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Political influence over independent media and journalists

Report[1]
Committee on Culture, Science, Education and Media
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Summary

The Committee on Culture, Science, Education and Media is deeply concerned over the increasing array of tactics used to erode media freedom and force journalists into self-censorship. Alongside the most blatant violations, many forms of psychological violence, intimidation and bullying are now being deployed, including through the internet and social networks. Furthermore, in-depth changes in the media business model endanger the financial viability of many media operators, creating greater risks of financial or political pressure.

National authorities should take action on several fronts, including: effective implementation of Recommendation CM/Rec(2016)4; independent reviews of laws and practices which have, or could have, a chilling effect on media freedom; improved legal provisions concerning transparency of media ownership; independence and transparency of the operation of regulatory bodies; neutral procedures for appointing the managers and staff of public service media (PSM); media funding systems that are non-discriminatory; and the provision of adequate funding for PSM enabling them to fulfil their mission in a fast changing media environment.

The Committee of Ministers should call for stronger engagement of member States in constructive dialogue to remedy the serious threats to media freedom reported on the Platform to promote the protection of journalism and safety of journalists. It should also instruct the competent intergovernmental bodies to promote good practices in public service media governance and undertake a comprehensive study of national laws and practices which are misused to smother critical independent journalists and media

1. Reference to committee: Doc. 13775, Reference 4131 of 22 June 2015.

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A. Draft resolution[2]

1. The Parliamentary Assembly considers the right to freedom of expression and information as well as freedom and diversity of the media as fundamental elements of a true democracy; no system can claim to be democratic if it does not effectively ensure pluralism and independence of the media.

2. There is no independence when journalists and their families are exposed to physical threats or are subject to arbitrary detention, or when the media outlets which employ them run the risk of simply being put out of business. The Assembly is also deeply concerned about the many forms of psychological violence, intimidation and harassment, including through the internet and social media, and by the range of tactics used to erode media freedom, force journalists into self-censorship, or take control over media outlets and subjugate them to vested interests.

3. National authorities must not only guarantee journalists' security and media freedom, preventing and condemning unconditionally blatant violations, but they must also recognise and oppose the threat that more insidious methods pose to the independence and genuine pluralism of the media, to the interest of the public in receiving unbiased, critical information and hence to our democratic systems.

4. The digital environment is driving in-depth changes in the media business model, which endanger the financial viability of many media operators. This intensifies the risk of financial screws being tightened on the media to tame them. Public funding has greater importance than in the past, in particular – but not only – for public service media (PSM); however, media which are financially dependent from public funding become more vulnerable to political influence. The latter can also derive from an instrumental use of the procedures for the appointment of top PSM managers.

5. The Assembly denounces all practices which are aimed at fuelling public distrust of the media. Regrettably, some political forces are using this strategy to silence criticism and dissenting views voiced by independent media. However, mistrust could also derive from deviated use of the media – and in particular new media – as a weapon against political antagonists and from the increasing risk of manipulation of public opinion though the media.

6. As political (but also social and economic) actors have moved from traditional media to the internet and social media for their communication with the public, journalism's role in the way the public acquires, values and exchanges information is diminishing, and with it the possibility of independent media to initiate and uphold quality public debate; this makes them less attractive, less competitive and eventually less viable and thus more vulnerable to political influence.

7. The Assembly therefore calls for stronger engagement in safeguarding journalists' security and freedom, as well as in upholding media pluralism and independence. It recommends that the Council of Europe member States:

7.1. implement effectively Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors in four areas: prevention; protection; prosecution of all threats against journalists and media freedom; and promotion of information, education and awareness raising;

7.2. ask for independent reviews of their laws and practices which have, or could have, a chilling effect on media freedom, such as those on national security, terrorism and defamation, and entrust human rights commissions or ombudspersons with monitoring their implementation to avoid their being misused to stifle media freedom;

7.3. improve the legal provisions concerning transparency of formal and beneficial ownership, as well as about funding mechanisms and organisational and managerial structures of the media, to allow for identification of possible sources of control and influence and to strengthen accountability. In this respect, the Assembly recalls in particular its Resolution 2065 (2015) on increasing transparency of media ownership;

7.4. review PSM governance mechanisms, keeping in mind the basic standards set by the "Guiding principles for public service media governance" in the appendix to Recommendation CM/Rec(2012)1 on public service media governance and aiming at genuine independence of PSM, including in editorial terms, while preserving national authorities' – and in particular parliaments' – oversight role;

2. Draft resolution adopted unanimously by the committee on 25 April 2017.

7.5. ensure transparency of the operation of regulatory bodies; the provisions for their appointment, mandate and powers must secure their independence from any influence, especially from governments;

7.6. ensure that appointment procedures of PSM managers and staff for which an intervention of public authorities is required:

7.6.1. respect the role of the opposition and, when parliaments are involved, provide for appointment decisions to be taken by qualified majority;

7.6.2. are not used to exert influence over PSM programmes or editorial policy;

7.6.3. are grounded on clear merit-based criteria, strictly related to the role and remit of PSM and are neutral with regard to political views;

7.6.4. are made for a specified term, which can only be shortened on the basis of a limited number of legally defined circumstances;

7.6.5. are respectful of gender balance;

7.7. review their (national, regional and local) funding systems for PSM and for private media outlets to:

7.7.1. avoid mechanisms (directly or indirectly) being used to exercise editorial influence or to threaten the recipients' institutional autonomy;

7.7.2. ensure that the financing schemes are based on fair and objective criteria and are operated in a non-discriminatory manner;

7.7.3. guarantee full transparency of their operation, and in particular of the level of public funding, grants and sponsoring, and provide for easy access of the public to this information;

7.8. design PSM funding systems so that they:

7.8.1. guarantee a level of funding coherent with the agreed role and remit of PSM, thus enabling them to properly fulfil their mission in a fast changing media environment;

7.8.2. provide for an independent body to determine – and regularly review – the level of funding, following consultation with the PSM concerned, with tight limits on the room for manoeuvre of policy makers (parliaments and governments) to adjust the proposals by this independent body;

7.8.3. ensure predictable and sufficient stable revenues, but also the buoyancy of the funding schemes; in this respect, national authorities should consider the possibility of combining different sources of funding (including advertising), giving preference to licence fees (paid by all households irrespective of the device) and/or earmarked taxes, the level of which should be indexed to guarantee financial stability in real terms;

7.8.4. provide for a mechanism to recover excess income from recipients and reinvest it in the system;

7.9. design public support schemes for private and non-profit media so that these schemes:

7.9.1. reinforce pluralism, also paying attention to non-commercial media outlets, such as free radio stations, as well as to media which are the expression of local perspectives of societal challenges, and of cultural diversity;

7.9.2. favour investments which are necessary for the media to keep pace with technical developments.

8. The Assembly urges all political forces and political leaders to firmly condemn psychological violence, harassment and cyberbullying against journalists and to join efforts to counter the growing distrust of journalism and journalists; Political actors certainly have the right to respond to critical views and dissent expressed by the media, but such reactions must respect freedom of expression, and any behaviour inciting their followers to target journalists and media outlets is to be proscribed.

9. The Assembly calls on media associations to be more active in identifying and denouncing abuses by unprofessional individuals who misuse the title of "journalist" or unscrupulous media outlets which seek to manipulate public opinion by disseminating false information. Political lynchings staged by deceitful media operators must be opposed.

B. Draft recommendation[3]

1. The Parliamentary Assembly highly values the increasing efforts of the Council of Europe intergovernmental sector to enhance journalists' security and strengthen media freedom. In this respect, the Assembly welcomes the joint work with the partner organisations of the "Platform to promote the protection of journalism and safety of journalists" and appreciates the relevance of ongoing work by the Steering Committee on Media and Information Society (CDMSI) concerning the preparation of a draft recommendation to member States on media pluralism and transparency of media ownership.

