2013 Social Media Guidebook

The 2013 Social Media Guidebook explores the potential and the challenges of social media and the right to freedom of expression as new media develop. The authors address contemporary issues affecting journalism and media in general. For journalists, consultants, regulatory officials and undergraduate and graduate students.

2013 Social Media Guidebook

The Office of the Representative on
Freedom of the Media

Organization for Security and
Co-operation in Europe

Vienna 2013

OSCE
The Representative on
Freedom of the Media

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Foreword

Dunja Mijatović[1]

Dear Readers,

We are living in the Digital Age, a time when we can create truly democratic cultures in which all members of society can participate; and in only a few years most of the world's population will be participating.

The Internet brings along a new notion of media: Social media and social networks mean ever new ways to communicate and share ideas, many of which we could not have imagined just a few years ago. And there are many ways to come that we cannot envision today.

Facebook, Twitter and YouTube make it easier than ever before to share information, impart and receive news and comment on and discuss ideas and developments. Users of new technologies already have widened the scope of classical journalism and added new terms, including blogging and citizen journalism, to the media landscape. Traditional professional journalism is increasingly making use of social media tools for research and distribution of their stories.

These new technical ways to communicate are backed by the basic human rights of free expression and free media. Today, the new technologies mean that these rights are not reserved for media owners and editorial offices alone. These rights apply to all forms of journalism, traditional and online. There cannot be different sets of rights based on the methods of production and delivery of information.

As well, it must be remembered that threats to traditional media apply equally to online journalists. The usual forms of censorship: violence, prison, harassment and raids on editorial offices are equally damaging to online journalists as well. Assaults on online journalists and social media activists are direct attacks on all media.

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1 Mijatović is the Representative on Freedom of the Media for the Organization for Security and Co-operation in Europe.

This publication is an assessment of the potential and the challenges of social media and how it relates to the rights of free expression and free media. In articles and specific case studies this Guidebook lays out the field of social media and its effect on journalism.

More than a decade ago, my predecessors as Representatives on Freedom of the Media convened a series of Internet conferences in Amsterdam to establish the potential and challenges of the Internet for free expression and free media. The Amsterdam Recommendations of 2003 and the Media Freedom Internet Cookbook of 2004 approached the Internet as a new phenomenon and an unprecedented means to share information.

This Guidebook follows up on this successful approach to asses a complex issue. It is my hope that this new publication will resonate similarly and will help readers understand the potential and challenges ahead.

It is equally important to note that, given the new environment in which we work today, legislation and regulations must stay abreast of technical innovations. That is why we offer recommendations at the conclusion of this publication, to provide guidelines that are applicable today which likely will need to be adjusted in the future as social media continues to develop.

I would like to thank all of the authors who have contributed to this Guidebook for their impressive work and the government of the Czech Republic for its generous support of this project.

Introduction

Social media and social networks change the way news are generated and accessed. They influence media in at least three dimensions: as a tool for journalists to create content, as a tool to distribute and impart information and as a tool to seek, receive and access information. The exercise of these fundamental rights by journalists and citizens also relies on the unhindered access to the Internet.

This publication of the OSCE Representative on Freedom of the Media combines a number of articles from scholars and media practitioners for a first assessment of the new phenomenon of social media and its affect on journalism. The findings of the authors are a snapshot of a rapidly changing environment. Technical innovation, as well as increasing Internet connectivity and mobile use, has created a never-ending stream of applications.

Following a chapter by **Christian Möller** on how social media change the production and consumption of news, a study by Internews, in co-operation with the Annenberg School for Communication at the University of Pennsylvania, will examine how traditional media pick up user-generated content and consider the challenges professional journalism faces in validating and verifying information from social media. In an excerpt from a comprehensive empirical research study **Juliette Harkin**, **Kevin Anderson**, **Libby Morgan**, and **Briar Smith** look at the practices of BBC and Al Jazeera during the Arab Spring.

Comments by users, some of them anonymous, in social networks and on websites of traditional media pose new questions regarding responsibility and regulation. **Marissa Moran** and **Douglas Griffin** of Albany Associates study the legal and ethical implications of regulating online commentary in OSCE countries. **Andrei Richter**, Professor and Director of the Office of the OSCE Representative on Freedom of the Media, presents a case study in Russia. **Anna Kachkaeva** of the Higher School of Economics in Moscow complements the case study with an overview on the use of Social Media in Russia and the Commonwealth of Independent States.

Social Media and Web 2.0 tools provide a great opportunity to voice opinions and spread information, but their use also requires new skills and toolkits.

Leah Betancourt of the magazine Mashable explains how social media as a news source changes how journalists approach and cover news. **Möller** then showcases examples of social media used by traditional and non-traditional online media. **Marcus Lindemann**, a journalist and author, stresses the importance of fact checking online and explains how to verify information gathered from the Internet using social media and online tools. In a complementing case study, blogger **Liz Henry** tells the story of how many traditional media fell for an Internet hoax – and how bloggers and online media activists helped to discover the story behind the story.

Ross LaJeunesse, Global Head of Free Expression and International Relations for Google, and **Bill Echikson**, Head of Free Expression in Europe, the Middle East and Africa at Google, share their views on corporate responsibility for human rights on the Internet and give details on the company's strategy on freedom of expression and freedom of the media.

How are social media changing the role of journalism in its democratic function and how will this development continue in the near future? In the closing chapter, **Leonard Novy** of the Berlin Institute for Communication and Media Policy elaborates how social media change the way news is generated and distributed and the consequences for journalists as gatekeepers.

A summary of recommendations and findings completes the publication.

Today's news is social

Christian Möller

Social media and social networks

The term social media refers to the use of web-based and mobile technologies to turn communication into an interactive dialogue. They can be defined as a group of Internet-based applications that build on the ideological and technological foundations of the so-called Web 2.0, and that allow the creation and exchange of user-generated content.[1]

Enabled by ubiquitously accessible and scalable communication techniques, social media substantially change the way organizations, communities and people communicate. It can take many different forms, including magazines, Internet forums, weblogs, microblogs, wikis, podcasts, photographs or pictures, video, rating, social bookmarking or social networking.[2]

This definition sees social networking as a part of social media. The distinction between social media and social networks, in reality, is blurred. Microblogging services such as Twitter serve both as personal networking tools and, at the same time, as a platform to disseminate news – or even for journalism research. Social networks such as Facebook or Google+ are used for individual communication, but more and more also for institutional communication, news distribution, research through crowdsourcing and many more purposes, including many still to be developed.

Freedom of (social) media?

Beyond use for individual communication, social networks serve as an indispensable tool for the work of journalists and bloggers. Research, publication, distribution, funding, collaboration, follow up anjd discussions – all happen on social networks and through social media. At the same time users also rely on social media and social networks to receive news reports. This multi dimensional

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1 "Social media» *Wikipedia, The Free Encyclopedia,* <http://en.wikipedia.org/w/index.php?title=Social_ media&oldid=458549677> (accessed November 2, 2012).

2 "Social media» *Wikipedia, The Free Encyclopedia,* <http://en.wikipedia.org/w/index.php?title=Social_ media&oldid=458549677> (accessed November 2, 2012).

use of social media and social networks also brings with it implications for the basic right of freedom of the media.

The right to freedom of the media also includes the right to *seek and receive information* and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or *through any other media of choice.*

As a result, this means that social media and social networks are protected by the rights availing to traditional media, as today they serve manifold purposes in the production and consumption of editorial content.

The right to use Internet services is protected by the right to free expression and other human rights and OSCE commitments. By implication, the right to access the Internet is protected by the right to assembly – in this case, online assembly. The right to free media is applicable to media in all forms, including digital media on new platforms and communication services containing media or media-like content and activities, such as online and Internet-based newspapers, social networks and social media, blogs, chat rooms, content- and video-sharing websites and audio-visual online services.

Today's news is social

In spite of the growing economic problems of traditional print media, some newspapers are recording gains in digital circulation as print circulation continues to weaken.[3] The former editor-in-chief of the German daily Hamburger Abendblatt, Claus Strunz, claimed that more people than ever were reading the paper, looking at the combined audience of print, online, tablet and other forms of distribution. The problem, at the same time, is how to charge users for the online use. Recently the paper joined others, including The New York Times, in establishing a paywall for online content – a move that is regarded with interest by many competitors.

Tablet computers such as Apple's iPad may be a new form to gain revenue, because customers pay at an iTunes store. Tablet journalism, however, is developing slowly and it is not clear if the high hopes of publishing houses will be fulfilled.

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3 "Newspaper Circulation Figures Show Some Digital Growth" *New York Times Media Decoder*, November 1, 2011 <http://mediadecoder.blogs.nytimes.com/2011/11/01/newspaper-circulation-figures-show-some-digital-growth/> (accessed November 3, 2012)

The Internet and mobile technologies are at the center of how the public's relationship to news is changing. The importance of social networks for news consumption is growing. People use their social networks and social networking technology to filter, assess and react to news.

