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

Fields marked with * are mandatory.

Introduction

Media freedom and pluralism are essential safeguards of well-functioning democracies. Freedom of expression and media freedom and pluralism are enshrined in the EU Charter of Fundamental Rights and they are at the core of the basic democratic values on which the European Union is founded.

The second Annual Colloquium on Fundamental Rights will take place on 17-18 November 2016. It will provide the stage for an open exchange on the many different aspects of media pluralism in a digital world, and the role of modern media in European democratic societies.

The colloquium should enable policymakers at EU and national level and relevant stakeholders — including NGOs, journalists, media representatives, companies, academics and international organisations — to identify concrete avenues for action to foster freedom of speech, media freedom and media pluralism as preconditions for democratic societies.

The Commission's objective with this public consultation is to gather broad feedback on current challenges and opportunities in order to feed into the colloquium's discussions. The questions asked are thus meant to encourage an open debate on media pluralism and democracy within the European Union — without, however, either prejudging any action by the European Union or affecting the remit of its competence.

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

DE

DE_-_Konsultationen.docx

FR

FR_-_consultation.docx

IMPORTANT NOTICE ON THE PUBLICATION OF CONTRIBUTIONS

*Contributions received from this survey will be published on the European Commission's website. Do you agree to the publication of your contribution?

- (●) Yes, my contribution may be published under my name (or the name of my organisation);
- ( ) Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation);
- ( ) No, I do not want my contribution to be published. (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

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

Privacy_statement._2016ac_public_consultation.pdf

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.

European Centre for Press and Media Freedom

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
- [x] 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?

Chiara Sighele of Osservatorio Balcani e Caucaso (ECPMF Consortium Partner) writes:
Useful insights are provided in the report “Safety Net for European Journalists” (Eugenia Siapera, 2015, OBC) based on in-depth interviews with over 100 journalists and media practitioners from 11 countries. Interviewed about what should be the role of the State in regulating the media, journalists themselves show a certain degree of ambivalence toward the issue. Quoting for instance a Romanian journalist of the sample: «[...] if you want to regulate the press, to impose some rules you have to think twice because it could be turned against you in time. So I wouldn't rush to say do that and that. [...]».

However, most respondents considered highly detrimental for media freedom and pluralism the harmonizing trend that has to be observed across Europe and globally: i.e. a widespread threefold deregulation a) in media ownership; b) of employment conditions; and c) distribution of government/EU advertising.

Thus, the role of the State may be to: ensure more effective regulation and implementation in terms of transparency/publicity in media ownership and financing; and to counter excessive deregulation in the field of journalistic employment in cooperation with unions and associations.

ECPMF’s Jane Whyatt writes:
Regulating for diversity
• The state should encourage diversity, plurality and competition by imposing a legal limit on the ability of any single media player to own more than a minority percentage of each market segment (e.g. print, radio, TV, online.) This is a standard application of competition law to prevent multi-national monopolies from driving out or swallowing up smaller media, to guarantee a plurality of independent voices.

• It should promote the creation and sustainability of new media players by making available public funds for non-profit media. This could be from general taxation, from a levy on profits of the media companies (cf.‘secondary rental’ in UK 1980s), a percentage of electricity bills (cf. Poland, Serbia), a tax on the sale of new electronic devices (cf Portugal) and on the safe disposal of old electronic devices (cf. Germany), national lottery profits (cf. Croatia) or a politically independent fund where startups and existing non-profit media can bid for grants and soft loans (cf. UK Community Media Fund).

ECPMF Board Member Margo Smit, the Dutch public service broadcasting ombudsman writes:
This would be a road not taken in the Netherlands. The state is responsible for the public broadcasting system, plus it provides for a small general fund for media innovation, but no way it can mingle in which media project the money goes to..

Jane Whyatt: In allocating funds and licences to operate, priority should be given to new and existing media players that serve minority communities (defined by locality, language, religion, ethnicity, age, etc) and communities of interest (defined by shared cultural values irrespective of geographic location, e.g. LGBTI people, pensioners, students, new music afficionados, poetry and other minority cultural preferences)

Margo Smit: see above for the general opinion in the Netherlands

What should be the role of self-regulation?
Chiara Sighele of ECPMF Consortium Partner Osservatorio Balcani e Caucaso (OBC) writes: Interviewees of the Safety Net report all agreed on the importance of self-regulation through binding codes of ethics as a key tool to counter de-professionalisation of journalism, strengthen solidarity among journalists, and restore public trust in the media. Moreover, the broad acceptance of this code and its enshrinement in formal statutes is perceived as an indirect means of safeguarding journalistic freedom and safety.
However, there is a common agreement on the need to:
- reformulate, restructure and publicly discuss the journalistic code of ethics, to broaden its scope to include the online component and journalistic acts undertaken by citizen journalists, as well as a full disclosure of interests;
- offer continuous ethics training and/or establish ethics groups in news media.
- ensure involvement of all stakeholders (public, journalists, unions, owners)
- establish accountability and personal responsibility for journalists but also media owners.

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

Jane Whyatt writes: Great Britain's press is regulated by two rival bodies, IMPRESS and IPSO. IPSO is financed and staffed by the editors of the main national and regional newspaper groups and chaired by a retired judge. It does not cover the left-liberal Guardian and Independent newspapers which refused to sign up for IPSO when it was created after the Leveson inquiry into phone-hacking, bribery and corruption. The Leveson Report called for a statutory regulator but this was rejected in Parliament. The existence of two press regulators is confusing for the public and the penalties for infringing the IPSO editors code https://www.ipso.co.uk/editors-code-of-practice/ are minimal. For example, a newspaper may be required to publish the fact that a complaint has been upheld, but otherwise face no sanction. The notice about the complaint can be very brief and obscure, with none of the power of the article that was the subject of complaint of inaccuracy.

One example of the ineffectiveness of IPSO's sanctions can be seen in the recent complaints of inaccuracy and misleading headlines by the Queen, whose complaint against the Sun newspaper was upheld on 18th May 2016 after weeks of deliberation. A small notice of the adjudication was printed on an inside page of the newspaper, with far less prominence than the front-page original story. And then two days before the Brexit referendum the Sun repeated a similar story on page 1, triggering a further four complaints to IPSO for inaccuracy. https://ecpmf.eu/news/legal/archive/queen-complains-over-press-report-she-wants-uk-to-leave-eu

IMPRESS is a new body that is still consulting about the most appropriate funding model to guarantee its independence from government and media owners.

In Poland the government can now hire and fire broadcasters at will, since the Treasury Minister Dawid Jackiewiecz has been placed in charge of the public service broadcaster TVP/Radio Poland. And the KRRiT National Broadcasting Council has been sidelined by the creation of the new media council. This includes a majority of government supporters. And has been criticised by the Poland branch of the Helsinki Foundation for Human Rights, which gave evidence to the ECPMF fact finding mission to Poland in January 2016. http://www.liberties.eu/en/news/new-polish-act-on-national-media-still-no-separation-of-media-and-politics
This means that the main information and cultural channels on TV and radio are dominated by supporters of the government party PiS and dissident or contradictory views receive little attention and airtime, according to the findings of the ECPMF's ongoing fact finding mission in Poland.
Croatia's outgoing government under Culture Minister Hasanbegovic has performed a similar purge of HRT the public service broadcaster, the difference being that supporters of political opposition parties have not been sacked but moved to non-editorial positions and some have resigned in protest. Two of them gave evidence to the international fact finding mission by SEEMO, OSCE; ECPMF; IPI, RSF, EBU and EFJ in Zagreb in June 2016 and estimated that 77 positions had been 'purged' in this way.

A similar situation exists in Hungary, where Janos Horvak of the Centre for Independent Journalism told ECPMF that 'there is a chilling effect' with widespread self censorship, and that employees at the state broadcasting

company receive a daily ‘message’ indicating the political agenda for the day. One specific example was reported to ECPMf in September 2015: a memo to all journalists employed at the Hungarian public service broadcaster. It told them not to show pictures of refugees’ children in their TV reports about the thousands of people fleeing civil war in Syria via Hungary at the time. An explanation given later by the authorities was that children’s privacy and identities should be shielded. But the journalist who reported the memo to ECPMF interpreted it as a warning not to use pictures of families in distress that would make their media coverage of refugees arouse the sympathy of the viewers.

