

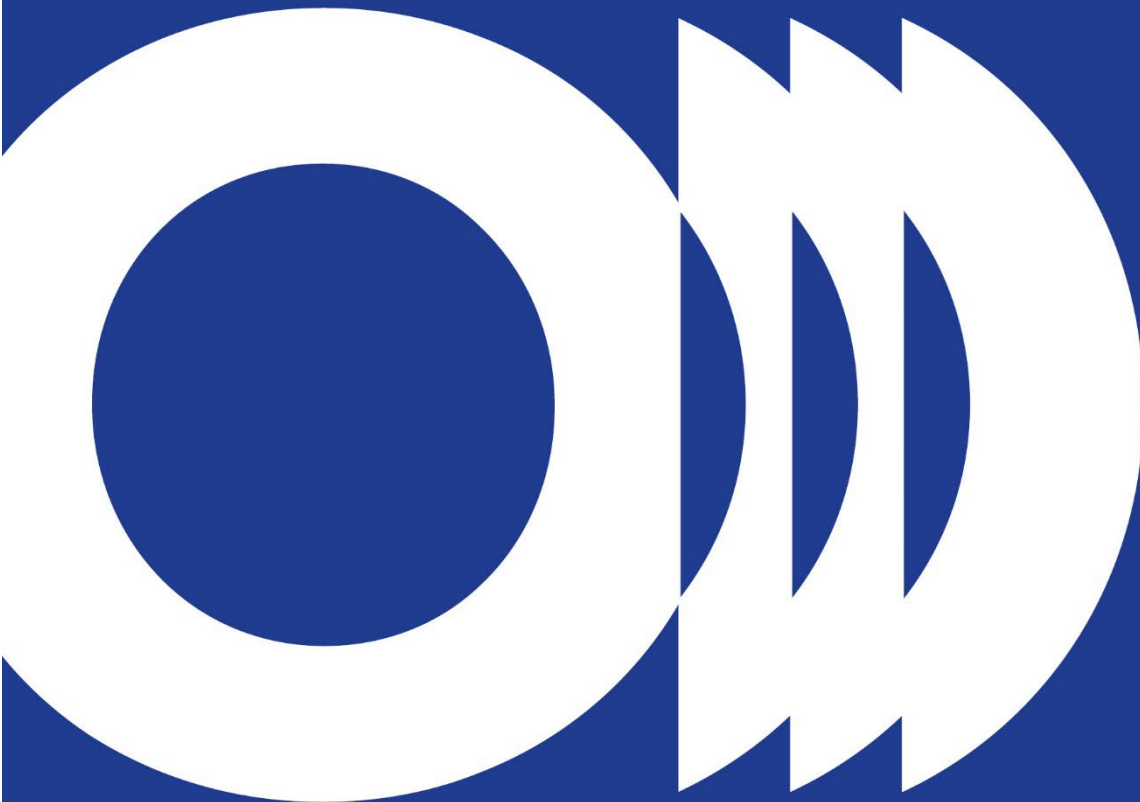
# EBU

OPERATING EUROVISION AND EURORADIO

## POSITION PAPER

EBU's reply to the consultation  
on the Defence of Democracy  
Package

12 APRIL 2023



## EBU's reply to the consultation on the defence of democracy package

The European Broadcasting Union (EBU) is the world's leading alliance of public service media (PSM). We have 112 member organizations in 56 countries. Our Members operate nearly 2,000 television, radio and online channels and services, and offer a wealth of content across other platforms. One of the EBU purposes is to contribute to safeguarding and furthering the freedom of information and enhancing media freedom and pluralism.

The EBU welcomes the Commission's ambition to strengthen the resilience of the EU's democratic space and, more specifically, to promote free and fair elections, to combat disinformation and to support media freedom and pluralism. Public service media play a vital role in sustaining healthy democratic societies and promoting informed citizenship. EBU studies demonstrated that strong PSM organisations strengthen the democratic health of a country.<sup>1</sup> When being offered a plurality of opinions in an independent way, citizens are much more likely to be interested in politics and participate in public debate.

