

POLICY MANUAL

SAFEGUARDING MEDIA FREEDOM IN THE AGE OF BIG TECH PLATFORMS AND AI



This publication is part of the project “Healthy Online Information Spaces – SAIFE Renewed”. It was produced in collaboration with the Forum on Information and Democracy.

The views, findings, interpretations, recommendations and conclusions expressed here-in are those of the authors and do not necessarily represent the official position of the OSCE and/or its participating States.

© 2025, Office of the Representative on Freedom of the Media
Organization for Security and Co-operation in Europe (OSCE)

6a Wallnerstrasse
1010 Vienna, Austria
Phone +43-1-514-36-68-00
e-mail: pm-fom@osce.org
<https://www.osce.org/fom/ai-free-speech>

ISBN: 978-92-9234-740-6

Copyright: Creative Commons Attribution-Non Commercial-Share Alike 4.0 International
(CC BY-NC-SA 4.0)
October 2025



**TOWARDS HEALTHY
ONLINE INFORMATION
SPACES**

FID | FORUM
INFORMATION
DEMOCRACY

Authors (in alphabetical order)

Anya Schiffrin, Bojana Kostic, Iva Nenadic, Julia Haas, Natali Helberger, and Max van Drunen

The Policy Manual was written in a collaborative manner with Bojana Kostic acting as rapporteur for media vigilance (safety), Iva Nenadic as rapporteur for media viability, and Max van Drunen as rapporteur for media visibility. Anya Schiffrin and Natali Helberger served as Chairs for the Media and Big Tech initiative.

Editors

Julia Haas and Katharina Zügel

Steering Committee (in alphabetical order)

Amy Brouillette, Begaim Usenova, Damian Tambini, Hanna Möllers, Helle Sjøvaag, Mira Milosevic

Implementing Partner: Forum on Information and Democracy

Katharina Zügel and Camille Grenier

OSCE Project Assistant

Claire Haering

Experts (in alphabetical order)

Ali-Abbas Ali, Jeff Allen, Aizirek Almazbekova, Tetiana Avdieieva, Laura Becana Ball, Natalia Belikova, Rodney D. Benson, Blerjana Bino, Alexandra Borchardt, Tajana Broz, Pavlo Burdiak, Maja Čalović, Maja Cappello, Paolo Cavaliere, Rumman Chowdhury, Clare Cook, Lucina Di Meco, Maria Donde, Shushan Doydoyan, Maksym Dvorovyi, Tamara Filipović, Chloe Fiodiere, Melissa Fleming, Sarah Anne Ganter, Ricki-Lee Gerbrandt, Mariam Gersamia, Arzu Geybullar, Tom Gibson, Jodie Ginsberg, Natalya Gumenyuk, Paulina Gutiérrez, Ricardo Gutiérrez, Chantal Joris, Pierrick Judeaux, Timothy Karr, Alexander Kashumov, David Kaye, Emre Kızılkaya, David Klotsonis, Aleksandra Kuczerawy, Lubos Kuklis, Feđa Kulenović, Felipe Lauritzen, Sally Lehrman, David Levy, Tanja Maksic, Michael Markovitz, Eleonora Mazzoli, Quinn McKew, Joe McNamee, Marko Milosavljevic, Laura Moore, Martin Moore, Nasir Muftić, Rasmus Kleis Nielsen, Michael J. Oghia, Diana Okremova, Morten Østervang, Artur Papayan, Pier Luigi Parcu, Jakub Parusinski, Jan Penfrat, Audrius Perkauskas, Gill Phillips, Eliska Pirkova, Julie Posetti, Manuel Puppis, Courtney Radsch, Susan Ragheb, Victoire Rio, Krisztina Rozgonyi, Borka Rudić, Ahmet Alphan Sabancı, Benjamin Sabbah, Nina Santos, Ralph Schroeder, Renate Schroeder, Theresa Josephine Seipp, Nina Shengelia, Felix Simon, Anida Sokol, Anna Sööder, Ela Stapley, Maria Luisa Stasi, Olaf Steenfadt, Katarzyna Szymielewicz, Ana Toskić, Elira Turdubaeva, Moldir Utegenova, Elodie Vialle, Colette Wahlqvist, Marielle Wijermars, Sophia Wistehube, Pinar Yildirim, and many more

Copy Editor: Rodney Bolt

Design and Layout: Marianna Vardanyan and Peno Mishoyan

Table of Contents

Foreword.....	6
SUMMARY	10
1. Executive Summary.....	12
2. Main Findings and Recommendations	15
2.1 Main Findings	15
2.2 Main Recommendations.....	21
IN-DEPTH ANALYSIS	30
3. Introduction	32
4. Captured Online Information Spaces	36
4.1 Concentration of Power in Today’s Online Information Ecosystem.....	36
4.2 Media Freedom Challenges: The Dangers of Concentrated Power	41
4.3 Generative Artificial Intelligence Causes Further Disruption	51
5. Media Visibility	58
5.1 Policy and Regulatory Initiatives to Strengthen Media Visibility.....	58
5.2 Mitigation Measures to Promote Media Visibility in the Short Term	77

6. Media Viability	86
6.1 Policy and Regulatory Initiatives for Platforms to Compensate for Journalism	86
6.2 Mitigation Measures to Safeguard Media Viability in the Short Term	102
7. Media Vigilance (Safety)	110
7.1 Policy and Regulatory Initiatives to Strengthen Media Vigilance and Journalist Safety	110
7.2 Mitigation Measures to Enhance Safety of Journalists in the Short Term	123
8. Next Steps: A Vision for The Future	132
8.1 A New Way of Thinking	132
8.2 Considerations for State Intervention	136
8.3 Structural Changes and Investment to Move Beyond the Current Information Ecosystem	142
Annex.	147

Foreword

Dear Reader,

We are witnessing a seismic shift in the global information ecosystem. A handful of dominant digital platforms and AI companies increasingly shape how information is produced, distributed, accessed, and monetized. These developments raise not only technical and regulatory complexities, but also profound challenges to the democratic role of the media and the right to seek, receive, and impart information.

This is not merely about technological change. It is ultimately about freedom of information and freedom of expression. It is about access to information, how algorithms shape discourse, and whether public interest journalism is available for democratic decision-making. Today's digital information environment, marked by opacity, asymmetries, and gatekeeping, poses challenges to media freedom and participatory democracy. This underscores the responsibility that States have to respect, protect, and fulfil media freedom commitments. This means that States must not only refrain from undue control or interference, but also create the conditions in which pluralism, independence, and public interest journalism can thrive. In today's context, this requires ambitious, rights-based measures to restore balance and protect information integrity.

When I took office, I committed to developing clear, forward-looking standards in this area based on thorough analysis and engagement with diverse stakeholders. While many previous policy efforts and self-regulatory initiatives have been valuable, they have at times proven insufficient, facing lobbying pressure, political resistance, and occasionally even unintended consequences. A rigorous analysis of these interventions, their shortcomings and successes, and their relevance in a constantly changing media landscape, highlights the need to rethink how to support the democratic information ecosystem. The OSCE participating States have mandated me to uphold and promote

media freedom. With this Policy Manual, we provide guidance for building an information space free from oligopolistic control, resilient to manipulation, and supportive of independent, pluralistic media.

This Policy Manual proposes both structural reforms and targeted mitigation measures – focusing on media visibility, viability, and vigilance. If journalists cannot report safely, if their work is rendered invisible or economically unsustainable, neither the integrity of the public discourse nor media freedom can be protected. Cautious and principled State engagement is needed to ensure that information – as well as the information space – is not captured, neither by private businesses, including platforms and AI giants, nor by the governments of the day. This is a necessary precondition to ensure the media can fulfil its democratic role.

Recognizing the diversity of legal systems and societal contexts across the OSCE, this Policy Manual does not prescribe a ‘one-size-fits-all’ solution. Instead, it offers principled and adaptable guidance, grounded in international human rights standards and OSCE commitments, to support States in designing frameworks that safeguard media pluralism, independence, and public interest over distortion, deception, and division. It aspires to be both a tool and a call to action. It urges States to move from reactive ‘fixes’ towards a proactive, rights-based vision for the future of our information ecosystem – one that restores pluralism and accountability.

I extend my gratitude to the experts, rapporteurs, chairs, steering committee, implementing partner, and all stakeholders who contributed through public and targeted dialogue and consultations, as well as to my team, whose expertise, commitment, and collaboration made this possible. I trust this Manual will serve as a compass for navigating the complex intersection of technology, governance, and media freedom. It is now time to turn commitment into action to safeguard media freedom in our technologically-driven age.



Jan Braathu
OSCE Representative on Freedom of the Media

This Policy Manual and its Structure

This Policy Manual is the result of in-depth research, multiple expert roundtables, and broad consultations over the course of one year. It brings together the expertise and experience of more than 150 leading scholars and practitioners in the fields of media freedom, technology, and human rights, representing a wide range of stakeholders, including the media, civil society, governments and academia from across the OSCE region and beyond. The research involved a thorough analysis of relevant legal and policy frameworks globally, and was enriched by interviews with digital platforms and a public consultation that received more than 30 submissions from 16 countries and international actors — from academia, civil society, the media, journalist and broadcasting unions, the private sector, and State representatives, including regulatory agencies.

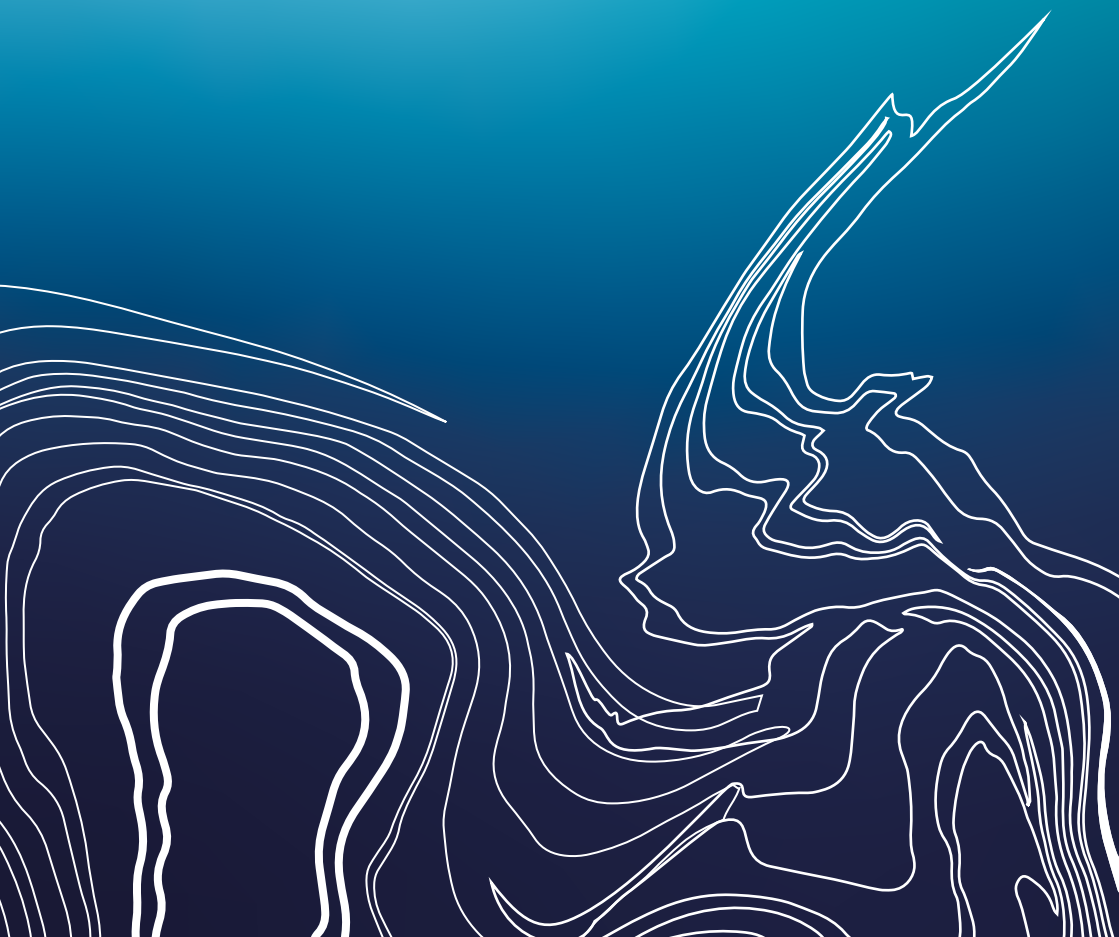
The first part of this Policy Manual — the **summary** (page 10-29) — provides a summary of the key findings and recommendations in three key areas: media visibility, viability and vigilance (safety). Each area is explored in greater detail in subsequent sections of the Manual. Cross-references throughout this part guide the reader to corresponding sections in the in-depth analysis.

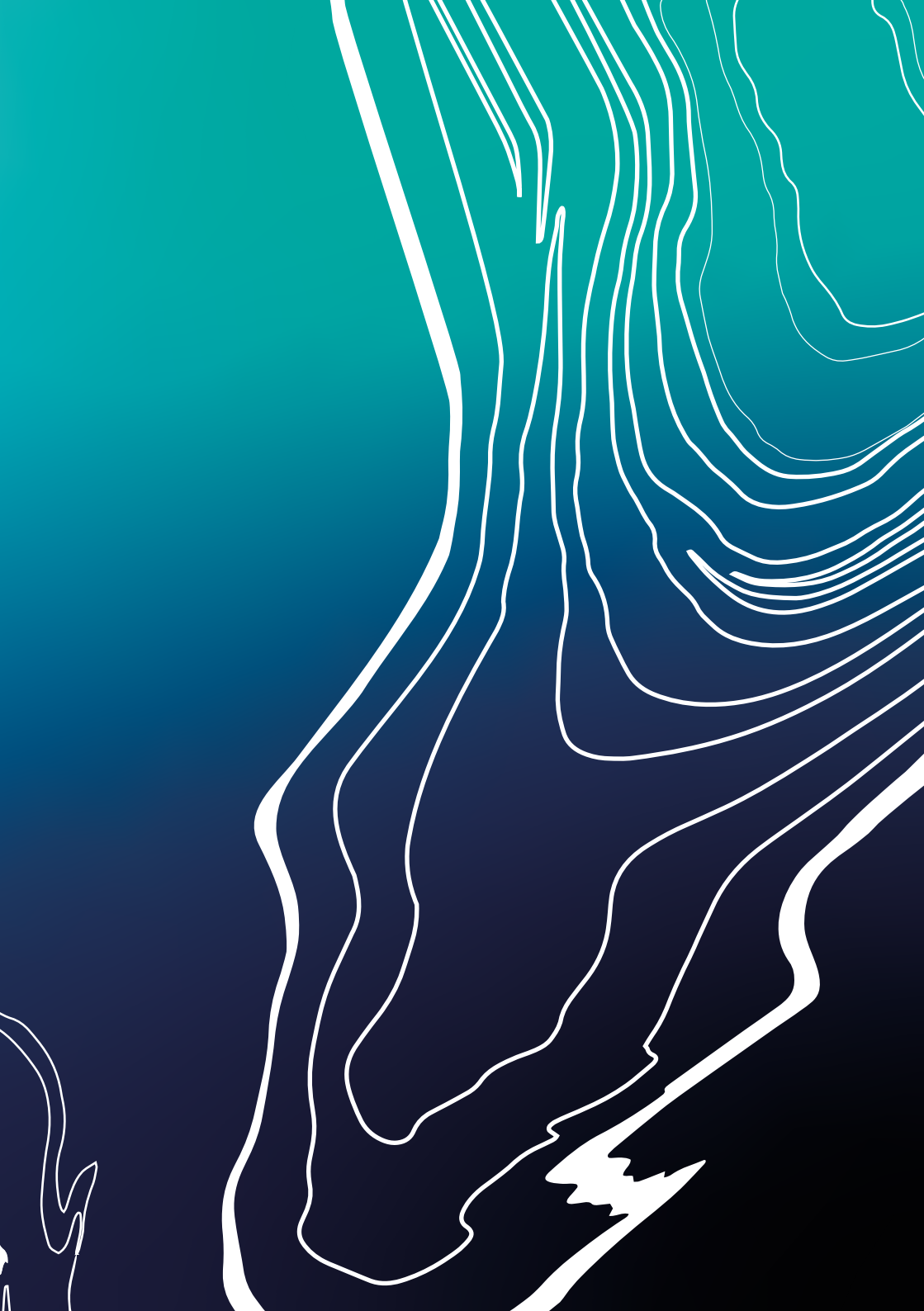
The second part — the **in-depth analysis** (page 30-146) — outlines the main challenges to media freedom in the current online information ecosystem, which is dominated by a few large technology companies. It offers a thorough analysis of policy interventions to address these challenges. Finally, it provides technical recommendations for States aimed at mitigating existing harms, and offers guidance on building healthy online information spaces grounded in media freedom and the public interest.

Selected List of Abbreviations

ACCC	Australian Competition and Consumer Commission
AI	Artificial Intelligence
AVMSD	EU Audiovisual Media Services Directive
DPCMO	Danish Press Publications' Collective Management Organisation
DSA	EU Digital Services Act
DSC	Digital services coordinator
DST	Digital services tax
EMFA	European Media Freedom Act
EU	European Union
JTI	Journalism Trust Initiative
LLM	Large language model
NCDII	Non-consensual dissemination of intimate images
NLP	Natural language processing
OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PSM	Public service media
RAG	Retrieval-augmented generation
RFoM	OSCE Representative on Freedom of the Media
SLAPP	Strategic lawsuit against public participation
UK OSA	United Kingdom Online Safety Act
VLOP	Very large online platform

SUMMARY





1. Executive Summary

This Policy Manual highlights how the current digital information ecosystem — dominated by Big Tech platforms (very large social media and search engines, increasingly also AI companies) — has become increasingly captured in ways that undermine media freedom. It underscores the need for democratic state intervention based on rule of law to ensure an enabling environment for independent, pluralistic journalism. The Manual offers a vision for healthy online information spaces, where the availability and accessibility of public interest information is ensured.

The Policy Manual puts forward **mitigation measures** and **key recommendations for States** to implement long-term structural reforms and sustained investments to address the distortions in today's online information ecosystem. The recommended mitigation measures cover three key areas:

- **Visibility of journalism and public interest information online** — The Manual explores mechanisms for promoting independent journalism and public interest information, including must-carry requirements for news (see p. 51), accompanied by robust safeguards for media freedom;

EXECUTIVE SUMMARY

- **Media viability and funding models that support public interest information** — The Manual discusses the importance of platforms in the media ecosystem, and reviews options for fair remuneration, including news media bargaining codes and digital levies;
- **Vigilance, or the online safety of journalists** — The Manual emphasizes the role of regulation, changes to platform design and the engagement in meaningful multi-stakeholder cooperation to prevent and reduce the harms of online violence against journalists.

The core of this Policy Manual lies in the guidance it provides on how to enable **healthy information spaces online** by freeing the ecosystem from heavily concentrated gatekeeping power, and instead fostering an **enabling environment for media freedom in the algorithmic and artificial intelligence (AI) era**. It concludes that for media freedom to be safeguarded, addressing platform-related challenges alone is not sufficient. Instead, it calls for more **ambitious structural reforms** to move beyond mitigating media dependency, and towards building an independent, pluralistic online information and media landscape that can sustain democratic debate and societal resilience.

This Policy Manual uses the term ‘**Big Tech platforms**’ to describe a small number of powerful tech companies, especially social media and search engines, increasingly also AI companies, that dominate the online information space. While there is no single definition of ‘Big Tech’, publications in the fields both of regulation and research provide guidance. For instance, the European Union’s Digital Services Act definition of ‘very large online platforms’ (VLOPs) is based on user size, and academic work¹ outlines different platform categories and types. In this Policy Manual, the term ‘Big Tech platforms’ is used to emphasize the role of a few large tech companies that — due to their size and power — exert significant control over the information environment. For more, see Section 4.

1 See, for example, R. Gorwa, R. Binns, and C. Katzenbach, “Algorithmic content moderation: Technical and political challenges in the automation of platform governance.” In *Big Data & Society* Vol. 7 Issue 1 (2020), <https://journals.sagepub.com/doi/10.1177/2053951719897945>.

When referencing **‘healthy’ online information spaces**, the Policy Manual refers to a pluralistic, independent, inclusive, and safe ecosystem for seeking, receiving, and imparting information in the digital realm. In such an ecosystem, the visibility and viability of information that serves the public interest and adheres to professional journalistic standards are safeguarded, as is the vigilance (safety) of those producing and sharing it. A healthy digital information ecosystem is not dominated by a single or few gatekeeping powers controlling information flows, but instead provides a balanced system that promotes pluralism, accountability, and resilience.

The analysis and recommendations presented in this Policy Manual are grounded in **international good practice, international human rights law** and **OSCE commitments**, and in a comprehensive analysis of emerging legislation from across the OSCE and beyond, with particular inspiration drawn from the European Union (EU), its Member States, the United Kingdom, Australia, Canada, and other jurisdictions that have pioneered relevant regulatory approaches.

The mission of the **Organization for Security and Co-operation in Europe** (OSCE) is to promote stability, security and democracy — values that are deeply intertwined with the protection and promotion of media freedom. In this spirit, this Policy Manual by the OSCE Representative on Freedom of the Media (RFoM) provides recommendations on how OSCE participating States can promote a healthy, sustainable, and pluralistic online information ecosystem that is rooted in media freedom and the public interest.

2. Main Findings and Recommendations

This section provides an overview of the key findings and recommendations elaborated in the second part of the Policy Manual. It references the in-depth analysis and more detailed recommendations in the subsequent sections.

2.1 Main Findings

Big Tech platforms' gatekeeping power determines what news is seen and heard

Media operates in a platform environment. Many of the difficulties journalism faces today are the result of changes in the way media content is distributed and consumed, and the role that digital technologies have as drivers of this transformation — particularly as regards social media platforms, search engines and generative AI tools. Big Tech platforms have concentrated gatekeeping power over information, **not only by deciding what content is available, but by determining what content gets attention.**

More on the platform economy at scale can be found in [Section 4.1](#) of this Policy Manual.

Concentrated control poses systemic risks for pluralism and democracy

Big Tech platforms exert extensive control over information — how it is produced, disseminated, prioritized, monetized and accessed. They generate enormous profit from the content they distribute and lobby excessively against regulation. This dominance leads to **controlling power** that presents a systemic risk for media freedom, pluralism and democracy more broadly. The relationship between the media and the tech oligopolies is characterized by **imbalanced access to information**, unequal negotiating power, competing business models, and a lack of alignment of values and incentives.

More on media dependencies can be found in [Section 4.2](#) of this Policy Manual.

Media visibility, viability, and vigilance (safety) are inherently interlinked

The lack of **visibility** for public interest news and independent journalism is due to distribution being controlled by Big Tech platforms whose business models and algorithms prioritize revenue over information quality. The capture of the advertising market by platforms results in unfair distribution of advertising revenues, as well as other forms of capitalizing on the value of journalistic content without **fair remuneration (viability)**. The enabling and exacerbation of online **violence** against journalists is linked to platforms' engagement-driven design and weak content moderation systems (**vigilance/safety**).

These challenges reinforce one another: When Big Tech platforms limit the visibility of journalistic content, this undermines journalism's financial viability, while a lack of sustainability and protection weakens journalists' ability to produce public interest information and remain visible online – creating vicious cycles that erode the entire information ecosystem.

States have to respect, protect and fulfil media freedom – including through proactive policy measures

States have to ensure media freedom. They bear the primary responsibility for creating an enabling environment in which media

freedom can thrive. This includes the responsibility to ensure that the information and media landscape is not controlled or throttled by private actors such as Big Tech corporations, or the combination of private actors and States. States need to undertake measures to ensure the sustainability, accessibility and independence of the media in the platform environment. **Mitigation measures taken in the short term can help ameliorate the challenges outlined.**

For the suggested policy recommendations, please see [Section 5](#) for media visibility, [Section 6](#) for media viability, and [Section 7](#) for media vigilance (safety).

In the long term, however, the media will need to develop new and sustainable business models and **move away from its dependency on Big Tech platforms** and particularly on social media as we know it today. This requires the creation of an enabling ecosystem with alternative distribution and financing models, which States should facilitate.

For more on the structural changes needed, see [Section 8](#).

States are adopting policy interventions to create new privileges and protections for the media and journalists

Over the last decade, there has been increasing recognition that in the current digital ecosystem, **the viability of media is directly tied to the visibility of its content**, and that journalists are being targeted online, often facilitated by revenue-driven algorithms. Substantial thought has gone into the development of strategies and policies aimed at solving these challenges. Regulatory attempts have been made to create voluntary codes of conduct for platforms, to require data transparency, to tax, and to legislate. Although considerable effort has been made to ensure fair compensation for the dissemination of journalistic content, asymmetries of power between Big Tech platforms and publishers remain a critical problem. **Platforms have strongly resisted paying for journalism, have come up with creative ways to avoid taxes, and lobbied hard against regulation.**

Regulatory measures designed to protect journalism have often fallen short of expectations, and have in some cases led to unintended negative effects. Increasingly, regulators have come to realize that at the heart of the problem lies platform dominance and power asymmetries.

In Australia, for example, competition regulation led to payments from Google and Meta to publishers. Similar laws in Canada, however, prompted Meta to drop news. Meta also declined to renew contracts in Australia. Google lobbied against these laws and similar regulation elsewhere, including in Brazil, South Africa, California, and stopped carrying news as a ‘test’ in parts of Europe. These actions show Big Tech platforms’ willingness to **limit access to journalism rather than altering their own profits**. This platform intransigence has led regulators to explore **new measures**.

Australia proposed a **digital levy** for platforms unwilling to negotiate with publishers. Countries like Albania, Austria, Germany, South Africa and others are considering (or already implementing) similar measures, such as broader fiscal tools or digital services taxes which can help fund journalism.

Big Tech platforms’ downplaying of the economic value of news on their services and resistance to compensation has led some States to also consider policies to mandate access to public interest journalism. These include **‘must-carry’ or visibility policies and media privileges to ensure the availability and accessibility of journalism online**. This marks a significant shift in policy thinking, though questions remain about the effectiveness and global implementation of such measures, particularly given concerns over potential misuse.

For in-depth analysis of policy interventions, please see [Section 5.1](#) for those relating to media visibility, [Section 6.1](#) for media viability, and [Section 7.1](#) for media vigilance (safety).

The paradox of privilege: policy interventions can carry risks for media freedom

Enacting visibility policies for ‘high-quality’ and ‘public interest’ information might appear to be an appealing solution to counter existing media dependencies while promoting access to reliable information and supporting media sustainability. Such policies raise **fundamental questions over** what should be considered ‘public interest journalism’ and **who gets to decide** — driving **concerns over potential political abuse or entrenchment of power dynamics**. Also other policy interventions discussed in this Policy Manual carry inherent risks, such as regulatory capture, or reinforcing existing power asymmetries, particularly in environments lacking independent oversight or robust democratic institutions.

The risks and power dynamics are discussed in the respective thematic sections and in [Section 8.2](#).

Policy interventions require robust rule of law safeguards

Safeguarding media freedom requires mitigating the challenges that the media faces, and overcoming the structural capture of the digital information ecosystem. Any policy intervention must be crafted carefully and entail robust safeguards, **ensuring compliance with human rights law and institutional checks and balances**. Interventions should recognize the **interconnectedness of viability and visibility policies with vigilance** aspects needed to promote journalists’ safety.

This Policy Manual provides recommendations for policy interventions in [Section 5.2](#) for those relating to media visibility, [Section 6.2](#) for media viability, and [Section 7.2](#) for media vigilance (safety).

Mitigation is urgently needed, but safeguarding media freedom requires transformation in the form of structural change and sustained investment in healthy online information spaces

While States need to address existing and emerging harms and mitigate the undermining of media freedom, they also have to invest in a future where media freedom thrives in digital information spaces designed for the public interest. Enabling **healthy online information spaces** requires freeing the information ecosystem from dominant gatekeeping power. In this context, promoting and investing in new **public interest digital infrastructure** is essential.

For more on this, see [Section 8.3](#).

MAIN RECOMMENDATIONS

2.2 Main Recommendations

This Policy Manual offers a **toolbox of potential policy interventions** to ensure the availability and accessibility of **public interest information** and to foster a **healthier online information** ecosystem. It draws on comparative in-depth analysis of attempted policy interventions, expert consultations, and lessons learned from a range of national and regional experiences to inform possible pathways forward. However, the presented policy options should **not** be interpreted as **universal prescriptions**. The effectiveness and appropriateness of any policy intervention **depend on the specific political, legal and institutional context** in which it is implemented.

The policy approaches examined are **context-sensitive** and **some even contested**, with their impact on media pluralism and freedom yet to be fully understood. Some of the policy interventions are explored because previous, seemingly better, or less interfering options have failed (digital levies are examined as a response to the limited success of fair remuneration efforts, for example, and interest in must-carry rules reflect concerns over platforms restricting access to news in order to circumvent compensation obligations). Crucially, any **policy intervention must be rooted in the rule of law**, adhere to **international human rights standards**, and be developed through inclusive, transparent, and multi-stakeholder **due diligence processes** — and be enforced by **independent regulatory bodies and courts**.

For more on the key principles for state intervention, see [Section 8.2](#).

While certain policy interventions are needed to address existing challenges in the current platform economy, sustainably **safeguarding media freedom** will **require structural reforms, overcoming concentration of power, and developing public interest-driven infrastructure**. Most of the outlined mitigation measures would address only one of the underlying problems the media faces — the fact that the relationship between the media and audiences is mediated by Big Tech platforms which optimize their algorithms for purposes other than to provide individuals with diverse and reliable information.

Moving forward, what is ultimately needed is the creation of an **independent digital information ecosystem** in which the media can fulfil its democratic role of informing the public without having to rely on a few tech actors' centralizing control over the information infrastructure. As such, the approaches outlined in this Policy Manual should be read as **starting points for context-specific analysis, deliberation and evidence-based policymaking**, as well as for long-term strategies to rebuild an online information space that upholds freedom of expression, media pluralism, and democratic resilience. The Office of the OSCE RFoM offers its support in doing this.

Mitigation Measures to Promote Media Visibility in the Short Term

Visibility policies can intervene in Big Tech platforms' gatekeeping power to varying degrees, ranging from measures such as transparency labels and 'trust signals' that allow individuals to recognize and follow media content, to special treatment in content removals, and to due prominence requirements for the prioritization of media content.

More information on the different forms of visibility policies can be found in [Section 5](#).

Regardless of the extent of intervention, most visibility policies would require a **categorization and definition of which (media) organizations or what 'public interest content'** qualifies for the policy in question — which is a key challenge. It presupposes a legally acceptable definition, while the relevant attributes of public interest journalism (e.g., its objectivity, fairness, diversity) are hard

to define and measure algorithmically,² as well as an independent, reliable process to assess and enforce the set standards.

In addition to visibility policies directly targeted at safeguarding media freedom, a variety of other policy options can increase the visibility of public interest information. Examples are mandating the **readjustment of content rankings** not based on prioritizing user engagement in order to ensure a platform design that is more orientated to public interest, or requiring the **interoperability** of diverse and third-party recommender systems to enable users to choose between different ranking algorithms.

Given States' responsibility for ensuring access to reliable information, including journalistic content,³ they should develop and implement visibility policies which respect the following considerations:

- **Sufficient safeguards** — Any visibility policy must include robust safeguards to prevent political or platform capture. The **higher the extent of intervention, the stronger safeguards** with a proven record of effectiveness are needed. **Key safeguards** include: ensuring the process to qualify for visibility policies or media privileges is accessible to a wide range of media actors; having decisions on who qualifies be made through independent, transparent and decentralized media self-regulatory processes; ensuring visibility policies are enforced by independent authorities; requiring Big Tech platforms to disclose data on who qualifies for visibility policies and what benefits they receive. Visibility policies must be carefully crafted not to entrench media dependencies on platforms or be abused for political purposes.

² See for example on diversity: S. Vrijenhoek et al., "RADio - Rank-Aware Divergence Metrics to Measure Normative Diversity in News Recommendations," In *Proceedings of the 16th ACM Conference on Recommender Systems* (2022), p. 208-219, <https://dl.acm.org/doi/abs/10.1145/3523227.3546780>. Attempts to quantify journalism algorithmically have been made by Deepnews.AI and Newsguard, for example.

³ The EMFA, for example, obliges EU Member States to ensure access to a "plurality of editorially independent media content". The European Court of Human Rights also regularly emphasizes this obligation, e.g., in *NIT S.R.L. v. The Republic of Moldova*, Strasbourg (5 April 2022), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-216872%22%5D%7D>.