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

Jane Whyatt ECPMF: Political and financial independence, and a reliable system for calculating the audience figures in addition to the standard auditing, governance and corporate social responsibility responsibilities of businesses and public bodies. Anonymous whistleblowing Reporting Points and an Ombudsman (male or female) with a well-resourced and independent secretariat would also help.

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

ECPMF’s researcher Martin Hoffmann, who is currently preparing his PhD on a comparative study of public service broadcasting regulations in Europe, writes:
Public service media (PSM) should in the first place stick to its mandate - and enlarge its capacities and broadcast more information and education. The complexity of topics and the speed of media coverage are accelerating tremendously and at the same time there is a segmentation, with different media outlets covering different interests or niches. So PSM are needed more than ever as independent fact-checkers and authoritative explainers.

Foreign coverage has been reduced during the last two decades and it should be expanded, to avoid still further dependence on news agencies. This dependence increasingly triggers the idea of a “mainstream press” and diminishes the trustworthiness of PSM and democratic institutions. Public service media have well-educated staff and they should use their privileged financial situation to concentrate on information and education, leaving most of the entertainment and soft news to the private sector. They should concentrate on radio, TV, audio and video based production and not try to compete against the print and online outlets in the private sector, in order to ensure the survival of these outlets.

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

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ECPMF's Martin Hoffmann writes:
PSM editors should be given contracts of at least five years in order to
ensure that they cannot be put under pressure for political purposes with the
explicit or implicit threat of losing their jobs. It might be worth installing
a reporting point or whistleblowing website for all editors in PSM where they
can report any political interference or threats of interference. This could
be managed by an independent agency such as ECPMF.

The boards and governing bodies of PSMs should generally be staffed by a
maximum of one third political actors. They should also include one third of
members who have NO current or former connection to any political parties. The
existence of informal alliances within these governing bodies should be seen
as a possibility, too. That may de facto undermine the independence that
appears to exist. Independent law and media experts should check each PSM to
ensure that this does not happen.

Parliament or the government should not have any influence on the funding, so
licence fees are the best choice here.
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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.

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Chiara Sighele of OBC writes: HRT, the Croatian public broadcaster, has
recently come under scrutiny after some 70 journalists and editors in key
positions were reassigned in the follow up to the 2015 elections that brought
to power a new governing coalition, suggesting a political motivation for
downgrading the independence of the public-service broadcaster.When ECPMF's
fact finding mission visited HRT in June 2016, 77 jobs had changed hands in
this way and the process was continuing.
In recent weeks, in a letter to the Bulgarian National Television (BNT), the
Bulgarian Minister of Culture Vezhdi Rashidov expresses his discontent about
the criticism by experts in the TV programme of the journalist Georgi Angelov,
addressing Angelov with the words: "I advise him not to constantly ironise the
state, which pays his salary too". Association of European Journalists -
Bulgaria (AEJ) along with hundreds of artists, professors and ordinary
citizens who have signed a petition to the Bulgarian prime minister Borisov
are demanding the immediate resignation of Vezhdi Rashidov as a minister of
culture:
Slovenia - In Autumn 2015, heated public debate related to media freedom in
Slovenia was initiated because of some employment (of the controversial
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journalist Bojan Traven) and dismissals (of the well renown journalist Erik Valencic) decisions taken by the public broadcaster. These instances raised serious doubts: they seemed to be determined by ideological and political purposes rather than for the sake of professional standards as reported by the editors. So these decisions were seen as a lack of independence of the public TV from the government and they awakened criticism by media experts and loud public protests.
In Poland the government can now hire and fire broadcasters at will, since the Treasury Minister has been placed in charge of the public service broadcaster TVP/Radio Poland. And the KRRiT National Broadcasting Council has been sidelined by the creation of the new media council. This includes a majority of government supporters and a minority representing opposition parties. This means that the main information and cultural channels on TV and radio are dominated by supporters of the government party PiS and dissident or contradictory views receive little attention and airtime, according to the findings of the ECPMF's ongoing fact finding mission in Poland. Hundreds of national TV and radio broadcasters and journalists were sacked or resigned in protest in national and regional TV and radio.
The BBC website records many moments in its own long history when it has defended its political independence against interference from the government of the day. The list starts with the 1926 general strike and ends with the Gilligan/Kelly affair in the Iraq war, now newly re-examined following the Chilcot Report 2016.
http://www.bbc.co.uk/historyofthebbc/research/culture/bbc-and-gov/general-strike

However, the BBC's systems for remaining independent are undergoing reform and the White Paper outlining the changes foresees a similar political oversight to that of Poland
https://ecpmf.eu/news/ecpmf/archive/britain-moves-to-curb-bbc-independence

And all the checks and balances and systems for 'referring up' problems and complaints in the BBC hierarchy were proved totally ineffective in the Jimmy Savile affair. Savile was a top presenters and a favourite of Prime Minister Margaret Thatcher, who supported his charitable work. He was awarded a knighthood, one of the UK's highest public accolades. But after his death Savile was revealed by a commercial TV investigation to have been a serial predatory paedophile, abusing and molesting hundreds of vulnerable young people that he met through his BBC work and associated charitable visits to hospitals and mental institutions. Some of his rape victims were mentally handicapped and at least one child's dead body was sexually abused by Savile in a hospital morgue.BBC staff working with the presenter knew or suspected this was happening and covered up the crimes.
http://www.bbc.com/news/uk-20026910 Despite top-level resignations by senior managers there does not appear to be any system in place to prevent such a cover-up happening again.
http://www.bbc.com/news/uk-20286848

In Spain, employees at the national public service broadcaster ETV wrote a public letter in 2015 complaining of political interference in their journalistic work, and sent a delegation to the European Parliament looking

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for support. http://www.bbc.com/news/uk-20286848
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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.

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Jane Whyatt ECPMF writes:
In Bulgaria and Romania there are clear examples of this:
Bulgaria
http://www.rcmediafreedom.eu/Publications/Reports/Media-In-dependence-in-Bulga
ria-Risks-and-Trends
Romania
http://www.rcmediafreedom.eu/Publications/Reports/Media-ownership-patterns-in-
post-communist-Romania-5-profiles

In the Czech Republic there are close links between a leading politician and a
company which started out as an agricultural business but now includes
newspapers too
https://ecpmf.eu/news/threats/archive/has-the-czech-republic-its-own-berluscon
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The reference to Silvio Berlusconi reminds us that the former Italian Prime
Minister also owns significant media holdings, compromising the independence
and plurality of those TV and radio channels and newspapers. And that the
immunity of high-ranking public officials allows them free rein in matters of
mixing media ownership with political power.
Irish MEP Lynn Boylan has commissioned a legal opinion on whether or not it is
unconstitutional for media ownership of so many newspapers and radio/TV
stations to be concentrated in the hands of one person ( Denis O'Brien). The
opinion is expected in October 2016.
Margo Smit writes: for the Netherlands we don’t see problems, for media
ownership seems pretty clear here. However, there are no guardian principles
in case the situation would change and there would be a threat. We simply
wouldn’t know what hit us…
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12. Please indicate any best practice on how to ensure an appropriate level of transparency and plurality of ownership in this area.

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Chiara Sighele writes: Drawing again on the report “Safety Net for European
Journalists”, a suggestion could be “to include a ‘cooling off’ period
precluding media owners (and journalists) from standing for political of¬fice
for a certain period of time after they resign or sell their media interests
in much the same way that business executives are not allowed to join a
competitor for a certain period of time.”
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Good practices include fostering investigative journalism and open-knowledge projects aimed at disseminating information about who owns shares of which medium in the various national landscapes. See for instance the “Internet Ownership Project” (https://www.reportingproject.net/internetownership) or the independent research project Macedonia Media Pedia (http://www.mediapedia.mk) as tools to raise public awareness about the issue.

