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Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age

7th draft as of 26 September 2019

Preamble

The Committee of Ministers, under the terms of Article 15.*b* of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage, *inter alia* by promoting common policies and standards;

Recalling the commitment of member States to the human right to freedom of expression and information, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, hereinafter referred to as "the Convention") and in light of the case-law of the European Court of Human Rights;

Reaffirming that the right to freedom of expression and its corollary, media freedom, constitute cornerstones of democracy, and that journalists seeking to provide accurate and reliable information in accordance with the standards of the profession enjoy the highest protection under Article 10 of the Convention;

Recognising that quality journalism, resting on the standards of professional ethics while taking different forms according to geographical, legal and societal contexts, pursues the shared goal of acting as a public watchdog in democratic societies and of contributing to public awareness and enlightenment;

Convinced that for quality journalism to prosper, governments must protect and promote freedom of expression and ensure a favourable environment for media freedom and pluralism, in line with Recommendations of the Committee of Ministers to member States CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors and CM/Rec(2018)1 on media pluralism and transparency of media ownership;

Emphasising that digital transformation has created important opportunities but also challenges for media and communication and that the shift towards an increasingly digital, mobile and social media environment has profoundly changed the dynamics of production, dissemination and consumption of news and other media content, and further noting that, as a result, quality journalism competes for audience attention with other types of content that are not subject to the same legal, regulatory or ethical frameworks;

Noting that online platforms have assumed a major role in distributing and promoting news and other media content, thus acquiring great power in the digital economy while disrupting traditional media business models, and that this calls for a close scrutiny of their role and corresponding responsibilities in the media sector;

Determined to promote a favourable environment for quality journalism which is open to experimentation and innovation in terms of content, formats and distribution methods, supports collaboration across media sectors and platforms, and is able to sustain creative and innovative ideas through positive measures and adequate financial support;

Resolved to encourage a media and information literate public that is empowered to make informed and autonomous decisions about their media use, able and willing to critically engage with the media, appreciate quality journalism and grant trust to credible news sources;

Recognising the need to develop guidance to assist States, all media stakeholders, including online platforms, and other relevant actors in their collaborative efforts to support an independent, diverse and economically viable media environment,

Recommends that governments of member States:

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i.   fully implement the Guidelines set out in the Appendix of this Recommendation;

ii.   in implementing the Guidelines, take account of the relevant case law of the European Court of Human Rights and previous Committee of Ministers' recommendations to member States and declarations, notably:
- **Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership;**
- **Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries;**
- **Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment;**
- **Recommendation CM/Rec(2016)1 on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality;**
- **Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;**
- **Recommendation CM/Rec(2016)5 on Internet freedom;**
- **Recommendation CM/Rec(2011)7 on a new notion of media;**
- **Recommendation CM/Rec(2007)3 on the remit of public service media in the information society;**
- **Recommendation Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector;**
- **Declaration on the financial sustainability of quality journalism in the digital age (13 February 2019);**
- **Declaration on the manipulative capabilities of algorithmic processes (13 February 2019);**
- **Declaration on the role of community media in promoting social cohesion and intercultural dialogue (11 February 2009),**
- **as well as the related international standards;**

iii.   inform other relevant stakeholders, notably all media actors including internet intermediaries, self- and co-regulation bodies, academics and civil society organisations, of their respective roles, rights and responsibilities to sustain a favourable environment for quality journalism as outlined in the Appendix to this Recommendation;

iv.   promote the goals of this Recommendation at the national level, including in the national and minority languages of the country, engage and co-operate with all interested parties to achieve the widest possible dissemination of its content in a variety of publicity materials, and exchange their expertise and practices on a cross-border level with a view to establishing consistent policies on supporting quality journalism;

iv.   review regularly and in consultation with the relevant stakeholders, and report on the measures taken to implement this Recommendation with a view to enhancing their effectiveness.

Appendix to Recommendation CM/Rec(20XX)XX

Guidelines on promoting quality journalism in the digital age

Scope and context

Quality journalism, with its unwavering commitment to the pursuit of truth, fairness, and accuracy, to independence, transparency and humanity, and a strong sense of public interest in promoting accountability in all sectors of society, remains as essential as ever to the health of democracies.

All types of media, in their increasing variety, have an important role to play in fulfilling the promise of journalism at a time when the ever-growing amount of information accessible by large audiences, coupled with the difficulty of determining the provenance of all this information, stretches the abilities of societies to assess its accuracy and reliability. Journalistic practices that uphold this role and the values and principles set forth above should be acknowledged as a public good.

The digital transformation has opened up unprecedented opportunities for human communication across borders, including by creating new expressive spaces for people in non-democratic regimes and for the informational needs of disadvantaged groups. The development of online tools has also been beneficial to journalism, by facilitating, among others, data journalism and large-scale cross-border collaboration among investigative journalism organisations and initiatives.

At the same time, rapid technological development has resulted in online platforms playing an influential role in publishing, disseminating and promoting news and other media content. This has profoundly disrupted the news business generally and the preservation of quality journalism in particular. The unrelenting pace of information sharing online risks compromising depth and accuracy of reporting. Distribution of media content has been radically transformed and news decisions, once made by human editors, are increasingly made by non-transparent algorithms of major global online platforms that are driven by commercial considerations of scale, shareability and monetisation. Surveillance of journalists and their sources has also become easier and more pervasive through the use of algorithms.

