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 - Offentliche Konsultation (auf deutsch) / Important - consultations publiques (en français)

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IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

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

Judith Purkarthofer (President) for CMFE – Community Media Forum Europe

Is your organisation included in the Transparency Register?

◉ Yes

○ No

If yes, please indicate your Register ID-number

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40306691699-12
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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?

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State regulations are important tools to ensure legal environments where media
freedom and pluralism can develop. Transparent requirements for regulation
authorities are necessary to ensure media pluralism, both regarding the
contents and the distribution structures.
To ensure a balanced media system, CMFE (and other media experts) argue for a
three-column model, where public, private-commercial and
non-commercial/community media are equally recognized by law. Given this
precondition, the regulators' closeness to one or the other form of media will
be less of an issue. Only legal recognition can ensure sustainable media!
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6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

```
Non-transparent and non-independent media authorities open the door for
political pressure on licencing, funding, public (and private) broadcasting.
Decisions on the distribution of licences (i.e. interpreting religious radio
stations as community broadcasters and favouring them over non-commercial and
independent broadcasters, see i.e. Hungary) has a huge impact on the media
landscape and silences oppositional and independent voices.
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7. What competences would media regulatory authorities need in order to ensure a sufficient level of media freedom and pluralism?

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There should be competences in the legal and financial field but also
competences in political and communication science. It would be the best if
the team of a regulatory body includes members with experience in public
service, private commercial and in non-commercial community media.
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8. What should be the role of public service media for ensuring media pluralism?

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Public service media plays an important role and should exercise its
obligations to represent and include all members of the public (through
balanced reporting, inclusive hiring policies, multilingual production, etc).
To fully work for a balanced and pluralistic society, it needs to be
complemented by private (commercial and community/non-commercial) media as
this avoids state monopolies.
```

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

```
Public service media needs to fulfil its role independent from the government
and striving to gain a position as an independent 'fourth' force in society.
Diversity in content and staff is a very important prerequisite to minimize
further marginalization of societal and language groups.
```

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.

```
We see Hungary and Poland as examples with high governmental influence in
public service (choice of directors, change of media laws, limited freedom of
reporting). Decisions on access to media infrastructure (jobs, licences,
broadcasting time) favor government-friendly journalism and hinder independent
work.
```

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.

```
Starting with media laws, structures of ownership and business model must be
made explicit and be represented adequately in the law (three-column model of
public, private and non-commercial/community sector). Regulations and funding
should be linked to functions for society (representation of local / regional
population, diversity of opinions, ...) and frequencies should be distributed
with regard to potential concentrations (to avoid monopolies).
```

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.

```
High media concentration leads to less diverse media landscape: both
market-driven and government-friendly ownerships and management decisions lead
to a lack of representation of opinions and perspectives of minorities
(language, ethnicity, gender, ...). The more concentrated the media ownership
(including crossmedia ownership!), the less people get to speak and have their
voices heard.
```

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?

```
For the moment, we see a concentration of hegemonic media coverage
(more-of-the-same) and less local journalism and journalistic work on issues
off the mainstream. Specifically groups which are also financially
marginalized (migrants, women, people with less formal education, etc.) are
excluded, as they are not considered wealthy readers/viewers whoe would be
able to pay for content.
```

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?

```
Media education and large scale media education programs work against
distribution of questionable content. Producers need to be aware of the 'media
nature' of social media platforms.
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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.