2. However, the number and gravity of attacks against independent journalism continues to increase and the situation in many European countries is deteriorating. Not only are trends alarming with regard to physical attacks against journalists and the direct takeover or closure of media outlets which express dissent, but it also appears that strategies to silence critical journalism increasingly use psychological violence and intimidation, which erode the right to freedom of information and force journalists to use self-censorship, including judicial intimidation through a range of laws such as (but not only) those on national security, terrorism and defamation.

3. In this respect, recalling its Resolution … on political influence over independent media and journalists, the Assembly considers that proper follow-up must be given to the recent survey conducted by the Council of Europe on "Journalists under pressure – Unwarranted interference, fear and self-censorship in Europe".

4. Moreover, the independence of public service media is not always properly guaranteed: there is a need to promote sound model legal provisions and good administrative practice in the domain of public service media, with a view to strengthening their independence and their capability to meet the mission they pursue in the general public interest.

5. The Assembly therefore recommends that the Committee of Ministers:

5.1. call for stronger engagement of Council of Europe member States in a constructive dialogue to remedy all serious threats to media freedom reported on the Platform to promote the protection of journalism and safety of journalists;

5.2. entrust the CDMSI and/or other relevant intergovernmental bodies with:

5.2.1. resuming work on public service media with the aim of developing in operational terms the principles enshrined in its Recommendation CM/Rec(2012)1 on public service media governance, in particular with regard to appointment procedures, and propose model provisions respectful of the independence of public service media;

5.2.2. designing and supporting the implementation of targeted co-operation programmes aimed at promoting good practice in the governance of public service media;

5.2.3. starting a comprehensive study on national laws and practices which are misused to smother critical independent journalists and media, starting with those on national security, terrorism and defamation, with a view to providing guidance for their review.

3. Draft recommendation adopted unanimously by the committee on 25 April 2017.

C. Explanatory memorandum by Mr Stefan Schennach, rapporteur

1. Introduction

1. The right to freedom of expression and information and freedom and diversity of the media are fundamental elements of true democracy: no system can claim to be "democratic" if it does not effectively ensure media pluralism and independence.

2. At European Union level, the European Regulators Group for Audiovisual Media Services (ERGA)[4] has stated unequivocally that: "An independent media is the cornerstone of our European democracies, enabling citizens to form their own opinions and not be steered in one way or another by any stakeholder, including the State."[5] In September 2015, the OSCE Representative on Freedom of the Media – the world's only intergovernmental media watchdog – published a fact-sheet on media freedom in the "OSCE region", in which it stated that "[f]ree media is essential to free and open society, no nation can develop democratically without free expression and the publication and distribution of ideas and opinions".[6] Overseas, the American Department of Defence recently stated in a revision of its Law of War Manual: "Journalists play a vital role in free societies and the rule of law and in providing information about armed conflict."[7]

3. These statements are a very clear acknowledgment of the need to recognise and protect the role of independent journalists in all places and all circumstances; but the reality is far from being consistent with this expectation. As the European Broadcasting Union (EBU) stressed, "Our commitment to independence needs to be underpinned by safeguards in law, and our commitment to the safety of journalists needs to be underpinned in all our actions".[8] Regrettably, this is not just a hollow remark. Media freedom is no longer an exclusive challenge for young or growing democracies. On the contrary, the development of new media and particularly the growing influence of social network platforms have put to the test the long-established traditions of respect for freedom of expression in well-established democracies too.

4. The OSCE Representative on Freedom of the Media, Dunja Mijatović, has admitted that "media freedom throughout the OSCE region is under threat".[9] In 2014, she intervened more than 250 times on free media matters across the OSCE member States and, in a publication of 2015 on "Safety of journalists: an imperative for free media",[10] stated that between 1997 and 2015, a total of 137 journalists were killed in the line of duty in OSCE participating States. She also expressed serious concerns about the culture of impunity and non-prosecution of perpetrators of violence against journalists.

5. Since 2002, Reporters Without Borders (RSF), a leading organisation on media freedom in the world, has been publishing the annual World Press Freedom Index; the 2016 edition denounces "a deep and disturbing decline in media freedom"[11]. In December 2016, RSF released its annual worldwide round-up of journalists who are detained, held hostage or missing, showing that "the numbers are rising dramatically".[12] A negative trend is confirmed by the increasing number of reports on violence against journalists and violations of press freedom published by the Mapping Media Freedom (MMF) initiative.[13] The data available from the

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4. ERGA brings together heads or high level representatives of national independent regulatory bodies in the field of audiovisual services, to advise the European Commission on the implementation of the Audiovisual Media Services Directive (AVMSD).
5. "Statement of the European Regulators Group for Audiovisual Media Services (ERGA) on the necessity of independent media", ERGA, 11 January 2016. through https://ec.europa.eu/digital-single-market/en/news/statement-european-regulators-group-audiovisual-media-services-erga-necessity-independent-media.
6. See the OSCE Representative on Freedom of Media fact-sheet publication: www.osce.org/fom/186381?download=true.
7. https://cpj.org/2016/07/pentagons-revised-law-of-war-manual-recognizes-rol.php.
8. www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Empowering-Society_EN.pdf.
9. See the OSCE Representative on Freedom of Media's fact-sheet publication, quoted above, footnote 6.
10. www.osce.org/fom/194731?download=true.
11. The World Press Freedom Index is available at: https://rsf.org/en/ranking
12. According to this report, at the end of 2016, a total of 348 journalists were detained worldwide; more than 100 journalists and media contributors were detained in Turkish jails and hundreds of Turkish journalists had been taken to court on charges of "insulting the president" or "terrorism", some having been jailed without any charges brought against them.
13. Mapping Media Freedom is a platform covering 42 countries (all except Belarus and Kosovo* are members of the Council of Europe) operated by Index on Censorship with partners Reporters Without Borders and the European Journalism Federation and in co-operation with the European Centre for Press and Media Freedom; https://mappingmediafreedom.org/#/.

* All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Council of Europe Platform to promote the protection of journalism and safety of journalists[14] are just as worrying and our report on "Attacks against journalists and media freedom in Europe"[15] depicted an alarming situation in many European countries.

6. Talk about independence of the media makes little sense when journalists can only do their work at the risk of their lives or freedom and the media outlets which employ them run the risk of simply being put out of business. There are, however, subtle ways of eroding the freedom of the media and journalists, such as forcing self-censorship or, indeed, taking control over certain media outlets and subjugate them to the interests of their oppressors. We must recognise the threat which these methods pose to the independence and also the genuine pluralism of the media and hence to our democratic systems.

7. As it emerged from a recent public consultation by the European Commission on media pluralism and democracy, the methods for political influence on media and journalists' behaviour are not new. However, traditional methods of influence have been adapted to developments in politics, economics and journalism over the years, and advancements in technology have brought about new prevailing ways of access to communication channels. On the basis of the excellent expert report submitted by Ms Margo Smit,[16] which I very broadly endorse, I intend highlighting some of the methods – whether old, transformed or completely new – that seek to influence journalists and media politically, and their consequences.

2. What are independent media?

8. The "independence" of media outlets must be examined in financial, operational and editorial contexts. It cannot be separated from pluralism; they are two pillars of true media freedom and democracy, which reinforce each other. The present report does not discuss media pluralism, but it is clear that the latter uphold independence as it weakens the effectiveness of pressures intended to silence criticisms; at the same time independence is a necessary condition to impede pluralism becoming merely formal. Independence of the media and independence of journalists do not necessarily coincide: in theory, a media outlet can enjoy the required guarantees to develop freely its own editorial line while (some of) the journalists working for it could be subjected to targeted pressures or specific threats. However, in practice, external interference over a media outlet can hardly be without effect on the work of its journalists and pressures or threats which impact journalists' behaviour can hardly be without effect on the operation of media outlets employing them.

