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.

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 (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

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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.

[redacted]

Is your organisation included in the Transparency Register?

- (●) Yes
- ( ) No

If yes, please indicate your Register ID-number

[redacted]

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?

```
Media freedom and pluralism, as essential Fundamental Rights and pillars of
our democratic society, shall be guaranteed and protected by either national
States and European Institutions. The State should play an active role to
guarantee transparency of media ownership; ensure protection of any
journalist, particularly from undue influence; and monitor any excessive
concentration.
Media freedom and pluralism are directly connected to independence of media
companies which is another pillar of the media system allowing media to play a
key role among the three Public Powers in democratic societies.
On the other hand, self-regulation is also essential in the publishing
industry to guarantee media freedom, pluralism and independency of journalism.
Any regulation and/or self-regulation in order to protect public interests or
weak collectives such as minors, or any protection against violent content,
speech supporting violence, hate or terrorism, or controlling nudity, shall
never be used to force publishers and/or journalist to censor any contents or
using any tools that undermines media freedom and pluralism.
However, we cannot forget that self-regulation has many advantages, especially
in the digital world which changes all the time, therefore, self-regulation
must play a much more relevant role in this field in order not to flood with
too much regulation the online market. This will help to secure the market
(bringing more innovation and investments) and to have robust rules but at the
same time flexible enough to address changes.
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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?

```
Specific examples of problems deriving from a lack of independence might
include: State television acting as the operational arm of the government;
regulatory agencies which retained a high degree of political control;
monopoly of the media by partisan groups
```

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

```
The key issue here is that regulatory authorities are able and have the
applicable competences to duly enforce any regulation in the country (or EU
level). That way a sufficient level of media freedom and pluralism could be
guaranteed.
Another important fact is that regulatory authorities, such as an eventual
national commission at a EU level, must be independent from the government and
other institutions to act free and according to media pluralism standards in
order to achieve its goals.
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8. What should be the role of public service media for ensuring media pluralism?

```
Public service media is one of the main archetype of media pluralism in a
given country or territory and it must play a crucial role in guaranteeing
media pluralism.
However commercial media groups are as important as public media services and
despite the fact that commercial media groups depend on their revenues and
that their contents are subject to those revenues (deciding what to produce,
broadcast, publish, etc. in connection to what audience demand as the main
source of income) they are needed players in the media ecosystem to protect
media pluralism.
Therefore, there should be a fair balance between public service media and
private media meaning that both media must compete fairly and taking into
account that public media service is financed by public money so they cannot
compete in the same terms and conditions in the advertising market—for
instance—because that would be unfair.
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9. How should public service media be organised so that they can best ensure the public service mandate?

```
The public service media should be above all independent. To that extent, it
should be financed by the public budget mainly, managed by a steering wheel
formed by independent and recognized members, objectively appointed and under
control measures of their role, activities and accountability.
In this regard, the by-laws of the public service media shall stipulate
measures of control in order to guarantee that it is independent and that it
protects public interests and society. In addition, national regulating
authorities ought to guarantee this issue too and self-regulation must be
observed to this aim.
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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.

```
The main issue here is the use of public media services, such as the public
television by government in order to address their own issues and beyond
publics interests and citizen’s interests.
Despite the fact that this is not a concrete example, we believe that it is of
the utmost importance to preserve public media service independence in
particular from the other Public Powers
```

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.

```
We are convinced that the main problem with regard to media freedom and
pluralism in this matter lies with transparency connected to independency.
Therefore, is is of the utmost importance to guarantee transparency in the
public media sector regarding designation of managers, finance, etc.
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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.

```
First of all, any procedure should be public and transparent. Citizens must
know how managers are appointed and designed.
Secondly, transparency must be observed to in relation to finance, balance and
profit and loos accounting.
Finally, national competition authorities must deal with excessive media
concentrations and conflicts of interest. They have easy access to information
whatever it is
```

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.

```
Media concentration is very detrimental to media freedom and pluralism and to
that extent to public opinion of citizens in a territory. Therefore, media
concentrations must be duly regulated according to transparency procedures by
independent authorities. Any privilege of the government (or any other Public
Power) should be carefully applied
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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.

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Not to our knowledge
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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.

```
Any best practice should lie with transparency, independency, and public
knowledge and access to any kind of information. Everything connected to
designation of managers and any other issue related to public media services.
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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?

