

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

Fields marked with \* are mandatory.

## Introduction

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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 -  
consultations publiques (en français)**

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DE

[DE - Konsultationen.docx](#)

FR

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## IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

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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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

*For further information, please consult the privacy statement [click below]*

[Privacy statement\\_2016ac\\_public\\_consultation.pdf](#)

### A. Identifying information

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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.

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

Joana Pires Teixeira - Associação Portuguesa de Imprensa (Portuguese Publishers Association)

Is your organisation included in the Transparency Register?

- Yes  
 No

If yes, please indicate your Register ID-number

686996021811-49

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

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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?

In the past 5 years the European Commission has published several public consultations regarding the topics and questions of this survey. For us it makes no sense to be repeating the same questions without considering the previous results of the consultations as this gives a general feeling that we are simply repeating and not advancing the debate. Despite this, and given our will to contribute to the debate, we will remind our previous answers to this subjects.

The Constitution of the Portuguese Republic in article 38° affirms that the state must ensure the freedom of the press by guaranteeing the independence of media organizations in relation with the economic and political power, avoiding its concentration through multiple or crossed shares. We agree with this view. We are also of the opinion that when self-regulation is successful in guaranteeing these conditions, there is no need for direct state intervention. That is why we have been fighting in Portugal for the creation of a Press Council.

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

Despite the Portuguese law forbidding newspapers and magazines owned by the State there are two examples of this conduct. For several times it was asked to the regulatory authority (ERC) to intervene but this never happened, so the two infringements remain without consequence. Another example of this was when last year ERC (which is also responsible for the classification - general information, confessional, etc. - of periodical publications) decided to change the official classification of many newspapers and magazines without explanation, not even informing the owners. This resulted in the loss of many financial support, incentives and so on, that are restricted to one particular classification.

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

We fully agree with our Constitution's article 39° that states that the responsibilities of the independent regulatory entity are to ensure:

- a) The right to information and freedom of the press;
- b) The non-concentration of ownership of media;
- c) Independence from political and economic power;
- d) Respect for the rights, freedoms and guarantees;
- e) Compliance with regulatory standards of media activities;
- f) The possibility of expression and confrontation of different opinions;
- g) Exercise of broadcasting rights of reply and of political response.

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

Media public service, according to our constitution in article 40°, must ensure that:

1. Political parties, trade unions, professionals and representatives of economic activities, as well as other social organizations nationwide, have the right, according to their relevance and representativeness and according to objective criteria to be defined by law, to broadcasting time in public radio and television.
2. Political parties represented in Parliament, and not part of the government, have the right, under the law, the broadcasting time on public radio and television, to be divided according to their representation and the right of reply and of political response to political statements of the Government, duration and relief equal to the time of antenna and the statements of the government, equal rights enjoying within the respective region, the parties represented in the Legislative Assemblies of the autonomous regions .
3. During elections, candidates have the right to broadcasting time, regular and equitable, on radio stations and television stations of national and regional level, under the law.

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

We fully agree with the Recommendation 27 of the High Level Group on Media Freedom and Pluralism which presented its report in January 2013 that states that "Any public ownership of the media should be subject to strict rules prohibiting governmental interference, guaranteeing internal pluralism and placed under the supervision of an independent body representing all stakeholders."

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.

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.

There is the Media Monitoring Tool from the Centre for Media Pluralism and Media Freedom and even though we are skeptical of the approach used it has been monitoring EU's reality for 3 years now.

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.

In Portugal the number of publications has decreased for economic and business reasons. We have been monitoring the business movements and there is no representative media concentration to the point of threaten free press, on the contrary small-size acquisitions have guaranteed the maintenance of some titles.

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.

None worth reporting

## C. Journalists and new media players

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

The main cause of a negative impact on quality journalism is not media convergence or change in the financing pattern but rather the lack of financing sources associated with the decrease of circulation and on advertising revenue.

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.

There are several limitations when covering health issues - When an article has the intention or may have as an effect the promotion of a particular procedure, pill, etc. (which is quite subjective criteria) - there were some cases of penalizations and fines.

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

None worth reporting

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.

Even so, there was a need to ensure that data processing for journalistic purposes remain out of the scope of the new Regulation in order to respect press freedom during the revision process of the EU's General Data Protection Regulation.



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

No

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.

We are just aware of the case of the terrorist attack on Charlie Hebdo's newsroom.

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

We do not have experience of threats against journalists' safety.

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?

Some months ago there was a particular case in Portugal when our former Prime-Minister (José Sócrates) was under investigation and a newspaper was publishing several investigative pieces about him. His defense proposed an injunction, that was approved by court, to temporarily stop the newspaper from publishing more stories about the investigation.

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.

See answer to question 16.

30. Please indicate any best practice facilitating investigative journalism

There is a project called "Público+" that is being developed for two years by one of the major national newspapers through a fund financed by companies. Through this kind of philanthropy, Público has now extra funds to give readers investigative journalism. (<http://static.publico.pt/PUBLICOMAS/>)

## D. Hate speech online

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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?

In 2012 there was a deliberation of the Portuguese regulator on a specific case giving an ultimate responsibility to the publisher to monitor the comment section of the newspaper, comparing it to the print newspapers reader's column. In our view this is an example of an unfeasible demand. It cannot be the publishers' role to moderate online comments that spread hatred, racism or xenophobia. There is no possibility to monitor our digital media and the participation of readers instantaneously. Many publishers have tried to establish some keywords prohibition or a denouncing system so that readers can report other abusive comments. However, many readers have worked around these filters so we believe the best way is to educate citizens through media literacy, which will promote tolerance by getting to know the other.

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.

A Press Council would play an important role in this issue by gathering a network of civil society interests and ideas.

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

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

Free and plural media are essential to democracy. When, by any means, the activity is restricted or conditioned, the information given to the population is not trustworthy. Only an independent and diverse media has as a consequence the confrontation of opposite, or at least different, perspectives, that result in a more and better informed citizenship.

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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil society	<input type="radio"/>	<input checked="" 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.

There are several regional newspapers that have partnership agreements with schools - students go to the newsroom, build up the first page - and journalists go to schools explain what they do, covering events. We also have in Portugal a national publication (Diário de Notícias) that promotes a Media Lab for junior and high school students - critic analysis of the information online, writing articles, creating the newspaper.

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)?

We believe that the essence of journalism and media is exactly to bring accountability and inform the citizens about specific situations that are not transparent so every journalistic work is a concrete way to enhance a good democratic environment.

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.

We believe that examples of European projects like Euractiv are useful to improve access to political information across borders.

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.

Mainly because there is a closer relation and interaction between politicians and citizens and it is many times complementary to journalistic work, as it is an extra source of information.

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.

The mix between quality journalism and unreliable sources of information makes it harder for citizens to distinguish the trustworthy journalistic material. Social media are important and, as we said before, a complementary tool for journalism as well as good mean of diffusion but in themselves they do not have the same mission as traditional media, nor do they carry the same responsibilities.

## Contact

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