



## Media pluralism and democracy: outcomes of the 2016 Annual Colloquium on Fundamental Rights

On 17 and 18 November 2016, First Vice-President Frans Timmermans together with Commissioner Günther Oettinger and Commissioner Věra Jourová hosted the European Commission's [2016 Annual Colloquium on Fundamental Rights](#), which focused on **media pluralism and democracy**.

The high-level colloquium brought together around the same table, national and EU policy makers, international and civil society organisations, editors-in-chief, journalists, national regulators, representatives of different journalists' and media associations and of IT companies, academics and legal practitioners. Participants explored, from a fundamental rights perspective, the multiple links between a free and pluralistic media and democracy. **They agreed to join forces to promote and protect the pluralism and freedom of the media in the European Union.**

National, EU and international policy makers sat together with human rights organisations and key media actors on the ground to discuss: the independence of the media from financial and political pressure; the protection of journalists from violence, threats and hate speech; and the challenges and opportunities of the converged media environment where opinions are increasingly shaped online.

The debate was informed by [discussion notes](#) and the [results of the public consultation](#) in which a number of colloquium participants had taken part. The issues most commonly mentioned by respondents in their contributions were: political and financial pressure; transparency of ownership; abuse of security and defamation laws; lack of independence of media outlets - including public service media - and of media regulators; the meaning of ethics in political information online; the role of media literacy in fostering critical thinking and effective debate; violence and hate speech against journalists; and gaps in the protection of journalistic sources and whistleblowers.

Discussions drew on the results of a [special Eurobarometer survey on media pluralism and democracy](#) released on the first day of the colloquium. One in five respondents to the survey considered that their national media does not provide information free from political or economic pressure. The results vary greatly by country but, overall, Europeans' perception of the media is clear. Not even half consider that their national media provides trustworthy information. Here again there are clear geographical disparities though one finding remains constant across the EU and across age groups: radio is considered the most reliable form of national media (6 in 10 respondents trust it) while social media comes last (only 3 in 10 respondents trust it). Fewer than 4 out of 10 respondents think that the body that oversees audiovisual media in their country is free and independent from pressure. Three in four Europeans using social media have experienced abuse, hate speech or threats. Almost half of them say that they are discouraged from engaging in public debates, with women being the most discouraged.

Exchanges were guided by the recommendations of the [High Level Group on Media Freedom and Pluralism](#) and by the work of the [EU Agency for Fundamental Rights](#), the [Council of Europe](#), the United Nations — in particular [UNESCO](#) — the [OSCE](#), and the numerous organisations and [individuals present at the colloquium](#). Discussants also referred to the results of the [Media Pluralism Monitor](#), which makes clear that no EU Member State is free from risks to media pluralism.

**First Vice-President Frans Timmermans** stressed the magnitude of the challenges which formed the backdrop to the colloquium: *'We live in an era in which we can no longer take the existence of free and pluralistic media for granted. There are unprecedented challenges which make it increasingly difficult for media to fulfil their role in our democratic societies'*. He underlined the crucial role a free and pluralistic media plays in protecting fundamental rights, democracy and the rule of law. He said: *'Freedom of the media is the backbone of the values on which this Union is built. A free and pluralistic media is the watchdog of our democracy. There can be no healthy democracy without a free and pluralistic media. At the same time, media and journalists also need the protection offered by the rule of law and by fundamental rights so that they can fulfil their crucial function in full independence'*.

**Commissioner Günther Oettinger** highlighted that the media can play that role only if it is trusted. He warned against a political culture in which emotions prevail over facts, and underlined the importance of access by citizens to a variety of views and news. He said: *'Thanks to the digital revolution, we can exchange an unprecedented amount of information, share views and take an active part in the democratic debate. At the same time, citizens are also more at risk of being misled or trapped in a bubble of thought. When opinions are presented like facts or when people are only seeing content shared by their likeminded, the quality of the public debate becomes questionable'*. He also underlined the challenges to media freedom and pluralism: *'The Commission is doing its part, in particular through the proposed rules strengthening the independence of audiovisual media regulators. However, it is up to all the players involved, especially Member States, to make sure media freedom and pluralism are respected and promoted'*.

