media Reform is a not a monolith concept, or movement, with unified frames of action (Napoli, 2007). The term would probably most likely evoke references to the U.S.-based media policy battles, and victories of the early 2000s, of *Free Press*, the *Prometheus Radio Project* and other bigger and smaller organizations that seek to influence media policy-making locally and nationally. The U.S. has, indeed, a long tradition of different kind of media-focused advocacy and activist organizations. They range from those who identify themselves with the *Media Justice* (see, Regan Shade, 2014) strand of media reform and discuss race, gender, sexuality and class in relation to media and communications technologies, to advocates who lobby for specific technology policies, to hackers who create tools to keep the Internet more free. Regan Shade, depicting the U.S. and Canadian media reform movements (op cit., 152) highlights, however, that today multitude of media policy issues are of concern to the different individuals, groups, coalitions, and so forth. The issues range from data retention to public and community broadcasting, and can be mapped under four main categories: *Infrastructure, Content, Privacy/Surveillance, and Intellectual Property/Copyrights*.

The movements to reclaim digital commons are to some extent national, and regional. Indeed, media governance, and hence related reform, is both a global and a local matter: The seminal study by Hallin and Mancini (2004) showcases three distinct systems in the West; the model has recently been revisited by non-Western scholars (Hallin & Mancini 2011) that prove the nuances of a multiplicity of media models – and still point at some similarities. And, as the new *Media Reform Map*^{viii} illustrates, organizations focusing on reforming (parts of) local and national media systems exist, and are very much alive, all around the world. Much (media, as well as other) policy-making bears the history of the sovereign nation-state. The mass media era is still media sector-specific and nation-based. Issues such as net neutrality, and intermediary liability of platforms (e.g., MacKinnon 2012) – that, potentially, can affect all forms of media from streamed public service television content to *Twitter* campaigns – are still a matter of national regulation, and power. It is no wonder that global non-profit, civil society watchdogs outside of the formal governance systems, such as *Freedom House*, *Reporters Without Borders*, or research efforts such as *Mapping Digital Media* by the *Open Society Foundation*, are monitoring this circuit of power nationally and urging for some regional and global standards on media freedom.

Similarly, national regulation may have an international reach. This is, for instance, the case with many U.S.-based sites and services that are popular also elsewhere in the world. The realization of national and global circuits of power intertwining in very concrete way has not been lost to the civil society. The situation has fuelled Internet-based global movements ranging from privacy activists to Internet Freedom groups. Perhaps the most powerful example of grass-roots-driven, and social-media-facilitated participation in the policy realm was activism around the anti-counterfeit and anti-piracy legislation initiatives *SOPA*, *PIPA* (U.S.), and *ACTA* in 2012. The many forms of activism – from corporate responses such as the platform shut-down by Google, to vlogger commentary on *YouTube* – highlighted the mediated nature of participation and activism around policymaking (Powell, 2012), and manifested itself in infinite forms all around the world, connecting the local and the global. And, at the same time, many Internet-based movements do not define themselves as national, precisely as for example in the case of the *SOPA-PIPA* protests (e.g., Benkler et al. 2013).

The Global Dimension

It seems that the borderless, or cross-border, global dimension of framing the issues around the media and communication are very much based on the concept of human rights. This is no wonder since the idea of human rights have had an international dimension to start with, beginning with *Universal Declaration of Human Rights* (UDHR, 1948) of the United Nations^{ix} that has set global standards of legitimacy and global normative framework for a set of ideals (Goodhart 2013, 36-38). The idea of human rights is by no means simple and uncontested: Many challenge the notion of

universal rights and feel weary of the often Western-centric bases of such rights (op cit.). Yet, one can trace the evolution in communication rights starting with the emphasis on the freedom of expression in the to the more inclusive forms of communication such as the right to have access to information or the right to communicate. The initial version of the UDHR includes the famous article 19 that frames freedom of expression as one of the fundamental rights. It also includes articles, added later, that points to one's rights to intellectual or artistic creations – i.e., copyrights. And, UDHR includes issues such as right to privacy, and right to education, which both can be seen today as strongly related to the media and communication technologies.

