



Conference of Ministers responsible for Media and Information Society

Artificial Intelligence – Intelligent Politics

Challenges and opportunities for media and democracy

10-11 June 2021

Resolution on the changing media and information environment

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. Our states are undergoing unprecedented levels of media change. Proliferation of technology, devices and content has allowed media to reach more people than ever before. Digitalisation has brought great opportunities to individuals, although the benefits of connectivity have not been distributed equally. Individuals have obtained access to a wide variety of information sources and materials delivered at an ever increasing speed. Today they can also create and share news and information themselves, both privately and publicly.
2. These changes were believed to pave the way for the democratisation of the media and strengthening of their public watchdog role. They were generally considered to empower media freedom and pluralism, crucial corollaries of the right to freedom of expression as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).
3. However, in recent years it has become clear that digital transformation, along with its many positive effects, has also contributed to an erosion of the media ecosystem. Major search and social media platforms, today’s gatekeepers between news and information providers and their audiences, have acquired a central position in the market for online advertising. This has disrupted the fragile business models of the media. Furthermore, by deciding on the organisation, display and removal of media content, including that of established media, these platforms exert a strong influence on how individuals are informed and form their opinions. People increasingly rely on

news and information from online sources, some of which lack professional standards and ethics, as well as accountability mechanisms that as a rule characterise the mainstream media.

4. Search and social media platforms operate based on the collection of their users' data and personalised recommendations of news and other content. This enables them to maximise the users' attention and their own revenues from selling advertising space. When using online platforms as news sources, individuals are receiving an endless flux of information selected mainly for their potential for virality, rather than for their accuracy. Online platforms are furthermore associated with negative features such as partisanship and online hate speech, as well as the fast spreading of disinformation, misinformation and mal-information. In the "click-based economy", reliable news is not always easy to find. Sensationalist or misleading content may be more profitable and is thus given more prominence.
5. The pressures on the media sector and loss of advertising markets to online platforms have led to increased media ownership concentration and convergence strategies. Moreover, there is a general trend among media organisations of cutting production costs, significantly reducing the ranks of professional journalists, the number of journalistic sources and, thereby, the diversity of viewpoints. Ultimately, such measures can have an impact on the quality of journalistic reporting. More and more communities, especially in peripheral, rural or poorer areas, are experiencing media desertification and lose all credible sources of local or regional news. This process is depriving communities of crucial watchdogs over local affairs and the work of local authorities and, more widely, over the state of local economies and democracies.
6. The challenges related to this shift from traditional to social media are manifold, affecting the overall sustainability of the media ecosystem and the culture of trustworthy journalism. We are concerned that the media may no longer be able to effectively exercise their democratic control over governing structures, nor provide a vital conduit for information and views on other matters of public interest. It is increasingly difficult for individuals to discover what is true and who to believe, which impacts on their trust in media and, in some cases, causes them to abandon news altogether. These developments are leading towards a fragmentation of the public sphere into separate "truth publics" with parallel realities and narratives. In the final instance, this can result in a loss of confidence in democratic institutions and processes.
7. We are determined to address the implications of this profound media change and create conditions for a media environment that champions independent media and journalism – both offline and online – as a vital part of our democratic systems. We will build on the existing standards and principles enshrined in numerous instruments of the Council of Europe, notably the Convention and the relevant case-law of the European Court of Human Rights, using the graduated and differentiated approach to identifying and regulating media actors as set out in Recommendation CM/Rec(2011)7 of the Committee of Ministers to member States on a new notion of media.
8. We welcome self-regulatory initiatives by journalists and media stakeholders to improve media ethics, professionalism, transparency of funding, as well as media and information literacy campaigns implemented in collaboration with educational institutions and civil society. We emphasise the crucial role of public service media, in many countries a trusted and reliable source of information, and that of not-for-profit community media. Likewise we welcome responses by search and social media

platforms, aimed at improving moderation of content, fact-checking and credibility signalling, provided that they are in line with the Council of Europe standards on freedom of expression and other applicable standards, including those related to the prohibition of discrimination.

