

Responses to the questionnaire on opportunities, challenges and threats to media in the digital age

The Norwegian Ministry of Culture and Equality has provided responses to the following questions:

Question 1

Globally, hate speech, disinformation and propaganda online increases polarisation in society and can undermine trust in democratic institutions and democratic values. This poses a potential threat to freedom of expression.

The structure of the internet has made it easier to spread propaganda and disinformation in order to promote political or commercial interests. Disinformation may have negative effects on public discourse and trust in society. At the same time, unjustified allegations of «fake news» are used as a tool to weaken confidence in critical media, and in some countries also to give legitimacy to legislation and measures that weaken the freedom of the press. A diversity of independent and professional fact-based media play a vital role in securing a safe environment for freedom of expression, to counter the spread of disinformation and increase the level of trust in society.

The Covid-19 pandemic has intensified a negative trend in which democratic values and human rights are increasingly being challenged, and where authoritarian tendencies are spreading, also in a number of democratic countries.¹ Journalists and the media are prevented in various ways from doing their job, and human rights defenders and other critical voices are denied access and brought to silence.² Government-sanctioned censorship of the internet and media channels is a growing problem.

The safety of journalists is a fundamental prerequisite for the media being able to exercise their democratic function. Threats and harassment may lead to journalists consciously or unconsciously censoring what they write about and how they report news.

Various surveys have documented that female journalists are particularly subject to gender-related threats and harassment which may potentially cause great harm.³

The structure of the internet and social media has aggravated the challenges to the freedom and diversity of media. Algorithms and artificial intelligence have become an integral part of the information society, and are used among other things to select, prioritise and target content for individual users, and to remove content that contravenes the global platform's terms of use. In some cases, this leads to narrower limits for the right to express views etc. than we have traditionally had in Norway. And in some cases, it leads to legal content published by editorial media being removed or moderated by social media platforms.

It can be argued that these platforms have in some cases achieved such a dominant position that their terms of use, algorithms and moderating activities function as general frameworks for freedom of expression and media freedom and diversity. Through their algorithms, policies and practices, online search engines and social media have potential influence what statements, news and information are available and visible to billions of users worldwide.

In the editorial media, the editor function as a gatekeeper and filter for the negative aspects of freedom of expression, such as hatred, harassment and disinformation, by being responsible for the published content. The global platforms for uploading and sharing content have been assigned a new gatekeeper role, but without being held accountable for the negative aspects of freedom of expression in the public discourse.

¹ [Democracy Reports \(v-dem.net\)](https://v-dem.net)

² [RSF launches Tracker 19 to track Covid-19's impact on press freedom | RSF](#)

³ See for instance Shame, shock and speech injuries: Online harassment against journalists in Norway, by Aina Landsverk Hagen in "New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists", OSCE Representative on Freedom of the Media, p. 17 [220411.pdf \(osce.org\)](#)

Question 2

The Norwegian Government has taken several steps to address these issues. The main goal of the Norwegian media policy is to ensure freedom of speech and pluralism of media, in accordance with the Norwegian Constitution §/article 100.⁴ The Government shall facilitate and promote an open and enlightened public discourse, both offline and online. Media freedom and media diversity are safeguarded through national regulations and through state funding to promote high quality media throughout Norway.

In 2020, a new act relating to the editorial independence and liability of editor-controlled journalistic media (The Media Liability Act) entered into force.⁵ The purpose of this Act is to facilitate open and informed public debate by ensuring editorial independence and by establishing clear lines of liability for content that is published in editor-controlled journalistic media, both offline and online.

In 2021, a new act relating to financial support for the media (The Media Support Act) entered into force.⁶ The purpose of this Act is to promote a diversity of editor-controlled journalistic media throughout Norway by contributing to predictable financial frameworks for media activity and increased independence in managing the media support. Several grant schemes for direct media support are covered by this Act. The grant schemes are administered by the Norwegian Media Authority, which is a regulatory authority operating under the Ministry of Culture.

In 2016, Norway became the first Nordic country to lower the VAT on digital news services, followed by Iceland in July 2018. Denmark, Finland and Sweden – the three Nordic EU members – reduced or abolished the digital media VAT in July 2019. The most recent change regarding media VAT in the Nordic region was in Norway in July 2020, when newspapers' VAT exemption was extended to also apply to in-depth journalism.