- **Visibility policies** — States should first adopt visibility policies that aim at transparency, interoperability, and user empowerment. Such measures include policies that **require Big Tech platforms to disclose the criteria and algorithms they use to select and rank (authoritative or public interest) content**, and to give users the option of using recommender systems that expose them to diverse information and independent journalism. States should require Big Tech platforms to enable third parties to offer interoperable recommender systems among which users can choose. In addition, States should ensure the enforcement of existing legislation that safeguards all users' rights to free expression on Big Tech platforms, and give media freedom and the public interest a central role in their policymaking.
- **Further visibility policies with robust safeguards** — Where rule of law and institutional capacity are robust, States should consider **requiring platforms to ensure the availability and accessibility of public interest journalism more proactively**. This can include measures such as requirements to put in place transparent mechanisms for media to appeal moderation decisions in a timely manner, and to apply their moderation and recommendation policies consistently to prevent discrimination against specific media. It could also include mandating platforms to provide more prominence to journalistic and authoritative content to enhance citizens' access to reliable information. This could be realized, for example, by mandating Big Tech platforms to prioritize journalistic content, particularly local and regional content, in algorithmic content ranking.
- **Visibility policies for generative AI** — States should put in place requirements to ensure content produced by generative AI **links to the original news sources**. They should also mandate media pluralism standards to encourage links to multiple news sources. AI developers should be required to provide safeguards for media reputation, and to set up ways to handle complaints and respond quickly.

For the detailed recommendations on media visibility, see [Section 5.2](#).

Mitigation Measures to Promote Media Viability in the Short Term

In order to increase the financial sustainability and viability of media, States should:

- **Ensure fair compensation** — States should ensure fair remuneration for media and journalistic content used by Big Tech platforms for acquiring advertising revenue and other value for their services. Policy avenues include co-regulation, copyright, competition law, and digital services tax, each of which requires safeguards for pluralism, independent oversight, and proportionate sanctions to ensure compliance. **Bargaining codes and frameworks** should embed core principles of encouraging participatory processes, support collective bargaining, protect plurality and safeguard independence, particularly in contexts susceptible to media capture. To manage the risk of platform retaliation (e.g., the companies stop carrying news, as seen in Canada and elsewhere), bargaining codes and frameworks should consider **safeguards for visibility** (which can include both prominence and findability).
- **Explore must-carry provisions** — To address Big Tech's responses to regulatory efforts (retaliations, blocking news altogether, intensive lobbying against legislation, etc.), policy discussions are exploring concepts such as must-carry provisions, declaring certain services or functionalities provided by **Big Tech as a public utility** and imposing **universal service obligations**. While such approaches are contested regarding effectiveness (including across jurisdictions), risks of entrenching power and potential for misuse, exploring them could help ensure the visibility and thus the viability of public interest journalism.
- **Address market concentration in advertising** — States and intergovernmental organizations should address the growing dominance over the global advertising market, especially by those tech companies acting simultaneously as intermediaries and direct competitors to the media in the advertising market. To ensure a level playing field States should:
 - Ensure a **fairer distribution of advertising income** that Big Tech platforms extract from disseminating and monetizing journalistic content;

- Increase efforts to ensure the **demonetization of disinformation and fraudulent actors**;
 - **Incentivize advertisers to invest in public interest journalism.**
- **Introduce digital services tax to support public interest media** — States should implement a digital levy, with revenues earmarked to support independent, public interest media. The allocation of funds should be based on clear, transparent criteria and be managed by independent bodies with safeguards against political and other undue influence.
 - **Address generative AI** — States should regulate generative AI to ensure the **adequate compensation** of content creators and publishers concerning the use of their content in AI training and applications,⁴ including:
 - The right to know;
 - The right to opt in (and opt out at any stage);
 - The right to fair compensation.
 - **Support the diversification of revenue streams for media** — States should promote sustainable funding models through a mix of:
 - Favourable taxation policies;
 - Transparent and independent public funding for public interest journalism, with specific considerations for local and regional media;
 - Citizen-funding mechanisms (e.g., subscriptions, micro-payments, donation platforms);
 - Innovation grants.

For the detailed recommendations on media viability, see [Section 6.2](#). For more on must-carry, see [Section 5.1](#).

Mitigation Measures to Promote Journalist Safety in the Short Term

As the ultimate guarantor of the safety of journalists, States should develop policy interventions that consider how various Big Tech

⁴ Forum on Information and Democracy, *AI as a Public Good: Ensuring Democratic Control of AI in the Information Space*. (February 2024), <https://informationdemocracy.org/wp-content/uploads/2024/03/ID-AI-as-a-Public-Good-Feb-2024.pdf>

and media dynamics interact and address them through a holistic and intersectional approach. They should prioritize active participation of all stakeholders, interoperability between different technological systems, and open-access technological standards.

- **Safety features and technical interventions** — States should encourage and incentivize Big Tech platforms and AI developers to design new and to advance existing safety features that offer **preventive** (e.g., risk assessment tools, crisis protocols), **proactive** (e.g., enhanced user control and journalist safety modes), and **reactive measures** (e.g., documentation and safety dashboards, bystander support) with safeguards against their misuse for censorship and other digital harms.
- **Safety by design** — States should require Big Tech platforms to demonstrate a safety by design approach of safety features that are developed with the **meaningful participation of journalists**, media actors, and others affected by online violence. States should mandate regular independent design audits and human rights impact assessments, with a focus on design implications for media freedom and the safety of journalists, including gender-specific risks.
- **Legislative and policy interventions** — Any legal intervention addressing online violence against journalists must fully **comply with rule of law** principles and incorporate **robust checks and balances** to prevent abuse. States should refrain from adopting criminal provisions that can be misused to restrict freedom of expression, and should guarantee accessible, effective redress mechanisms. States should **develop** interventions **through consultation** with all relevant stakeholders and should:
 - Ensure **criminal provisions** apply in an online context and cover online violence, including technology-facilitated gender-based violence;
 - Conduct pre-legislative and regular **human rights impact assessments** that address risks specific to media freedom, including gender-based violence;
 - Monitor **online violence** against journalists, and mandate platforms to provide data on safety, including data grouped by gender, country, case outcome, perpetrators, and so on;

- Establish a dedicated **solidarity fund** to support journalists and media workers who are targets of online violence;
 - **Support** media actors and organizations that serve as **bystanders**, including financially, and offer assistance to journalists facing on-line violence.
- **Inclusive and meaningful multi-stakeholder models of safety** — States should intensify efforts and resources to strengthen online safety in the work of multi-stakeholder forums at the national, regional, and international level. They should:
 - **Establish or expand existing safety mechanisms** that bring together State actors and media organizations, including smaller and regional media outlets, women journalists, and journalists from underrepresented or marginalized communities. Funding, procedural rules, and accountability frameworks should ensure transparency, as well as co-development of safety protocols and strategies.
 - **Establish effective and sustainable financial mechanisms** to support the long-term viability of safety mechanisms, particularly for existing escalation channels and trusted partner organizations engaged in journalist protection work.

For the detailed recommendations on media vigilance (safety), see [Section 7.2](#).

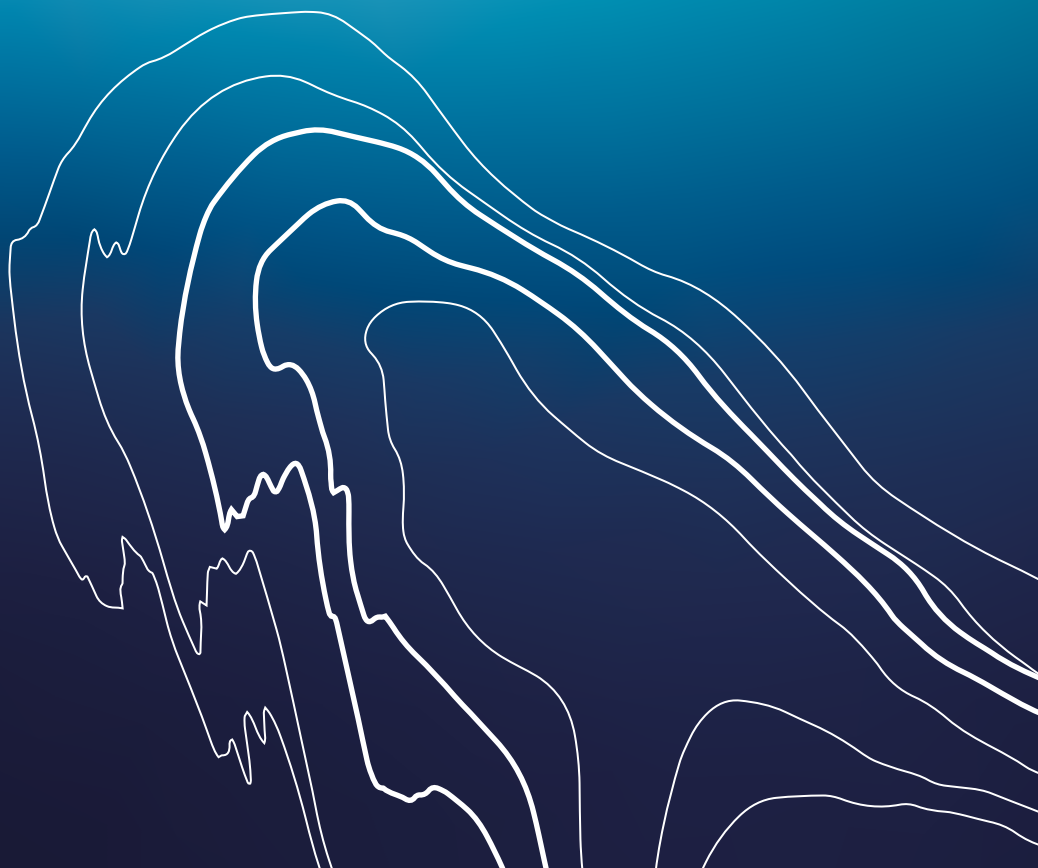
From Mitigation to Transformation: Structural Changes to Reclaim the Information Ecosystem

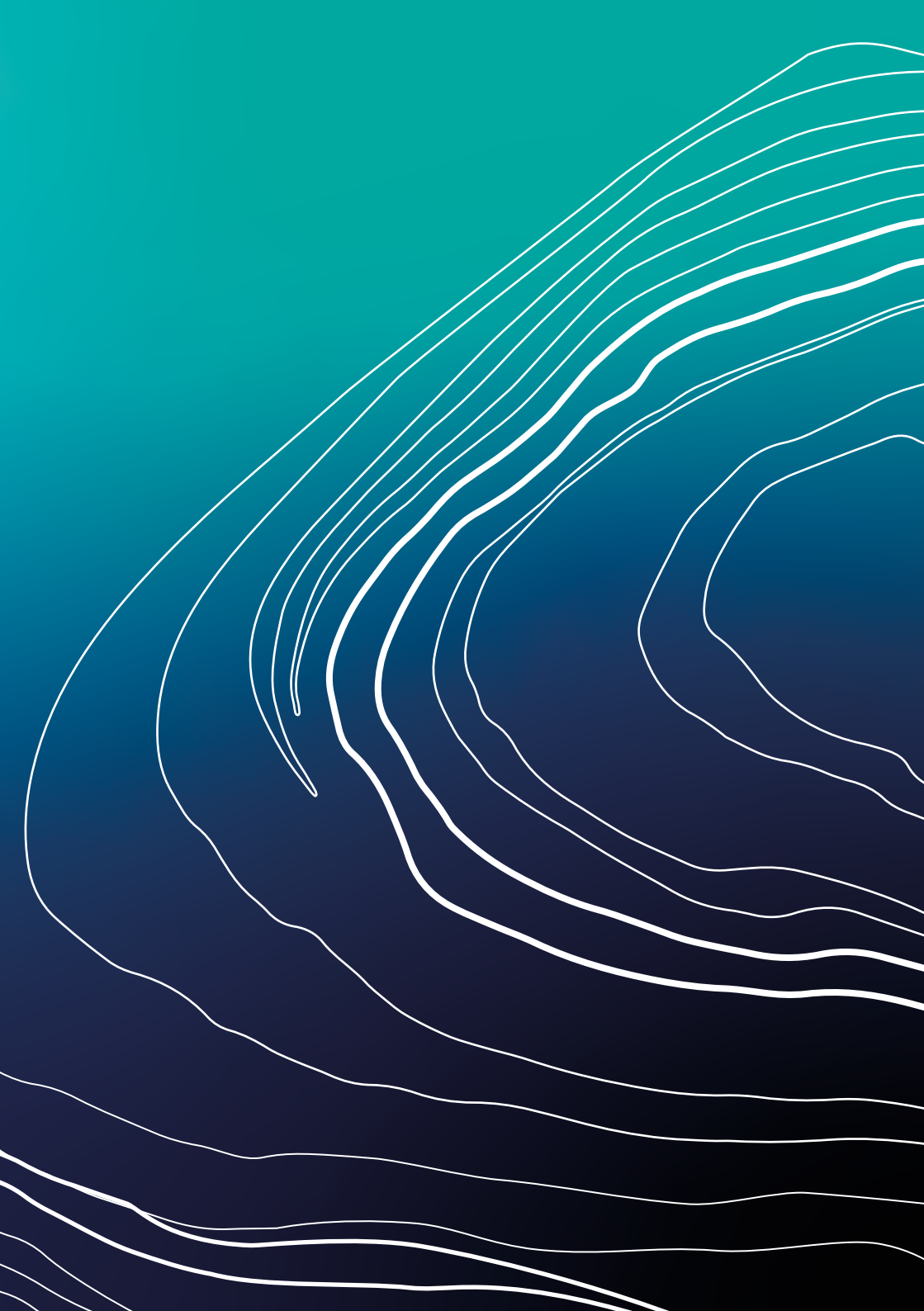
In addition to the above mitigation measures, **structural changes** are needed to overcome excessive concentration of power and to build healthier, sustainable alternatives. **New information infrastructure driven by public interest**, building on **power decentralization** and ensuring **interoperability** is needed. While States need to address existing harms, including through regulation, they also need to invest in transforming the digital information environment into an ecosystem designed to serve the public interest.

States should ensure more democratic accountability in online information spaces and prevent the concentration of excessive economic, technological or political power. Crucially, States should enable a diverse and independent media ecosystem, using technology and other means to promote media freedom, to reinforce democratic processes and to provide healthy information spaces for a well-informed public debate.

For more detailed recommendations on structural changes, see [Section 8](#).

IN-DEPTH ANALYSIS





3. Introduction

This Section outlines the key principles underpinning the right to freedom of the media in the context of today's platform economy. It serves as an introduction to the detailed analysis of the findings and recommendations presented in the first part of this Policy Manual.

The OSCE participating States have solemnly declared that “human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law”⁵ and committed themselves **“to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies”**.⁶ They agreed in the Helsinki Final Act in 1975, “to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries”.⁷ Reaffirming the importance of independent media, the free flow of information, and the public's right to access information, the participating States have committed themselves to take all necessary steps to **ensure the basic conditions for free and independent media**.⁸ Recognizing that independent and pluralistic media are essential to a free and open society and accountable systems of government,⁹ the participating States also acknowledged the particular risks with regard to the safety of journalists in the digital age.¹⁰

They agreed to ensure that individuals can freely choose their sources of information¹¹ and that **the internet remains an open and public forum** for free expression and free opinion.¹²

5 Charter of Paris for a new Europe (1990), <https://www.osce.org/mc/39516>

6 Istanbul Document (1999), <https://www.osce.org/mc/39569>

7 Helsinki Final Act (1975), <https://www.osce.org/helsinki-final-act>

8 Istanbul Document (1999), <https://www.osce.org/mc/39569>

9 Budapest Document Towards a Genuine Partnership in a New Era (1994), <https://www.osce.org/mc/39554>

10 OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists, MC.DEC/3/18, <https://www.osce.org/chairpersonship/406538>

11 Concluding Document of the Third Follow-up Meeting, Vienna Document (1986), <https://www.osce.org/mc/40881>

12 OSCE Ministerial Council Decision No. 12/04 on Tolerance and Non-Discrimination (2004), <https://www.osce.org/mc/23133>

Pluralism, to this end, **stands as a cornerstone** principle not only of media freedom but of democratic societies, ensuring that a diversity of ideas and perspectives can be expressed and heard. Informed public discourse, democratic debate and empowerment of individuals are possible only if a variety of voices and interests are available in a shared information space. If the information ecosystem is dominated or even controlled by a State, or by private monopolies, pluralism becomes impossible.

Media freedom depends on the independence, plurality, and viability of news media. That independence is endangered by the significant dependencies that have emerged in the current information ecosystem. They play out in multiple, interlinked ways. To be seen or heard, media actors must navigate platform politics — opaque, algorithmically driven environments where attention determines visibility, with little or no consideration of the public interest, accuracy or diversity. Revenue flows are similarly captured by Big Tech, as advertising income is funnelled through intermediaries that extract disproportionate revenue from the news media content being distributed through their services, and exploit journalistic content for training AI without consent or compensation. The ability for journalists to operate safely, free from online violence and systemic bias, depends on content governance systems that are inconsistent, inadequate, or flawed. These dynamics are not accidental, but symptomatic of an information environment that is shaped and arbitrated by a few global technology companies. In this context, human rights, democratic values, and the public interest have become subordinated to profit incentives, private interest and political influence.

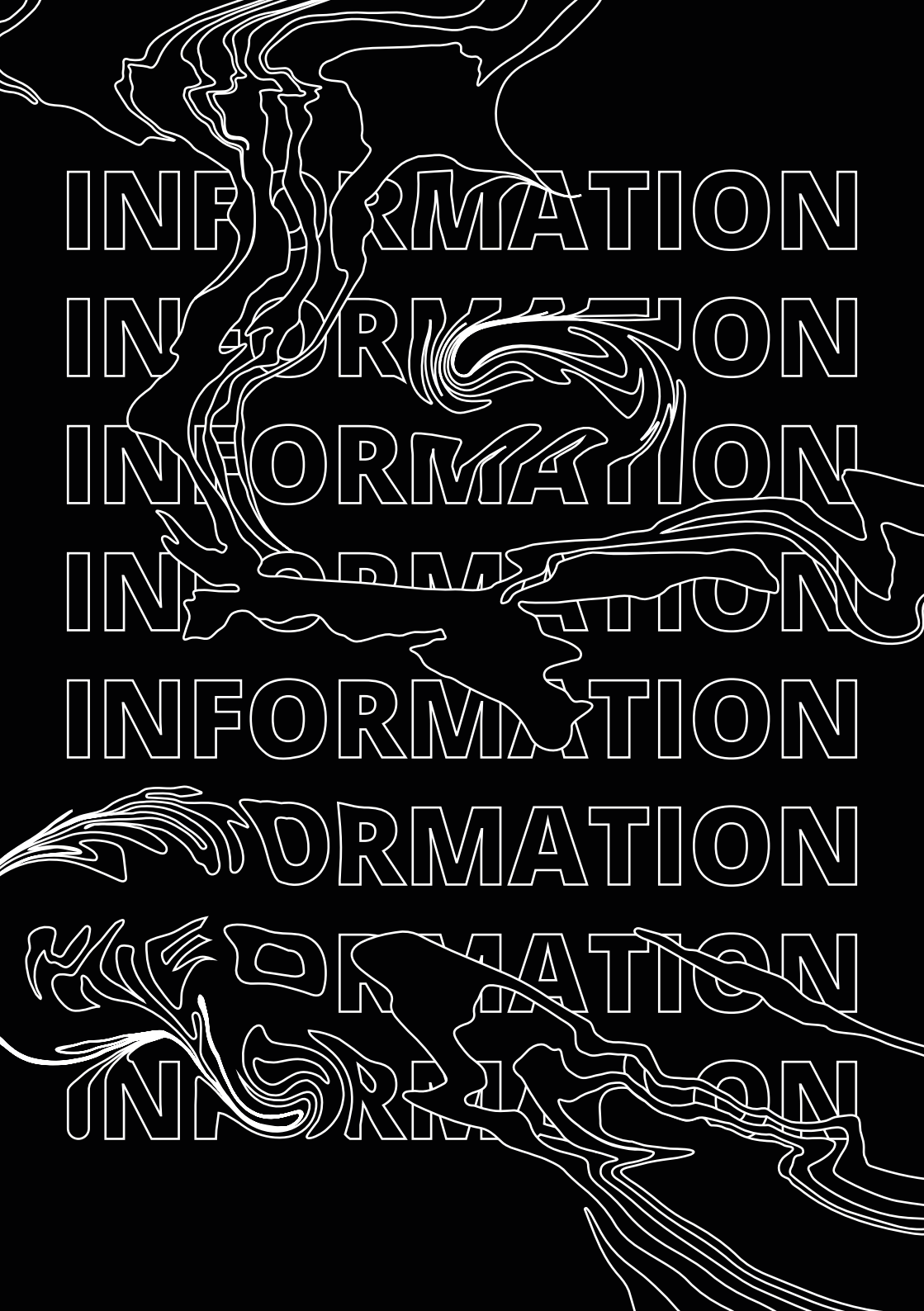
The term ‘**platform capture**’ has come to mean the way in which media outlets depend on large tech oligopolies for their audiences, advertising revenue, distribution and infrastructure, and safety.¹³ This Policy Manual refers to ‘Big Tech platforms’ to draw attention to the handful of large, influential technology companies — especially social media and search engines, increasingly also AI companies — that dominate our global information and communication ecosystem.

13 E. Nechushtai, “Could digital platforms capture the media through infrastructure?” In *Journalism* Vol. 19 Issue 8 (2018), p. 1043-1058, <https://journals.sagepub.com/doi/abs/10.1177/1464884917725163> and F. Simon, “Uneasy Bedfellows: AI in the News, Platform Companies and the Issue of Journalistic Autonomy.” In *Digital Journalism* Vol. 10 Issue 10 (2022), p. 1832-1854, <https://doi.org/10.1080/21670811.2022.2063150>

These dominant tech companies are considered ‘big’ not only due to their size, but because their systemic power over how information is produced, distributed and monetized is de facto enforcing structural dependence on all content creators, including the media.

The implications of these dynamics have been **observed globally in the context of elections, natural disasters, armed conflicts, public health emergencies and other crises**. Their corporate power has become increasingly estranged from democratic control. In recent years, online information spaces have repeatedly been transformed into areas of information warfare and political disputes, where State and platform power often collide and at times mutually reinforce one another to the detriment of diversity and the integrity of public discourse. The ecosystem is so structurally compromised that many of the challenges can no longer be addressed within the current framework. Previous calls and policy interventions to ‘fix’ the challenges generated by the dissemination of information through Big Tech platforms have been largely unsuccessful. However, this does not mean that the regulatory focus should shift entirely away from Big Tech, but that any serious effort to restore media freedom and democratic resilience must begin by confronting the entrenched power dynamics and monopolistic tendencies with a view to **rebuilding an information ecosystem where pluralistic voices and independent journalism can thrive**, an ecosystem that ensures **availability and accessibility of public interest information**.

This Policy Manual provides guidance for States on how to safeguard media freedom in this age of Big Tech, concentration of power and AI.



INFORMATION

INFORMATION

INFORMATION

INFORMATION

INFORMATION

INFORMATION

INFORMATION

INFORMATION

4. Captured Online Information Spaces

This section outlines the main challenges that journalism and media freedom face in a digital information ecosystem that is dominated by Big Tech platforms who shape how information is produced, prioritized, disseminated and monetized. It explores media dependencies, concentration of power, control over infrastructure and rise of generative AI.

4.1 Concentration of Power in Today's Online Information Ecosystem

Over the past two decades, Big Tech platforms have gained, and were given, **control over the infrastructure and technology required to take part in the public debate**, and hence over the information ecosystem itself. Their central position did not emerge overnight, but was enabled and reinforced by **earlier regulatory choices**, such as limited liability frameworks that incentivized optimizing for scale and scope, and an overall lack of regulation for decades. This was partly driven by a perceived lack of jurisdiction and enforcement power over multinational corporations. Big Tech platforms' central position was further reinforced by **strategic decisions by media organizations** to rely on external distribution mechanisms; by national governments not to invest in public interest infrastructure; and by individuals to spend more and more time on these online platforms.¹⁴

This has resulted in a situation where a handful of private companies are now the **global arbitrators of speech**. This is manifested in several ways, which include increasingly shaping the distribution

¹⁴ A variety of research evidences that social media has been designed in a way that is addictive. For an overview of this research, see <https://petrieflom.law.harvard.edu/2024/10/14/addictive-design-and-social-media-legal-opinions-and-research-roundup>.

of news, the potential for news revenue and the media-audience relationship. While **the media's democratic function in society is to facilitate public and political participation** by providing reliable and verified information, today, **social media and search engine oligopolies have taken on the role of dominant gatekeepers** to information. Analysing how individuals access information across the world,¹⁵ the 2025 Reuters Digital News Report showed social media was the main gateway to online news for more than a third of respondents, followed by search, and growing use of AI platforms and chatbots.¹⁶

Control Over Visibility

Big Tech platforms set the rules for what (news) content is available on their service through their Terms of Service, User Policies and algorithmic design. These norms are subject to continuous change, their application is often inconsistent and typically opaque.¹⁷

Big Tech platforms' content governance determines the availability of information, the accessibility of public interest content, and the administration of information across borders.¹⁸ **Content that disregards platforms' own permissibility rules is moderated, regardless of whether it is lawful under international standards¹⁹ or has undergone the media's own rigorous editorial processes.** As a result, individual

¹⁵ See in further detail N. Newman et al., *Reuters Institute Digital News Report 2025*. Reuters Institute for the Study of Journalism (2025), https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2025-06/Digital_News-Report_2025.pdf.

¹⁶ N. Newman et al., *Reuters Institute Digital News Report 2024*. Reuters Institute for the Study of Journalism (2024), https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2024-06/RISJ_DNR_2024_Digital_v10%20lr.pdf. The report breaks down access to news as follows: 29% of respondents access news through social media, 25% through search, 22% through direct access to websites/apps and 8% through aggregators.

¹⁷ R. Gorwa, R. Binns, and C. Katzenbach, "Algorithmic content moderation: Technical and political challenges in the automation of platform governance." In *Big Data & Society* Vol. 7 Issue 1 (2020), <https://journals.sagepub.com/doi/10.1177/2053951719897945>.

¹⁸ Courts have rejected Big Tech's argument that they are merely neutral platforms. See, for example, CJEU, 13 May 2014, *Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja Gonzalez*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62012CJ0131>.

¹⁹ In 2018, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression emphasized that companies should regard human rights law and not their own private interests or varying national laws as the authoritative global standard for ensuring freedom of expression on their platforms, see A/HRC/38/35, <https://docs.un.org/en/A/HRC/38/35>.

pieces of content can be removed, demoted, or demonetized, or an account suspended. At the same time, Big Tech platforms tend to moderate only content that hurts their own brand.²⁰ Also, Content moderation decisions are often applied in an arbitrary manner or target critical voices. Following the 2022 takeover of Twitter (now X), for example, several journalists who posted or linked to critical stories were suspended from the platform.²¹ According to a whistleblower, Meta's Facebook terminated accounts from dissidents upon pressure of governments.²² Moreover, the use of automated tools for content moderation decisions often result in high error rates that disproportionately affect marginalized individuals and groups.²³

Even more than with content moderation, the ways in which platforms curate and recommend content is opaque and subject to continuous change. Meta, for example, has previously declared it would increase the prioritization of content from friends and family over news, but reversed these changes in early 2025.²⁴ Telegram, as a different example, has been criticized for systemically promoting extremist content and failing to act on illegal material,²⁵ but has adjusted its content prioritization practices in response to pressure from law enforcement agencies.

20 European Digital Rights, *Targeted Online: An Industry broken by Design and by Default*. (2021), <https://edri.org/wp-content/uploads/2021/03/Targeted-online-An-industry-broken-by-design-and-by-default.pdf>

21 See for an overview of examples and an analysis of journalists' responses, A. Claesson, "Twitter: A necessary evil?" In *Journalism* Vol. 25 Issue 12 (2023), p. 2604-2621, <https://doi.org/10.1177/14648849231221616>.

22 The Washington Post, "Zuckerberg's Meta considered sharing user data with China, whistleblower alleges" (9 March 2025), <https://www.washingtonpost.com/technology/2025/03/09/meta-china-censorship-facebook-mark-zuckerberg/>

23 Office of the OSCE Representative on Freedom of the Media, *Spotlight on Artificial Intelligence and Freedom of Expression - A Policy Manual*. (2021), https://www.osce.org/files/f/documents/8/f/510332_1.pdf

24 J. Hendrix, "Transcript: Mark Zuckerberg Announces Major Changes to Meta's Content Moderation Policies and Operations." In *Tech Policy Press* (7 January 2025), <https://www.techpolicy.press/transcript-mark-zuckerberg-announces-major-changes-to-metas-content-moderation-policies-and-operations/>

25 Alliance4Europe and Science Feedback, "Sanctioned but Thriving" (December 2024), <https://science.feedback.org/wp-content/uploads/2024/12/Sanctioned-but-Thriving-How-Online-Platforms-Fail-To-Address-the-Widespread-Presence-of-Entities-Under-EU-Sanctions.pdf> and Southern Poverty Law Center, "Digital Threat Report: Telegram's Toxic Recommendations Perpetuate Extremism" (December 2024), <https://www.splcenter.org/resources/hatewatch/telegrams-toxic-recommendations-perpetuate-extremism>

In general, their policies indicate and research suggests that **Big Tech platforms prioritize content primarily based on engagement** — equating ‘engaging’ with ‘relevant’.²⁶ In practice, ‘relevance’ is taken to mean content which satisfies users’ immediate interests as measured by what they click and spend time watching, ‘like’, or share — determined in an opaque manner lacking public accountability. Users themselves typically have few options for influencing content recommendation beyond liking or sharing content, or turning off personalized recommendations completely.²⁷

Further broad exemptions from liability — even if they may have been justified initially when platforms were indeed primarily providing an infrastructure rather than having profound control over content — have contributed to the rise of opaque content moderation practices, limited accountability and even vast financial gains, while disincentivizing editorially controlled media to invest in developing alternative distribution infrastructure.

Control Over Revenue

Big Tech platforms’ **focus on recommending engaging content has significant economic benefits for them**, as their business model is based on advertising, and more engagement means more advertising revenues. Moreover, most current legal frameworks exempt platforms from liability for allowing or even promoting illegal and harmful content on their service, reducing their incentive to prioritize content adhering to professional codes of ethics over mere user attention or captivation. Algorithms prioritizing gripping or sensationalistic information — virality and short-term attention — over news, and/or high-quality

²⁶ European Commission, *Study on Media Plurality and Diversity Online: Final Report*. Publications Office of the European Union (2022), <https://op.europa.eu/en/publication-detail/-/publication/475bacb6-34a2-11ed-8b77-01aa75ed71a1/language-en>; K. Rozgonyi, “Accountability and Platforms’ Governance: The Case of Online Prominence of Public Service Media Content.” In *Internet Policy Review* Vol. 12 Issue 4 (2023), p. 75, <https://policyreview.info/articles/analysis/accountability-and-platforms-governance-public-service-media>

²⁷ Having the option of turning off personalized recommendations is a requirement in the EU’s Digital Services Act. For more, see U. Reviglio and M. Fabbri, *Navigating the Digital Services Act: Scenarios of transparency and user control in VLOPs’ recommender systems*. NORMALIZE ’24: The second workshop on the normative design and evaluation of recommender systems (18 October 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5040307.

information that can promote informed public discourse, is at odds with the public interest. Sometimes referred to as ‘enragement’, the platform business model has been widely criticized. **Importantly, the platforms sometimes change this approach during elections or crises by adjusting the algorithm weighting** to emphasize signals of ‘newsworthiness’, quality and authoritativeness (see Section 5.1).

This raises a question: **if platforms can in fact promote public interest content, then why don’t they do so more often?**

Big Tech platforms have become **extremely wealthy oligopolies** that are affecting political processes globally. In addition to lobbying for decisions favourable to themselves, some of their leaders have intervened in elections and debates all over the world, and adapted platform moderation and recommendation procedures at their own individual will, following certain elections. The danger of platform power being used for political purposes aggravates existing concerns, be it in the form of retaliation against specific media organizations or interfering in democratic processes by making viewpoints or topics more prominent. Scholars have long warned against the danger that such **‘concentrations of opinion power’** pose, even when this power is not directly exercised,²⁸ and recent political developments show that these warnings are far from hypothetical.

