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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).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

[redacted]

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
- [x] 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?

```
The State should provide the means through which democratic processes of
selection are secured for the managerial positions of the public broadcaster.
In commercial television, the State should check and balance and monitor media
giants and assess to what extent do they comply with pluralism standards.
```

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

```
Party colonialization. National governments colonize the state-administered
media and triggers propaganda and lack of free speech.
```

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?

```
Watchdog role of the PBS, having the responsibility to disclose the level of
pluralism other private media adhere to.
```

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

```
It has to be democratically selected. The liberal model is the most suitable.
The ruling party can never take over the public service broadcaster. The media
content has to play out in a way that public interest is satisfied rather than
commercial goals are achieved.
```

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.

```
The Spanish media law bans journalists to film and report from a close
distance to the Police.
```

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.

```
Biased news in commercial television. Mediaset infotainment, never giving the
whole picture of what happens in the world and only depicting the good news of
how the corrupted authorities are performing.
```

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

```
Check and balance non-state media through public authorities.
```

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.

```
In Spain, media concentration tends to be of crucial importance since
commercial media no longer hold those in power to account. As a result, a
journalist who wants to report about the bad performance of the actual
government in terms of debts and so on, he or she can never report the truth,
but rather be biased as  his or her organization pursues. Organizational
setting matters.
```

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.

```
TVE Spanish public broadcaster
```

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.

```
An independently selected managerial board would best address the challenge of being impartial.
```

C. Journalists and new media players

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

```
That power relations are reproduced in the digital arena and so journalists have the same constraints. The drop of advertising revenues forces journalists to work independently, in a less sustainable way, but without orders from upper managers.
```

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.

```
Journalists cannot report from so close to the Police in Spain.
```

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

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

- (●) Yes
- ( ) No

If yes, please give specific examples and further information.

```
Surveillance on journalists.
```

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

```
Yes.
```

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.

```
Limitations to report on enterprises that fund the specific media company a
journalist works for.
```

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.

```
Poland
```

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

```
An independent public service media
```

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

- ( ) Yes
- (●) No

If yes, please give specific examples.

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

```
Promoting the breeding of think tanks that can play out as the watchdog of
those in power.
```

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

```
A confidentiality clause?
```

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

- (●) Yes
- ( ) No

If yes, please give specific examples.

```
Poland
```

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?

```
Not sure, but depending on media ownership journalists might be constrained of
doing exhaustive investigative reporting.
```

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.

```
More self-regulated media mushrooming and making a case for muckraking
journalism.
```

30. Please indicate any best practice facilitating investigative journalism

```
Free state media on the one hand, and meeting the pluralism standards should
do to ease 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?

```
Literacy.
```

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.

```
Legal action against hate speech. Making a exhaustive control of adverts that
promote hate discourses. Bringing the issue of hate speech to the public
debate and trying to meet as many people as possible to that quality debate
over the importance of promoting tolerance. So, opening up a new public debate
on that terms.
```

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

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

```
The more pluralistic the media offer is, the more will contribute to the
engagement of the citizens in public life. The more quality information and
unbiased a news company is, the more will contribute to the critical thinking
of the citizens, and that means a huge step towards a fully-fledged democratic
society.
```

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.

```
Public debates on the importance of media literacy.
```

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)?

```
Bringing public debates to the public sphere, be through television or through
something else.
```

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

```
An independent body regulating state media would offer the necessary means to
get info across borders. The Spanish monarchy has long banned a French
documentary to release in Spain because it touches upon dictatorship issues.
```

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.

```
Now politics is made in social media rather than in plenary sessions. It's
open to the public.
```

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

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

- ( ) Yes
- (●) No

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

Contact

JUST-COLLOQUIUM@ec.europa.eu