

2016 Annual Colloquium on fundamental rights Public consultation* on "MEDIA PLURALISM AND DEMOCRACY"

Fields marked with * are mandatory.

Introduction

Media freedom and pluralism are essential safeguards of well-functioning democracies. Freedom of expression and media freedom and pluralism are enshrined in the EU Charter of Fundamental Rights and they are at the core of the basic democratic values on which the European Union is founded.

The second Annual Colloquium on Fundamental Rights will take place on 17-18 November 2016. It will provide the stage for an open exchange on the many different aspects of media pluralism in a digital world, and the role of modern media in European democratic societies.

The colloquium should enable policymakers at EU and national level and relevant stakeholders — including NGOs, journalists, media representatives, companies, academics and international organisations — to identify concrete avenues for action to foster freedom of speech, media freedom and media pluralism as preconditions for democratic societies.

The Commission's objective with this public consultation is to gather broad feedback on current challenges and opportunities in order to feed into the colloquium's discussions. The questions asked are thus meant to encourage an open debate on media pluralism and democracy within the European Union — without, however, either prejudging any action by the European Union or affecting the remit of its competence.

**Wichtig - Öffentliche Konsultation (auf deutsch) / Important -
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*Contributions received from this survey will be published on the European Commission's website. Do you agree to the publication of your contribution?

- Yes, my contribution may be published under my name (or the name of my organisation);
- Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation);
- No, I do not want my contribution to be published. (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

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A. Identifying information

1. In what capacity are you completing this questionnaire?

- Individual/private person
- Civil society organisation
- Business
- Academic/research institution
- Other (please specify)

2. If you are answering this consultation as a private citizen, please give your name.

Damian Tambini and Sharif Labo

3. If you are answering this consultation on behalf of an organisation, please specify your name and the name of the organisation you represent.

Is your organisation included in the Transparency Register?

- Yes
- No

If yes, please indicate your Register ID-number

If your organisation is not registered, we invite you to register [here](#). Please note that it is not compulsory to register to reply to this consultation. Responses from organisations that are not registered will be published as part of the individual contributions.

Citizens have a right to expect that European institutions' interaction with citizens associations, NGOs, businesses, trade unions, think tanks, etc. is transparent, complies with the law and respects ethical principles, while avoiding undue pressure, and any illegitimate or privileged access to information or to decision-makers. The Transparency Register exists to provide citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities. Please help us to improve transparency by registering.

4. If you are an individual/private person:

a) What is the country of your nationality?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other (please specify)

Other (please specify)

b) What is your age group?

- Under 18
- 18-30
- 31-40
- 41-50
- 51-60
- 61-70
- Over 71

B. Media freedom and pluralism

5. In the context of media freedom and pluralism, what should be the role of the State, if any, in the regulation of media? What should be the role of self-regulation?

Parliament should set overall objectives and thresholds as regards mergers and broadcast licensing for example but not be involved in decisionmaking on individual cases. Self regulation should be used where market incentives and the public interest align. See <http://www.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-7-Media-Pluralism.pdf>

6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

7. What competences would media regulatory authorities need in order to ensure a sufficient level of media freedom and pluralism?

Monitoring of role of information intermediaries and rights of access to new kinds of audience data, particularly on news referrals is important. (Discussed in Tambini and Labo 2016). <http://blogs.lse.ac.uk/mediapolicyproject/files/2016/01/LSE-MPP-Policy-Brief-14-Monitoring-Media-Plurality-after-Convergence-FINAL.pdf>

8. What should be the role of public service media for ensuring media pluralism?

PSM should have impartiality requirements and also specific requirements to represent minorities/ diversity.

9. How should public service media be organised so that they can best ensure the public service mandate?

Independent regulation with guarantees of funding; accountability to independent regulators according to a framework set by Parliament, and reporting to Parliament and the public.

10. Have you experienced or are you aware of obstacles to media freedom or pluralism deriving from the lack of independence of public service media in EU Member States?

- Yes
- No

If yes, please give specific examples.

