Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2143 (2017)[1]

Online media and journalism: challenges and accountability

Parliamentary Assembly

1. The Parliamentary Assembly acknowledges the radical changes in the media landscape resulting from the convergence of traditional media with the internet and mobile telecommunications, as well as from new forms of media, such as user-generated internet platforms and tools for the automatic aggregation of third-party content. Within this new context, the reader or viewer becomes an active stakeholder in the information chain by not only selecting information, but also, in many cases, by producing it. While in the past journalists and editors had the ability to control the public dissemination of information, new online media offer everybody the possibility to disseminate information and views to the public. These new tools thus allow individuals to bypass traditional media and thereby create more media pluralism, for example through investigative media blogs.

2. The new media landscape is also impacting on the media's finances. Whereas subscriptions used to be a solid source of income, free access to internet media has reduced the willingness of users to pay subscription fees. Likewise, advertising revenue has shifted from advertising in print media or broadcasting to targeted internet advertising which uses the profiled personal data of internet users. In the wake of this shift in resources from media outlets to internet service providers and social media, the Assembly is very concerned about the weakening of professional media as well as by an exponential growth in internet media which do not adhere to professional standards of journalism.

3. The Assembly wishes to emphasise in this context the special responsibility of public broadcasters to adequately reflect the entire range of views present in society, and recalls Committee of Ministers Recommendation CM/Rec(2012)1 on public service media governance. Since public broadcasters are increasingly involved in the online media market, they could be instrumental in achieving the goals of the present resolution.

4. Online media have enabled the public to become aware of human rights violations and human suffering in places far away that attract little media attention. On the other hand, the internet has enabled powerful commercial stakeholders and political groups to launch concerted action by huge numbers of users of online media. Facts and correct information are not necessarily the backbone of such activities.

5. As is constantly stressed by the European Court of Human Rights in its case law, the press plays a vital role in a democratic society by imparting information on matters of public interest. It acts as a "public watchdog", allowing the public to discover, and form opinions about, the attitudes and actions of political figures.

6. The line between what could be considered a legitimate expression of personal views in an attempt to persuade readers and disinformation or manipulation is frequently crossed. The Assembly notes with concern the number of online media campaigns designed to misguide sectors of the public through intentionally biased or false information, hate campaigns against individuals and also personal attacks, often in a political context, with the objective of harming democratic political processes.

1. *Assembly debate* on 25 January 2017 (5th Sitting) (see Doc. 14228, report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Adele Gambaro; and Doc. 14240, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Boriss Cilevičs). *Text adopted by the Assembly* on 25 January 2017 (5th Sitting).

7. The Assembly welcomes the fact that prominent online media have established a policy whereby users can identify factual errors or false posts by third parties on their websites, such as on Facebook News Feed or through Google's "webpage removal request tool". Credibility and reliability of online media require that they remove or correct false information.

8. The Assembly stresses the importance of the case law of the European Court of Human Rights and especially of its Grand Chamber judgment in the case of *Delfi AS v. Estonia* (Application No. 64569/09). This landmark decision has clarified the duties and responsibilities of internet news portals when they provide, on a commercial basis, a platform for user-generated comments on previously published content.

9. Recalling Resolution 1843 (2011) on the protection of privacy and personal data on the Internet and online media, the Assembly notes with satisfaction that national courts in Europe have ordered internet search engines to remove pejorative words from their auto-complete function when searching for the names of individuals. This "right to be forgotten" or the right to erase personal data on online media should be strengthened throughout Europe.

10. Welcoming Brazilian Law No. 12965 of 23 April 2014 on civil rights on the internet (Marco Civil da internet), and the "Declaration of internet rights" adopted by the Italian Parliament on 28 July 2015, the Assembly calls on parliaments to discuss online media and journalism and to define general standards for the protection of fundamental freedoms and rights of internet users, journalists and online media in accordance with this resolution.

11. Referring to Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistle-blowers, and recalling its own Resolution 1729 (2010) and Resolution 2060 (2015) on this subject, the Assembly reminds member States that they should have in place a normative, institutional and judicial framework to protect individuals who, in good faith, report or disclose information on threats or harm to the public interest. This is particularly relevant in the context of online media and journalism, as the internet is one of the channels typically used by whistle-blowers to make the public aware of wrongdoing.

12. The Assembly therefore recommends that:

12.1. the member States:

12.1.1. initiate, both at the national level and within the Council of Europe, discussions on norms and mechanisms required for preventing the risk of information distortion and manipulation of public opinion, as already suggested in Assembly Resolution 1970 (2014) "Internet and politics: the impact of new information and communication technology on democracy";

12.1.2. enable public service broadcasters to make full use of the technical possibilities offered by online media, ensuring that their internet presence complies with the same high editorial standards as offline; in particular, public service media should exercise the greatest editorial diligence with regard to user-generated or third-party content published on their internet portals;

12.1.3. recognise in their law and internal practice a right of reply or any other equivalent remedy which allows a rapid correction of incorrect information in online and offline media;

12.1.4. ensure the traceability by law-enforcement authorities of users of online media when they violate the law; online media must not become a lawless zone as a result of the anonymity of users;

12.1.5. include media literacy in their school curricula and support awareness-raising projects and targeted training programmes aimed at promoting the critical use of online media;

12.1.6. support professional journalistic training, ranging from higher education to lifelong learning, apprenticeships offered by online media as well as "citizen journalism" education for the general public;

12.1.7. which have not yet done so, sign and ratify the Convention on Cybercrime (ETS No. 185) as well as its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189);

12.1.8. co-operate with online media and internet service providers in order to set up guidelines which are inspired by the code of conduct countering illegal hate speech online agreed upon by the European Commission and major internet companies on 31 May 2016;

12.1.9. develop clearer rules on liability of internet site owners for content posted by third parties, taking into account in particular the landmark judgment of the European Court of Human Rights in the case of *Delfi AS v. Estonia*;

12.2. the European Federation of Journalists and the Association of European Journalists call on their members to ensure that:

12.2.1. professional news media uphold their editorial standards in their internet presence, including their own media content, advertising, third-party content, as well as user-generated content such as feedback or comments by users. All third-party content posted on the websites of professional media falls under the editorial responsibility of these media;

12.2.2. users of online media are informed about the possibilities to address complaints to online journalists, their media outlet or their professional association;

12.3. the European Internet Services Providers Association call on its members which provide social media, search engines and news aggregators to:

12.3.1. develop ethical quality standards regarding their own transparency and the due diligence of their media services. Where commercial, political or other interests might conflict with the neutrality of these media services, the providers of such services should be transparent about these interests; all providers should set up self-regulatory mechanisms for monitoring these standards and inform the public about their adherence to them;

12.3.2. empower their users to report false information to service providers and thus make it known publicly;

12.3.3. voluntarily correct false content or publish a reply in accordance with the right of reply or remove such false content; they are legally obliged to co-operate in combating illegal content;

12.3.4. set up alert mechanisms against people who regularly post insulting or inflammatory text (“trolls”), which empower users to complain about these trolls, with a view to excluding them from their forums;

12.4. the European Interactive Digital Advertising Alliance develop self-regulatory standards to ensure that:

12.4.1. advertisers and public relations companies identify their own internet presence and their contributions to the internet presence of others; they should in particular disclose to the public the person, organisation or company by whom they are commissioned;

12.4.2. disguised advertising and lobbying are barred by professional media on the internet as well as by providers of social media, under their terms of service.