```
Media convergence is definitely changing financing patters on quality
journalism. Nowadays digitalization has changed the way news is created and
distributed in an easier and faster way.
The main issue here is that this “democratisation” brought by digitalization
in the media industry has, on the one hand accelerated distribution of media
content and access to any citizen; on the other hand, nevertheless, it is a
threat to financing sources and monetisation of such content, thus, a threat
to independent and quality journalism.
Some examples are: (1) digital content can be copied despite the fact that it
costs relevant amounts to create it; (2) piracy is a major issue here in order
to protect intellectual heritage and boost innovation and creation; (3)
economic viability of newspapers is in a dramatic situation due to
digitalization where copyright and free competition is not duly preserved; (4)
quantity is more important that quality in the digital environment; (5) low
cost wins against quality.
Quality journalism is expensive and it is crucial in our society and cultural
world. Therefore, we must find business models (including preserving those
ones that has already worked properly in our business) on the internet to
protect journalism contents and press publishers.
```

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.

```
Not to our knowledge in our country.
```

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

```
We do not have any comments on this a press publishers' association.
```

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.

```
Not to our knowledge in our country.
```

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

```
Not to our knowledge in our country.
```

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.

```
It has come to our attention that there are journalists that had to quit
social media because of constant and persistent attacks and threats suffered
in those social media. In this sense, it is quite ease that a minority could
damage independency online by harassing journalist who just tell the truth via
social media.
As there is no effective control in social media (and generally speaking in
the online market), harried journalist (and people) have just the legal way
(very slow and tedious) in order to defend themselves (and to that extent
freedom of expression) or quitting social media (which is a very dramatic
situation in regards to media freedom and pluralism).
In this sense, we suggest the more reporting tools and channels must be
implemented to help this does not happen again. Maybe it would be useful to
develop and implement notice and take down procedures guaranteeing no
censorship is applied and no threats, harass, hate speech or whatever is
posted or distributed online.
Tolerating this illegal behaviour does not help media freedom and pluralism as
impunity in such cases means deeply threatening freedom of expression.
```

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.

[redacted] is aware of threats and troublesome situations lived by journalist not here in Spain but worldwide. Mainly in countries with a lack in respect of Fundamental Rights such as the East Europe countries or middle east countries and Africa.
Any of this issues, particularly in European soil must be duly addressed and avoided as much as possible. Media freedom and journalism is mandatory in a developed territory.

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

Here is Spain journalist are, to the extent possible, protected by press publishers as owners of the newspaper. It is true that not any issue could be protected but the effort of press publishers is their best in this regard. Anyhow, protecting journalists is a major issue and key in defending media freedom and quality journalism.

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.

We are not directly aware of any measure pressuring or any pressure put by State to journalist in our country. However, there are global issues in all countries and particularly in the EU that affect and put pressure into journalist such as the following: (1) intelligence bodies of the State or third States make huge influence (not to say put pressure) on journalism freedom; (2) several ruling of the ECHR ruled in favour of freedom of journalism and protection of their constitutional rights. Among these rulings, we would like to strees "SAnoma vs Netherlands", or "Pedersen and Baadsgaard vs Denmark", or "Cumpaña en Mazare /Romania" that we believe they should be taken into account.

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

```
Any safeguards must be strengthened by the EU. Law makers must observe any
issue in this regard and heard ruling from the ECHR. Media freedom and
protection of the freedom of speech must be properly protected by law and
constitution without prejudice to protection of weak collectives (such as
victims of terrorism or minors) and any other public interest of the State
(not to be an excuse to preclude journalist from exercising their legitimate
rights).
```

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

```
A proper whistleblowing procedure and channel must be developed and duly
protected so that any whistle-blower could not be threatened by anyone and
information be the key issue here. Also a proper protection of journalist
sources must be observed.
In this sense, self-regulation must play a key role.
```

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

- ○ Yes
- ◉ No

If yes, please give specific examples.

```
Not to our knowledge. Independency and freedom of speech shall be guarantee at
EU level. This shall be mandatory.
```

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 to our knowledge. There should not be any obstacles to this provided that
any journalism investigation observes any law and regulation in order to
protect citizens and companies' rights.
```

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 resources available have for sure changed due to digitalization.
```

30. Please indicate any best practice facilitating investigative journalism

```
Protection of journalist and freedom (including freedom of speech) is crucial
in this regard. Moreover, any journalist investigation must be absolutely
respectful with Law and others' rights, that way journalism investigation will
be the more and more legitimate (more than it currently is).
```

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?

