



Hearing on policy frameworks for new media

29 September 2009
09:45 – 13:20

Room G.05, Agora Building, Council of Europe, Strasbourg

REPORT

In preparation for the meeting of the Committee of Experts on New Media (MC-NM), a multi-stakeholder Hearing on policy frameworks for new media was organised to bring together members of the MC-NM and representatives from civil society, the private sector, academia and youth in order to exchange ideas and opinions on questions related to the work of the MC-NM.

OUTCOMES

Round table 1:

The first round table centred on the notion of media, in particular what do we mean by media? What makes a service a media? Do we have to change and enlarge our current notion of media?

Need for clear concepts: Several speakers mentioned that policy makers often did not have clear enough ideas about the real impact that different mass-communication services have on the public, whether they can be considered media and what their rights and responsibilities are.

Public value: In addition to purpose and underlying aim, certain speakers underlined that the focus of discussion should centre around the role of the media in society including in conveying the public interest. The size of the audience was considered an important factor and what this information means to this public. It was also mentioned, that not only news but also entertainment can be media content.

Impact as a determining factor: Several speakers underlined that the impact that public communication can have on the public's freedom of expression and information and their democratic participation was key to a media service. In this context it was also mentioned that many new mass-communication services are already being used as tools to enhance freedom of expression and democratisation.

Media actor: One speaker argued that the point of access to the mass-communication was in fact the medium. Promotion of content to a mass audience was also mentioned as an element for determining the media actor.

Round table 2

Round table 2 discussed specific challenges to human rights and human dignity (in particular of children and young people) and best practices for addressing these issues through different tools, including self- or co-regulatory mechanisms.

Challenges to privacy and their effect on freedom of expression: Several speakers expressed concern over the individuals' right to privacy and their control over their data when accessing services like social networks (SNS). Complicated terms of usage either stopped people from using these services or led to them giving up rights to their data and content without being aware of doing so. Also the fact that personal data that users leave on SNS can later be searched through search engines was considered problematic. It was suggested that users should have more control over what happens to their data. They should be able to object to their data being indexed and should therefore be able to prevent their profiles being accessible via search engines.

There was an intense debate about how to implement the Council of Europe's declaration on protecting the dignity, security and privacy of children on the internet (adopted in 2008), in particular about the usefulness and feasibility of introducing technical measures to help children in particular but not exclusively to gain better control over the content they produce and disseminate on the internet. Some concrete technical possibilities for defining the duration of visibility of images of users were discussed (including the use of metatags, watermarks, and mechanisms for self-destruction of images). The participants agreed that these measures can be circumvented, but many of the participants thought that the use of such mechanisms were nevertheless helpful for giving users more control over their content. With regard to the above-mentioned Recommendation participants also mentioned that users should have better ways to exercise the right to property over the content they create and over their online identity.

Anonymity on the internet: While most participants argued that, in the context of social networking sites, anonymity was problematic for creating a trustful environment, anonymity was important in the context of exercising freedom of expression especially in environments where people were threatened by governments or other actors trying to prevent people to express critical opinions.

Other issues: Other challenges identified by the speakers included the right to education (access to e-education) and threats to open access (network neutrality).

Including all stakeholders in policy development: Several speakers pointed out that users need to be involved in work on new policies to address these challenges and that structures would need to be created to allow such an involvement.

Best practices for self- or co-regulation: It was highlighted that any kind of self or co-regulation that involved the filtering or blocking of content should be transparent and – to the extent possible – in control of the users and not of governments or the software industry. Therefore, it was also proposed that the principles behind self- or co-regulation codes be based on human rights.

Most of the examples of self- or co-regulation that were presented and discussed had been developed in a German context. There was an intense debate to what extent – given the special historical background of Germany – these examples could be useful for a broader European context. There was a consensus among the participants that for self- or co-regulatory mechanisms to work, incentives should be given to the industry to take responsibility in seriously implementing these mechanisms. These incentives should also take into account the specific national contexts.

LIST OF ROUND TABLE SPEAKERS

Mr Patrice Chazerand, Consultant, former Secretary General, Interactive Software Federation of Europe

Mr Malte Cherdron, Chief operating officer, StudiVZ Ltd

Mr Mike Cosse, Senior Policy Counsel, Microsoft Germany

Mr Jean-Marc Dinant, Researcher, Research Centre on IT and Law (CRID) of the University of Namur

Ms Divina Frau-Meigs, Board member of ECREA, the European Communication Research and Education Association

Ms Letizia Gambini, Media and External Relations Coordinator, European Youth Forum

Ms Lisa Horner, Head of Research and Policy, Global Partners and Associates

Mr Wolf Ludwig, Wolf Ludwig, EURALO

Mr Giuseppe de Martino, General Counsel and Head of Public Affairs, Dailymotion

Ms Meryem Marzouki, Senior Researcher, European Digital Rights

Mr Jeremy Rollison, European Digital Media Association

Mr Michael Rotert, Vice President, European Internet Service Providers Association (EuroISPA)

Mr Otto Vollmers, Project Manager – Mobilfunk, Association of Voluntary Self-Regulating Multimedia Service Providers (FSM)