Jane Whyatt ECPMF project manager writes: In the UK, media ownership is concentrated in the hands of large multi-national multi-media corporations. Full details are given in the 2015 report by the Media Reform Coalition http://www.mediareform.org.uk/wp-content/uploads/2015/10/Who_owns_the_UK_media-report_plus_appendix1.pdf

Investigative journalists in the ICIJ and the Panama Papers whistleblower “John Doe” have shown the way to expose the many hidden links between media owners who typically use offshore tax havens to avoid paying tax. This offshore system is legal but also prevents scrutiny of connections between, for example, media owners and politicians. Thanks to the Panama Papers, media ownership worldwide may soon become more transparent, and this is an example of good practice. https://panamapapers.icij.org
Community media in the UK are now well established and provide many examples of good practice in creating plurality and diversity. However they do not address the specific problem in journalism: a narrow range of news sources and political perspectives, controlled by newspaper barons who each have their own political agendas and do not allow sufficient resources to trickle down to local level.
www.commedia.org.uk

One example of good practice in UK citizen journalism is the CJET Citizen Journalism Educational Trust, a charity which trains unemployed people in professional newsgathering skills, enabling them to report on their own communities through a blog, community radio or CJET’s own publications http://www.cjet.org.uk/about-us/

New media launches are challenging the hegemony of media owners and attempting to re-connect readers with a trusted sources of news that is relevant to them. For example,
First Draft News
https://firstdraftnews.com/10-ways-local-journalists-can-better-cover-patch/
Full Fact https://fullfact.org
Byline https://www.byline.com/intro
The Canary
http://www.thecanary.co/2016/07/04/looks-like-youth-turnout-eu-referendum-much-much-higher-first-thought/
In Germany Krautreporter
https://krautreporter.de/1561-frei-und-doch-nicht-frei
In Greece Athens Live! http://athenslive.gr
In Netherlands and Germany Perspective Daily https://perspective-daily.de
Europe-wide VoxEurop www.voxeurop.eu/en in 10 languages
On 9th July 2016 a new national newspaper launched to serve the large UK minority of citizens who wish to remain in the European Union

If it survives, this new title will significantly increase the plurality of the British national press, though it comes too late to inform debate about whether or not the UK should vote to leave the EU.
http://www.thedrum.com/opinion/2016/07/08/new-european-review-britains-newest-newspaper-was-conceived-just-nine-days-how

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.

Chiara Sighele writes: Concentration is clearly associated with a series of problems for media freedom and pluralism, such as owners' direct in¬terference in the editorial process and threats to journalists' employment.
Drawing again on the report "Safety Net for European Journalists", a suggestion could be "to include a 'cooling off' period precluding media owners (and journalists) from standing for political of¬fice for a certain period of time after they resign or sell their media interests in much the same way that business executives are not allowed to join a competitor for a certain period of time."
Good practices include fostering investigative journalism and open-knowledge projects aimed at disseminating information about who owns shares of which medium in the various national landscapes. See for instance the "Internet Ownership Project" (https://www.reportingproject.net/internetownership) or the independent research project Macedonia Media Pedia (http://www.mediapedia.mk) as tools to raise public awareness about the issue.

Jane Whyatt ECPMF project manager writes: My member state is Great Britain. In the UK, media ownership is concentrated in the hands of large multi-national multi-media corporations. Full details are given in the 2015 report by the Media Reform Coalition
http://www.mediareform.org.uk/wp-content/uploads/2015/10/Who_owns_the_UK_media-report_plus_appendix1.pdf

Investigative journalists in the ICIJ and the Panama Papers whistleblower "John Doe" have shown the way to expose the many hidden links between media owners who typically use offshore tax havens to avoid paying tax. This offshore system is legal but also prevents scrutiny of connections between, for example, media owners and politicians. Thanks to the Panama Papers, media ownership worldwide may soon become more transparent, and this is an example of good practice.
https://panamapapers.icij.org

The London-based Open Data Institute, founded by the inventor of the World Wide Web Sir Tim Berners Lee, also promotes many examples of good practice
http://theodi.org/about-us

One malign effect of the concentration of media ownership is the exaggerated impact it gives to political messages from national newspaper owners. An

example of this could be seen during the campaign leading up to the June 23rd 2016 referendum on Brexit. Research by the Reuters Institute at Oxford University and researchers and Loughborough University indicates that most national newspapers supported the LEAVE campaign. The Loughborough team weighted their results to take into account the different circulation figures for each title, resulting in a ratio of LEAVE: REMAIN of 80:20 link to Loughborough.
http://www.lboro.ac.uk/news-events/eu-referendum/

Community media in the UK are now well established and provide many examples of good practice in creating plurality and diversity. However they do not address the specific problem in journalism: a narrow range of news sources and political perspectives, controlled by newspaper barons who each have their own political agendas and do not allow sufficient resources to trickle down to local level.
www.commedia.org.uk

One example of good practice in UK citizen journalism is the CJET Citizen Journalism Educational Trust, a charity which trains unemployed people in professional newsgathering skills, enabling them to report on their own communities through a blog, community radio or CJET's own publications
http://www.cjet.org.uk/about-us/

New media launches are challenging the hegemony of media owners and attempting to re-connect readers with a trusted sources of news that is relevant to them. For example,
First Draft News
https://firstdraftnews.com/10-ways-local-journalists-can-better-cover-patch/

Full Fact https://fullfact.org

Byline https://www.byline.com/intro

The Canary
http://www.thecanary.co/2016/07/04/looks-like-youth-turnout-eu-referendum-much-much-higher-first-thought/

In Germany Krautreporter
https://krautreporter.de/1561-frei-und-doch-nicht-frei

In Greece Athens Live! http://athenslive.gr

In Netherlands and Germany Perspective Daily https://perspective-daily.de

Europe-wide VoxEurop www.voxeurop.eu/en in 10 languages

On 9th July 2016 a new national newspaper launched to serve the large UK minority of citizens who wish to remain in the European Union
If it survives, this new title will significantly increase the plurality of the British national press, though it comes too late to inform debate about whether or not the UK should vote to leave the EU.

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http://www.thedrum.com/opinion/2016/07/08/new-european-review-britains-newest-
newspaper-was-conceived-just-nine-days-how
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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.

One malign effect of the concentration of media ownership is the exaggerated impact it gives to political messages from national newspaper owners. An example of this could be seen during the campaign leading up to the June 23rd 2016 referendum on Brexit. Research by the Reuters Institute at Oxford University and researchers and Loughborough University indicates that most national newspapers supported the LEAVE campaign. The Loughborough team weighted their results to take into account the different circulation figures for each title, resulting in a ratio of LEAVE: REMAIN of 80:20 link to Loughborough.
http://www.lboro.ac.uk/news-events/eu-referendum/
Chiara Sighele of OBC writes: Editorial independence is constantly in danger as a consequence of a well-known alliance between political and economic powers that uses opaque methods of distribution of public subsidies and advertising as a disciplinary mechanism.

The selective use of state advertising and the controlled distribution of commercial advertising are among the main tools used to silence the media which are critical and to finance those outlets which “follow the line” acting as mouthpieces of those in power.
More in general, advertising has turned out to be an important means by which journalists’ work can be steered towards or away from some topics, or to punish journalists and their outlets for stories published.
Some examples taken from the Safety Net for European Journalist report are worth quoting here.
This example comes from Bulgaria: «What has happened in the last few years is that the government has become advertiser number one, so most of the money in the advertising market comes from the so-called communications programmes of the European programmes from the Euro-funds. And when the government is advertiser number one, it can influence the content of media. And in fact, it has influenced the content of media. And we can see that the media with the largest amount of money received from government are the friendliest ones to the government».
In this interview with a Greek journalist, the role of advertising as pressure is clear: «The exclusive sponsor of Greek media is the banks. Everywhere you see adverts for banks and where you should be seeing investigations on the role of the banks in the Greek crisis you see ads for the very same banks, this is a clear case of bribery».

An equally direct form of intervention is seen in this story by a Slovenian journalist: «The [name of media redacted] had to face the influence of the advertising agencies, I witnessed that on me and on colleagues. For example: we were covering the story of a businessman who irregularly built a house on the Dalmatian coast. We received an anonymous notification and from there we started to investigate on the story. When this was already done, the owner of the company got to know about this, and exerted pressure on the editor in chief to prevent the publication. The pressure was big, and in the end it was not published. The company involved gave three big ads to our weekly newspaper. For our silence».

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.