The use of social media and social networks is increasing rapidly worldwide. In November 2011, the popular social network Facebook had more than 800 million active users, 75 percent of which are outside the United States. In October 2012, Facebook reached 1 billion users globally.[4] More than 50 percent of those users log on to Facebook in any given day.[5]

A 2010 study by the Pew Research Center showed that in the United States the Internet has surpassed newspapers and radio in popularity as a news platform in a typical day and now ranks just behind television. Six in ten Americans (59 percent) get news from a combination of online and offline sources in a typical day.

In the study, 75 percent of U.S. online news consumers say they get news forwarded through e-mail or posts on social networking sites and 52 percent say they share links to news with others via those means. A third of cell phone owners access news on their phones.[6]

In another 2010 study about the news consumption and sharing habits of the international readership of CNN, it was found that 43 percent of online news sharing occurs by social media networks and tools, such as Facebook, Twitter, YouTube and MySpace, followed by e-mail (30 percent), SMS (15 percent) and instant messenger (12 percent).[7]

Increasingly, online news consumers follow news organizations and individual journalists on social networking sites and journalists distribute news online or share the stories behind the story that did not make it to print editions.

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4 Facebook (October 4, 2012) *One Billion People on Facebook* <http://newsroom.fb.com/News/457/One-Billion-People-on-Facebook>

5 "Statistics" *Facebook*. <https://www.facebook.com/press#!/press/info.php?statistics> (accessed November 2, 2012).

6 "Understanding the Participatory News Consumer" *Pew Research Center* <http://www.pewinternet.org/Reports/2010/Online-News/Summary-of-Findings.aspx> (accessed November 3, 2012)

7 Indvik, Lauren (2010) Social Networks Dominate Online News Distribution. In: Mashable, October 7, 2010. <http://mashable.com/2010/10/07/cnn-news-study/> (accessed November 4, 2012).

Thus, the Internet with its social media and social networks today forms an indispensable infrastructure for the right to seek and receive information that is enshrined in universal human rights declarations.

Citizen journalism

Beyond seeking information online or simply swapping stories and commenting on them by e-mail, 37 percent of U.S. Internet users have also contributed to the creation of news, commentary about it, or dissemination of news by social media sites such as Facebook or Twitter. They have done at least one of the following: commenting on a news story (25 percent); posting a link on a social networking site (17 percent), tagging content (11 percent), creating original news stories or opinion pieces (9 percent), or tweeting about news (3 percent).

Blogging, vlogging, posting videos, aggregating news, sharing articles online or syndicating content are some of the forms of journalism that the innovative technology of the Web 2.0 allows for.

"The idea behind citizen journalism is that people without professional journalism training can use the tools of modern technology and the global distribution of the Internet to create, augment or fact-check media on their own or in collaboration with others. For example, you might write about a city council meeting on your blog or in an online forum. Or you could fact-check a newspaper article from the mainstream media and point out factual errors or bias on your blog. Or you might snap a digital photo of a newsworthy event happening in your town and post it online. Or you might videotape a similar event and post it on a site such as YouTube. All these might be considered acts of journalism, even if they don't go beyond simple observation at the scene of an important event."[8]

There is some controversy over the term citizen journalism, because many professional journalists believe that only a trained journalist can understand the rigors and ethics involved in reporting the news. And conversely, there are many trained journalists who practice what might be considered citizen journalism by writing their own blogs or commentary online outside of the traditional journalism hierarchy.[9]

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8 Glaser, Mark (2006) Your Guide to Citizen Journalism. In: *Media Shift*, 27. September 2006. <http://www.pbs. org/mediashift/2006/09/your-guide-to-citizen-journalism270.html> (accessed November 4, 2012)

9 Glaser, Mark (2006) Your Guide to Citizen Journalism. In: *Media Shift*, 27. September 2006. <http://www.pbs. org/mediashift/2006/09/your-guide-to-citizen-journalism270.html> (accessed November 4, 2012)

Participatory journalism is described it as the "act of a citizen, or group of citizens, playing an active role in the process of collecting, reporting, analyzing and disseminating news and information. The intent of this participation is to provide independent, reliable, accurate, wide-ranging and relevant information that a democracy requires."[10]

Or, in short: "citizen journalism is that the people, formerly known as the audience, employ the press tools they have in their possession to inform one another.'[11]

According to the Council of Europe, "any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication" qualifies as a journalist.[12] This would include bloggers who publish new articles regularly.

At the same time, the Council of Europe suggests that there should be a debate on whether the protection of journalists' sources should be enlarged to include other persons engaged in the dissemination of information.[13]

In a world in which individuals communicate on public or semi-public platforms, the line between professional journalism and other forms of content production is not easily drawn. Also, collaborative works such as wikis, make it difficult to identify a single author.

Rather than judging by the origin of content, the content itself should qualify as "journalistic" and this definition should be broadly applied.

Corporate responsibility

This said, it is crucial to also mention the importance of the right to privacy, data protection and the confidentiality of individual communications, although it might take place on the same platforms as public communications. Companies and service providers do have an obligation to exercise their corporate social

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10 Bowman Shayne/Willis, Chris (2003) *We Media - How audiences are shaping the future of news and information*. <http://www.hypergene.net/wemedia/weblog.php> (Letzter Besuch 03.11.2011)

11 Prof. Jay Rosen, pressthink.org

12 Recommendation No. R(2000)7 on the right of journalists not to disclose their sources of information.

13 PACE Doc. 12443 The protection of journalists' sources, Committee on Culture, Science and Education Report, 1 December 2010

responsibility in a way that guarantees freedom of expression and freedom of the media online while safeguarding the privacy and security of their users.

Even though the basic human rights are ones to be protected from the state interference, companies have a responsibility to implement these rights and protect their users in exercising these rights. This is based on voluntary commitments, through covenants and industry standards such as the Silicon Valley Standard[14], and CSR guidelines. In addition, courts are beginning to consider implementation of right to privacy as a responsibility of the private sector, not just governments.

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14 Access Now (28 October 2011) *The Silicon Valley Standard* <https://www.accessnow.org/blog/the-silicon-valley-standard>

User-generated content in traditional media[1]

Juliette Harkin, Kevin Anderson, Libby Morgan and Briar Smith

Recent debates about the field of journalism have been characterized, in extremis, as a battle between traditional and new media.[2] The revolution in Web 2.0 user interactivity and computer-mediated-communications[3] through blogs, comment strands, and social networking sites continues to challenge the newsroom and organizational culture.[4] This chapter will highlight some of the issues relating to media, social media and journalism using the example of the developments in the so called "Arab Spring."

No discussion of the dramatic, historical shifts experienced over the past year in the Arab Spring can escape references to the role that technology and social media have – or have not – played in initiating and furthering the revolutions. Even before the Syrian demonstrations started, the regional events of 2011, with its antecedents in the 2009 Iranian elections,[5] have precipitated an explosion of commentary and research on the role of social media and political change. While that debate continues, there is no doubt that social networking sites have played a crucial role in informing outsiders – and particularly the international news media – of ongoing developments during the Arab Spring. Traditional newsgathering methods were extremely limited forcing news organizations to rely heavily on user-generated content and information and video smuggled out of the country and via social media in their coverage.

Social media and user-generated content (UGC) – photos and videos taken by members of the public – played an important role in coverage of the developments in Syria, Egypt, Tunisia and Libya. Content from the public played a role, alongside traditional newsgathering, in covering those revolutions. With

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1 This chapter is an excerpt from the March 2012 report "Arab World News: Accuracy Innovation Pilot" by the Center for Global Communication Studies at the Annenberg School for Communication at the University of Pennsylvania. The pilot study was commissioned by Internews Network, a global media development organization. Read the full report here: http://bit.ly/RYO4LS.

2 See Bardoel & Deuze, 2001; Beckett & Mansell, 2008; and Sawers, 2011.

3 Discussed in Hine 2005, p. 4-5.

4 See Miller, 2011.

5 For details on the election rallies, see Recknagel, 2009

the tight control on foreign media denying access for foreign journalists, news organizations had to rely almost exclusively on this UGC via social media and their own UGC intake platforms. Much of the UGC used by news outlets is fielded by domestic activists inside a country and based overseas who are in contact with domestic demonstrators.

A study by the authors of this chapter was to look at how prominent news organizations have used social media and UGC – photos, videos and comments – to provide coverage of uprisings; the main questions to be answered by this study are as follows:

- How have the news organizations in this study verified this material?

- How did these news organizations manage the heavy use of UGC and social media while being true to their editorial guidelines?

- With activists playing a role in producing and distributing this material, how have the news organizations informed their audiences of the provenance of this material?

Both subjects of this study, BBC Arabic and Al Jazeera Arabic, publish information about their corporate-wide editorial guidelines that set out guidance for dealing with sources and assuring transparency for their audiences. In the case of the BBC, there is generally very detailed guidance about user-generated content for news. An investigation into the verification practices at BBC Arabic and Al Jazeera Arabic indicates that detailed guidance is in place, which draws on journalistic practices for sourcing and, in the case of the BBC, there is a body of best practices that has been built since the establishment of a dedicated hub to deal with UGC in 2005.