28 N. Helberger, “The Political Power of Platforms: How Current Attempts to Regulate Misinformation Amplify Opinion Power.” In *Digital Journalism* Vol. 8 Issue 6 (2020), p. 842–854, <https://doi.org/10.1080/21670811.2020.1773888> and T. Seipp, “Media Concentration Law: Gaps and Promises in the Digital Age.” In *A Datafied Society: Data Power, Infrastructures, and Regulations*, Vol. 11 Issue 2 (2023), <https://www.cogitatiopress.com/mediaandcommunication/article/view/6393>

MEDIA FREEDOM CHALLENGES

4.2 Media Freedom Challenges: The Dangers of Concentrated Power

Over the past decade, the media has found itself **dependent on Big Tech platforms** for reaching and interacting with audiences.²⁹ The **concentrations of market and opinion power** over the key infrastructure of today's information spaces pose considerable dangers to media freedom, free expression and access to reliable information.

Key Issues in the Concentration of Power

Big Tech platforms' control over information spaces allows them to remove speech by journalists and media organizations

Content moderation poses particular threats where **opaque AI tools** are used to **restrict lawful** content, either intentionally or because such tools can insufficiently distinguish between lawful and unlawful content.³⁰ Examples include platforms moderating media content that is in the public interest, lawful and which has already undergone journalistic standards checks and rigorous editorial processes — such as when social media platforms removed BBC posts with footage documenting attacks on civilians

29 J. Meese and E. Hurcombe, "Facebook, News Media and Platform Dependency: The Institutional Impacts of News Distribution on Social Platforms." In *News Media & Society* Vol. 23 Issue 8 (2021), p. 2367-2384, <https://journals.sagepub.com/doi/full/10.1177/1461444820926472>

30 Office of the OSCE Representative on Freedom of the Media, *Spotlight on Artificial Intelligence and Freedom of Expression - Policy Manual* (2021).

in Ukraine.³¹ Platforms have also removed local media content due to insufficient language resources, or because they give attention to certain contexts in contrast to others.³² While only a relatively small amount of all content on platforms is removed overall, knowing that platforms are likely to remove or demonetize certain types of content can cause self-censorship and influence journalists' decisions on how to produce or share public interest information.³³

Engaging content is prioritized over quality and diversity

Research indicates that fears over filter bubbles and echo chambers leading to lack of diversity are likely overblown,³⁴ however the **issue is a lack of access to public interest journalism and news**. Local news faces particular difficulties, and recommendation algorithms may have a **homogenizing effect** by promoting a few large national outlets.³⁵ These impacts are more severe in small and non-English-speaking countries. Research also shows that algorithmic changes to Facebook's News Feed system over a ten-year period reduced users' engagement with 'hard news' (e.g., on politics or world news), but did

31 J. Goodman and M. Korenyuk, "AI: War crimes evidence erased by social media platforms." *BBC* (1 June 2023), <https://www.bbc.com/news/technology-65755517>

32 United Nation Secretary General, *Countering disinformation for the promotion and protection of human rights and fundamental freedoms*. A/77/287 (August 2022), para. 53, <https://docs.un.org/en/A/77/287>; S. Balendra, "Meta's AI moderation and free speech: Ongoing challenges in the Global South." In *Cambridge Forum on AI: Law and Governance* Vol. 1 Issue e21 (May 2025), p. 1-19, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/2DB952F896DB5744A43CD3E6C1A6DCB4/S3033373325000055a.pdf/metaspai-moderation-and-free-speech-ongoing-challenges-in-the-global-south.pdf>

33 T. Dodds et al., "Popularity-driven Metrics: Audience Analytics and Shifting Opinion Power to Digital Platforms." In *Journalism Studies* Vol. 24 Issue 3 (2023), p. 403–421, <https://www.tandfonline.com/doi/full/10.1080/1461670X.2023.2167104>

34 A. Ross Arguedas et al., *Echo chambers, filter bubbles, and polarisation: a literature review*. Reuters Institute for the Study of Journalism (2022), <https://reutersinstitute.politics.ox.ac.uk/echo-chambers-filter-bubbles-and-polarisation-literature-review>; See also Ofcom, *Online News Qualitative Research Report*. (8 December 2023), <https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/multi-sector/media-plurality/2024/annex-3-online-news-qual-research.pdf?v=356800>.

35 B. Toff and N. Mathews, "Is Social Media Killing Local News? An Examination of Engagement and Ownership Patterns in U.S. Community News on Facebook." In *Digital Journalism* Vol. 12 Issue 9 (October 2024), p. 1397–1416, <https://doi.org/10.1080/21670811.2021.1977668>; E. Nechushtai et al., "More of the Same? Homogenization in News Recommendations When Users Search on Google, YouTube, Facebook, and Twitter." In *Mass Communication and Society* Vol. 27 Issue 6 (November 2024), p. 1309–1335, <https://www.tandfonline.com/doi/abs/10.1080/15205436.2023.2173609>

not affect engagement with ‘soft news’ (e.g., on lifestyle and sport).³⁶ Engaging sources of hard news may be prioritized while others may be deprioritized, or particular opinions and information sources may be favored over others. A recent simulation study shows that TikTok recommends little news altogether, regardless of whether users signal an interest in it, also smaller platforms such as VKontakte (VK, the most popular social networking platform in the Russian Federation) deprioritize news over entertainment.³⁷ Access to news on Facebook has been in decline in general, following changes to deprioritize it.³⁸

The fact that algorithmic changes can make news less visible makes the media’s position on platforms precarious.³⁹ Moreover, algorithmic **prioritization of engaging content** can influence the media’s own reporting: newsrooms often display large screens tracking news that is gaining most attention according to audience measurement systems supplied by platforms, or based on data provided by them. This information affects journalistic workflow and editorial decision-making, potentially incentivizing click-bait over quality.⁴⁰

Going even further, research suggests that in some contexts, social media algorithms have in fact promoted and prioritized pro-government media at the expense of independent and diverse news, even if indepen-

36 N. McNally and M. Bastos, “The News Feed Is Not a Black Box: A Longitudinal Study of Facebook’s Algorithmic Treatment of News.” In *Digital Journalism* Vol. 0 Issue 0 (n.d.), p 1–20, <https://www.tandfonline.com/doi/full/10.1080/21670811.2025.2450623>

37 J. Kling et al, “Entertainment interspersed with propaganda: how non-legacy-news accounts deliver explicitly political content to mass audiences on Russia’s most popular social network VK” In *Information, Communication & Society* Vol. 28 Issue 7 (2024), p. 12-52-1269, <https://doi.org/10.1080/1369118X.2024.2420029> and A. Urman, “News Consumption of Russian Vkontakte Users: Polarization and News Avoidance” In *International Journal of Communication* Vol. 13 (2019), <https://ijoc.org/index.php/ijoc/article/view/11161>

38 N. Hagar and N. Diakopoulos, “Algorithmic Indifference: The Death of News Recommendations on TikTok.” In *New Media & Society* Vol. 27 Issue 6 (August 2023) <http://dx.doi.org/10.1177/14614448231192964>; N. Newman et al., *Reuters Institute Digital News Report 2024*. Reuters Institute for the Study of Journalism (2024), p. 21.

39 A. Cornia et al., *Private Sector News, Social Media Distribution and Algorithm Change*. Reuters Institute for the Study of Journalism (2018), <https://reutersinstitute.politics.ox.ac.uk/our-research/private-sector-news-social-media-distribution-and-algorithm-change>; J. Meese and E. Hurcombe, “Facebook, News Media and Platform Dependency: The Institutional Impacts of News Distribution on Social Platforms.” In *News Media & Society* Vol. 23 Issue 8 (2021), p. 2367-2384.

40 T. Dodds et al., “Popularity-driven Metrics: Audience Analytics and Shifting Opinion Power to Digital Platforms.” In *Journalism Studies* Vol. 24 Issue 3 (2023), p. 403–421, <https://www.tandfonline.com/doi/full/10.1080/1461670X.2023.2167104>

dent media's content creates engagement.⁴¹ In restrictive media landscapes and contexts of state-imposed firewalls, research shows that both global and local social media platforms have been used to censor journalistic content or compromise journalists' safety. For example, Yandex⁴² and Baidu⁴³ operate under extensive state influence, which has raised significant concerns regarding human rights protections.⁴⁴

Advertising and content monetization is dominated by oligopolies

Big Tech platforms have gained **control over the advertising market**, especially programmatic advertising (the automated buying and selling of advertising space), sometimes even in illegal ways.⁴⁵ Big Tech platforms have positioned themselves between media outlets and their audiences as well as between media outlets and their advertisers. The resulting erosion of traditional revenue streams has undermined spending on journalism and expensive investigative reporting, particularly impacting small, local and non-profit media.⁴⁶ While advertising remains a crucial revenue source for media, this revenue has more than halved over the past two decades.⁴⁷ Recent examples show how **even small algorithmic changes can drive traffic away** from news outlets in a way that undermines media's financial survival, further contributing to the overarching phenomenon of **news deserts**.⁴⁸

41 International Press Institute, 'The New Mainstream' is Rising (And It Seeks Support). IPI Turkey Digital Media Report (2021), <https://freeturkeyjournalists.ipi.media/wp-content/uploads/2021/03/ENG-IPI-Turkey-Digital-Media-Report-01032021-final.pdf> and <https://www.duwarenglish.com/media/2020/02/21/google-news-initiative-chooses-to-fund-pro-govt-demiroren-media-group-in-turkey>

42 Yandex is the most widely used search engine in Russia.

43 Baidu is the most widely used search engine in China.

44 T. Lokot, 'Russia's Networked Authoritarianism in Ukraine's Occupied Territories during the Full-Scale Invasion: Control and Resilience,' In *LSE Public Policy Review* Vol. 3 Issue 1 (2023), p. 7, <https://ppr.lse.ac.uk/articles/10.31389/lseppr.85> and J. Knockel et al, *Missing Links: A comparison of search censorship in China*. Citizen Lab Report No. 166, University of Toronto (2023), <https://citizenlab.ca/2023/04/a-comparison-of-search-censorship-in-china>

45 The New York Times, "Google Broke the Law to Keep its Advertising Monopoly, a Judge Rules" (17 April 2025), <https://www.nytimes.com/2025/04/17/technology/google-ad-tech-antitrust-ruling.html>

46 B. Martens et al., "The Digital Transformation of News Media and the Rise of Disinformation and Fake News." In *Joint Research Centre Technical Reports*, Digital Economy Working Paper 2018-02 (20 April 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3164170

47 European Commission, *The European Media Industry Outlook*. Report (May 2023), <https://digital-strategy.ec.europa.eu/en/library/european-media-industry-outlook>

48 Bianet, "Independent news outlet Gazete Duvar shutting down due to financial difficulties" (12 March 2025), <https://bianet.org/haber/independent-news-outlet-gazete-duvar-shutting-down-due-to-financial-difficulties-305365>

Big Tech platforms offer **opportunities for content publishers to monetize** directly on their platforms,⁴⁹ by facilitating subscriptions, tips, and creator marketplace services, and through revenue redistribution programs. These programs grant eligible publishers a small share of the ad revenue generated by their content.⁵⁰ However, existing monetization frameworks disproportionately disadvantage media whose **content is often labelled as ‘political’** as many platforms restrict the monetization of content that discusses political issues (limiting political advertising) or “debated social issues”.⁵¹ Following the introduction of new EU regulation on transparency and targeting of political advertising, Meta in July 2025 announced that it will end advertising on political, electoral and social issues in the EU altogether, following similar announcements by Google.⁵²

Meta and Google have **offered special arrangements with news organizations** through Google’s News Showcase⁵³ (which reports agreements with over 2,800 publications across 31 countries), Meta’s News Pages, and registrations for journalists that offers exemption from restrictions on monetization for news.⁵⁴ However, these arrangements differ significantly regionally and are widely opaque. **Data is not publicly available** as to which publications have joined, what deals

49 What to Fix, *From Content to Payment: The Rise and Implications of Social Media Ad Revenue Sharing*. (April 2024), <https://www.whattofix.tech/publications/content-to-payment/>

50 What to Fix, *New Report: Social Media Monetization 2025*. (February 2025), <https://www.whattofix.tech/publications/monetization2025/>

51 Meta’s content monetization policies, for example, restrict monetization of content that depicts or discusses “debated social issues” such as debates on personal, civil, or political rights as well as content related to tragedy and conflict. Conflict-related reporting has been affected by such policies as well. See, Meta, Content Monetization Policies, <https://www.facebook.com/business/help/1348682518563619?id=2520940424820218>. Similarly, Google Ads monetization policy excludes content themes such as politics and content labelled as recent or sensitive when dealing with potentially controversial social and political issues. This goes beyond limitations for political advertising that is known from the licensed broadcasting sector.

52 The EU political advertising regulation contains exemptions for unremunerated editorial or user-uploaded content (Article 1(2) and 3(5)). For Big Tech platforms’ announcement, see Meta, “Ending Political, Electoral and Social Issue Advertising in the EU in Response to Incoming European Regulation.” (25 July 2025), <https://about.fb.com/news/2025/07/ending-political-electoral-and-social-issue-advertising-in-the-eu/> and Google, “An update on political advertising in the European Union.” (14 November 2024), <https://blog.google/around-the-globe/google-europe/political-advertising-in-eu/>

53 Google, “News Showcase is launching in Croatia” (undated), <https://blog.google/around-the-globe/google-europe/news-showcase-is-launching-in-croatia/>

54 Meta, About News Page Index, <https://www.facebook.com/business/help/377680816096171?id=644465919618833>

were offered, and how the agreements impact media, particularly small and local media.⁵⁵ Journalists and media are often required to sign **non-disclosure provisions** as part of the monetization agreements.⁵⁶

In some cases, content creators and publishers are no longer able to decide independently whether to monetize their own content on platforms. Platforms such as YouTube have granted themselves a **'Right to Monetize'**, reclassifying revenue redistribution payouts as **royalties**.⁵⁷ Such moves grant platforms even greater control over payout calculations without independent oversight. This undermines the autonomy of the media but also raises important tax implications.⁵⁸ Currently, there are no binding regulatory requirements governing how revenue is distributed, or how content value is assessed and compensated,⁵⁹ creating the risk that platforms act in their own financial interest to the detriment of a fair and pluralistic digital ecosystem.⁶⁰

At the same time, Big Tech platforms themselves **capitalize directly and indirectly on journalistic content distributed on their services**. The value of journalistic content to platform businesses (assessed using various methodologies)⁶¹ is substantial, even if downplayed by Big Tech representatives.⁶²

55 C. Papaevangelou, "Funding Intermediaries: Google and Facebook's Strategy to Capture Journalism." In *Digital Journalism* Vol. 12 Issue 2 (2023), p. 234-255, <https://www.tandfonline.com/doi/full/10.1080/21670811.2022.2155206>

56 Meta, Content Monetization Terms, https://www.facebook.com/legal/content_monetization_terms

57 YouTube, Updated Terms of Service FAQs, <https://tinyurl.com/y2zufduv>

58 Royalty payments are increasingly linked to viewership metrics, such as clicks and impressions, rather than the legal or professional status of the content creator.

59 V. Rio, "Beyond Content: Why Monetization Governance is the Next Frontier of Tech Policy." *Tech Policy Press* (28 April 2025), <https://www.techpolicy.press/beyond-content-why-monetization-governance-is-the-next-frontier-of-tech-policy/>

60 J. Van Natta et al., "Investigating the Impacts of Youtube's Content Policies on Journalism and Political Discourse." In *ACM Digital Library Proceedings of the ACM on Human-Computer Interaction* Vol. 7 Issue CSCW1 (2023), p. 1-28, <https://dl.acm.org/doi/10.1145/3579499>

61 P. Holder et al., *Paying for News: What Google and Meta Owe U.S. Publishers* (2023), <https://s3.documentcloud.org/documents/24129986/paying-for-news.pdf>; News Media Alliance, *Google Benefit from News Content* (2019), <https://www.newsmediaalliance.org/wp-content/uploads/2019/06/Google-Benefit-from-News-Content.pdf>; A. Johann et al., *The Value of Journalistic Content for the Google Search Engine in Switzerland* - Fehr Advice Behavioral Economics Consultancy Group Zurich (2023), <https://fehradvice.com/insights/studien/value-of-news-study/>

62 Geneva Internet Platform, "A study in the US confirms Big Tech owes news publishers billions in annual revenue." *Dig Watch* (November 2023), <https://dig.watch/updates/a-study-in-the-us-confirms-big-tech-owes-news-publishers-billions-in-annual-revenue>

Big Tech's infrastructure, politics⁶³ and business models negatively affect the safety of journalists

Prioritizing engaging content not only means less visibility for fact-based news, but also the **amplification of sensational, polarizing, and highly emotional content**. This includes racist, sexist, xenophobic, homophobic and other discriminatory content, as well as online violence and content that undermines the reputation of journalists and news media. Platforms' design choices to optimize engagement and attention over safety have enabled, amplified, and accelerated online violence.⁶⁴

Evidence suggests that social media platforms profit from online harassment, as a driver of engagement, and therefore have little incentive to install effective protections against online violence. They have been assessed as being slow to implementing even basic features to address online harassment.⁶⁵ Therefore, **protection remains insufficient or lacking**.⁶⁶ A 2021 study analysing content moderation policies and practices concluded that none of the platforms offer sufficient protection, despite their purported focus on safety.⁶⁷ Certain types of online violence, such as backdoor surveillance through invasive spyware,⁶⁸ orchestrated disinformation and smear campaigns,⁶⁹ or trans-

63 R. Gorwa, *The Politics of Platform Regulation: How Governments Shape Online Content Moderation*. Oxford University Press (2024), <https://doi.org/10.1093/oso/9780197692851.001.0001>

64 L. Slachmuis and S. Bonilla, *Prevention By Design: A Roadmap for Tackling TFGV at the Source*. Council on Tech and Social Cohesion (March 2025), <https://techandsocialcohesion.org/wp-content/uploads/2025/03/Prevention-by-Design-A-Roadmap-for-Tackling-TFGV-at-the-Source.pdf>

65 V. Vilik and E. Vialle, *No excuse for abuse*. PEN America (2021), <https://pen.org/report/no-excuse-for-abuse/>; see also S. Dunn et al., *Supporting Safer Digital Spaces*. Special Report, Center for International Governance Innovation (2023), p.62, <https://www.cigionline.org/publications/supporting-safer-digital-spaces/>.

66 UNESCO, *The Chilling: global trends in online violence against women journalists*. Research Discussion Paper (2021), p.8, <https://unesdoc.unesco.org/ark:/48223/pf0000377223>

67 Ultraviolet, *Social Media Fails Women - Transforming Social Media Policies for a Feminist Future*. (2021), <https://weareultraviolet.org/pressrel/new-report-card-grades-social-media-platforms-on-handling-of-harassment-hate-speech-misogyny-disinformation/>, see also: K. Wilfore, *A Digital Resilience Toolkit for Women in Politics*. ShePersisted (2022), p.12, <https://she-persisted.org/our-work/supporting-women-leaders/>.

68 Access Now, "NSO to pay \$168 million in damages to WhatsApp for Pegasus spyware hacking" (6 May 2025), <https://www.accessnow.org/press-release/whatsapp-v-nso-case-damages-decision/>.

69 See Observatory of Disinformation Narratives Against the Media, International Press Institute, <https://observatory.ipi.media/narratives/>.

national State-affiliated aggressions⁷⁰ are difficult or impossible to address through existing safety features. **Particular challenges exist in conflict situations with digital warfare directly linked to physical violence.**⁷¹ Moreover, despite journalists' elevated risk of online violence, most platforms do not differentiate journalists from other users when it comes to safety features or protection tools.⁷² In some instances, journalists may even be classified as public figures, which raises the threshold for intervention in cases where it is unclear whether the content constitutes legitimate criticism or crosses into harassment.⁷³

Big Tech platforms can exert infrastructural pressure

Influence over the media runs deeper than the social media platforms and search engines through which news is distributed — it extends to the technological infrastructure on which the media relies to operate. This infrastructure, while often invisible, is the foundation on which media functions, funds its news operations, and reaches the public. The media's use of externally provided technological infrastructure is not inherently problematic. However, **dependence on infrastructure makes media vulnerable to pressure** or price hikes, affording external actors control over technologies used for editorial decisions.⁷⁴ Similar dependencies have previously resulted in imbalances being used to exploit vulnerabilities or being abused

70 N. Aljizawi et al., *No Escape: The Weaponization of Gender for the Purposes of Digital Transnational Repression*. Research Report, The Citizen Lab (December 2024), p.3-6, <https://citizenlab.ca/wp-content/uploads/2024/12/Report180-noescape112924.pdf>

71 Access Now, "Ceasefire in Gaza: it's time to end digital harms and deliver justice" (20 January 2025), <https://www.accessnow.org/press-release/ceasefire-in-gaza-end-digital-harms-deliver-justice/>

72 See, for example, X Help Center, <https://help.x.com/en/using-x/x-premium>, except for priority users.

73 The status of 'involuntary public figures' was created by Meta in 2021 to enhance safety measures for individuals who find themselves in the public spotlight due to their work, rather than their intentional choice to become public figures. This category can also apply to journalists, see <https://about.fb.com/news/2021/10/advancing-online-bullying-harassment-policies>. Research has shown, however, that the label as public figure can lead to a higher threshold for addressing online abuse, meaning journalists may face lower safety protections despite higher rates of online violence, see R. Cover et al., "Protecting public figures online: how do platforms and regulators define public figures?" In *Media International Australia* Vol. 196 Issue 1 (2025), p. 156-170, <https://doi.org/10.1177/1329878X231225745>.

74 M. van Drunen, "Safeguarding media freedom from infrastructural reliance on AI companies: The role of EU law." In *Telecommunications Policy* (July 2025), <https://www.sciencedirect.com/science/article/pii/S0308596125000874>

as pressure points.⁷⁵ Moreover, by controlling informational infrastructure, platforms can obtain sensitive information (such as TikTok surveilling a journalist's location through their phone⁷⁶), pressure independent research away from investigating harm, or threaten that access to resources or funding is cut following critical reporting.⁷⁷

Relying on dominant external companies for cloud storage and computing services carries risks

The media's infrastructural reliance on Big Tech is often enabled through partner programmes.⁷⁸ While such programmes might provide easy and flexible options for technology use, **storing data on external services introduces privacy, security, and lock-in risks.** Big Tech platforms' control over the cloud infrastructure on which technologies are deployed give them influence over how technologies and tools are developed in the first place, enabling Big Tech to steer innovation in the media sector.⁷⁹

75 L. Kristensen and J. Hartley, "The Infrastructure of News: Negotiating Infrastructural Capture and Autonomy in Data-Driven News Distribution." In *Media and Communication* Vol. 11 Issue 2 (2023), p. 307-318, <https://doi.org/10.17645/mac.v11i2.6388> and E. Nechushtai, "Could digital platforms capture the media through infrastructure?" In *Journalism* Vol. 19 Issue 8 (2017), p. 1043-1058, <https://doi.org/10.1177/1464884917725163>

76 H. Murphy, "TikTok admits tracking FT journalist in leaks investigation." *Financial Times* (22 December 2022), <https://www.ft.com/content/e873b98a-9623-45b3-b97c-444a2fde5874>

77 C. Criddle, "TikTok Spied on Me. Why?" *Financial Times* (5 May 2023), <https://www.ft.com/content/0c0f9670-2e3a-4af8-bcd5-85e314f6ac5e>. For example, in 2025 a US court issued a fine against the NSO Group for unlawfully using WhatsApp's infrastructure owned by Meta to target thousands of individuals with its Pegasus spyware. Pegasus has been used to infiltrate the devices of numerous journalists critical of their governments around the world. For more, see: <https://www.amnesty.org/en/latest/news/2025/05/ruling-against-nso-group-in-whatsapp-case-a-momentous-win/>.

78 F. van der Vlist et al., "Big AI: Cloud infrastructure dependence and the industrialisation of artificial intelligence." In *Big Data & Society* Vol. 11 Issue 1 (2024), <https://doi.org/10.1177/20539517241232630>

79 See inter alia the work of the Journalism Cloud Alliance, <https://gfmd.info/cloud-alliance/>. See also M. von Thun and C. Lavin, *Engineering the Cloud Commons: A blueprint for resilient, secure and open digital infrastructure*. Open Markets Institute (May 2025), <https://static1.squarespace.com/static/5e449c8c3ef68d752f3e70dc/t/6821f7382f99f2baf2e8212/1747056440491/Engineering+the+Cloud+Commons+FINAL+2.pdf>; F. M. Simon, "Escape Me If You Can: How AI Reshapes News Organisations' Dependency on Platform Companies." In *Digital Journalism* Vol. 12 Issue 2 (November 2023), p. 149-170, <https://www.tandfonline.com/doi/full/10.1080/21670811.2023.2287464>; C. Beckett and M. Yaseen, *Generating Change: A Global Survey of What News Organisations Are Doing with AI*. LSE London (2023), <https://www.journalism.ai/research/2023-generating-change>; F. Wu et al., "MIND: A Large-Scale Dataset for News Recommendation." In *Proceedings of the 58th Annual Meeting of the Association for Computational Linguistics* (2020), p. 3597-3606, <https://aclanthology.org/2020.acl-main.331/>

Big Tech has increasingly assumed control over the resources needed to develop technologies used in newsrooms

Big Tech control might come in different forms, such as **providing datasets to design and test performance** of news recommendations or foundational models, or **offering research** to develop AI tools.⁸⁰ Big Tech also supplies technologies used to inform editorial decisions, such as trend detection tools, (news) recommendation engines, and audience measurement systems. Where these **technologies provided are not transparent**, as is often the case, this prevents the media from even knowing how the tools on which they rely shape their editorial decision-making.⁸¹ In a few cases, concerns have been raised that Big Tech's financial support for media innovation programs may create chilling effects on scrutiny of Big Tech.⁸²

Due to the global power dynamics and dominance of Big Tech originating primarily in one part of the world, **media freedom challenges are exacerbated in regions with smaller markets, and those with a lower geopolitical profile**.⁸³ This situation is aggravated by **insufficient investment in local languages, cultures, and contextual understanding** — particularly in the development of AI.

80 F. M. Simon, "Escape Me If You Can: How AI Reshapes News Organisations' Dependency on Platform Companies." In *Digital Journalism* Vol. 12 Issue 2 (November 2023), p. 149-170; C. Beckett and M. Yaseen, *Generating Change: A Global Survey of What News Organisations Are Doing with AI*. LSE London (2023); F. Wu et al., "MIND: A Large-Scale Dataset for News Recommendation." In *Proceedings of the 58th Annual Meeting of the Association for Computational Linguistics* (2020), p. 3597-3606.

81 B. Jones et al., "AI Everywhere and Nowhere: Addressing the AI Intelligibility Problem in Public Service Journalism." In *Digital Journalism* Vol. 10 Issue 10 (2022), p. 1736, <https://www.tandfonline.com/doi/full/10.1080/21670811.2022.2145328>; F. M. Simon, "Escape Me If You Can: How AI Reshapes News Organisations' Dependency on Platform Companies." In *Digital Journalism* Vol. 12 Issue 2 (November 2023), p. 149-170; F. M. Simon, "Uneasy Bedfellows: AI in the News Platform Companies and the Issue of Journalistic Autonomy." In *Digital Journalism* Vol. 10 Issue 10 (2022), p. 1843, <https://doi.org/10.1080/21670811.2022.2063150>

82 M. F. de Lima Santos et al., "Google News Initiative's Influence on Technological Media Innovation in Africa and the Middle East." In *Media and Communication* Vol. 11 Issue 2 (2023), <https://doi.org/10.17645/mac.v11i2.6400>; A. Fanta and I. Dachwitz, *Google, the Media Patron. How the Digital Giant Ensnarcs Journalism*. Otto Brenner Foundation (November 2020), https://www.otto-brenner-stiftung.de/fileadmin/user_data/stiftung/02_Wissenschaftsportal/03_Publikationen/AH103_Google_EN.pdf; C. Papaevangelou, "Funding Intermediaries: Google and Facebook's Strategy to Capture Journalism." In *Digital Journalism* Vol. 12 Issue 2 (2023), p. 234-255.

83 OSCE RFoM Workshop on Big Tech and Media Freedom (2024), <https://www.osce.org/representative-on-freedom-of-media/578485> and M. Tonneau et al, *Language Disparities in Moderation Workforce Allocation by Social Media Platforms*. Oxford Internet Institute (August 2025), https://doi.org/10.31235/osf.io/amfw5_v1

These dynamics are fundamentally at odds with the understanding that **quasi-public spaces carry special societal responsibilities towards the public interest**.⁸⁴ They contravene corporate responsibilities to respect human rights, as outlined in frameworks such as the UN Guiding Principles on Business and Human Rights and the broader principles of **social corporate responsibilities**. These frameworks require Big Tech platforms to identify, prevent, mitigate, and remedy human rights harms linked to their services and digital technologies.⁸⁵

4.3 Generative Artificial Intelligence Causes Further Disruption

Generative AI threatens to expand dependence on a few tech actors and poses new challenges to the media. While much about Big Tech's ability to exercise gatekeeping power through generative AI is still, this **technology offers opportunities to determine what information and which media organizations do and which do not become visible in the public debate**, or what kind of news stories their generative AI systems produce and to which news sources they link.

The Reach and Impact of Generative AI

Generative AI allows Big Tech to **directly generate content itself**. Rather than linking users to news media sources through their platforms and search engines, AI companies use the news media's content to **generate summaries**. AI-generated summaries (even where they link to the underlying news sources) significantly disincentivize users to go to the original source, maintaining their attention within the AI ecosystem.⁸⁶ This reduces traffic to news sites — by up to 50 per cent according to research in 2025 — as users no longer feel the need to click through to

⁸⁴ Forum on Information and Democracy, International Partnership for Information and Democracy (2019), <https://informationdemocracy.org/international-partnership-on-information-democracy/>.

⁸⁵ For the UN Guiding Principles on Business and Human Rights (UNGPs, 2011), see https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf, for the application of the UNGPs to the development and use of digital technologies, see the B-Tech project at <https://www.ohchr.org/en/b-tech>.

⁸⁶ 2025 research by the Pew Research Center show that Google users who encounter an AI summary are less likely to click on links to other websites than users who do not see one, and are more likely to end their browsing session entirely. See <https://www.pewresearch.org/short-reads/2025/07/22/google-users-are-less-likely-to-click-on-links-when-an-ai-summary-appears-in-the-results/>.

the original source of information.⁸⁷ This shift from search to AI answer engines, if continued, is expected to **further disrupt the revenue** that news (and other ‘destination websites’) receive from visitors.⁸⁸

By diluting the reach of media and separating content from the media brand, **the growth of AI search erodes the ability of the media to communicate with audiences directly.** The lack of a direct relationship between media and their audience significantly limits media’s ability for tailored monetization, customer relations, strategic vision, and in building trust with audiences. AI summaries can also directly **harm media organizations’ reputations**, when they attribute inaccurate reporting to the news outlets (such as a 2024 BBC complaint to Apple about a misleading AI headline),⁸⁹ or otherwise hallucinate.⁹⁰

Generative AI’s Use of Content

Generative AI needs a substantial amount of high-quality content to produce high-grade outputs. This includes not only data for training the AI, but also access to reliable information to generate outputs (chatbot responses, news summaries in search engines, etc.). These sources should be attributed. While use of this content **could be an important source of revenue for journalism**, the media sector itself is divided on the best approach to ensure fair remuneration, and co-ordination between publishers is lacking.

Currently, Big Tech platforms **license media content at their discretion.** Significant power is concentrated upstream, where decisions are made about what media content to license for AI training and what content to leave out (and so not to compensate — for example, content from less common language sources, or certain cultural contexts). Furthermore, generative AI is trained on large amounts of publicly available

⁸⁷ I. Simonetti and K. Blunt, “News Sites are Getting Crushed by Google’s New AI Tools.” In *The Wall Street Journal* (10 June 2025), <https://www.wsj.com/tech/ai/google-ai-news-publishers-7e687141>

⁸⁸ In July 2025, a group of independent publishers filed an EU antitrust complaint against Google over its AI Overviews, see <https://www.reuters.com/legal/litigation/googles-ai-overviews-hit-by-eu-antitrust-complaint-independent-publishers-2025-07-04>.