**Commissioner Věra Jourová** echoed several participants in underlining that only journalists and media professionals working in a safe environment, free from hate threats and fear, can produce the high-quality journalism needed to inform democratic debate. She said: *'The effect of hate speech on freedom of expression cannot be overstated. We heard today that one third of journalists*

say they self-censor. The impact on society at large and on democracy is a real concern, especially in a "post truth" climate where there is a tendency to disregard facts and truth'. She also underlined the role whistleblowers play in informing journalists about threats or harm to the public interest. *'The ability of journalists to effectively shield their sources, and the protection of whistleblowers, are vital for facilitating the watchdog function of investigative journalism. This in turn is key for democratic accountability, good governance and the rule of law'*.

**In the opening plenary session** of the first day, participants shared testimonies, examples and data illustrating the main challenges media freedom and pluralism face. *'Sadly, Europe is not immune from the very serious problems that can restrict media freedom and pluralism and prevent it from playing its safeguarding role, opening channels to propaganda, populist voices and misleading headlines'* said one participant, whose opinion was echoed by many others.

**Journalists and new media actors in the EU are the targets of regular violent attacks**, as the [EU funded monitoring tool](#) has shown. **Hate speech directed against journalists is also on the rise and women and minorities are particularly at risk**. These attacks often go unpunished. Journalists are also subject to **pressure and limitations** by the abusive use of defamation laws or by state measures driven by security concerns. Participants called for ways to **empower journalists and protect them, as well as their sources**, so that they can do their job safely and securely. *'We are all in the end beneficiaries of well researched, thoughtfully presented and trustworthy information and facts. It is part of the bedrock of our democracies. It is our duty not only to respect journalists but also to protect them and empower them'*.

Participants underlined the **importance of media independence from political and financial pressure**. They reflected upon the decreasing **trust in the media** and the general perception that in some Member States the media is not as independent as it should be. *'In the democratic debate, trust is key, and this apparent loss of faith undermines the role the media can play'*. Recent events were recalled, such as the closing of newspapers and the concentration of ownership. These events are happening in a context of **economic difficulties for the media** sector, which often struggles to monetise its content, especially online. The issue of **advertising and the role of IT companies** was also discussed. The **transparency of media ownership and funding**, the **independence of regulators** and the existence of a **sound public service media** were highlighted as essential to guarantee media freedom and pluralism and an open and informed debate. *'These are the basic ingredients that should be present at all times'*.

**The new converged media environment and the development of platforms** have changed the way in which news is gathered, disseminated and accessed. As highlighted by many participants, this has **changed consumer demands and business models** and revolutionised how journalism is done. It **challenges the core role that journalism plays in our cultures and the sustainability of the 'traditional' press**. Participants also discussed the **opportunities** created by the new media environment, such as transparency, accountability, outreach, better access to content and a broader range of voices and viewpoints. They explored the potential for change that could produce a better news media industry and new forms of journalism. *'A strong digital media sector, combined with media freedom and with a real plurality of views, as well as high levels of media literacy, can truly empower citizens and protect our democracy from populism'*, one participant said. *'Now the question – for policy-makers, for media companies, for digital*

*intermediaries, as well as for media professionals – is how to take advantage of the benefits of the digitalisation of media whilst limiting the dangers.'*

Building on the results of the first day, the **six targeted round tables of the second day looked at concrete ways to step up collective action to safeguard and promote media freedom and pluralism**. Their focus was on how to support concrete projects, exchange best practices, strengthen networks and further ensure implementation of policies and legislation designed to foster the independence of the media, protect and empower journalists, and make the best of the digital revolution.