Despite the policies in place, the pilot study revealed instances when both Al Jazeera Arabic and BBC Arabic did not adequately inform the audience that content had or had not been verified. Interviews for the research study strongly suggest that UGC content is verified off air, whether or not it is flagged or mentioned during broadcasts. Indications from interviews and references to editorial guidance appear to illustrate a departure both from the guidance and from the practices observed on the respective English channels. In coverage of Syria, it has been common for both Al Jazeera English and BBC English

language presenters to communicate when its journalists have been unable to independently verify UGC video. Further inquiry would be required to understand the extent to which this finding departs from normal practice.

A second issue is vague citing of sources (when sources are even cited). It is not enough to say a video is from "YouTube" or from "the Internet" or from "an activist." Attributing content to an activist can be misleading, and saying that material is from YouTube or more broadly, simply the Internet, does not provide enough information for audiences to understand the context about who recorded or provided the material. Providing audiences with adequate sourcing information is becoming increasingly important in the case of Syria, as some "activists" have become politically aligned with competing opposition currents. In some instances, identifying the source of the material may jeopardize the safety of those sources, but, if this is the case, this is often communicated to the audience. The ethical and editorial difficulties this poses for the broadcasters also need to be further examined.

Extending from this sourcing issue is a lack of signposting, a journalistic term that refers to when a presenter or journalist provides additional details about material used in a package or information provided in an interview. When UGC was used, little information was provided either by the presenter on air, or in on-screen captions. Viewers are not always made aware of when or where the footage was taken. Combined with the above, this highlights issues about transparency in general. Indications from ad hoc monitoring following the content evaluation period indicate that this process has been tightened up in recent months, but further research would be needed in order to establish this. Again, it is also not possible to establish how the use of UGC compares with standard newsroom practices.

The full report concludes that the channels have faced a number of challenges that have been apparent on the screen during the Syrian uprising. Interviews indicate there have been a number of management, editorial, and journalistic implications regarding the coverage that have slowly been addressed over the months. At the time of writing, news operations have been continuously using audience material from Syria for nearly a year. While under conditions less restrictive than Syria, the use of UGC and material from social media has been

routinized[6] as part of the newsroom process, research has not even begun to delve into the "abnormal" conditions in which broadcasters are reliant on UGC to cover a long-term and news-intense story for which access continues to be severely restricted.

The report concludes that given the heavy reliance on UGC, both from intake platforms at both networks and via social media, Al Jazeera Arabic and BBC Arabic were not initially fully transparent about the sourcing and context of the material that they had used. As the conflict deepened, this sourcing and signposting was not just crucial to meet the editorial standards of both organizations, but also important in helping audiences understand the complexity of the conflict and the political agendas of the sources of the material being provided.

The role of material obtained through social media in the news production process has thus far inspired notably less inquiry than the role of social media in the developments more generally. How has the increased production and availability of photos, videos and information via social media and user-generated content platforms affected the traditional practice of journalism? What adjustments or changes in strategy are being made at the editorial level that take into account the challenges posed by verifying user-generated content? How do journalists and news organizations balance the availability of such new information and images against the journalistic imperative to check sources and verify?

Journalists always face difficulties in getting information out of war zones – a challenge only intensified when facing restrictions from a repressive regime.[7] The uprisings during the Arab Spring show how social media and digital media recorded using camera phones can circumvent these restrictions. However, getting news out in closed regimes intensifies the need for and reliance on "social (media) newsgathering."[8] This has the potential to "disrupt (traditional) newsroom routines," according to a media consultant and former journalist interviewed for this study.

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6 Wardle & Williams, 2008

7 See the National Endowment for Democracy's Burma VJ project for how the Saffron Revolution of 2007 was covered from outside and within.

8 Term used by senior BBC manager involved in the BBC UGC Hub, researcher interview.

The sheer volume of content from social media can cause intense editorial and resource pressures. In most other reporting environments, user-generated content is, while increasingly common, still supplemental. However, in covering conflicts, where the government limits press access, user-generated content is no longer just supplemental to traditional forms of newsgathering – it is fundamental. Media outlets become heavily reliant on video images and stills uploaded by various individuals and groups onto YouTube, Facebook, and user-generated content platforms operated by major news organizations themselves.

News organizations grapple with ground rules

News organizations have responded to a shift in information dissemination by incorporating social media into their output, both as a tool for newsgathering and as a news source. An academic study conducted in the UK by Neil Thurman and Alfred Hermida, entitled "The Future of Newspapers: A Clash of Cultures*,"* examined the extent to which media outlets have integrated UGC in their news websites. The research indicated that there has been a dramatic increase in the use of UGC in British newspapers, despite residual editorial concerns. It also noted that journalists can incorporate UGC in the reporting by putting it through the usual journalistic processes, thus ensuring quality and relevance:

> The gate-keeping approach may offer a model for the integration of UGC, with professional news organizations providing editorial structures to bring different voices into their news reporting, filtering and aggregating UGC in ways they believe to be useful and valuable to their audience.[9]

How these outlets set their policies in relation to social media is tackled by Nicola Bruno, whose report, "Tweet First, Verify Later?", examined the extent to which CNN, the BBC and the Guardian drew on social media sources to cover the first 24 hours after the 2010 Haiti earthquake.[10] Bruno concludes that "the BBC, the Guardian and CNN all decided to access and use social media as reliable sources…but their technology platforms and editorial structures were developed on diverse models....[t]his had different consequences on the quantity, quality and reliability of UGC employed."[11]

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9 Thurman and Hermida, 2008, p. 9-10

10 Bruno, 2011

11 Ibid., section 3.1.

For example, the Guardian published unverifiable content with a kind of disclosure, saying, "we have heard reports" or "we cannot verify this now;" CNN's iReport platform hosted both vetted and non-vetted material, with disclaimers and clear information about what was checked and what wasn't; and the BBC worked with a more traditional approach, using less UGC in its reporting.[12]

Nic Newman's working paper, "The Rise of Social Media and its Impact on Mainstream Journalism," also examines differences in how big media players like the Guardian, CNN and the *New York Times* have embraced social media.[13] Newman concludes that mainstream media outlets have worked to "marry the culture of the web with their own organizational norms," ensuring that the journalistic processes are applied to UGC used in news. The editorial process includes verification and discussion of content; appropriate caveats and labeling; and a final decision to include the UGC based on the editorial values of the organization. Newman's research highlighted the ways in which the traditional media are responding to a wave of participatory social media and a historic shift in control towards individual consumers.

Newman draws on William Dutton's notion of the "Fifth Estate," with social networks providing a basis for "highly networked individuals" and journalists who now seek to invite individuals or the "former audience" to take part in the news production process, while acting themselves as "curators." However, not everyone agrees with the idea that journalists in a social media age might shift to being curators.[14]

Journalists struggle with their role in the age of social media

As an academic, media trainer, and consultant stated in an interview for this study, the rise of social media for news has led to a "crisis in journalism; journalists need to be clear about what their role is. The craft of journalism has become more important not less and social media does not replace journalism."[15] More than a decade ago, Jay Rosen asked, "What are journalists for?"[16] Today, a BBC senior staffer asks something similar: "What value can we uniquely add to

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12 For details on iReport's verification processes, see Silverman, C. 2012

13 Newman 2009

14 Ibid., p. 5-6

15 Researcher interview

16 Rosen, 2001

the content that is now freely available in real time to the public?"[17] This defines the tension between traditional media relying on the "craft of journalism" to mediate information and distribute it to audiences, and unmediated (social media) content that is not subject to the constraints of traditional news processes.[18]

To help explain the challenges of the process of evaluating these non-traditional sources for journalists, the BBC's Matthew Eltringham coined the term "line of verification," which Charlie Beckett, the director of the POLIS media and politics think tank at the London School of Economics, has explored further.[19] In the past, Beckett says that the BBC would only broadcast what was clearly on the "Light Side" of the line of verification, information that carried the "full authority of something that the BBC has decided is 'true.'" The Internet and social media have forced the BBC to engage with information on the "Dark Side" of the line of verification – information circulating widely in the public sphere but which the BBC could not confirm. Beckett says:

> You, the public or the audience, already know about the stuff on the dark side of the line of verification because it exists all over the places online that you spend so much time: Twitter, Facebook, Mumsnet etc. That's often where you will get or connect to your news. It is valid to report - or at the very least engage with - this non-validated stuff because it is already a part of the communications around a story. It is more than just a rumour. It is informal narrative of the story: online images and conversations produced by the public. But you have to be clear in your journalism that it is not validated. So you must put it in context. Secondly, you must make it clear when you communicate it that it's unvalidated.[20]

The question for the BBC and other news organizations is how to engage with this publicly available but unsubstantiated material on the "Dark Side" of the line of verification while maintaining their journalistic standards. The situation is further complicated because, as Beckett points out, the Line of Verification is not unambiguous and information moves from one side to another in a rapidly developing story: "Of course, the line is not always so clear. In practice,

