

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

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

Secretariat General for Media & Information, Mass Media Division, Dpt for Audiovisual Media & Archives, Irene Andriopoulou, Maria Sfetsa, media policy officers

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?

By principle, the key role of the State is to set up a core legislature framework within the Constitution conducive to media pluralism and media freedom. Under this premise, the State shall encourage the implementation of media legislation by all media actors and further enhance and establish synergies with them. This may involve setting up co-regulation actions with media regulatory authorities, ombudsmen and civil actors towards safeguarding and promoting freedom on media and pluralism through certain policies and directives. More concrete acts may also involve the implementation of specific key indicators and means of verification on media pluralism, media transparency and diversity with explicit legal provisions that will ensure a level economic playing field. All these provisions shall address equally public service, private media and community media, linear and non-linear services. Moreover, they must be clearly defined in order to prevent undue concentration (with the introduction of anti-monopoly laws) and guarantee the minimum intervention by the State on freedom of expression. Finally, the State may introduce provisions and proceed to multilateral initiatives with the media players and IT providers for the most up-to-date infrastructural capacity in telecommunications and networks that will enforce free and secure flow of information. Finally, the State has a crucial role to play regarding the transboundary flow of information.

The Role of Self Regulation

Media self-regulation is a prerequisite for media pluralism since media, when functioning in a balanced and fair way, constitute a major catalyst towards sustainable and diverse democracies. Within this premise, media are faced with many challenges as they enforce the values and principles of freedom of information and freedom of expression with beneficial deliverables for the public at large. Self regulation shall act proactively on behalf, not only of the media professionals and active journalists but also on the merit of citizens as well. In this context, journalistic unions and civil society associations may contribute to media pluralism and freedom of expression through setting up codes of conducts (or codes of ethics) and training actions (media literacy) for practicing objective and pluralistic journalism. Moreover, the emerging online media landscape makes it often impossible to regulate the field without the collaboration of the implicated actors. The very nature of the internet makes it often impossible to detect the offender, or stop the offense, without the collaboration of the involved actors (especially ISPs). Thus, self and co-regulation is of key importance. Overall, self-regulation is not intended to reduce the “noise level” of democracy but rather may act as a “quality-check” and “citizen’s guidance” indicator towards safeguarding viewers, users and consumer’s interests for a level playing media field.

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?

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

Public Service Media (PSM) are of crucial importance as concerning the safeguarding and the promotion of pluralism in a democratic society. Their role is to reflect the social and cultural capital of the people that they represent and are addressing to, in a given (national or regional) community. This entails that PSM should provide visibility to all social groups' interests whereas specific care should be taken for marginalized or vulnerable social groups. At the same time PSM should be able to capture the challenges and needs of their community and create a dynamic dialogue in this context, while providing an unbiased space for people to express themselves. By cultivating a deeper understanding for fundamental collective objectives such as solidarity, equality, tolerance and accountability and with a special focus on providing ample and objective information, as also ensuring the quality of their productions (while combating stereotypes and promoting the diversity of opinions), PSM can satisfy to a large extent the expectations of their audiences and establish a relationship of trust. As a result, PSM can set the example for other media organizations and promote a more humanitarian and democratic orientation on the overall function of the media industry.

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

The organizational model of a Public Service Media should be compatible with the specific social and economic context where it operates. A strategic plan must be conducted so as to define the main objectives that should be met by setting up a timeline and by carrying out periodically a result analysis. The structure of each entity ought to be able to support the decided, social-oriented, priorities that will lead to the implementation of the PSM's adopted policy. By monitoring and evaluating the outcomes on a regular basis, the strengths and weaknesses in administrative, financial and production level become visible to the public at large. A specific focus should be placed on the perceived impact of their operation on the audience in order to establish that they acknowledge a satisfactory relation between the amount of public funding (whether total or partial) of the Public Service Organization and its operational efficiency. PSM should be able to justify their social purpose and correspond to the real needs of the society in a transparent and effective manner, producing therefore "added public value". Moreover, PSM must encompass, to a great extent, the technological innovations that dominate the information and communication field, reinforcing their role as considerable partners in the current media ecosystem.

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.

The Secretariat General for Media and Communication is the competent authority for the monitoring and implementation of the new, reformative media legislative policy, implemented through the Law 4339/29.10.2015 on TV licensing to content providers of nation-wide, free-to-air, digital terrestrial television broadcasting. The Law legitimizes for the first time after media deregulation in the early 90s, the complex media field and is a major determinant for media ecology in Greece.