Regarding media diversity and ownership, the act relating to transparency of media ownership shall ensure transparency of ownership interests in Norwegian media.⁷

In addition, the Norwegian Media Authority monitors and regularly report on the diversity in ownership, diversity in media content and diversity in media usage.⁸

In Norway access to public information is a statutory right. The act relating to the right of access to documents held by public authorities and public undertakings (Freedom of Information Act) shall facilitate an open and transparent public administration, and thereby strengthen freedom of information and expression, democratic participation, legal safeguards for the individual, confidence in the public authorities and control by the public. The Act shall also facilitate the re-use of public information.⁹

In 2020 the Norwegian government appointed a Freedom of Expression Commission.¹⁰ The Commission is to review the social, technological, legal and economic frameworks for freedom of expression in today's society. This includes considering measures to ensure well-functioning channels for disseminating information and debating social affairs. Here, the Commission should discuss the role of editorially controlled journalistic media, including how distribution in digital channels in competition with other types of content affects the framework conditions for quality journalism. The Commission should also discuss new players with gatekeeper functions and how the authorities can contribute to these functions being practised in accordance with the principles of freedom of expression, integrity and independence.

⁴ [The Constitution of the Kingdom of Norway - Lovdata](#)

⁵ [Act relating to the editorial independence and liability of editor-controlled journalistic media \(The Media Liability Act\) - Lovdata](#)

⁶ [Act relating to financial support for the media \(The Media Support Act\) - Lovdata](#)

⁷ [Act relating to transparency of media ownership - Lovdata](#)

⁸ The pluralism reports from the Media Authority (in Norwegian): [Mediemangfold | Medietilsynet](#)

⁹ [Act relating to the right of access to documents held by public authorities and public undertakings \(Freedom of Information Act\) - Lovdata](#)

¹⁰ [Mandate for the Freedom of Expression Commission – Ytringsfrihetskommisjonen \(ykom.no\)](#)

Norway gives high priority to protecting freedom of expression also in our international human rights work. We have an international strategy on freedom of expression in our foreign and development policy, renewed in 2021.¹¹ The UN Plan of Action on the Safety of Journalists and the Issue of Impunity is embedded in this strategy, as are relevant UN resolutions.

Norway works with the UN, including in the HRC and the 3rd Committee, and with other multilateral organisations and networks, such as the OSCE, the EC, the FOC, to protect and strengthen the international normative framework. We cooperate with several national and international media organisations and civil society organisations to implement our strategy on the ground, in addition to working through our diplomatic missions. Some of our partner organisations are UNESCO, Article 19, International Media Support, Norwegian and International PEN, International Cities of Refugee Network, the Norwegian Journalist Union, Oslo Metropolitan University and Safemuse.

Question 3

In Norway, the Norwegian Broadcasting Corporation (NRK) has been given a special mandate to be a non-commercial, politically independent public service media. NRK is state-owned and the Parliament (Stortinget) has given the public service remit.

In September 2018, the Norwegian Ministry of Culture entered into an agreement with TV 2 for granting compensation for commercial public service broadcasting. According to the agreement, TV 2 shall broadcast daily news on its main channel, Norwegian-language children's programmes in the weekends and invest in Norwegian film and drama. The aim is to ensure media pluralism, production of news outside of the Oslo-area, and an alternative to the public service broadcaster NRK. TV 2 receives up to NOK 135 million a year for these services.

The objective of public service media is to provide the entire population with access to a diversity of content and perspectives. The NRK's public service remit is set out in the NRK placard, which is incorporated into NRK's articles of association. TV 2's public service remit is set out in the agreement between TV 2 and the state.

The Norwegian Media Authority monitors and reports on whether NRK and TV 2 comply with their public service obligations.¹² The Authority also monitors and reports on NRKs contribution or potential threat to competition and media pluralism in the media market in Norway.