The BBC in the UK has been threatened due to inappropriate reviews of BBC licence fee in 2010 and again in 2015. Proposed 2016 Charter undermines editorial independence due to direct government appointments.
<https://inform.wordpress.com/2016/06/21/un-and-osce-watchdogs-urged-to-address-media-freedom-in-the-uk/>

11. Are you aware of any problems with regard to media freedom and pluralism stemming from the lack of transparency of media ownership or the lack of rules on media ownership in EU Member States?

- Yes
- No

If yes, please give specific examples.

12. Please indicate any best practice on how to ensure an appropriate level of transparency and plurality of ownership in this area.

13. What is the impact of media concentration on media pluralism and free speech in your Member State? Please give specific examples and best practices on how to deal with potential challenges brought by media concentration.

14. Are you aware of any problems related to government or privately financed one-sided media reporting in the EU?

- Yes
- No

If yes, please give specific examples.

15. Please indicate any best practice to address challenges related to government or privately financed one-sided media reporting while respecting freedom of speech and media pluralism.

C. Journalists and new media players

16. What is the impact of media convergence and changing financing patterns on quality journalism?

In 2015 alone, UK national newspapers reported an 11% decline in print advertising revenue. In 1985, almost 40% of the advertising market was spent on print advertising, 30 years later, this was 11% while the Internet took a 41% share. Advertising has migrated online but has been captured by new information intermediaries, platforms such as Facebook and Google. In the UK alone, Google earned \$7Bn in 2015, the majority of this advertising revenue, more than the entire newspaper industry in the country.

It is in the context of these challenging trading conditions and rapid structural changes that quality journalism is increasingly at risk. There is a direct correlation between a decline in print revenue, a failure to make up these declining revenues with digital advertising with the layoffs reported at quality news publishers and a decline in quality journalism. To be clear while the number of journalists have declined since the 2008 financial crisis, there are no clear studies on how (and if) this is linked to a corresponding decline in quality journalism. The assumption here is that less employed journalists implies newspaper doing less investigative and reporting journalism, an intuitive assumption although one that might need interrogating with the rise of new information technologies which might save labour while preserving quality.

One of the reasons behind the challenging trading conditions is structural. Convergence has removed the barriers to entry. This means that the supply of inventory or media space that advertising can be sold against is practically unlimited. Online advertising rates as a result are much lower than equivalent rates on print. Put simply in the old days newspapers had 30 or so pages to sell advertising against and competed against another five to ten newspapers with a similar level of space, today one paper alone has thousands of webpages and is competing for eyeballs against not just newspapers but blogs and millions of other sites. This partly explains why the rise of digital advertising revenues has not risen fast enough to compensate for the decline in print.

In the case of the UK, these trends have been exacerbated by the presence of a

large public service broadcaster, the BBC offering a wide array of digital services for free. Government officials including the previous chancellor of exchequer- George Osborne have taken aim at the BBC's 'imperial ambitions' and the threat it poses to national and regional newspapers. By competing (and in most cases winning) the battle for readers online, commercial publishers accuse the BBC of diverting away readers who might otherwise pay for their content or contribute to their advertising revenue.

The dominant information intermediaries, platforms such as Google, Facebook, Twitter and Apple have also played a role in contributing towards a financial climate which has brought about the decline in quality journalism. While the shift of readers online is a consumer driven trend and one these platforms have benefitted from by default of being popular and useful to consumers, they have also taken deliberate steps to compete with online newspapers for the attention of digital consumers. Facebook in December 2013 made changes to its newsfeed algorithm to surface up more news content to its users. Apple in 2015 released a news app on its mobile devices, which curates news articles from a wide array of sources. Google's popular news aggregators Google news covers more than 37 languages and 50 countries while Facebook more recently introduced instant articles where publisher's articles can be read without leaving the Facebook website. While all these features can be claimed to be in the interest of news publishers (by distributing their content more widely) they have also contributed to the disintermediation of news brands. Articles are read without a clear sense of which news brand they come from. The end result is consumers spend more time on these platforms (instead of visiting news providers) and the platforms in turn are able to sell advertising against these users.