9. The mission statement of the European Broadcasting Union on the core values of public service media provides a framework for the definition of independent media: "We make our choices only in the interest of our audiences. We strive to be completely impartial and independent from political, commercial and other influences and ideologies. Free to challenge the powerful, test prevailing assumptions, and contribute to an informed citizenship. We want to be autonomous in all aspects within our remit such as programming, editorial decision-making, staffing."[17]

10. This statement can be combined with aspects that the Parliamentary Assembly underlined in its Recommendation 1878 (2009) on funding of public service broadcasting: "Public service broadcasters must be an important public source of unbiased information and diverse political opinions; they must function under high editorial standards of objectivity, fairness and independence from party political or economic interference; they should be subject to higher public scrutiny and accountability for their programming than commercial broadcasters."

11. Transparency is an essential condition of the independence of the media at all levels, from financial ownership to sponsorship relationships, from operational outlines to editorial policies and guidelines (published, upheld and be sanctioned in case of non-compliance). Transparency must be supported by legally protected independent regulatory authorities, for instance following as a benchmark the recommendations by the European Regulators Group for Audio Visual Media[18] and considering that, as the EBU states: "To fulfil

14. www.coe.int/en/web/media-freedom.
15. Doc. 14229.
16. Ombudsman at the Netherlands public broadcaster NOS, lecturer in journalism at the State University of Groningen, Netherlands.
17. www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Empowering-Society_EN.pdf. This statement, which directly concerns public service media, can also apply to other media.
18. See the 2015 "ERGA Report on the independence of NRAs", https://ec.europa.eu/digital-single-market/en/news/erga-report-independence-national-regulatory-authorities.

our commitment to the public, we require robust legislation, adequate and sustainable funding. We require professional governance to safeguard editorial independence and to ensure that we can perform to the highest professional standards."[19]

3. Vulnerability to influence on account of lack of transparency about media ownership and funding mechanisms

12. A recent report of the Committee on Culture, Science, Education and Media[20] deals extensively end eloquently with the issue of transparency of media ownership. I would further underline the importance of banning non-transparent legal ownership constructions and hidden ownership, and the conclusion of the report: "Member States should … ensure that the public have access to specific information about the ownership, management and editorial structures of media as well as their financing. Relevant information shall be submitted by the media outlets concerned to an independent national media authority."

13. The availability of and access to data on "beneficial and ultimate" media ownership structures help to track the abuse of media power by various powerful interests. As the same report of our committee states: "Judicial and legislative bodies should be encouraged to expressly recognise the links between freedom of expression, media plurality and a functioning democracy, on the one hand, and media ownership transparency, on the other."[21]

14. Full transparency of media outlets requires not only ownership information but also disclosure of "key control points", namely "transparency of influence". Therefore the identification, *inter alia*, of their management boards and their key executive officers is also crucial. The transparency of regulatory bodies must also be ensured; their appointment, mandate, function and powers must be designated so as to ensure independence from any influence, especially from the governments.

15. Another issue to be taken into account is the transparency of media ownership structures and the business engagement of media owners in fields other than the media. It is relatively complicated for the ordinary citizens to track the extent and impact of such a phenomenon, which as far as we know is not widespread within the Council of Europe geographical area.

16. At organisational level, the recent "Media Ownership Monitor" reports of Reporters Without Borders[22] reveal the scope, utmost gravity and ultimate consequences of political influence – on top of that, political dependence – when media owners risk the independence of production and dissemination of media content in the interest of more profit.

17. Media outlets seek profit to stay in business. The need to make money – be it for an owner or other stakeholder – does not necessarily translate into a lack of independence: an array of newspapers, magazines, websites and TV/radio stations with commercial obligations are dedicated to impartial and balanced journalism. However, full transparency of ownership structures and financial ties, for public and commercial media organisations alike, enhances their accountability and public trust in their operation.

18. The fundament of a democratic society is citizens who are capable of underpinning the democracy and promoting its development through free, multiple viewpoints and critical thinking about societal issues. Article 10 of the European Convention on Human Rights (ETS No. 5), but also the UNESCO Universal Declaration on cultural diversity of 2001, requires that States guarantee media pluralism for the sake of an active and well-informed society.

19. Transparency of media ownership structures, in this context, strengthens media pluralism by ensuring the availability of information from diverse sources, and help to monitor and promote it, as it enables to assess the level of – and possibly prevents – media concentrations that may exercise hidden influence due to their dissemination channels. However, the present situation is not satisfactory, as we noted in our report on "Increasing transparency of media ownership".[23]

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19. www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Empowering-Society_EN.pdf.
20. "Increasing transparency of media ownership", Doc. 13747 (rapporteur: Ms Gülsün Bilgehan, Turkey, SOC).
21. See paragraph 49 of the explanatory memorandum.
22. www.mom-rsf.org/.
23. In 2012, Access Info published a report on "Transparency of media ownership in Europe". The report includes the findings of research by Access Info in 19 European States (including 11 European Union member States). This report denounces the fact that the legal framework in most of these countries is insufficient to guarantee transparency of media ownership. The same report also refers to another systematic study made by Access Info Europe in partnership with the

20. I believe it is also important to make here a warning about the influence that political and economic powers could have through advertising policies. The risk of losing resources from advertising because what you could publish would affect the interests of the (public or private) advertiser may have a tremendous chilling effect, in particular when resources are crucial for the viability of the media outlet concerned. This is why it is so important that, when the advertiser is a public authority, its advertising policy is anchored to criteria which are neutral with regard to the editorial policies of the beneficiaries.

4. Public service media

21. In times of fast changing media consumer habits and the internationalisation and ubiquity of information availability, there is discussion about the necessity of having (national) public service media (PSM). In my view, the need is now greater than ever before. In this respect, in its Declaration on public service media governance,[24] the Committee of Ministers "alerts to the risks to pluralism and diversity in the media and, in consequence, to democratic debate and commitment, if the current model, which includes public service, commercial and community media, is not preserved".

22. The European Broadcasting Union states that PSM should be "a trusted source of objective and impartial information; a reliable provider of high quality and cultural content; a guardian of pluralistic and minority views; a reference point in times of national crisis".[25] It is hard to give a better explanation of why our democratic systems need independent PSM that are strong enough to remain competitive in a cut-throat information and entertainment market; they are a vital bulwark both against inaccurate information (indiscriminate, irrelevant, misleading) and against disinformation aimed at manipulating public opinion.

23. Indeed, the Committee of Ministers states that: "As an important public source of unbiased information and diverse political opinions, public service media must remain independent from political or economic interference and achieve high editorial standards of impartiality, objectivity and fairness."[26] In the same vein, in Recommendation CM/Rec(2012)1, the Committee of Ministers states: "The first priority for public service media must be to ensure that their culture, policies, processes and programming reflect and ensure editorial and operational independence."

24. In order to fulfil their role of providers of independent and unbiased information to the public, PSM need stable and adequate funding.[27] However, with growing discontent amongst the general public – claiming it does not feel represented by public broadcasters – and politicians eager to cater to this discontent[28] increasingly requiring proof of PSM's public value, it becomes more and more popular to regard PSM as elitist and expensive, and thus an easy target for budget cuts. In addition, continuous changes in these funding mechanisms make PSM vulnerable to (attempts at) political arm wrestling.