17 Researcher interview with leading BBC social media manager

18 LSE seminar and researcher discussion with Roger Hardy, Research Fellow, LSE

19 Beckett, 2011

20 Ibid.

it's probably a Fuzzy Grey Zone of Verification, or perhaps a Wobbly Line of Verification that moves back and forth."[21]

To illustrate an example of how news organizations are engaging with information on the Dark Side of the line of verification to move it to the Light Side, Beckett highlighted a case in the coverage of the uprising in Tunisia. The case involved the BBC and Andy Carvin, a social media strategist for NPR who has been described as a "one-man Twitter news bureau."[22] Carvin represents a new breed of social newsgathering that draws on crowdsourcing and other social media tools.[23] Crowdsourcing is a technique that Carvin and other news organizations employ in which they either gather information from their audiences or tap into the expertise or experience of their audiences to verify information. An article highlighting Carvin's achievements explains how he is "Grabbing bits and pieces from Facebook, YouTube and the wider Internet and mixing them with a stunning array of eyewitness sources."[24] If Carvin believes that he needs more information or stronger verification for a report, he will ask his more than 65,000 followers on Twitter to help confirm the information. In the example concerning Tunisia, Carvin posted a rumor online that a television station had been seized by its employees and was broadcasting "an anti-government line." The BBC's Matthew Eltringham saw the tweet and contacted BBC Monitoring, which monitors media around the world in multiple languages, to check the rumor, as the television station had continued to toe the government line. Eltringham tweeted Carvin saying that the rumor was incorrect, which Carvin passed along to his substantial following, demonstrating what Beckett described as "Social media and conventional media working in harness."[25]

However, one key difference between the BBC and Carvin's techniques is that the BBC verifies information first before publishing it on its news website or on its Twitter streams, while Carvin will post things that require additional confirmation to Twitter and ask for help in verifying them. Sky News' digital news editor Neal Mann highlights the tension among even social media savvy journalists and their differing views on publishing and verification. Mann has said that what Carvin does is essentially re-tweet rumours and add "fuel to the fire."[26] When to publish

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21 Ibid.

22 See Farhi, 2011

23 Beckett, 2011

24 Ibid.

25 Beckett, 2011

26 Miller, 2011b

material on the Dark Side of the Line of Verification and how to bring it to the Light Side is still very much a point of debate among journalists and editors.

Ethan Zuckerman, the director of the MIT Center for Civic Media, speaking at the Knight Foundation Media Learning Seminar in February 2012, expanded on the symbiotic relationship between social and traditional media using Tunisia as an example. He said that social media doesn't reach everyone, and probably never will, and described social media not as a one-to-many medium but rather as a one-to-some medium: "Where these ideas really go big, when suddenly everybody in Tunisia is paying attention to the same protest, it's because one of those people in that group of some is an amplifier … someone who has the capability to reach a much broader audience."[27] The video of the self-immolation of Mohamed Bouazizi[28] and the protests that followed, often viewed as the events that triggered the revolution in Tunisia, was first posted to Facebook. The video was then posted to Nawaat.org, a group blog written by the Tunisian diaspora. From there, the video was picked up and amplified by Al Jazeera, Zuckerman explained. Many Tunisians found out about these videos not from social media but from Al Jazeera.[29] This helped protests spread across the country despite great repression, and these protests toppled Zine al-Abidine Ben Ali, who had ruled Tunisia since 1987.

Journalists also need to be aware of possible misinformation from alleged eyewitnesses who later turn out to be giving false information; this happened to a veteran Arab journalist, interviewed for this study, who filed a story with eyewitness testimony from a "newly arrived" Syrian refugee in Lebanon covered in blood. When the journalist returned the next day, the same man was retelling his story to another journalist, covered once more in "fresh" blood having just escaped Syria. With this kind of misinformation being spread in face-to-face interviews, it is reasonable to assume similar efforts are being carried out on social media platforms.

The BBC and user-generated content

The BBC seems to be continually improving its newsroom practices to deal with UGC for news, building on expertise first developed in its online newsroom. In terms of UGC for news, one of the most important developments for the BBC

27 Zuckerman, E., Speech at the Media Learning Seminar, 2012.

28 See Mheni, Lina, 2010

29 Zuckerman, E., 2011

was the establishment of the BBC UGC Hub in London in 2005, in response to major stories like the 2004 Asian tsunami and the July 2005 London bombings. Both events were early examples of how UGC in the form of photos and video using new inexpensive digital video cameras and increasingly capable camera phones would become a standard source of information for news.[30] The UGC Hub at the BBC was developed to help collect this material, either directly or from sources online, and evaluate it for accuracy. The Hub was also developed to help distribute the material as quickly and efficiently as possible to the BBC's numerous TV, radio and online news teams. The BBC's detailed written policies relating to UGC have evolved to take into account experience in tackling major news events, such as the Iran demonstrations in 2009, and both the Hub and the BBC's College of Journalism provide support and training, respectively, to staff in the UK and those based overseas. The Hub has also led the way inside the BBC in introducing new software and technology to help verification processes and in formulating definitions and improving best practice as new challenges emerged.[31]

The BBC's working definition of UGC for newsgathering is "content supplied to the BBC via mobile devices as well as content submitted online, through social media sites or through the post e.g. video cassettes."[32] The BBC's UGC hub narrows the definition of UGC for news down to: "Factual content from the audience; exclusively stills and video … _some_ kinds of eyewitness material but _NOT_ audience comments, message boards and opinion."[33] The guidelines give ample proof that social media is a well-established practice at the BBC give specific guidance on UGC for news in the section on transparency:

> We should ensure that user contributions are clearly identified as such, with material from members of the public clearly labeled, so that our audiences know it has not come from the BBC or another news organization. Material from third party organizations such as lobby groups etc. must be labeled to ensure the audience understands its provenance. It is good editorial practice, particularly when material has come from countries with reporting restrictions, to tell the audience clearly what the BBC knows and

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30 Wardle & Williams, 2008, p. 3

31 Interview with former manager involved in setting up the Hub in London

32 See general guidance relating to UGC at http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidance-user-contributions-summary

33 Emphasis here as per interview with BBC staff member

does not know about the content, what it purports to show and its provenance. [34]

UGC verification best practice at the BBC follows a process of noting the Internet source or link, date uploaded, duration of the video, content, pictures included, and contextual details.[35] At this stage, members of staff with knowledge of the country, its geography and language might be consulted, as are journalists at the BBC UGC Hub (which is not housed in the same building) if their expertise is required. If the content is likely to be difficult to verify, contains extreme violence or is controversial, such as containing sectarian insults, BBC news editors must refer upwards to senior management who will then make an editorial decision on whether or not to broadcast.

As noted before, it is not the responsibility of the BBC audience interactivity team to pre-select content for news. At an organization the size of the BBC, it can afford to have specific and separate teams dedicated to audience interactivity and other teams dedicated to evaluating UGC either via BBC platforms or external social media platforms such as Twitter, Facebook and YouTube. One of the members of the BBC Arabic interactivity team said that "People working on the internet are not seen as proper journalists; journalists are in the field reporting or they are presenting on TV, not at a computer screen."[36]

Syria: Challenges for verification at the BBC

The BBC position is that being wrong is not an option; ensuring accuracy protects a painstakingly built reputation. The pilot study did not identify any specific examples of mistakes in broadcasting UGC for news, though there were some suggestions that they existed.[37] The BBC became even more cautious over time not just with UGC, but with information from other external sources, in particular the international news agencies and their use of social media sources in their stories.[38]

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34 Taken from the BBC's editorial guidelines, available online at http://www.bbc.co.uk/editorialguidelines/page/guidance-user-contributions-full#transparency

35 Interview with BBC news producer working on Arab content

36 Author interview in the BBC Arabic offices

37 Researcher interview with BBC Journalist in region

38 Ibid.

News agency content from major providers, such as Reuters and AFP, was highlighted in interviews as a weak link in ensuring accuracy – specifically when they drew on social media sources. The role of news agencies in any story is critically important. The BBC, much like other broadcasters, would usually run a story based on two major news agency sources.[39] However, it surfaced during this study that new practices have emerged across the BBC as a result of inaccurate information from agencies.

The AFP agency made a major sourcing error in its reporting of the Damascus bombs just before Christmas 2011. The Muslim Brotherhood was widely reported to have claimed responsibility for the bombings, based on AFP sources. Unfortunately, the agency's main source was a fake website for the Brotherhood that had been set up by Syrian intelligence. The fake website had been set up on a Syrian Internet Service Provider, raising flags for knowledgeable journalists. The Syrian Muslim Brotherhood operates out of London and would not set up their site on a Syrian state-managed network. Yet, the Guardian and other news sites carried the story based on the AFP's mistaken information.[40] These errors highlighted a previously unappreciated weak link in the UGC and social media source verification process: the use of such material in agency reports.