The second way information intermediaries have contributed to a decline in quality journalism is through their indirect impact on local newspapers. While the same structural trends, which have affected national newspaper, have also played a role in the demise of local newspapers, Intermediaries such as search engines and social networks have also played a role. Intermediaries employ complex algorithms to provide relevant content to its users. These algorithms take a number of factors into account but have long been know to prioritize content that is popular. A search for 'news' on Google would likely yield the BBC, Guardian and Daily Mail as the highest ranked because these are what 'most' users in the past have clicked on. The effect of this is push consumers away from local newspapers to more established national and international brands.

17. Have you ever experienced, or are you aware of, any limitation imposed on journalistic activities by state measures?

- Yes
- No

If yes, please give specific examples and further information, including justifications given by authorities and the position taken by journalists.

18. Please indicate any best practice that reconciles security concerns, media freedom and free speech in a way acceptable in a democratic society.

19. Have you experienced, or are you aware of, limitations related to privacy and data protection imposed on journalistic activities?

- Yes
- No

If yes, please give specific examples and further information.

20. Have you experienced, or are you aware of, problems linked to hate speech and threats directed towards individuals exercising journalistic activities?

21. Are you aware of cases where fear of hate speech or threats, as described above, has led to a reluctance to report on certain issues or has had a generally chilling effect on the exercise of freedom of speech?

- Yes
- No

If yes, please give specific examples and further information.

22. Have you experienced, or are you aware of, problems concerning journalists' safety and security in the EU?

- Yes
- No

If yes, please give specific examples.

23. Please indicate any best practice for protecting journalists from threats against their safety and security.

24. Have you ever experienced or are you aware of pressures put by State measures on journalistic sources (including where these sources are whistleblowers)?

- Yes
- No

If yes, please give specific examples.

25. How would pressures on journalistic sources be best addressed?

26. Please indicate any best practice for protecting the confidentiality of journalistic sources/whistleblowers.

27. Have you experienced, or are you aware of, censorship (including self-censorship) in the EU?

- Yes
- No

If yes, please give specific examples.

28. Have you experienced, or are you aware of, any obstacles to investigative journalism, which may include legal provisions in force or a lack of resources?

29. Do you consider that the level and intensity of investigative journalism, the number of journalists engaged in such activity, the resources available, the space in print and the time available in audiovisual media for the publication of results of investigations has changed over time?

- Yes
- No

If yes, please give specific examples.

30. Please indicate any best practice facilitating investigative journalism

D. Hate speech online

31. What would be the most efficient ways to tackle the trivialisation of discrimination and violence that arises through the spreading of hatred, racism and xenophobia, in particular online?

32. How can a better informed use of modern media, including new digital media ('media literacy') contribute to promote tolerance? Please indicate any best practice.

E. Role of free and pluralistic media in a democratic society

33. How do developments in media freedom and pluralism impact democracy? Please explain.

Without media freedom and a plurality of voices, democratic processes cannot be legitimate. They are a necessary condition.

34. Who do you think is the most suited to help increase media literacy? Please rank and explain why.

	The most important - 1	2	3	4	5	6	7	The least important - 8
Family	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Media, including online providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other - please specify

35. Please give specific good examples or best practices for increasing media literacy.

The UK COmmunications Act 2003 included a clause that guaranteed funding to promote media literacy. (Though this was later cut, see: <http://www.lse.ac.uk/media@lse/documents/MPP/LSE-Media-Policy-Brief-2-Updated.pdf>).

36. What would be concrete ways for free and pluralistic media to enhance good governance and transparency and thus foster citizens' democratic engagement (e.g. self-organisation for political purposes, participation in unions, NGOs, political parties, participation in elections)?

37. What are best practices of free and pluralistic media contributing to foster an informed political debate on issues that are important for democratic societies (e.g. in terms of the nature of the content or in terms of format or platforms proposed)?

38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

39. Do you consider that social media/platforms, as increasingly used by candidates, political parties and citizens in electoral campaigns play a positive role in encouraging democratic engagement?