25. To date, the marketing of advertising time remains the main sources of funding for free-to-air commercial broadcasting services and contractual fees are the main source of revenue for commercial services such as pay-TV, which are predominantly free of advertising. PSM are mainly financed either directly from public budgets or from statutory licence fees. However, in some countries (including Austria, Denmark, Hungary, Ireland and Italy) they are also partly funded by advertising; this is even the main source of revenue of the Polish PSM. In the United Kingdom, two parallel systems exist: the British Broadcasting Corporation (BBC) is exclusively funded by licence fees, while Channel 4, ITV and Five (which do not get a share of the licence fee proceeds) have mainly advertising revenues.[29]

26. The license fee structure is still the funding scheme considered to provide the most independence to PSM. For example, the media licence fee established in 2007 in Denmark (which is a device-dependent household fee, with a high degree of technological neutrality) produced good results in terms of stability of the

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Media Programme of the Open Society Foundations into the legal framework for access to information about the ownership of the media in Europe, which concerned 20 countries in the European Union and the European Neighbourhood region.

24. Adopted on 15 February 2012.

25. Ingrid Deltenre, EBU Director General, in: R. Burnley, "Public Funding Principles for Public Service Media", EBU, Geneva, January 2016, p. 4.

26. Declaration on public service media governance, op. cit.

27. This is also confirmed by paragraph 13 of Assembly Recommendation 1878 (2009) on the funding of public service broadcasting.

28. For clear examples of politicians fuelling public discontent with public media or an independent media regulator, see the report on the June 2016 fact-finding mission by the International Press Institute (IPI) and the European Center for Press and Media Freedom (ECPMF) to Croatia: Scott Griffen, "Croatia: Media Freedom in Turbulent Times. Report on the June 2016 Joint International Mission", August 2016, pp. 11-12, http://seemo.org/files/Croatia-Report-IntlMission-PDF.pdf.

system in securing continuity of funding.[30] But the trend within the EBU area is away from licence fees towards other funding schemes such as direct grants or receiving a (not always objectively defined) slice of the general tax pie. This change adds an extra level of uncertainty about budgeting, for when license fees are replaced with general taxation, governments can cut the budgets of public broadcasters even more easily than when an affixed licence fee has to be allocated to PSM.

27. A recent EBU report[31] on the funding of public service media in its member States[32] shows the continuing importance of PSM in the European market, as well as the threats to their financing schemes. The report highlights a number of worrying trends:

– PSM funding is being structurally eroded, in particular because of budget cuts or frozen licence fees, while PSM organisations' scope of activity is expanding in the new media environment;[33]

– PSM are increasingly dependent on public funding (including licence fees) compared to commercial income;[34]

– the fact that in most countries PSM funding is based on public sources other than licence fees;[35] the tendency to abolish licence fee funding is having the effect of making the available resources more vulnerable to partisan government decisions (motivated by political considerations) on the spending of public money on independent media coverage, hence making PSM more vulnerable to political influence.

28. The latter trend also emerges from another report on licence fees, in which the EBU states that: "The higher the licence fee in any given country, the larger the market share PSM achieve on their domestic markets. This clearly speaks in favour of not reducing licence fees but more for guaranteeing sustainable and stable levels of funding for PSM."[36]

29. A recent comparative analysis of risks of political influence on PSM in 19 European Union countries[37] highlights several threats, among them the influence on funding schemes is one of the most prominent. The study, also referring to Recommendation CM/Rec(2012)1, asks that it be ensured that financing meets PSM's needs through participation of PSM "in the decision-making about the level of financing. In other words, the state shouldn't be able to decide the level of licence fee without consultations and taking into account the financial needs of the PSM".[38]

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29. See in this respect the special IRIS document on "Online activities of public service media: remit and financing" published by the Council of Europe European Audiovisual Observatory in 2015. Chapter 3 (pp. 33-40), devoted to "Broadcasting funding models in selected European states", gives an overview of the funding models of 12 States: Austria, Belgium (the three regions), Denmark, Finland, France, Germany, Hungary, Ireland, Italy, the Netherlands, Poland, Sweden and the United Kingdom.

30. Ibid., chapter 4.

31. European Broadcasting Union, "Funding of Public Service Media", Public Version provided by EBU Media Intelligence Service, Geneva, December 2015, www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-MIS%20-%20Funding%20of%20PSM%202015%20-%20Public%20version.pdf.

32. In the report, 45 of the EBU's 56 member States are covered. In all member States of the Council of Europe, media organisations that are members of EBU are active, except Liechtenstein.

33. Despite positive nominal growth between 2010 and 2014 (+1.8%), the report (p. 5) refers to a steady decrease in total PSM income (-5.7%) discounting the effect of inflation, this trend being even stronger in EU countries (-6.1%).

34. In 2014, in all the countries covered by the study, public income accounted for 77.9% of the total, representing an increase of 1.1% on 2010, whereas commercial income fell to 18.6% of the total over the same period, namely a reduction of 1.5% (p. 8 of the report).

35. This trend is partially hidden by the fact that for all the countries concerned taken together, licence fees continue to be the main source of funding (66.8%), up 3.5% on 2010 (p. 9 of report). This is due to the fact that licence fees are the main source of income for PSM in four big markets (France, Germany, Italy and the United Kingdom) and also, *inter alia*, in Turkey.

36. European Broadcasting Union, "Licence Fee 2015", public version provided by EBU Media Intelligence Service, Geneva, December 2015, p. 6.
www.ebu.ch/files/live/sites/ebu/files/Publications/EBU-MIS%20-%20Licence%20Fee%202015%20-%20Public%20version.pdf.

37. Maja Šimunjak, "Comparative analysis of risks for political independence of Public Service Media across 19 European Union Member States", European University Institute, Robert Schuman Centre for Advanced Studies
Centre for Media Pluralism and Media Freedom, San Domenico di Fiesole July 2016. http://cadmus.eui.eu/bitstream/handle/1814/42526/RSCAS_2016_34.pdf?sequence=1&isAllowed=y

38. Maja Šimunjak, op. cit., p. 3.

30. Staunchly independent national regulatory bodies could play an additional buffer role here[39] – perhaps even through removing the responsibility for setting licence fees from the political bodies and initiating an independent calculation of the costs of PSM – and independence of the regulatory body from political powers should be guaranteed. Also, with younger generations being less inclined to buy a radio or a television and thus a likely decline of licence fee revenues if based on the current description of taxable devices, when and what devices to charge a license fee for should be redefined while also discussing inclusion of new connected devices.[40]

31. When considering other funding methodologies for PSM, the above-mentioned comparative analysis states: "On the other side of the spectrum are usually direct state grants to the PSM, which are often seen as tools through which the State can try to influence the PSM … PSM can … be harmed by this type of funding since it can affect the perception of their independence in the eyes of the public. Indeed, there is evidence to suggest that PSM's political independence is correlated with the trust in PSM, so the more the State is able to influence the PSM, the less trust in its content citizens have."[41]

32. The study finds that "six out of 19 studied countries do not have media law prescribing transparent and objective procedures on determining the amount of money to be granted to PSM (Austria, Cyprus, Latvia, Lithuania, Romania, and Slovenia). Furthermore, five out of 13 countries that do have appropriate legal provisions are evaluated as at risk due to the ways in which governments are able to decide the amount of money to be granted to the PSM (Ireland, Luxembourg, Malta, Slovakia, and Spain). In our sample, half of examined countries (n=9) have PSM that receives substantial direct State grants, which is considered to represent a risk to its independence, i.e. grants could be used as a point of pressure from the State".[42]

33. Opening up PSM funding to a broader array of sources, including advertising, sponsoring and product placement (as several countries to a certain extent already do), might free PSM from stifling government dependency. But, again, the key words here must be full transparency and accountability on financial, operational and editorial policies concerning the sources of income. Indeed, a primary role in the determination of the product would be played by the advertisers if they were the main financial source, and they are often tied to the political elites and political forces (in power or opposition), thus a source of political influence. Certain current interesting developments towards taxing and levying should be watched closely in case they prove to be favourable to independent media[43].