The 'Defence of democracy' package aims at strengthening the resilience of the EU democratic space against covert 'foreign interference'. It is important to clearly define foreign interference in a manner that is consistent with international law. In particular, measures to prevent foreign interference should comply with international human rights law, especially the provisions on the freedom of expression and the freedom of assembly. A legal definition of 'foreign interference' in line with international law will be less vulnerable to any abuses.

Citizens in Europe are targeted by foreign disinformation campaigns which fuel social polarization and attempt to restrict civil society and media freedom. To combat disinformation effectively, the EBU advocates a holistic approach: on the one hand, efforts should lead to create an environment conducive to responsible, independent and quality journalism. On the other hand, there is a need for cautious and proportionate support and/or regulatory measures to address the malfunctioning of the online information system. In this context, the EBU has followed with great interest the negotiations on the new Code of Practice against disinformation, as well as other related initiatives such as the Digital Services Act<sup>2</sup> and the proposal on political advertising<sup>3</sup>. Stronger action against disinformation by platforms is needed, as well as greater transparency.

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<sup>1</sup> For more information, read EBU's reports "[Trust in Public Service Media](#)" and "[Democracy and Public Service Media](#)"

<sup>2</sup> See EBU's DSA handbook [here](#).

<sup>3</sup> The EBU supports the EU's objectives of the currently debated draft regulation on political advertising. Read our position [here](#).

Focussing solely on online platforms' actions against disinformation is however not sufficient. We need appropriate policies and measures that promote reliable content on platforms and exposes users to pluralistic content. We believe that, if strengthened, the proposed European Media Freedom Act (EMFA) is an excellent opportunity to tackle threats to media plurality both off- and online.

One of the essential means to promote plurality is to ensure effective prominence of audiovisual and audio media services of general interest. We call for introducing in the EMFA an obligation for EU Member states to take appropriate measures to that end.<sup>4</sup>

Information on the detection, analysis, and mapping of attempts to interfere with democratic processes must not stay within closed communities and must be shared openly with journalists, media professionals, academia and fact-checking organisations. They should have easy and timely access to fact- and evidence-based information exposing foreign influence. This access to critical information is needed to share insights with citizens and help counter the spread of disinformation, including during electoral processes.

In addition to the free flow of diverse and verifiable sources of information through independent and pluralistic media, media and information literacy for all generations are key to countering disinformation. PSM strive to help all audiences become well-informed citizens and to ensure their safety and well-being online.<sup>5</sup>

Some foreign authorities attack and harass EU-based journalists, their families and acquaintances.<sup>6</sup> These threats, which deeply concern the EBU, aim to censor independent reporting and represent direct violations of the freedom of expression. They should be addressed during the EU bilateral political dialogues on human rights and democracy until these attacks and harassment ends.

Finally, while designing mechanisms against media outlets channelling disinformation campaigns from States outside the European Union, EU relevant services are advised not to depart from the UN standards on the freedom of expression,<sup>7</sup> including the limited and specific permissible restrictions on the freedom of expression provided in the International Covenant on Civil and Political Rights, which are refined and codified by the UN Human Rights Committee's General comments.<sup>8</sup>

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<sup>4</sup> See EBU's position on EMFA [here](#).

<sup>5</sup> EBU members are indeed committed to ensure that younger audiences are well equipped with digital and media literacy skills. For further information, read more about EBU's initiative on young audiences [here](#). The EBU is also involved in broader projects such as "A European Perspective", which aims to give the public access to information from different countries. Read more [here](#).

<sup>6</sup> See <https://corporate.dw.com/en/dw-and-bbc-appeal-for-protection-of-journalists-reporting-on-iran-at-un-rights-council-in-geneva/a-65051971>

<sup>7</sup> See also the [2022 Report to the UN General Assembly on Disinformation and freedom of opinion and expression during armed conflicts from Irene Khan, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), paragraph 64

<sup>8</sup> United Nations (2011), [General comment No. 34. Article 19: Freedoms of opinion and expression](#). And United Nations (1983), [General comment No 11. Article 20: Prohibition of propaganda for war and inciting national, racial or religious hatred](#).