

# 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

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

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### 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.

Is your organisation included in the Transparency Register?

- Yes  
 No

If yes, please indicate your Register ID-number

206499215012-94

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?

The state should safeguard the freedom of speech, the right to information as well as the public interest regarding radio broadcasting, television and freedom of press. Also State should guarantee the freedom of expression for individuals. The remaining range of media regulation and functioning should be self-regulated.

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

In general lack of independence of media regulatory authorities causes big pressure to present information in a manner appropriate to the interests of a political party and the current authorities and lobbyists.

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

Competences of a supervisory to ensure a sufficient level of freedom and pluralism of the media, for example fines on broadcasters for breaking regulations, providing concessions for broadcasting, supervision of training and education in fields related to media.

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

Public service media, despite development of media private sector, are permanently essential part of media market in European Union countries and for a huge part of people determines one of main sources of informations about the world. At the same time problem of ensuring media pluralism in the context of potential dependency from government is important challenge for journalists and political decision makers.

Firstly, public service media should take care about objectivism and full reliability in transmission of facts. It is vitally important to show situations from all sides and to have a distance from unnecessary comments. This component should be implementation principle of pluralism in aim to not monopolize voice of choosen social or political groups of interest.

Secondly, public media ought to have assured maximum of independence from changing governments. It should guarantee lack of political influence and effective realization of the public media service mission regardless of turmoil in government life.

Thirdly, key issue is also ensuring staff, which will be respectful for foregoing principles. It is obvious that journalist like to represent widely theirs private views . Solution can be formulating ethical rules and job guidelines in order to indicate practical tips to ensure mentioned objectivity and pluralism - both in verbal way as well in part of dedicated time slot for particular issues.

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

Public media can be under the control of the people who received a democratic mandate in the elections, because they are a great tool of communication for the government - but with mandatory opposition representatives.

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.

Yes, we noticed these problems in Republic of Poland frequently - especially during last terms of office of Sejm and previous government.

In 2015 we have in Poland presidential elections. It turned out that public television (TVP) and the National Council of Radio Broadcasting and Television were highly politicized. TVP in a biased manner supported incumbent president Bronisław Komorowski. In March 2015 speeches of Mr Komorowski as candidate took in TVP Info 3 hours and 15 minutes (and together - as also President of the Republic - 6 hours 28 minutes). It was glaring disparity in contrast to his main rival Mr Andrzej Duda, who had in March 2015 only... 22 minutes. In April - to 27th April Mr Komorowski had - to sum up - more than 11 hours. Mr Duda - 1 hour 14 minutes. Way of presentation candidates pointed out for supporting Mr Komorowski. That all was discrepant with art. 22 par. 2 Act of Broadcasting (Ustawa o radiofonii i telewizji), which prescribes public television to accurately portray the whole variety of events in a country. On 4th May 2015 - when guest of programme "Dziś wieczorem" in TVP Info was candidate for President of the Republic Andrzej Duda - journalist Beata Tadla was aggressive, biased and arrogant and directing discussion in a way hindering the candidate to present his vision of presidency.

Other redactor - Jarosław Kulczycki on 7th February 2015 in programme TVP Info "Z dnia na dzień" suggested that Łukasz Warzecha - publicist of right-wing magazine "W Sieci" is propagandist paid by staff of candidate of Law and Justice.

When President of the Republic Mr Bronisław Komorowski was questioned by the court at the Presidential Palace in the process of Wojciech Sumliński and former Military Information Services officer colonel Aleksander L. accused of influence-peddling in verification of the Military Information Services all big media got accreditation except to TV Trwam and TV Republika - right-wing, conservative media. Moreover in news programme „Wiadomości” in TVP TV viewers could see only a brief snapshot about this event.

Moreover, TVP in main edition of "Wiadomości" programme there was anything about big manifestation "Stop depravity in education" (30 August 2015), when parents, teachers and more than 26 pro-family organizations protested against attempt of implementing by Ministry of National Education demoralization elements to public schools.

List above is part of unwelcome actions of public media, which were incompatible with nature of mission of the public broadcaster. Currently - after change the power - situation has changed to a certain extent. Despite all passed by Sejm of the Republic of Poland recently the Act to establish a National Media Council allows deputies and senators to be its participant, what can be a serious concern for further pluralism.

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.

The problem is the dependence of media on national governments, through the advertising and financing them through entities under governmental control, such as the state treasury, government agencies or even private institutions closely associated with authorities.

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

For example an official publicator, in the form of Public Information Bulletin, which inform about the individual media, employees and the sources of financing. In this way, citizens would know whose views and interests may be represent by specific media.

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 Poland, there is a very big concentration of the media, especially in the market of local newspapers. This is very harmful phenomenon because of the lack of real competition and making them dependent on advertising from public funds and government they create a protective umbrella for opposition politicians. Such media may also be against publishing content that is harmful for their advertisers

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

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

I believe that in order to maintain the quality of journalism, and even raise it, state funding should not be dependent on the political editorial, but their reliability in reporting on important matters.

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.

Restrictions on journalistic activities occur at the selective award of grants for small and independent publishers or editors. Sometimes funding is not commensurate with the commitment and real journalistic integrity. Sometimes the State subsidizes centers of journalism that are conceptually similar to the current government.