34. In an increasingly financially strained media landscape, many (hyper) local media find a source of income in the dissemination (printing, streaming or broadcasting) of (local) authorities' announcements and regulations. However, when local politics – in their own opinion unnecessarily or unfavourably – are held accountable by these same media, it is a small step to cut off this income source. This is both a very crude and a highly sophisticated method of gaining political influence, as local media have little resistance and thus may resort to self-censorship in order to keep the income.[44] Research into the occurrence of this phenomenon is scarce and highly anecdotal, due to the fact that neither (local) government bodies nor media organisations are very likely to report incidents. But it is clear that, when the government or business interests related to the government is the main advertiser, political intervention through the funding mechanism is more destructive.[45]

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39. On the importance and design of independent regulatory bodies, see the European Regulators Group for Audiovisual Media Services report "ERGA Report on the independence of NRAs", op. cit.
40. However, there is no general policy on this amongst EBU member States, with the Austrian court explicitly excluding new connected devices from the licence fee in 2015 (see: European Broadcasting Union, "Licence Fee 2015", p. 11).
41. Maja Šimunjak, op. cit., p. 3.
42. Ibid., p. 8.
43. For instance in Poland, where funding for PSM is to be secured through a levy on electricity bills, to be paid per socket.
44. In a 2013 example in the Netherlands, a city council unhappy with articles in a local weekly decided to move its public announcements (plus the printing, also a source of revenue) to a competing publication. For the weekly, this was a major financial setback, however it stood its ground, www.bd.nl/regio/oss-uden-veghel-e-o/landerd/landerd-breekt-met-weekblad-arena-1.3691078.
45. A 2015 report on south and south-east Europe based on in-depth interviews with over 100 media practitioners from 11 countries in the region provides some examples on this issue from for instance Bulgaria, Greece and Slovenia; see Eugenia Siapera, "Building a Safety Net for European Journalists", www.balcanicaucaso.org/eng/Media-Freedom-Net/Building-a-Safety-Net-for-European-Journalists2. The report is part of the project "Safety Net for European Journalists. A Transnational Support Network for Media Freedom in Italy and South-East Europe", led by the Osservatorio Balcani e Caucaso (OBC), in co-operation with the South-East Europe Media Organisation (SEEMO), the International Press Institute (IPI), the Ossigeno per l'Informazione and Eugenia Siapera from Dublin City University.

35. In positive terms, I would like to refer here to the experience of the "free radio stations", for example in Austria, Germany, Switzerland and the Netherlands.[46] Besides the public and the commercial private radio broadcasters, free radios can be considered (together with the "open channels") as a third column in the media landscape. They are independent, self-determined, grassroots associations; they are often non-profit and do not have commercial advertising as a source of revenue. They see themselves as communication channels in the local and regional areas and aim at supporting local and regional development. Political pirate movements are among their predecessors. They are alternative media, which critically deal with societal issues, and they form part of what has been defined the "counter-public sphere". They contribute to public debate challenging the message of mainstream traditional media and are therefore a factor of stronger freedom of expression. In Austria they can benefit from public funding, though there is no interference by public authorities in their editorial policies.

36. To prevent (local) government bodies from throwing their weight around, one could argue against the publication of government announcements in independent media. That would mean excluding a welcome source of income for small, often (hyper)local media, for which replacement is not easy. In countries where this phenomenon is observed, funding schemes should move away from this form of direct funding to, for instance, a grant system with "Chinese walls" between donors (which then can be a government body) and recipients.[47] Grant systems like this, when desired or deemed necessary, could be extended to private media as well if those media applying provide news and independent information that is not (or not sufficiently) provided by other means.[48]

37. We should question the ways and terms needed for protecting and promoting public interest and ensuring that PSM remain answerable to the public, rather than cutting their budget; however, despite their financial problems, PSMs are somewhat protected from market forces and still have higher financial security than private media. In this respect, solution-oriented action concerning their financing should also pay special attention to the public requirements which PSMs have to respect and assess to what extend they truly meet those requirements that are often neglected by the private media.

5. Appointment policies and staffing

38. The practice of "political appointments", which is one of the oldest methods of gaining or keeping political influence, seems to have gained new strength and appeal in recent times: "the appointments of the PSM boards in the countries of Central Eastern Europe are one of the most common techniques of retaining control over public media."[49] However, this – rather coarse – method of political influence on independent media is most certainly not constrained to central and eastern Europe.

39. Although it does not cover the entire Council of Europe area, the Media Pluralism Monitor (MPM)[50] can shed light on these methods of political influence on independent media. In the MPM, a separate section is devoted to political independence of the media, examining the legal framework in which PSM operate, plus the extent to which this legislation is implemented and is safeguarding PSM's independence. (Attempts to use) political appointment strategies are considered an important threat to the independence of media organisations[51], not just PSM, though these are often the first to feel a government's strong arm. While the

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46. I assume that similar alternative media exists in many European countries. In Austria, the Association of Free Radios Austria (VFRÖ), which was founded in 1993, represents the interests of 15 non-commercial free radios/local radios. A similar structure exists in Germany.

47. For a grant model, one might look at procedures used for granting or subsidising the arts and sciences, where the grant giver (often the government) supplies the money, and a separate and independent body disseminates it, based on transparent criteria such as the unique role of the medium within the society it serves and the value of the work done.

48. Examples of government grants that are available to public and private media alike are Journalismfund, operating throughout Europe but in part with money from the Belgian Government, which promotes cross-border investigative reporting projects (www.journalismfund.eu/about-us), the Fonds Pascal Decroos grants for investigative journalism in Belgium (with which the federal government stimulates critical and in-depth reporting, without having any say in who gets the money, www.fondspascaldecroos.org/en/inhoud/panel/about-fund), or the Stimuleringsfonds voor de Journalistiek in the Netherlands (to which all media organisations can apply for support for innovative journalistic projects, https://www.svdj.nl/dutch-journalism-fund/).

49. Maja Šimunjak, op. cit., p. 2.

50. The Media Pluralism Monitor is an evolving tool designed by the Centre for Media Pluralism and Media Freedom (CMPF) to assess risk to media pluralism within the European Union, based on neutral and scientific indicators. http://monitor.cmpf.eui.eu/.

51. For the assessment of risks to political independence, see http://monitor.cmpf.eui.eu/results-2014/political/, pp. 45-48, and http://monitor.cmpf.eui.eu/mpm2015/results/political/, pp. 22-32.

results of the gathering of date by the MPM for 2015 were published in 2016,[52] new poignant examples of this method of political influence have since been observed in – for instance but not exclusively – Croatia[53] and Turkey[54].

40. This trend is often only cautiously opposed by European institutions, for there is a lot of hesitancy to criticise these events because appointing policies are considered a principle of member States' subsidiarity. But this hesitancy can be perceived as indifference and turning a blind eye, thus strengthening a (seemingly growing) boldness of authorities to intervene. On top of this growing boldness is an apparent increase in public discontent with (public) media (whether or not fed by political actors[55]) that reinforces authorities' justification of the politicisation of media appointments.

41. Therefore, it is important to at least discuss – but better still formulate – transnational guidelines and principles for the appointment process of board and management positions and employees in (independent) media organisations. In 2012, the Committee of Ministers stated that it is "legitimate for the State to be involved in the appointment of the highest supervisory or decision-making authority within the public service media".[56]

42. It also stressed that the appointment processes should be designed so as to guarantee independence of the PSM from the State. Concrete steps as to how to do this were not outlined, however. In light of recent developments referred to in the above-mentioned fact-finding missions to several Council of Europe member States, initiating and guiding the designing of transparent and depoliticised appointment procedures is urgent and overdue. The data of the MPMs, the work of the Council of Europe, plus the outcome of several fact-finding missions by the IPI and ECPMF could provide groundwork for drawing up these guidelines applicable to the different member States' media ecosystem.