Question 4 and 5

In Norway, the safety of journalists and their sources are safeguarded through national regulations. The Norwegian penal code provides for several general provisions, for instance regarding violence and threats, which apply to criminal offences committed against journalists. The fact that an offence is committed against a journalist can be regarded as an aggravating circumstance. The provisions in the penal code will apply regardless of whether an offence is committed by a member of the civil society or an official representative.

In addition to protection in the criminal law, there is protection against gender-based harassment in the anti-discrimination legislation in civil law. The anti-discrimination legislation also contains a prohibition against sexual harassment.

The work against hate speech is high on the Norwegian Government's agenda and the Government's efforts against hate speech have increased significantly in recent years. The Government's strategy against hate speech (2016-2020) aims to prevent and combat hate speech, including hate speech because of gender, ethnicity, religion, disability, sexual orientation, gender identity and gender expression.¹³ The strategy applied until the end of 2020. Measures against hate speech are now followed up in more target-oriented action plans

¹¹ [International strategy for freedom of expression - regjeringen.no](https://www.regjeringen.no)

¹² [The Norwegian Media Authority's reports \(in Norwegian\)](#) [The Public Media Report 2020 NRK](#) [The Public Media Report 2020 TV 2](#)

¹³ [The Government's Strategy against Hate Speech 2016–2020 \(regjeringen.no\)](https://www.regjeringen.no)

and measures, including several different measures that in general will enhance the police's ability to investigate and prosecute hate speech crimes.

The Freedom of Expression Commission's mandate describes how freedom of expression has been put under pressure by threats, violence and harassment, especially online, how journalists are subject to such threats and harassment, and how female journalists in particular are subject to gender-related threats and harassment. The mandate further describes the safety of journalists as a fundamental prerequisite for the media being able to exercise its democratic function. Threats and harassment may lead to journalists consciously or unconsciously censoring what they say, with regard to both what they write about and how they report news. On this basis, the Freedom of Expression Commission is asked to consider measures to ensure the safety of journalists as a prerequisite for the press' role in society and its watchdog function. In this regard, the Commission should assess whether and to what extent threats and virulent campaigns against journalists may lead to self-censorship. The assessment shall make relevant gender differences visible.

The Norwegian international strategy on freedom of expression in our foreign and development policy, emphasises protection of journalists, media workers and artists, supporting media diversity, securing access to reliable information and countering hate speech and harassment. The strategy has a particular focus on the protecting of women journalists and media workers as they are particularly exposed to discrimination, harassment and other forms of abuse online and offline. It also aims at increasing the representation of women, as well as minorities, in newsroom and news content.

Question 6

The companies behind these platforms have become so big and so powerful that they have the potential to shape our public debate, with limited transparency. We do not know the scope of content they remove or moderate. In some cases, the platforms even remove and moderate legal editorial content. This can limit press freedom.

News media outlets depend on the big tech platforms to get their content out to the public. The big platform companies in turn use their content to grow their platforms even bigger. These global companies do not produce content themselves, but benefit from journalistic production from Norwegian media, at the same time as they weaken the income base for the media that produce the journalistic content. In competition with global platforms, traditional media experience a decrease in revenue from advertisement. The global actors have increased their market share in the Norwegian advertising market from almost zero in 2013 to 35 percent in 2020.¹⁴

There is a need for international cooperation to regulate digital and social platforms, to demand more transparency and accountability and to promote equal competitive conditions through international tax regulation.

The Norwegian Government supports the European Commission's proposed legislative initiatives to upgrade rules governing digital services in the EU: the Digital Services Act (DSA) and the Digital Markets Act (DMA).

The Norwegian Government has participated in the OECD's work to address the tax challenges raised by digitalisation. This work has delivered several important outputs covering both direct and indirect tax issues. As of October 2021, over 135 countries and jurisdictions have joined a new two-pillar plan to reform international taxation rules and ensure that multinational enterprises pay a fair share of tax wherever they operate.

The Norwegian Government strongly urge a closer cooperation between Governments, editorial media companies and social media to address or mitigate the detrimental impact of digital platforms on press freedom, to counter hate speech and the spread of disinformation to ensure that the public has access to reliable news and information from a diversity of trustworthy sources.

¹⁴ [Avisenes økonomi 2016-2020.pdf](#)