

OHCHR - Call for comments on opportunities, challenges and threats to media in the digital age

EBU REPLY – January 2022

1) a) What are the key trends, threats or challenges to the freedom, independence, pluralism and diversity of media and the safety of journalists in your country, region, or globally in your view?

The [European Broadcasting Union](#) (EBU) is the world's leading alliance of public service media (PSM). We have 113 member organizations in 56 countries and have an additional 31 Associates in Asia, Africa, Australasia and the Americas. Our Members operate nearly 2,000 television, radio and online channels and services, and offer a wealth of content across other platforms.

In recent years, press and media independence has been steadily eroded and the pandemic has amplified this trend. PSM has not been spared by these negative developments, and these organizations are facing a rising challenge to their editorial independence, pressure on their governance and threats of funding cuts.

However, EBU research has shown that having well-funded, independent PSM goes hand in hand with healthy democracies. In countries with free and strong PSM citizens are satisfied with the diversity of opinions in news coverage and they are less concerned with misinformation.¹ Where PSM are protected and strengthened by an intact democratic system, they in turn reinforce this same system.²

Threats to the safety of PSM journalists and staff, the lack of proper access to information, the lack of appropriate regulatory environments and the globalized platform environment add to the challenges.

Attacks on journalists and staff have included arrests, surveillance, verbal and physical abuse, and violence. The pandemic has only made matters worse. Aggression is experienced increasingly when PSM report from protests and demonstrations against COVID-19 protection measures. In some countries PSM staff have been forced to remove any branding or logos from their equipment and vehicles to avoid becoming targets.³

In addition to physical and online intimidation and attacks on media professionals, another form of harassment, SLAPPs (strategic lawsuit against public participation) have emerged as a powerful weapon for intimidating and ultimately silencing critical voices. These threats have unfortunately not spared our Members, with two prominent examples of a SLAPP involving our [French](#) and [Estonian](#) Members detailed on the CoE platform.

¹ https://www.ebu.ch/publications/research/login_only/report/democracy-psm

² EBU News Report 2021: <https://www.ebu.ch/publications/strategic/loginonly/report/news-report---whats-next-public-service-journalism-in-the-age-of-distraction-opinion-and-information-abundance>

³ idem

These lawsuits, which constitute serious threats of legal action, are considerably aggravating the current climate of insecurity in the profession. SLAPPs not only breed anxiety and incur legal costs for the defendants; they also have devastating effects on news coverage. They represent a direct attack on fundamental rights, including freedom of expression and information. They undermine media pluralism and act as a strong deterrent to democratic processes.

In a number of countries in Central and Eastern Europe (CEE), the process of transition from state to public media has not been seen through to the end; rather, there exists a retrograde tendency of strengthening state control over the media. Control is exercised in different ways, directly or indirectly – through political domination of PSM governance, pressure on PSM funding (especially on funding out of the state budget) or attempts to marginalize PSM through the establishment of strong competitive privately owned media as the extended arm of political and economic interests. Weakening and/or marginalizing PSM in favour of privately owned media, which often serve personal interests and other hidden agendas, have a detrimental impact on media pluralism and the quality of the public debate.

Recently, some CEE countries changed the legislative framework for PSM, introducing harmful provisions that curtail the independence thereof.

b) To what extent have these trends, threats and challenges emerged, or have been aggravated, because of the policies and practices of digital and social media platforms?

Media operate in an increasingly global competitive environment. Internet and tech giants' revenues are skyrocketing; they are the clear winners from the COVID-19 crisis and the subsequent lockdowns.

While digital and social media platforms in principle offer access to a vast range of media and information, they have created an 'information disorder', reinforced by the pandemic, which has been a breeding ground for disinformation and misinformation as well as nourishing conspiracy theories. It has considerably facilitated the spreading of false information, with sometimes health-threatening or even deadly consequences.