43. Besides influencing the staffing of media organisations, political influence can stretch to affecting or attempting to affect editorial autonomy, particularly when media are dependent on a ruling party either financially or for a broadcasting license.[57] Political influence on general working conditions of journalists is evenly undesirable, whether it is on wage levels or accreditation as a working journalist or other issues. Two separate reports by our committee address the issues of editorial integrity and the status of journalists; no more therefore needs to be said on the matter here.

6. Use of laws and regulations

44. It is unfortunately not infrequent that laws and regulations which are legitimate and/or necessary in themselves are used to unduly restrict or impede coverage of certain issues by independent media or limit their general functioning. The matter of misuse or even abuse of legislation for dissuasive effect is a cross-cutting issue that was also dealt with in two other recent reports.[58] These questions will not therefore be analysed in depth in this report, but their impact on media independence cannot be overlooked and a few examples of governments' interference with the free flow of information should be mentioned briefly here.

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52. Concluding the assessment of 19 European Union member States on political independence of the media, MPM2015 states: "The comparative analysis of the risks for political independence reveals that most of the countries examined score a medium risk, with seven being assessed at low risk from political influences over their media systems (Sweden, Germany, Luxembourg, Portugal, the Netherlands, Finland, and Latvia)." http://monitor.cmpf.eui.eu/mpm2015/results/political/, p. 22.

53. The June 2016 IPI/ECPMF fact-finding mission into Croatia describes staff reshuffling and programme changes at the public broadcaster HRT that, by independent observers, are labelled as a move towards politisation of content and newsroom. Without going into the discussion on the merits of this claim here, it underlines the importance of transparent appointment policies in order to avoid what the report describes as a "tit-for-tat" response from one government towards its predecessor at the expense of the public broadcaster; see Scott Griffen, op. cit., pp. 8-9.

54. Since the failed military coup attempt of 15 July 2016, several hundreds of Turkish journalists from public and commercial media alike have had their licences revoked and were replaced or fired; radio and TV channels have been banned; online and print publications have been closed on account of support for the perpetrators of the coup.

55. See for details Scott Griffen, op. cit., pp. 5-6.

56. Appendix to Recommendation CM/Rec(2012)1 of the Committee of Ministers on public service media governance, paragraph 27.

57. A poignant example of how governments can infringe on editorial independence was reported to the ECPMF in September 2015 from Hungary. The ECPMF received a government memo to all journalists employed at the Hungarian public service broadcaster telling them not to show pictures of refugee children in their TV reports on the thousands of people fleeing civil war in Syria via Hungary at the time. An explanation later provided by the authorities was that children's privacy and identities should be shielded. But the journalist who reported the memo to ECPMF interpreted it as a warning not to use pictures of families in distress, for these could make their viewers more sympathetic to the plight of the refugees.

45. In the recent past this has happened, for instance, under the guise of the fight against terrorism or the need to suppress public protest against unpopular (i.e. austerity) measures. With, for example, France extending state of emergency regulations[59] that might impede journalists working in certain areas, or Hungary[60] using regulations to watch media workers or prohibit journalists from covering demonstrations or the refugee crisis, according to independent media freedom watchdogs governments exceedingly extend their influence over the possibilities of free coverage. Interference with free media activity could go even further, as in recent cases in Turkey where media organisations were banned or online publications closed. In Germany, the government is proposing a law that would allow the Bundesnachrichtendienst to spy on journalists from countries not members of the European Union.[61]

46. The potential abusive use of defamation laws to (threaten to) sue media and force them into silence or compliance,[62] or to discourage sources from coming forward, is a serious problem. With the internet going across borders and with that the accessibility of journalistic content, there is fear of "a race to the bottom" with "libel tourism" moving to countries with the largest possibilities to sue media organisations. Though designing defamation laws belongs to States' area of subsidiarity, cross-border general observations could be made and published on the boundaries of defamation and libel issues, preferably by trusted international organisations. Decriminalisation of defamation has become one of the major tasks of the Representative on Freedom of Media of the Organization for Security and Co-operation in Europe (OSCE). In recent years, there has been extended activity, particularly in the countries in south-eastern Europe, providing them with advice and expertise on implementing reforms in media legislation, in order to decriminalise defamation and thus increase the sense of security for journalists and independent journalism in general.

47. Introducing (additional) limitations to access to data and documents, under the guise of privacy of people and/or companies close to political ranks or of State security, is a relatively new method employed to exert influence over independent media, but it is very disturbing. Access to data and documents must be considered a fundamental component of freedom of information, unless there are justifiable restrictions. But those should be confined to what is admissible under Article 10 of the European Convention on Human Rights. If allowed, by (re)defining what constitutes a document, State security, company confidentiality or privacy, political spheres can gain new ground against the right of the public (and of journalists) to access or use information. Speaking out against these incidents is of great importance.

48. No true democracy can do without enabling citizens' (and thus journalists') access to documents through a working freedom of information law. Without going into this too extensively,[63] in several countries proposed amendments to freedom of information laws and regulations (sometimes outdated and in urgent need of overhaul) may very well impede a smooth handling of freedom of information requests.[64] However, also in this aspect there are best practices that can be an inspiration or benchmark and could be promoted, such as recent initiatives by the city of Madrid.[65]

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58. Doc. 14272, "Parliamentary scrutiny over corruption: parliamentary co-operation with the investigative media", and Doc. 14229, "Attacks against journalists and media freedom in Europe".

59. Under the Act of 20 November 2015 promulgating the state of emergency in France, journalists can be subject to travel restrictions which prevent them from covering certain public events, as prefects can prohibit their stay in all or part of the administrative division. See the Council of Europe Platform for media freedom alerts for a concrete example of this.

60. In January 2016, the European Court of Human Rights decided that the Hungarian ant-terrorist surveillance law was a violation of Article 8 of the European Convention of Human Rights. This law can also be used against journalists. See http://hudoc.echr.coe.int/app/conversion/pdf?library=ECHR&id=003-5268616-6546444&filename=Judgment%20Szab%F3%20and%20Vissy%20v.%20Hungary%20-%20legislation%20on%20anti-terrorist%20secret%20surveillance.pdf.

61. Reporters without Borders (RSF) is leading international protests, calling on the German Government to amend the proposal, see https://rsf.org/en/campaigns/reporters-without-borders-leads-international-alliance-campaign-against-surveillance-foreign.

62. Several examples of which can be found, for instance, in the report on a fact-finding mission to Croatia, Scott Griffen, op. cit., pp. 11-12.

A comprehensive recent report on this issue is the OSCE publication on "Defamation and Insult Laws in the OSCE Region: A Comparative Study" (March 2017), which was commissioned by the OSCE Representative on Freedom of the Media, https://ipi.media/criminal-defamation-unduly-limits-media-freedom/.

63. This was dealt with more in-depth in the report on "Parliamentary scrutiny over corruption: parliamentary co-operation with investigative media".

64. For an example of how governments look for the extent to which they can manipulate a literal reading of a freedom of information law to the detriment of journalists, see a case from the Netherlands, https://www.villamedia.nl/artikel/nieuwe-wob-truc-houdt-documenten-bij-journalisten-weg.

65. Though Spain only very recently (2014) adopted a working law on freedom of information, the city of Madrid in July 2016 announced a remarkable transparency regime with, for instance, proactive publication guidelines and broad rights to gain information and access to documents. See https://www.access-info.org/esp/24035.

49. There is Europe-wide concern about the treatment of whistle-blowers, recently culminating in protests against the sentencing of the whistle-blower that initiated the so-called LuxLeaks reporting on tax evasion by the International Consortium of Investigative Journalists ICIJ.[66] Though in this case the reporters were not charged, the sentencing of a high profile whistle-blower can have a chilling effect that goes beyond borders.[67]

50. The expansion of new media and methods used to disclose political affairs, primarily of a corrupt and criminal nature, have challenged the readiness of political elites to create legal frameworks providing for the protection of whistle-blowers. I would like to highlight that, in early 2015, "the former Yugoslav Republic of Macedonia" was hit by a major wiretapping scandal, which revealed serious abuse of power by Prime Minister Gruevski and members of his cabinet. Even though there were attempts to adopt legislation in parliament to protect whistle-blowers, they failed.