To prevent such errors from being introduced into BBC reports, a senior BBC staffer with its College of Journalism said an important element of the verification process is to "speak to a person!" The Syrian context meant that this was easier said than done, not only because the challenges of communication in a conflict zone, but also because of security concerns of the activists. A producer in the BBC's World Service newsroom explained that there is a two-way verification process between journalists and their social media sources:

There are known cases where the Syrian government has tracked activists using satellite phones, such as Thuraya, after they have spoken to media outside the country. Also, the activist needs to know that I am not from Syrian security so he will ask me to email him using my official BBC email and then it will take a day or two for both sides to do our own checks before providing information and using it for broadcast.[41]

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39 Though Nick Davies pointed out that the BBC will run with one agency source if it is the Press Association (PA) – in *Flat Earth News,* 2008

40 See *The Telegraph* 2011 newspaper article. The article confirms that the website was fake and this coverage was also monitored by the researchers and it took 2 minutes to click through and see that the url could not be authentic and was not the usual Muslim Brotherhood url address

41 Author interview with BBC World Service newsroom producer

Because of Syrian security's ability to track people using satellite phones or Syria-based phone platforms, many activists and journalists now operate via Skype, which allows for more secure, encrypted communication, to chat and to send audio and video files relatively safely over the internet.[42]

Apart from contacting the activists directly, BBC teams also check Twitter to see who follows the activist contact, which users he re-tweets regularly, and how long he has had his account. However, there are far fewer bloggers and Twitter accounts providing relevant content from Syria than there were in the Tunisian and Egyptian uprisings, making this additional verification measure less useful than in other countries where social media use is more widespread.[43]

Viewers should be made aware of the provenance of social media sources and user-generated content

Just as problematic as not providing sourcing information, presenters also gave overly broad sourcing information on content obtained from the Internet, often from social media sources. Generally, in broadcast packages as well as online text accompanying video, media outlets would say the material was from the Internet, i.e. YouTube, or Facebook. Such references to the platform where the material came from provide no sourcing information for the viewer and give the viewer no information on the reliability of the source. Viewers should be made aware of the provenance of such sources. This might be achieved by referring to the YouTube account or channel with relevant background of the user or account, or, in the case of Facebook, the channels could refer to the group or page with brief information about the group to put it in context of the conflict. If the channels have security concerns about revealing source information that should be communicated to viewers in lieu of more specific source information.

There are a number of reasons for why much of the UGC aired was not accompanied by information about its source. It would be difficult to make any broad conclusions from this study, but it might be that the UGC came from individual sources that were at the demonstrations or filmed events covered in the evaluation. The source might be a contact on the ground who has been referred through trusted contacts or has contacted the broadcaster directly or who has contacts in the organizations. It is not clear if the lack of sourcing information

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42 Watson, 2011

43 For analysis on access to the internet in Syria see Kassab and Lane, 2011, in *Syria Today*

might be a conscious decision to protect sources. In that case, it would be sufficient to say that the material was from activists or local residents, without divulging information that might threaten the security of the sources. Perhaps a more likely explanation for the failure to cite sources is the challenge of getting multiple UGC clips in a news package or program in quick succession – resulting in a lack of sourcing information for the viewers.

The study showed that broadcasters also failed to consistently provide context and additional information about the UGC they used, such as where and when the footage was taken. This might normally be achieved through on air captions with the name of the city and the date. Interviews suggest that obtaining information was difficult at the start; to help with this, journalists said they asked activists to ensure that demonstrators put banners up with dates and information, which was much more common in coverage after the content evaluation was conducted. Again, given the volume of UGC clips being used in the often relatively short television packages, how realistic is it for the broadcasters to provide detailed signposting? It might be that it is merely a technical issue of getting captions on the screen, rather than necessarily because the information is not available about the location and date. Regardless, it is not desirable to leave the viewer guessing, and this lack of signposting on both channels needs to be addressed.

Verification of sources

It was noted in the evaluation that media seldom explicitly mention on air whether the sources were verified in any of the programs or video packages that were evaluated, or whether the sources were reliable. The common on air refrain of "this footage cannot be verified," heard on many English language channels, was absent in all the content evaluated for this study. While not necessarily a criticism, the lack of information about verification does flag the need to understand the standard way in which the channels refer to material that is unverified. In the context of coverage of the Syrian uprising, it might be argued that given the volume of UGC clips used it would not be possible to finesse announcements about validation processes for each clip, and indeed may not actually be required.

It is suggested here that the reliance on UGC over a period of time presents dilemmas that might involve a deviation from the practices that we expect from a major international broadcaster. Much of the user-generated content coming out of Syria is from activist network sources and committees. All of this material

needs to be sorted for technical suitability and then verified. Presumably, producers then need to ensure that news cues and scripts contain the relevant caveats or announcements about verification, as well as on air captions to signpost content. It is important to inform and reassure the viewer about verification that has been undertaken. This would be in line with the editorial guidelines of both channels. The content evaluation cannot tell us whether verification was undertaken, but it can tell us the extent to which the broadcasters inform their audiences about the provenance of UGC used for news, as well as whether they have been able to verify the content. The interviews tell us that detailed verification processes are in place. It might be concluded that there are other aspects of this process that need to be explored further – such as the production processes that are undertaken after verification.

Conclusion

While it is important not to over-interpret findings from such small-scale pilot studies, below are some of the main findings from this study.

Channels such as Al Jazeera and the BBC, together with news agencies and other major media outlets, amplify user-generated content being shared via social media, and therefore, have an exceptional duty of care in using social media content.

The study has demonstrated that the increased reliance on UGC highlighted issues in providing necessary information about verification, sources and context. Clarification is required about how broadcasters determine the duty of care with respect to incorporating UGC in their coverage of complex, challenging stories. It is not clear whether the lack of context regarding UGC used in news coverage has occurred because of weak editorial policy, technical limitations (it may be unrealistic or impossible to flag the provenance of every UGC clip used), lack of information or due to problems in the day-to-day operational limitations.

Audiences are not systematically given clear information or visual signposting about where activist material has come from, how reliable it is, or when or where it was filmed. Lack of transparency in using UGC for news suggests that technology and production processes might need improvement to accommodate the inclusion of more detailed information about the content. Ethical issues in the developing relation between activists and broadcasters have emerged during this study and need to be explored more.

Regardless, general references to YouTube, Facebook, Internet sources, and activists are inadequate when Syrian groups on YouTube and Facebook have differing political agendas, and demonstrators and activists might or might not belong to increasingly organized political groups or sub-groups. The increasingly complex political situation in Syria necessitates a level of information and disclosure about sourcing that was not seen in the content evaluated for this study.

The study has found some problems in ensuring the systematic incorporation of UGC in program output in a transparent way. Viewers may be confused about whether or not the UGC is reliable and fully verified or whether it is being shown with the appropriate caveats and disclaimers. Audiences do not have full information about the location and date of footage that they are viewing.

The use of user-generated content and content from social media sources requires a larger scale study in order to build up a more detailed picture of standard practices as well as best practices with respect to UGC at news organizations. This is especially important in situations such as the uprising in Syria when news organizations are forced to rely heavily on UGC to adequately tell the story. Media outlets are still learning, and both BBC Arabic and Al Jazeera Arabic have used Syria to improve their use of UGC. However, the study indicates that room for improvement remains, especially in terms of communicating the sources and context for UGC used in news reports. The coverage of the momentous events across the Arab world provides a rich resource for research and an environment in which improvements can and should be made.

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Legal and ethical implications of regulating online commentary in OSCE countries

Marissa Moran and Douglas Griffin

With more individuals connecting to the Internet every day and new content being uploaded faster than anyone can consume it, the challenge of monitoring comments on news websites, social networks and blogs is formidable for all parties. States are still in the early stages of understanding how best to approach general Internet regulation, and many attempts to legislate online content interfere with traditional protections of freedom of expression. Not only is the jurisdiction of online regulation difficult to delineate due to international hosting sites and global sharing mechanisms, but also the ability for users to post anonymous comments creates the problem of whom to hold liable when postings contain illegal content.

There are persistent debates across countries over whether Internet Service Providers (ISPs, companies or organizations that provide users access to the Internet, often through a cable or ADSL company), hosting companies (such as Yahoo and Wordpress) or social media platforms (like Facebook and Twitter) should be considered primary publishers or only distributors of third-party content. In some countries, like Estonia and Jordan, when users post illegal statements, whether incitement or defamation, in the commentary section of a news site, the news site or hosting company could be held liable for the offense for not removing the post upon request. In cases when the user is anonymous, this situation becomes more problematic. This "notice-based take-down procedure" has developed across Europe following the European Union Directive on Electronic Commerce (July 2000). The EU Directive makes ISPs and hosting companies liable within limits and after being notified of illegal content on their sites. If someone issues a complaint about a defamatory statement in an online comment, for example, the site manager must flag it with a notice next to the original comment and remove it if the content is indeed defamation or illegal. Currently, US-based service providers have more protection from liability for content published by a third party than do those in Europe.

The International Telecommunications Union (ITU), a United Nations agency, decides how to address the issues of Internet governance and determines the roles and responsibilities of telecommunications companies, content providers

and ISPs. However, major international players such as the European Union and the United States, which host the world's largest and most lucrative private Internet companies, oppose increasing the ITU's power over Internet regulation, both in the areas of finances and content, for the sake of freedom and net neutrality. In most OSCE countries, online comments are self-regulated or co-regulated, guided by laws that require news sites or blog owners to manage comments. Blog hosts like Wordpress have moderating tools to filter comments and require commenters to provide their names and e-mail addresses.