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see 13 above and also

Chiara Sighele writes: The minimum requirement is to have clear obligation of
state authorities and private companies to publicise in a transparent manner
the distribution of advertisements and other financing.
Moreover, as far as the state is concerned, mechanisms for fairer distribution
amongst outlets should be put in place. Proposals for alternative form of
public subsidy could include the idea suggested by a Greek journalist
interviewed for the Safety Net report: «I am in favour of the view that since
information is a public good then it must receive some kind of public
financing. Until now public financing was considered as state control.
However, it could operate as a pool of money and then people could decide
where this money will go to, so as to divorce the direct connection between
the state and the news producer; in other words, to sub¬sidise each citizen
who can then say, I choose to give this amount to this newspaper. So it's not
really the state that decides where the money goes but the citizen. The state
only comes in to subsidise information as a public good».
Jane Whyatt writes:
The example of the Queen complaining to IPSO (see answer above) could be
transformed into a basis for best practice. If IPSO were able to insist that
its adjudication upholding the complaint of inaccuracy were published on the
front page of the Sun with the same prominence and the same use of language as
the offending story and headline, the Sun on 18th May 2016 would carry a front
page saying something like " Sorry Ma'am - we got it wrong" perhaps with a
photo of her Majesty looking stern and displeased.

A conscience clause for journalists who wish to opt out of reporting in a
one-sided or misleading way has long been a campaign demand of the National
Union of Journalists.
https://www.nuj.org.uk/news/nuj-repeats-calls-for-conscience-clause-as-journal
ists-ethics/

This conscience clause would help those like, for example, Richard Peppiatt,
who quit his job at the Daily Express in protest at being forced to write in a
way that he considered was deliberately designed to promote islamophobia.
https://www.theguardian.com/media/2011/mar/04/daily-star-reporter-letter-full
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C. Journalists and new media players

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

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Margo Smit writes:  with print media in the Netherlands being more and more
concentrated in only a few hands (mainly two Belgian companies, Persgroep and
Roularta), pluralism in coverage, particularly of regional and local issues,
has decreased. Also, the owners seem to be less interested in costly
investigative reporting for their regional and local print. Therefore, mainly
the national newspapers invest in this type of reporting.
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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.

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Chiara Sighele writes: The massive influx of refugees to Europe led to attacks
against journalists by both the police and extremist demonstrators, as well as
the spreading practice of limiting or denying journalists' access from sites
related to migrants (in Greece and Italy, for instance), even including
barring coverage of public asylum debates as happened in the Netherlands
(https://cpj.org/blog/2016/03/journalists-not-welcome-across-europe-press-and-
mi.php)
In Slovenia, in 2015 amendments to the Act on access to public information
legalised the tendency of several public institutions to charge for the costs
of preparation of the copies of requested information. NGOs such as
Transparency International and the Slovenian Association of Journalists loudly
criticised the amendments as they pose risks for media freedom and the work of
journalists. However the new law was adopted.

Gianna Iacino at the European Media Law institute, one of ECPMF's Consortium
Partners, lists cases:
UK: Member of Parliament loses libel action against Sunday times
With decision of 25 November 2015, the High Court of England dismissed an
action by Tim Yeo, former Member of Parliament and Chairman of the Energy and
Climate Change Select Committee, against Times Newspapers (Case HQ14D01146).
Macedonia/FYROM: Amendments to the Law on the Public Procurement
 The amendments to Article 2 of the Law on the Public Procurement widen the
existing exceptions of public procurement for the so-called "political
advertising areas", allowing the government as well as other state and public
institutions and agencies to use public and state funds in order to promote
themselves and their activities in the media.
Germany: Higher Regional Court on the coverage of press reports in a municipal
newsletter
On 27 January 2016, the Higher Regional Court (Oberlandesgericht - OLG) of
Stuttgart decided that a municipal newsletter can violate the constitutional
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rule of political freedom of the press.
This issue is also problematic in other member states: In the UK, the Communities Secretary Eric Pickles has ordered the closure of a local authority newsletter, calling it a case of “Pravda on the rates”. The newsletter, Greenwich Time, closed in June 2016. Meanwhile in Latvia there is a similar case
Law on Local Governments (Pašvaldību likums) is available in Latvian language (with English translation) at
http://likumi.lv/doc.php?id=57255
The Jan Boehmermann case is relevant here:
https://ecpmf.eu/news/threats/archive/germany-comedian-cancels-broadcast-after-satirical-poem-about-turkish-president
Vesselin Dimitrov writes from Bulgaria:
One colleague in Burgas was beaten up by men with baseball bats after he published allegations of local government corruption
https://ecpmf.eu/news/threats/archive/bulgarian-beaten-up-ecpmf-calls-for-inquiry
And a cartoonist was fired after publishing a cartoon that poked fun at a politician
https://ecpmf.eu/news/ecpmf/archive/bulgaria-the-state-of-press-freedom-is-just-terrible
Journalists in France, including a Spanish reporter for Filtrala, report that riot police have beaten them during demonstrations at the climate summit in Paris in December 2015. The French authorities replied that they were not journalists but “activists”. This was reported at the Media Committee Expert panel of the Council of Europe on 1st June 2016 d unlawfully detained by Hungarian border guards in September 2015.
https://ecpmf.eu/news/ecpmf/archive/ecpmf-takes-action-for-media-freedom-in-hungary
The editor of the SME national newspaper in Slovakia, Beata Balogova has reported to ECPMF that she has received a personal telephone call from the Prime Minister about a particular commentary that she wrote. And she says the legal system that requires corrections to misleading or inaccurate journalism and a right of response to complaints is being politically abused.
Poland’s president of the chamber of publishers Jacek Wojtaś reports that state companies are choosing to advertise in a few low-circulation newspapers and magazines that support the new PiS government. This has a chilling effect on the rest, since in order to attract these big advertising contracts they would need to change their editorial political line.
https://ecpmf.eu/news/ecpmf/poland-publishers-and-journalists-suffer-in-state-advertising-switch
Finnish journalist Minna Klus Galán told the Dataharvest conference at Mechelen in Belgium June 2016 that she is being pestered by Finland’s tax authorities after she broadcast the results of an investigation based on the Panama Papers on Finnish television network YLE.

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

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ECPMF recommends digital self defence for journalists and offers a crypto
party at its next annual conference in October 2016 where they can get
training and software to help them keep their sources and communications
confidential.
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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.

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Gianna Iacino at the European Media Law institute, one of ECPMF's Consortium
Partners, lists these important legal cases where political interference in
journalists' privacy rights was involved.

Germany: Netzpolitik accused of treason
In the summer 2015 Germany faced an intense public debate on the role of
investigative journalism and the freedom of the press, after the Federal
Attorney General in May 2015 initiated investigations for treason against two
journalists of the German blog "netzpolitik.org" . As a result the Attorney
General was sent into retirement by the Minister of Justice.The verdict of the
Higher Regional Court in Cologne from 12 June 2015 is available at:
https://www.justiz.nrw.de/nrwe/olgs/koeln/j2015/6_U_5_15_Urteil_20150612.html
The Netzpolitik journalists were found not guilty of treason.

Ireland: police surveillance of journalists' telephone records
Conor Lally, "GSOC trawls journalists' phone records in inquiry," The Irish
Times, 14 January 2016, is available in English language at:
http://www.irishtimes.com/news/crime-and-law/gsoc-trawls-journalists-phone-rec
ords-in-inquiry-1.2495959
Department of Justice and Equality, Statement by the Minister for Justice and
Equality in relation to access to telephone records, 19 January 2016, is
available in English language at:
http://www.justice.ie/en/JELR/Pages/PR16000020

Bosnia Herzogovina: New Republika Serpska law on public peace and order treats
social networks as public space
On 5 February 2015, Narodna skupština Republike Srpske (the National Assembly
of Republika Srpska - RS), one of the two entities in Bosnia and Herzegovina,
passed a controversial new Law on Public Peace and Security. This happened
despite numerous warnings from the opposition, human rights activists and
watchdogs, media, NGOs and foreign embassies of the devastating effects it
might have for freedom of speech on the Internet. The proposed provisions had
been denounced for criminalising social media by allowing the authorities to
fine or even imprison people who post offensive content on social networks.
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20. Have you experienced, or are you aware of, problems linked to hate speech and threats directed towards individuals exercising journalistic activities?