**The following six key actions can be drawn from these discussions.** They are developed in detail in the Annex. They concern all actors present and call for close collaboration and ownership by all involved. Their ultimate aim is to protect and promote a free and pluralistic media for the benefit of all Europeans and for our democracies:

- **Protect media freedom and independence from political pressure;**
- **Safeguard the financial independence of the media in the European Union;**
- **Protect journalists and their freedom of expression;**
- **Protect journalists and new media actors from hate speech;**
- **Protect whistleblowers and investigative journalism;**
- **Promote a healthy political debate and lasting political engagement through media literacy, media ethics and media pluralism.**

# Annex: 2016 Annual Colloquium on Fundamental Rights

## Key actions

Building on the results of the 2016 Annual Colloquium on Fundamental Rights and drawing on the outcomes of the [public consultation](#) that prepared it, the following actions were identified as key priorities:

### 1 – Protect media freedom and independence from political pressure

Participants expressed concern over the increasing **pressure from governments and other political players on the media sector**. Such pressure can take various direct or indirect forms, from the appointment and dismissal of the management of media regulators and public service media to the targeted use of state advertising.

Independent monitoring tools funded by the EU, as well as the results of the public consultation and Eurobarometer survey carried out ahead of the colloquium, confirmed these worrying trends. They pointed in particular to a growing perception of biased representation of political viewpoints in the media and to the politicisation of media outlets, media distribution networks and news agencies. The media's vulnerability due to the growing difficulties faced by traditional business models was debated in depth during this session. Discussants further underlined that media funding often results in undue influence by public bodies over the media.

Participants stressed the fundamental role of media regulators in ensuring that the media remains independent and free from political pressure. They mentioned recent cases where the **independence of media regulators and public service media** was questioned in certain EU Member States. This echoed the results of the public consultation and the Eurobarometer survey on media pluralism and democracy. Participants also underlined the importance of appropriate complaint mechanisms and monitoring to ensure the accountability of media regulators. The proposed reform of the **Audiovisual Media Services Directive**, which would strengthen the independence of national audiovisual media regulators, was largely supported by participants.

The **governance and funding of public service media** are primarily the responsibility of the Member States<sup>1</sup>. Given the important role that public service media plays in the media landscape, several participants invited Member States to make sure that public service media are independent, transparent and well-funded.

#### Key actions:

- The European Parliament and the Council should swiftly adopt the revision of the Audiovisual Media Services Directive proposed by the European Commission in May 2016<sup>2</sup>. It requires regulatory authorities in the field of audiovisual media services to be independent and sets out the requirements on independence they have to comply with.
- Member States should ensure that all media regulators are independent. Appointments and dismissals should be made in a transparent manner and subject to all appropriate checks and balances.
- Member States should avoid jeopardising the independence of media through commercial or financial pressure.
- Member States should ensure they give appropriate follow-up to Council of Europe Recommendations on public service media, in particular on the importance of guaranteeing their editorial and operational independence. Public service media should be independent and properly financed, offer content of high quality, and appoint and dismiss managers on the basis of merit.

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<sup>1</sup> As regards public service broadcasting, the Protocol on the system of public broadcasting in the Member States annexed to the Treaty on the Functioning of the European Union (the 'Amsterdam Protocol') recognises Member States' competence to define the public service remit, to organise public service broadcasting and its financing system

<sup>2</sup> <https://ec.europa.eu/digital-single-market/en/news/proposal-updated-audiovisual-media-services-directive>

- The European Broadcasting Union will continue to promote peer-to-peer review, to provide members with professional analysis of how they are implementing their public service values of universality, independence, excellence, diversity, accountability and innovation. This will help guarantee independent, high-quality and trust-worthy public service media that can proactively contribute to a pluralistic and democratic society. In addition, further exchanges of best practice and more peer reviews and peer learning should be encouraged within the media sector.
- The European Commission will continue to implement the preparatory actions supported by the European Parliament on media freedom and pluralism in order to provide an evidence-based overview of risks to media pluralism in the Member States.
- International organisations, civil society organisations and academia should continue to monitor, study and analyse the situation of media freedom and pluralism in Europe. They should also raise awareness of the most pressing issues and promote high standards.