⁸⁹ G. Fraser, “BBC complaints to Apple over misleading shooting headline.” *BBC* (13 December 2024), <https://www.bbc.com/news/articles/cd0elzk24dno>

⁹⁰ ‘Hallucination’ refers to output by generative AI tools that is factually incorrect or misleading even though it may appear plausible to the user.

content, including copyrighted and other media content, often without the explicit permission of the right-holders and without remuneration. The question of whether AI-generated outputs can infringe upon the copyright of the original author, or exploit media content for developing commercial products, has become a **central issue and topic of legal debate**. In December 2023, The New York Times sued OpenAI and other AI companies in the wake of the allegedly unfair usage of the organization's copyrighted content in training AI models. Other media companies and other creative industries are conducting similar **lawsuits**. As of August 2025, general-purpose AI model providers need to summarize the data used to train their models in the EU as part of its AI Act.⁹¹

Media Agreements

Some media organizations are taking the approach to negotiate and sign **agreements with AI companies**. At the time of writing, OpenAI had signed agreements with (only) 34 publishers, often without clarity on how decisions are made.

Some of the **major agreements** include Axel Springer SE (Germany) with OpenAI,⁹² Prisa Media (Spain) with Open AI,⁹³ Le Monde (France) with OpenAI,⁹⁴ Associated Press with Google,⁹⁵ mainly to use their content for large language model (LLM) training, and Agence France-Presse (AFP) with Mistral AI,⁹⁶ to use their content for direct retrieval of information in user requests.

91 European Commission, "Commission presents template for General-Purpose AI model providers to summarize the data used to train their model." Press Release (24 July 2025), <https://digital-strategy.ec.europa.eu/en/news/commission-presents-template-general-purpose-ai-model-providers-summarise-data-used-train-their>

92 OpenAI, "Partnership with Axel Springer to deepen beneficial use of AI in journalism" (13 December 2023), <https://openai.com/index/axel-springer-partnership/>

93 OpenAI, "Global news partnerships: Le Monde and Prisa Media" (13 March 2024), <https://openai.com/index/global-news-partnerships-le-monde-and-prisa-media/>

94 OpenAI, "Global news partnerships: Le Monde and Prisa Media" (13 March 2024), <https://openai.com/index/global-news-partnerships-le-monde-and-prisa-media/>

95 M. O'Brien, "Google signs deal with AP to deliver up-to-date news through its Gemini AI chatbot" AP (16 January 2025), <https://apnews.com/article/google-gemini-ai-associated-press-ap-0b57bcf8c80dd406daa9ba916adacfa>

96 AFP, "L'AFP et Mistral AI annoncent un partenariat mondial" (16 January 2025), <https://www.afp.com/fr/lagence/notre-actualite/communiques-de-presse/lafp-et-mistral-ai-annoncent-un-partenariat-mondial>

While the number of agreements is increasing, they **predominantly involve large publishers** or those from major markets in arrangements that do not disclose the precise duration or the financial or other terms of the contract. This lack of co-ordination and co-operation among the publishers and the media industry more broadly holds additional **risks for media pluralism**, especially in smaller markets and regarding linguistic and cultural representation.

In **Denmark**, the media industry set up a collective management organization — the Danish Press Publications' Collective Management Organisation (DPCMO) — to conclude agreements regarding press publishers' rights on behalf of the publishers. Amid fears that smaller countries or smaller outlets would become marginalized, it opened negotiations for a collective agreement with OpenAI. However, this approach has so far been ineffective. Consequently, the DPCMO has initiated a mediation process under the Danish Copyright Act.⁹⁷ Similar mediation processes have previously been initiated against social media platforms. Negotiations have led to an interim licensing agreement with Google and a memorandum of understanding with Microsoft, while Meta and TikTok have refused to participate in the mediation processes that should have recognized the value of copyright and news. This refusal has been escalated to the Danish Minister for Culture to start an arbitration process.⁹⁸

Control, Manipulation and Fragmentation

Generative AI also threatens to expand Big Tech's control inside newsrooms to technologies that are used to produce content. Given Big Tech's dominance in AI development, it can be difficult for media organizations to

⁹⁷ DPCMO statement (October 2024), <https://dpcmo.dk/dpcmo-demands-mediation-with-openai-from-the-minister-of-culture/>

⁹⁸ DPCMO statement (September 2024), <https://dpcmo.dk/dpcmo-starts-arbitration-cases-against-meta-and-tiktok/>

use AI without relying on US-based tech companies' cloud computing and storage services, foundational models, datasets, research, or funding.⁹⁹

However, **generative AI also provides opportunities to limit media dependencies.** Some media organizations have developed their own large language models (such as BloombergGPT, ChatDPG or Spinoza), although these models are often still based on foundational resources provided by Big Tech. Besides, the option to build one's large language model is only available to media with sufficient technological and financial resources. Even for larger media organizations, competing with AI companies' financial resources and models trained on data taken from vast swaths of the internet — including journalistic content without consent or compensation — poses significant challenges. However, progressively more pre-trained open-source models are available, and substantial initiatives exist to train alternative, local models that could potentially offer viable alternatives, providing media companies are sufficiently incentivized to support these developments and work with such models.

At the same time, **the expansion of generative AI tools risks not only undermining general trust in the media,**¹⁰⁰ **while facilitating media manipulation,** but also fuels interactive deepfakes and other forms of 'compositional deepfakes'.¹⁰¹ This artificially generated material can lead to convincing forms of impersonation and reality distortion, as well as highly invasive targeted violence. The sheer volume of content that can be rapidly developed with AI technologies can be used to attack journalists as well as to distort the perception of journalism,¹⁰² with a huge effect on the media both financially and in terms of safety and trust.

99 For Guidelines on the Responsible Implementation of Artificial Intelligence Systems in Journalism, see the Council of Europe CDMSI Guidelines from 2023, <https://rm.coe.int/cdmsi-2023-014-guidelines-on-the-responsible-implementation-of-artific/1680adb4c6>.

100 Including when media content is mislabeled as artificially generated, see, for example, <https://techcrunch.com/2024/06/21/meta-tagging-real-photos-made-with-ai>.

101 UNESCO, *Your Opinion Doesn't Matter Anyway - Exposing Technology-Facilitated Gender-Based Violence in an Era of Generative AI*. (2024), p.19, <https://unesdoc.unesco.org/ark:/48223/pf0000387483>; See also: NPR, "How Gamergate Became A Template For Malicious Action Online" (30 August 2019), p.13, <https://www.npr.org/2019/08/30/756034720/how-gamergate-became-a-template-for-malicious-action-online>.

102 N. Lubin, "What to Do About the Junkification of the Internet." *The Atlantic* (12 March 2024), <https://www.theatlantic.com/technology/archive/2024/03/generative-ai-social-media-moderation/677730/>.

In the past decade, policy discussions considered echo chambers, filter bubbles and the impact on polarization and radicalization. The exponentially increasing **personalization of content production through generative AI threatens to further undermine the shared information ecosystem.** Personalized news distribution may offer opportunities for the media to serve their audience and engage in a more targeted manner with groups in society. However, it risks fragmentation and facilitates polarization, hyper-targeting disinformation, and even distorting democratic debate.

While social media feeds are already heavily personalized, they do still surface other (albeit similar) content for users with shared preferences and characteristics. In contrast, **generative AI takes the communicative and informational personal experience to the extreme, resulting in unprecedented levels of fragmentation and individualization,** often in a highly opaque way. Applications such as chatbots (for example ChatGPT) allow users to interact with informational (and political) content in isolation, as AI-generated responses are tailored to each individual, creating ‘audiences of one’. While there has been limited research on the effect of generative AI and chatbots on news access to date,¹⁰³ it can be presumed that **the current design of this technology and its application does not serve the fundamental democratic need for a common information space: a shared reality as the baseline for public debate.**

¹⁰³ First studies do, however, indicate that it is growing in importance. According to the Reuters Institute Digital News Report 2025, 5% use generative AI applications to access news, this number grows to 15% for under 25 years old. See N. Newman et al., *Reuters Institute Digital News Report 2025*, Reuters Institute for the Study of Journalism (2025).



VISIBILITY

VISIBILITY

VISIBILITY

VISIBILITY

VISIBILITY

VISIBL Y

5. Media Visibility

This section offers an overview of policy tools aimed at enhancing the visibility of public interest journalism in the digital space. The first part examines regulatory approaches and initiatives to date in order to identify key lessons and considerations for future governance. The second part provides recommendations on how States can promote the availability, visibility, and prominence of journalism adhering to professional codes of ethics and public interest information.

5.1 Policy and Regulatory Initiatives to Strengthen Media Visibility

Policy Tools to Address the Way Platforms Gatekeep Content

One suite of policy options to **safeguard media freedom** directly targets the way Big Tech platforms exert control over gatekeeping. **Enacting visibility policies for ‘quality’ or ‘public interest’ information has been considered as an appealing solution to counter existing media dependencies and power asymmetries, so as to foster democratic debate.** By directly addressing a significant aspect of platforms’ power over the media, namely their

ability to decide what kind of news is prominent on their service, visibility policies can strengthen individuals' exposure to public interest, diverse, or local journalism.¹⁰⁴ Promoting the visibility of content that adheres to professional journalistic standards can also increase the media's financial sustainability¹⁰⁵ and incentivize the media to produce more high-quality content compared with 'click-worthy' content to optimize attention and advertising revenue.

Such policies could be implemented by mandating the platforms to afford media organizations or public interest content special protections. However, the debate on the merits of such policies is complex and politically sensitive, and is complicated by the many vague and overlapping terms used to describe such policies, including 'media privileges', 'due prominence', 'must-carry' and 'special treatment rules'. This Policy Manual generally uses the term '**visibility policies**' to refer to policy — as well as (self-)regulation — which offers the media special treatment that is intended to improve its visibility and accessibility for users on online platforms.¹⁰⁶

¹⁰⁴ Council of Europe, *Guidance Note on the Prioritisation of Public Interest Content Online* (2021), <https://rm.coe.int/cdmsi-2021-009-guidance-note-on-the-prioritisation-of-pi-content-ado/1680a524c4>; K. Bleyer-Simon and E. Brogi, *Enhancing Content Reliability by Prominence: Indicators for Trustworthy Online Sources*. European Digital Media Observatory (2021), <https://cadmus.eui.eu/bitstream/handle/1814/74327/Enhancing-Content-Reliability-by-Prominence-Indicators-for-Trustworthy-Online-Sources-Report.pdf?sequence=1>; K. Rozgonyi, "Accountability and Platforms' Governance: The Case of Online Prominence of Public Service Media Content." In *Internet Policy Review* Vol. 12 Issue 4 (2023)

¹⁰⁵ ERGA, *Ensuring Prominence and Access of Audiovisual Media Content to All Platforms (Findability): Deliverable 1: Overview Document in Relation to Article 7a of the Audiovisual Media Services Directive* (2021), p. 5, https://erga-online.eu/wp-content/uploads/2021/01/ERGA_SG3_2020_Report_Art.7a_final.pdf; ERGA, *Consistent Implementation and Enforcement of the AVMSD Framework Deliverable 3 - Exploring How Algorithms and Recommendation Systems Could Ensure the appropriate Prominence of Audiovisual Media Services of General Interest (Article 7a) as Well as the Prominence of European Works (Article 13(1))* (2022), p. 127, https://erga-online.eu/wp-content/uploads/2022/12/2022-12-ERGA-SG1-Report-Prominence_Art.7a-and-Art-13.pdf; European Commission, *Study on Media Plurality and Diversity Online: Final Report*. Publications Office of the European Union (2022).

¹⁰⁶ A. Kuczerawy and J. Quintais, *Must-carry: Special Treatment and Freedom of Expression on Online Platforms: A European Story*, Institute for Information Law (2024), <https://www.ivir.nl/publications/must-carry-special-treatment-and-freedom-of-expression-on-online-platforms-a-european-story/>; E. Mazzoli, *A Comparative Lens on Prominence Regulation and Its Implications for Media Pluralism. a Working Paper*. The 49th Research Conference on Communication, Information and Internet Policy (2021), p. 10, <https://doi.org/10.2139/ssrn.3898474>

Must-carry rules

Historically, certain services or infrastructures that are essential to the public's daily life such as transportation or telecommunication have been defined as a '**public utility**'. Often monopolistic in nature, they serve fundamental societal needs and have thus been considered to have **societal responsibilities** to ensure equitable access, non-discrimination, affordability, reliability and public accountability. The idea of legally declaring a service as a 'public utility' is to ensure that access is treated not just as a commercial market transaction but as a **public good**, and that the operations should thus support the broader public interest rather than profit considerations only. In the digital context, calls to treat Big Tech platforms as public utility stem from their de facto monopolistic control over the information landscape, enabling and shaping communication, access to information and democratic participation — arguably making them so central to societal functioning that States should ensure public responsibility.¹⁰⁷

Over past decades, policymakers have recognized that some communications services are so fundamental to public discourse and information access that special regulatory intervention is warranted to ensure distribution and universal availability. This led to regulatory frameworks that mandated these communication services to carry certain content, such as local broadcasting or linguistic content, also known as must-carry provisions. Such regulation seeks to prevent dominant gatekeepers such as telecoms or broadcasters with limited spectrum licenses from excluding or obstructing competitors. **While in the digital context bandwidth is effectively infinite, gatekeeping platforms today oversee a different scarce resource — people's attention.** For this reason, **policy discussions gain momentum on whether, and**

¹⁰⁷ M. Ricks et al., "Networks, Platforms, and Utilities: Law and Policy." In *Faculty Books* 349 (2022) <https://scholarship.law.columbia.edu/books/349> or V. Bagnoli, "Digital Platforms as Public Utilities." In *IIC - International Review of Intellectual Property and Competition Law* Vol. 51 Issue 8 (2020), p. 903-905, <https://ssrn.com/abstract=4472716>

if so how, policies should focus on must-carry provisions for high-quality content on social media, search, and streaming.¹⁰⁸

Adopting must-carry provisions for platforms may entail defining them as a public utility (providing an essential service to the public) so that their private business interest needs to be balanced with public information needs. In order to underline that global information spaces are a public good, such provisions could also mandate the political and ideological neutrality of these global information spaces shaped and structured by Big Tech.¹⁰⁹

Visibility policies can **build on a long history of legal measures** intended to provide the media with specific protections so it can continue to fulfil its democratic functions in the face of technological change.¹¹⁰ Examples include must-carry obligations imposed on cable operators to ensure access to general interest content, and, more recently, exemptions to data protection law for “processing for journalistic purposes”.¹¹¹ A wide array of measures have been proposed to adapt visibility policies to Big Tech platforms. These **visibility policies involve varying levels of interventions in the way platforms gatekeep journalistic content**, ranging from transparency and user empowerment (using ‘trust signals’ to allow individuals to recognize media content and choose to have it ranked more highly) and limits on platforms’ power to remove, demote or demonetize media content, to due prominence rules that mandate public interest content to be visible or have priority.

Regardless of the extent of intervention, **all such visibility policies would require definition of which entities qualify as media or otherwise benefit from the policy.** While the profound questions of what information should be considered as being in the public interest and

108 A. Schiffrin & C. Radsch, *Exploring Must-Carry for News in the Platform Economy*. Research Paper (2025), <https://www.osce.org/representative-on-freedom-of-media/597645>

109 Forum on Information and Democracy, International Partnership for Information and Democracy (2019), <https://informationdemocracy.org/international-partnership-on-information-democracy/>

110 For an overview of existing media privileges across jurisdictions, see Council of Europe, Journalism and media privilege (2017), <https://rm.coe.int/journalism-and-media-privilege-pdf/1680787381>.

111 Article 114 of the European Electronic Communications Code, Article 85 GDPR; see also Article 7a AVMSD and Article 17(2)(e) and 20 EU Political Advertising Regulation.

who ultimately decides on this¹¹² are underlying considerations for most media policies (from state subsidies to accreditations and access privileges for journalists), these considerations are particularly relevant for **visibility policies that hold the most potential to safeguard media freedom by mandating a shift of platforms' power over user attention.**

If introduced in restrictive media environments or without safeguards, **visibility policies could be captured in ways that undermine independent journalism.** In 2017, for example, Russia introduced a law holding news aggregators, such as Yandex News, liable for “spreading fake news”. Under this law, links to content from state-registered media outlets are exempt from liability, effectively creating a tool for indirect media control through algorithmically prioritizing traffic to state media.¹¹³ Due to risks of capture or potential backfiring¹¹⁴ as well as complexities in realizing visibility policies that benefit media pluralism and public interest journalism, there remains a lack of consensus over this issue within the media freedom community, academia and civil society.

This Policy Manual focuses on journalism and the organizations that produce it (although visibility policies could be adopted for different sorts of ‘public interest information’). In addition to **visibility policies directly targeted at safeguarding media freedom**, a variety of other policy options — such as mandating Big Tech platforms to adjust their content ranking in a way that encourages positive interactions among users rather than prioritizing engagement, or requesting the opening of recommender systems to alternatives produced by third-parties — would also **indirectly** affect and likely improve the visibility of media content on platforms.

This section outlines the spectrum of different visibility policy tools and examines regulatory attempts in this context to identify key lessons and considerations for future governance.

112 A. Kuczerawy and J. Quintais, *Must-carry: Special Treatment and Freedom of Expression on Online Platforms: A European Story*. Institute for Information Law (2024); European Audiovisual Observatory, *Public Interest Content on Audiovisual Platforms: Access and Findability*. (2023), p. 2, 7, <https://rm.coe.int/iris-special-2023-01en-public-interest-content/1680ad084d>

113 M. Wijermars, “Russia’s law ‘On news aggregators’: Control the news feed, control the news?” In *Journalism* Vol. 22 Issue 12 (2021), p. 2938-2954, <https://doi.org/10.1177/1464884921990917>

114 Certain political forces have criticized ideas to ‘force on’ individuals certain views of ‘mainstream media’. Similar discussions were recently seen in the context of fact-checking.

Beneficiaries of Visibility Policies

A distinction can be made between promoting the visibility of content, and promoting the visibility of organizations that produce content.¹¹⁵

Visibility policies that target content often apply to some form of ‘public interest content’, defined with reference to “what is good for, or of benefit to, the public from the normative perspective of pluralistic democratic society”.¹¹⁶ For example, the United Kingdom Online Safety Act (UK OSA) regulates “content of democratic importance”, defined in part as “[content that] is or appears to be specifically intended to contribute to democratic political debate in [part of] the United Kingdom” (Section 17 of the Online Safety Act). Similarly, Article 94 of the German State Media Treaty refers to “journalistic-editorial offerings”, while Article 7a of the EU Audiovisual Media Services Directive (AVMSD) focuses on “audiovisual media services of general interest”.

One key challenge for promoting the visibility of individual pieces of content on platforms is that the relevant attributes (e.g., objectivity, fairness, diversity) are very hard to define and to measure algorithmically at scale (especially in local languages).¹¹⁷ In addition, making the visibility of a piece of content dependent on its quality, or compliance with professional journalistic standards, creates a risk of censorship.¹¹⁸

115 A. Kuczerawy and J. Quintais, *Must-carry: Special Treatment and Freedom of Expression on Online Platforms: A European Story*. Institute for Information Law (2024).

116 ERGA, *Consistent Implementation and Enforcement of the AVMSD Framework Deliverable 3 - Exploring How Algorithms and Recommendation Systems Could Ensure the Appropriate Prominence of Audiovisual Media Services of General Interest (Article 7a) as Well as the Prominence of European Works (Article 13(1))*. ERGA (2022) https://erga-online.eu/wp-content/uploads/2022/12/2022-12-ERGA-SG1-Report-Prominence_Art.7a-and-Art.-13.pdf; E. Mazzoli, *The Politics of Content Prioritisation Online: Governing Prominence and Discoverability on Digital Media Platforms*. London School of Economics and Political Science (2023), p. 200, <https://etheses.lse.ac.uk/4517/>; Council of Europe, *Prioritisation Uncovered: The Discoverability of Public Interest Content Online*. Council of Europe study DGI (2020), p. 16, <https://rm.coe.int/publication-content-prioritisation-report/1680a07a57>; European Audiovisual Observatory, *Public Interest Content on Audiovisual Platforms: Access and Findability*. Council of Europe (2023) p. 2 and 7, <https://rm.coe.int/iris-special-2023-01en-public-interest-content/1680ad084d>

117 See for example on diversity S. Vrijenhoek et al., “RADio - Rank-Aware Divergence Metrics to Measure Normative Diversity in News Recommendations.” In *Proceedings of the 16th ACM Conference on Recommender Systems* (2022), p. 208-219, <https://dl.acm.org/doi/abs/10.1145/3523227.3546780>. This objection is particularly relevant to media privileges that are applied at large scale, such as due prominence requirements, and less so for media privileges that require better appeals processes or less restrictive moderation. Attempts to quantify journalism algorithmically have been made by Deepnews.AI and Newsguard, for example.

118 Council of Europe, *Prioritisation Uncovered: The Discoverability of Public Interest Content Online*. Council of Europe study DGI (2020); European Commission, *Study on Media Plurality and Diversity Online: Final Report*. Publications Office of the European Union (2022), p. 50.

In part because of these reasons, visibility policy discussions and initiatives targeted at platforms have often focused on the organizations that are producing content, and their adherence to journalistic processes. **However, it is challenging to define who should qualify for special treatment on the institutional level as well.**

One option is to have visibility policies apply exclusively to public service media (PSM), as their legal and societal role is to produce trustworthy, diverse content.¹¹⁹ However, when the PSM are insufficiently independent (or non-existent), this approach risks exacerbating government control over the public debate.¹²⁰ Additionally, it would exclude high-quality and public interest content produced by non-public media organizations.¹²¹ A hybrid option, used in the UK OSA, is to have PSM qualify by default, and allow other media organizations to qualify if they meet the relevant criteria.¹²² A third approach, adopted by the European Media Freedom Act (EMFA), is to make no distinction between public service and other media, but rather to lay out general criteria regarding, editorial independence and the responsibilities all organizations must meet before they qualify for visibility policies (see Table 1). The Australian Code of Practice on Disinformation and Misinformation takes a similar approach, defining a ‘news source’ as “a journalistic producer of news that has editorial independence from the subjects of its news coverage” and is subject to accountability for

119 In its July 2025 Public Service Media Review, the UK’s communications regulator Ofcom recommends prominence and discoverability for PSM content on YouTube and potentially other third-party platforms, in addition to the newly introduced prominence rules on TV platforms. See Ofcom, Public Service Media Review, <https://www.ofcom.org.uk/tv-radio-and-on-demand/public-service-broadcasting/public-service-media-review>.

120 E. Mazzoli, “A Comparative Lens on Prominence Regulation and Its Implications for Media Pluralism. a Working Paper.” In *The 49th Research Conference on Communication, Information and Internet Policy* (2021), p. 10; E. Mazzoli, *The Politics of Content Prioritisation Online Governing Prominence and Discoverability on Digital Media Platforms*. London School of Economics and Political Science (2023), p. 200, <https://etheses.lse.ac.uk/4517/>

121 ERGA, *Ensuring Prominence and Access of Audiovisual Media Content to All Platforms* (Findability): Deliverable 1: Overview Document in Relation to Article 7a of the Audiovisual Media Services Directive (2021), https://erga-online.eu/wp-content/uploads/2021/01/ERGA_SG3_2020_Report_Art.7a_final.pdf; Council of Europe, *Prioritisation Uncovered: The Discoverability of Public Interest Content Online*, Council of Europe study DGI (2020); European Commission, *Study on Media Plurality and Diversity Online: Final Report*. Publications Office of the European Union (2022), p. 126.

122 UK Online Safety Act Section 56, https://www.legislation.gov.uk/ukpga/2023/50/pdfs/ukpga_20230050_en.pdf

its editorial standards.¹²³ The Code has a subcategory for ‘professional news’, defined as material produced by a news source that “reports, investigates, or provides critical analysis of” issues or events that “are relevant in engaging end-users in public debate and in informing democratic decision-making” or are of public significance to end-users.¹²⁴

As well as defining the criteria as to who should receive special treatment of preference, it is important to define **who gets to decide** whether these criteria are fulfilled, when, and based on what process and evaluation.

Under the **EMFA**, media organizations **self-declare** whether they meet the EMFA’s criteria.¹²⁵ Platforms must contact the relevant regulatory authority when there is reasonable doubt whether the media organization is compliant with the regulatory requirements or co-/self-regulatory mechanism it refers to. If platforms reject or invalidate a media organization’s application, media organizations may appeal through out-of-court arbitration and mediation procedures.¹²⁶ The EMFA further notes that civil society, fact checkers, and other professional organizations should be able to flag media organizations’ lack of compliance with the EMFA’s requirements (but provides no mechanism for them to do so).¹²⁷ Overall, the EMFA’s reliance on platforms to put its visibility policies into practice has been criticized in light of plat-

123 DIGI, *Australian Code of Practice on Disinformation and Misinformation*. Digital Industry Group Inc. (December 2022), para. 3.7, <https://digi.org.au/wp-content/uploads/2022/12/Australian-Code-of-Practice-on-Disinformation-and-Misinformation-FINAL--December-22-2022.docx.pdf>; See the Australian Communication and Media Authority problematizing this definition inter alia here: ACMA, *Digital Platforms’ efforts under the Australian Code of Practice on Disinformation and Misinformation - Second report to government*, Australian Communications and Media Authority (July 2023), p. 13, <https://www.acma.gov.au/sites/default/files/2023-07/Digital%20platforms%20efforts%20under%20Code%20of%20Practice%20on%20Disinformation%20and%20Misinformation.pdf>; See also the definition of registered news businesses in the Australian News Media Bargaining Code, Division 3, <https://www.legislation.gov.au/C2021A00021/latest/text>.

124 DIGI, *Australian Code of Practice on Disinformation and Misinformation*. Digital Industry Group Inc. (December 2022), para 3.10.

125 In this context, the European Federation of Journalists (EFJ) has underlined the importance of clear criteria to ensure a strong journalists’ privilege protects editorial content from arbitrary and opaque content moderation practices deployed by Big Tech platforms, see <https://europeanjournalists.org/blog/2025/07/28/efj-urges-commission-to-promptly-draft-clear-guidelines-on-digital-platforms-content-moderation-obligations-emfa-article-18>.

126 EMFA Article 18(7)

127 Recital 53; the Recital notes that the role of civil society and other organizations in the review of media organizations’ declarations may be addressed in guidelines on the application of the EMFA produced by the Commission.

forms’ lack of expertise regarding, for example, editorial independence standards, as well as the lack of economic and political incentives to implement the policies in a way that best safeguards media freedom.¹²⁸

Reliance on self-regulation by the media industry may lessen the role of States and platforms in deciding which media qualify for visibility policies, and the risks entailed with such decision-making control over the information landscape. One self-regulatory standard recognized by EMFA is produced by the **Journalism Trust Initiative (JTI)**,¹²⁹ an international standard for benchmarking media transparency and commitments to professional journalistic practices, with the aim of helping media organizations to demonstrate trustworthy journalism to their audiences.¹³⁰ However, the JTI has faced criticism, for relying in part on paid certification (which may create barriers for small, local, community media, or could introduce potential political interference), as well as for supposedly affording insufficient weight to the criterion requiring media’s membership of an independent self-regulatory accountability body (the JTI includes a section on external accountability).

The table below provides an overview of the qualification criteria for media organizations in the EMFA and the JTI standards.

	EMFA	JTI
Identity and contact transparency	Organization’s name and contact details	Organization’s name(s), contact details, distribution channels, location, founding date
Independence requirements	Independent from EU Member States, political parties, and (entities controlled or financed by) third countries	Ensure there are no conflicts of interest, prevent undue external or managerial influence on journalism. News, opinion, and sponsored content should be clearly separated.

128 J. Barata, “Protecting Media Content on Social Media Platforms - The European Media Freedom Act’s Biased Approach.” In *Verfassungsblog* (25 November 2022), <https://verfassungsblog.de/emfa-dsa/>; T. Seipp et al., “Defining the ‘media’ in Europe: pitfalls of the proposed European Media Freedom Act.” In *Journal of Media law* Vol. 15 Issue 1 (2023), p. 39-51, <https://doi.org/10.1080/17577632.2023.2240998>

129 EMFA Article 18(1); recital 53

130 <https://journalismtrustinitiative.org/>

Independence transparency	Shareholders with influence on operations and strategy; beneficial owners; amount of funding from State and third country advertising	Type of company, and whether it is (partly) State owned or publicly traded List of revenue sources ranked from high to low, and the nature of public funding (license fee, grant, etc.) Names of (in)direct/beneficial owners, board members, members of management, direct/majority/controlling shareholders for some of these persons, political party membership, ownership of other companies, and contact details must also be disclosed. Nondisclosure is sometimes permitted due to safety concerns. PSM only: describe State funding and governance mechanisms
Editorial responsibility requirements	The organization is subject to national law or self-regulation.	Organizations must provide and adhere to an editorial mission statement that is consistent with ethical principles of trustworthy journalism. Organizations must have a process to ensure accuracy, and guidelines for user generated content, anonymity of sources, and specific topics such as explicit content. A diversity of sources should be used, and the privacy of sources should be protected.

Editorial responsibility transparency		Provide editorial mission statement PSM only: describe public service mission
Accountability requirements	The organization is subject to national law or self-regulation.	Emphasis on internal accountability, including a process to correct and publish corrections, and to handle complaints from the public external accountability is not required, as appropriate mechanisms are absent in many countries.
Accountability transparency	Contact details of national regulatory authorities or self-regulator Very large online platforms must contact these in event of reasonable doubt regarding compliance with the editorial responsibility mechanism.	Professional social media contact details for queries/interaction about editorial content Newsroom and customer service contact details
Other	Do not provide automatically generated content without human review	Indicate when news content is automatically generated; provide a policy on algorithmic news recommendation and curation; explain what, how, and why personal data is collected, have policies on training and working conditions.

Table 1. Overview of qualification criteria for media organizations in the EMFA and JTI standards

Benefits Awarded by Visibility Policies

Visibility policies can be divided according to the **aspect of platforms' gatekeeping power they address** (particularly moderation/take-down or content curation/recommendation) and **how they do so** (with user choice, procedural obligations, or changes to the default platform rules being particularly common options).

Content moderation

One category of visibility policy measures focuses on platforms' power to **remove, demote, demonetize, or otherwise moderate content** based solely on their own policies and interests.¹³¹ For example, Article 18 of the EMFA affords a number of distinct procedural rights to media organizations: they are given 24 hours to reply to content moderation decisions before they take effect (exceptions apply to illegal content, in crisis situations or where platforms moderate content in line with the DSA's risk mitigation requirements); their complaints must be processed with priority; and they have the right to engage in an amicable dialogue, mediation, or dispute settlement procedures with platforms. Such **procedural obligations** may prevent certain platform moderation decisions from taking effect, or enable media organizations to successfully contest them to restore content through appeal channels. However, by taking a procedural approach alone they ultimately leave the power to decide what is and is not allowed on platforms largely in the hands of platforms themselves, risking further entrenching the power asymmetries.

Another approach imposes equal treatment obligations on platforms. Article 94 of the German State Media Treaty (Medienstaatsvertrag), for example, prohibits platforms (as well as other actors) from deviating from their general moderation and recommendation rules for specific journalistic content without an objectively justifiable reason. Such rules may be used to address

¹³¹ See similarly the UK Online Safety Act Sections 17-19 and Article 14 DSA, see J. Quintais, N. Appelman, R. O Fathaigh, "Using Terms and Conditions to apply Fundamental Rights to Content Moderation," In *German Law Journal* Vol. 24 Issue 5 (2023), p. 881-911, <https://pure.uva.nl/ws/files/164496163/using-terms-and-conditions-to-apply-fundamental-rights-to-content-moderation.pdf>; A. Kuczerawy and J. Quintais, *Must-carry: Special Treatment and Freedom of Expression on Online Platforms: A European Story*, Institute for Information Law (2024).

platform discrimination against specific media organizations (for example by removing, demoting, or demonetizing their content) due to their political leaning, critical reporting, or negotiations for fair remuneration for their content. However, these rules do not address measures that are applied equally to all content, and negatively affect the media as a whole, such as through a general deprioritization of news or a ban on graphic images often present in war reporting.