```
Any of this issues must be addresses first of all and mainly by education.
Education is key and a major issue in this regard and it is the most useful
tool to prevent from intolerance, racism, xenophobia and hate speech anywhere,
and in particular online.
To this aim, consciousness-raising campaigns must be put into practice every
now and then.
Besides, despite the fact that intermediaries must play a key role (because
they are strategic players in the online value chain), censorship and
filtering must not be imposed not matter what. Due procedures must be
developed and implemented.
```

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.

```
As said before, the more education the better to avoid any of the problematic
issues raised in question 31 above. To this extent, the more information a
citizen has, the better to let him/her be well informed and thus educated.
Achieving the goal of a well-informed society and educated citizens will boost
democracy and globalization as a way to help people be tolerant, not racist,
etc.
Media pluralism and freedom is essential in order to let a citizen be well
informed in a complete way. Therefore, media pluralism and freedom must be
preserved not matter what.
Access to information in real time, everywhere is also crucial in our current
information society, but this must not damage the used of trustful information
sources and honesty.
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E. Role of free and pluralistic media in a democratic society

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

```
A society is free only to the degree to which its citizens are well informed
and can develop their own opinion to the extent they are able to participate
in social discussion and democratic issues. Public opinion and social agenda
is made from what media raises and thus depends dramatically on information
and communication.
As pillar of EU society and the democratic system, media freedom and pluralism
shall be protected and defended not matter what. Journalist and press
publishers must feel and actually be protected to the extent needed as they
are the “fourth Public Power” meaning the watchdog the governments and any
other Public Power or institution.
Media freedom and pluralism to the extent that it contributes to well informed
citizens and transparency, assist in reducing the level of corruption. The
less information and transparency, the more corruptible a country could be.
In order to preserve media freedom and pluralism, a wide range of items must
be put in place: (1) editorial independence; (2) checks and balances on media
ownership, fair competition; (3) complete protection of journalists; (4)
truthful journalist sources and quality journalist against bad quality
journalist and rumours, defamation, etc.; (5) self-regulation in several
aspects.
```

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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1) education within family, school, college, friends, etc.
2) education through mass media, in particular TV, cinema and Internet
3) helping preserve current business models and innovation in this sector.
```

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)?

```
There is not a singular or concrete ways to achieve free and pluralistic
media.
Nevertheless, given media freedom and pluralism are one of the pillars of our
democratic society and that in this regard, press publishers are playing a key
role by contributing to this public service, meaning contributing to inform
citizens and created public opinion by preserving freedom and pluralism (and
to that extent to the democratic system), one of the ways or tool that might
be very useful to contribute to independency and pluralism would be Structural
Public Financial Subsidies.
This financial subsidy must be structural, not connected to a singular project
or issue and in any case absolutely independent so that no media be biased
because of any financial aid. Those financial subsidies shall be to contribute
to that public service that media does with regards to informing citizens in a
plural way
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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)?

```
Any practice that helps protection of press publishers and journalism to the
extent quality journalism is enhanced will contribute the pluralism and media
freedom.
In addition, protection of current business media models, such as advertising
in crucial in protecting independence of press publishers to continue
developing their key role as carriers of information in our society. This
means that issues such as adblockers that destroy the business model on the
internet, or not paying due players in the value chain are essential. It is
not fair that distribution of quality news gains far more revenues from what
creators get from what they do, their job.
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38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

```
Transparency, Independency, truthful journalistic sources, innovation in
distribution, etc., Any measure in this direction will for sure help in
improving access to political information across borders. Innovation yes, but
without prejudice to good and quality information.
```

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.

```
Social media platforms are key nowadays in politics as we have seen in both
sides of the Atlantic. Any of the values of quality journalism raised above in
this public consultation must be protected and preserved in the digital
environment too.
```

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 platforms have shown a clear interest in entering the news media
industry. Facebook, Google and Snapchat are just a few examples of technology
companies currently investing in our sector.
However, in order to guarantee media freedom and pluralism, Internet platforms
must defend the freedoms of their users and free expression - business and
profits should never undermine freedom of press. In this regard, Facebook has
been recently accused of political bias in its editorial process. The social
media platform suppressed news stories of interest to conservative readers
from the social network’s influential “trending” news section.
The EU should monitor attentively the behavior of online platforms and social
media to make sure that the pluralism of the journalistic press and the
quality of the democratic debate will not be undermined by wrong lines of
business.
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Contact

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