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The power of the screen
Enhancing democracy and freedoms while fulfilling responsibilities in the online environment

Non-paper II on the ministerial conference by
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Introduction:
Screens have become an indispensable tool in our daily economic, social, cultural and political life.
Screens enable us to communicate, to have access to information and content and to communicate with and to manage other devices such as cars or coffee machines.
The rapid development of what a screen (and the machine behind it) can be used for has allowed – and will continue to allow – for unprecedented opportunities to interact, access information and content and manage processes in a rapid, ubiquitous and participatory manner.

A few decades ago, there were already screens, but each of them had been designed for one purpose only: a TV screen was made for watching television, a screen of an industrial machine was made for controlling this machine, a screen on an alarm clock was meant to show time,a screen of a calculator was meant to show the result of a calculation, a screen on a phone was meant to show the number of the person calling – nothing else.

The development and convergence of screens and their connection to the internet have created an unprecedented growth of opportunities of connecting and giving access to content and information, but also machines and human beings. It has allowed for combining existing and creating new services some of which have had a significant impact on the way we communicate and live our daily lives. This has brought about new opportunities, new ways for citizens to participate in political processes and to exercise freedoms in a democratic society. The development of screens has offered opportunities for businesses to create new services and generate new incomes. The rapid spread of the internet and the success of some services have given single companies great power over users but also increased the pressure for corporate social behaviour.
The development of screens has challenged the traditional media system through the creation of new media and fundamental changes in the economic fundament as well as in people's use of and trust in media in general.

The power of the screen(s) also carries risks and threats to citizens and challenges governments. In their obligation to guarantee freedoms and human rights to their citizens, governments have to rethink the appropriateness of the current regulation of the media and other fields. All actors – governments, businesses, and the citizens themselves – must be aware of their responsibility for the way they behave in the virtual world of the screens and for the impact of their behaviour on others. With a view to maximize the freedoms and rights of individual citizens but also to foster innovation and economic development, these responsibilities have to be identified more clearly and traditional regulatory frameworks have to be reassessed.

The development of the screen – the amount and nature of what people can do with it, behind, in front of and

through a screen – will continue to evolve and influence people's daily lives. Therefore the power of the screen(s) will increase. To have access to a screen means to be informed and to be able to communicate. To be able to have an influence on what other people see on "their" screen implies even more power.

The upcoming Council of Europe specialised ministerial conference will deal with some of the most relevant aspects of the notion of power of the screen and will discuss how people's rights and fundamental freedoms can be enhanced through the use of screens (ICTs and the internet) and how risks and threats can be minimized.

Under this umbrella, the CoE ministerial conference could focus on the following issues:

Connected Television/ Convergence between television and the internet:

What is it about:
- new phenomenon of convergence between traditional television and the new non-linear audiovisual services available on the internet
- is likely to bring about a change in consumption patterns for audiovisual content and also in the structure of the audiovisual and electronic communication sector
- this will challenge the traditional regulation which is supposed to enable media to fulfill its function in a democratic society

Key issues:
- the choice of different technologies by manufacturers and possible exclusive arrangements could lead to fragmentation
- the possibility of accessing different types of media services from one screen could have a significant impact on the value chain distribution between

Media's public watchdog function (and protection of journalists) in the online environment:

1. Media's public watchdog function:
   a. What are the basic conditions for media freedom, e.g.
      - protection of journalists' sources
      - different protection of journalists depending on expression of either facts or value-judgements as regards protection against insult, etc.
   b. How can they be adapted to the new and changing media-ecosystem (based on the guidelines given by Council of Europe Recommendation on new notion of media)
      - "traditional/professional" vs. "new/amateur" journalists
      - context of a statement on another person
2. Exchange on how the criteria set out in the CoE recommendation could be assessed by member states
3. How and to what extent are the principles for traditional media applicable to new media actors?
   a. "classified and distinguished" / "differentiated and graduated" approach:
      what does that mean in practice?
   b. what are the conditions for "part-time"/"casual"/"one time" bloggers with regard to protection of sources?
   c. what are their responsibilities (e.g. reliability of sources, accurate research, etc.)?
4. Result of the discussion:
   Development on an instrument outlining the level of protection needed for public and social watchdogs and for journalists in particular in the online environment

New forms of democratic activism and participation:

1. The use of the online environment allows for more and different forms of political activism and association (through factors of scale and immediate feedback loops, etc.)
2. The online environment lowers the entry barrier into political activism (e.g. by allowing re-tweeting of political sentiments or through participating in crowd-sourced funding).
3. It enables people to associate and organize their political activities

4. It empowers people to self-organize them without the need of a leader, but rather a nuanced, tacit or fluid hierarchy
5. Some forms of political protest (such as blocking a street) are transformed into the online environment (such as blocking access to a website or interrupting or modifying communication

➔ The practice of politics has become much more fluid than it was in a less connected world.
➔ The line between legitimate and legal forms of political activism and protest and illegal behaviour has to be redefined in the online environment (based on the same principles as for the offline world)

Is access to the internet a human right?

Is the internet just a means for the exercise of existing rights and freedoms or is the time ripe for the Council of Europe to consider the need for an additional protocol to the ECHR on the right to have access to the internet?

In this regard, in addition to the issues and questions mentioned above, concrete questions and topics to be explored at a ministerial conference could include:

*   How will the convergence of traditional broadcast and online media affect the media ecosystem and thus affect the shaping of public opinion in a democratic society?
*   How can social media, search engines, access providers, etc. be protected from undue interference from governments or other private actors?
*   How should users be informed about their democratic and human rights online and how can they participate in shaping "rules of behaviour" in this regard?
*   In what circumstances is the ability to express opinions anonymously a prerequisite for freedom of expression? Under what circumstances/procedures private data should be revealed (and to whom)?
*   What safeguards are necessary to protect the rights and dignity of others (like a right to reply, protection of copyright etc.) ?
*   What are the safeguards for journalists in the online environment, especially non- or semi-professional journalists (including bloggers), that help them perform a watchdog function?
*   What forms of political protest or activism online is legal and where does illegal action start?