More fundamentally, the potential of visibility policies that target platforms' power to moderate content is inherently limited, as the core of platforms' gatekeeping power is not control over what content is available. **Rather, it is their ability to control what news gets attention through recommender systems and is thus not only theoretically discoverable but actually visible and accessible.**

Content Curation and Recommender Systems

A number of policy tools target the **discoverability and accessibility (rather than only the availability) of media content on platforms**, for example, by promoting self-regulatory projects that label trustworthy journalism, such as the Trust Project¹³² and NewsGuard.¹³³ US laboratory research indicates that transparency (such as trust labels, information on the media organization/reporter, or information on why a certain story was produced) can have a (small) effect on the perceived credibility of content,¹³⁴ though questions may be raised as to whether findings can be generalized. However, **transparency does not necessarily lead users to engage more with trustworthy**

132 <https://thetrustproject.org>

133 <https://www.newsguardtech.com>

134 A.L. Curry & N. J. Stroud, "Trust in Online News." *University of Texas at Austin, Center for Media Engagement* (2017), <https://mediaengagement.org/wp-content/uploads/2017/12/CME-Trust-in-Online-News.pdf>; A.L. Curry and N.J. Stroud, "The Effects of Journalistic Transparency on Credibility Assessments and Engagement Intentions." In *Journalism* Vol. 22 Issue 4 (2019), <https://doi.org/10.1177/1464884919850387>; K.A. Johnson and B. St John III, "Transparency in the News" In *Journalism Studies* Vol. 22 Issue 7 (2021), p. 953-970, <https://doi.org/10.1080/1461670X.2021.1910542>; G.M. Masullo et al., "Signaling News Outlet Trust in a Google Knowledge Panel" In *New Media & Society* Vol. 26 Issue 9 (2024), p. 5379, <https://journals.sagepub.com/doi/10.1177/14614448221135860?cid=int.sj-abstract.citing-articles.2>; B. K. Norambuena et al., "Watching the Watchdogs: Using Transparency Cues to Help News Audiences Assess Information Quality." In *Media and Communication* Vol. 11 Issue 4 (2023), <https://www.cogitatiopress.com/mediaandcommunication/article/view/7018>

media,¹³⁵ and other studies do not find such positive effects for accessing journalistic content following labelling, perhaps in part due to the difficulty of ensuring that individuals process transparency information.¹³⁶ Effects can also differ depending on individuals' political beliefs or attitude towards the media organization.¹³⁷

A more substantial policy option would be to **require platforms to integrate signals on trustworthiness into their recommender systems**. While platforms are currently not obliged to do so, some regulatory frameworks already acknowledge this approach: the EMFA, for example, establishes a structured dialogue on the way platforms may foster access to diverse and independent media (Article 19(1)(b)).

Moreover, existing legislation may give States space to impose obligations of **preferential ranking for journalistic content** on platforms.¹³⁸ In EU platform regulation, Articles 34 and 35 DSA require platforms to assess and then mitigate identified risks to fundamental rights such as media freedom, including by adapting their recommender systems. Along with the media pluralism obligations in Article 3

¹³⁵ K. Aslett et al., "News credibility labels have limited average effects on news diet quality and fail to reduce misperceptions." In *Science Advances* Vol. 8 Issue 18 (2022), <https://www.science.org/doi/10.1126/sciadv.abl3844>

¹³⁶ G. M. Masullo, T. Lee and M. J. Riedl, "Signaling News Outlet Credibility in a Google Search." In *Journalism & Mass Communication Quarterly* Vol. 99 Issue 4 (2021), <https://journals.sagepub.com/doi/abs/10.1177/10776990211047964>; M. Varnum et al., "Large Language Models based on historical text could offer informative tools for behavioral science." *Proceedings of the National Academy of Sciences of the USA* (October 2024), https://www.researchgate.net/publication/384765592_Large_language_models_based_on_historical_text_could_offer_informative_tools_for_behavioral_science; C. Peacock, G. M. Masullo and N. J. Stroud, "The Effect of News Labels on Perceived Credibility." In *Journalism* Vol. 23 Issue 2 (2022), p. 301, <https://journals.sagepub.com/doi/abs/10.1177/1464884920971522>; S. Bradshaw, M. Elswah and A. Perini, "Look Who's Watching: Platform Labels and User Engagement on State-Backed Media Outlets." In *American Behavioral Scientists* Vol. 68 Issue 10 (2024), p. 1325-1344, <https://journals.sagepub.com/doi/epub/10.1177/00027642231175639>

¹³⁷ M. Karlsson, "Dispersing the Opacity of Transparency in Journalism on the Appeal of Different Forms of Transparency to the General Public." In *Journalism Studies* Vol. 21 Issue 13 (2020), p. 1795, <https://www.tandfonline.com/doi/full/10.1080/1461670X.2020.1790028>; G. M. Masullo et al., "The Story Behind the Story: Examining Transparency About the Journalistic Process and News Outlet Credibility." In *Journalism Practice* Vol. 16 Issue 7 (2022), p. 1287, <https://www.tandfonline.com/doi/full/10.1080/17512786.2020.1870529>; G. M. Masullo et al., "Signaling News Outlet Trust in a Google Knowledge Panel: A Conjoint Experiment in Brazil, Germany, and the United States." In *New Media & Society* Vol. 26 Issue 9 (2024), p. 5379

¹³⁸ See in the audiovisual context Article 7a AVMSD. European Regulators Group for Audiovisual Media Services, Overview document in relation to Article 7a of the Audiovisual Media Services Directive, ERGA (2020), https://erga-online.eu/wp-content/uploads/2021/01/ERGA_SG3_2020_Report_Art.7a_final.pdf.

EMFA, these provisions arguably already require platforms to ensure the visibility and due prominence of media on their service.

Considering the overall challenges to media freedom resulting from platforms' control over attention and content distribution, States could require platforms to realize their obligations to mitigate human rights risks by enacting visibility policies based on these provisions. However, much remains unclear about the specific interventions platforms can be required to take under these 'open norms', and their implementation remains largely at the discretion of regulators and their enforcement priorities. They also do not offer a framework to address questions of which media organizations or content should benefit from visibility policies, by whom this should be decided, and how capture of this process can be averted.

Another approach would be to require platforms to allow individuals to choose recommender systems that prioritize content based on trustworthiness indicators. This is the approach taken by, for example, the DSA Code of Conduct on Disinformation (Measure 22.2). Similarly, policies that require **interoperable recommender systems** — including alternative algorithms designed outside the platform — would allow multiple actors to give users options for recommender systems.¹³⁹ By relying on user choice (and in the case of interoperable recommender systems, decentralizing the power over what choices users have), these approaches would empower users to shape their digital environment while offering less space for abuse. Research also suggests users currently do not feel in control over personalization algorithms, and would value more transparency

139 Panoptikon Foundation & People vs Big Tech, *Towards algorithmic pluralism* (June 2025) https://panoptikon.org/sites/default/files/2025-07/towards-algorithmic-pluralism-in-the-eu-policy_pvbt-discussion-paper_04072025.pdf?utm_source=substack&utm_medium=email; and Panoptikon Foundation, *Safe by Default - Moving away from engagement-based rankings towards safe, rights-respecting, and human centric recommender systems*. (March 2024), https://panoptikon.org/sites/default/files/2024-03/panoptikon_peoplevsbigtech_safe-by-default_briefing_03032024.pdf

and control.¹⁴⁰ At the same time however, experience in platform governance indicates that relying exclusively on user empowerment is unlikely to overcome structural challenges for media plurality.

Lessons from elections and crises

In order to ensure access to reliable information, both States and platforms themselves have introduced **special measures in times of crises and elections**. In these contexts, some Big Tech platforms have rebalanced the calculations of ‘relevance’ to give more weight to accuracy, authenticity and authoritativeness. During crises such as natural disasters, health emergencies or conflict, various Big Tech platforms have opted to promote authoritative sources and increase exposure to public interest information.¹⁴¹ In crisis and electoral contexts, the EU foresees rules to foster due-regard to diversity and access to reliable information through protocols.¹⁴² During the COVID-19 pandemic, several platforms prioritized authoritative messages vetted by independent experts. During elections, platforms have proactively provided information on election-relevant information, such as where one can vote or where to find official trustworthy information.¹⁴³ At the onset of Russia’s full-scale invasion of Ukraine,

140 B. Kas et al., *Digital Fairness for Consumers*. BEUC - The European Consumer Organisation (2024), https://www.beuc.eu/sites/default/files/publications/BEUC-X2024-032_Digital_fairness_for_consumers_Report.pdf; M. van Drunen, M. Zarouali and N. Helberger, “Recommenders you can rely on - A legal and empirical perspective on the transparency and control individuals require to trust news personalisation.” In *Journal of Intellectual Property, Information Technology and Electronic Commerce Law* Vol. 13 Issue 3 (2022), p. 302-322, https://pure.uva.nl/ws/files/130466614/van_drunen_13_3_2022.pdf

141 See, for example, H. Budaraju, “Supporting evolving COVID information needs.” Google *The Keyword* (16 July 2022), <https://blog.google/products/search/supporting-evolving-covid-information-needs/> or New America, “Sharing Authoritative Information and Promoting Informed User Decision-Making.” (n.d.), <https://www.newamerica.org/oti/reports/misleading-information-and-the-midterms/sharing-authoritative-information-and-promoting-informed-user-decision-making/>.

142 See DSA art. 48(1) and European Commission, Communication from the Commission - Commission Guidelines for providers of Very Large Online Platforms and Very large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065, C/2024/3014, para. 27(d)(i), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024XC03014&qid=1714466886277>.

143 For Meta’s own assessment of its approach to election contexts throughout 2024, see <https://about.fb.com/news/2024/12/2024-global-elections-meta-platforms/>. As another example, in August 2025, TikTok announced to “empower people with reliable information” and “give them important context about content” during the Parliamentary elections in Moldova on 28th September 2025, see <https://newsroom.tiktok.com/ro-md/protecting-the-integrity-of-tiktok-during-the-parliamentary-elections-in-moldova>.

some platforms announced that they would make authoritative news sites more visible while limiting the visibility of State-backed Russian propaganda sites through algorithmic restrictions.¹⁴⁴

While these measures were aimed at protecting information integrity, they were often applied in an ad-hoc, opaque, and arbitrary manner, with the allocation of resources and policy attention being heavily influenced by market size, economic and reputation considerations, rather than comprehensive risk assessments.¹⁴⁵ And while crises-specific measures are essential, considering the relevance of access to public interest information, human rights-based content governance is essential at all times. **Crisis-specific measures do, however, show that Big Tech can recalibrate its algorithmic rankings away from engagement to accuracy if they see a policy, commercial, or reputation argument for doing so.**

Existing visibility policies

The table below provides an overview of the most prominent measures that somehow **mandate special treatment for media and public interest content**. Some of the provisions have not (yet) entered into force and some are optional measures platforms may take to address risks such as disinformation.

¹⁴⁴ See, for example, Google Safety, “Google’s approach to fighting misinformation online.” https://safety.google/intl/en_us/stories/fighting-misinformation-online and Meta Transparency Centre, “Meta’s Ongoing Efforts Regarding Russia’s Invasion of Ukraine.” (26 February 2022), <https://about.fb.com/news/2022/02/metas-ongoing-efforts-regarding-russias-invasion-of-ukraine/>; Meta, “Our Approach to newsworthy content.” (12 November 2024), <https://transparency.meta.com/features/approach-to-newsworthy-content/>. For an overview of actions taken in response to Russia’s full-scale invasion of Ukraine, see Human Rights Watch, “Russia, Ukraine, and Social Media and Messaging Apps.” (March 2022), <https://www.hrw.org/news/2022/03/16/russia-ukraine-and-social-media-and-messaging-apps#table-1>.

¹⁴⁵ Office of the OSCE Representative on Freedom of the Media, *Platform and Content Governance in Times of Crisis*. (2023), https://www.osce.org/files/f/documents/2/4/564961_0.pdf and Access Now, “Content governance in times of crisis: how platforms can protect human rights” (2022), <https://www.accessnow.org/publication/new-content-governance-in-crises-declaration>

Regulation	Scope	Visibility Policy
EMFA art. 18	Media service providers	Limitation on moderation
UK OSA s. 17	Content of democratic importance	Limitation on moderation
UK OSA s. 18 (prospective)	News publisher content	Limitation on moderation
UK OSA s. 19	Journalistic content	Limitation on moderation
German State Media Treaty art. 94	Journalistic editorial offerings	Non-discrimination obligation
Canada's Online News Act art. 51	News business	Non-discrimination obligation
DSA Disinformation Code of Conduct 22.2	Trustworthy media sources	User control over recommendation
Australian News Media Bargaining Code 52ZC	Registered news businesses	Non-discrimination obligation
Australian Code of Practice on Disinformation and Misinformation 4.4	Professional news	Exemption from the definition of Misinformation (but not disinformation)
Australian Code of Practice on Disinformation and Misinformation 5.9K and 5.22C	News source	Prioritization and transparency about the credibility or source, including trust indicators

Table 2. Measures mandating special treatment for media and public interest content

Another — in this case voluntary — example of integrating public interest or trustworthiness factors into algorithmic content ranking is Google's own news aggregator. In the **Google News** section, the search engine **applies a different weighing of 'relevance' signals**, reportedly prioritizing accuracy, trustworthiness, and credibility

over sheer engagement.¹⁴⁶ However, this approach is limited to a separate news-specific tab rather than the main search results, and remains opaque in key ways: there is no public clarity (let alone agency or user choice) on which news outlets are included, how they are selected (or not), or how they are ranked relative to one another. This approach highlights both the potential and the limitations of platform-driven adjustments to serve the public interest.

¹⁴⁶ Google News policies, <https://support.google.com/news/publisher-center/answer/6204050?hl=en>, <https://www.google.com/search/howsearchworks/how-news-works/>, and Ranking within Google News, <https://support.google.com/news/publisher-center/answer/9606702?sjid=9931494097097045197-EU>

5.2 Mitigation Measures to Promote Media Visibility in the Short Term

Any discussion on visibility policies needs to consider the **criteria for defining public interest**, including journalism adhering to professional codes of ethics, and **who has the prerogative of interpretation and decision-making power**. Visibility policies should be designed carefully to avoid regulation which inadvertently paves the way for State control over information spaces. **Key questions remain around the effectiveness of visibility policies** to enhance trust in journalism and a more informed public debate, as well as what safeguards are needed to prevent political or platform capture and risks to media pluralism.

Yet the coming years offer an **opportunity for more data, research and thus for creating the information necessary to reduce this uncertainty**. Recent regulations such as the EMFA will require the creation of processes necessary to offer designated media organizations more protection from ‘arbitrary’ moderation and thus to differentiate between these media and other content. Concurrently, the new data access regulation under Article 40 DSA can give researchers new insights into the way platforms are and will be differentiating between (media) organizations, ‘newsworthy’ content and other categories of content. If data access rules are implemented to their fullest extent, these frameworks can generate the evidence needed to **design visibility policies that uphold media freedom while minimizing risks**.

While visibility policies may help mitigate current power imbalances, they do not limit the news distribution power of Big Tech platforms as such, but rather risk reinforcing it.

Visibility policies should therefore be seen as **potential short-term interventions** while policy efforts should also focus on **longer-term structural changes, alternative distribution models, and building a healthier online information ecosystem** (see Section 8).

Principles for Designing Visibility Policies

Graduated approach

- States should **only adopt visibility policies if sufficient safeguards are in place** (as set out below) to prevent political or platform capture and mitigate threats to media pluralism. More far-reaching visibility policies, such as due prominence requirements, should be subject to the strongest safeguards with a proven record of effectiveness.
- In line with **democratic checks and balances**, control over visibility policies must be decentralized throughout the policy-making and implementing process to prevent capture. Safeguards to prevent political interference need also to ensure political independence of regulatory and enforcement authorities. In addition, safeguards to prevent platform capture should include, for example, not giving platforms too much discretion to carry out visibility policies or the power to determine which media qualifies for special treatment.

Independence and decentralization

- Visibility policies should be designed (and evaluated) through a **multi-stakeholder process** that accounts for the perspectives of smaller and local media organizations.
- Decisions on who qualifies for visibility policies on the organizational level should be made through **independent media self-regulatory processes**, and neither by platforms nor by State entities. Rather, States should aim to decentralize power over such decisions. Means

of doing this include enabling the use of different standards that recognize media independence, and by acknowledging evidence of media organizations' track records of publishing independent, reliable, and public interest content (such as those provided by membership of national ethical codes or press councils). In contexts where such codes or bodies are captured by politically biased groups, other forms of independent indicators such as participation in independent international networks, transparent editorial policies and other signals of alignment with international standards should be considered. Ultimately, decisions regarding quality should be subject to judicial oversight.

- Visibility policies should ultimately be enforced by **independent regulators**.¹⁴⁷

Pluralism

Visibility policies should be designed to strengthen rather than undermine diversity and plurality.

- The criteria to qualify for visibility policies should be sufficiently flexible to accommodate a wide range of media actors, from individual journalists to large media organizations. Any visibility policy should aim to improve individuals' access to a **plurality** of independent media.
- The procedures to qualify for visibility policies should be **easily accessible** and not restrictive, which also means they should not be so costly, burdensome, or time-consuming that smaller actors do not use them in practice.
- Visibility policies should be designed to ensure the benefit they offer is available to **local news and smaller media**. A lack of resources should not prevent benefitting from visibility policies.

¹⁴⁷ It is essential that any regulatory authority that deals with platforms governance is structured as independent, shielded from political and economic interests, and has external review systems in place. For more on this, see paragraphs 68–73 of the UNESCO Guidelines for the Governance of Digital Platforms, <https://unesdoc.unesco.org/ark:/48223/pf0000387339>.

Oversight

Transparency is key to ensuring the democratic legitimacy of visibility policies, preventing capture, and guaranteeing that many actors can scrutinize the effectiveness of safeguards. Without such transparency, it is impossible for regulators, researchers and public watchdogs, such as the media or civil society organizations, to exercise effective oversight over visibility policies. To achieve this:

- **Data** necessary to scrutinize visibility policies should, as far as possible, be publicly accessible;
- **Decisions** to accept or reject specific media organizations should be publicly accessible, and provide a clear justification regarding media organizations' adherence to different qualification criteria, and be open for appeal (including if circumstances change); and
- States should ensure the availability of data necessary to **assess the impact** of visibility policies, including what criteria are used to prioritize content or organizations (and how they are weighted), which actors have benefitted, and what benefits they have received (such as higher user engagement or strengthened moderation appeals). Any voluntary prioritization by platforms of 'authoritative content' should disclose the specific benefits afforded to such content and be based on clearly defined and publicly accessible criteria (including changes).

Enforcement

States should ensure the application of visibility policies is backed by credible public enforcement, given the limitations of existing platform self-regulation and misaligned incentives (for detailed recommendations on enforcement, see Section 8.2). Provided sufficient safeguards against capture are in place, norms such as risk assessment rules as in Article 34-35 DSA may provide a way to impose further visibility measures in the short term.

Safeguards

Visibility policies are **not an easy fix or one-size-fits-all solution**. Their promise to facilitate genuine democratic debate by enabling public control over the way information is curated in the digital ecosystem brings risks of control over how platforms exercise their gatekeeping over news, or may even create new gatekeeping powers. Such new controls are precisely what makes visibility policies potentially dangerous to media freedom, particularly in contexts where rule of law and independence of regulatory bodies are insufficient.

Visibility policies suitable for wide adoption

Visibility policies suitable for broad adoption are those that aim at increasing transparency, interoperability and user empowerment but do not require setting up a process used to designate specific content or specific media organizations that will receive a benefit. Such visibility policies include:

Transparency

Transparency is needed to enable the public to understand how visibility is currently decided upon. This includes the transparency of recommender system parameters, moderation policies and moderation decisions, as well as any voluntary prioritization by platforms of ‘authoritative content’.

- **User empowerment and Interoperability:**

- States should require platforms to **allow multiple actors to offer recommender systems** between which users can choose based on their needs, whether for timely news, trusted sources, diverse viewpoints, or more entertainment-oriented content. To lessen the risk that users continue to use the recommender system that platforms offer by default, platforms could be mandated to have users choose between recommender systems.¹⁴⁸ Such policy interventions would need to **ensure the technical interoperability**

¹⁴⁸ Forum on Information and Democracy, *Pluralism of News and Information in Curation and Indexing Algorithms*. (February 2024), https://informationdemocracy.org/wp-content/uploads/2023/02/Report_Pluralism-in-algorithms.pdf

of such tools. By decentralizing control over how content is surfaced, such measures would not only enhance user agency, but also mitigate the risks of having public discourse shaped by solely commercially driven, opaque algorithms. Generally, allowing for **middleware** — such as independent, third-party tools or services operating between users and platform algorithms — can constitute a customizable layer that allows for more agency, diversity and public interest considerations.

- To increase **findability**, States could require platforms to offer users the option of recommender systems that expose them to diverse content and independent journalism, or to create distinct sections on their service where users can find public interest journalism. However, such an approach would still require a process to define what falls under the category of media organizations or content. Alternatively, States could require platforms to allow users to change the general parameters of content ranking for their recommender systems.

- ***Centering policy adoption and implementation on human rights:*** States should ensure that existing protections for freedom of expression, such as risk assessment rules or human rights due diligence and content moderation requirements, are strictly enforced. By raising the general bar for human rights protection, such protections also safeguard media freedom. In particular, rules to shift the emphasis of algorithmic prioritization away from engagement-based signals towards indicators of authenticity and reliability would mitigate harm by deprioritizing certain engaging yet problematic content.

Visibility policies needing further safeguards

Further visibility policies should be deployed only if robust safeguards are in place which limit their potential negative impact on media pluralism and the threat of capture either by platforms or political interests. These safeguards should account not only for the current political environment in a given country, but also consider risks of democratic backsliding.

Such more far-reaching visibility policies could include, depending on individual States' institutional capacity and rule of law:

- **Non-discrimination:** To prevent discrimination and retaliation against specific media organizations, States should further impose non-discrimination rules which require that moderation policies are applied consistently, and are not departed from without an objectively justifiable reason.
- **Moderation:** States could adopt rules to prevent the arbitrary take-down of public interest journalism. This includes moderation procedures with clear guidelines, appeal mechanisms and independent review mechanisms.
- **Due prominence:** States could explore mandating platforms to rank journalistic content more highly in their recommender systems with the objective of enhancing citizen's access to reliable information. To effectively support access to pluralistic, independent and public interest sources, this policy depends on sufficient safeguards against capture.
- **Risk assessment norms:** States could explore how to leverage existing national legislation on media pluralism, international standards on human rights risks assessments or regionally applicable norms on risk assessments such as Article 34-35 DSA to impose visibility measures in the short term and align content governance more closely with the public interest. Such 'open rules' do not prescribe a specific measure, instead, States can make various requirements under these provisions. Policy and regulatory approaches could thus require platforms to incorporate plurality-enhancing criteria such as source diversity, trustworthiness and relevance for democratic debate, which would help reduce the dominance of engagement-maximizing algorithms to the detriment of public interest media. The need for safeguards against political or platform capture remains of crucial importance in such an approach.

Generative AI: States should explore how visibility policies can be adapted to apply to content produced through generative AI. In the short term, States should put in place requirements to ensure AI-generated content by default links to underlying news sources and mandate measures to ensure media pluralism. Measures should also include safeguards for media reputation, such as dedicated complaints-handling channels and timely review.¹⁴⁹

Since news accessibility is closely tied to financial sustainability through audience reach and revenue generation, **both direct and indirect visibility policies ultimately benefit the viability of media.**

Polymakers need to consider that the problem is not just how platforms exercise their gatekeeping power, but the fact that they hold such significant gatekeeping power at all. This problem cannot be addressed through visibility policies alone. On the contrary, such policies may entrench dependency on these platforms for visibility and revenue. Revenue constraints could hamper investments in innovation or building alternative distribution channels and direct links to audiences. So, creating healthy information ecosystems requires the creation of an alternative infrastructure in which the media is not reliant on Big Tech to reach its audience. This point is elaborated in Section 8.

¹⁴⁹ Forum on Information and Democracy, *AI as a Public Good: Ensuring Democratic Control of AI in the Information Space* (February 2024).

VIABILITY

VIABILITY

VIABILITY

VIABILITY

VIABILITY

VIABILITY

6. Media Viability

This section provides an overview of policy tools designed to support the financial viability of journalism. It first reviews regulatory attempts States have undertaken in this regard and draws lessons from them. This is followed by recommendations for how States can promote fair compensation and strengthen the economic sustainability of public interest journalism in the digital age.

6.1 Policy and Regulatory Initiatives for Platforms to Compensate for Journalism

Media organizations have spent years innovating to boost revenues and become financially sustainable, in response to significant losses caused by the shift of advertising income to targeted and programmatic ads offered by dominant tech companies. **Media organizations have been shifting towards subscription models or relying on audience contributions.** These models are often combined with paywalls (hard, soft, or metered), which risk limiting access to public interest information for some. Multiple reports and analyses also note donations, organization of events, selling of merchandize, and the development

of new digital distribution strategies and community-building models as examples of non-traditional revenue streams.¹⁵⁰ In some cases, media outlets hope to improve their viability by building synergies, including with influencers or with Big Tech platforms. However, news outlets have struggled to attract younger subscribers, who have become alienated from traditional news brands and formats.¹⁵¹

The abundance of information distributed through online platforms has led to information overload¹⁵² and information disorder.¹⁵³ News avoidance and declining trust in the media, but also the fact that news content has often been available on platforms for free, have eroded willingness to pay for online news in recognition of the value of journalism.¹⁵⁴ Significant limitations exist in business models that rely on audience funding through subscriptions, as users who do purchase subscriptions often limit themselves to one or a few leading national media outlets. Moreover, subscriptions are often purchased by individuals with higher income and education levels, which raises concerns about deepening existing societal inequalities and polarization. However, subscription models can also increase independence from advertising models controlled by Big Tech platforms, and alleviate some of the negative aspects of current revenue models.

¹⁵⁰ See, for example: K. Bleyer-Simon et al., *Monitoring media pluralism in the digital era: Application of the media pluralism monitor in the European member states and in candidate countries in 2023*. European University Institute (June 2024), <https://op.europa.eu/en/publication-detail/-/publication/d66622e8-4fb4-11ef-acbc-01aa75ed71a1> and Council of Europe, *Good practices for sustainable news media financing*. (2024), <https://edoc.coe.int/en/media/11879-good-practices-for-sustainable-news-media-financing.html>.

¹⁵¹ See, for example, Reuters Institute's Digital News Report.

¹⁵² A. Holton and H. I. Chyi, "News and the Overloaded Consumer: Factors Influencing Information Overload Among News Consumers." In *Cyberpsychology, Behavior and Social Networking* Vol. 15 Issue 11 (2012), https://www.researchgate.net/publication/231610553_News_and_the_Overloaded_Consumer_Factors_Influencing_Information_Overload_Among_News_Consumers; See also the Reuters Digital News Reports.

¹⁵³ C. Wardle and H. Derakhshan, *Information Disorder: Toward an interdisciplinary framework for research and policy making*. Council of Europe report DGI (2017), <https://edoc.coe.int/en/media/7495-information-disorder-toward-an-interdisciplinary-framework-for-research-and-policy-making.html>

¹⁵⁴ Observatory on Information and Democracy, *Information Ecosystems and Troubled Democracy - A Global Synthesis on the State of Knowledge on News Media, AI and Data Governance*. (January 2025), https://observatory.informationdemocracy.org/wp-content/uploads/2025/06/rapport_forum_information_democracy_2025-1.pdf

The past years have shown that innovative practices and models developed by the media alone are not enough to counterbalance the crisis in traditional business models or the power of Big Tech platforms. Innovation opportunities are often limited to a subset of media outlets, usually digital natives or larger media, as innovation relies on investment and skilled human resources. Recognizing the indispensable democratic and public value of strong, independent and pluralistic media as a public good, States should enable fair competition and sustainable access to reliable information for all of society. **There is a need for diversified funding streams for sustainable media and journalism,¹⁵⁵ including through innovative value-added services or direct and indirect public support programmes. There is a need for a fairer distribution of the advertising income that Big Tech platforms extract from disseminating and monetizing journalistic content on their platforms.**

Countries around the globe have been enacting laws and implementing measures to address the significant market and power imbalances threatening media viability. **This section provides an overview of policy and regulatory efforts aimed at ensuring fair compensation for the distribution, use, and monetization of media content by Big Tech platforms,** and other policy mechanisms aimed at promoting viability.

The table below outlines the most prominent policy mechanisms under consideration or in place. Both digital taxation models and a more traditional system of subsidies raise questions as to how much funds and subsidies are distributed to support the media sector and journalism.

¹⁵⁵ Committee of experts on increasing resilience of media (MSI-RES), *Good practices for sustainable news media financing*. Council of Europe (2024), <https://edoc.coe.int/en/media/11879-good-practices-for-sustainable-news-media-financing.html>

Policy mechanism	Examples
Competition and Antitrust	Investigations under the EU’s DMA (2024/2025) US rulings against Google regarding search (2024) and online advertising (2025)
Copyright	Neighbouring rights for press publishers under the EU Copyright Directive (2020) Brazilian draft AI bill providing compensation for media content (2024)
Compensation - Bargaining and Remuneration	Australia’s News Media Bargaining Code (2021) Canada’s Online News Act (2023) California’s News Deals (2024)
Digital levies (with earmarked media support)	Austria’s Digital Advertising Tax (2020)

Table 3. Policy mechanisms currently under consideration or in place around the globe

Competition and Antitrust

Over the past decade, there have been **several antitrust investigations due to the dominance of Big Tech platforms in today’s information ecosystem**. At the same time, **competition law may stand as an obstacle to co-operation** between media organizations, restricting the sharing of content and information, and limiting opportunities for collective action in price setting and bargaining with Big Tech platforms. There is, however, a shift towards relaxation in anti-concentration rules in the media sector, balancing concentration-related risks with the fundamental need for media to act jointly to remain economically viable. This is visible in the European Media Freedom Act (EMFA), which considers concentration in relation to its implications for editorial autonomy of the media and the dynamics of Big Tech platforms. The Act recognizes that an excessive amount of media concentration can itself also undermine media pluralism.

Antitrust and competition policy is used in key markets such as in the United States of America and the European Union and some of its Member States **to rebalance market power in digital markets,**

seeking to restore a level playing field between the media and Big Tech.¹⁵⁶ Existing antitrust laws are being used to scrutinize and regulate large technology companies, with enforcement actions targeting monopolistic practices and market dominance. Furthermore, new competition laws such as the EU's Digital Markets Act (DMA) have been adopted. Since the DMA came into force in 2022, the European Commission has launched several investigations into Big Tech's anti-competitive practices, resulting in a non-compliance finding against Apple and Meta for reinforcing the dependence of business users and consumers on their platforms.¹⁵⁷ In the United States, in 2024 and 2025, courts ruled that Google had acted illegally to remain dominant, including in search and online advertising. The ruling sided with the US Department of Justice and found Google engaged in anticompetitive monopoly-building tactics like acquisitions and exclusionary practices, which has harmed publishers and the competitive online advertising market.¹⁵⁸

Copyright

Efforts have been made to **reinforce copyright protection and enforcement to ensure fair remuneration for the use of journalistic content**. One significant regulatory development was the introduction of a new neighbouring right for press publishers under the **EU Copyright Directive** in 2020, which recognized that press publishers established in the EU shall be provided with the right to authorize the online use, reproduction and communication to the public of their content — and

¹⁵⁶ In August 2025, Amnesty International called on States – based on their obligation under international human rights law to respect, protect and fulfil human rights – to regulate Big Tech and use competition law and other measures “to keep corporate power in check”. Their report “Breaking Up with Big Tech” emphasizes that the extraordinary influence a few tech giants have over the infrastructure, services, and norms of people’s online lives contradicts human rights, particularly as it builds on pervasive surveillance, and provides a human rights-based argument for tackling Big Tech’s market power. See <https://www.amnesty.org/en/documents/POL30/0226/2025/en/>.