As mentioned above, the implications of self- and co-regulation in the digital commentary sphere are vast, with anonymous spammers and undetectable software making it nearly impossible to monitor every single comment that violates existing law. But, laws that try to incriminate second party sites (ISPs and hosting companies) for third-party offenses when the host is not responsible for the content posted by unknown users raise issues of justice and fairness.

The liability clauses in notice and take-down procedures have been criticised as unclear and complex, and there are often differences in interpretation of the EU Directive on which these national provisions are based.[1] Because of this, the European Commission held public consultations on the Directive in late 2011 and published the results in early 2012. These comments did not reject intermediary liability for ISPs and hosting companies, but instead clarified ambiguity in the Directive and touched upon how to address illegal online content, largely within the context of intellectual property rights. Most respondents agreed that some notice and take-down procedure is appropriate, with some arguing that self-regulation is most appropriate and others pushing for a legal obligation on the grounds that such self-regulatory efforts have been tried and failed. Not surprisingly, holders of intellectual property rights and ISPs differed on the detail, with the former arguing for a low standard for what constitutes the ISP's knowledge of illegal content, triggering their liability, and the latter pushing for a stringent requirement that the ISP had "actual knowledge" of illegal content. Most stakeholders, apart from intellectual property rights holders, argued that filtering is inappropriate, as it is a blunt instrument that over-filters and thus infringes on freedom of expression or under-filters and thus is ineffective. ISPs argue that ambiguous standards in the directive put them between a rock and a hard place: they are under pressure to remove content even though they are unable and

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1 OSCE Report: Freedom of Expression on the Internet, 2011, pg 32 http://www.osce.org/fom/80723

unauthorized to judge its legality, and, if they get it wrong even in good faith, they could be liable for prosecution under other applicable law.

The power of online content was brought into full focus in September 2012 when violence rippled across North Africa and the Middle East after a video called "The Innocence of Muslims," which offends the Prophet Muhammad and clearly seeks to denigrate the Muslim religion, was posted online. Protests broke out at the American embassies in Egypt, Yemen, Sudan and Benghazi, Libya, where demonstrations became deadly. The American ambassador to Libya was killed in Benghazi along with three others, and news media continued to point to the YouTube clip, which was a 14-minute trailer of a longer movie, as sparking the attacks. The video was removed by Google, which owns YouTube, in Libya and Egypt but remained online in other countries. While the full effects of this incident are unknown at the time of writing, there is no doubt of its relevance to the debate over online regulation of incendiary content and commentary. American legal commitment to freedom of speech, both in traditional and online media, means that most websites and online comment sections are unregulated, though individual blog hosts like Wordpress have registration requirements and filtering mechanisms that mostly target spam.

The debates described above are illustrative of some issues concerning the regulation of online comments in OSCE countries and beyond. Site ownership and content authorship becomes more fluid as social networks like Facebook do not allow for anonymity but users that wish to hide their identities can pose as another or under a false name, making it nearly impossible to enforce certain rules on users. This chapter looks at specific examples of regulation attempted in OSCE countries and the legal and ethical implications they pose for freedom of expression.

Regulation of comments in several OSCE countries

Estonia

Estonia is an example of an OSCE country with notice and take-down obligations. This means that, after complaint of defamation or other illegal commentary, the ISP or website manager must remove the comment. According to Dr. Katrin Nyman-Metcalf, Professor and Head of the Chair of Law and Technology at Tallinn Law School, online comments tend to be a controversial topic in Estonia

because of the large audience for online news that cultivates a culture of commentary and the delay of websites in managing comments as they became more impolite and imprudent. Nyman-Metcalf pointed to the example of Delfi AS versus Estonia, a case from 2009 that became famous across Europe regarding the controversy over the European Directive and the challenge of regulating comments. Delfi is a popular, widely read Internet platform in Estonia that is not directly linked to newspapers or broadcasters, but has its own journalists and provides original news. Delfi published a news story about a private company planning to destroy roads linking the Estonia mainland to its islands, and readers posted some offensive comments about the company's majority shareholder, who sued for defamation in Estonian courts. The courts found that the comments were slanderous and awarded the plaintiff a small sum of money while also ruling that Delfi should instate a policy to prevent or remove defaming comments. As a result, Delfi and other sites have introduced monitoring of offensive comments and many require user registration to add comments. Such monitoring and codes of conduct are managed by each private website and not the state. Delfi has joined Estonia's press council in the wake of the case, subscribing to the same self-regulatory system as print newspapers.

Nyman-Metcalf noted that the difference between Delfi and an ISP, according to the Estonian courts, was that it is not a "passive conduit" but encouraged commentary and should be responsible for maintaining standards of decency within this sphere. Ultimately, the issue in Estonia prior to the Delfi case was the lack of procedures for dealing with comments and, according to Nyman-Metcalf, Internet culture has improved somewhat since Delfi. She offered that, while some proponents of freedom of expression felt the verdict posed a danger to the future of Internet censorship, there was no public outcry because of the understanding that Delfi was responsible as long as they voluntarily promoted discussion on their site.[2]

Hungary

In 2010, Hungary's parliament passed a range of new laws affecting press, broadcast and online media that raised concerns internationally of government censorship and breaches of freedom of expression. Citizen protests, civil society groups and international organizations like the OSCE drew attention to how the law contradicted previous freedoms in Hungary and how it differed from other

2 From an interview with Dr Katrin Nyman-Metcalf, September 2012.

European countries' media laws. The Hungarian Constitutional Court declared major parts of the new law unconstitutional in December 2011.

According to Amy Brouillette, a research fellow at the Centre for Media and Communication Studies at Central European University in Budapest, user-generated content is not regulated under the new media law, as it is not explicitly mentioned in the legislation. However, some analysts initially believed that comments could be regulated because the scope of the law covered online versions of newspapers, though the Hungarian Media Council clarified that it would not target comments sections of online news sites.

Within Hungary's new media laws were stipulations for new positions of authority to monitor media throughout the country. The Media Authority President was given power to appoint a Media Commissioner to investigate any content in any media that 'may cause harm' to citizens in addition to what was already prohibited by the law. The Constitutional Court deemed the Commissioner's powers too broad and later ruled this position unconstitutional, and the Hungarian government was supposed to revise the media law accordingly.[3]

Before being declared unconstitutional, the Media Commissioner reprimanded the editor-in-chief of Népszava, a daily social-democratic newspaper, for an online comment left by a reader that criticized a former Hungarian president, and the Commissioner demanded its removal. Following public outcry that freedom of expression was gone in Hungary, the National Infocommunications Authority (NMHH) said the Commissioner was not investigating the case but only "mediating" seriously offensive content, upholding their original statement that they would not target online comment sections of news sites. The NMHH also confirmed that such mediation is not mandatory under the law.

Although site managers understood that comment sections were excluded from a strict interpretation of the media law (which referred only to editorial content, and not comments), in response to the Népszava incident, several sites restricted or began to monitor comment sections. The popular news portal index.hu completely shut down its comments section on the site's celebrity page, claiming it could not afford to monitor reader comments on a continuous basis.

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3 From an interview with Amy Brouillette, September 2012.

> *Some sites, like delmagyar.hu, decided to keep the comments section open, but introduced premoderation to filter out statements that could prove problematic before they appear in the public domain. "Our goal is to assure quality, pure content and to keep away those who would 'litter' the comments section," the site informed its readers…. "As of late, a rising number of comments posted below our articles were personal and insulting and had little to do with the content matter."*[4]

Today, some sites such as politics.hu have disclaimers above the comments sections that state they are not responsible for the views expressed by readers but do reserve the right to remove off-topic material or that which constitutes "hate speech." However, by stating that comments are indeed moderated, the user-generated content arguably becomes editorial content and is therefore potentially subject to the law. As a result, newsrooms tend to moderate comments without publicly stating that they do so in order to limit their own liability.

Jordan

The government of Jordan, which is an OSCE Mediterranean Partner for Co-operation, recently proposed amendments to the existing Press and Publications Law that will require "electronic publications" to obtain licenses and give executives the power to block websites or shut them down if they are not licensed. These amendments were met with widespread public outcry that they would restrict online content in ways that violate international standards for freedom of expression. The nongovernmental organization Human Rights Watch (HRW) criticized the government's definition of electronic publications as too vague, and pointed out that the law does not clarify whether or not the law pertains to sites registered abroad or in other languages. Despite these criticisms, Jordan's King Abdullah has endorsed the law.