The online environment and digital transformation provide a chance to innovate, giving rise to opportunities for developing creative and innovative solutions to reach audiences. But at the same time, as clearly demonstrated by the pandemic, the media sector increasingly depends on online distribution, including third-party platforms. Access to PSM content and its findability is increasingly determined by online platforms that decide who sees what and when – based on the platforms' algorithms, their own private community standards and their economic interests.

In December 2021, the Council of Europe's Steering Committee on Media and Information Society adopted a Recommendation on principles for media and communication governance, which addresses this issue. It requests that platforms should not interfere with media content and refrain from overwriting editorial standards and regulatory requirements with their own terms of service agreements or community standards.

At EU level, the European Parliament has included a provision in its recently adopted resolution on the Digital Services Act requesting that intermediary services shall respect the freedom of expression, freedom and pluralism of the media, and other fundamental rights and freedoms.

We hope that these provisions will be reflected in the final regulatory texts and that they will also have an impact internationally, beyond the EU and the Council of Europe region.

c) Please highlight the gender dimensions of the trends and their consequences for the equality and safety of women journalists as well as media freedom.

The pandemic has worsened gender-based violence. As much as 73% of the 625 women who responded to the [UNESCO-ICFJ survey](#) said they had experienced some form of online violence, and 20% of them said that they have been attacked or abused offline in connection with the online violence they had experienced. PSM women journalists have also experienced increased violence, both online and offline.

2) What legislative, administrative, policy, regulatory or other measures have Governments taken to promote press/media freedom, including media independence, pluralism, viability and ownership issues? What has been the impact of these measures? What changes or additional measures would you recommend?

3) What measures are Governments taking to support public service media? What has been the impact of such measures? What changes or additional measures would you recommend?

PSM need a clear legal framework, guaranteeing sustainable funding and a flexible and broad public service remit. The remit should cover a full range of content genres so that PSM organizations can fulfil their role to “inform, educate and entertain”; it should be impartial and ambitious, setting high standards to ensure PSM is a source of quality content and impartial information; it has to be future-proof, allowing an assessment of public value whilst enabling innovation and adaptation to the market dynamics; and it has to be platform-neutral, ensuring audiences can access content everywhere, any time, on all platforms.

The EBU has elaborated principles for the [funding](#) of PSM, their [remit](#) and their [governance](#).

These principles build on the [EBU Core Values of Public Service Media](#), declared by the EBU General Assembly in 2012.

In many CEE countries in particular, PSM are facing strong administrative pressure together with a conflict of laws dealing with PSM. The *lex specialis* is often not respected. In addition, governments should accept and strengthen the role and impact of civil society, combined with secure self-governance and self-control systems for PSM (e.g. ombudsman-type interaction with the public). PSM legislation should not be changed without proper public debate and a broad consultation process.

In CEE countries, proper implementation of laws is often a challenge. In many of them, existing legislation is not respected, especially regarding funding and independence. At the same time, PSM also need to establish and respect strict ethical rules.

It would be recommendable that the EU leverages its instruments more efficiently in the context of EU accession, aiming at establishing a better legal framework for PSM and better implementation systems.

4) What measures have a) Governments b) social media companies c) media companies taken to promote the safety of journalists? What has been the impact of these measures? What more can/should be done and by whom? Please also mention any specific laws or measures to address online violence, threats and harassment and what result they have produced.

The EBU joined the [Brussels Declaration](#) in September 2021 and thereby committed itself to the five following principles:

- Improve the safety of journalists and other media staff;
- Stand up for the independence of public broadcasters;
- Encourage well-informed democratic debate;
- Support a strong and diverse news media landscape;
- Promote diversity, fairness and inclusion.

The EBU is a partner organization of the Council of Europe's [Platform to promote the protection of journalism and safety of journalists](#). This extremely useful initiative could be extended to other regions of the world.