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From our Oliver Vujovic at Consortium Partner SEEMO the South East Europe
Media Organisation we receive alerts:for 2016
http://www.seemo.org/press-freedom-2016.html
and for 2015
http://www.seemo.org/press-freedom-2015.html
Chiara Sighele writes: Discrediting journalists through slander and hate
speech appears to be a very common behaviour, often accompanied by aggravating
circumstances such as discrediting people on the basis of their gender and
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ethnic affiliation.
For instance, recently in Croatia the journalist and resigning president of the Council of Electronic Media (EMC), Mirjana Rakic, found herself targeted with hate-filled slogans and symbols alluding to her Serbian ethnicity during a public protest organised in response to the EMC's decision to take a broadcaster off-air for three days for violating hate-speech rules.
High-profile public figures, including the deputy speaker of Parliament, also took part in the protest rally. Croatia: vilified, the journalist Mirjana Rakic counterattacks Mirjana Rakic, resigning president of the Council of Electronic Media in Croatia, recently interviewed by CdB (interview in French).
Further examples come from the Safety Net report. A journalist from Slovenia shows how ethnic backgrounds are used to discredit journalists: «For example, Janez Jansa [former Prime Minister of Slovenia] was recently insulting us, people like me who are not Slovenians. He was publicly insulting us on Twitter. A lot of these kind of insults are being published in this last period, about journalists like me, with foreign origins».
This excerpt comes from a Macedonian journalist: «Journalists that are criticising the government they are only considered as traitors, non-patriots, that we are paid by the Greeks, by the - I don't know - by the Jewish people, and lately by the European Union. That's really interesting since we are a candidate country officially. But whenever they want to insult us, they use those words - "mercenaries of the European Union"». A Bulgarian journalist: «The comments section under news articles has become in recent years an especially popular place for sending warnings to their respective authors. Yes, I'm talking about trolling, a tool that allows the sender of specific messages or warnings to a journalist, like: your story has angered many people and you will not get away».Report SIAPERA: Traitors, ethnic origin, sexualisation, …
An attack has been reported against the reporter Petros Anastasiades by Golden Dawn members, which is the far right political party of Greece.

Attacks on female journalists
Jane Whyatt at ECPMF writes: Female journalists often experience a particular brand of hate speech related to their gender, with threats of rape or sexual assault and comments about their looks characterising these incidents. To address this special problem, ECPMF with the Italian journalists union INSI and the European Federation of Journalists (a member of the ECPMF, represented on its Executive Board) has set up a Women's Reporting Point on the ECPMF website and is undertaking further research into gender-based hate speech and how to counteract it.
https://ecpmf.eu/get-help/womens-reporting-point
In Italy ECPMF's Consortium Partner Ossigeno per l'informazione regularly reports abuse and intimidation of journalists and sends details of verbal and physical attacks to the Mapping Media Freedom platform as well as publishing a monthly report on the ECPMF website and daily reports on its own websites in Italian, English and French.This is a representative example:
http://notiziario.ossigeno.info/2016/01/italy-the-most-dangerous-news-of-december-2015-as-reported-by-ossigeno-65100/

UK: In the wave of racist abuse unleased after the Brexit referendum result,

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BBC Coventry and Warwickshire presenter Trish Adudu was verbally abused in the
street by a racist using very strong language
http://www.bbc.com/news/uk-england-birmingham-36670691

In Germany TV presenter Anja Reschke received ‘ a flood of abuse’ after
speaking up for refugees live on national TV news show
http://www.tagesspiegel.de/medien/tagesthemen-kommentar-zur-hetze-gegen-fluech
tlinge-anja-reschke-fordert-einen-neuen-aufstand-der-anstaendigen/12155988.htm
l

Austrian presenter Lisa Gadenstätter has faced abuse connected to her Jewish
family background
https://www.updatemi.com/update/53d91f39ca4deb9b747b23ca/solidaritaet-mit-orf-
moderatorin-lisa-gadenstaetter

Margo Smit writes: In the Netherlands we had some incidental verbal abuse of
reporters from the audio-visual media by protesters against refugee housing
last fall and this spring.
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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.

The incidents described above (in 19) involve individuals. We also have a body of evidence from the ECPMF Germany fact finding mission that shows a type of hate speech directed at the whole journalism profession under the slogan of “Lügenpresse” or “lying press”. The word dates back to Nazi propaganda of the 1930s when it was used as a euphemism for “Judenpresse” or “Jewish press” and refers to the conspiracy theory that the media were controlled by a clique of wealthy Jewish intellectuals in order to misinform the population.

Now “Lügenpresse” is the mantra of the right-populist anti-islamic and anti-immgration GIDA protestors (Pegida in Dresden, Legida in Leipzig, Bergida in Berlin and so on). They create a war-like, aggressive scenario that has led in 2015 to 49 attacks on journalists and camera crews (29 physical attacks), especially against those reporters covering the regular weekly or monthly demonstrations on Mondays in city centres across Germany. In 2016 so far 12 attacks have been recorded. The attacks take the form of physical assaults, verbal abuse and also cyberbullying. A chilling effect has resulted insofar as the television channels which regularly cover these demonstrations have decided not to let their camera crews attend without their own private security guards. Clearly this makes it more expensive for the TV companies and that limits their ability to cover every demonstration and to cover it from all angles - demonstrators, counter demonstrators and police behaviour.

In addition, it is the role of the police to protect journalists and camera crews whilst doing their jobs, and so the ECPMF has initiated a dialogue with the DJV journalists union (a member of the EFJ), the Leipzig police chiefs and a pro bono lawyer. The lawyer with ECPMF’s researcher Martin Hoffmann has delivered a training course to explain to the police the rights and responsibilities of journalists and the role that the police ought to play in protecting their safety, independence and access to all those involved in demonstrations and counter-demonstrations.

Away from the demonstrations, the premises of several local newspapers have been attacked under the “Lügenpresse” campaign. All these attacks are recorded at the ECPMFs website and storymap, available in English and German for any other publication to re-use.
https://ecpmf.eu/news/ecpmf/archive/germany-ecpmf-works-with-police-and-trade-union-to-prevent-attacks-on-journalists
Margo Smit writes: In The Netherlands, in 2013 the Association of Investigative Reporters VVOJ conducted a survey amongst its members to find out whether they would give in to self-censorship because of threats. The return was very low and those responding were not revealing incidents or structural problems. However, this is a topic that journalists may not easily report on themselves.

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.

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OBC's Chiara Sighele writes: In around two years of existence, the Mapping
Media Freedom project identified over 2,000 cases of pressure against
journalists across the EU. By filtering the results with selected tags -
Death; Physical assaults; Injury; Arrest/Detention; Intimidation; Attack to
property; Sexual harassment; Trolling/Cyberbullying; DDoS/Hacking; Violation
of anonymity - reports are 965.
The failure of state authorities to fully investigate attacks on journalists
and hold the perpetrators accountable remains one of the main problems. Among
other things, this shows the inability of the police to deal with the
specificity of the crimes against journalists and it can also result in police
protection ending up looking like prison, as revealed by this quote of an
interviewed journalist: «What they should do is arrest the people who
threatened me, not keep me under police protec¬tion. I would be willing to
wait if I saw they were doing something, but they do nothing. Why do they keep
me under police protection? I cannot work this way. I cannot work in this
situation».

In Italy ECPMF's Consortium Partner "Ossigeno per l'informazione" regularly
reports verbal and physical attacks, abuse and intimidation of journalists.
Reported facts are partially taken from the Mapping Media Freedom platform. As
well Ossigeno is publishing a monthly report on these incidents for the ECPMF
website and daily reports on its own websites in Italian, English and
French.This is a representative example:
http://notiziario.ossigeno.info/2016/01/italy-the-most-dangerous-news-of-decem
ber-2015-as-reported-by-ossigeno-65100/

In addition, in some cases authorities even fuel intimidation in the public
debate, as it recently happened in Croatia, for instance. At the end of March
2016, the journalist and writer Ante Tomić, collaborator of national daily
newspapers Slobodna Dalmacija and Jutarnji List, was attacked by assailants
who tried to hit him while calling him "Yugoslav scum". While in this case the
perpetrators of the aggression have been identified and arrested, the then
Croatian Minister of Culture Hasanbegović commented on the incident for Nova
TV recalling "the importance of being responsible for words spoken and written
in public".
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23. Please indicate any best practice for protecting journalists from threats against their safety and security.