51. In response to the ever-growing dangers for news and information providers, Reporters Without Borders is calling for the creation of the position of "Special Representative for the safety of journalists ", directly attached to the office of the United Nations Secretary-General, arguing that: "The many UN resolutions on protecting journalists and combating impunity for crimes against them have yet to produce satisfactory results."

7. Psychological violence and intimidation

52. During the exchange of views with our committee on 23 March 2017,[68] Professor Marilyn Clark presented the key outcomes of the survey on "Journalists under pressure – Unwarranted interference, fear and self-censorship in Europe".[69] The answers journalists gave to this survey bring to light a widespread situation of distress which originates not only from the most evident threats we are used to looking at and condemning – though apparently with no real results – but also from forms of unwarranted interference which, though less visible, are sadly effective in provoking self-censorship. If, in the period 2014-2016, 46% of journalists in the sample had been threatened with force and 31 % had suffered physical assault, they are 69% who have experienced psychological violence and 53% cyberbullying. In particular, psychological violence included, among others, interference by public authorities in the forms of intimidation (56%), humiliation (48%) and slandering or smear campaigns (43%).

53. These methods are combined with – and increase the impact of – other menaces such as: targeted surveillance (24% of journalists replied they do not feel protected from this threat) and judicial intimidation (which affected 23% of journalists in the sample) in the form of arrests, investigations, or (possible) prosecution under a variety of laws, starting from defamation legislation, public order and national security or anti-terrorist legislation. It is very sad, but necessary, to stress that here we are not speaking only about Turkey or Russia or Belarus, as 63% of the journalists in the sample from EU and non-EU western countries experienced psychological violence. We cannot just look elsewhere and pretend that nothing is wrong in our own countries.

54. The cumulative impact of physical and psychological violence is shocking both in terms of psychological repercussions[70] and of chilling effects.[71] All in all, the personal life of 40% of the journalists in the sample and the work of 37% was affected. It is no consolation that 36% of journalists declared their determination to resist pressure; though their resilience calls for greater esteem, what they expect is not our praise but that we protect them more effectively.

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66. https://support-antoine.org/en/blog/2016/06/29/pr-verdict/.
67. This issue is discussed at greater length in the report on "Parliamentary scrutiny over corruption: parliamentary co-operation with investigative media".
68. The committee heard Professor Marilyn Clark, Department of Psychology, Faculty for Social Wellbeing, University of Malta, and Mr Ricardo Gutiérrez, General Secretary, European Federation of Journalists (EFJ), Brussels.
69. To date, the book is still to be published. 940 journalists and other media operators (54% male and 46% female) from 47 Council of Europe member States and Belarus participated in the survey; 700 (78%) were from EU and non-EU western European countries.
70. Journalists in the sample mentioned: stress (64%), anxiety (47%), fear for personal safety (27%), depression (24%) and burn-out (15%).
71. 31% of journalists said they toned down sensitive, critical stories; 23% withheld information; 19% shaped content to suit company's interest; 15% abandoned sensitive critical stories.

8. Questioning image and reputation

55. A new and still little explored phenomenon, which could produce disruptive effects on independent journalism and public discourse, is the use of social media by politicians to paint independent media as biased, shady, unreliable and politically motivated against (ruling) parties or politicians. This is accompanied by a tendency to use social media as a tool that replaces the dialogue between politicians and the public through traditional independent media.

56. An interesting case of this phenomenon could be observed in the United States presidential election: Mr Trump ran the campaign mainly through Twitter and live meetings, while banning several traditional media outlets for "inaccurately" reporting on the campaign[72] and (whether or not knowingly) distorting press reports on the campaign. These traditional media reported on the campaign, but without the usual access to the candidate, the possibility of seeing the candidate and thus of balancing the reporting.

57. Examples like this, of politicians avoiding independent media and increasingly resorting to supplying their own media coverage, as well as an undisputed smearing of the general press by candidates, can and will become more frequent as the more communication with the wider public goes directly through channels such as Twitter, Facebook and YouTube, the less politicians see the need to be accountable through critical media.[73] This phenomenon entails not only a risk of impoverishment of the quality of public debate, but also a threat for independent journalism and its role to support critical thinking and the formation of public opinion. Of course, political parties are at liberty to choose their means of communication and picking a medium sympathetic to a candidate is not new. But the extent to which the current move towards selective means of communication is possible should be noted. It is difficult to counterbalance this development other than by continuous education on the value of impartial information, and thus increasing media literacy amongst the general public.[74]:

58. Amongst the public there is a growing distrust, scepticism and criticism about journalism and journalists. (Parts of) the public feel under- or misrepresented, question the truthfulness of the media and their coverage, and extrapolate this into a discussion on the sheer need for these media's existence or barring them from covering certain events. To give just a few examples: in many countries, discussion is ongoing on the need for or level of public funding of independent media such as public broadcasters.[75] Germany over the last year has seen (sometimes violent) demonstrations against the "Lügenpresse" (lying press).[76]

59. In the worst cases, one can observe political powers fuelling public distrust of the media. A recent joint fact-finding mission to Croatia[77] chronicled several examples of media or regulators being targeted by smear campaigns and street protests, concluding that: "Within the context of the media, journalists and civil society groups describe an atmosphere in which certain politicians, including prominent members of the HDZ-Most coalition, have deliberately fostered mistrust in critical media, regulatory bodies and human rights defenders so as to undercut the credibility of these institutions. Frequently, this is manifested in verbal attacks on 'leftist media' that display insufficient 'patriotism', with journalists smeared as 'traitors', 'anti-Croats' or equated with members of groups such as the Četniks (a Serbian paramilitary force accused of atrocities against Croats and other groups during World War II)."[78]

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72. http://fortune.com/2016/06/13/trump-bans-washington-post/. Other media banned by the Trump campaign were for instance the *National Review*, the *Des Moines Register*, *Univision*, *BuzzFeed*, the *Daily Beast*, the *Huffington Post* and *Mother Jones*.

73. In the Netherlands, press organisations were barred from attending a local government meeting on the opening of a centre for asylum seekers by angry bystanders, claiming to be inhabitants of the village but turning out to be sympathisers of a right-wing political party. For more examples, see; https://cpj.org/blog/2016/03/journalists-not-welcome-across-europe-press-and-mi.php.

74. ECPMF partner Osservatorio Balcani e Caucaso recently created tools that might serve as best practices for ongoing projects for particular target groups to promote tolerance and a better understanding of media freedom and pluralism: Open Migration (http://openmigration.org/en/), Get the trolls out (www.getthetrollsout.org), Media Fact Checking Service (http://factchecking.mk). These projects provide explanatory context to complex stories, check and explain data, pointing out examples of good/bad media coverage or online activity, illustrating false myths spread in the public discourse, and engaging the public in deconstructing stereotypes.

75. R. Burnley, "Public Funding Principles for Public Service Media", EBU, Geneva, January 2016.

76. The European Center for Press and Media Freedom (ECPMF) in November-December 2015 conducted a fact-finding mission on this issue. A summary of the findings, including concerted efforts to blemish individual journalists as well as the entire profession can be found at https://ecpmf.eu/news/ecpmf/pegida.

77. Conducted in June 2016 by the International Press Institute (IPI), the South East Europe Media Organisation (SEEMO), the European Broadcasting Union (EBU), the European Federation of Journalists (EFJ), the European Centre for Press and Media Freedom (ECPMF) and Reporters Without Borders – Austria (RSF), with as an observer the office of the OSCE Representative on Freedom of the Media.