## 2 – Safeguard the financial independence of the media in the European Union

Participants in this session underlined the importance, particularly in today's digital age, of fostering a **sustainable media sector and monetising media content**. They expressed several concerns over undue commercial influences and the effects of these on media freedom and pluralism, and particularly on the quality of journalistic reporting. The role of intermediaries — in particular when it comes to distributing advertising revenues across the value chain — was also discussed in this context. Participants recognised the need for new, viable economic models in the media sector. In view of having a more pluralistic and varied media landscape, they also discussed possible alternatives to the purely commercial status of media outlets that predominates. These alternatives could include non-profit organisations or foundations.

**Transparency of media ownership** was identified as one of the areas where further action could be considered, in particular in light of recent events in several Member States. Transparency of media ownership, it was said, empowers citizens and enables consumers to be better informed, not only about the message but also about who the messenger is. This can be ensured by providing sufficient information about media owners, including the final beneficiaries. Moreover, the discussion highlighted clearly the need for more transparency in the allocation of state advertising. Discussants mentioned the importance of the application of competition laws to media.

**Journalists' use of technology, data journalism and 'citizen journalism'** were praised by many as good ways to adapt quality journalism to the digital world. However, some expressed the fear that the institutions that have traditionally invested in journalism are threatened by 'information intermediaries' online and changing consumption patterns. This was also highlighted by the results of the public consultation.

In addition, the need **to encourage investment in innovation and new technologies** in order to enhance the competitiveness and sustainability of **European media companies** was raised during the debate.

### Key actions:

- The European Parliament and the Council should swiftly adopt the Commission's proposal for a Directive<sup>3</sup> on copyright in the Digital Single Market. This includes new rights related to copyright for press publishers to contribute to safeguarding freedom, independence and pluralism of the media.
- Member States should ensure they give follow-up to the 2013 Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on 'media freedom and pluralism in the digital environment'<sup>4</sup>. The Conclusions invite them to take appropriate measures to achieve genuine transparency in media ownership.
- The European Commission will continue to promote the transparency of media ownership and media transparency in general through exchanges of best practice.
- To foster innovation in the European media sector and promote its competitiveness, the European Commission will continue to fund research projects on media convergence and social media under Horizon 2020, the EU Framework Programme for Research and Innovation.
- In spring 2017 UNESCO will organise a conference on modern challenges for journalism. This will build on the conclusions of the Commission's colloquium and explore how to ensure the financial sustainability of quality journalism and optimise relations with social media platforms. It will also look at ways to foster quality journalism and respect for ethical standards in the digital age.

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<sup>3</sup> <https://ec.europa.eu/digital-single-market/en/copyright>

<sup>4</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014XG0204%2802%29>

### 3 – Protect journalists and their freedom of expression

Discussants pointed to worrying figures (including from independent projects) highlighting several **risks to the freedom and safety of journalists in Europe**. Many journalists in Europe are victims of physical assaults, intimidation, harassment, pressure or censorship. Some are even killed. In the last two years, the Mapping Media Freedom platform<sup>5</sup>, an independent crowd-sourced project funded by the EU, reported almost 1 200 incidents of threats, media freedom violations and restrictions faced by members of the press in EU Member States. It was pointed out that unfortunately **crimes against journalists often go unpunished**. This climate of impunity further damages media freedom and pluralism as threatened journalists self-censor and/or lose trust in public authorities. *'It is important that Member States and NGOs react quickly when violations of media freedom are reported and the European Union should speak up whenever freedom of expression and of thought is endangered'*, one participant said.