Training is crucial. The [EBU Academy](#) offers a series of training programmes and on-site workshops, open to its membership and other media outlets, to provide journalists the necessary skills on safety and security. It helps broadcasters protect their staff and ensure the right safety framework at all stages of the reporter's working life. Since 2004, the EBU Academy has delivered 76 training programmes on Safety & Security and trained 809 journalists from among its Members and beyond. The Academy also coordinates an international network of security officers (19 gatherings so far over 8 years), which has the responsibility to establish the right safety protocols in place, a thorough process to assess risks, a methodological planning for cyber and physical safety training and this for the entire newsroom. Cyberthreat can attack any journalist who is not a field reporter.

The EBU coordinates the [Investigative Journalism Network](#), which started in 2017. The project is twofold: the first is a set of project groups where reporters from EBU Members work together to research specific topics; the second is a network of investigative reporters.

State bodies and law enforcement agencies should be provided with training programmes covering procedures encouraging women journalists and media professionals to report online attacks to competent authorities.

Governments should also be encouraged to organize multi-stakeholder dialogues on a regular-basis and set up cooperation mechanisms between state authorities, law enforcement authorities, media organizations, media professionals, national media regulatory/supervisory authorities and online platforms.

The Netherlands has demonstrated how to approach the issue through a concerted effort, with all media organizations coming together to highlight the issue of journalist safety. Their actions led to changes in the law to offer more protection and put in place a number of safety mechanisms. First, a coordinator for press safety was appointed to raise awareness of the issue among media organizations. Second, a hotline was set up through which reporters and others could report incidents. Third, safety training for journalists was introduced.⁴

5) a) What measures have Governments taken to investigate and prosecute attacks against journalists, including online violence and harassment against female journalists? What are the barriers to fighting impunity? What changes would you recommend?

Attacks against journalists should be handled with special care. Investigations of attacks should be a priority and be made public. In many countries, including in CEE countries, some attacks and even killings have been investigated belatedly or simply never (examples include Serbia, Croatia and Slovakia as well as Malta). Impunity for crimes against journalists is unacceptable.

Some CEE countries have established a special body for investigating attacks on journalists, comprising representatives of relevant state institutions and civil society (e.g. Montenegro).

b) The UN Plan of Action on the Safety of Journalists and the Issue of Immunity will mark its 20th anniversary in 2022. How do you assess its results and what suggestions would you make to improve it? How can it be more relevant to gender concerns and to the threats posed by digital technology?

Multi-stakeholder approaches such as the approach adopted in the Netherlands should be supported by the Plan of Action as these can effectively address all different levels of threats to journalists' safety.

Coordination between all the UN agencies and other international organizations dealing with the issue should be stepped up. There are many valuable activities, and many useful resources exist. It would be worthwhile centralizing all this information for easy access.

As mentioned above, the Council of Europe Platform to promote the protection of journalism and safety of journalists is an extremely useful tool. Rolling it out in other parts of the world should be considered.

Please also see our answer under point 6.

⁴ EBU News Report 2021: <https://www.ebu.ch/publications/strategic/loginonly/report/news-report---whats-next-public-service-journalism-in-the-age-of-distraction-opinion-and-information-abundance>

6) What do you believe has been the impact of digital and social platforms on press/media freedom, independence, viability and safety of journalists? What specific recommendations would you make to a) Governments and b) the companies to address or mitigate the detrimental impact?

Concerning online violence targeting journalists, media professionals and more particularly women journalists and media professionals, digital platforms need to take more responsibility for removing illegal online content from their platforms. Any policy interventions in relation to illegal content must take due account of the impact on fundamental rights. Such measures should therefore be designed in a careful, targeted manner, paying the utmost attention to the proportionality principle.

Online platforms should implement user-friendly tools to flag and/or report illegal activities and content. The flagging and/or reporting systems should be accompanied by appropriate explanations in a timely and effective manner on the follow-up given to flagged/reported content and on transparent, easy-to-use and effective procedures for the handling and resolution of complaints. Automated tools can be used to detect illegal content and prevent their reappearance provided that there are relevant safeguards. The use of automated or algorithmic tools should be accompanied by appropriate human oversight.