¹⁵⁷ European Commission, “Commission finds Apple and Meta in breach of the Digital Markets Acts,” Press release (23 April 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1085

¹⁵⁸ Statement by the U.S. Department of Justice (17 April 2025), <https://www.justice.gov/opa/pr/department-justice-prevails-landmark-antitrust-case-against-google>. For the ruling, see <https://law.justia.com/cases/federal/district-courts/virginia/vaedce/1:2023cv00108/533508/1410/>. See also D. McCabe, “Google Broke the Law to Keep Its Advertising Monopoly, a Judge Rules,” *The New York Times* (17 April 2025), <https://www.nytimes.com/2025/04/17/technology/google-ad-tech-antitrust-ruling.html>. For the second ruling, see <https://www.justice.gov/atr/case/us-and-plaintiff-states-v-google-llc#discovery> and D. McCabe, “‘Google Is a Monopolist,’ Judge Rules in Landmark Antitrust Case,” *The New York Times* (5 August 2024), <https://www.nytimes.com/2024/08/05/technology/google-antitrust-ruling.html>

to claim revenue. As a Directive, it is not directly applicable but requires national laws to incorporate their rules and allows for certain discretion. As such, it provides a basis for negotiation of fair remuneration for the online use of press publications by large online platforms. However, it has been assessed as insufficient in addressing the underlying power imbalances and thus cannot, on its own, safeguard press publishers' copyright and the public's right to information.¹⁵⁹ **The early implementation of the Directive has shown fragmentation in national transpositions** and challenges of the negotiating process, in terms of accessibility, representativeness (of journalists and smaller news publishers), transparency, and effectiveness.¹⁶⁰ Cases of clashes with platforms also arose, for instance in the Czech Republic, where both Google and Meta have stopped showing snippets from news articles following a copyright law amendment requesting platforms to obtain a license from media outlets to be able to use their articles commercially.¹⁶¹ In France, multi-year agreements were signed after the competition authority stepped into the process, saying that Google's refusal to negotiate in good faith was an abuse of the dominant position by the platforms.¹⁶²

As generative AI companies increasingly use copyrighted content to train and develop their models and in generating outputs, often replicating and remixing this content at scale, questions around licensing, attribution, and compensation are gaining additional prominence. **Ensuring that the media is adequately protected and compensated will require both robust copyright enforcement and potentially new legal instruments.** There is a need for a better understanding of what constitutes a 'fair use' and research and development use, as opposed to commercially

¹⁵⁹ C. Lombardi, "Rethinking journalism protection: looking beyond copyright" In *Journal of Media Law* Vol. 15 Issue 1 (2023), p. 90–120, <https://doi.org/10.1080/17577632.2023.2234691>

¹⁶⁰ EUI, Centre for Media Pluralism and Media Freedom, Media Pluralism Monitor 2024, <https://cmpf.eui.eu/media-pluralism-monitor-2024/>

¹⁶¹ K. Bleyer-Simon et al., *Monitoring media pluralism in the digital era: Application of the media pluralism monitor in the European member states and in candidate countries in 2023*. European University Institute (June 2024); A. Fodor, "Google turns off display of Czech news snippets." *Radio Prague International* (15 December 2022), <https://english.radio.cz/google-turns-display-czech-news-snippets-8769850>

¹⁶² French Competition Authority, "Related rights: the Autorité fines Googles EUR250 million for non-compliance with some of its commitments made in June 2022." Press Release (20 March 2024), <https://www.autoritedelaconcurrence.fr/en/press-release/related-rights-autorite-fines-google-eu250-million-non-compliance-some-its>

driven incentives.¹⁶³ Currently, only Brazil has a draft bill that explicitly calls for the compensation of media content by AI companies.¹⁶⁴

At the same time, copyright and the media's willingness to license their journalistic content in the public interest is also relevant for the development of alternative generative AI models as has been seen in the context of a Dutch public-interest Large Language Model (GPT-NL).¹⁶⁵

Compensation and Bargaining

An increasing number of policy interventions, employing various mechanisms, are establishing or mandating negotiations between media organizations and Big Tech platforms to ensure fair remuneration for the use, distribution, and monetization of journalistic content.

Australia

One of the first bargaining frameworks — which inspired similar activity globally — was Australia's **News Media Bargaining Code**, which came into effect in March 2021 but has not yet been fully enforced. The Code was introduced following a 2019 inquiry by the Australian Competition and Consumer Commission (ACCC) into the impact of digital platforms on competition in advertising and media markets.¹⁶⁶ It was adopted to address the significant bargaining power imbalance between digital platforms and Australian news businesses, requiring platforms to support the sustainability of the Australian news industry, including through agreements to fairly remunerate media

¹⁶³ For an overview of AI's impact on the intellectual property rights of journalists, see, for example, the Policy Brief for the 2025 G20 Summit: <https://media20.org/2025/06/30/m20-policy-brief-ais-impact-on-the-intellectual-property-rights-of-journalists> or European Parliament Briefing on the topic: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/776529/IUST_BRI\(2025\)776529_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/776529/IUST_BRI(2025)776529_EN.pdf).

¹⁶⁴ Discussion on taxing big tech in Brazil highlights that it is not only about economic fairness — it is also about safeguarding democratic institutions and ensuring the resilience of public interest information, see R. Lavez et al., *Big Tech Taxation and Journalism: Paths for Brazil*. Momentum - Journalism & Tech Task Force (June 2025), <https://momentumnewsandtech.org/en/2025/06/18/big-tech-taxation-and-journalism-paths-for-brazil/>.

¹⁶⁵ T. Barbereau and L. Dom, "GPT-NL: Towards a Public Interest Large Language Model." Conference Paper (September 2023), <https://www.hiig.de/wp-content/uploads/2024/09/Barbereau2024-GPTNL-1.pdf>

¹⁶⁶ Australian Competition and Consumer Commission, *Digital Platforms Inquiry - Final Report*. (July 2019), <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platforms-inquiry-2017-19>

outlets. The Code was achieving its initial effect of prompting the leading platforms Meta and Google to reach voluntary commercial agreements with news media organizations. **If voluntary commercial agreements are not found, digital platforms or services can be ‘designated’ under the law — which means having mandatory fees imposed on them. As a first step, the ACCC considered the existence of the Code and the threat of designation as having the appropriate and intended impact.** After Facebook initially blocked access to news content, they reversed their news ban after a few days following discussions with the government. In the subsequent months and years, around 30 commercial agreements between Google and Meta and Australian news businesses were made, covering some 100 outlets.

The ACCC separately authorized Country Press Australia and Commercial Radio Australia to collectively bargain with Google and Meta for remuneration for news content featured on those platforms without breaching Australian competition laws. However, while a number of agreements were reached in the first round, Google and Meta showed less willingness to extend them as their expiration approached.

The revised News Media Bargaining Code covers digital platforms with Australian revenues of over AU\$250 million, which in addition to Meta and Google also includes TikTok (ByteDance).¹⁶⁷ In 2024, Meta did not renew the contracts and Google significantly lowered the remuneration amounts.¹⁶⁸ They also reiterated threats to stop carrying the news on their services if they were to be officially designated, while TikTok stated it considers itself as ‘entertainment platform’ and not a ‘go to place for news’.¹⁶⁹ Therefore, Australia put forward the idea of a digital levy (see ‘Digital Levies’, below).

167 Statement by the Minister for Financial Services (12 December 2024), <https://ministers.treasury.gov.au/ministers/stephen-jones-2022/transcripts/joint-doorstop-commonwealth-parliament-offices-sydney>.

168 Public Interest Journalism Initiative, “Support for News Media Bargaining Code remains strong – but swift action urged” (August 2025), <https://piji.com.au/blog/news-media-bargaining-code-supported/>

169 See <https://www.bandt.com.au/tiktok-says-its-not-the-go-to-place-for-news-as-albanese-government-mulls-adding-it-to-bargaining-code/> and TikTok’s Response to the ACCC’s Report on Social Media Services issues Paper, <https://www.accc.gov.au/system/files/TikTok.pdf>.

Canada

The most advanced example of a legal remuneration framework comes from Canada, where the **Online News Act** came into force in December 2023 to ensure dominant platforms fairly compensate news businesses when their content is made available on their service. The law creates a bargaining framework and encourages platforms that make news content available ('digital news intermediaries') to reach voluntary commercial agreements with the news business. If parties cannot come to a fair agreement independently, a mediated mandatory bargaining process is foreseen. If, after mediation, the parties are still unable to reach an agreement, each party is required to submit a final offer, and an arbitration panel chooses one of the two offers.¹⁷⁰

The Act was followed by a strong backlash from Big Tech platforms. **Meta blocked access to news** on Facebook and Instagram for Canadian users entirely, instead of negotiating payments and remunerating news publishers for the distribution of their content. To this day, Meta is effectively disabling news access in Canada. While Google initially considered similar measures, it ultimately reached an agreement with the government. The Online News Act is accompanied by the Exemption Regulations, allowing online platforms to bypass mandatory bargaining with individual news businesses by reaching an agreement with a single collective that equitably distributes funding. Following its agreement with the Canadian Journalism Collective to contribute \$100 million annually, Google was granted an exemption from individual negotiations, effective in October 2024.¹⁷¹

California

Another example of payments to publishers in the face of regulation comes from the State of California, in the United States, where law-

¹⁷⁰ Government of Canada, The Online News Act, <https://www.canada.ca/en/canadian-heritage/services/online-news.html>

¹⁷¹ Government of Canada, "CRTC approves Google's application and paves way for annual \$100 million contribution to Canadian news organizations." News Release, <https://www.canada.ca/en/radio-television-telecommunications/news/2024/10/crtc-approves-googles-application-and-paves-way-for-annual-100-million-contribution-to-canadian-news-organizations.html>

makers pushed for taxing Big Tech¹⁷² and charging Google and Meta for the news they distribute.¹⁷³ Ultimately, California settled for a closed-door five-year agreement with Google instead. This initiative, potentially involving other tech companies and philanthropic organizations, established a public-private partnership known as the News Transformation Fund with a foreseen total investment of \$250 million (combining Google and public funding).¹⁷⁴

Although the amounts Google agreed to pay were a fraction of what the bill would have established, the agreement was presented as a significant breakthrough aimed at ensuring the survival of newsrooms and strengthening local journalism across the State.¹⁷⁵ Critics argued that Google's lobbying efforts resulted in them paying less but persuading the government to contribute as well and creating instability of funding. **Closed-door agreements are typically less transparent, subject to limited public oversight and more easily altered or disregarded, making them a more flexible but less accountable alternative to binding legal frameworks.**

In fact, less than a year after the settlement, California significantly decreased its pledged contribution to the fund, justifying it as part of an overall budget austerity. Google immediately used this to scale back its contribution, as well which underlines the shortcomings of voluntary pledges.¹⁷⁶

Similar compensation approaches, not always pursued through regulatory initiatives, have been undertaken in **other jurisdictions** as

172 California Legislative Information, SB-1327 Income taxation: credits: local news media: data extraction transactions, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB1327

173 California Legislative Information, AB-886 California Journalism Preservation Act, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB886

174 Tomorrow's Publisher, "California backtracks on funding of \$125m Google news deal." (20 May 2025), <https://tomorrowspublisher.today/new-formats/california-backtracks-on-funding-of-125m-google-news-deal/>

175 S. Culppepper, "The California Google deal should leave out news startups and the smallest publishers." *NiemanLab* (11 September 2024), <https://www.niemanlab.org/2024/09/the-california-google-deal-could-leave-out-news-startups-and-the-smallest-publishers/>

176 N. Dhanesha, "California pulls back on its commitment to fund local news." *NiemanLab* (15 May 2025), <https://www.niemanlab.org/2025/05/california-pulls-back-on-its-commitment-to-fund-local-news/>

well.¹⁷⁷ For example, in 2022 the Japanese Fair Trade Commission issued an advisory opinion that paved the way for news organizations to negotiate with platforms — both global Big Tech companies and local news distributors such as Yahoo Japan — to secure fair remuneration for the distribution of their news content.¹⁷⁸ India, meanwhile, is considering the inclusion of a news media bargaining framework in its Digital India Act¹⁷⁹ and New Zealand is currently developing a Fair Digital News Bargaining Bill.¹⁸⁰ In South Africa, the Competition Commission has recommended that digital platforms enter into fair compensation agreements with local media outlets¹⁸¹ and Brazil is in the process of amending its copyright legislation to establish compensation obligations for large digital platforms distributing news content.¹⁸²

Bargaining Codes: Shortcomings and Possible Ways Forward

Shortcomings

While bargaining frameworks between Big Tech platforms and the media, typically part of broader digital platform regulations, are being developed in countries such as Brazil, India, New Zealand, and at the federal level in the United States, the experiences of Australia and Canada **highlight fundamental shortcomings** in such an approach: **Voluntary agreements are inherently fragile, as they rely on goodwill** that can easily diminish or disappear. Besides, there is a tendency in bargaining frameworks that **platforms favour or negotiate predominantly**

177 For an interactive global map on tech and media fair compensation frameworks, see <https://www.journalismliberty.org/publications/center-journalism-liberty-global-tracker-tech-media-fair-compensation>.

178 Japan Fair Trade Commission, Market Study Report on News Content Distribution (September 2023), <https://www.jftc.go.jp/en/pressreleases/yearly-2023/September/230921.html>. See also <https://www.asahi.com/ajw/articles/15010803> and <https://japannews.yomiuri.co.jp/business/economy/20230922-138317/>.

179 <https://indianexpress.com/article/business/economy/digital-india-bill-to-prescribe-guardrails-for-digital-competition-separate-competition-law-to-enforce-specific-rules-8751643/>

180 Fair Digital News Bargaining Bill, <https://www.legislation.govt.nz/bill/government/2023/0278/latest/whole.html#whole>

181 South Africa Competition Commission, Media and Digital Platforms Market Inquiry (2025), https://www.compcom.co.za/wp-content/uploads/2025/02/CC_MDPMI-Provisional-Report-Non-Confidential-Final.pdf

182 <https://www.poynter.org/commentary/analysis/2024/bargaining-code-battle-shifts-to-european-copyright-law-taxes-also-under-consideration/>

with large media, at least in some contexts, with negative implications for smaller and local news outlets and journalists.¹⁸³ The implications of bargaining codes have differed in different contexts, whether in big versus small countries, for big versus smaller media, and in English-speaking markets versus those with less widespread languages.

Moreover, mandating only **payment for the distribution** of content may lead Big Tech platforms to **stop carrying news altogether**. In eight EU countries, for example, Google has been testing the implications of removing news publishers from a user's search results.¹⁸⁴ Establishing a level playing field for negotiating fair compensation to the media has been undermined in cases where these platforms stopped carrying media content overall, so as to bypass remuneration obligations.

Possible ways forward

To ensure effectiveness, policymakers have thus **explored mandating the carrying of media content as a precondition to compensation provisions**. Must-carry obligations¹⁸⁵ are increasingly discussed given Big Tech platforms' role as critical infrastructure in the information ecosystem and their pushback against compensation laws. **Must-carry rules have a long tradition in ensuring and promoting media pluralism and public interest content** on privately controlled services and channels.¹⁸⁶ The unprecedented infrastructural dominance of Big Tech platforms in today's information ecosystem might require adjustment of must-carry provisions to go beyond just 'carrying' (availability and basic access to the journalistic content) to

¹⁸³ While in the case of Canada, smaller independent publishers were left out of the deal negotiated with Google, small outlets were included in California.

¹⁸⁴ See, for example, The Fix Foundation, "It's a power play' – Google's test to remove EU-based news content raises concerns" (13 December 2024), <https://thefix.media/2024/12/13/its-a-power-play-googles-test-to-remove-eu-based-news-content-raises-concerns/> and PressGazette, "Google says experiment shows news has 'no measurable impact' on ad revenue." (21 March 2025), <https://pressgazette.co.uk/marketing/google-ad-revenue-experiment-europe/>. This test was suspended in France by the Paris Commercial Court, noting that "the implementation of the test is likely to seriously infringe on citizens' right of access to press content, a right protected both constitutionally and conventionally", see <https://rsf.org/en/paris-court-suspends-google-test-limiting-users-news-access-rsf-calls-permanent-ban>.

¹⁸⁵ For more on must-carry, see Section 5.1 and A. Schiffrin & C. Radsch, *Exploring Must-Carry for News in the Platform Economy*. Research Paper (2025), <https://www.osce.org/representative-on-freedom-of-media/597645>.

¹⁸⁶ A. Schiffrin & C. Radsch, *Exploring Must-Carry for News in the Platform Economy*. Research Paper (2025), <https://www.osce.org/representative-on-freedom-of-media/597645>

findability, discoverability or prominence (visibility through content ranking). **However, must-carry rules are highly** contested regarding their effectiveness, risk of reinforcing power dynamics (as they might create further content dissemination dependencies), and potential of political misuse.

Overall, bargaining codes have been assessed as a good start, and civil society actors worldwide have responded by endorsing the Big Tech and Journalism — Principles for Fair Compensation (namely, public interest, plurality, diversity, sustainability, fairness, collectivity, transparency, accountability, independence, and outcome).¹⁸⁷ Some positive trends have emerged during the development and testing of negotiation frameworks. Although not yet widespread, several cases demonstrate a strengthening of collective bargaining within the media industry, including between media organizations and journalists.

Solidarity within the media industry, although not self-evident given competition, resource disparities, and differing business models, has emerged as a critical factor in enhancing the media's negotiating position vis-à-vis Big Tech platforms. By organizing collectively, the media can counterbalance structural asymmetries and help address concerns that bargaining frameworks could disproportionately benefit only the largest media companies. A collective approach can foster a more equitable distribution of revenues and protections, while amplifying the influence of smaller or underrepresented actors to foster pluralism more broadly. Yet, **bargaining codes alone** have been evaluated as remaining **insufficient** to ensure fair compensation.

Digital Levies

The policy debate around how to ensure fair compensation is increasingly shifting away from bargaining frameworks towards broader structural approaches that may better support small and local media and are less prone to Big Tech's goodwill.¹⁸⁸

¹⁸⁷ Global Forum for Media Development, Big Tech and Journalism - Principles for Fair Compensation, <https://gfmfd.info/engagements/big-tech-and-journalism-principles-for-fair-compensation/>

¹⁸⁸ For example: <https://www.theguardian.com/media/2024/oct/23/labor-concerned-meta-may-sidestep-obligations-to-pay-for-news-as-media-bargaining-code-fight-reignites> and the work of the Centre for Media Transition Faculty of Law, University of Technology Sydney.

Fiscal tools like **digital services taxes (DSTs) may offer a potentially more equitable and sustainable avenue** for ensuring fair compensation for journalism. The current international tax system fails to adequately address the digitalization of the economy, as multinational companies often generate profits from users in countries where they have no physical presence and thus owe no corporate income tax.¹⁸⁹ To address this, the Organisation for Economic Co-operation and Development (OECD) has led negotiations on a reform that would require large multinationals to pay taxes in countries where their consumers are located. This would replace national DSTs, a form of tax imposed on the gross revenues of large multinational enterprises derived from specific digital activities (e.g. online sales, digital advertising, data usage, e-commerce, or streaming services) within a jurisdiction. However, no agreement has been reached at the OECD level, and resistance remains particularly from the United States, where most Big Tech companies are based.

On the national level, **more than 30 countries have proposed or enacted some form of a DST.**¹⁹⁰ As reported in 2025 by the Tax Foundation Europe, Austria, Denmark, France, Hungary, Italy, Poland, Portugal, Spain, Switzerland, Turkey, and the United Kingdom have implemented variations of DSTs targeting large digital companies. Belgium, the Czech Republic, Latvia, Norway, Slovakia, Slovenia, and Germany¹⁹¹ have indicated intentions to implement such a tax. The EU has also explored the inclusion of a tax on digital services in its spending programme. The proposed and implemented DSTs differ significantly in their structure: taxing revenues from online advertising, streaming services, targeted advertising, and the transmission of user data, or a combination of some of these. The tax rates range from 1.5 to 7.5 per cent, while Germany proposed a 10 per cent tax.

Austria has implemented a DST, part of the income of which is used **to support journalism**. The DST is a 5 per cent levy on digital advertising

¹⁸⁹ Tax Foundation Europe, "Digital Services Taxes in Europe." (6 May 2025), <https://taxfoundation.org/data/all/eu/digital-services-taxes-europe/>

¹⁹⁰ R. Stotzky and A. Fano, "Taxation in the Digital Economy: Digital Services Taxes, Pillar One, and the Path Forward." *Bipartisan Policy Center* (26 October 2023), <https://bipartisanpolicy.org/blog/taxation-in-the-digital-economy-digital-services-taxes-pillar-one-and-the-path-forward/>

¹⁹¹ The Economic Times, "Germany seeks to levy 10% tax on online platforms like Google." (29 May 2025), <https://economictimes.indiatimes.com/tech/technology/germany-seeks-to-levy-10-tax-on-online-platforms-like-google/articleshow/121490834.cms?from=mdr>

(equivalent to Austria's 5 per cent tax for advertising in print, TV and radio) which applies to companies with at least €25 million in domestic revenue and €750 million in global revenue. The legal impact analysis conducted before the adoption of the tax highlights the intent to use part of the income for supporting journalism.¹⁹² In 2024, approximately €20 million from the tax income was allocated to a fund for the promotion of digital transformation in the media sector.¹⁹³ This fund was introduced in 2021 and is administered by the independent media regulatory authority. Overall, the tax provided a revenue of €124.1 million in 2024.¹⁹⁴

In December 2024, following unsuccessful attempts to renew bargaining deals, Australia announced a new digital levy¹⁹⁵ to tax large digital platforms and search engines unless they agree to share revenues with news media organizations. While the exact tax rate is yet to be finalized, the initiative targets tech companies earning more than AU\$250 million annually from Australian operations, including Meta, Alphabet (Google) and ByteDance (TikTok). In summer 2025, the South African Competition Commission proposed a similar approach of employing a digital tax to redistribute funds from platforms to the media if companies do not voluntarily compensate media. This followed the South African Competition Commission's Media and Digital Platforms Market Inquiry which also included a number of other recommendations.¹⁹⁶

As traditional advertising revenues that once sustained the media industry have been absorbed by Big Tech platforms, the **rationale for earmarking DST revenue to fund independent, public interest media is gaining traction**. One approach to justifying such earmarking draws parallels with the 'polluter pays principle' known from environmental

192 Ministerial Draft Bill (2019), Austrian Parliament, https://www.parlament.gv.at/dokument/XXVI/ME/132/fname_746835.pdf. The Austrian government program for 2025-2029 pledges to examine the legal earmarking of funds from the digital levy to media support, see <https://www.bundestkanzleramt.gv.at/bundestkanzleramt/die-bundesregierung/regierungsdokumente.html>.

193 <https://www.derstandard.at/story/3000000258137/26-werbemilliarden-aus-oesterreich-gingen-2024-an-google-tiktok-insta>

194 RTR Medien, Newsletter (19 March 2025), https://www.rtr.at/medien/aktuelles/publikationen/Newsletter/newsletter_2025/RTR_Medien_NL_01_2025/Werbeerloese-und-Digitalsteuer.de.html

195 The New Daily, "Facebook, Google face new tax in push to fund news." (12 December 2024), <https://www.thenewdaily.com.au/news/national/2024/12/12/facebook-google-tax-news-funding>

196 For the Media and Digital Platforms Market Inquiry and related documents, see <https://www.compcom.co.za/media-and-digital-platforms-market-inquiry/>.

law.¹⁹⁷ There remain open questions about what exactly should be taxed, how much revenue should be earmarked for journalism, and how such funds should be distributed, by whom, and to which organizations. Critical issues include the **governance of fund distribution**: whether by independent bodies or government agencies, and the criteria used to determine which media outlets qualify for earmarked funding. Safeguards ensuring transparency, editorial independence, and public interest orientation would be essential to avoid politicization and ensure fair access, particularly for smaller, local, and nonprofit media organizations. Participation in self-regulatory accountability bodies can be an important indicator. **The guiding principle of distributing such funds should be media independence and pluralism.**

Conclusion

The efforts described mark important steps towards a fairer digital news ecosystem, yet they also raise critical questions about effectiveness, inclusiveness, enforcement, and the risk of reinforcing dependencies on Big Tech platforms. It also remains to be seen how measures can take into account the trend of platforms moving progressively to generative AI, seeming to phase out the distribution of media content. This means that alternative models of content distribution are becoming an increasing economic necessity for the media, as relying on platforms as the main source of income and access to audiences appears increasingly risky.

It is also important to note that in addition to policies directly targeted at ensuring media viability, policymakers are also exploring **how industrial policy can be used to promote independent public interest media.** Recognizing journalism as a public good, and acknowledging that the most costly and public-interest-driven forms of journalism, such as investigative reporting, cannot rely solely on market forces, points to the **need for subsidies** and public support schemes that have long been a feature of the media sector.

¹⁹⁷ The ‘polluter pays principle’ asserts that those who produce pollution should bear the costs of managing it. By analogy, Big Tech platforms can be seen as negatively impacting the information environment by diverting vital advertising revenues from the media and by benefiting from news content without adequate compensation. For an analysis of various attempts at implementing DST, see the M20 Policy Brief “A Digital Tax to Support Quality Journalism” by the Forum on Information and Democracy (September 2025), <https://informationdemocracy.org/2025/08/28/time-for-a-new-approach-a-new-policy-brief-calls-for-digital-taxes-to-fund-journalism>.

6.2 Mitigation Measures to Safeguard Media Viability in the Short Term

In today's digital landscape, **the viability of media is directly tied to the visibility of its content.** Digital platforms and search engines derive substantial value from media content. At the same time, they often withhold key data on user engagement and advertising performance, limiting the ability of media outlets to develop competitive revenue strategies. The **2023 Joint Declaration on Media Freedom and Democracy** (by the free speech mandate holders of the United Nations, the OSCE, the African Commission on Human and People's Rights and the Organization of American States) emphasized **the need for States to incentivize platforms** to contribute to media sustainability and a vibrant media landscape, including by counterbalancing the infrastructural media dependencies. The Joint Declaration also highlights the need for platforms to fairly compensate for the use and monetization of media content.¹⁹⁸

In this context, a number of **policies and interventions** are needed to ensure a fair, pluralistic, and sustainable media environment in the age of Big Tech platforms and AI:

¹⁹⁸ Joint Declaration on Media Freedom and Democracy, Organization for Security and Co-operation in Europe (2 May 2023), <https://www.osce.org/representative-on-freedom-of-media/542676>

Ensure fair compensation

States should introduce, develop or improve regulatory frameworks to ensure fair remuneration for media and journalistic content used for advertising revenue¹⁹⁹ or training generative AI models. Various **policy avenues** have been explored to this end, including voluntary agreements, co-regulation, copyright, competition law, and digital services tax. Each of them requires safeguards to ensure efficiency and to protect the principles of fairness and pluralism. **Safeguards** must also prevent media capture, ensuring that compensation frameworks do not entrench platform power or State control at the expense of independent journalism.

As voluntary and co-regulatory arrangements have shown limited effectiveness, or even unintended consequences, such as an outright ban on news content, States should **establish a clear and enforceable regulatory framework**. This should include binding obligations, independent oversight, and proportionate sanctions to ensure compliance, while safeguarding public interest journalism and media pluralism. Compensation models should respect the principles of public interest, plurality, diversity, sustainability, fairness, collectivity, transparency, accountability, independence, and outcome (as laid out in Big Tech and Journalism Principles for Fair Compensation).²⁰⁰

If States choose to promote or mandate **bargaining codes and frameworks** — whether through copyright law or competition policy — the following **core principles** should be embedded. States should:

- Encourage **participatory processes** in platform-media negotiations, ensuring smaller media, journalists and diverse voices are represented;

¹⁹⁹ The Council of Europe has recognized the need of digital platforms to contribute to the preservation of quality journalism due to their dominance over dissemination and monetization of content, see CM/Rec(2022)4, Recommendation of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age, <https://search.coe.int/cm?i=0900001680a5ddd0>. The 2023 Joint Declaration on Media Freedom and Democracy by the four international free speech mandate holders also calls on States to incentivize large platforms to contribute to media sustainability, see <https://www.osce.org/files/f/documents/3/2/542676.pdf>.

²⁰⁰ Global Forum for Media Development, Big Tech and Journalism - Principles for Fair Compensation, <https://gfmd.info/engagements/big-tech-and-journalism-principles-for-fair-compensation/>

- Enable and support **collective bargaining** for media organizations to negotiate with Big Tech platforms from a position of strength;
- Develop mechanisms to support and protect a **plurality of media voices**;
- Ensure that remuneration encourages and benefits **public interest journalism**, guaranteeing fair support across a pluralistic, diverse and local media landscape;
- Ensure processes that promote sustainability, fairness, and transparency, and are being overseen by **independent bodies**. **Regular assessments** should ensure that outcomes align with core values like independence, equity, and the long-term public interest.

Bargaining codes and frameworks should also integrate measures for managing the **risk of platform retaliation** (e.g., stop carrying news, as seen in Canada and elsewhere). An increasingly explored avenue for this is integrating must-carry rules, potentially even going further to require not only to provide access to the media content but also to ensure its prominence and findability.

Explore must-carry provisions

Due to Big Tech's responses to regulatory efforts (retaliations, blocking news altogether, intensive lobbies, etc.) several States have explored **rules to oblige Big Tech platforms to carry journalistic and media content that abides with regulatory standards and self-regulatory ethical principles**, and to ensure not only basic access to such content but also its discoverability and prominence according to clear and observable criteria. Such an approach is known in the context of telecommunications or cable, and may involve declaring certain services or functionalities provided by these actors as 'public utilities' to impose universal service obligations on them. However, such mechanisms are controversial and **should be developed only carefully**, as they may entrench power, lack effectiveness, and provide a layer of unwanted control over deciding who qualifies to benefit (and who not).

Address market concentration in programmatic advertising

States and intergovernmental organizations should address the growing dominance of Big Tech platforms over the global advertising market. These Big Tech platforms act simultaneously as intermediaries and direct competitors to the media in the advertising market, where a level playing field is distorted.

- States should ensure a **fairer distribution of advertising income that Big Tech platforms extract** from disseminating and in other ways using **journalistic content** on their services.
- States should also **increase efforts to ensure the demonetization of disinformation and fraudulent actors**.

Incentivize advertisers to invest in public interest journalism

States should strengthen efforts to leverage advertisers as important actors to support independent and public interest journalism and foster quality over clickbait. Lessons can be learned from industry attempts (e.g., Internews, Ads4Media²⁰¹) or initiatives by the European Association of Advertisers. Brand reputation and safety arguments could be harnessed in parallel with established approaches to prevent advertising on violent extremist content or disinformation. Overall, a focus should be put on **corporate social responsibilities** to bring advertising responsibilities into the discussion on business and human rights. States can incentivize such initiatives, including by offering tax incentives or special write-offs for public interest advertising.

Introduce digital levies to support public interest media

States should implement a digital levy or digital services tax on Big Tech platforms, with **revenues earmarked to support independent, public interest media**. To ensure effectiveness, fairness and accountability, the allocation of funds should be **based on clear, transparent criteria and managed by independent bodies** with safeguards against political

201 <https://www.ads4media.online>

and other undue influence. The criteria for distribution should consider commitment to editorial independence, pluralism, and public interest, including local, community-based, and innovative digital media.

Ensure data sharing

States should require platforms to share **disaggregated data on user interaction** with, and advertising revenue generated by, media content to allow media outlets to understand how Big Tech platforms monetize their content. Legislation such as the EU Digital Markets Act can provide inspiration in this regard.

Address generative AI

States should recognize generative AI as a new frontier requiring regulation,²⁰² including transparency on training data, consent and fair compensation for content used, and new accountability standards for AI-generated content. This requires both robust copyright enforcement and potentially new regulatory frameworks adapted to the generative AI realities and lifecycle. Overall, strengthening copyright protection in the digital and AI context is crucial not only to **safeguard the economic interests of rightsholders but also to uphold the integrity, sustainability, and diversity of the information ecosystem**. This includes both the use of content for training of generative AI models as well as the use of content for generating summaries, answers, and other outputs.

Currently, the lack of transparency regarding the provenance of datasets makes it impossible to determine to what extent and how media content is used in the development and functioning of generative AI systems. It is essential to establish enforceable rights for media organizations and journalists concerning the use of their content in AI training and applications,²⁰³ including through:

202 Forum on Information and Democracy, *AI as a Public Good: Ensuring Democratic Control of AI in the Information Space*. (February 2024).

203 Ibid., part 1(f).

- **The right to know:** Media organizations should have the ability to demand full transparency about whether, how, and to what extent their content is used in AI training datasets and fine-tuning processes or retrieval-augmented generation (RAG);²⁰⁴
- **The right to opt in:** Media outlets as rightsholders should have the authority to decide whether their content can be used in AI systems that are commercial, or are not clearly established as public interest systems with safeguards for independence and pluralism. This includes content used in training, providing context or reference to AI systems' responses, or any input-based operations involving their material. Rightsholders should have the **right to opt out** of further use at any stage and have access to effective remedies;
- **The right to fair compensation:** When media content is used to train or operate AI systems, rightsholders should receive equitable remuneration for the value their content generates.

These rights are essential for protecting not only the economic viability of the media, but also the integrity of journalism.

Support media innovation

States should provide targeted public support and incentives for **digital transformation, experimentation, and innovation** in journalism and media formats, with built-in safeguards for transparency, serving the users' interest in being informed, and preventing the instrument from becoming politicized.

Diversify revenue streams for media

- States should promote sustainable funding models, for example through a mix of:

²⁰⁴ Retrieval-augmented generation (RAG) is a technique that enhances the performance of large language models by connecting them to external knowledge sources, such as media content, to incorporate information from these sources into their responses.