Pressure from state actors was repeatedly highlighted. Participants asked that state measures aimed at enhancing **public security should not unduly limit freedom of speech** and journalistic activities. A very problematic factor, it was said, is that **defamation laws can easily be misused**. This may have a chilling effect on journalistic freedom and prevent facts and news from being reported.

Several participants called for **increased collaboration with international organisations**, such as the Council of Europe, the OSCE and the United Nations. It was recalled that all EU Member States are signatories to numerous agreements and recommendations in those international fora and have obligations deriving from them. They should in particular create a favourable environment for participation in public debate<sup>6</sup> and for protecting journalists, especially women and minorities, who are often threatened online and offline. It was stressed that even when the legal framework is satisfactory, implementation may still be weak.

#### Key actions:

- The European Commission will continue to ensure monitoring and enhance public awareness by implementing the preparatory actions supported by the European Parliament on media freedom and pluralism. This will help to provide an evidence-based overview of threats to journalism and assistance to journalists.
- The European Commission, the European Parliament, the European Economic and Social Committee, the Committee of the Regions, international organisations and Member States should encourage a dialogue with civil society organisations, business and new media. This should focus on providing rapid and efficient assistance to journalists and promoting quality journalism in today's digital age.
- Member States should prevent self-censorship by addressing the risks related to criminal sanctions in defamation cases and their possible adverse effects on journalistic activities and media freedom and pluralism. Member States should also ensure that state measures intended to enhance public security do not unduly limit media freedom.
- The European Commission is funding, with the support of the European Parliament, an independent project to improve the ability of journalists and media lawyers to defend press freedom rights against legal abuses in the area of defamation<sup>7</sup>.
- Member States should ensure that crimes against journalists are properly addressed under the law and should avoid a climate of impunity for such crimes. Member States should particularly ensure they give follow-up to the Declaration of the Committee of Ministers of the Council of Europe on the protection of journalism and safety of journalists and other media actors<sup>8</sup>. They should also follow up on the recent adoption by the UN Human Rights Council of a resolution on the safety of journalists

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<sup>5</sup> <https://mappingmediafreedom.org/#/>

<sup>6</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c5e9d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c5e9d)

<sup>7</sup> <http://legaldb.freemedia.at/defamation-laws-in-europe/>

<sup>8</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c5e9d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c5e9d)



and ensure the UN Plan of Action on the Safety of Journalists<sup>9</sup> is implemented. In this context, they should in particular develop an effective monitoring mechanism and provide information on judicial investigations of crimes against journalists<sup>10</sup>.

- Media organisations should ensure fair and just working conditions for journalists.

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<sup>9</sup> UN Plan of Action on the Safety of Journalists and the Issue of Impunity: <http://en.unesco.org/partnerships/partnering/plan-action-safety-journalists-and-issue-impunity>

<sup>10</sup> Report by the Secretary General of the Council of Europe: State of Democracy, Human Rights and the Rule of Law, 2016 <https://edoc.coe.int/en/an-overview/6926-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>, 2015 UNESCO Study on Digital Safety for Journalism <http://unesdoc.unesco.org/images/0023/002323/232358e.pdf>; reports by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

#### 4 – Protect journalists and new media actors from hate speech

Participants underlined that an environment where journalists are free to report on any topic and engage on social media platforms without censoring themselves for fear of threats and **hate speech** is a prerequisite for media freedom. National and international studies show that hate speech against journalists is a significant problem which has an overall ‘chilling effect’ on the freedom of the press. The perception that journalists are frequent targets of online hate speech is also confirmed in the 2016 Eurobarometer survey on media pluralism and democracy: three quarters of the respondents who follow or participate in debates on social media responded that they had experienced cases where abuse, hate speech or threats were directed at journalists, bloggers or people active on social media. Out of this group, nearly half also indicated that this made them hesitate to engage in such debates themselves. This shows that the chilling effect on freedom of expression is not limited to journalists but also to the general public who follow or participate in debates on social media. The public consultation and recent studies reveal that **women and minorities** are disproportionately affected. **Participants called for more data on online abuse and its effects at national and EU level in order to better map and understand the problem.**