These duties should be accompanied by measures that ensure their effective enforcement, including regulators' competence to sanction non-compliance, in particular by imposing deterrent fines. Online platforms' cooperation with competent authorities should include the submission of regular reports on the application of content policies, on measures adopted to fight illegal content and on safeguards applied to protect fundamental rights.

To obtain reliable information about the extent of online violence against journalists and media professionals, digital platforms also need to take part in data-collection mechanisms and provide gender-disaggregated data.

National regulatory authorities for the media play a vital role to ensure media pluralism and safeguard freedom of expression and information. They should be adequately involved in any measures addressing online violence targeting journalists and media professionals, including women journalists.

7) What policies, procedures or other measures have the media (broadcast, print and digital) sector taken to promote press/media freedom, independence, pluralism, diversity and viability? What has been most successful? What additional measures would you suggest? What steps should the media sector take to promote gender equality?

Public diplomacy should be strengthened and be supported by governments, parliaments, civil society and PSM. Regular dialogue with consumers should be encouraged. Media literacy programmes should be supported or launched where such do not exist.

In a context when trust in information and media has to be reinstated, the [Journalism Trust Initiative](#) (JTI) offers a very useful approach. The JTI provides indicators for media outlets to self-assess and comply with – and for citizens, advertisers and regulators to reward them. The EBU has supported the standard-setting process, which has led to the development of standards for the online trustworthiness of news and information, which address *inter alia* the issue of “identity and transparency”.

Regarding gender equality and media, PSM and partners have produced reports and developed best practices and toolkits. A wide selection of those items is available on the EBU website: <https://www.ebu.ch/groups/gender-equality>

More generally, information on Diversity, Equity and Inclusion can be found at: <https://www.ebu.ch/diversity-equity-inclusion>

8) Do you see any major gaps in the international human rights legal framework? Are there any specific recommendations that you would suggest to address such gaps or to improve implementation of existing standards?

The international human rights framework regarding the safety of journalists should be reviewed to ensure that the laws and rights designed to protect journalists offline are also applied online.

In Europe, PSM’s key role for democratic societies has long been recognized by the Council of Europe and consolidated with a solid set of standards that Council of Europe member states have agreed to implement at national level. Standards cover the remit, funding and governance of PSM, including in the online and platform environment.

A recognition of this key role also at global level and the implementation of these standards at national level would contribute to supporting human rights. International exchange of information in this field should be pursued.

9) The Special Rapporteur would welcome examples of good practice by Governments, companies, the media sector, civil society and other stakeholders, and your recommendations on how best to address the challenges and threats to press/media freedom, independence, diversity, pluralism, and safety of journalists. Please share any relevant documents, reports, news or academic articles that you believe should be considered in the preparation of her report.

Innovative media projects such as the EBU's '[A European Perspective](#)' promote media freedom, pluralism and diversity. This project leverages the capabilities of AI for automated translation (with human checking) and offers news from EBU Members across Europe to audiences in their own languages. The wealth of stories on offer helps Europeans contextualize trending topics such as the COVID-19 pandemic, climate change and migration, and gain a better understanding about how neighbouring countries are tackling these challenges.

Please find below a list of relevant EBU research and reports:

https://www.ebu.ch/publications/research/login_only/infographic/the-value-of-psm

https://www.ebu.ch/publications/research/login_only/report/democracy-psm

https://www.ebu.ch/publications/research/login_only/report/trust-in-media

<https://www.ebu.ch/publications/research/membersonly/report/public-service-media-and-news>

<https://www.ebu.ch/publications/research/membersonly/report/covid-19-crisis-psm-audience-performance>

<https://www.ebu.ch/publications/strategic/loginonly/report/news-report---whats-next-public-service-journalism-in-the-age-of-distraction-opinion-and-information-abundance>