- Favourable taxation policies or exemptions for the media (e.g., tax write-offs for philanthropic support for public interest media, subscriptions, or tax incentives for advertisers);
- Transparent and independent public funding mechanisms with clear criteria in support of public interest journalism and media pluralism, and specific considerations for local and regional media, especially in authoritarian contexts where independent media is subject to pressure;
- Citizen-funding mechanisms (e.g., subscriptions, micro-payments, donation platform, and exploring novel mechanisms such as 'journalism vouchers'²⁰⁵ for citizens to directly fund media outlets of their choice); and
- Innovation grants to incentivize new forms of journalism and audience engagement.

²⁰⁵ 'Journalism vouchers' are public funding mechanisms where individuals receive a voucher of a set monetary value that they can allocate to the media outlet(s) of their choice. They are designed to give individuals direct agency in supporting journalism.



VIGILANCE

VIGILANCE

VIGILANCE

VIGILANCE

VIGILANCE

VIGILANCE

7. Media Vigilance (Safety)

This section examines policy interventions to strengthen media vigilance (in the sense of journalists' safety). The first part reviews policy and regulatory approaches and highlights lessons learned. The second part provides recommendations for States to protect and promote the safety of journalists in the online environment.

7.1 Policy and Regulatory Initiatives to Strengthen Media Vigilance and Journalist Safety

Understanding the safety of journalists requires a **twofold approach**. First, safety must be understood as encompassing the **diverse realities and intersectional identities** of journalists. Second, a comprehensive understanding of safety must also consider its **interconnectedness with structural media issues**, notably news visibility and viability.

Analysing safety of journalist initiatives requires a holistic approach, as stated in the **OSCE Ministerial Council Decision on Safety of Journalists**²⁰⁶ and in the **UNESCO standard framework for the safety of journalists**, which requires States to prevent, prosecute and punish violence against journalists.²⁰⁷ Building on these frameworks means addressing all key safety dimensions:

- Physical
- Mental/emotional well-being
- Legal and economic
- Digital
- Gender- and identity-based considerations

These dimensions should be considered before, during, and after violence occurs²⁰⁸ to move beyond the long-standing binary between offline and online threats, which has trivialized the seriousness of online violence and related harm.

This section explores policy and regulatory attempts focused on the safety of journalists, and addresses online violence on Big Tech platforms. Online violence should be understood as harm that is carried out in a digital setting or via technological tools, especially on social media platforms and corresponding messaging apps. Various messenger apps have increasing platform-like qualities and have become a key space for online violence, extremists, and disinformation actors. Telegram, for example, allows multiple modes of communication, from one-to-one messaging to public channels, with little moderation or

206 OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists, MC.DEC/3/18, <https://www.osce.org/chairpersonship/406538>

207 UNESCO. *The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity*. (2012), <https://unesdoc.unesco.org/ark:/48223/pf0000214945>

208 Underlined in the UNESCO Guidelines for the Implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, see <https://www.unesco.org/en/safety-journalists/un-plan-action>; Office of the OSCE Representative on Freedom of the Media, *Countering online violence: Guidelines for monitoring online violence against female journalists*. (October 2023), <https://www.osce.org/representative-on-freedom-of-media/554098>; Office of the OSCE Representative on Freedom of the Media, *Communiqué by the OSCE RFoM on Media Pluralism, Safety of Female Journalists and Safeguarding Marginalized Voices Online* (Communiqué No. 1/2019), <https://www.osce.org/files/2019-02-21%20SOFJO%20Communiqué.pdf>

regulation.²⁰⁹ Viber, as another example, until May 2024 allowed the free creation of bots to proliferate messages quickly and widely.²¹⁰

Online violence includes harassment, bullying, discreditation, stalking, doxing, sexual harassment, identity fraud, discriminatory speech, image- and video-based sexual abuse, targeted smear campaigns, surveillance, and cyber-assaults.²¹¹ Online violence is often accompanied by democratic backsliding, political polarization, or unrest,²¹² with particular impact felt in those States with weak democratic institutions or rule of law.²¹³

Most forms of online violence are impermissible under the Big Tech platforms' Terms of Service and should thus be addressed through their content moderation. **In general terms, content moderation refers to the various automated and human-led tools and measures to remove or make less visible certain types of content that is either illegal or in violation of platforms' internal policies.**²¹⁴ These processes include mechanisms such as report, filter, and block buttons. For the most part, they are automated with almost no human involvement in the process of remedying the consequences.

The table below shows **content moderation processes that currently exist**. Some are undertaken by platforms pre-emptively, while some measures are taken only after content has been

209 Institute for Strategic Dialogue, *Researching the Evolving Online Ecosystem: Barriers, Methods and Future Challenges* (2022), https://www.isdglobal.org/wp-content/uploads/2022/07/Researching-the-Evolving-Online-Ecosystem_Main-report.pdf

210 M. O. Rosenblat et al, *Covert Campaigns: Safeguarding Encrypted Messaging Platforms from Voter Manipulation*, Center for Business and Human Rights (2024), <https://bhr.stern.nyu.edu/publication/safeguarding-encrypted-messaging-platforms>

211 M. Žuffová and R. Carlini, "Safety of journalists in Europe: Threats and best practices to tackle them." In *Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 2021/43* (2021), p. 13, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3829514

212 UNESCO, *The Chilling: global trends in online violence against women journalists*. Research Discussion Paper (2021), p.13.

213 Similarly, the killings of journalists can be associated with the high level of corruption in the states. See M. Žuffová and R. Carlini, "Safety of journalists in Europe: Threats and best practices to tackle them." In *Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 2021/43* (2021), p. 13; C. Tenove et al., *Not just words - How reputational attacks harm journalists and undermine press freedom*. Global Reporting Center (2023), <https://globalreportingcentre.org/reputational-attacks/>

214 Article 19, *Content Moderation and Freedom of Expression Handbook*. (August 2023), p. 5, <https://www.article19.org/wp-content/uploads/2023/08/SM4P-Content-moderation-handbook-9-Aug-final.pdf>

flagged by users or trusted partners, including through escalation channels. In the process of content moderation, individual pieces of content may be removed, made less visible, labelled (e.g., as disinformation), downranked or demonetized, and certain features of the account found responsible for the content may be disabled. Errors in these decisions, be it removal of legitimate speech or the lack of action against incitement of violence, can have a severe impact on the safe environment of journalists.

While content moderation is often seen as a downstream concept — to address harm caused by upstream engagement-driven business models and a lack of effective accountability — it encompasses a range of technical tools and procedures that can be vital for ensuring journalists’ safety online. Such safety features are designed to protect individuals by preventing, reducing, or managing exposure to online violence. As the table below indicates, a limited number of safety features are available as preventive measures, and most are reactive and automated. User-enabled features are designed to enable individual control over personal platform experience, as opposed to sanctioning perpetrators.²¹⁵

Safety features	Tools	Key characteristics
Policy	Terms of Service and Community Guidelines identify and list violations and content moderation tools.	They represent a contractual agreement between the platform and user. They mention various forms of online violence that are impermissible on their service.

215 K. Lo, *Toolkit for Civil Society and Moderation Inventory*. Meedan (November 2020), <https://meedan.com/post/toolkit-for-civil-society-and-moderation-inventory>

Detection	Digital hash technology, ²¹⁶ image recognition, natural language processing (NLP) ²¹⁷	Pre-emptive filters prevent the uploading of content to the platform; applied mostly in cases of child sexual abuse content, and extremist/terrorist material, and used to a lesser extent for the specific protection of journalists/journalism. Language-processing models can help detect online violence against journalists.
Adjudication enforcement appeal	Reactive tools Report mechanisms serve to note and file ('report') complaints concerning violations of internal policies. These options, and subsequent adjudication processes are applicable to content and user accounts. The report button initiates a process of decision-making on the subject of the complaint. If a violation has been identified, the content/account is removed or made less visible/accessible. In some cases, depending on the platform and its policies, individuals may contest the decision in an appeal process. Most of the processes are fully or semi-automated, including through various natural language processing (NLP) systems and chatbots. It is not publicly declared when and how human moderators are included in the process.	
User-enabled features	Block, mute, restrict content, hide/remove post, unfollow/unfriend, restrict participation on content	These tools serve various purposes. Blocking interrupts accessibility of certain content or accounts, while muting renders certain content invisible. Restricting enables journalists to label harmful content so that it is not publicly visible, and to archive it for later deletion or review.

Table 4: An overview of safety features across different platforms.

216 Office of the OSCE Representative on Freedom of the Media, *Spotlight on Artificial Intelligence and Freedom of Expression - A Policy Manual*. (2021), p.34.

217 Natural language processing (NLP) is a branch of artificial intelligence (AI) that enables computers to comprehend, generate, and manipulate human language. See, more: C. Eppright, "What is natural language processing (NLP)?" OCI (25 March 2021), <https://www.oracle.com/uk/artificial-intelligence/what-is-natural-language-processing/>

Analysis of current safety mechanisms

While certain safety features are part of platform policies and (widely automated) content governance practices, most of the features place the burden of protection on the individual journalist. At the same time, once a safety threat is filed, journalists have little control over the adjudication process, which risks worsening the safety situation. Existing safety features and corresponding redress mechanisms have thus been generally characterized as lacking effectiveness.²¹⁸ The long-term effect of available safety features on harassment remains unclear.

The lack of effectiveness is also related to the absence of tangible data. Access to evidence — including data related to media visibility and safety — remains largely unavailable, despite recently mandated transparency reports. The actual ‘size of the harm’²¹⁹ is predominantly assessed based on fragmented research, in-depth studies, experiential data from journalists, monitoring efforts of regional and local media organizations, and sporadic information shared by Big Tech platforms.²²⁰ Existing reports, such as Transparency and Systemic Risk Assessments published under the DSA framework, provide only a rather blurry picture about the actual scale of online violence and efficiency of content moderation, without breakdowns for journalists.²²¹ **Due to a lack of sufficient information, including disaggregated data identifying journalists’ and media outlets**

218 For example, <https://onlineviolenceresponsehub.org/> and V. Vilik and E. Vialle, *No excuse for abuse*. PEN America (2021), <https://pen.org/report/no-excuse-for-abuse/>

219 S. B. Micova, *What is the harm in size? A preliminary assessment of the European Commission’s approach to market power in the media sector*. Centre for Regulation in Europe (CERRE) (2021), <https://cerre.eu/publications/what-is-the-harm-in-size/>

220 For example, see UNESCO, *Online violence against women journalists: A global snapshot of incidence and impacts*. (2020) <https://unesdoc.unesco.org/ark:/48223/pf0000375136/>; Monitoring of safety of journalists threats: Media Freedom Rapid Response monitoring efforts, <https://www.mfrr.eu/monitor/>; Safe journalists, Western Balkan Regional Monitoring Network, <https://safejournalists.net/>; C. Tenove et al., *Not just words - How reputational attacks harm journalists and undermine press freedom*. Global Reporting Center (2023); Additional research by L. Loureiro, see <https://www.icfj.org/our-work/not-just-words/>; S. Dunn et al., *Supporting safer digital spaces: A report on gendered online harms and the need for action*. Centre for International Governance Innovation (2022), <https://www.cigionline.org/publications/supporting-safer-digital-spaces/>

221 An example of such a transparency report can be found here: Meta, *EU Digital Services Act: Transparency Reports for Very Large Online Platforms*. (26 April 2024), p. 15, <https://transparency.meta.com/reports/regulatory-transparency-reports/>.

accounts, it is impossible to assess the specific impact of content moderation interventions related to violence against journalists.²²²

In addition to these functional and technical shortcomings, **three other considerations should be noted:**

- The overall **link between content moderation and media visibility** measures (e.g., down-ranking, shadow-banning, and content labelling) is under-explored. Policymakers need to consider that **any intervention** in the areas of **media visibility and media viability is likely to impact the safety of journalists**. For example, if journalists aim to boost audience engagement, they may expose themselves to higher risks of online violence.²²³ Declining media revenues may force media outlets to limit investments in safety measures, reduce journalists' pay, or lay off staff — further weakening journalists' economic and security positions — while at the same time, Big Tech platforms have been reducing the trust-and-safety teams working on online harassment policy and products.²²⁴
- Much **online violence** (e.g., digital transnational aggression, interactive deep fakes)²²⁵ including pile-on abuse, often co-ordinated through a multitude of bot accounts and **disseminated across diverse platforms, cannot be effectively addressed with current content moderation systems**.
- **Changes to Meta's content moderation policies** in January 2025, led to a general deprioritization of safety infrastructure and moderation. Moreover, Meta now **categorizes content** that violates Terms

222 Center for Democracy and Technology, *Civil Society Responds to DSA Risk Assessment Reports: An Initial Feedback Brief*. (17 March 2025), <https://cdt.org/insights/dsa-civil-society-coordination-group-publishes-an-initial-analysis-of-the-major-online-platforms-risks-analysis-reports/>.

223 V. Vilks and E. Vialle, *No excuse for abuse*. PEN America (2021), <https://pen.org/report/no-excuse-for-abuse/>.

224 M. Motyl and G. Ellingson, "The Unbearably High Cost of Cutting Trust and Safety Corners". *Tech Policy*. Press (4 January 2024), <https://www.techpolicy.press/the-unbearably-high-cost-of-cutting-trust-safety-corners>.

225 T. L. Harrel, *The State of Online Harassment and Opportunities for Collaboration*. Online SoS (2020), p. 27-29, <https://drive.google.com/file/d/10tF2fcdBkIdOT9Qm9lAbkF-oyQxl-xzJ/view>; N. Aljizawi et al., *No Escape: The Weaponization of Gender for the Purposes of Digital Transnational Repression*. Research Report The Citizen Lab (December 2024), p. 3-6.

of Service **using a scale of ‘less to more severe’** — a more subjective and **amorphous system with undefined criteria**. Meta announced that only those violations labelled as ‘more severe’ would be automatically moderated. Content labelled as ‘less severe’ will be removed or made less visible only following individual user reports — with the notable stipulation that the reporting user has to have a certain level of credibility on the platform.²²⁶ It remains to be seen how this will impact the safety of users and specifically journalists using Meta services, but the outlook is not promising given assessments of an increase in online violence following comparable policy changes on X/Twitter.²²⁷

Effectiveness of (inter)national regulations

The EU platform regulations, particularly the DSA’s provisions related to systemic risks, content moderation, due diligence requirements, trusted flaggers, and out-of-court dispute resolution mechanisms are relevant for the safety of journalists.²²⁸ Under Article 22 of the DSA, trusted flaggers²²⁹ — appointed by national digital services coordinators (DSCs) — play an instrumental role in identifying and reporting illegal content, including that which targets journalists, to prompt quick and thorough content review.

The appointment of a hate-speech-focused civil society organization by the German DSC offers an interesting case study for implementation of this provision in practice. Furthermore,

²²⁶ J. Hendrix, “Transcript: Mark Zuckerberg Announces Major Changes to Meta’s Content Moderation Policies and Operations.” *Tech Policy*. Press (7 January 2025), <https://www.techpolicy.press/transcript-mark-zuckerberg-announces-major-changes-to-metas-content-moderation-policies-and-operations/>

²²⁷ For analysis of online violence on Twitter and policy changes, see, for example, a documentary by BBC Panorama together with the International Center for Journalists and the University of Sheffield (July 2023), <https://www.bbc.co.uk/programmes/m001jwb5>. A first assessment regarding gender-based violence on Meta has been conducted by the European Observatory of Online Hate, see “How Meta’s new Content Moderation Policies affect Gender-based Violence” (June 2025), <https://eoooh.eu/articles/meta/online/gender/based/violence/content/moderation>.

²²⁸ European Commission, *Study on putting in practice by Member States of the Recommendation on the Protection, Safety, and Empowerment of Journalists - Final Report*. Publications Office of the European Union (2024), p.49, <https://op.europa.eu/en/publication-detail/-/publication/bca5a5bd-090a-11ef-a251-01aa75ed71a1/language-en>

²²⁹ Bundesnetzagentur, First Approval for Trusted Flagger for Online Platforms in Germany, Bundesnetzagentur Press (2024), https://www.bundesnetzagentur.de/SharedDocs/Pressemitteilungen/EN/2024/20240927_DSC_Trusted_Flagger.html

the DSA's provisions for out-of-court dispute²³⁰ present a pathway for journalists to challenge Big Tech platforms' decisions when their responses are inadequate or disproportionate.

The **EMFA could also serve as an important safeguard**. Article 4, in particular, designates **specific protections for journalistic sources by prohibiting state surveillance** except with prior authorization through the judiciary or an independent body, or in exceptional and urgent cases. However, these 'exceptional and urgent cases' are not well defined, and have been identified as possible loopholes that could undermine effective protection for journalists.²³¹ Future legislation at the national level must also include oversight mechanisms to ensure "laws are watertight against abuse".²³²

The effectiveness of the DSA and EMFA will depend on their enforcement and the extent to which they influence platform behaviour in practice, also as regards the safety of journalists. For example, the narrow scope of assessment on illegal content applied by trusted flaggers or out-of-court dispute mechanisms content may, in practice, exclude various forms of online violence. However, it is positive that the establishment of appeal mechanisms and trusted flaggers will, under certain conditions, also be accessible to non-EU citizens.

Inspired by the EU digital platform regulation, national regulatory frameworks addressing online safety are emerging in several jurisdictions. For example, the UK's Online Safety Act and Canada's Online Harms Act largely align with the DSA's regulatory logic but expand the scope to address specific forms of harmful content.²³³

230 N. Shengelia, "Trusted Flaggers and the Digital Services Act: Extraterritorial Implications for Georgia as an EU Candidate Country," 3CL Foundation (6 January 2025), www.3cl.org/trusted-flaggers-and-the-digital-services-act-extraterritorial-implications-for-georgia-as-an-eu-candidate-country/.

231 J. E. Kermer, "Article 4 of the European Media Freedom Act: A missed opportunity? Assessing its shortcomings in protecting journalistic sources" In *Papers from the Eleventh International Scientific Conference of the European Studies Department: The agenda of the new EU institutional cycle* (Sofia, Minerva 2024), p. 193, <https://cadmus.eui.eu/handle/1814/77470>.

232 Ibid.

233 Also noted in the Ofcom contribution to this initiative, <https://www.osce.org/representative-on-freedom-of-media/581821>.

Across the OSCE, national legislators have introduced gender-specific protections for women journalists, recognizing the heightened risks they face online. As one of the first international media freedom advocates, the OSCE Representative on Freedom of the Media recognized online attacks against women journalists as a systemic challenge to media freedom back in 2015, and has since provided policy guidance on gender-specific safety measures.²³⁴

In 2018, through the Ministerial Council Decision on the Safety of Journalists, all OSCE participating States committed to taking effective measures to enhance journalist safety, explicitly recognizing the distinct risks faced by women journalists, particularly in the digital sphere.²³⁵ Furthermore, in 2023, a coalition of 45 OSCE participating States pledged to urge digital platforms to better uphold their responsibilities to respect the rights of women journalists and center their policies and practices on human rights.²³⁶ Most recently, several OSCE participating States²³⁷ have codified criminal provisions targeting non-consensual dissemination of intimate images (NCDII), including deepfake images. Additionally, numerous OSCE participating States have aligned their legal frameworks with the Council of Europe's Istanbul Convention,²³⁸ which explicitly addresses digital violence. However, gaps remain, including regarding the enforcement of judgments and accountability of perpetrators and intermediaries. A 2018 InternetLab study noted that most NCDII laws fail to clarify platform liability or mandate content removal obligations.²³⁹

²³⁴ For more, see the OSCE RFoM project on the Safety of Female Journalists Online (SOFJO), <https://www.osce.org/fom/safety-female-journalists-online>.

²³⁵ OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists, MC.DEC/3/18, <https://www.osce.org/chairpersonship/406538>

²³⁶ OSCE Joint Statement on the Safety of Women Journalists (2023), <https://www.osce.org/chairpersonship/559833>

²³⁷ Share Foundation, *Revenge porn: Comparative analysis in South East Europe*. (May 2022), https://cms.seedigitalrights.network/wp-content/uploads/2022/05/Comparative-analysis_short-version_non-consensual-processing.pdf; L. Scepanovic, "Revenge Porn is Punishable by Law in Montenegro." *Radio Free Europe* (20 December 2022), <https://www.slobodnaevropa.org/a/crna-gora-osvetnicka-pornografija-drustvo-zakonodavstvo/32186029.html>

²³⁸ European Commission, *Study on putting in practice by Member States of the Recommendation on the Protection, Safety, and Empowerment of Journalists - Final Report*. Publications Office of the European Union (2024), p. 65

²³⁹ See, here: Center for Media, Technology, and Democracy, *About the Online Harms Act*, <https://www.mediatechdemocracy.com/about-c63>

National legislation that addresses the protection of journalists against tech-facilitated violence is scarce and the protection mechanisms still predominantly fall within the scope of criminal justice system frameworks. Existing co-operation mechanisms between law enforcement and platforms generally lack transparency, making it nearly impossible to assess their scope and operational procedures, but also to detect potential abuse. Based on the limited information available,²⁴⁰ such co-operation appears to focus primarily on severe criminal offenses such as child abuse and terrorism, leaving it unclear as to whether any co-ordinated efforts address online violence against journalists. The scope of regulatory interventions in violence against journalists has, paradoxically, not focused on addressing well-documented shortcomings of content moderation, or in advancing meaningful safety features. Instead, **related initiatives have been mostly driven by non-State actors.**

Comprehensive and systematic interventions that address journalist safety are more difficult in contexts with limited (or absent) platform engagement, or without quick review of reported violence. Civil society has been trying to fill this gap by establishing **escalation channels** with platforms. These channels **facilitate expedited review and resolution of online violence cases.**²⁴¹ Informal in nature, these escalation pathways often rely on personal connections with platform representatives or partnerships with well-established organizations.²⁴² Trusted partners programmes have been established between Big Tech platforms and civil society organizations. **Escalation channels and trusted partner programmes can be an effective mechanism for journalists, albeit lacking in sustainability,** as many of these channels are established on an ad hoc basis, only in certain jurisdictions, and are subject to Big Tech policies as well as their goodwill.

To overcome these shortcomings, many European countries have adopted **national safety mechanisms to increase the collaboration**

240 Meta, Law Enforcement, Meta Safety Center, <https://about.meta.com/actions/safety/audiences/law>

241 V. Vilik and E. Vialle, *No excuse for abuse*. PEN America (2021), <https://pen.org/report/no-excuse-for-abuse/>

242 Internews. *Safety at stake: How to save Meta's Trusted Partner Program*. (2023), <https://internews.org/resource/safety-at-stake-how-to-save-metas-trusted-partner-program/>

between State and media actors.²⁴³ However, **most of these mechanisms do not explicitly address online violence.** The type of collaboration varies significantly — from a Memorandum of Understanding in Italy, Action Plan in Denmark, to an Agreement on Cooperation between police and journalists in Croatia.²⁴⁴ The structure of co-operation also varies by State. In Serbia and similarly in Bosnia and Herzegovina, a system of contact points — including media lawyers, law enforcement, and members of the judiciary — was established to support journalists targeted by online harassment.²⁴⁵ A similar system in the Netherlands ensures provision of support that includes channels for co-operation with the judiciary and law enforcement.²⁴⁶ A Dutch initiative, PersVeilig, has codified State and media co-operation for the protection of journalists, including online, through the collective signing of a Press Safety Protocol. The initiative has recently received significant funding to scale their work to EU level.²⁴⁷

According to a European Commission study that looked into EU-based safety mechanisms, only six countries (Denmark, France, Germany, Ireland, Italy, and the Netherlands) have established formalized structures for engagement with Big Tech platforms (with two of them only informally), which highlights a critical gap in efforts to safeguard journalists' online security.²⁴⁸ **None of these safety initiatives systematically combats gendered (online) abuse.**²⁴⁹

243 Media Freedom Rapid Response, Europe: Updated repository to protect journalists, <https://www.article19.org/resources/europe-directory-to-protect-journalists/>

244 European Commission, *Study on putting in practice by Member States of the Recommendation on the Protection, Safety, and Empowerment of Journalists - Final Report*. Publications Office of the European Union (2024), p. 65

245 Article 19, *Protecting journalists in Serbia, Learnings from Stalna radna grupa za bezbednost novinara (Standing Working Group for the Safety of Journalists)*, Media Freedom Rapid Response (2023), <https://www.article19.org/resources/europe-directory-to-protect-journalists/>

246 Article 19, *Protecting journalists in the Netherlands, Learnings from PersVeilig (Press Safety)*. Media Freedom Rapid Response (2023), https://www.article19.org/wp-content/uploads/2023/11/A19_MFRR-Briefing_Netherlands_FINAL.pdf

247 R. Ó Fathaigh, "Dutch Government Implements Additional Measures on the Safety of Journalists" In *IRIS Legal Observations of the European Audiovisual Observatory* (2025), <https://merlin.obs.coe.int/article/10215>

248 European Commission, *Study on putting in practice by Member States of the Recommendation on the Protection, Safety, and Empowerment of Journalists - Final Report*. Publications Office of the European Union (2024), p. 65

249 Ibid., p.44

Non-State actors such as journalism organizations and civil society organizations also play a critical role in monitoring online threats to journalists. The Safety of Journalists' Platform (led by the Council of Europe)²⁵⁰ and Media Freedom Rapid Response (driven by civil society)²⁵¹ have documented incidents and advocated for stronger protections. The OSCE Representative on Freedom of the Media's Safety of Journalists Toolbox provides an overview of national instruments and initiatives across the OSCE Region.²⁵² Many civil society organizations have called for monitoring efforts to be complemented by a more diverse and comprehensive range of State interventions, together with support informed by journalists' experiences. This support would include contributions from women journalists and individuals from underrepresented or historically disadvantaged communities, who have been largely left out of the conversation yet disproportionately feel the impact of online violence.²⁵³

Efforts to promote the safety of journalists online are interdependent — each actor's responsibility is connected and critical to ensuring meaningful outcomes and the effective resolution of cases. Interventions and measures to address the safety of journalists from a holistic perspective predominantly rely on State interventions, which need to be backed and supported by an ecosystem of actors.²⁵⁴ **The safety of journalists is just as much a problem of platform business models, infrastructure, and lack of accountability, as it is a problem of the rule of law and States' protection of human rights.**

250 Council of Europe. (n.d.). Platform to promote the protection of journalism and safety of journalists, <https://fom.coe.int/en/accueil>

251 Media Freedom Rapid Response, <https://www.mfrr.eu/monitor/>

252 OSCE Safety of Journalists Toolbox, <https://www.osce.org/node/531944>

253 For example, Coalition Against Online Violence, see more: <https://onlineviolenceresponsehub.org/about-the-coalition-against-online-violence>.

254 M. Husovec, "Rising Above Liability: The Digital Services Act as a Blueprint for the Second Generation of Global Internet Rules," In *Berkeley Technology Law Journal* Vol. 38 Issue 3 (2023), p. 621–652, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4598426

7.2 Mitigation Measures to Enhance Safety of Journalists in the Short Term

The safety of journalists is a shared responsibility involving many actors and relying on meaningful multi-stakeholder engagement and cross-border co-operation. Those primarily responsible — States, as the ultimate guarantors of human rights protection, and platforms, as key enablers of online violence — have at their disposal a wide range of instruments and possible interventions.

Safety of journalists (including online violence) often correlates with democratic backsliding, political polarization or unrest, which highlights the vulnerability of media freedom in the face of online environments that facilitate the spread of hate,²⁵⁵ with particular impact felt in contexts of weak democratic institutions or rule of law.²⁵⁶ For this reason, **policy measures and State interventions need to consider online violence in relation to other intersecting safety issues**, such as physical and legal violence. This violence includes arbitrary detention, criminal prosecution, restrictive legislation, strategic litigation against journalists (SLAPPs) and media capture. A holistic approach that recognizes the interconnected

²⁵⁵ UNESCO, *The Chilling: global trends in online violence against women journalists*, Research Discussion Paper (2021), p.13

²⁵⁶ Similarly, the killings of journalists can be associated with the high level of corruption in the states. M. Žuffová and R. Carlini, “Safety of journalists in Europe: Threats and best practices to tackle them” In *Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS 2021/43* (2021), p. 1; C. Tenove et al., *Not just words - How reputational attacks harm journalists and undermine press freedom*. Global Reporting Center (2023)

nature of these threats is required to ensure that channels for recourse, and solutions to counter safety threats are effective and sustainable.

Safety features

States should encourage and incentivize Big Tech platforms and AI developers to **design new and to advance existing safety features** that offer preventive, reactive and proactive measures, **with safeguards against their misuse** for censorship and other digital harms, and promoting protections in restrictive media environments.²⁵⁷ This could be achieved through sustained engagement aligned with international freedom of expression standards, and facilitated via inclusive, multi-stakeholder processes, ideally at the international level. States should consider indicators for online violence against media, and shared characteristics that constitute severe cases and risks of escalation that necessitate immediate reaction (e.g., death threats).²⁵⁸

Safety features should be developed considering how all aspects of safety interact, rather than taking them in isolation (through a **holistic and intersectional lens**), prioritizing participation of all stakeholders, interoperability between different technological systems, and open-access technological standards. These measures should offer preventative, proactive, and reactive features:

- **Preventive** features should include: real-time risk assessment tools and data streams on social media platforms, early-warning mechanisms, crisis protocols;
- **Proactive** features should include: risk identification, risk control and mitigation tools and other forms of enhanced user control, such as stronger authentication processes to prevent account breaches and mechanisms to protect sensitive communications (e.g., a dedicated 'journalist safety mode');

²⁵⁷ J. Hendrix et al, "What is Secure? An Analysis of Popular Messaging Apps", *Tech Policy Press* (2023), <https://cdn.sanity.io/files/3tzzh18d/production/249bacf0c26005325181333271be32e92024e0e5.pdf>

²⁵⁸ OSCE Office of the Representative on Freedom of the Media, *Guidelines for Monitoring Online Violence Against Female Journalists*. (October 2023), <https://www.osce.org/representative-on-freedom-of-media/553951>

- **Reactive** examples should include: increased efficiency of existing safety features and redress mechanisms; secure documentation and safety boards;²⁵⁹ co-ordinated and bystander support features that help individuals not directly targeted to take action in cases of online violence against journalists, and to provide easy access to helplines for affected individuals; hotlines with available teams per region/country; escalation pathways including those through representation across jurisdictions.²⁶⁰

Safety by design

States should require online platforms to demonstrate, with clear evidence, how the **design and development of their safety features align with the principles of ‘safety by design’**. Safety by design refers to a proactive approach to platform and product design and development that prioritizes user safety from the outset, via platform architecture, policies, and processes that minimize user risk and harm stemming from threats such as online harassment, smear campaigns, and data exploitation. This obligation should be implemented through formal, regular and independent design audits and compliance mechanisms.

A **safety by design approach** can be realized by:

- **Involving those who will be using the safety features** in their development, understanding and addressing their needs,²⁶¹ including by mandating the pre-design phase of safety-related tools and measures includes the direct and informed, **meaningful participation**²⁶² of journalists, media actors, and others affected by online violence;

²⁵⁹ For example, PEN America recommended that Big Tech deploys so-called ‘shields’ to directly filter co-ordinated smear campaigns and pile-on harassment where an individual journalist is attacked across direct messages, threads, and social media simultaneously and by a large group of people, see <https://pen.org/report/treating-online-abuse-like-spam>.

²⁶⁰ V. Vilks and E. Vialle, *No Excuse for Abuse*. PEN America (2021)

²⁶¹ L. Schirch, “The Case for Prosocial Tech Design Governance.” In *Internet Policy Review*, University of Notre Dame, Keough School of Global Affairs (March 2025), <https://policyreview.info/articles/news/prosocial-tech-design-governance>

²⁶² “Meaningful participation” goes beyond formal consultation or token involvement. It entails early and ongoing engagement with substantive influence, conducted safely and without fear of reprisals. It also requires accessibility, inclusivity, and mechanisms to ensure transparency and accountability.

- Ensuring that all product and policy development processes related to safety incorporate **human oversight** at every stage of design, deployment, and enforcement²⁶³ that enables just and context-sensitive outcomes; human involvement should be a procedural safeguard that assesses and balances different factors from a human rights perspective;²⁶⁴
- Requiring pre-emptive and regular independent targeted **human rights impact assessments** that explicitly examine the effects of safety products and policies on journalists, media workers, media outlets, including gender-specific risks,²⁶⁵ and media freedom more broadly;
- Strengthening existing safety tools and introducing new, evidence-based measures to effectively address **emerging and context-specific forms** of online violence, ensuring safety features are adaptable and suited to address different contexts as there is no one-size-fits-all solution; and
- Facilitating the design of recommender systems to **promote safe, diverse, and public interest content** and minimize the amplification of content associated with online violence.