The new information ecosystem has also radically transformed the news consumption habits, especially among the young and less privileged social groups, and continues to do so. There is abundant information online, often accessed through algorithm-driven platforms that lack editorial control and/or transparency and increasingly shared through closed messaging apps. This, along with algorithmic manipulation and the impact of information overload on people's focus and attention spans, has made it markedly more difficult for many to identify and access quality journalism. The business models of online platforms and other intermediaries, which have become a main source of news and information for large global audiences, appear to facilitate or even incentivise the spread of sensationalist, misleading and untrustworthy media content, contributing to a growing divide in society.

Democracies have experienced the growing threats posed by the spread of disinformation and online propaganda campaigns, including as part of large-scale coordinated efforts to subvert democratic processes. These threats have led to a number of high-level public inquiries and efforts, including by the Council of Europe, to understand and develop ways of dealing with mass disinformation. Also some online platforms have made considerable efforts to prevent the use of their networks as conduits for large-scale disinformation and

manipulation of public opinion, as well as to give greater prominence to generally trusted sources of news and information. However, the impact of these measures on the free flow of information and ideas in democratic societies must be studied carefully.

At the same time, in the present environment of intensified political partisanship, unscrupulous politicians use the "fake news" agenda to launch self-serving attacks against critical media, undermining the legitimacy of journalism and tightening legal restrictions on legitimate expression. In this increasingly polarised information ecosystem, individuals' trust in media, as well as trust in politics, institutions and expertise, has in many States declined to a worryingly low level. A number of media outlets that have traditionally been committed to producing reliable information now find themselves unable to counteract these processes due to a declining reader and viewer base. They are struggling to adapt their operations to a digital environment and to stay connected to the communities they serve.

Enhanced professionalism, better journalism and fact-checking efforts, audience engagement, transparency and higher accountability within media organisations and internet intermediaries can contribute to (re)establishing trust and healthy relationships between media actors and the public. Moreover, operating in a digital environment should consistently be governed by firm legal and ethical standards, in particular regarding the use of user-generated content, of user personal data, tracking, authors' rights and the respect of privacy.

Under these conditions, Media and Information Literacy (MIL) is a key factor to enable individuals to deal with the media in a self-determined way. It involves the development of cognitive, technical and social skills and capacities that enable people to:
- effectively access media content and critically analyse information, thus empowering them to understand how media content is produced, funded and regulated, as well as have the confidence and competence to make informed decisions about which media they use, and how they use them;
- understand the ethical implications of media and technology, and
- communicate effectively, including by interpreting, creating and publishing content.

MIL initiatives for all age groups - not only children and youth – which promote the skills and knowledge required to recognise and value quality journalism, or illustrate the benefits of quality journalism to various audiences, should therefore receive maximum support from the States.

Financial sustainability remains one of the most formidable challenges for quality journalism. Traditional, advertising-based media business models have been disrupted, while the transformation of major online platforms in many respects into publishing organisations has separated news production from news dissemination and made the viability of the media contingent on the platforms' changing algorithmic policies and varying practices of engaging with the media. Both traditional and digital-first publishers are facing severe financial problems. These have led to prolonged cost-cuttings and employee layoffs in many States, increasing the precariousness of journalism and deteriorating working conditions for large numbers of media professionals who, in pursuit of gainful employment, are willing to assume ever-increasing workload as well as risks to their health and safety.

The trend toward greater concentration and convergence in the news media sector and across national markets threatens the diversity of sources and viewpoints, a fundamental tenet of democracy. Local journalism has been especially hard hit by the new economic fundamentals and is on the verge of disappearing entirely in many places, stripping communities of crucial watchdogs over local governments and public affairs. Also investigative journalism and cross-border journalism are both critical to the oversight

function of the media and the credibility of the sector, but they are costly activities and have also been severely affected by financial constraints.

Identifying new business models and making them sustainable is crucial for the future of quality journalism in the digital age. In this connection, it is hard to imagine, given the scale of the disruption to the financial foundations of quality journalism as we have known it, that quality journalism will be able to survive and prosper without acknowledging and rewarding its value within the data-driven business model of major platforms. This will require, among other measures, significant transfers of revenue from those platforms which have accumulated unprecedented levels of wealth by monetising third-party content, user data and attention.

Furthermore, it is important to ensure that everyone has access to a diverse range of journalistic content, irrespective of income levels and other socio-economic barriers. Public service media and not-for-profit community media must be able to maintain their crucial roles in that regard. They should be supported in their progress towards digital transformation, including through adequate means and funding, in order to retain their social value and relevance. Public service media, largely considered as a trusted and reliable source of information, can have a stabilising effect on the media sector, in so far as its independence from political and commercial pressures is ensured.

Governments, media stakeholders including online platforms, civil society organisations, educational institutions and other relevant actors all have a fundamental role to play in supporting quality journalism and ensuring the integrity of our information ecosystems. Ultimately, there will be little information of value to distribute if the primary creators of such valued content increasingly disappear.

The following guidelines are designed to stimulate and reinforce independent, accurate and reliable quality journalism, committed to the pursuit of truth and to the need to minimise harm, as a pillar for the functioning of democracies. The guidelines are organised into three sections: Funding, Ethics and Education. Within each section, detailed guidance is offered to States and other relevant stakeholders on how to fulfil their various obligations, combining legal, administrative and practical measures through coherent and complementary strategies. The first section is primarily, but not exclusively, addressed to States, whereas the following two sections concern a wider range of stakeholders, which States are however encouraged to support.

1.   *Funding: promoting quality journalism as a public good*

1.1. General principles for a sustainable media environment

1.1.1. **Financial sustainability:** Ensuring the financial sustainability of quality journalism is fundamental to securing a favourable environment for freedom of expression, which States are required to guarantee in law and in practice. This is especially so at a time when the business models and circumstances that have traditionally supported quality journalism are being radically transformed by new economic realities and the digital evolution.

