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.

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

Jakob Mohr

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

Is your organisation included in the Transparency Register?

- ( ) Yes
- ( ) No

If yes, please indicate your Register ID-number

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
- [x] Germany
- [ ] Greece
- [ ] Hungary
- [ ] Ireland
- [ ] Italy
- [ ] Latvia
- [ ] Lithuania
- [ ] Luxembourg
- [ ] Malta
- [ ] Netherlands
- [ ] Poland
- [ ] Portugal
- [ ] Romania
- [ ] Slovak Republic
- [ ] Slovenia
- [ ] Spain
- [ ] Sweden
- [ ] United Kingdom
- [ ] Other (please specify)

Other (please specify)

b) What is your age group?

- ○ Under 18
- ◉ 18-30
- ○ 31-40
- ○ 41-50
- ○ 51-60
- ○ 61-70
- ○ Over 71

B. Media freedom and pluralism

5. In the context of media freedom and pluralism, what should be the role of the State, if any, in the regulation of media? What should be the role of self-regulation?

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State: prevent too great influence by media outlet ownership concentration,
maintain communication channels open, e.g. no internet traffic advantages for
those who can afford it. Self regulation: codes of ethics, collective and
broadly inclusive multi stakeholder processes
```

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

```
The staffing of public TV stations in Germany based on party allegiance has
produced discussion in the past years
```

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

```
Independence, commitment to freedom of speech and universal human rights,
meritocratic appointment
```

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

```
Not to follow the private channels aiming for profit but balance the spectrum
with other voices with less audience. Open pluralist education and information
including fact checking, e.g. the Arte channel
```

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

```
Don't know but transparent and accountable, also there should be freedom to
differ nationally
```

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.

```
Orban's Hungary media laws. The connection of German journalists with
transatlantic think tanks as seen in Joffe vs Die Anstalt
```

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.

```
Potentially the Bertelsmann foundation and the way their influence takes over
small media outlets
```

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

```
Break too big structures following anti trust practices
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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.

```
Negative. Clearly this reduces pluralism of opinion
```

14. Are you aware of any problems related to government or privately financed one-sided media reporting in the EU?

- ( ) Yes
- (●) No

If yes, please give specific examples.

15. Please indicate any best practice to address challenges related to government or privately financed one-sided media reporting while respecting freedom of speech and media pluralism.

C. Journalists and new media players

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

```
More mainstream, less diversity, luckily some independent projects have been
started
```

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.

```
Persecution of whistle blowers, pressures on journalists to reveal sources,
for example German investigation against netzpolitik.org for treason  (!!?)
```

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

```
Laws and protection by them
```

19. Have you experienced, or are you aware of, limitations related to privacy and data protection imposed on journalistic activities?

- ( ) Yes
- (●) No

If yes, please give specific examples and further information.

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

```
Rising attacks on journalists at rallies, e.g. Pegida in Dresden, Germany
```

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.

```
See study of the US American pen association on self censorship as a reaction
to mass surveillance
```

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.

```
Pegida, Dresden, Germany
```

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

```
Public order
```

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.

```
Pressures by the German state on journalists that exposed a small arms sale
scandal by heckler and Koch to Mexico and Colombia. Germany now investigates
the journalists for releasing h&k documents. A charade!. Also: lux leaks or
Edward snowden
```

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

```
By protecting journalists and respecting their function
```

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

```
Asylum and protection instead of singling out and persecution
```

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

- ( ) Yes
- (●) No

If yes, please give specific examples.

28. Have you experienced, or are you aware of, any obstacles to investigative journalism, which may include legal provisions in force or a lack of resources?

29. Do you consider that the level and intensity of investigative journalism, the number of journalists engaged in such activity, the resources available, the space in print and the time available in audiovisual media for the publication of results of investigations has changed over time?

- ○ Yes
- ◉ No

If yes, please give specific examples.

30. Please indicate any best practice facilitating investigative journalism

```
General transparency
```

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?

```
Proper enforcement by platforms
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32. How can a better informed use of modern media, including new digital media ('media literacy') contribute to promote tolerance? Please indicate any best practice.

```
This all begins with contact among people to reduce abstract fears
```

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

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

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The greater media freedom and pluralism the healthier democracy if it does not
impact decision making negatively, I.e. overwhelms decision capacity by
quantity of info.
```

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.

```
Watch blogs, e.g. bildblog.de
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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)?

```
By providing solid information and analyzing them in a calm manner
```

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)?

```
Transparency about conflicts of interest
```

38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

39. Do you consider that social media/platforms, as increasingly used by candidates, political parties and citizens in electoral campaigns play a positive role in encouraging democratic engagement?

- (●) Yes
- ( ) No

If yes, please give specific aspects and best practices that you would recommend.

```
They establish more direct contact but also enable manipulation
```

If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

40. Do you consider that there are specific risks or problems regarding the role of platforms and social media — in relation to pluralism of the journalistic press or more generally — as regards the quality of the democratic debate and the level of engagement?

- (●) Yes
- ( ) No

If yes, please give specific examples and best practices that you would recommend to address these risks or problems.

```
Manipulation by hackers, e.g. Andres sepulveda in the americas or even the
platforms themselves
```

Contact

JUST-COLLOQUIUM@ec.europa.eu