Legislative and policy interventions

States should implement the OSCE Ministerial Council Decision on the Safety of Journalists.²⁶⁶ In line with international freedom of expression and media freedom standards, **legislative and policy interventions** on the safety of journalists **should introduce specific**

²⁶³ This has been advocated for years by the media and digital rights community. See the Santa Clara Principles on Transparency and Accountability in Content Moderation, <https://santaclaraprinciples.org/>.

²⁶⁴ E. Vargas Penagos, "Platforms on the hook? EU and human rights requirements for human involvement in content moderation." In *Cambridge Forum on AI: Law and Governance* Vol. 1 Issue e23 (2025), p.16, <https://www.cambridge.org/core/journals/cambridge-forum-on-ai-law-and-governance/article/platforms-on-the-hook-eu-and-human-rights-requirements-for-human-involvement-in-content-moderation/63AB46C3687985F39187F923FA9F6341#>

²⁶⁵ L. Slachmuisjlder and S. Bonilla, *Prevention By Design: A Roadmap for Tackling TFGBV at the Source*. Council on Tech and Social Cohesion (March 2025), <https://techandsocialcohesion.org/wp-content/uploads/2025/03/Prevention-by-Design-A-Roadmap-for-Tackling-TFGBV-at-the-Source.pdf>

²⁶⁶ OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists, MC.DEC/3/18, <https://www.osce.org/chairpersonship/406538>

provisions that offer enhanced protection for journalists. States should refrain from adopting criminal provisions that can be misused to restrict freedom of expression. Legislative and policy interventions related to journalist safety should be **developed through consultation with all relevant stakeholders**, and build on pre-legislative and regular human rights impact assessments that address media freedom specific risks and ensure risk mitigation measures are effective. States should:

- **Ensure** that **criminal provisions apply** in the online context and explicitly cover online violence, including technology-facilitated gender-based violence, and that they consider the journalistic status of a target;
- **Adapt criminal justice procedures to ensure the timely and effective investigation** of online violence, including through structured and transparent co-operation with digital platforms, such co-operation should be governed by clear protocols, subject to independent oversight, and reviewed on a regular basis;
- Consider establishing an **independent mechanism comprising media actors** to serve as an advisory body in the design, implementation, and enforcement of legislative and policy interventions related to journalist safety;
- **Monitor online violence** against journalists, and mandate platforms to provide enhanced privacy settings and to provide data on safety, including data grouped by gender, country, form of assault, case outcome, perpetrators, and so on;
- Establish a dedicated **solidarity fund** to support journalists and media workers who are targets of online violence, offering remedies for both socio-economic and psychological harms; and
- Provide **support**, including **financially**, to media actors and organizations that serve as bystanders, and offer assistance to journalists facing online violence, ensuring their autonomy and integrity remain uncompromised.

The **evolving EU platform regulation can serve as a catalyst** for the design and implementation of national legislative and policy measures that prioritize journalist safety. States should:

- Expand **platform transparency obligations to explicitly address safety-related risks**, including data segregated by country, forms of assault, data about the resolution of the case, perpetrators, etc.;
- Introduce **mandatory periodic media freedom systemic risk impact assessments**; and
- Establish **dedicated appeals mechanisms** to handle safety-related complaints raised by journalists.

Any **legal intervention** addressing online violence against journalists **must fully comply with international human rights standards and rule of law principles**. It must incorporate robust checks and balances to prevent abuse of power and guarantee accessible, effective redress mechanisms. Without these safeguards, such legislative and policy interventions should not be enacted.

Inclusive and meaningful multi-stakeholder models of safety

States should **intensify efforts and resources to strengthen online safety in the work of multi-stakeholder forums** at the national, regional, and international level. States should strengthen human rights-based co-operation with international actors to reinforce joint accountability frameworks and ensure that Big Tech platforms are held responsible for their impact on journalist safety. In particular, States should:

- Expand existing and establish **new safety mechanisms that bring together State actors** (including prosecution and law enforcement), **media organizations** (such as journalists' associations and press councils), **media outlets** (including smaller and regional ones) **and individual journalists**. Funding, procedural rules, and accountability frameworks should be designed to ensure transparency and meaningful and active co-development of safety protocols and strategies;

- Co-develop **dedicated safety protocols** and national frameworks **that address the safety of journalists holistically**, with particular attention to gender-sensitive approaches and the meaningful inclusion of women journalists and those from underrepresented and marginalized communities;
- Establish **effective and sustainable financial mechanisms** to support the long-term viability of safety mechanisms and the participation of the media in their design, with particular focus on strengthening existing escalation channels and trusted partner organizations engaged in journalist protection work; and
- Initiate and strengthen co-ordination mechanisms that **connect national safety mechanisms** and similar structures **with international efforts**, such as the Coalition for the Safety of Journalists²⁶⁷ or the Coalition Against Online Violence²⁶⁸, and encourage regional and global collaboration with platforms, leveraging collective influence to enhance accountability and responsiveness.

²⁶⁷ https://kq.freepressunlimited.org/themes/safety-of-journalists/networks-and-coalitions/?utm_source=chatgpt.com

²⁶⁸ <https://onlineviolenceresponsehub.org/>

The background features a gradient from dark teal at the top to a lighter blue at the bottom. Overlaid on this are numerous white, wavy, and curved lines that create a sense of movement and depth, resembling topographical lines or liquid flows. The word "NEXXT" is prominently displayed in the upper left quadrant in a bold, white, outlined font. The letters are stylized, with the 'X' having a unique, elongated shape.

NEXXT

STEPS

The background features a vertical gradient from a vibrant teal at the top to a deep navy blue at the bottom. Overlaid on this gradient is a white line-art illustration of a person's profile, facing right. The profile is composed of several distinct, flowing lines that define the head, neck, and shoulders. The overall aesthetic is modern and minimalist.

8. Next Steps: A Vision for The Future

Building on the in-depth analysis of the captured information space and the mitigation measures needed to address existing and evolving harms related to media visibility, viability, and vigilance, this section offers guidance for moving from mitigation to transformation. It explores how to reclaim the public information space and foster an enabling environment for media freedom in the algorithmic and AI era. The section provides guidance for ambitious structural reforms to build healthy online information spaces.

8.1 A New Way of Thinking

While media organizations and journalists face enormous economic pressure, political interference and even physical threats, no meaningful safeguard for media freedom can succeed without confronting and overcoming the **structural capture of the digital information ecosystem**. This Policy Manual provides recommendations for mitigation measures to address the challenges the media faces regarding visibility, viability and vigilance (safety). Yet, these measures alone will not be sustainable if not combined with holistic responses and sustained efforts to address one of the root causes of many of the challenges: the **undue concentration of power in the information ecosystem**.

A **long-term vision** thus needs to move beyond overcoming media dependencies to build an independent and pluralistic media (and media market) to enable democratic debate and societal resilience. **Pluralism** should be guaranteed regarding diversity of opinions and ideas, regarding a variety of media providers, and also regarding plurality in

the media infrastructure and ownership level, to ensure the **absence of (effective) dominant gatekeeper control**. Considering the deeper flaws related to concentration of power, potential for manipulation, and extractive models, State intervention needs to design governance frameworks that strengthen, not suppress, democratic debate, and to free the information space from concentrated power and capture.

Creating a healthy — pluralistic, free and safe — information ecosystem means not only mitigating present harms, but transforming the ecosystem through structural change and sustained, long-term investment in digital infrastructure oriented to the public interest. This requires a layered, meaningful and inclusive multi-stakeholder approach: States should fulfil **their positive obligations** to safeguard media freedom, and ensure tech companies realize their responsibilities.²⁶⁹ The **media should** also make **responsible technology choices**, explore alternatives, and develop independent and sustainable business models and trustworthy and engaging information offers to win back audiences, in the same way as **citizens should** keep demanding and supporting public interest journalism.

Contemporary **debates about AI and the digital transformation** of the media and communications sector are typically framed in terms of risk, innovation, the importance of speed, scale and the dominance of large technology companies that are too big to regulate and too critical to avoid. Academics, civil society and policymakers alike have good reasons to worry about the degree to which a handful of technology companies are in the driving seat for shaping the technologies, services and communication infrastructure on which modern societies depend, and about how new technological developments, such as AI and generative AI, further consolidate existing economic and political power.

²⁶⁹ A 2025 survey on how citizens envision AI governance conducted in six countries (Brazil, Denmark, Japan, the Netherlands, South Africa, and the USA) concludes that individuals want to see regulation of AI, and a role of governments in deciding when AI is safe or unsafe (instead of leaving this decision to tech companies only). In the survey, human rights are mentioned as the most important priority across all countries, followed by economic well-being and national security. N. Helberger et al., “Governments Want to Ease AI Regulation for Innovation, But do Citizens Agree?” In *Tech Policy Press* (July 2025), <https://www.techpolicy.press/governments-want-to-ease-ai-regulation-for-innovation-but-do-citizens-agree/>.

What if...

- Instead of being dependent on the services of a handful of extremely powerful AI companies, media companies could choose from a diversity of specialized AI and infrastructure providers that compete in terms of responsiveness to professional values, the quality of their training data and respect for the fundamental rights of users?
- Instead of trying to reach the audience on social media platforms, media companies used the potential of AI and digital technology to develop new, engaging ways of informing the audience, and reaching groups of the audience that were once difficult to reach?
- Instead of reducing the funding for media innovation and public service media, States invested in media innovation, the development of public, interoperable and federated (decentralized but connected) infrastructures, and innovation in local and regional media?
- Instead of competing and consolidating, media organizations large and small could share knowledge, data, experiences and technologies, and solidarity and co-operation were the new core professional values?
- Instead of being eyeballs and passive receivers, audiences were valued co-operation partners in media innovation projects, and part of a constructive feedback loop that increased trust and willingness to pay for independent journalism?
- Instead of building their entire business model around social media platforms and advertisers, funders (but also the media itself) realized that high-quality and value-driven information services offer much greater value for the audience, in addition to economic potential?

- Instead of relying predominantly on the good faith of technology companies to manage the risks from their algorithmic systems, or the ability of regulators alone to enforce legal obligations that mandate them to do so, policymakers and society could rely on a complementary vibrant ecosystem of counter-power, and empower fact checkers, journalists, civil society, users and academics through concrete rights to information, the right to disagree, and to institutional support?

As a society, **we should be more ambitious for our digital future** than thinking only of how to minimize risks for democratic values, media freedom and pluralism. **Absence of monopoly power does not automatically translate into a flourishing** diverse and independent **media ecosystem**. Technological progress is not the same as creating value for individuals. Innovation can also mean social innovation. Tech does not have to be big to be valuable or innovative, nor do we have to rely on large technology companies to define what values to prioritize. And fundamental human rights are not simply the minimum benchmarks of safety that we expect technology developers to respect. **Human rights are also aspirational and the conceptual building blocks** of the kind of society we want to live in. Indeed, OSCE participating States committed themselves to “take every opportunity offered by modern means of communication [...] to increase the freer and wider dissemination of information of all kinds”.²⁷⁰

Tackling the enormous imbalances of power, and the informational and structural dependencies that currently characterize the media ecosystem is a core challenge for regulators and policymakers. **Regulatory frameworks that allow for more democratic accountability and prevention of concentrated economic, technological or political power are needed.** Where such frameworks exist, creating the conditions for their effective enforcement is an uphill struggle against economic incentives, information asymmetries, political pressure, and the rise of populism and autocratic regimes. This is why (a matter of equal importance) States must also invest

270 Istanbul Document (1999), <https://www.osce.org/mc/39569>

in their capacity to govern by reducing their own technological dependency, and investing in a powerful accountability network of regulators, academics, civil society and diverse societal actors.

To truly realize the full potential of technology and media freedom, however, we also need to develop a positive vision of the kind of digital society that we want to see and the role of technology in contributing to that vision. Without a clear vision of what a desirable future of the media with AI and digital technology is, it is neither possible to identify potential risks to such a future, nor to create the conditions for a healthy and sustainable media ecosystem. **A more comprehensive vision also acknowledges the potential of AI and digital technology to help realize human rights.** It understands that the media ecosystem is wider than platforms and media organizations, and comprises a range of other actors that together determine the conditions for realizing human rights, including advertisers, fact checkers, researchers, civil society, data workers, creators, startups, technology developers, application providers and others.

Therefore, the commitment to “the freedom of the media as a basic condition for pluralistic and democratic societies”²⁷¹ must be about more than risk management and the regulation of Big Tech. It must also promote technologies that help the media and audiences to flourish, protect the diverse actors in the ecosystem and actively incentivize responsible AI development and deployment.

8.2 Considerations for State Intervention

International human rights law requires all States to **respect, protect and fulfil human rights**. This obligation should also require States as the ultimate guarantors of pluralism to **actively create an enabling environment for media freedom**.²⁷²

271 Concluding Document of the Third Follow-up Meeting, Vienna Document (1986), <https://www.osce.org/mc/40881>

272 The 2023 Joint Declaration by the four international free speech mandate holders on Media Freedom and Democracy defines “media pluralism” as the existence of multiple actors, spanning public, private, and community media, as well as diverse and inclusive content in and through the media, see osce.org/files/f/documents/3/2/542676.pdf.

Many States have recognized that while platforms have engaged in voluntary and self-regulatory efforts, these efforts have been limited and often ended at platforms' discretion. **State intervention is needed to ensure pluralism as opposed to concentrated power in closed systems.** But while State intervention is necessary, it is **no easy task and inherently carries risks of capture**, especially by political interests. Measures intended to limit Big Tech's power should not ultimately lead to strengthened State control over information spaces. Instances of such political interference in visibility policies deployed by authoritarian regimes have either been explicitly designed to favour State-aligned media, or undermined diversity in practice by insufficiently safeguarding the political independence of the regulator that applies the policies. In contexts of captured media ecosystems,²⁷³ policies related to visibility but also to compensation or advertising can be — and have been — used to actively undermine independent journalism.

Policies that aim to safeguard media freedom must therefore be designed carefully, and with robust checks and balances intended to limit political capture. Media freedom policies should be designed through inclusive, transparent, and meaningful multi-stakeholder processes and ultimately subject to independent judicial review and democratic processes. Legislative and institutional safeguards need to ensure that any regulatory authority that enforces media freedom policies or cooperates with digital platforms is structured as independent, shielded from political and economic interests, and has external review systems in place. **The exact design and extent of State intervention needs to be nuanced depending on the democratic and rule of law safeguards present to prevent abuse or political interference.** Where there are limited rule of law guarantees (in law or in practice) or a risk of democratic backsliding, such safeguards must be particularly robust. **In the end, any media policy should be aimed at realizing the overall principles of pluralism, independence, and freedom.**

This stipulation is also relevant when **copying existing regulation into other contexts.** The implications of EU platform regulation, particu-

273 "Media capture" refers to a form of governance failure in which the media advances the commercial or political interests of a state or non-state actor that controls the information environment, rather than holding those powerful groups accountable and reporting in the public interest.

larly the so-called ‘DSA spill-over’ or ‘Brussels effect’ are already a subject of active discussion across Eastern Europe, including in the Western Balkans.²⁷⁴ Concerns are growing that in a context of weak rule of law or media capture, alignment of politically influenced regulatory bodies, underdeveloped media markets, or platform disengagement from the region may threaten media freedom rather than strengthen it.²⁷⁵ It is essential to consider contexts and capacities in the design and enacting of any media (freedom) policy, as well as **robust safeguards that prevent both intentional misuse and unintentional consequences undermining the very aims they pursue.**

States should also **guard against private capture and concentrated control** over the infrastructure on which the media relies. Experience has shown that platform self-regulation is insufficient to safeguard media freedom. While platforms have valuable expertise to offer regarding the way their systems function and how they will be impacted by media policies,²⁷⁶ the information they supply should not be taken at face value. Rather, it should be contrasted with independent sources from civil society, academia, and the media. Platforms’ role in the application of policies used to safeguard media freedom should be limited. In addition, the risk of large and powerful media organizations influencing media (freedom) policies should be equally considered. Policies that work for large media organizations are not necessarily suitable to guarantee that smaller, local, or marginalized media organizations are safe, financially viable, visible, and free. **Yet pluralism needs to be ensured as a key element of media freedom.**

274 B. Kostic and A. Toskic, *Towards a Feasible Implementation of the Digital Services Act in the Western Balkans*. Partners Serbia (2024), <https://www.partners-serbia.org/public/news/dsa-wb-new.pdf>; S. Bajceta, “Digital ecosystem of the Western Balkans: from regulatory gap to systemic approach.” *Share Foundation* (20 October 2024), <https://sharefoundation.info/en/digital-ecosystem-of-the-western-balkans-from-regulatory-gap-to-systemic-approach/>; See also: C. S. Wahlqvist, “Risk Assessment a Good Practice for Curbing Disinformation? EU Candidate Advocates Still Say Yes.” *IMS* (27 May 2025), <https://www.mediasupport.org/blogpost/risk-assessment-a-good-practice-for-curbing-disinformation-eu-candidate-advocates-still-say-yes/>.

275 Ibid.

276 M. Wijermars, “Russia’s Law ‘On News Aggregators’: Control the News Feed, Control the News?” In *Journalism* Vol. 22 Issue 12 (February 2021), p. 1–17, <https://journals.sagepub.com/doi/full/10.1177/1464884921990917>; A. Kuczerawy and J. Quintais, *Must-carry: Special Treatment and Freedom of Expression on Online Platforms: A European Story*. Institute for Information Law (2024); E. Mazzoli, “A Comparative Lens on Prominence Regulation and Its Implications for Media Pluralism. A Working Paper.” In *The 49th Research Conference on Communication, Information and Internet Policy* (August 2021) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3898474

In short, there is no easy fix or one-size-fits-all solution for reducing structural dependence in the short-term. Moreover, policy interventions to rebalance power in the current information ecosystem may **unintentionally reinforce existing dependencies**, as they may strengthen platforms power over content distribution, financial viability of media and journalism safety. Considering these **power dynamics** and the **interrelated nature** of media visibility, viability, and vigilance, any regulatory intervention needs to be preceded by a careful process of researching and inclusive risk and impact assessments.

Key principles

States should consider the following to guide the design of any intervention aimed at rebalancing power and restoring media pluralism and information integrity:

- To understand how media freedom can be safeguarded in the face of rapid and fundamental transformations in the information ecosystem, **transparency** about the actors, technologies, and functioning of information systems is essential. Transparency should include information regarding algorithms, the Terms of Service and key data (e.g., on moderation requests, take-downs, etc.). Data should be provided in a disaggregated way, to ensure transparency about where journalists and journalistic content is impacted. Media-specific data related to online violence — such as data that allows journalists to assess risks, plan safety protocols ahead of publication, share the burden of protection, and evaluate the efficiency of content moderation — is needed.²⁷⁷ The functioning of Big Tech platforms should be capable of being evaluated through independent research by regulators, civil society and the media. However, despite regulatory advances on transparency, especially through the DSA, there have been significant pushbacks for researcher access.²⁷⁸ Meaningful progress also requires opening up data on engagement, audience, reach, advertising, and metrics to the media in a way that guarantees equal footing in the digital market.

²⁷⁷ OSCE Office of the Representative on Freedom of the Media, *Guidelines for Monitoring Online Violence Against Female Journalists*. (October 2023)

²⁷⁸ See, for example, <https://dsa-observatory.eu/2025/05/23/researchers-on-data-access-and-preparing-for-dsa-article-404>.

- The effectiveness of any State intervention ultimately depends on its **enforcement**. Policies should include meaningful fines for non-compliance and corrective obligations to ensure effectiveness, but they should not be interpreted as granting governments carte blanche. Instead, **regulatory frameworks should be enforced in a democratic system of separation of power**. Policies can be implemented through self- or co-regulatory schemes, but should remain under the oversight of independent public institutions, including ombudspersons and human rights institutions. All regulatory design needs to embed clear mechanisms for democratic oversight, implementation and enforcement to ensure **accountability**. Power should be distributed and subject to checks and balances, in line with democratic principles.
- Oversight mechanisms must be **independent**,²⁷⁹ well-resourced, and equipped with the necessary expertise and legal authority. Oversight should be built on **participatory processes** involving a broad range of stakeholders in an institutionalized manner to ensure continuity, meaningfulness, and legitimacy. Only through holistic oversight and inclusive governance structures can interventions genuinely serve the public interest and guard against capture or overreach. Institutional capacity is essential for upholding accountability (this includes tailoring interventions to mandates and resources of local institutions). In environments of limited **institutional capacity**, or of smaller markets and linguistic communities, context-specific support and co-operation are particularly important.²⁸⁰
- Designated points of contact of Big Tech platforms for respective jurisdictions should be **physically present** to ensure accountability. However, experience has shown that proximity between platforms and State authorities can, at times, also contribute to the shrinking of civic and media space if transparency and oversight are lacking, or if those working on trust and safety within the platform are exposed to threats themselves. Therefore, any collaboration with platforms, whether through in-country liaisons, law enforcement, or other channels of

²⁷⁹ UNESCO, Guidelines for the Governance of Digital Platforms (2023), <https://www.unesco.org/en/articles/guidelines-governance-digital-platforms>

²⁸⁰ C. Arun, *Facebook's Faces*. Harvard Law Review Forum 236, <https://harvardlawreview.org/forum/no-volume/facebook-faces/>

international co-operation, should be grounded in strong models of transparency, institutional independence and democratic oversight.

- **Collective action** can be an important strategic tool, whether to strengthen media bargaining power, to increase news viability, to ensure specific visibility measures and safety at State level, or to co-ordinate multilateral efforts. **Solidarity** can play a particularly important role in amplifying the influence of smaller or underrepresented actors as well as countries to safeguard pluralism. When designing policies, smaller jurisdictions often face additional challenges — also in replicating legal frameworks — due to resource constraints, enforcement capacity, and bargaining power with Big Tech. Regional or multilateral co-operation and alliances²⁸¹ as well as leveraging global standards can play important roles in this regard.

While the dominance of Big Tech platforms over the information infrastructure has specific negative effects on the media, **concentrated power also affects individuals and society as a whole**. Several structural reforms and policy interventions to minimize and mitigate concentration of power, even if not media-specific, would also significantly enhance the visibility, viability, and safety of public interest journalism. For instance, ensuring safety by design as a universal approach would mitigate risks for all users, including journalists who face disproportionate online violence. Interventions aimed at improving the transparency and accountability of recommender systems, responsibility for systemic risks to civic discourse, and increasing content diversity would benefit not only journalism but the overall integrity and quality of the information space. Similarly, interventions to limit addictive design in recommender systems,²⁸² or the use of sensitive personal data for advertising would limit general possibilities for dominance and negative implications in the information ecosystem.

281 One approach that is being explored is to leverage existing dialogues between EU authorities, Digital Service Coordinators and very large online platforms by including representatives from EU candidate countries, for example within the framework of the Berlin Process, see <https://www.berlinprocess.de>.

282 The EU has announced an intention to address the “addictive design of digital products and online profiling”, referring to features and algorithms that are engineered to maximize user engagement and generate interactive, even if they reduce user well-being by exploiting psychological triggers and prioritizing divisive or emotionally charged posts, and “unethical and commercial practices related to dark patterns”, through a Digital Fairness Act, see <https://www.digital-fairness-act.com>.

8.3 Structural Changes and Investment to Move Beyond the Current Information Ecosystem

A policy and regulatory strategy that aims only to mitigate negative aspects of media visibility, viability or vigilance risks leaving **considerable power in the hands of Big Tech platforms**. There is a limit to the extent to which platforms can be 'fixed' and the current online information ecosystem can be adapted to meet the requirements of media freedom.

Many of the policy interventions discussed in this Policy Manual would still leave it to Big Tech platforms to decide how to adapt their infrastructure to meet new regulatory requirements. Even if public enforcement, private litigation, or threat to reputation pressured Big Tech platforms to fully adhere to the relevant regulation, enforcement would require considerable regulatory power and resources. These are not necessarily available to individual smaller States, much less to smaller media organizations, individual journalists or freelancers, who are especially vulnerable to dependence on Big Tech infrastructure. Finally, public enforcement relies on the political will and independence of regulators that have to safeguard media freedom.

This Policy Manual thus concludes that it is necessary to think more ambitiously about **creating new, alternative infrastructures that are geared towards the public interest** to realize an independent and pluralistic digital media. The current geopolitical moment

offers a unique opportunity to do so. On the one hand is a growing recognition that Big Tech's economic and political incentives are fundamentally at odds with those of media freedom, while dependence on their infrastructures places the media in a precarious position with serious implications for democratic debate.²⁸³ On the other hand is a growing willingness on the part of several States and the EU to invest in alternative infrastructures to those currently provided by Big Tech, and to take initiatives on digital autonomy and digital sovereignty.²⁸⁴

This combination could be the starting point for building a healthy on-line information ecosystem that includes the public interest infrastructure the media needs, without relying on Big Tech. A focus on public interest infrastructure offers policymakers the option not only to mitigate threats to media freedom and freedom of expression, but to create an environment that actively supports these freedoms and key principles of transparency, due diligence, and accountability. In fact, OSCE participating States have committed themselves to leveraging digital means to promote the freer and wider dissemination of information of all kinds.²⁸⁵

Such a strategy should **make the most of innovation and technology for the public interest**. In some cases, and particularly regarding recent developments in AI, policy discussions on technology focus on the financial benefits of innovation. This is an important objective, also for the media and its financial viability. However, a strategy that is too heavily focused solely on using existing revenue streams for short-term economic gain may, in the long run, fail to empower the media both to satisfy audience preferences and ensure independence. Investment should focus on skills and capacities of the media to enhance direct audience relations, develop privacy-compliant data strategies, augment its own revenue and to increase pressure against the current market failures. Investment should focus on **innovation that is anti-monopolistic in nature, empowers individuals, promotes vibrant market places and serves the public interest**.

283 V. Pickard, "Restructuring Democratic Infrastructures: A Policy Approach to the Journalism Crisis." In *Digital Journalism* Vol. 8 Issue 6 (2020), p. 704–19, <https://www.tandfonline.com/doi/full/10.1080/21670811.2020.1733433>

284 'Digital sovereignty' has been labelled as democratic imperative, see, for example, <https://www.techpolicy.press/europes-digital-sovereignty-is-a-democratic-imperative>.

285 Concluding Document of the Third Follow-up Meeting, Vienna Document (1986), <https://www.osce.org/mc/40881>

Media freedom requires that the technological infrastructure available to the media supports core editorial values, such as the ability to provide reliable information to diverse segments of the population and to fulfil a watchdog role. There is no single correct approach to informing the public. Rather, public interest infrastructure that upholds media freedom should enable the development of technologies that support a broad range of editorial and distribution values, tailored to the needs of different media, populations and contexts.

A different public interest infrastructure

Developing an alternative public interest infrastructure for the online information ecosystem is no easy task. Long-term and abstract values such as power decentralization and diversity sometimes lose out to short-term, easily measurable objectives in technological design. However, these long-term values are vital if a public interest infrastructure is to offer a meaningful, distinct alternative to current options advanced by Big Tech.

Any policy or regulatory approach that aims to develop public interest infrastructure should build on decentralization of power, and limit ways in which infrastructure operators create, re-create or abuse media dependence. This is especially relevant when State actors play a role. While State support is enabling and important, the involvement of States introduces new risks of political interference. To assuage these concerns, lessons should be learned from other public utilities and infrastructure discussions, including the public service broadcasting sector, where robust independence and decentralization structures have been established. The situation currently confronting the media — too often reliant on and locked into services provided by a single provider — should be avoided. Instead, a strong focus on the interoperability of different aspects of the infrastructure is needed. Additionally, States should emphasize the values and benefits of open-source code and local providers.

Principles

States should consider the following to mitigate the risks of creating new tools that could be exploited for capture:

Unbundle and ensure interoperability

States should mandate interoperability between different aspects of the technological infrastructure on which the media relies, in order **to enable the development of alternative offerings** and lessen the risk of media becoming dependent on a single technology provider. States should complement and ensure the full application of existing regulatory efforts in this field to ensure interoperability and data portability.

Rebalance market power

States should consider breaking up vertically integrated tech companies (e.g., those operating across advertising, distribution and content hosting) **to address systemic imbalances and restore structural separation to foster healthier competition.** In the AdTech sector, for example, this would mean preventing companies from using data collected in one area to gain dominance in another. Existing antitrust and competition rules should be explored. Any policy intervention in the information and the advertising industries should tackle existing power imbalances to enable an environment where digital services oriented to the public interest can thrive.

Invest in public interest digital infrastructure

Public interest infrastructure could be **publicly funded** and should **move away from closed systems.** In this respect, States should investigate and support a variety of possibilities for media to explore. Lessons from other areas, including those of public utilities and critical infrastructure, could lead, for example, to investment in and co-design of open-source, interoperable cloud services, safety tools and/or recommender systems that prioritize public interest over profit, and focus on access for all, transparency and social responsibility, as well as adaptability, and usability. **States should support initiatives that are community- rather than engagement-oriented and ensure safeguards to avoid undue political and other influence.** Tax breaks, incentives, and public funds prioritizing independence and plurality could support, develop, and scale public interest infrastructure and provide incentives for companies and media that prioritize the public interest.

Public service media to build digital public spaces

States should explore how to expand public service media's existing investments in the development of responsible technologies and/or interoperable content recommender systems. If financially viable and editorially independent, public service media can play a crucial role in **developing technological tools or elements of infrastructure**, and could provide capacity in this regard. Supported by public funding, they could be considered as public partners, ensuring that technologies and other technological resources (such as datasets) are made widely available. Public service media's procurement policies should support infrastructure not controlled by Big Tech.

Safety considerations

Public interest infrastructure should recognize the diverse experiences and intersecting risks faced by journalists, particularly by women and those from underrepresented communities, and address safety as a structural issue linked to rights, accountability, and power. The **burden of protection for journalists should be shifted away from the individual** by implanting a shared responsibility across platforms, States, media institutions, and civil society. States should foster a culture of solidarity, where safety as well as media viability are treated as a collective obligation, not an individual cost or burden. This can be done by initiating and strengthening solidarity through co-ordination mechanisms and maximizing collective influence to enhance accountability and responsiveness.

General media freedom investment

States should support an online information environment that is conducive to the media being able to build direct relations with audience. It should be embedded in broader media (freedom) policies, and linked to subsidies, fiscal policies, tax write-offs, etc. In addition to investing in infrastructure, **States should also support the supply and demand of public interest media**, including through media and media freedom literacy.

Annex

Overview of Main Examples Analysed in this Policy Manual

This non-exhaustive list of regulatory interventions designed to safeguard media freedom in the age of Big Tech and AI provides cross-references to some of the national and regional regulatory initiatives explored in this Manual. Lessons learned from analysing these examples — as well as voluntary codes, self-regulatory approaches, and jurisprudence — form the basis of the recommendations presented in the Manual.

Country	Legislation	Relevant aspect	Year of Adoption	Cross-reference to analysis
Austria	Digital Advertising Tax	Introducing a digital levy for online advertising, whose revenue has partly been allocated to support journalism	2020	See p. 99-100
Australia	News Media Bargaining Code	Creating a bargaining framework mandating Big Tech platforms to fairly compensate the media for the content distributed, complemented in 2024 by the News Bargaining Incentive to introduce a digital levy if no compensation agreements are found	2021	See p. 92-93
Canada	Online News Act	Introducing a bargaining framework to ensure dominant platforms compensate the media fairly for distributing its content	2023	See p. 94
EU	Copyright Directive	Introducing neighbouring rights for press publishers	2020	See p. 90
	Digital Services Act	Mandating risk assessment and mitigation measures by platforms, including to ensure media freedom, and safety features		See p. 72, 80, 83 and 117
	European Media Freedom Act	Introducing a media privilege (certain protections from content removals) for self-declared media organizations as well as safety features	2024	See p. 64-75 and 118
Germany	State Media Treaty	Mandating non-discrimination for journalistic content on digital platforms	2020	See p. 64 and 69
United Kingdom	Online Safety Act	Introducing limitations on moderation for journalistic content and protections for journalist safety	2023	See p. 63-64

Notes

This publication has been made possible thanks to financial contributions from Switzerland, Finland, the Netherlands, Germany, France, Norway, Ireland, and Sweden.



TOWARDS **HEALTHY**
ONLINE **INFORMATION**
SPACES