Within the aforementioned Law (Art.52-54), in terms of safeguarding the free flow of content, freedom of information and media transparency, the Secretariat General for Media and Communication launched in June 2016 the national operational measure of the online registry “e-media” (<http://emedia.media.gov.gr/login>). The “e-media” registry is addressed to all media owners with online presence encouraging them to register their activities online, for a transparent, balanced and fair function of the media industry and the main players active in non-linear environment. The “e-media” registry is innovative as it acknowledges the new trends on online journalism and active citizenry, aspiring to map the online media field in a clear and transparent way with regard to media ownership, and direct links to state advertising benefits. In addition, the new online media registry launches the Observatory for Plagiarism, a new software mechanism for protecting intellectual property of journalistic content published online, aiming to combat plagiarism and copyright infringement.

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?

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?

Tackling hatred, racism and xenophobia, in particular online and at the same time safeguarding freedom of speech is a challenging task. Authorities need to encourage without encroaching on the independence of the media the creation of an effective self regulatory mechanism for the media industry to prevent racist comments in newspapers, on television and on the radio. Publisher's responsibility provisions (in case of racist, xenophobic or hate speech), should be extended in order to include online media as well. An efficient approach may be a combination of national co-regulatory and self-regulatory operational measures among the media industry, the public authorities and the civil actors, pertaining to technical actions, awareness raising and critical media literacy for the citizens. In action, this may involve offering open educational resources and lifelong learning capacity building skills for all media users that may act as a shield against radicalization online. In addition, there is a need for high-level synergies among national and intergovernmental stakeholders (such as CoE, UNESCO, UN Human Rights Council) towards a more systematic approach on the issue.

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.

There is no doubt that media literacy is a key constituent awareness tool for protecting and ensuring media pluralism with unlimited access to content, while respecting fundamental rights (freedom of expression, respect for gender equality, human dignity etc.) at the same time. A better informed user is indisputably a media literate user who is able to filter and evaluate media content and information flow and develop thus appropriate critical mechanisms against radicalization online. Having said that, it is imperative to link media and digital literacy with the appropriate cognitive and technical mechanisms towards combating hate speech online and promoting tolerance to freedom of expression through technical tools (hotlines, e-parenting, report buttons) and cognitive awareness strategies within digital citizenship. It is widely recognized that safety risks have moved from offline to online services, hence a multi-stakeholder approach is required in order to explore all emerging challenges. In this context, there is augmented necessity for co-regulation commitment measures on technical issues, such as the recent agreement on the common Code of Conduct among the EC and the ITs companies (Facebook, Twitter, YouTube, Microsoft) for automatic removal of hate speech content online, as well as self-regulation measures, through awareness raising campaigns and social activism. Within digital citizenship, media literacy equips all users of online media platforms with the ability to spot and identify hatred content - as sometimes is not that apparent - and further enables them to counteract with other users and report to the relevant authorities. Within self-regulation context, there shall also be provision for training opportunities for multiple target-groups per se from the media industry and ISPs (eg. minors, students, educators, journalists, parents, other media actors) as well as provision for lifelong capacity building skills (manuals, workshops, guidelines, toolkits etc.). A good practice in Greece for tackling hate speech online and creating responsible media users is the recent publication of the Council of Europe translated in Greek "Bookmarks - Combating hate speech online through human rights education'" produced and offered free online by the Bodossaki Foundation, Fund Operator of the EEA Grants Greek NGO Program "We are all Citizens". In addition, the Greek Ministry of Education has approved the use of "Bookmarks" as a key publication for educators wanting to address hate speech online from a human rights perspective, both inside and outside the formal education system. The manual is designed for working with learners aged 13 to 18 but the activities can be adapted to other age ranges.

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

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

The emerging trends on media freedom and pluralism is easy access to more media content freely available to more users-consumers, through a multitude of platforms (linear and mostly non-linear) and with abundant ways of interaction. The more developed the context and content is, the more opportunities for well informed citizens arise that lead to an autonomous, active media citizenship that acts as a prerequisite for a democratic society. By and large, the dominant trend for global media is a continuing trend away from state-monopolies towards market-based media systems. Unfortunately, these market-oriented trends are not always in line with the protection of media pluralism and freedom of expression values due to conflict interests to the detriment of "open voices".

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 checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public authorities	<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"/>
Media, including online providers	<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"/>
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 type="radio"/>	<input type="radio"/>	<input checked="" 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

Regulatory authorities may also have specific remits on media literacy, following the examples of the French CSA and the UK OFCOM.