Participants also recalled that **governments have an obligation to create an environment that is conducive to public debate.** This should enable people to express their opinions and ideas without fear, even if these run counter to those held by official authorities or a large part of public opinion. Recognising the particular vulnerability of journalists and the importance of media freedom for democracy, national law enforcement must be given the means to ensure that individual journalists faced with threats receive **appropriate protection.**

The problems of hate speech against journalists can however not be tackled through the law alone. Publishers and journalists’ associations together with the IT industry can play a key role in ensuring that **appropriate content moderation systems and effective reporting mechanisms are put in place.** They also have a key role in ensuring that journalists have access to psychosocial and legal **assistance**, mentorship programs and innovative tools to tackle online abuse and its effects.

Platforms provided by hosting intermediaries have been increasingly used to spread hate speech against journalists. Continued efforts are needed to ensure that **notifications of illegal hate speech or threats against journalists are expeditiously reviewed.** The current efforts to engage with civil society organisations in **capacity building on counter and alternative speech** are sustained.

#### Key actions:

- The European Commission will provide funding and support for projects tackling hate speech against journalists and for data collection related to online abuse and its effects.
- On 25 November 2016 the European Commission is launching an EU-wide campaign and year of focused actions on combating and preventing violence against women. This includes violence against women in the media, not only online but also in their homes and in the public space. The campaign will provide support for awareness raising and victims support projects.
- Member States should collect data on hate speech incidents affecting journalists and strengthen law enforcement to ensure appropriate protection is provided.
- Member States should collaborate with civil society organisations and international organisations on campaigns to combat hate speech on and off line. They should also raise awareness of media literacy, critical thinking and peaceful dialogue on all media platforms. Best use should be made of existing tools<sup>11</sup>.

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<sup>11</sup> Such as for example: [Media Literacy Expert Group](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/riga_recommendations_on_media_and_information_literacy.pdf), Riga Recommendations on Media and Information Literacy (MIL) in a Shifting Media and Information Landscape(2016): [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/riga\\_recommendations\\_on\\_media\\_and\\_information\\_literacy.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/riga_recommendations_on_media_and_information_literacy.pdf)

- Publishers and journalists' associations should ensure that journalists experiencing online abuse have access to a comprehensive system of support, including psychosocial and legal assistance. They should also develop tools and best practices for countering cyber-attacks in real time, in cooperation with the IT industry.<sup>12</sup>
- Publishers should put in place clear and transparent procedures for moderating content, with the aim of protecting the right to freedom of expression, and should train relevant staff accordingly.
- Social media platforms should continue to endeavour to ensure that illegal hate speech or threats against journalists online are expeditiously reviewed when a valid notification is received. They should also further engage with civil society organisations on capacity building on counter and alternative speech.
- Online platforms and other media actors should continue to sponsor crowdfunding or microfunding in support of journalists.<sup>13</sup>

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UNESCO MIL policy and strategy guidelines: <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/media-and-information-literacy-policy-and-strategy-guidelines/>

UNESCO MIL Curriculum: <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/media-and-information-literacy-curriculum-for-teachers/>

UNESCO Global MIL Assessment Framework: [http://www.uis.unesco.org/Communication/Documents/media-and-information-literacy-](http://www.uis.unesco.org/Communication/Documents/media-and-information-literacy-assessment-framework.pdf)

[assessment-framework.pdf](http://www.uis.unesco.org/Communication/Documents/media-and-information-literacy-assessment-framework.pdf) and UNESCO publication « Countering online hate

speech » <http://unesdoc.unesco.org/images/0023/002332/233231e.pdf>

<sup>12</sup> See for example the app 'Trollbusters' <http://www.slideshare.net/locallygrownnews/trollbusters-international-womens-media-foundation-hackathon-solution>; or the Digital Security Helpline <https://www.accessnow.org/help/>