```
Training programmes (as planned in the upcoming project 'European media
against hate speech') contribute to awareness both among journalists as well
as multiplicators (members of civil society organizations). Knowledge about
media potential and power relations and active participation in European media
projects (specifically community media) make people aware of the impact of
their contributions.
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E. Role of free and pluralistic media in a democratic society

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

```
Democracy is experienced through participation in society and experienced
ownership of media and discourse:
Community  media  are  owned  by  the  communities  they  serve.  They  are
usually  owned  and  controlled  by  people  who  would  otherwise  never  get
to  own  or  direct media - ordinary  citizens,  disadvantaged  people,
groups  without  access  to  high-speed  Internet,  older,  poorer,  less
educated,  non-mothertounge  speakers.  Community  media  have  a
recognized  name  and  established  network   of  active citizens, experience
in promoting social justice, integration and social change.
Concrete examples can be seen in recent media activities like the Refugee
Radio Network (Hamburg/Germany, http://www.refugeeradionetwork.net) or in
research projects like Transantional Radio Encounters
(http://www.transnationalradio.org/project/ip-56-0). More examples can be
found at http://www.cmfe.eu


Despite the recognition of the role and value of community  media in the
expression of pluralism  and social  diversity in  the media  sphere,  many
European  states still  have not   met   the   recommendations   and
resolutions  of  European  and  international institutions  on  community
broadcasting.  In  particular,  access  for  community  media still  has  to
be  guaranteed on  all  available  broadcasting platforms,  ensuring that  the
shift  from  analogue  to  digital  technologies  becomes  an  opportunity
for  more  media pluralism rather  than  for  further  media  concentration.
Proper  legislative regulation, greater  structural  support  and  funding
for  the  community  media  sector  also support lifelong learning, social
cohesion and intercultural dialogue.
```

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	○	○	○	○	●	○	○	○
Friends	○	●	○	○	○	○	○	○
School	○	○	●	○	○	○	○	○
Public authorities	○	○	○	○	○	○	●	○
Media, including online providers	○	○	○	●	○	○	○	○
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	○	○	○	○	○	●	○	○
Civil society	●	○	○	○	○	○	○	○
Other (please specify)	●	○	○	○	○	○	○	○

Other - please specify

```
Community Media offering media literacy training and giving a voice to
readers, listeners and viewers as they become media producers.
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35. Please give specific good examples or best practices for increasing media literacy.

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The best way to increase media literacy is to teach people to create their own
media content in a reflective and social way. Its very important not only to
offer access but also to offer a social framed learning space where people can
learn, produce and reflect their and other media activities critically.
```

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)?

```
Community media train and give voice to citizens, particularly communities and
individuals often not represented by the mainstream media. They enable them to
become active media-producers and multipliers within their communities and
beyond. Media literacy is a core competence on the way to become an active
citizen and participate fully in society and democracy. One of its goals is to
build critical awareness and knowledge of issues of personal and social life
linked to media communication.
Community media are often accessible centers of communications and technology
in their communities. Community media are the places where all citizens,
regardless of their skills, can learn about new media tools and developments.
They pioneer  the use of new technologies for creative media production and
use social media to enhance promotion and distribution of their media content.
```

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)?

```
A diversity of media owners and producers is needed to ensure journalism from
different perspectives and provide the public with political information. To
foster exchange, associations like CMFE and AMARC who are active in linking
community media work to establish contacts between journalists and producers
but also to make media products accessible. Research projects contribute to
knowledge about diversity on a European level and make the impact of media in
democratic societies visible.
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38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

```
Apart from the above mentioned legal and societal framework for pluralistic
media ownership, technical solutions like means to exchange broadcasts and
access European media products are needed on a European level. Multilingual
production and the recognition of media in diaspora play an important role to
reach audiences 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.

> Social media platform are mainly used like advertising tools and mainly and
> successfully used by populist parties and politicians – in this way,
> democratic engagement might be rather hindered. On the other hand, there are
> ways to use social media in a democratic way (as can be seen with small
> initiatives, community based projects, etc.)

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.

> In most cases social media platforms do not contribute to democratic debate as
> they increase ad hoc reactions of users but do not support reflexion and
> meaningful debate. To many users the bussiness model of social media like
> facebook is not visible/understandable: people pay with their user data and
> are not aware how value is generated and how these data is used further by
> platforms. Social media, in their goal to create traffic and clicks, tends to
> strengthen negative or extremist voices, which needs to be taken into account
> when using these platforms. Awareness of these underlying strategies needs to
> be part of adequate media literacy training.

Contact

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