1.1.2. **State action:** States are encouraged to assess the need for corrective and proactive measures, of a legislative, regulatory and/or facilitating nature, and take the necessary steps aimed at ensuring the financial sustainability of quality journalism as a public good, as

well as the structural conditions for its development. Such assessments and support measures should be based on viewpoint-neutral criteria. States should encourage a variety of funding models for quality journalism, which may include organisations operating as not-for-profit institutions and models based on reader payment such as (digital) subscriptions and membership fees and donations from users and other actors. Such measures should furthermore pay particular attention to the situation of those parts of the sector that are facing increasing financial challenges, such as local journalism, investigative journalism and cross-border journalism.

1.1.3. **Targeted support:** Any proactive or corrective measures taken by States should take into account the distinct roles and important contributions to quality journalism of different media actors, including commercial media, public service media, community media, and independent journalists, whether traditional, digital-based or mixed. They should all be eligible, in principle, to benefit from state policies and measures aimed at enhancing the financial viability of the sector, with the understanding that targeted differentiated support for specific types of journalism may be more effective than generalised measures. National frameworks providing for support measures should include appropriate safeguards to protect the editorial independence and operational autonomy of all media.

1.1.4. **Public service media:** As noted in numerous Council of Europe recommendations and other instruments, public service media have a special role to play in promoting diversity and setting quality standards. States should ensure stable and sufficient funding for public service media in order to guarantee their editorial and institutional independence, their capacity to innovate, and high standards of professional integrity, and to enable them to properly fulfil their remit and deliver quality journalism. These aims and objectives should not be compromised by diverting PSM funding schemes to other purposes, such as support measures or schemes aimed at other media sectors.

1.1.5. **Community and local media:** In upholding media diversity as a basis of quality journalism, States should develop and promote a range of funding schemes and instruments, including at the local level. This may include the availability of public funds for the provision of local news in the public interest, and other measures to ensure that community media, as well as other types of independent media serving local and rural communities, have space to operate on all distribution platforms and have adequate resources to do so.

1.2. Institutional and fiscal measures

1.2.1. **Tax relief for media organisations:** In securing an enabling economic environment, States are encouraged to pay particular attention to the development of general, viewpoint-neutral policies that seek to support innovation in terms of production and dissemination of news and other media content, the development of new tools and services and the development of alternative or adapted business models for quality journalism. Any tax advantages or exemptions from other charges should in principle apply equally to traditional and online media and be granted through non-discriminatory and transparent procedures. Particular incentives can be offered to newsrooms that hire new staff.

1.2.2. **Not-for-profit journalism:** To enable the exploration of new funding models for sustainability, States could consider removing any regulatory obstacles to the establishment and operation of media outlets as charities or not-for-profit entities and allow for donations

that benefit fully from any legally available tax-exemption or other advantages. Such not-for-profit entities could furthermore be allowed to engage in commercial activities linked with and subordinate to their main purpose, provided that the earnings are fully used to fund their journalistic activities in the public interest. Reasonable, non-discriminatory, transparent and objectively justifiable public interest criteria may be imposed as part of the general requirements for obtaining not-for-profit status. They may include, but are not limited to, production of a certain percentage of independent journalistic and editorial content, regularity of publication or broadcast, compliance with generally accepted professional standards and ethical codes, availability to the general public, adherence to effective, transparent and independent self-regulatory structures, etc.

1.2.3. **Tax and other incentives for users:** States could consider complementing any policies aimed at promoting and facilitating the production and dissemination of quality news and other media content by encouraging its consumption through tax-based or other incentives for users, including through subsidies for (digital) news subscribers.

1.2.4. **Accessibility of quality journalism for all**: Quality journalism in its various forms should be available to everyone, irrespective of income levels and other socio-economic barriers. To this end, a range of social welfare measures could be adopted to guarantee those unable to provide for their own basic needs an effective access to a minimum level of information enabling them to form and express their opinions and make informed choices about government and society. Such measures should be based on real and actual needs and should consider the news consumption dynamics in the information society, notably the platforms used by people to reach news.

1.3. State support schemes

1.3.1. **Complementary direct support:** Where general, indirect measures of support appear to be insufficient to address market failure or adverse market conditions, whether generally or with respect to specific issues or sub-sectors, States should also consider adopting policies and incentives providing for financial and other direct support to quality journalism. Such measures could include specific targeted support for particular types of journalistic practice offering original research or reporting, and for resource-intensive or other forms of journalism of high public value. Media stakeholders and civil society organisations that represent the whole diversity of society should be consulted in the elaboration of any such measures.

1.3.2. **Criteria for providing direct support:** Measures of direct support should necessarily pursue at least one legitimate objective of media policy, including but not limited to, promotion of media pluralism and diversity, support of/for professional ethics, support of/for accurate and reliable journalism, promotion of equality, innovative journalistic practices, adaptation to the digital age, or media literacy. Any subsidies or other forms of financial support should be granted on the basis of objective, equitable and viewpoint-neutral legal criteria, within the framework of non-discriminatory and transparent procedures, and should be administered by a body enjoying functional and operational autonomy, such as an independent media regulatory authority.

1.3.3. **Periodic reviews of support schemes:** The conditions and practices for granting support should be reviewed periodically to ensure that they remain fit for purpose in view of market and technological changes. Independent bodies responsible for administering direct subsidies should publish annual reports on the use of public funds to support media actors.

1.3.4. **Support for investigative journalism:** States should consider, in close collaboration with national associations of journalists, trade unions and relevant civil society organisations, the establishment of national funds, grants and/or other targeted assistance to investigative journalism, or support to existing funds or projects aimed at:
- financing investigations of public interest issues,
- providing training to journalists and other media actors involved in the practice of investigative journalism,
- supporting collaborative initiatives and networks of investigative journalism organisations, including of an international character, and
- developing digital tools capable of enhancing journalism research and reporting.