- Yes
- No

If yes, please give specific aspects and best practices that you would recommend.

Platforms and social media are generally assumed to have lowered the barriers of entry to publishing, allowing anyone with an internet connection to publish content and opening up an almost unlimited supply of information to users. Not only have these platforms provided a voice to those previously without but as their reach has grown they have increasingly become crucial routes to market for established media channels. Social media commenting and sharing in turn facilitate conversations amongst citizens. Academic research has shown a positive association between the use of social media and political participation (See Boulianne, 2015) although crucially not participation in elections. These important benefits however need to be considered alongside significant risks to democratic engagement which come to light with the growing power and scale of these platforms.

First, the terms, conditions and editorial policies of these dominant platforms come to act as a gatekeeper determining what is permissible and publishable. How these mostly U.S platforms interpret rules surrounding hate speech, nudity, online harassment are not just internal company matters but affect the right to freedom of expression for millions of people. While most of these platforms claim to operate according to local laws, there are often tensions between what may be permissible according to the norms and policies of these companies and what individual states, citizens want.

Secondly, as these platforms become important spaces where citizens receive information and discuss it including that which is in the public interest there are risks they could suppress information or target messages that further their commercial interests. Platforms employ complex algorithms that determine how content is prioritized and thus to a large extent what content gets read or not. With this capability and the workings of these algorithms largely kept secret due to commercial sensitivities there are risks that platforms could surreptitiously influence public interest material which has a knock on impact on democratic discussions. While this was once highlighted as an abstract potential risk, a recent scandal involving Facebook deliberately keeping Conservative news off trending topic list, shows the risk is all too real.

Thirdly an indirect result of the rise of platforms specifically information intermediaries is the impact on local news provision and the resulting democratic deficit that arises. Through a combination of the effects of free digital news, ubiquitous internet connections and the role platforms play in amplifying access to sources what are already popular there has been a consumer shift away from local newspapers to more established national and international brands. While platforms cannot be held solely responsible, they are a part of an eco-system which has had this indirect effect.

If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

40. Do you consider that there are specific risks or problems regarding the role of platforms and social media — in relation to pluralism of the journalistic press or more generally — as regards the quality of the democratic debate and the level of engagement?

- Yes
- No

If yes, please give specific examples and best practices that you would recommend to address these risks or problems.

See previous answer

Finally social media platforms increasingly allow political parties to target messages in the form of advertising to potential voters as part of election campaigns. This precise targeting while working favorably for political parties and consultants by reducing waste and focusing only on members of the electorate that 'count' towards swinging a marginal seat and therefore the election has particularly pernicious effects on the electorate. It can lead to a process of political redlining (Howard, 2006). Groups which are less likely to vote are not seen as worthy of being targeted with political communication. This risks further disenfranchising them. There is also a risk of a compounding effect. Data on past elections are often used as a guide to inform future campaigning, so groups which are seen as not worth the resources are likely to be bypassed in the future. If democratic societies flourish through the free flow of information which in turn allow citizens to consider issues on balance then any move to restrict information flow might exacerbate polarisation. As Karpf (2012) noted Computational politics removes a "beneficial inefficiency" that aided the public sphere. Secondly, the ability to micro target political messages increases the likelihood that parties and candidates campaign on 'wedge' issues - which are highly divisive e.g on immigration or national identity but have the ability to mobilize voters. Research from the U.S has shown that candidates are more likely to campaign on these wedge issues when the forum is not public such as in direct mailers. Message targeting speaks to the individual concerns of citizens as part of a group. The legitimate concerns of opposing groups are discredited. Because these messages are being played out largely in secret they cannot be challenged or fact checked. Politics ceases to be about compromise and cooperation but becomes increasingly partisan. Finally there are key privacy concerns with regards to political message targeting. Kreiss (2012). Privacy helps protect freedom of speech and facilitates political debate by providing citizens a space to form opinions and develop identities free from surveillance. An online sphere where every conversation, comment or post is recorded, scanned and analysed for its commercial use could have negative repercussions for the free expression and exchange of views especially as privacy concerns among citizens grow.

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