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Chiara Sighele writes: To address the actual longer term needs for
journalists' safety and protection, the Safety for European Journalists report
had identified some main areas for intervention
1) Exceptionality of offences against journalists or those committing acts of
journalism (citizen journalists, witnesses, bloggers and so on) - given their
status as serving the public interest, legal systems must consider the
possibility of differentiating such offences and expedite their resolution of
legal conflicts involving journalists.
Additional measures to consider are the adjustment of the legal system to make
the fact that the victim of violence/threats was acting as a journalist an
aggravating factor; and the creation of a special police unit to deal with
threats against journalists specifically.

2) Protecting journalists from legal excesses and address the question of
frivolous lawsuits used to discipline journalists - legal systems should
consider some kind of the so-called anti-SLAPP measures (Strategic Lawsuits
against Public Participation), allowing a defendant company or person to ask
the courts to dismiss claims that are based on their statements about an issue
of public concern.
In addition, we recommend the creation of solidarity structures in parallel
with trades unions, for example, a hardship and/or legal aid fund available to
all those involved in journalism that will operate with the support of unions
but independently.
3) Adopting clear policies and regulations aimed at preserving diversity in
journalism and preventing monopolies and oligopolies. Regular monitoring of
media ownership status should be foreseen. Procedures for ensuring equitable
and transparent distribution of EU and state advertising money across all
media should be developed.
As regulatory frameworks in many cases are already in place, to ensure their
effectiveness, local structures such as unions or associations should be
further empowered to apply continuous pressure for correct implementation.

Margo Smit writes: constant awareness in the field, training of reporters. But
also constant exposure through communication, parliamentary action, NGOs,
unions etc. Journalists are reluctant to report on threats against their peers
but should be made to realise that this is important.

Jane Whyatt writes: Training for work in a hostile environment should be
provided by the employers of journalists - including freelancers. For instance
the BBC regularly offers its employees such courses which include dealing with
the threat of kidnapping and provide realistic scenarios to practise security
strategies.
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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.

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ECPMF Legal Adviser Flutura Kusari writes:
ECPMF is deeply concerned regarding the treatment of whistleblowers across
Europe.

Two recent cases, LuxLeaks/Antoine Deltour and EULEXLeaks/Maria Bamieh,
monitored and supported by ECPMF, are clear examples of how whistleblowers
continue to be under pressure by public institutions. In addition, recent
judgments have proved that judicial authorities are far from applying the
European Court of Human Rights standards on whistleblower's protection
established with Guja v. Moldova case in 2008. Please find below a description
of these two cases:

LuxLeaks - Antoine Deltour: LuxLeaks is the disclosure of hundreds of tax
agreements between Luxembourg authorities and multinational companies,
bringing to light a large-scale tax avoidance scheme. Antoine Deltour is the
whistleblower behind the disclosure of many of the LuxLeaks documents. On June
29th, the 12th chamber of the Criminal Court of Luxembourg delivered the
judgment of the "LuxLeaks" trial and Antoine Deltour is sentenced to a
suspended 12-month jail term and a 1,500 € fine. Deltour is appealing the
decision. (source: https://support-antoine.org/en/blog/2016/06/29/pr-verdict/)

EulexLeaks - Maria Bamieh: Bamieh, a former prosecutor of European Mission on
Rule of Law in Kosovo, a mission exercising limited prosecutorial and judicial
powers, claimed that the EU mission in charge of fighting corruption is
corrupt itself. EULEX is the EU's largest civil mission launched to strengthen
rule of law in Kosovo, costing European taxpayers around 111 million Euro
every year since 2008. After she went public, revealing that the EU mission
has neglected her repeated requests for internal investigations for 2 years,
she was fired and a smear campaign against her was organised by the EU mission
in Kosovo. She sued EULEX and the UK's Foreign and Commonwealth Office in
Employment Tribunal in UK but the Tribunal decided it has no jurisdiction over
EULEX.

Gianna Iacino at the European Media Law Institute, ECPMF' Consortium Partner,
draws on the EMR/ECPMF comparative study of the state of investigative
journalism across Europe
https://ecpmf.eu/news/legal/investigative-journalism-new-comparative-study-on-
legal-regulations-across-europe
to propose:
For the protection of sources and whistleblowers, journalists should have the
right to refrain from testimony in court proceedings. Furthermore, the search
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of editorial offices and the seizure of journalistic material should be prohibited by law, especially as far as they can lead to the identification of the source/whistleblower.

Exceptions should be prescribed by law and only apply if they are necessary for the protection of an equally important right. Preferably, only adequate grounds of suspicion against the journalist himself should constitute an exception. In any case, the exceptions must be foreseen by law and should not use indeterminate legal concepts such as 'public interest'. Such indeterminate legal concepts are open for interpretation by the Courts which leads to legal uncertainty. Rather, only clearly defined exceptions should be foreseen.

Additionally, special procedural provisions for the seizure of journalistic material should be foreseen. According to such procedural provisions foreseen by only few countries (for example France, Poland, and Denmark), any document, which law enforcement officers want to seize, needs to be put under seal and sent to court awaiting a decision by a judge before it can be seized. Such special procedural provisions are good safeguards for the protection of sources.

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

Jane Whyatt writes: ECPMF"s alarm centres and the solidarity offered by media freedom campaigns and journalists' trades unions are important in this respect. There are also training needs. Protection for sources can be assured through the provision of anonymised whistleblowers' websites, encrypted emails and darkphones to minimise any possible risk of revealing their identity. Government surveillance and data retention works against this, so any legislation or anti-terror instrument prohibiting encryption should make a special exception for journalists, in the widest sense of 'people undertaking journalistic tasks and making journalistic acts and those working with them'. For this to become a reality, more training is needed in digital self defence for journalists, media lawyers and other organisations that help journalists and their sources.

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

Margo Smit: → As a best practice perhaps: On July 1, the Netherlands started a House for Whistleblowers, and even though it may be imperfect in what it can do for source protection, it is a step worth following by other states. https://huisvoorklokkenluiders.nl/

The Panama Papers case also exemplifies best practice in protecting sources. Details of how it was achieved:www.ecpmf.eu/threats/threat-to-joournalist-after-panama-papers-leaks

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

- (●) Yes
- ( ) No

If yes, please give specific examples.

Chiara Sighele of OBC writes: There is much evidence that European media workers, especially those working in South and South Eastern Europe, are regularly confronted with both political and commercial interference that leads to direct or indirect forms of censorship, including self-censorship. For example, quoting again the report Safety Net for European Journalists, journalists in Slovenia reported how in 2005 the government made political appointments of editors in public media, with the result that they more or less directly controlled what could and could not be produced. In other cases, for example in Greece, in the former public service broadcaster, ERT, political pressure resulted in a clear political line that should be followed, and this also included lists of acceptable and non-acceptable guests and commentators. More direct interference is also reported at ERT, where journalists' work is either not published at all, or published with significant alterations that change its meaning.

There are also reports of ministers or government officials expressing their displeasure about published materials, as recently happened with the letter sent to the Bulgarian National Television (BNT) by the Minister of Culture to express his discontent towards the criticism of experts in the TV programme of the journalist Georgi Angelov. The result, as a Bulgarian journalist put it, is the existence of taboo topics: «A taboo topic is any topic that would implicate the ruling class, regardless of whether the case in point concerns the judiciary, the legislative or executive power. Anything that would harm the political establishment in power [...] is prohibited».

Moreover, in countries such as Bulgaria, Croatia, Greece, Romania and others, journalists report both direct and indirect interference of media owners and their business interests. This quote from a Croatian journalist offers an historical narrative of a progressively worsening situation: «In the 1990s, obviously, the biggest problem consisted of the pressure exerted by politics. All the publishers and newsrooms were connected somehow to the authoritarian regime. Since then, things have changed: since 2000, when the political pressure started to diminish, the economic pressures have increased. This has much to do with the influence of advertisers and ad revenues».

Concerning pressure exerted by advertisers, this is how a Bulgarian journalist describes the situation: «In Bulgaria the major advertisers, such as various large companies or banks, when they place an ad, they do not do that just for the sake of advertising, but they want to impose conditions and censorship, i.e., 'we will advertise on your site, but you won't write about us, or about the things we feel uncomfortable about or consider unacceptable».

All together these examples make very clear how journalists are socialised into a climate of what is allowed and what not in particular media outlets, thus leading to a situation in which - by no surprise - self-censorship is quite common. Clear evidence of censorship and self-censorship have been gathered in the report by Eugenia Siapera SIAPERA

At the Rome December 2015 workshop of Ossigeno per l'informazione and ECPMF, called 'La censure in master' many examples of hidden censorship were revealed in the two day meeting attended by six hundred journalists and journalism students http://bit.ly/1OgPY65

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?

