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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

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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
- [ ] 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?

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State regulation must ensure truth and accuracy in advertising present in the
media, and ensure commercial content ("sponsored articles" etc.) is labelled
as such. Otherwise state intervention in the media should be limted.
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6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

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

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

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

```
Ideally with the aim of balancing the books but without a profit motive.
Rather, public service media should strive to be impartial (but with a view to
the truth, i.e. not compelled to support fringe groups for the sake of
balance) and dedicated to public entertainment and education.
```

10. Have you experienced or are you aware of obstacles to media freedom or pluralism deriving from the lack of independence of public service media in EU Member States?

- ○ Yes
- ◉ No

If yes, please give specific examples.

11. Are you aware of any problems with regard to media freedom and pluralism stemming from the lack of transparency of media ownership or the lack of rules on media ownership in EU Member States?

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
Rupert Murdoch owns a surprising amount of UK news.
```

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

```
A media watchdog, able to take public complaints and act meaningfully in the
public interest.
```

13. What is the impact of media concentration on media pluralism and free speech in your Member State? Please give specific examples and best practices on how to deal with potential challenges brought by media concentration.

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

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
Much of the "Brexit" coverage.
```

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?

```
Journalism is diverging into those outlets which support long form,
investigative writing (e.g. Der Spiegel in Germany) and those chasing online
trends.
```

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.

```
The destruction of computer equipment belonging to the Guardian as government
retribution for the Snowden reporting was little but a show of force intended
to send a message. Despite knowing that the measures would have no effect, the
government continued with such tactics in an attempt to suppress reporting on
the topic.
```

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

```
Free speech should be almost absolutely inviolable. Vigorous debate in a
western society comes from the marketplace of ideas, not from a suppression of
that which some groups may find objectionable. Speech which is not a direct
incitement to violence should never be suppressed by the state, nor should
speech be subject to criminal action unless incitement to an immediate crime.
A 14-year old in Germany was recently found guilty by a court for a Facebook
post criticising her teacher. The state should in no way intervene in such
actions: foolish and ridiculous speech will be outed as such by the reasonable
majority, without the "help" of state power.
```

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?

```
Yes: see the coverage of the Armenian resolution in the German parliament for
an example of the lengths some will go to in attempting to suppress speech
they find objectionable.
```

21. Are you aware of cases where fear of hate speech or threats, as described above, has led to a reluctance to report on certain issues or has had a generally chilling effect on the exercise of freedom of speech?

- (●) Yes
- ( ) No

If yes, please give specific examples and further information.

22. Have you experienced, or are you aware of, problems concerning journalists' safety and security in the EU?

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
See the Citizen Lab reports on the targeting of journalists reporting from the
EU:
https://citizenlab.org/2014/02/hacking-team-targeting-ethiopian-journalists/
```

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

24. Have you ever experienced or are you aware of pressures put by State measures on journalistic sources (including where these sources are whistleblowers)?

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
Whistleblower protections have been continuously weakened and are unsuitable
in the modern age.
```

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

```
A strong, EU wide whistleblower protection law would be invaluable in
protecting journalistic sources and those acting in the public interest.
```

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

```
A strong, EU wide whistleblower protection law would be invaluable in
protecting journalistic sources and those acting in the public interest.
```

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

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
The self-censorship in response to the Snowden leaks has been well documented
and studied.
```

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?

```
A strong, EU wide whistleblower protection law would be invaluable in
protecting journalistic sources and those acting in the public interest.
```

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.

```
The rise of online media (far less likely to engage in investigative
journalism) has lead to a proportional reduction in large scale projects.
Nonetheless, some organisations manage to sustainably combine the two, with
web journalism supporting the deep investigative approach.
```

30. Please indicate any best practice facilitating investigative journalism

## D. Hate speech online

31. What would be the most efficient ways to tackle the trivialisation of discrimination and violence that arises through the spreading of hatred, racism and xenophobia, in particular online?

```
Strong free speech laws. Criminalising speech that is not a direct incitement
to violence incurs social and financial costs. Ideas must be challenged if a
society is to evolve, and attempting to protect some groups from being
"offended" simply damages the ability of society to evaluate new positions.
Credible, narrow threats must be investigated and acted upon, but otherwise
deplorable statements should simply be left to sink to the very bottom of the
ocean of discourse.
```

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.

```
Reducing the "echo chamber" effect, where people are only exposed to views
which support their own, would be a good start, together with a political
commitment to free speech.
```

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

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

```
Democracy relies on the informed citizenry, and a diverse media is one of the
most essential parts of that.
```

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.

Critical thinking in schools should be supported above the blind acceptance of facts.

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)?

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)?

```
Operate across varying media (online, in print and in real-world events) and
robustly engage with the opposition rather than attempting to shun contact
with them.
```

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

```
Investment in a free and open internet. The Arab spring showed the power that
information can bring to people, and an internet free of constraints is the
most powerful tool for political information sharing.
```

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.

```
Engaging with voters, rather than blind empty statements, can help boost
engagment, and was used to great effect by the Obama Presidential Campaign.
```

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.

```
Social media is especially prone to the "echo chamber" effect, where you only
see positions which you agree with. Secondly, social media platforms are
controlled by large companies, who (intentionally or not) wield significant
influence over the information shared across them.
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## Contact

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