As Joergensen (2014, 97-100) points out, the discussions in the framework of the United Nations have had a civil society perspective from the start. The discussions on *Right to, and Freedom of, Information* that entered the debate in the 1970s were especially challenging the role of governments and states and highlighting the rights of individual citizens to information. Around the same time, the lesser developed countries began to bring up the *Right to Communicate*: They wanted to challenge the Western domination of mass communication. Active partners in the conversation were the United Nations Educational, Scientific and Cultural Organization UNESCO, proposing the *New World Information and Communication Order* (NWICO) and setting up a International Commission for the Study of Communication Problems (the so called McBride Commission, 1980). In the 1990s, the idea of the *Right to Cultural Identity* was added to UNDHR. Around the same time, the UN recognized the increasing importance of the Internet and organized two major meetings on the issue: The World Summit on the Information Society (WSIS). The WSIS process included a significant contribution by civil society participants

At the same time, human rights and communication has had a global institutional dimension (op cit., 100-103) . *General Agreement on Tariffs and Trade* (GATT), and later in the *World Trade Organization* (WTO) have had It soon became clear, also with the beginning of the UN-driven Internet Governance Forum (IGF), that *Communications Rights* was the term several stakeholders started to use as an umbrella term for the new challenges of the networked era. At the same time, the UN agencies the International Telecommunication Union (ITU), United Nations Development Programme (UNDP) and UNESCO have been concerned with the media, communication, technologies, and related such as cultural diversity, e-learning, and so on. Other intergovernmental bodies involved in human rights and communication policies include the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The former is especially concerned with freedom of expression, the latter has a more comprehensive mission.

Finally, the rights-based approach to communication and the media has also a business dimension. The commercial, market-driven media and communication technology organizations have noticed the

movement to reclaim the digital commons and decided to respond. Joergensen (op cit., 103-104) highlights the *Global Network Initiative* (2008) that aims at promoting human rights standards among companies. Organizations such as Google, Facebook, and Twitter also sponsor global multi-stakeholder conferences and events such as *RightsCon* where activists, industry representatives, policy-makers, and scholars come together to discuss human rights challenges of the digital era.

In sum: Some would argue that already the NWICO was a global media reform movement of sorts (e.g., Nordenstreng 2013). Others would point to Internet Freedom fighters, or even to consumer advocacy organizations such as *Consumer International*, that often form local-global alliances. It goes without saying that multinational media and technology conglomerates as well as international organizations, such as WTO and ITU, and supra-national bodies such as the EU, influence areas beyond nation-states. With the normalization of the Internet in daily life, the rights-based approach to ICTs becomes more critical on a global as well as national level. The recent years have witnessed political movements around the world (some of them loosely connected) that have been organized with the help of media technologies and user-generated content. Also growing public interest and concerns about our rights in the cyberspace (the above mentioned privacy, copyright, freedom of expression) point to the relationship between rights and the political/social order. And access not only to diverse content but to production is key to this kind of political participation, or participation in the other parts of social, economic, and cultural dimensions of many societies. It is no wonder that several countries, for instance Finland, have decided to legalize broadband access as a human right^x. The United Nations has taken the same stance in November 2011^{xi}. From the perspective of the 'government-market- society triangle' highlighted in the Vision 2020 (EBU 2014), the rights-based approach to communication and the media has embraced this approach in the global context.

5. A Rights-Based PSM? Case Europe

While the rights-based discussions on media and communication have addressed media systems, access to technology, as well as the specific right of freedom of expression and access to information, the specific question of public service media in the framework of rights has not been emphasized in the global agenda. It should be noted that UNESCO has endorsed public service broadcasting and supports it as a cornerstone of democracy and inclusive knowledge society in non-Western contexts (Smith 2012).

Still, given that PSM is very much a Western, and particularly European idea and ideal, there exists relatively little discussion on public service as a part of human rights agenda in Europe. Perhaps the human rights frame has seemed far-fetched in the context where PSM has been ingrained in much of

the development of broadcasting systems, and has thus existed as a part of the media ecosystem for decades. Perhaps the questions of legitimacy have been seen more in the scope of the remit (more or less content variety, allowing or restricting online or mobile services) and related funding questions. But for many 'transitional democracies' the question of independent, publicly funded media might be crucial, and broadcasters in some of those democracies are, for example, members of the European Broadcasting Union. As Voltmer (2013, 160) notes, having studied media in countries undergoing democratization process:

At a historical moment, when public service broadcasting is under threat worldwide from digital convergence, the imperatives of deregulated markets and fragmented audiences, it might be impossible to recreate an institution that perfectly suited the needs of society [in the middle of the Twentieth century], but has to reinvent itself to preserve the values of independence, quality information, impartiality, and integration in the age of the Internet and globalization. In this respect, both new and established public service broadcasters are sitting in the same boat.