<sup>13</sup> <https://www.pressstart.org/explore>

## 5 – Protect whistleblowers and investigative journalism

Participants considered **protecting journalistic sources** a basic condition for journalistic freedom and for investigative journalism to fulfil its 'watchdog' role. Whistleblowers provide journalists with information about threats or harm to the public interest from their position inside governments and companies. They need to be able to rely on the confidentiality of their communications with journalists. If their identity is revealed, they need protection against retaliation. Participants stressed that the confidentiality of journalists' communication with their sources is increasingly undermined by **surveillance and metadata analysis**. Participants called on governments to review their legal frameworks regulating surveillance to ensure that they contain adequate safeguards to protect journalistic sources. They also referred to the existence of a variety of **digital security online tools, training material and concrete training sessions** available to journalists. However, they pointed to the need to raise awareness of these and promote, including through financial support, the education of journalists, the public and potential sources in secure digital communications.

Furthermore, there was overall agreement that protection of sources should be complemented by **strong protection of whistleblowers against retaliation**. This is necessary for journalists' right to access information —and thus also the public's right to know — to be effective. The current level of protection of whistleblowers in the EU Member States is uneven and sometimes inadequate. Given this, participants called for Member States to raise the protection level and for the EU to introduce rules that would protect whistleblowers effectively everywhere in the Union. It was underlined that Member States should put in place more comprehensive reporting channels for whistleblowers and set up specific institutions that can give them advice and assistance. Furthermore, participants called on Member States to provide protection for whistleblowers in law. This should be based on international standards and principles, such as those agreed upon by all Member States within the Council of Europe framework.

Discussions also focused on the **responsibility of journalists** to a) research and investigate their articles thoroughly and b) be especially vigilant in protecting the rights and privacy of the people and entities they report about, and particularly in respecting the principle of the presumption of innocence. This led to a broader reflection on how to ensure the **financial viability** of responsible and qualitative investigative journalism, including by supporting networks of investigative journalists.

### Key actions:

- In 2017 the European Commission will fund the European Centre for Press and Media Freedom and the Centre for Media Pluralism and Media Freedom. Priority could be given to measures to raise awareness about digital security so that journalists can protect themselves and their sources, including whistleblowers. Such measures could include training for journalists, development and dissemination of e-learning material, etc.
- Public service media and other organisations should support journalists and media professionals in using digital media and in developing the right skills to adapt to the changes under way in the industry. Such training should also cover matters of safety and digital security. Exchange of expertise and know-how between journalists in the EU should be promoted.
- Member States are encouraged to consider the need to provide effective safeguards to ensure the non-disclosure of journalistic sources, or at least that such disclosure is kept to the minimum necessary. This would be in line with the Council of Europe and other well-established references<sup>14</sup>.
- Member States should consider reviewing their legal framework on the protection of whistleblowers, in light of the Council of Europe Recommendation to have in place a framework to protect individuals

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<sup>14</sup> Report by the Secretary General of the Council of Europe: State of Democracy, Human Rights and the Rule of Law, 2016 <https://edoc.coe.int/en/an-overview/6926-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>), 2015 UNESCO Study on Protecting Journalism Sources in the Digital Age <http://unesdoc.unesco.org/images/0023/002323/232358e.pdf>; reports by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>)

who, in the context of their work-based relationship, report or disclose information on threats or harm to the public interest<sup>15</sup>.

- The European Commission will assess the scope for horizontal or further sectorial action at EU level to strengthen the protection of whistleblowers, while respecting the principle of subsidiarity. In this context, the Commission will conduct an impact assessment study and a broad public consultation in order to gather evidence about the need, legal feasibility and scope for EU-level intervention.