9. Individual initiatives, however, are not sufficient to appropriately address the multifaceted implications of the new media environment. These implications go well beyond the performance of individual actors, challenging, at a general level, the protection and enjoyment of human rights, as well as the effectiveness of the rule of law and democratic principles in our societies. Such long-term challenges require particular policy attention, both at European and national level.
10. We recognise that new ways of articulating and institutionalising the duties and responsibilities of media and similar actors, including those online platforms that host various forms of content without taking responsibility for it, are required. Appropriate consideration should be given to areas where the change in media environment may have a significant impact, in particular, for example, elections. Various forms of voter manipulation or undue influencing, including from foreign actors, can endanger the fair conduct of the electoral process and, ultimately, put at risk democracy itself.
11. We are committed to finding effective responses to these challenges, through regular and comprehensive consultations with all, established and new stakeholders in the media environment, as well as civil society and academia. We also remain mindful of the inherent risk of creating a chilling effect on freedom of expression. There continues to be a key role for the Council of Europe in coordinating the objectives and approaches to media and information policymaking at the pan-European level and addressing the emerging challenges.

In view of the above:

- a. We recognise the crucial importance, in any democratic society, of reliable and trustworthy news and information, produced and delivered in a pluralistic, diverse and sustainable media environment, free from undue state or private control.
- b. We further affirm that relevant national frameworks should be the outcome of transparent and inclusive processes and based on an understanding of their potential consequences for freedom of expression and the media, as enshrined in Article 10 of the Convention and the relevant case-law of the European Court of Human Rights.
- c. We highlight, in view of the complexity of the media ecosystem which combines public and private actors, that a flexible and systematic multi-stakeholder approach, supported by international cooperation, as well as increased collaboration with independent research and academic institutions working on the subject, is required to address the changing media environment.
- d. We pledge to address the challenges of increasing disinformation, misinformation and malinformation by, *inter alia*, supporting a media ecosystem based on a plurality of independent media actors and other relevant organisations that represent the whole diversity of the society and:
 - (i) share commitment to truth seeking and reporting in line with journalistic ethical guidelines,

- (ii) adopt transparent journalistic practices that enable individuals to assess information and develop trust in both the media and the content provided, and
 - (iii) empower individuals, through widely available content of public interest across all platforms, including public service, to make autonomous decisions about their life, work and public participation.
- e. We commit to review and, where necessary, revise our frameworks pertaining to media and information, including those governing electoral communication and media coverage of election campaigns, in order to adapt them to the changing media environment, in line with the right to freedom of expression and information, privacy and protection of personal data and any other applicable rights, as enshrined in the national legal and constitutional frameworks, in line with the Convention and the relevant case-law of the European Court of Human Rights.
- f. We support collaborative initiatives related to online platforms' content moderation and curation that are aimed at supporting independent fact-checking and promoting diverse and reliable media sources, in line with the relevant standards of the Council of Europe, including those prohibiting discrimination on the basis of political or other opinion.
- g. We further resolve to work together with all concerned stakeholders in developing our future approaches to issues such as online distribution of news and media content, prioritisation of public interest content, including public service media content, across all platforms, or/and responsibility for online content.

We invite the Council of Europe to:

- I. Follow and analyse the changes in the media and information environment, including the phenomenon of media desertification, and their legal, social, economic, cultural and technological implications, along with individuals' habits of media consumption, with a view to identifying common pan-European principles and approaches for reviewing – as appropriate - national regulatory frameworks, as well as self- and co-regulatory instruments and arrangements for the media;
- II. Promote exchanges of information concerning regulatory, co-regulatory and self-regulatory initiatives in member States for the survival of an independent and pluralistic media sector, including local and community media, as well as to promote a wide availability of public interest content and minimise the risks related to disinformation, misinformation and mal-information. Take stock of the results achieved by member States, as well as of ongoing research in the field.
- III. Provide States with a tool to critically evaluate possible adverse human rights effects of regulatory and co-regulatory measures and ensure their compliance with Council of Europe related standards; to this end, explore the objectives, principles and methodology for human rights impact assessment of existing and proposed media regulatory and co-regulatory frameworks;
- IV. Review and, where appropriate, refine or revise the standards governing responsibility for online content in the light of the evolution of the roles exercised by key actors in the media environment, including search and social media platforms. Ensure that such responsibility mechanisms are fully in line with human rights, including the right to freedom of expression and information,

privacy and protection of personal data and any other applicable rights, as protected by the Convention and its case-law;

- V. Develop guidance on online electoral communication, campaigning and media coverage, in the light of the changes in campaigning techniques, to ensure a platform-neutral application of the principles of fairness, transparency and equal opportunity in political processes, as well as the application of data protection principles set by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), as modernised by its amending Protocol (CETS No.223);
- VI. Support media and information literacy projects aimed at developing individuals' necessary knowledge and skills to critically engage with media content, to navigate the complex media and information ecosystem and, ultimately, to make their political and other choices in an autonomous manner;
- VII. Review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this Resolution.