The role of intermediary players such as website managers and editors-in-chief of news sites is controversial under Jordan's proposed amendments because it makes them responsible for comments posted by other users. Managers would be required "not to publish comments containing information or facts unrelated to the news item or if their truth has not been checked." According to HRW, Jordan's government did not provide sufficient reasoning for blocking comments that are "unrelated to the news item" and should not require that comments be tested for

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4 Media: no comments, please. *Budapest Business Journal*. 1 August 2011.
http://www.bbj.hu/politics/media-no-comments-please_59181

truthfulness, which HRW says is unreasonable.[5] The organization recommended that, instead of prosecuting website managers, the government should find another way to correct libellous or otherwise illegal comments, along the lines of the notice and take-down procedures from the European Directive discussed above.

Frank LaRue, United Nations Special Rapporteur on the promotion and protection of freedom of expression and opinion discussed this very issue in a May 2011 report to the UN General Assembly.

> *Holding intermediaries liable for the content disseminated or created by their users severely undermines the enjoyment of the right to freedom of opinion and expression, because it leads to self-protective and over-broad private censorship, often without transparency and the due process of the law…. Censorship measures should never be delegated to a private entity and…no one should be held liable for content on the Internet of which they are not the author.[6]*

On social networks like Facebook and Twitter, the volume and speed of comments makes it extremely difficult to review every posting before publication, thus making timely and effective monitoring an unreasonable expectation for site managers.

United Kingdom

The world's attention has focused on the United Kingdom's media after the 2011 phone hacking scandal that shut down a major newspaper and led to a lengthy inquiry in the country's highest courts. Still underway at the time of writing, Britain's Leveson Inquiry has raised the curtain on self-regulatory practices within news agencies and scrutinises how they should respect citizen privacy and prevent libel and slander. In addition to the Leveson Inquiry, a Parliamentary Joint Committee submitted a Draft Defamation Bill in October 2011 that seeks to reform the current defamation law and address the issue of enforcing the law online. It explicitly discusses complaints brought against posts in online comment sections.

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5 Jordan: A Move to Censor Online Expression by Human Rights Watch 10 Sept 2012
http://www.hrw.org/print/news/2012/09/10/jordan-move-censor-online-expression

6 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, May 2011
http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

The Draft Defamation Law encourages the following to address issues not satisfied by the existing 1996 defamation law:

- *Ensuring that people who are defamed online, whether or not they know the identity of the author, have a quick and inexpensive way to protect their reputation, in line with our core principles of reducing costs and improving accessibility;*

- *Reducing the pressure on hosts and service providers to take down material whenever it is challenged as being defamatory, in line with our core principle of protecting freedom of speech; and*

- *Encouraging site owners to moderate content that is written by its users, in line with our core principle that freedom of speech should be exercised with due regard to the protection of reputation. [7]*

Note that in the context of the UK Draft Defamation Law the terms "Internet host and service providers" refer to platforms ranging from social networks Isuch as Facebook and Twitter to forums where users post reviews and comments like TripAdvisor and Amazon.

Importantly, the bill makes the distinction between identified material (where users reveal their identity) and unidentified material (where it is published anonymously). In the case of identified material that is challenged, the host or service provider must publish a notice explaining this next to the comment. The host is not required to remove the comment immediately, and the complainant can apply for a take-down order from the court. In such cases, the host should inform the author of the comment about the application for take-down. If take-down is ordered, the host or service provider must remove the comment immediately or risk liability under a defamation claim as if it were the original publisher. The host as intermediary is notified and involved throughout all stages of the process, though their liability is at stake only if they defy a court-issued take-down order.

If a complaint of defamation is made against unidentified material, the original poster will have the opportunity to identify himself or herself. If he or she does so, the material does not have to be removed, but rather the process outlined above for identified material will be followed. If the author does not identify himself or

7 http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdefam/203/20307.htm

herself, and the material is not removed, the host will face liability as if it were the original author. However, if the material remains unidentified and the host believes that the comment should stay on the site for the sake of public interest (e.g., the author is a witness or whistleblower), the host can apply for exemption from the court.

The writers of the draft law say they are trying to promote a culture in the UK of ignoring and de-legitimizing anonymous comments online so as to discourage their proliferation.

> *The challenges facing regulation of the internet contribute to what some people have described as a new 'Wild West', in which law enforcement is failing to keep pace with technology. Issues of this kind will not be solved overnight. There is, and will be, cultural change as we adapt to the use of new communication technologies. The law needs to respond to this. … Specifically we expect, and wish to promote, a cultural shift towards a general recognition that unidentified postings are not to be treated as true, reliable or trustworthy. The desired outcome to be achieved – albeit not immediately – should be that they are ignored or not regarded as credible unless the author is willing to justify or defend what they have written by disclosing his or her identity.[8]*

It is interesting to compare this sentiment to the use of anonymous sources in traditional print journalism. Regarding the latter, readers are asked to place their trust in the journalist writing the story (who is identified) and to believe that the source's identity is concealed for security purposes. Online, however, there is no way of knowing the trustworthiness of an anonymous user who could have malicious intentions or no authority on the subject whatsoever.

Regardless of the procedural protections and call for media literacy in this draft law in the UK, its passage could chill freedom of expression, as hosts are likely to be quick to remove any material that results in a complaint, preventing legitimate debate and suppressing online discussion.

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8 UK Draft Defamation Law, Article 103 http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdefam/203/20307.htm#note167

Conclusion

With the diverse range of cultures, values and online usage throughout the OSCE, it is not surprising that regulation of online comments is just as varied. Because the process involves interpretation of guidelines, understanding of freedom of expression, business interests and privacy policies, almost every country has its own way of responding to the issue, and it is unlikely there will be a unified policy any time in the near future. The rapidly changing atmosphere of Internet regulation also means the existing policies will probably be fluid both technologically and legally, with individual websites determining the policies that work for them and their users. National Public Radio (NPR) in the United States, for example, just sent its online subscribers an email announcing a new commenting system based on a survey of 6,000 users. NPR said a majority of respondents requested that all comments be moderated before being published on the site, and NPR has agreed to do this for their news section only. Other sections will be reviewed only if users flag them. Users will also be able to edit and delete their own comments after posting. Interestingly, they will no longer require first and surnames to leave a comment.

No matter what policy is chosen, however, the policies each country uses should not violate freedom of expression as stated in Article 10 of the European Convention of Human Rights, nor should they hold the wrong party liable for posts, particularly considering the rate and volume at which online comments are posted and circulated. Only continued discussion and transparent debate on this subject will ensure that these standards are met.

Comments on the Internet Media Forum: Law and Practice in Russia[1]

Andrei Richter

Responsibility for content on Internet media fora

The issue of free comments by citizens on the Internet, although in part goes beyond the bounds of media law regulation, is fundamentally interesting. For the first time in human history, there has emerged a wide opportunity for discussing events reported by mass media and also to propose new subjects to journalists and develop life stories. For now, it is not a question of replacing professional journalism with "citizen journalism" or amateur reporting but enhancing the work of media editors with a widening "para-journalism."

The Council of Europe expects its members states to adopt legislation that would enhance "the use of ICT by citizens, non-governmental organisations and political parties, (including online forums, web blogs, political chats, systems of immediate transmission of text messages and other forms of civic communication) in order to participate in democratic discussions, electronic activism and electronic campaigns, to express their concerns, ideas and initiatives, to enhance dialogue and discussions with representatives and the government and also for oversight of officials and politicians on issues of public interest." (Recommendation CM/Rec (2007) 16 Committee of Ministers of Members States *On Measures to Promote the Public Service Value of the Internet).*

Regarding Russia, it can be said that to a certain extent these expectations were justified by an interpretation in the commentaries of the Russian Federation Supreme Court. In June 2010, for the first time in the history of this highest body of judicial authority in the Russian Federation, a special clarification was made on matters of judicial practice regarding the "fourth estate" – the mass media editorial offices and journalists. The issue: readers' comments on Internet sites.

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1 This article is an extended version of a chapter of the author's book, *Commentaries to the Resolution of the Russian Federation Supreme Court Plenary "On Practice of Application of the Law of the Russian Federation 'On Mass Media'"*, Moscow, IKAR Publishing, 2010.

The Supreme Court clarified then[2] that in cases when a site is registered as a media outlet, regarding comments not subject to preliminary editing (for example, on a forum), rules are applied as established by the Mass Media Law[3] for authors' works which are broadcast without preliminary taping (part 2, art. 24, and point 5, part 1, article 57[4]). Thus, the Supreme Court conducted a so-called "analogous regulation" indicating that the rules established under Art. 57 of the Mass Media Law for television and radio programs are applicable to cases of dissemination of mass information (in fact, most often textual) through telecommunications networks.

The position on this issue, in our view, is closely connected to the status of the preamble of the Resolutions in which the Supreme Court indicated that "freedom of expression of opinions and beliefs, freedom of mass information are the bases for the development of modern society and a democratic state."