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Margo Smit writes: In the Netherlands these will be of financial origin, where
certain owners may not allocate money to this high cost activity. Legal
obstacles are not that important to the larger media, though to smaller media
this may be the case: being sued into submission is not common practice in The
Netherlands but will happen on occasion.

Chiara Sighele writes: Investigative journalists face obstacles in accessing
and protecting information: because of missing or poorly implemented FOIA laws
or because of pressures to disclose their source of information - a recent
example comes from Bulgaria (December 2015), where the deputy chairman of the
Bulgarian Parliament, Dimiter Glavchev, insisted that the National Security
Agency should investigate Mediapool.bg for its sources of information; in
raising sufficient resources to make it sustainable.
The lack of sufficient available resources is also a problem, because there
are many costs to be borne. Among them, expenses for accessing and elaborating
data, and for covering for legal advice before and often after the piece is
published.
In some contexts, it is even difficult to find outlets for the publication,
given that the content is often uncomfortable for political or economic
powers.
Moreover, hostile attitudes towards journalistic investigations are very
widespread and take various forms of intimidation, including the abuse of
defamation laws, open threats, or even the freezing of opportunities, such as
the unprecedented withdrawal of a journalistic prize. This recently happened
to the Bulgarian investigative website Bivol.bg which was withdrawn after the
managing board of the awarding institution, the Radostina Konstantinova
Foundation, decided to overrule the choice of the jury.
(http://www.balcanicaucaso.org/eng/Media-Freedom/Bulgaria-Investigative-websit
e-Bivol.bg-stripped-of-prize)
Other problems include denied/delayed access to information, requests for
money ( under the new law in Slovenia), difficulties in getting published and
lack of resources, also to afford translation into English: OBC networks with
investigative centres
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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.

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Chiara Sighele writes: Yes, see the description of the investigative
journalism ecosystem as described in the 2012 study for the European
Parliament,
http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/490663/IPOL-JOIN
_ET(2012)490663_EN.pdf
A longer term historical perspective and contest is provided by the 2008 study
by Cardiff University for Media Wise, tracking the "dumbing down" of British
media over the previous 20 years.http://bit.ly/29UM1rO
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30. Please indicate any best practice facilitating investigative journalism

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Margo Smit writes: specific funds such as Journalismfund.eu, Adessium
Foundation, Open Society Foundations can providing funding on a national or
cross-border basis.
Jane Whyatt writes: Grant-making for investigative projects is a good practice
that may help fostering investigative journalism. Procedures as those put in
place by Journalismfund, acting as a “firewall”, allow for independence while
also stimulating cross-border investigations.
Moreover, transnational networks of journalists prove useful to overcome the
authorities' attempts to silence national media, as pointed out in a recent
interview by Turkish journalist Can Dundar
http://www.balcanicaucaso.org/eng/Areas/Turkey/Can-Duendar-for-a-transnational
-journalism-172492

The ICIJ Panama Papers provides a great example https://panamapapers.icij.org

Also the Journalismfund http://journalismfund.eu/FoX

Crowdfunding can also play a role http://www.untoldmurder.com/news/

The education and training of all journalists should be based on the premise
that all journalism is investigative journalism, so that the future
generations of journalists understand the need for independence, fact checking
and research skills, robust ethical codes and collaborative working as well as
the techniques required for data mining and multi media production. This is a
huge demand, and there may be a role to play here for the ECPMF in creating
training modules for use in journalism schools and as in-service training for
established journalists. An example of good practice is the Channel Four News
internship scheme for mid-career professionals in the UK, and the Channel
Four-sponsored Master's programme in investigative journalism at de Montfort
university http://bit.ly/29I41Dc
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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?

ECPMF acts as an alarm centre by offering Reporting Points for journalists under threat, including hate speech and gender-based verbal abuse or insults. There is a general Reporting Point and a Women's Reporting Point (WRP) specifically for women. The WRP guarantees that a female member of ECPMF staff will respond. Both RPs are confidential and users can remain anonymous. The Women's Reporting Point is supported by the Italian journalists' trade union INSI and its parent body, the European Federation of Journalists. EFJ is represented on the Executive Board of the ECPMF.
Chiara Sighele of OBC calls for:
- Development of protocols of response: warn, report, block; if serious, then police
- Promote and support programmes aimed at educating the public, and especially youth
- Self-regulation and development of codes of ethics that include online and social media
- Regular assessments of the actual implementation of adopted code of ethics, through public media monitoring and analysis of the media coverage of migration and other sensitive topics as done by the Association Carta di Roma
- Cooperation with social media corporations and NGOs in the field of digital rights, internet freedoms and anti-discrimination, to ensure compliance with fundamental rights when countering hate speech online

Speaking personally I (Jane Whyatt of ECPMF) would oppose any further statutory restricts on what can be published in mainstream or social media. Online hate speech is a crime, just as it would be a crime if it were uttered in the street. It is not a media freedom issue but a crime against a person or against a group. For this reasons the current laws in place, for example in England and Wales on cyberbullying and posting explicit photos without consent should be more rigorously enforced, and police forces encouraged to set aside special resources to enforce them and to encourage victims to come forward and report them.

A very current example of the urgent need for this new emphasis on hate speech as a crime - and a gateway to more serious crime - arises from the case of Jo Cox MP, the pro-EU member of parliament who was shot and stabbed to death in her constituency, allegedly by a man who later gave his name in court as "Death to all traitors, freedom for Britain". It was later reported that Ms Cox had been the victim of a campaign of online hate speech and at the time of her death she was preparing to publish in Parliament the results of a study her team had undertaken on the growing number of racial hatred incidents in the North of England. This seems to indicate that online violent words can lead to actual violence. Since then at least one other Labour MP has received a death threat which warned that he would be "coxed". So the dead MP's name is used as a verb to threaten and intimidate.

The problem for the police and authorities is that online hate crime is usually committed by anonymous users and the right to remain anonymous online is regarded as an important human right of privacy. However we note that in

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some EU member states the police have the powers, so that when a serious hate
speech crime has been committed they are allowed to unmask the offending user.
So there should not be a general law of prior restraint that restricts freedom
of speech, but after offence has been caused or a crime has been committed
then the authorities must have to power to track down and punish those
responsible. This is my personal view and not an official ECPMF policy.
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32. How can a better informed use of modern media, including new digital media ('media literacy') contribute to promote tolerance? Please indicate any best practice.

ECPMF, with the Poland Helsinki Foundation on Human Rights and the European Federation of Journalists, is writing to the Pope, urging His Holiness to support and endorse our campaign against hate speech during his visit to the World Youth Day and to the former Nazi extermination camps at Auschwitz in July 2016. The Pope has a large Twitter following of 9.58 million people and we believe he will back this campaign.

Some ongoing projects offer useful insights on how the public, or more specific target groups, can be offered and engaged in media activities aimed at promoting tolerance and better understanding of media freedom/pluralism:
Open Migration - http://openmigration.org/en/
Get the trolls out - http://www.getthetrollsout.org
Media Fact Checking Service - http://factchecking.mk
They do so by: providing explanatory context to complex stories checking/explain/visualise data, pointing out examples of good/bad media coverage or online activity, illustrating false myths spread in the public discourse, and engaging the public in deconstructing stereotypes.

Oliver Vujovic of ECPMF's partner organisation the South East Europe Media Organisation suggests: " a self-regulation body, like for print media - to have for online media a legal obligation to check readers' comments and remove at the latest 30 minutes after published. If we speak about a bigger online media that has more than 5,000 viewers daily the latest should be 24 hours after published all with elements of decriminalisation and violence if we speak about online media that has fewer than 5,000 viewers daily (so as to help also smaller online media with no staff to have more time to react).

Jane Whyatt writes: There is a separate problem of "troll factories" where people are employed to post hate speech online for specific political or commercial reasons. This was reported to ECPMF during our fact-finding missions to Poland and Croatia.