The statutes of such funds should guarantee that they are not-for-profit, operated by an independent body and guided by the principles of transparency and accountability. Such funds could receive public grants and subsidies and private donations whose transparency must be guaranteed.

1.3.5. **Self- and co-regulation:** States should consider, in close collaboration with national associations of journalists, trade unions and media companies or associations, to contribute to the financing of press councils and other self- or co-regulatory mechanisms, in order to ensure their financial sustainability. Any financial schemes should be subject to appropriate safeguards to protect the self- or co-regulators' autonomy and independence.

1.4. Balancing relations between online platforms and media organisations

1.4.1. **State instruments:** To improve the conditions for self-financing of quality journalism, States should consider introducing appropriate frameworks aimed at ensuring the fair treatment of content producers and the media by online platforms and other relevant internet intermediaries that give access to, host and distribute news and other media content, aggregate such content and enable its search, or otherwise perform any other functions and services related to the accessibility, visibility and findability of such content. Such frameworks should, in particular, ensure that media content is clearly attributed on platforms, so as to enable users to establish its provenance without difficulty. They should furthermore enable media organisations to effectively build direct relationships with their audiences through appropriate access to the usage data, and create the necessary conditions for equitable sharing of revenues arising from the large-scale dissemination and monetisation of media content on online platforms. The many challenges involved in such complex processes will require engagement of both private and public sectors and close collaboration of all relevant stakeholders.

1.4.2. **Data sharing:** Media organisations should be able to engage with users directly online and to have access to all relevant audience data, including personal data collected by online platforms on the usage of their content, in order to be able to offer users an optimal experience and improve their services, in line with the user preferences and taking into account specific usage patterns on individual platforms. Access to the data is also necessary for media organisations to be able to obtain revenues from the dissemination of their content on online platforms, whether from advertising/commercial communications or from subscriptions or other payments, and also for their marketing activities. Data should be provided in a transparent manner, disclosing the methodology of collection. Transparent and participatory mechanisms should be developed through close cooperation between media organisations and online platforms to address this issue, as appropriate underpinned by legal obligations and backstop powers for independent oversight mechanisms. Any data processing must be in full compliance with the data protection requirements arising from the existing legal frameworks for privacy and data protection including relevant international

standards set forth in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data as modernised in the Amending Protocol (CETS No. 223, "modernised Convention 108").

1.4.3. **Equitable and transparent market conditions:** States should take measures to address the media organisations' limited ability to compete with major online platforms for advertising revenues from their data-driven marketing services, in an attempt to manage the risks deriving from the latter's market dominance. To that end, they should consider measures aimed at guaranteeing equitable and transparent market conditions which may involve updating competition law for the digital market or implementing rules relating to platform-to-business interactions. Online platforms should furthermore be transparent about whether they give certain content or services preferential treatment, particularly in relation to entities that are related to them via long-term commitments, ownership stakes or similar. States could also consider redistributive measures aimed at equitable sharing of marketing and advertising revenue among media organisations that produce such content, and major online platforms and other relevant internet intermediaries that benefit significantly from its distribution. Such measures could be developed independently of the payment of any fees applicable under copyright laws, as far as the latter are insufficient to achieve a balanced distribution, and should seek to benefit media publishers of different sizes and profiles, consistent with their specific contributions to public interest journalism.

1.4.4. **Transparency of advertising**: In light of the major online platforms' dominance in the online advertising market, measures should be undertaken to improve the transparency of their advertising systems and practices through close collaboration between the relevant platforms, media stakeholders and advertisers, and underpinned, as appropriate, by legal obligations and independent oversight mechanisms. These transparency mechanisms should be completed by measures that aim to address any unjustified restrictions on competition that may negatively affect media organisations' advertising revenues. Such remedies should also aim to avoid the diversion of advertising revenues from accurate and reliable news sources to sources of disinformation and blatantly false content, and instead seek to reward reliable sources of news identified as such according to transparent criteria developed in line with the approaches set out in paragraph 2.2.3. of these Guidelines. Furthermore, the development of MIL initiatives that help individuals become more aware of how online advertising works may also increase pressure on online platforms to increase transparency.

1.4.5. **Voluntary contributions of online platforms:** Online platforms, other relevant internet intermediaries and advertisers that engage in large-scale dissemination and monetisation of third-party content should recognise their responsibility to make meaningful contributions to media publishers or public entities, financially and through other means. They should thereby contribute to the preservation of quality journalism in markets in which they have a significant business presence and where they generate important revenue from online news. Such contributions should be independent from the choice of tools and platforms of the beneficiaries and there should be strong guarantees for the editorial autonomy of the benefiting media. These contributions should also extend to the development and promotion of MIL initiatives that empower individuals to recognise and value quality journalism. Online platforms are encouraged to partner with civil society, governments, educational institutions, and other stakeholders to support efforts aimed at improving critical thinking and digital media literacy.

1.5. Working conditions of journalists

1.5.1. **Employment tenure and rights:** Support policies should include measures to counter the progressive deterioration of the working conditions of journalists in the digital age, which is a major contributing factor to the decline of quality journalism. States should increase efforts to adequately enforce existing national regulatory frameworks with a view to ensuring that journalists are employed, as far as possible, on regular contracts, receive full social benefits, and otherwise enjoy all labour rights guaranteed by law. Appropriate provisions should be provided for in the national employment laws to effectively enable returning to the profession from maternity, paternity, adoption or parental leave.