In this light, it is interesting to look at a possible rights-based frame for PSM in a European context. For instance, in 2009 the EBU commissioned a study "Public Service Media According to Constitutional Jurisprudence. The Human Rights And Constitutional Law Dimension of The Role, Remit and Independence" (EMR 2009). The report focuses on six country reports covering France, Germany, Hungary, Italy, Poland and Spain, and summarizes the regulatory aspects of each country. The direct references to human rights, however, are relatively few. The report notes that the European Court of Human Rights recognizes the importance of the audiovisual media for pluralism and diversity of opinion and the role of the press and the audiovisual media as a "public watchdog". In case a State decides to create a public broadcasting system, domestic law and practice must guarantee, in particular by ensuring independence and autonomy, that the system provides a pluralistic service. Relatedly, the report mentions the European Convention of Human Rights and Fundamental Freedoms (ECHR), Article 10:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity

or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Finally, the report also concludes that the jurisprudence in virtually all cases entrusts the legislator with implementing the freedom of broadcasting by a positive order.

A more specific, and thorough, approach to PSM and human rights has been published more recently by the *Commissioner for Human Rights of the Council of Europe* (CoE 2011): The document, titled *Public Service and Human Rights. Issue Discussion Paper* bases its central arguments on a review of both UDHR (of the United Nations) and ECHR (of the Council of Europe). The paper highlights (not unlike the EBU report, EMR 2009) that PSM is closely linked to human rights standards such as freedom of expression (and protection of sources), cultural pluralism, as well as other rights such as prohibition from discrimination. However, the paper systematically links different aspects of PSM to different rights. The Issue Paper (op cit., 23) further claims that a rights-based approach to PSM should be based on a linkage to human rights standards, and it proposes a **European-wide rights-based approach as a measurement tool for PSM's accountability**:

[H]uman rights standards contained in, and principles derived from, international human rights instruments, should guide the policy development and implementation of PSM. As such, the rights-based approach to PSM shall identify the rights holders and the duty bearers, and ensure that duty bearers have an obligation to realise all human rights (...)

The Issue Paper (op cit, 12-16) contends that under the rights-based approach, the main objective of governmental policies relating to PSM would be to respect, fulfill and protect human rights. The most important, and relevant right would be the right to *freedom of expression*. The paper is quick to point out that the right to freedom of expression belongs to both individuals and the media, and that the right to freedom of expression includes the right to impart and receive information as well as ideas. In addition, the right to freedom of expression must be accompanied by the right to protection of journalists' sources (and, as many might add today, protection of journalists themselves^{xii}). States should limit their restrictions to freedom of expression, and this, in turn, means that states have obligations with respect to broadcasting pluralism – including, securing the role of PSM. The idea of cross-border applicability is built-in into the rights-based approach and is especially prominent when the reference is to the right to freedom of expression, as based on ECHR and UDHR.

Interestingly, the Issue Paper (op cit., 16-17) also points out other rights from the ECHR that are relevant to PSM and their staff. These include the right to life, the prohibition of torture, inhuman and degrading treatment and punishments, the right to liberty and security, the right to privacy, and the prohibition on discrimination. The paper further highlights that under the *European Social Charter*, PSM staff are entitled to a number of employment and social rights including freedom to work, fair working conditions, right to association and collective bargaining rights, right to social security, social welfare and social services, and the right to non-discrimination. The paper thus explicitly recognizes a connection between the micro, meso, and macro levels (e.g., Horowitz & Clark 2014) – the individuals, organizations, and the structures.

The paper, then, goes on to highlight some core aspects of a rights-based framework to PSM (op cit., 17-23). One of the core aspects is *Accountability*: the state should be accountable for its policy in support of PSM while PSM institutions should be fully accountable for their actions. As duty bearers, state and PSM institutions should be obliged to behave responsibly, seek to represent the greater public interest and be open to public scrutiny. But equally important is the idea of *Participation*: the rights-based approach to PSM demands a high degree of participation of all interested parties. Related to the idea of participation is the principle of *Non-discrimination*, including equality and inclusiveness that should underlie the practice of PSM. The rights-based approach to PSM should also ensure that particular focus is given to vulnerable groups, to be determined locally, such as minorities, indigenous peoples or persons with disabilities. Finally, the rights-based approach to PSM should *empower* rights holders to claim and exercise their rights. This means that there should be mechanisms to compel state and PSM institutions to perform their duties.