9. Conclusions

9.1. Funding schemes which safeguard PSM independence

60. Tightening financial screws on the media to tame them is probably as old as mass media itself. But with the disappearance of the classical media business model, due to the omnipresence of low-cost communication technology and a declining willingness amongst the public to pay for news and information, it is acquiring extra impact. In this environment, public funding becomes even more important, but media relying on it become more vulnerable as well.

61. In this connection, we should encourage national authorities to review PSM funding systems in their country with the following key objectives:[79]

– PSM should be entitled to a level of funding which is predictable and sufficiently stable (as to allow reasonable future planning) and which enable them to properly fulfil their mission;

– the system shall be designed so as to avoid funding mechanisms being used to exercise editorial influence or threaten the PSM's institutional autonomy;

– the system should be buoyant, in order to resist the adverse impact of negative economic cycles;

– there shall be full transparency concerning funding, grants and sponsoring for PSM and information on PSM funding shall be easily accessible to the public.

62. Of course, the difficult questions here are how to set the right mix of sources of funding, how to determine the adequate level of funding and who should decide. It seems difficult to give a unique recipe, given the great differences between countries in terms of market structures, PSM legislative frameworks and economic models; it is also difficult to suddenly radically change social habits. However, I believe that we could at least agree on some basic principles.

63. Concerning the level of funding, I consider that it should be assessed regularly, in consultation with the PSM concerned, and it should be kept coherent with the agreed role and remit of PSM. To avoid political interferences, the adequate level of funding should be determined by an independent body that would assess whether the PSM programme decisions are coherent with the mission of public service and whether the financial needs as calculated by PSM are consistent with the principles of efficiency and economy;[80] the room for manoeuvre of policy makers (parliaments and governments) to change the proposals for funding submitted by this independent body should then be tight and in particular the possibility to reduce the funding for reasons linked with programme or media policy should be excluded. I would add that, in determining the funding level, account should be taken of the new media environment, with the increasing significance of online media.

64. Member States should also consider the possibility of establishing specific rules which do not allow PSM to keep revenues exceeding real needs; income in excess could be recovered and put in reserve funds which could then be used in different ways: as part of the funding for the following year; to accompany investments which are required to keep pace with technical developments; to support media literacy programmes; to reinforce pluralism through grants to non-commercial private media outlets, such as the free radio stations, and so on.

65. Concerning buoyancy, I believe that the resilience of funding schemes could be enhanced by combining different sources of funding; preference could be given to licence fees (which should be paid by all households irrespective of the device) and/or earmarked taxes to be adjusted (possibly automatically) to the inflation rate, but I would suggest refraining from subjecting PSM to excessive constraints concerning advertising compared to those on private media.

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78. Scott Griffen, op. cit., p. 5.

79. These proposals build on the guiding principles enshrined in Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance (see in particular those listed under No. 26 "Funding"). But I also find interesting the list of requirements of a sound funding system for PSM set by the German Länder (which are responsible for enacting rules on broadcasting) before introducing in 2013 the new household licence fee; among these requirements, it is stated that the system must: grant a reliable, safe and sustainable basis for PSM; be independent from State influence; provide for an independent fee-determining procedure; be simple, fair and socially balanced. With regard to the German system see chapter 5 of the 2015 special IRIS on "Online activities of public service media: remit and financing", quoted above, which discusses the "funding of public service media in Germany.

80. This is what the German legislation provides for; see publication quoted above.

9.2. Appointment procedures which safeguard PSM independence

66. Another difficult issue is that of political appointments as a means of gaining influence over media outlets. Of course, we can recall in this respect what is stated in paragraph 27 of the "Guiding principles for public service media governance" in the appendix to Recommendation CM/Rec(2012)1, namely that "the appointments cannot be used to exert political or other influence over the operation of the public service media" and that there should be "clear criteria for the appointments that are limited, and directly related, to the role and remit of the public service media". But this remains too generic. Two other more operational requirements are listed in the same paragraph: the appointment should be made "for a specified term that can only be shortened in limited and legally defined circumstances – which should not include differences over editorial positions or decisions"; and "representation of men and women in decision-making bodies should be balanced". However, alone, these principles do not really solve the problem.

67. We should explore further what are the options for appointment mechanisms which could safeguard the genuine independence, including in editorial terms, of public service media, while preserving national authorities' oversight role. From my side, I would suggest stressing the role of the parliaments and the need to preserve the role and the voice of the opposition in the appointment of the top managers of the PSM. We should also recommend that the Committee of Ministers resume work on this important issue with the aim of developing in operational terms the principles enshrined in its Recommendation CM/Rec(2012)1.

9.3. Tackling the issue of violence against journalists

68. Violence against journalists and pressures against media freedom have amplified in recent years. Murders and physical assaults, including sexual violence especially against female journalists and bloggers; threats to the lives of journalists and members of their families; unlawful detention and arrests on unfounded or baseless charges; destruction of private and professional property, including vandalism and arson; arbitrary raids on editorial offices and journalists' homes… To these threats we should now add more sophisticated tactics of psychological violence through intimidation and harassment, targeted surveillance and cyberbullying, deployed to silence critical voices and free speech.

69. Building on concrete proposals by experts we heard, I believe we should urge all our member States to implement effectively Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors in the four key areas of prevention, protection, prosecution of threats to journalists and media freedom and promotion of information, education and awareness raising.

70. The experts also suggested performing an independent review of relevant laws and practices, including those on national security, terrorism and defamation and having further regular reviews carried out by human rights commissions or ombudspersons. I consider that the Council of Europe should guide and accompany such a sensitive task and propose that we address a targeted recommendation to the Committee of Ministers in this respect. We should also call for stronger engagement of our member States, through the Committee of Ministers, in a constructive dialogue on all serious threats to media freedom reported on the online Platform to promote the Protection of Journalism and Safety of Journalists.

9.4. Countering growing distrust about journalism and journalists

71. We must condemn strongly and without hesitation practices which are aimed at fuelling public distrust of the media. We have to do this as the Parliamentary Assembly, but we must also do it as parliamentarians of our national legislatures.

72. Part of the problem derives, I believe, from the deviated use of media – and namely new media – as a weapon against political antagonists. Our recent report on "Online media and journalists: challenges and accountability" has dealt with the issue of the post-true society and increasing risks of manipulation of public opinion though the media, which in turn provokes mistrust. Here we need to call on media associations to be more active in identifying and denouncing abuses. In addition, media organisations and journalists can help restore trust in the work they produce by, for example:

– disclosing any financial interests and funding mechanisms;

– developing journalistic codes of ethics based on international practice and standards of quality journalism;[81]

– implementing easily accessible complaint mechanisms.

This issue falls within the scope of our future report on "Editorial integrity" and for this reason I will not suggest concrete recommendations at this stage.

9.5. Facing the erosion of the role of journalism in today's media environment

73. A new phenomenon in this spectrum is the use by political powers of social media and the internet to circumvent traditional media and journalistic codes in their communication with the public and the voters. In the framework of competition between new and traditional media, the changing habits of, in particular but not exclusively, the so-called digital generation seem to play into the hands of this development. Journalism's role in the way the public acquires, values and exchanges information is diminishing, and with it the possibility of independent media to provide quality reporting and initiate quality public debate.

74. Finally, the development of internet and social media is a great opportunity for reinforcing the independence of the media and of journalists if we are able to guarantee the necessary conditions for this. Here again, my report would overlap with other ongoing reports; thus I would just stress here the importance of stronger support by our decision makers on the one hand to media literacy, namely intended to raise awareness of the importance of free media and quality journalism for democracy, and on the other to journalist training, intended to strengthen journalists' loyalty to the truth and to their audience.

81. For a working document on quality journalism, an excellent reference is "The elements of journalism", Tom Rosenstieland and Bill Kovach, 2007. See also https://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/elements-journalism/.