1.5.2. **The role of professional associations:** Trade unions and journalists' associations also have an important role to play in promoting quality journalism, and in assisting the profession to adapt to new business models and technological changes. Among other priorities, they should defend the rights of the rapidly growing number of freelance journalists, and advocate on their behalf for a core of common rights enjoyed by salaried employees, including minimum pay. Media and professional associations should diversify themes and fields of training, and develop specific support programmes especially for young professionals and other colleagues exposed to particularly precarious working conditions. Furthermore, freelance journalists, project-based professionals and other media practitioners in precarious forms of employment should fully benefit from protection mechanisms aimed at ensuring the safety of journalists and other media actors in line with the requirements of Recommendation CM/Rec(2016)4.

1.5.3. **Work-related health issues**: Due to the nature of journalistic activities, notably those involving the coverage of stressful or traumatic events or the incidence of harassment in their line of work, journalists face an increased risk of developing work-related trauma or other health issues. To counter this risk, trade unions and journalists' associations should, in collaboration with media organisations and other relevant stakeholders including journalism schools, develop educational materials, trainings and other prevention strategies to raise awareness on the implications of covering traumatic news assignments. Relevant media stakeholders should also develop practical resources for supporting journalists suffering from work-related stress or trauma, such as mental health counselling.

1.5.4. **Women journalists:** Trade unions and journalists' associations should collaborate with media organisations and other relevant stakeholders in strengthening gender-ethical journalism and fighting discrimination, including discrimination in the workplace in terms of pay, treatment and working conditions. In addition, trade unions and journalists' associations should develop initiatives and lead the way in the eradication of harassment, threats and violence against women journalists, especially online, and increasing diversity and gender equality in the newsrooms. To that end, they should adopt concrete support measures such as gender-specific training manuals and practical training in safety, health and working conditions.

2. Ethics and quality: rebuilding and maintaining trust

2.1. Production of quality journalism

2.1.1. **Fact-checking**: News production involves the use of multiple sources of information, including user-generated content. In order to preserve credibility, news production and especially breaking news coverage must strive to be as accurate as possible. Several tools, techniques and ethical guidelines are available that can be applied in the news production

process, including reporting of news gathered from social media, the use of user-generated content during emergencies or using eyewitness video as evidence. These practices should systematically be integrated into basic journalism training and reinforce fact-checking and careful selection of sources as a cornerstone of quality journalism. In particular, media should exercise vigilance and verify stories originating from anonymous private forums, messaging apps or social media before citing, incorporating or otherwise amplifying them, in order to avoid spreading disinformation. Joint fact-checking projects between multiple newsrooms, universities, NGOs and online platforms, as well as between organisations in different States, can have beneficial effects, especially in pre-electoral and referendum periods.

2.1.2. **Rebuilding and maintaining trust**: Media organisations, in cooperation with national associations of journalists, trade unions and independent civil society organisations, should develop and adopt a shared code of good practice on transparency to rebuild trust and healthy relationships with the public and with media content contributors. Such codes should be subject to appropriate compliance mechanisms. Examples of trust criteria could include:
- media organisation's mission statement, editorial standards and overall ethics policy, in particular correction procedures and rules on the use of anonymous and pseudonymous sources;
- information about direct and indirect ownership of the outlet and policies related to editorial independence from sources of funding, including grants and donations;
- effective legal safeguards securing the outlet's editorial autonomy and independence from the state;
- details about the journalist/author/reporter, including their expertise and other stories they have worked on, except where disclosure of identity might expose the persons concerned to personal risks or reprisals for their work;
- citations and references in relation to sources, in particular those behind facts and assertions in investigative or in-depth stories, bearing in mind legitimate needs for confidentiality;
- background on how articles and coverage were built, including information about why reporters chose to pursue a story, the process behind it and whether it has local origins or expertise;
- clarity about the nature of content and clearly perceptible distinctions between opinion, analysis, promotional/commercial/sponsored content and factual information, as well as labels to distinguish user-generated content from professional news reports;
- documenting and sharing efforts made to include a plurality of perspectives, to increase representation of all genders and communities and to diversify sources of information and expertise;
- encouraging feedback and participation by the public on coverage priorities, in contributing to the reporting process and in ensuring accuracy and diversity of perspectives;
- disclosure of any artificial intelligence (AI) software tools such as 'robot journalism' used in news production and information about how they are used;
- developing updated codes of professional ethics to include issues linked to the use of AI and algorithms in the research, production and distribution of news, and
- information about adherence to relevant self-regulatory structures and available in-house and external complaint mechanisms.

2.1.3. **Self-regulation**: The media's commitment to verification and quality control should be complemented by effective voluntary media self-regulatory mechanisms such as ombudspersons and press/media councils. The public should be made aware of, and have access to understandable, transparent and expeditious complaints mechanisms allowing

them to flag content breaching the journalistic professional and ethical standards, also when distributed online, and to obtain corrections of inaccurate information. Complaints should be handled by independent bodies tasked with upholding journalistic professional and ethical standards. Such independent bodies should have stable financing and meaningful powers, in particular to require the publication of prominent corrections and critical adjudications and apologies.

2.1.4. **Inclusion**: Balanced representation and equal participation of different groups in society in the news and in the media in general, whether as professionals, as expert sources or as main actors in stories, are important indicators of quality journalism. Efforts must be made by media organisations to include diverse perspectives and to develop innovative formats that promote dialogue and participation across different segments of the population. MIL initiatives can help individuals, especially those from minority or disadvantaged communities to develop the skills and confidence to engage with the media and participate in the public sphere. The opportunities provided by the digital environment for addressing audiences with specific needs should be further explored and enhanced. It is important that accurate and reliable information is available in different languages and technical standards, in order to include minorities and disabled persons, to fulfil the right to receive and impart information and ideas.