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.

In March 2016, the Minister Antoni Mariusz Kaminski (Secret Service Coordinator) said that during the parliamentary majority (Civic Platform) more than 48 journalists under surveillance. They were mainly people associated with the media critical of the previous parliamentary majority.

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

In my opinion, threats referred in the question do not exist in Poland. If criticisms appear, they are only subjective opinions of their commitment and journalistic work. I do not think there is a real danger that the negative opinions could evolve into physical hate attacks.

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.

I think that journalists in the European Union are safe and their work is not threatened by any dangers. Freedom of expression is fully preserved, and unfavorable comments about the work of specific journalists are always only personal opinions and do not entail any action relating to violence or hatred directed against journalists.

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

Social respect for honest work in journalism is a vital element of the journalists safety. It may also be worth to consider a special social and legal immunity for the media people who work in difficult conditions such as correspondents staying in dangerous places.

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.

The case concerns entering of special agents of the Internal Security Agency (ISA) to the editor of the magazine "Wprost", which revealed the secret recordings compromising the government of the Civic Platform and the Polish Peasant Party. The prosecutor and ISA agents broke into the editorial and tried to take computers, and devices on which it was supposed that the materials are saved. It was a blatant breach of security and independence of journalism. In Poland, the Press Law guarantees the possibility to maintain the secrecy of their sources of information. In this case, it was about the person who sent the video to journalists of the magazine "Wprost". The then government wanted to force release the source, even though the law explicitly protect journalists.

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

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

An example would be a legal prohibition on setting up wiretaps for investigative journalists.

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

- Yes  
 No

If yes, please give specific examples.

Yes. Sometimes the censorship of journalism actually appears. I noticed that in conservative and right-wing publications. Sometimes it happens in the case of materials related to the issue of homosexuality. It happened during Paul Cameron's visit in Poland, an eminent researcher, whose achievements and reputation has been censored by some media, because the results of his research were inconvenient for homosexuals.

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?

Investigative journalists tracking affairs are sometimes exposed to the work of the special services, which can lead to misinformation and inconvenience at work. This situation occurred during the work of Polish investigative journalist Wojciech Sumliński.

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.

Investigative journalism is an extremely important and necessary field of work in the media. In Poland until recently very little time was devoted to publication of research results and the work of investigative journalists. Sometimes their work was questioned and even marginalized. Sometimes they have been bothered with unjust litigations. An example might be a lawsuit against Wojciech Sumliński, who described the so-called "Marshal's Scandal" whose main character was Bronisław Komorowski, who later became president. Sumliński a few months ago was acquitted. Fortunately, this attitude is changing, some newsrooms increasingly invite investigative journalists and publish the results of their research.

30. Please indicate any best practice facilitating investigative journalism

Best practice facilitating investigative journalism is to give journalists special immunity, as well as respect for the press law, which allows to keep information sources only to a journalist.

## 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?

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

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

Developments in media freedom and pluralism help to spread awareness of the citizens on international and internal relations of their country. It allows free access for information and strengthens civil society. It also helps to avoid frustration or marginalization feeling in those part of society who might lost or couldn't gain their representatives in democratic institutions. Therefore it strengthens peaceful and objective debate on the most important issues.

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

That could be educational project held by a polish NGO Jagiellonian Club which name is "Akademia Nowoczesnego Patriotyzmu" that educates about the influence of media on social life and politics by inviting students to play the role of politics or journalists as part of a government model simulation.

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)?

The best way for mobilizing citizens for cooperation on political or any important issues is to ensure free access for information and commentaries for any political orientations basing on the rules of pluralism and free speech. There should be at least few independent journalist corporations working to create a free information database with wide public access. Those bases would contain uncommented news from internal and international relations that could be used by various media to provide them with journalistic or political commentary. A good example should be programs with the participation of watchdog organizations, articles written by civil society and NGOs, which would promote proper attitude.

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)?

The best practices are providing the auditors with an objective information set on new events and then to offer them a wide panel of expert talk and commentaries sharing various opinions on its suspected impact on social life. The best measure is to form a state-based administration organs that could inspect and rate specific media for their ethics and demeanor. Also it is highly recommended to form press agendas working aside the most important IGO's.

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.

politicians and social organizations and the media can communicate with the public, and in particular with young people in a cheaper and more efficient as well as direct. Communication via social media can be particularly effective during the local elections in small towns. Social media also promote active citizenship through the ability to effectively inform about local issues on the problems that traditional media consider uninteresting or for other reasons do not wish to convey. This tool also makes it easier to organize civic activity like marches, local celebrations and demonstrations, as well as collecting signatures for the petitions. Social engagement requires less effort and time. Social media can also serve to expose manipulation in traditional media, for example internet profiles run by hobbyists.

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 possibility of spreading false information which is unfair element of political struggle and the election and may discourage citizens to social activity. False information can also be created by traditional media, but it happens less frequently through the regulation of press law.

The second threat is emerging phenomenon of paid Internet trolls who simulate the voice of society and lead to misinformation. These types of methods are used by the Russian Federation, in particular in discussions on the Polish energy sector, as well as were used during the election campaign.

Also accounts based on a false identity, this time supported by some Internet projects. There are known cases of the creation of false start-ups websites in order to attract investors.

## Contact

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