In the UK the Digital Trust headed by Jennifer Perry offers training in self-defence and help to victims of online hate crime
http://www.digital-trust.org
In the Brexit discourse automated hate speech has also been reported:
Chatbots - Wie computergesteuerte Propaganda Meinungen manipuliert
http://www.sueddeutsche.de/1.3064164

An example of good practice here is the case of Finnish TV journalist Jessikka Aro who investigated the origin of the hate speech she received, including and SMS message purporting to come from her dead father
http://kioski.yle.fi/omat/my-year-as-a-pro-russia-troll-magnet

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

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

For example, in Ireland there is currently a wave of protests against the imposition of water metering in every household. Coverage of the protestors is muted, according to Irish MEP Lynn Boylan, and always balanced by official spokespeople from the company who seem to get more favourable interviews. Ms Boylan points out that the company that won the contract to instal meters and collect charges is also part of a multi-media business - but that this fact is not made known when journalists and broadcasters cover the story, although it is a clear case where an interest should be declared.
Where there is a lack of pluralism it is easy for a dominant commercial interest or political perspective (and they are often intertwined) to impact democracy. For example, the role of the biggest selling newspaper in the UK, owned by Rupert Murdoch, in the Brexit referendum campaign is a case in point. www.ecpmf.eu/brexi

34. Who do you think is the most suited to help increase media literacy? Please rank and explain why.

	The most important - 1	2	3	4	5	6	7	The least important - 8
Family	○	●	○	○	○	○	○	○
Friends	●	○	○	○	○	○	○	○
School	○	●	○	○	○	○	○	○
Public authorities	○	○	○	○	○	○	○	○
Media, including online providers	○	●	○	○	○	○	○	○
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	○	○	○	○	○	○	○	●
Civil society	○	○	○	○	○	○	●	○
Other (please specify)	○	○	○	○	○	○	○	●

Other - please specify

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

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ECPMF is running a Europe-wide writing contest for young writers aged 12-27
"One thousand words for freedom". The entrants may write an article, blog
post, poem, play or essay to win, and they can write in any language spoken in
Europe, including Arabic. Partners in publicising this contest include the
European Journalism Training Association, European Youth Press and Cafe Babel.
The deadline is 31st August 2016 www.ecpmf.eu/thousandwords

In the November 2015 project "Free our media" 14 comics were produced,
exploiting the graphic novel as a new means to improve media literacy amongst
young people.
http://bit.ly/2aaiXOL

One excellent spin-off from the Panama Papers is the gamified version
“Stairway to Tax heaven”  showing players tax avoidance works, with three
fictional characters: footballer Juan Penalti, MP Polly Tissien and banker
Edmund von Kronen
https://panamapapers.icij.org/stairway_tax_heaven_game/

Surrey Police in the south of England pays for broadcast journalist and media
law expert Holly Powell-Jones to deliver training courses to young people in
all the county’s schools about how to cope with hate speech and cyber bullying
and how to become a responsible user of social and mainstream media. This is
an aspect of media literacy that is often neglected and could serve as a pilot
project for pan-European initiatives.
http://www.surrey-pcc.gov.uk/2013/07/surrey-pcc-kevin-hurley-and-eagle-radio-j
oin-forces-to-offer-online-media-law-and-safety-training-in-surrey-schools/

The above mentioned examples concentrate on the younger generation. However
the Brexit vote seems to point to a need for enhanced media literacy
initiatives amongst older people who seemed to be more prone to believe
official misinformation than the younger Brits www.ecpmf.eu/brexit
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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)?

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Jane Whyatt at ECPMF writes: an EU-wide set of guidelines on how broadcasters
can re-interpret rules on political balance would help, especially during
election periods, in order to include new political movements and perspectives
that are not already represented by elected members.
For example, during the Brexit campaign examples of misrepresentation and
inaccurate statistics were produced as advertisements, on TV, painted on the
side of a bus and on outdoor poster sites. They fell between the strict
guidelines governing BBC and commercial TV and radio journalism and the
equally strict rules on advertising commercial products. And they attracted a
lot of media attention, forcing the journalists to become complicit in
extending their considerable impact. The expert panel on journalism and
broadcasting during elections held by the Council of Europe in Berlin on 4th
July may provide useful guidance on this aspect.

Using research from the CPMF at Florence and the ECPMF Media Freedom Resource
Centre, we could create online maps and infographics displaying the ownership,
market share and governance of various media

Making the provision of independently collected, audited and verified audience
statistics a statutory requirement for all media owners. This would avoid
situations like that in HRT Croatia in the spring of 2016, (also seen at EU
candidate Serbia’s Vojvoidina public TV station) where politically-unwanted
journalists can be removed from their posts using the excuse that “audience
figures are dropping” without any evidence whatsoever.
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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)?

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ECPMF Jane Whyatt writes: “Must carry” rules could be imposed or re-imposed so
that broadcasters have a legal duty to provide news, investigative journalism
and a wide range of political, social affairs and cultural programming,
including coverage of regions and minorities.

However, without “must watch” "must read" and "must listen" super-attractive
formats and sufficient funding to provide these expensive forms of journalism
there will be no point. So member states and EU institutions should offer
innovation funding, pilot projects and partnerships with technology companies
in order to extend and enhance the range of formats and platforms, for example
Virtual Reality and Augmented Reality and high definition live streaming

In all these initiatives it should be recognised that entertainment value is a
key concern: political satire and comedy, for example, should be encouraged
not persecuted (cf. Jan Böhmermann case in Germany, see above). Audiences are
stimulated to find out about news and current affairs so that they can
understand the point of the jokes and recognise the public figures who are
being lampooned.

Examples of good practice:
Neo Royal - Germany
Thilo Jung - Jung und Naiv - Youtube
Jon Oliver HBO - USA, content is European
Have I got News for You - UK
Absolut Finn - Finland
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38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

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Platforms such as www.ecpmf.eu, EU Observer, Vox Europ, European Youth Press,
Café Babel, Netopia and Politico perform a useful service. ECPMF is involved
with a project that will produce a three-nations joint online television
platform in at least four languages : German, English, Czech and Polish if it
becomes a reality.

On the other hand we do not support the physical jamming of broadcast signals
nor online communications by state actors,  nor the positioning of
transmitters along borders in order to beam political messages into another
state's territory.
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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.

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By engaging directly with individual voters, politicians can create strong
personal loyalty and energise apathetic voters - even if their own political
standing in electoral terms is weak and they do not enjoy the respect of their
parliamentary colleagues (cf. UK's Boris Johnson, Jeremy Corbyn).

Online petitions mobilise public opinion and often circulate in social media,
creating a sense of empowerment when they result in political change.
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If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

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But by the same token, direct engagement through Twitter or Facebook
eliminates the party, the democratic processes of the party and the
individual's access to policy making. The individual Corbyn/Johnson supporter
is reduced to fandom and becomes a cult follower rather than an active
participant in policy making. This disrupts the traditional role of the party
( or trade union or other civil society grouping) and can lead to splits.

And political movements such as Pegida and more extreme groupings can use and
abuse social media to indoctrinate their followers and create a false sense of
belonging to an online community that may spur followers to hate speech and
worse.
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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.

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Social media feeds are determined by the providers, and based on the user's
previous preferences. So they tend to reinforce existing opinions and
perspectives and marginalise new thinking or alternative views. The same
applies to RSS feeds from news and information providers. It is a problem
foreseen in the academic paper "Choose it or lose it - what future for news in
the digital age" Whyatt,J. 2001 presented at the Radio Studies Network 2001: A
Radioddessey conference at the University of Sussex,UK. Users pre-select the
topics they prefer ( sport, fashion, celebrity gossip etc) and by so doing
they exclude all other types of news ( such as local government matters )
which may be relevant and important. That is because the algorithms work to
provide what we enjoy and more of the same, and data about our preferences is
the currency of the internet. Media scientists refer to this as the "echo
chamber" effect, in which favourite content is repeated and opinions are
reinforced.
And the internet is full of urban myths, conspiracy theories, pseudo news and
fake comments planted by state actors as propaganda. For example, at the
liberal newspaper Gazeta Wyborczka, Poland, editors told the ECPMF fact
finding team that trolls even write political comment in favour of the PiS
government on the football pages with the team news!

An innovative attempt to break the hold of 'known preferences' and disrupt the
data-mining activities of the big internet companies is practised by the
German-based Chaos Computer Club. CCC members regularly meet to swap their
loyalty cards for different stores, coffee shops,etc. in order to confuse "the
system".
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