2.1.5. **Gender**: Media organisations should intensify their efforts to ensure a fair gender portrayal and participation in the news on- and offline. Dedicated guidelines, activities and projects should be developed to strengthen the position of women in the media, both as experts and as journalists, and to address gender inequalities, particularly in relation to representation and remuneration. Best practices in gender equality should be drawn up, measured, implemented and rewarded as indicators of quality journalism.

2.1.6. **Children**: The information needs of children of different age categories should be specifically addressed through the availability via all relevant media and platforms of wide-ranging quality content suited to their interests, literacy levels, linguistic preferences and cultural background. Such quality content should include informative and factual content and educational and cultural content, as well as content with entertainment value. Newsrooms, especially within public service media, are encouraged to invest in the production and dissemination of news and current affairs programming and services specifically targeting children and youth. In doing so, they are encouraged to promote opportunities for youth involvement in quality content production and engagement with such content, for instance by using genres, formats and distribution channels that speak and appeal to young audiences. Community media activities involving different age groups in journalistic training and production contribute to exchange and dialogue across generations, and also need specific support.

2.2. Dissemination of quality content

2.2.1. **Gatekeeping**: Digital media distribution channels and gateways with curated or sponsored content now influence the access to and the findability of quality content, including public service media content, through their personalised selection and recommendations based on users' expressed or inferred preferences. States, in collaboration with online platforms and other relevant internet intermediaries, media organisations and other key stakeholders that represent the whole diversity of society, should address the challenges related to the online distribution of public interest media content and develop appropriate regulatory responses to ensure that such content is universally available, easy to find and recognised as a source of trusted information by the

public. States could, where there is a relevant competition law framework in place, make regular assessments of whether relevant internet intermediaries have market power and, if so, apply competition law principles if such market power is being used in a way that results in negative effects on competition, including any discriminatory effect on media content providers.

2.2.2. **Non-discrimination:** Online platforms and other relevant internet intermediaries that moderate and rank news and media content or perform any other functions and services related to such content, should do so in full compliance with the right to non-discrimination guaranteed in Article 14 of the Convention. The online platforms' criteria for the visibility, findability and accessibility of news and other media content, whether applied by automated processes alone or in combination with human decisions, should be transparent and should not restrict access to any source of news or other media content based merely on its political or other opinion or on any other characteristics which may render differential treatment discriminatory within the meaning of that provision.

2.2.3. **Prioritisation of public interest journalism:** Effective access to quality journalism should be supported by independent and transparent self-regulatory media initiatives, open to multi-stakeholder participation, that develop criteria for identifying reliable content. Such criteria could be applied, either through human or automated means, in the process of media distribution and consumption. Online platforms and other relevant internet intermediaries should make use of those criteria to promote those providers of news and quality journalism that provide such reliable content, for which purpose they should continuously improve their internal processes and operations, including through improved transparency.

2.2.4. **Use of AI tools**: The use of AI tools in content creation and distribution by media organisations should be transparent and take account of the impact of automation on human rights and freedom of expression in particular. Furthermore, the differences in size, resources and leverage of the various media organisations including online platforms that use such tools should be addressed appropriately. Competitive advantages of large organisations with access to vast amounts of user data, for instance, may exacerbate existing disparities and result in their considerable control over the development and use of automated editorial processes. Efforts should therefore be aimed at promoting a level playing field between the various types of media organisations in terms of their access to and control over AI tools.

2.2.5. **Algorithmic accountability**: Online platforms, other relevant internet intermediaries and media organisations should aim at operating as transparently as possible, going beyond the minimum legal requirements, and provide users with the necessary tools to understand the basic criteria and functioning of the algorithms involved in the distribution and prioritisation of media content (or lack thereof). In the interests of transparency and accountability towards the public, online platforms should also cooperate with the research community and journalists reporting on the above-mentioned processes and provide them access to relevant anonymised datasets, in full respect of the applicable data protection frameworks, thereby facilitating a continuous analysis of the impact of algorithmic systems on the online distribution of media content.

2.2.6. **Monitoring and oversight**: Compliance with the responsibilities of online platforms concerning access, distribution and prioritisation of news and other media content should be subject to monitoring and oversight by independent actors. This could be ensured by means of regular reporting by the relevant online platforms about how decisions relating to content curation are made. The oversight function could be entrusted to independent national media

regulatory authorities or other designated bodies, which should have the necessary powers, resources and decision-making authority to be able to carry out their remit in an effective, transparent and accountable manner.

2.3. Data protection

2.3.1. **Privacy**: Media organisations processing personal data of the users of their online services and using tracking and profiling mechanisms for commercial purposes should comply with the existing legal frameworks for privacy and data protection including the Modernised Convention 108. When a media organisation is using a third-party platform which may involve the processing of personal data, the respective responsibilities, particularly regarding data subjects' rights and data controllers' information obligations, should be clearly determined and agreed between the parties. Media organisations should not be held responsible for the data processing activities carried out by third-party platforms exclusively for their own commercial purposes and based on the latter's own privacy policies or terms, on which media organisations have no influence.