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

A more comprehensive and holistic approach shall address media literacy and digital literacy, not only from a protectionist point of view, but also from a proactive and creative aspect. This, in turn, mobilizes consumers and users towards activism and equips them with critical literacy and production skills, turning them into critical pro-sumers. In general, media literacy requires a polyprismatic approach, taking action not only within typical environment but in lifelong learning context as a public necessity towards sustainable development and strong democratic societies. A coordinating role may be adapted by media authorities, engaging PSBs as well, whereas regulatory authorities may also deal with the remit of media literacy in terms of consumer protection on media content and monitoring the rule of law. Special attention shall be given to user's online responsibilities too since they are themselves curators of information with the power to raise influence to the public sphere. Bearing this in mind, users may benefit from available assets, such as OERs and lifelong learning tools that will equip them with media literacy skills in order to have a positive impact to media pluralism and promote accuracy in information and protect freedom of expression. In terms of target-group, media literacy is an encompassing notion that shall address all environments of media experiences and all social groups and minorities. Presently, there is an increasing impetus on media literacy actions in Greece from a pluralistic point of view highlighting the social notion of critical media literacy, linked with active citizenship and open societies. Some indicative good practices on media literacy are listed below:

- In the context of national and international networking and common synergies with the member-states: The Secretariat General for Media and Communication is member of UNESCO networks a) GAPMIL - Global Alliance of Partnerships on Media & Information Literacy and b) GAMAG - Global Alliance on Media & Gender working on a common agenda towards a global overview on media and information literacy and gender specific issues.
- Within open educational resources, training courses and hands on workshops: In the context of tackling hate speech online and promoting freedom of expression and users ethical behavior on social media, a targeted resource is the Greek publication of the Council of Europe "'Bookmarks - Combating hate speech online through human rights education'" implemented by the Bodossaki Foundation, Fund Operator of the EEA Grants Greek NGO Program "We are all Citizens". In the same context under the EU campaign "No Hate Speech Movement", the Foundation is also running training seminars and events for combating hate speech and xenophobia online.
- Within active engagement of the public service media: The Greek public service broadcaster ERT SA agreed with the Hellenic Ministry of Education, Educational RadioTelevision Dpt, on producing joint TV content on

media literacy and media production by young people.

- Within self-regulation acts by the commercial industry under corporate social responsibility and awareness raising actions for better protection of consumers / users/ viewer's interests: The project "Good Advertising" is a commercial literacy initiative undertaken by the Hellenic Association of Advertising-Communications Agencies in partnership with the Hellenic Advertisers Association. The aim of Good Advertising project is to safeguard the validity of the advertising discourse, protecting the public from misleading messages and eliminating the need for any intervention of other actors on the commercial communication content.

- Within awareness raising acts by civic actors: Safer Internet Hellas implements a variety of media and digital literacy awareness activities, such as informative seminars for the public at large, train-the-trainers workshops for educators, promotion of issues concerning internet safety to mass media, creation of polymorphic online and print material and TV and radio campaigns. The Greek Awareness Centre collaborates with representatives from the government (among them is also the Secretariat General for Media & Communication), the ISPs as well as NGOs in Greece and abroad, having as a primary goal the provision for a safer online environment.

- Independent and regulatory authorities' seminars and handbooks . Independent authorities may contribute to media literacy in areas such as data protection, copyright infringement, cyber-bulling protection and tackling hatred, racism and xenophobia online. The Greek Ombudsman has signed an Action Plan, focused primarily on joint activities of Ombudsman institutions in the area of protection and promotion of the rights of refugees/migrants, including campaigning, networking, training of public officials and encouraging research on economic impact of refugees/migrants to host countries to combat misinformation, prejudice and xenophobia.

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)?

Media shall provide open gateways and outlets that will actively engage citizens towards participation to public discourse and social activism. This may be succeeded through provision for dedicated TV programs for citizens (such as TV in-house program "Citizens" by ERT SA, the Greek PSB) as well as through an overall balanced media and news agenda.

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)?

In terms of the nature of the content, during elections period, all broadcasters ought to offer a balanced political agenda and thus respect the percentages set by laws for equal coverage of all political parties. In terms of the format of media platforms, there should be provision for more user-friendly, real-time available and up-to-date apps, and overall low-cost interaction services for all users (including users with disabilities). Another important factor is the recognition of the role that other media actors play in the new media ecosystem. These actors may not be journalists, from the traditional point of view, but their activities in many cases could be characterized as journalistic ones. When this happens, these actors and their sources should enjoy the protection of journalists. Finally, there is increasing concern that due to big-data technologies it will be possible to reveal the sources of a journalist as well as the journalists' activities. This could increase the chilling effect on both sides.

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.

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.

Contact

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