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<sup>15</sup> Council of Europe Recommendation on Protection of Whistleblowers, CM/Rec(2014)7  
[https://www.coe.int/t/dgh/standardsetting/cdcj/CDCJ%20Recommendations/CMRec\(2014\)7E.pdf](https://www.coe.int/t/dgh/standardsetting/cdcj/CDCJ%20Recommendations/CMRec(2014)7E.pdf)

## **6 - Promote a healthy political debate and lasting political engagement through media literacy, media ethics and media pluralism**

Participants recognised that while the new media environment offers many advantages for political debate, some of its features can also increase polarisation, discourage political participation and distort democratic debate.

**Software filters and algorithms** in online services which adapt to our interests lead to a biased selection of information and leave us hearing only views similar to ours. This creates what Michael Ignatieff during the colloquium called 'algorithmic segregation'. Many respondents to the public consultation raised questions about the impact of such filters on people's ability to access a variety of views and information and the resulting effect on a sound and well-informed democratic debate.

A failure of ethical behaviour and of a healthy political debate based on facts, dissent and respect was also seen as a challenge for our democracies. The malign use of social media by populists was underlined by many.

Two routes were identified for addressing these challenges: commitment to **ethical standards** among those producing media, and **media literacy** among those using it. The latter is echoed in the results of the public consultation: respondents underlined that media literacy was a way to foster critical thinking among citizens of all ages, especially in the new converged media environment.

Participants underlined that the modern media environment calls for an **extension of ethical standards beyond professional journalism to all media actors**. This includes those involved in advertising, platforms, engineering, marketing and posting of information on the internet. The impact on political debate of user-generated and informal media is as great if not greater than traditional sources of information. In an era where trust in the media and public institutions, and participation in elections, is low and falling, user-generated ethical standards are needed. They are necessary to hold political claims to account, counter the effects of filter bubbles and echo chambers, and address slogans and name calling. These effects on the modern media environment need to be known and understood. Media literacy among citizens needs to be supported. Strengthening the accountability of all media actors can further increase citizens' participation in the democratic debate, which in turn helps to guarantee that our democracies continue to function in a sustainable way.

### **Key actions:**

- Media actors, industry, the research community and NGOs should explore how to increase understanding and transparency of algorithms, echo chambers and the 'filter-bubble' effect, and widen access to a plurality of views and information.
- The European Commission will support research into algorithms, 'echo chambers' and the 'filter-bubble' effect, their impact on citizens' access to political information and the democratic debate, and how this might be addressed.
- The European Commission will support action on data-driven news production aimed at further promoting a plurality of viewpoints from within Europe. The support will be through targeted funding.
- In 2017 the European Commission will launch the 'Media Literacy for All' pilot project to promote critical thinking by citizens of all ages. The project is supported by the European Parliament.
- The European Commission and the Member States will encourage stakeholders to make use of all relevant EU funding opportunities<sup>16</sup> to support the development of media literacy and critical thinking through education and training. This is in line with the Council Conclusions adopted on 30 May 2016.<sup>17</sup>

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<sup>16</sup> The main funds and programmes available are Erasmus+, the Connecting Europe Facility, the European Structural and Investment Funds, Horizon 2020, Creative Europe and Europe for Citizens

<sup>17</sup> <http://data.consilium.europa.eu/doc/document/ST-9641-2016-INIT/en/pdf>

- The European Union Agency for Fundamental Rights will update its Diversity Toolkit for the media to include practical tips for those who cover news about fundamental rights issues.
- The European Commission will seek to continue a dialogue on media literacy with digital intermediaries such as Facebook, Twitter and Google. The dialogue will aim to identify actions and programmes to provide citizens with knowledge and understanding of the functioning of social media.
- The European Commission will coordinate with stakeholder groups and the Member States in identifying ethical good practice in the production and use of information to support quality information online.
- Journalists' freedom should be fully respected. They should maintain high ethical and investigative journalism standards, paying particular attention to verifying their sources and checking facts. This will help to foster a healthy and informed political debate.