2.3.2. **Users' rights**: Media organisations should ensure that all processing, including collection, retention, aggregation, storage, adaptation, alteration, linking, sharing, migrating across, or manipulation by multiple devices, of personal data of their users (data subjects), is based on the free, specific, informed and unambiguous consent of the user with respect to a specific purpose, or another legitimate basis laid down by law. All stages of data processing operations should comply with the principle of privacy by default and privacy by design, as well as the principles of fairness and transparency, accountability of data controllers, data security and the rights of data subjects. In particular, but not only, the users (data subjects) should be able to:
- have access to data protection guidelines that are accessible and understandable, regardless of individual levels of (media) literacy and individual levels of awareness of human rights;
- receive information about the processing of their personal data and
- obtain access to such data;
- obtain rectification or erasure of incorrect, inaccurate or incomplete personal data;
- request that personal data be erased when it is no longer needed or if processing it is unlawful;
- object to the processing of personal data for marketing purposes or on grounds relating to a particular situation;
- have an effective remedy if a request for information or, as the case may be, access, communication, rectification or erasure is not complied with.

2.3.3. **Awareness**: States, media actors and other relevant stakeholders should adopt a variety of strategies and measures, including MIL initiatives and human rights education, to foster individuals' knowledge about their rights in relation to data protection, as well as to promote responsible use of personal data by individuals themselves and ensure children's personal data are only processed on the grounds of parental or legal guardians' consent as established by national laws.

2.4. Future-proof media development

2.4.1. **Engagement**: Creating a stronger and more interactive relationship with its audiences can make quality journalism more sustainable. Media are encouraged to look for new formats to promote discussion of issues of public interest, building on the potential for

constructive debate and a dialogue-oriented attitude that can be gained within online and other communities when they feel they are taken seriously. Online audience/comments moderation can become a core asset of professional journalism, provided sufficient investments in training and in resources for managing online news discussions are made by media organisations and employers. Free, open-source commenting platforms can facilitate inviting questions and feedback from the community, help newsrooms hold commenters to the rules and showcase their best work. A contributions section that provides a safe space for readers to share their "experience and knowledge", as well as their opinions, enables the inclusion of perspectives from communities that often go un- or under-reported. MIL initiatives can help individuals develop the skills and confidence to engage, participate and challenge inappropriate content or commentary.

2.4.2. **Innovation**: Media organisations can benefit from the introduction of new technologies, seizing opportunities whilst balancing real needs and assessing the impact on their audiences.
For quality journalism to prosper in the digital age, media organisations specifically need to support the development of:
- innovative, collaborative journalistic projects, also involving freelance journalists;
- the transition of printed publications to the digital environment through adequate tools, software and technological infrastructure, and
- digital business and leadership skills of media practitioners, including skills for audience measurement and analysis.

2.4.3. **Local media**: Rebuilding trust and healthy relationships with (local and hyperlocal) audiences can be achieved through collaborative practices such as hyperlocal online newsrooms and other innovative approaches that enable journalists and the public to work together on issues that are original, relevant and popular. In particular, mechanisms for support of the following should be developed through multi-stakeholder engagement, including with local communities:
- development of viable business models for local and hyperlocal journalism;
- building a digital presence for local and hyperlocal media outlets;
- capacity-building of not-for-profit and community media serving the needs of local communities, including linguistic needs.

2.5. Favourable political and social environment

2.5.1. **Pluralism**: States have the obligation to ensure sufficient variety in the overall range of media types providing independent, quality journalism, bearing in mind differences in terms of their purposes, functions and geographical reach. The complementary nature of different media types also strengthens external pluralism and can contribute to creating and maintaining diversity of media content, as set out in Recommendation CM/Rec(2018)1.

2.5.2. **PSM contribution to society**: Independent public service media, in particular, have an important social function as a trusted source of information. They play a central role in portraying events in a comprehensive and inclusive manner, explaining complex situations and changes, allowing the public to distinguish the important from the trivial and highlighting constructive solutions to important challenges. States have the specific obligation of ensuring that public service media enjoy editorial autonomy and are able to operate independently, and that PSM content is universally available, including online.

2.5.3. **Social value of investigative reporting**: Investigative journalism is vital in upholding the public watchdog-role of the media and increasing transparency and

accountability of public institutions and resources. States should thus support the development of independent initiatives aimed at highlighting the impact of investigative reporting on social changes, in order to raise awareness and appreciation about the social benefits of investigative journalism and news media and, more generally, quality journalism produced in line with editorial and ethical standards of the profession and generate wide support for its mission.

2.5.4. **Disinformation**: Disinformation undermines trust in media and threatens the reliability of information that feeds public debate and democracy. Concerted national and/or transnational efforts to address disinformation and propaganda should receive full support from States in a manner that does not undermine their independence. Such support should be available on an on-going basis, not only during election campaigns. As information manipulation feeds on divisions and tensions, strengthening the resilience and cohesion of societies should be a long-term European goal. A well-informed and media-literate society (including journalists, the media, online platforms, NGOs, etc., as well as individuals) is an essential part of the defence against information manipulation in democratic societies. The media sector has a critical role to play in collaborating with a range of other sectors to create and promote MIL initiatives to help citizens recognise and develop resilience to disinformation.

2.5.5. **Political non-interference**: State and local authorities, politicians and public officials should refrain from taking actions which undermine the independence of the media, ranging from interfering politically in their operations or exercising undue financial control over media to stigmatising and discrediting critical media and threatening journalists. Such actions have a chilling effect on the right of the media to report freely and lead to self-censorship in relation to criticism of government policy and political figures. Furthermore, and without prejudice to any relevant national laws and regulations, public authorities, in particular local authorities, should ensure that their public information materials and publications do not compete for advertising revenues with independent local press.