6. Discussion: A Global Case for PSM? Rights and Stakeholders

Can public service media be framed around human rights, internationally – with the multiple contexts in which it exists and in which it is being developed? To take the stand of the Council of Europe's Issue Paper on PSM and human rights (Coe 2011) is to understand the rights-based approach as universal, and holistic, ranging from the broad, overall principle of freedom of expression, to concerns of organizational conduct and practices of PSM institutions. Many of the principles of the CoE framework resonate with several frames of the media reform movements (see, Figure 1), especially those of free press, media justice, as well as right to communicate. And, as noted earlier, the movement to reclaim digital commons is precisely focused on freedom of expression; whether in terms of access (without access there cannot be expression), copyrights restrictions, censorship, or the (self-) censorship resulting from the possibility of surveillance. This is a national-global struggle: As Ziccardi (2013, 39) observes, digital communication and its platforms may have the potential to

enhance international human rights, but this process is continuously being interrupted by nation-states and their interests.

Apart from being global in principle, the rights-based approach is clearly focused on the individual and his/her relationship to the society, and to public service media. This is a very conscious step away from the diversity principle that addresses media systems (that tend to be particular to the countries). Finally, if one takes seriously the notions that 'Public Media 2.0' (Aufderheide & Clark 2009) will not be tied to an institution but can be both *de jure* and *de facto* (Bajomi-Lazar et al. 2012) and can be global, regional, national, local and/or issue-driven (Aufderheide & Clark 2009), a purely market-based 'public value' seems not to be the answer for making the case for PSM (e.g., Berg et al. 2014; Horowitz & Clark 2014).

Another, pragmatic case for a right-based PSM is the fact that there is a growing cross-border, if not global opportunity for reframing PSM so that it aligns with multiple stakeholders, and with broad goals of enhancing education, health, sustainable development, security, and so on. Namely, the process towards the so-called *Post-2015 Sustainable Development Goals* of the United Nations is under way, and it is expected that the media, and communication technologies, will be included within other goals (as significant factors in development) as well as be supported as their own goal. This no surprise, given the mediated nature of today's societies, and given the "conceptual and practical affinities" between human rights, democracy, development (Donnelly 2013, 218) and the media's role in supporting them.

As the recent UNESCO Discussion Brief (UNESCO 2014) on the Post-2015 agenda notes, the ongoing why the international community can acknowledge the connection between free, pluralistic and independent media, and sustainable development. The document gives three arguments, or frames, for this view: First, there is *empirical evidence* of the correlation between free, pluralistic and independent media, and national development monitoring and priority-setting. Second, it is recognized that unfettered media is an integral part of *governance* that is a prerequisite for sustainable development. Finally, there exists a broad global consensus on the *normative* functions of a free, independent and pluralistic media system in relation to the normative discourse of sustainable development – and this consensus is based on the UDHR freedom of expression principle. UNESCO (op cit., 2) sees the role of public service media as providing important *citizenship service* to all people, irrespective of wealth, age, language or rural location. The final policy recommendations make an explicit demand to states so that they would support a free, independent, and pluralistic media system that in order to foster sustainable development.

Also the civil society members involved in the part of media reform movement that focuses on democratization and development are working towards including the media and communicating technologies sectors in the post-2015 goals, as well as formulating a specific goal for media and communication technologies. A recent statement^{xiii} by 195 civil society groups demand a significant emphasis on the media:

Human development in the coming decades will depend on people's access to information. (...) We believe that freedom of expression and access to independent media are essential to democratic and economic development. Freedom of speech and the media are means to advance human development and are ends in their own right.

We, the undersigned, therefore call on the Open Working Group to fully integrate the governance recommendations of the UN High Level Panel of Eminent Persons Report (...) into the proposed Post-2015 Sustainable Development Goals, specifically in relation to its recommendations to:

- Establish a specific goal to "ensure good governance and effective institutions"
- Include as components of this goal a clause to "ensure people enjoy freedom of speech, association, peaceful protest and access to independent media and information" and to "guarantee the public's right to information and access to government data".