3. Education and training

3.1. Media and Information Literacy for the digital age

3.1.1. **Central role of MIL**: MIL has a critical role in empowering people with the skills and knowledge to recognise, use and value quality journalism. The challenges posed by the changing media environment and the corresponding need to improve the public's engagement with, and trust in, media and other democratic institutions, requires MIL stakeholders to pay attention to the positive impact that MIL projects can have in relation to quality journalism and to respond with comprehensive approaches suited to serve the different needs of people of all ages and walks of life. MIL initiatives aim to change behaviours which can be complex, expensive and time-consuming; accordingly, States, media and other MIL stakeholders should be prepared to lead on, participate in, and fund MIL projects on a long-term basis. States should provide maximum support to the development of MIL initiatives that illustrate the benefits of quality journalism to various audiences and help them engage with such content in new ways and on new platforms.

3.1.2. **MIL programmes in support of quality journalism**: Given the profound changes in the media systems as well as asymmetries of economic power and political interests, MIL programmes and activities should help users to better understand how the online

infrastructure and economy is operated and regulated and how technology can influence choice in relation to media. Development of this knowledge should be prioritised and the development of relevant skills integrated, where possible, in MIL programmes and activities. Future MIL programmes to promote and protect quality journalism should take into account how people understand and process of making choices when dealing with digital media, including awareness of irrationalities, biases, inaccuracies and falsehoods.

3.1.3. **State measures**: States should define the promotion of MIL as an explicit aim of their media, information, and education policies and invest adequate resources in MIL and in developing strategies for collaboration, communication and education, together with international and civil society organisations, media organisations, public service media, and other relevant actors. MIL should be integrated in state measures on education of all age groups, as an essential part of school curricula from primary school on. Therefore, integration of MIL in teachers' education and further training is necessary. State measures on civic education addressing older age groups should include MIL as well. Research on concepts and strategies of fostering individuals' MIL and the transfer of its results into practice should be supported on a long-term and strategic basis.

3.1.4 **Support for independent MIL initiatives**: States should establish adequately funded financing instruments for independent MIL initiatives. Such initiatives by media organisations, public service media, and community media, independent regulatory bodies, civil society actors and other relevant actors should be supported by way of strategic coordination at a national level, based on a dedicated policy and strategy development, implementation and evaluation.

3.1.5 **Support for cross-sector collaboration**: A wide range of sectors are involved in the promotion of the skills and knowledge required to recognise, use and value quality journalism. Initiatives involving cross-sector collaboration can have significant reach and engagement, as working in partnership is a key aspect of delivering significant MIL projects. States should demonstrate leadership in this area by actively supporting and funding the development of national networks to facilitate cross-sector communication and collaboration and to map current MIL interventions and target groups. In addition, more coordination may help to facilitate better utilisation of existing delivery infrastructures and exploration of new ones, as well as of funding opportunities, to reach all sections of society, especially those not in formal education and those with specific MIL needs.

3.1.6. **Evaluation and multiplication**: Cross-sector collaboration could be utilised for the development of a common framework for evaluation that will facilitate the comparison of project outputs and outcomes. This would enable the identification of successful projects or project elements with the potential for replication and scaling up. Key stakeholders should consider how existing MIL approaches, campaigns and resources addressing universal topics, including how social media and search services operate, might be replicated for use in other areas, at national or international levels, or for other target groups, with due respect given to national and cultural differences.

3.2. Training opportunities for media professionals

3.2.1. **Profession**: Journalistic profession is becoming less attractive due to financial constraints, threats and pressures for faster-paced and less expensive news, which are exacerbated by limited opportunities for training and development. To address this phenomenon, States should encourage and promote careers in journalism by publicly recognising that quality journalism is central to the functioning of democratic societies. Training institutions should aim to make their curricula more accessible and diversified,

promote practical experiences as well as theoretical approaches, and deliver ethical training to all future actors of the media industry. Topics related to civic education, human rights, workings of democratic states, elections and referenda should be taught as part of basic journalistic skills.

3.2.2. **MIL for newsrooms**: Specific media literacy programmes are also needed for newsrooms, in particular to promote newsroom collaboration, community-building and participatory audience engagement. Such programmes should also anchor verification and debunking by journalists and non-journalists as a cornerstone of quality journalism, covering why fact-checking is important, what to check, the process of verification, common mistakes and how to avoid them. Additionally, newsrooms could benefit from the development of an understanding of the cognitive processes involved in the critical analysis of content by audiences; how the human brain perceives and processes news, how to counter confirmation bias, how to deal appropriately with debunking false claims, or what are the effects of bad/violent/voyeuristic news on news consumption.

3.2.3. **Upskilling**: Journalists, including freelance journalists, media actors and individuals committed to producing quality journalism should have access to life-long training opportunities. They should be able to regularly update their skills and knowledge, specifically in relation to their duties and responsibilities in the digital environment, through fellowship programmes and financial support. Public service media should organise systematic workshops and trainings of verification techniques and encourage the exchange of good practices in the area of countering disinformation and propaganda, looking for synergies with other quality news partners. Adequate training and retraining opportunities should be made available to journalists, including those working in lesser-used and minority languages and/or local and regional communities.

3.2.4. **Specialisations**: Specific education curricula and professional trainings should be made available in the fields of science, health, environment, engineering, law and other specialised subjects of public interest, ideally motivating journalism students to acquire the practical skills and master the theories of journalistic coverage of such fields.

3.2.5. **Community media**: Community media play an important role in training future journalists and in promoting inclusion by meeting the various communicative and media needs of different segments of society, offering spaces for self-representation to the otherwise 'voiceless' and reflecting diverse communities as integral and respected parts of the audience. They should be supported in encouraging students and youth to report and craft their own journalism — improving media literacy as well as general learning through research, identifying experts, conducting interviews, producing and broadcasting a work of journalism. Furthermore, support should be provided for exchanging good practices in multilingual and intercultural media training to strengthen inclusive quality media output and productions across Europe.