The cases where strong, free, unbiased, accessible media (or the lack there of) play a crucial role, are plentiful. As noted by The Director General of the EBU, in a recent conference on the transition from state broadcasting to public service media, the *Six Core Values* of the EBU echoes the global needs from media and communication platforms to support sustainable development. The values include *Universality, Independence, Diversity* (as in: to reflect the plurality of voices and genres, and cultural diversity of a nation); *Excellence* (as in highest standards of integrity and professionalism); *Innovation* (in terms of creativity and use of technology); and *Accountability*: to act in a transparent way and use the public funds efficiently. In her address she made a special mention to the Ukrainian public media system in development, and its importance in the context of political crises.^{xiv}

Yet another aspect of the rights-based approach is the explicit call for multi-stakeholderism (Horowitz & Clark 2014). The CoE Issue Paper (2011) discusses a set of stakeholders that are cross-boundary, and that showcase a broad base of 'PSM advocates' that have their rights and responsibilities. First, *PSM Institutions* themselves will need to be accountable and responsive and open to the public, independent, they need to provide high quality content and have sufficient resources as well as diverse and professional staff. Second, the (national) *Governments* need to have a system of checks

and balances and hold politically and legally responsible for PSM. Third, *Regulators* must offer mechanisms and processes to hold PSM institutions accountable and responsible. Fourth, *Audiences* must know and demand their rights, participate in content production, as well as in governance of PSM, access to diverse content, use diverse platforms, and use PSM for human rights protection. Fifth, *International institutions* will need to develop indicators for human rights and PSM, as well as supervise how PSM comply with these indicators (cross-border comparisons). Sixth, Human Rights Defenders should use PSM to promote human rights. Media and human rights have not had a good relationship, in that the media have not actively promoted human rights (Hamelink 2012) – maybe PSM can change that. Finally, given that much (if not all) of the reclaiming of the digital commons is based on the idea of rights, PSM could indeed align its mission with the movement, and gain supporters in the process.

Figure 2:



(Source: CoE 2011, 25)

Interestingly, the rights-based approach also aligns with the EBU Vision 2020 (EBU 2014, 32) in many ways. The priority for 'making the case' for PSM includes the idea of developing more tools for measuring what the EBU Vision calls 'Return on Society' – the importance of PSM for the society at large. The Vision entails advocating funding that will ensure independence. It also demands for 'soft

advocacy' to raise awareness that Return on Society and the production of local quality content are worth support. To engage more stakeholders, the Vision 2020 suggests better curriculums in schools and universities on media education, including the role of PSM; as well as investing in 'audience ownership' by involving audiences in events, format development, off-air meetings, and the support of communities.

Yet, the EBU 2020 Vision has no specific 'frame', except the sustainability and the future success of public service media (in its variations). In contrast, as the CoE Issue Paper (2011, 27) argues:

[T]he rights-based approach to PSM would provide a transformative solution to the current challenges faced by PSM institutions. Holding governments accountable for their duties with respect to PSM will benefit the transformation process from public service broadcasting to PSM inasmuch as the latter requires legislative changes and financial support. At the same time the focus on PSM transparency and accountability will secure PSM independence from the government and private actors. Increased public participation in PSM content production and governance will result in new ideas and better leadership and as a result will improve PSM performance. PSM policies that take account of public participation, inclusiveness and non-discrimination, will strengthen the role of PSM in fostering democracy and will increase public support for PSM.

Although the CoE Issue paper (op cit.) focuses on the discussion in Europe, the fact that it is drawing on human rights principles makes it an international project. It could also be argued that the frame of rights can better ensure accountability, participation, nondiscrimination and empowerment than a market-based approach, specifically in socio-economic conditions that do not automatically reflect equality and social justice. The rights-based approach calls for the establishment of mechanisms to ensure transparency and accountability within government and PSM institutions, and because of the cross-border nature of rights, international organizations can support countries in need in terms of monitoring and perhaps even enforcement of some basic principles of PSM. In a national level, the rights-based approach can improve PSM image and performance by advocating for interactive and inclusive systems of governance and programme policies. As noted in the Issue Paper (op cit., 27), the rights-based approach to PSM can ensure that viewers and listeners have access to diverse content addressing their individual and group interests, and demands that PSM promote human rights. Rephrasing Tracey (2014, 101), perhaps it is time to return to the 'humanistic' origins of the public service project, now in a rights-based, global context.

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ⁱⁱⁱ See: <http://sustainabledevelopment.un.org/?menu=1300> (retrieved 14 July 2014).

^{iv} See: The RIPE Books at Nordicom: <http://www.nordicom.gu.se/en/publikationer/alla-publikationer> (retrieved 14 July 2014).

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