In practice, this position by the Supreme Court means that the editorial boards of Internet media outlets[5] in fact do not bear responsibility for the dissemination of such comments. Only the authors bear responsibility. In the event that appeals from the authorized state body (Roskomnadzor[6] or the prosecutor's office) are sent to the editorial board (to the editor-in-chief), establishing that a given comment is an abuse of the freedom of mass information (in the sense of Art. 4 of the Mass Media Law[7]), the editors have the right to remove it from their site

2 Point 23 of the Resolution of the RF Supreme Court Plenary "On Practice of Application by the Courts of the Law of the Russian Federation 'On Mass Media'", 15 June 2010, no. 16. Published *in Rossiyskaya gazeta*, no. 5211, 18 June 2010. See http://www.rg.ru/2010/06/18/smi-vs-dok.html

3 The Law of the Russian Federation "On Mass Media", 27 December 1991, No. 2124-1. The original text of the document was published in *Rossiyskaya gazeta*, no. 32, 8 February 1992.

4 Part 2, Article 24 (expired 11 November 2011) of the Mass Media Law states: "Rules established by this Law for radio and television programs are applicable regarding periodically distributed mass information through systems of teletext, videotext and other telecommunication networks, if the legislation of the Russian Federation does not establish otherwise. Point 5, part 1, Article 57 of the Media Law (in the current redaction) establishes that the editorial board, the editor-in-chief, and the journalist do not have liability for the dissemination of materials that do not correspond to reality and defame the honor and dignity of citizens and organisations or which violate the rights and lawful interests of citizens or cause harm to health and (or) the development of children, or that constitute abuse of the freedom of mass information and (or) the rights of the journalist, "if they are contained in authors' works which are broadcast without preliminary taping, or in texts that are not subject to editing in accordance with this Law."

5 While not directly using the term "Internet media" in the legislation on the media, the Supreme Court used the term "persons engaged in dissemination of information through telecommunication networks (including through sites on the Internet)." In 2011, amendments were made to the Media Law, which provide a legal definition of Internet media as "network publications."

6 Roskomnadzor is the Russian name for the Russian Federal Surveillance Service for Mass Media and Communications. It is the federal body of the executive branch which exercises in particular the function of oversight and surveillance in the sphere of the media, including electronic media. Roskomnadzor is under the Ministry of Communications and Mass Communications of the Russian Federation.

7 Art. 4 ("Impermissibility of abuse of freedom of mass information") enables editorial boards of media to be made liable for the unlawful use of mass media in the cases enumerated in it.

or edit it. In doing so, the editors are guided by the principles of Art. 42 of the Mass Media Law[8] (by analogy with how they deal with letters to the editors of the print media, that is, without distorting the sense of the reply, and not enabling the violation of the principles of the Mass Media Law). If after an appeal from a state body, the removal (or editing) has not been done, and these comments remain accessible to a given Internet site's users, then the exemption from responsibility provided for by Art. 57 is nullified and the editor of the Internet media himself will bear responsibility for abuse of freedom of mass information.[9]

Previously, there was legal uncertainty regarding the question of whether the editors were exempt in such situations. In the opinion of the executive branch's oversight body (the predecessor of Roskomnadzor), the very possibility of the appearance of content, for example, of an extremist nature on the pages of an Internet media site is a consequence of not creating the proper technological conditions which would enable compliance with the law's requirements. Characteristic of the period before the passage of the Resolution is a case that began with a warning sent in 2006 to Bankfax (in Barnaul), registered as an Internet media news agency. The complaints of the oversight body amounted to the fact that a certain *Bratka* published in the comments on the site of this agency phrases which could be interpreted as incitement of inter-ethnic hatred (the comments were later removed). Thus, Bankfax was accused of disseminating extremist materials. Bureaucrats demanded that the agency be closed; however they lost the case – first in a territorial court and then in the Supreme Court.[10] The Supreme Court notably confirmed that given "the circumstance that the forum on the site was modeled such that the readers' comments coming in were posted without preliminary moderation of the information contained in it," the comment was not contrary to law. It would seem that in and of itself, the comment could not be interpreted as extremist activity proceeding from the corresponding meaning of the law. Moreover, the plaintiff (the oversight body) did not provide evidence of the commission by the respondent (the Bankfax agency) of any

8 Art. 42 ("Authors works and letters") states "A letter addressed to the editors may be used in reports and materials of a given mass media outlet if in doing so the sense of the letter is not distorted and the provisions of this law are not violated."

9 This liability is expressed in Russia when in the event of repeated written warnings on the violation of Article 4 of the Media Law within 12 months, Roskomnadzor has the right to appeal to a court with a demand to halt the activity of the editorial office of the media outlet and annul the certificate of its state registration (Art. 16 of the Media Law).

10 Incidentally, the decision in this case was taken by the same judge at the RF Supreme Court who subsequently headed the working group on drafting the text of the resolution of the RF Supreme Court Plenary "On the practice of application of the law of the Russian Federation 'On Mass Media'", see the text of the definition: http://www.supcourt.ru/stor_text.php?id=7433882 and http://www.sova-center.ru/racism-xenophobia/docs/2007/01/d9952/

actions whose purpose was to post unlawful comments on the site. Meanwhile, on the basis of the publication, the territorial prosecutor's office opened up a criminal case under Art. 282 of the RF Criminal Code ("Incitement of ethnic, racial, religious hatred or enmity"). In the course of the investigation, it was established that the individual *Bratka* was also charged under the corresponding law, but later the case was closed for lack of evidence.

This did not influence the position of the government body. In July and August 2008, the government body issued a warning to the news agency Ura.ru for comments on its forums posted by visitors to the site in the context of polemics between open neo-Nazis and radical anti-fascists. According to Ura.ru, they received notice of the violations found without indication of specific materials or which violations could be removed. When the editors contacted the oversight body, they learned that the official who had conducted the inspection no longer worked there, and the rest were not available for comment. The extremist statements on the forum had appeared systematically, with the use of a complex system of proxy addresses which indicated the desire to "set up" the editors.

It should be noted that in 2010, Roskomnadzor categorically objected to the opinion of a working group on the draft text of the Resolution which refuted its position. A special letter to the Chairman of the Supreme Court was sent by the head of the agency in which the views of Roskomnadzor were outlined. They were based on the fact that registration of mass media places certain obligations on its editorial board, chief of which is the editing of reports placed in the media. The implementation of this function presupposes responsibility for violation of the Mass Media Law, in particular for dissemination through the mass media of extremist reports and materials. Roskomnadzor was concerned about the possible increase in the number of extremist materials and also materials propagandizing pornography, the cult of violence and cruelty posted on the sites of electronic media under the guise of readers' reports. Aside from everything else, this would lead to difficulty for them in exercising their oversight and supervisory functions in this area.

In the final analysis, even the representative of this body had to concede a compromise version of this point at the very last stage of preparation of the text. To be sure, in its official report for 2011, Roskomnadzor still ventured to state officially that after the passage of the Supreme Court resolution "On the Practice of the Application by Courts of the Law of the Russian Federation 'On the Mass Media'," many Internet media sites "virtually ceased to edit their readers' forums

themselves, expecting that the oversight body would do this work for them" (i.e. Roskomnadzor itself).

Procedure for establishing abuse of free mass information in comments

After the passage of the Resolution, the oversight body decided to seize the initiative by making its own interpretation of the act passed. Already by July 6, 2011, the head of Roskomnadzor, with order No. 420, confirmed the "Procedure for Sending Appeals on the Impermissibility of Abuses of Free Mass Information to Mass Media Outlets, Whose Dissemination is Exercised on Information Telecommunication Networks, Including on the Internet."[11]

The procedure was approved on the basis of the Media Law, the Resolution of Roskomnadzor and also the guiding Resolution of the Supreme Court Plenary, "On the Practice of Application by the Courts of the Law of the Russian Federation 'On the Mass Media'."

In accordance with this procedure, in the event that the fact was established that in readers' comments published on Internet media sites there were indications of the abuse of free mass information, Roskomnadzor would preserve the image on the screen (with a screenshot) with the unlawful comments. This screenshot would be attached to a notice issued of a documented fact of such a publication. Immediately after issuing the notice, Roskomnadzor would send an appeal to the address of the given media outlet which would contain a request to immediately remove the comment from the Internet media site or edit the material, guided by Art. 42 of the Media Law. The appeal would be signed by the head of the division of Roskomnadzor or a deputy and would be drafted under all the rules of administration.

The scanned notice would then be sent to the editors of the Internet media via the electronic mail addresses indicated on the site, with a request to confirm receipt, and would also be sent by fax. The fact of the notice and the time it was sent by electronic mail and by fax would be noted. Fulfillment of the requests of Roskomnadzor is checked after one working day from the moment the notice is sent (not received!). In the event that a request of Roskomnadzor to remove readers' Internet comments containing indications of abuse of free mass information is not heeded, or if after editing the comments, indications of

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11 See text of this order on the site of Roskomnadzor: http://rsoc.ru/docs/doc_537.pdf

the abuse of freedom of mass information are not removed, a warning would be prepared to be sent to the address of the editors of the Internet media as provided under Art. 16 of the Mass Media Law.

It seems to us that the procedure established by Roskomnadzor does not fully meet the criteria and spirit of the Supreme Court Resolution. Most notably, the deadline of one working day either to remove or edit the disputed comments was not defined. In discussions with the drafting group on the preparation of the Resolution, proposals to establish such a deadline (or define it by indicating that an immediate reaction was required) did not receive support by virtue of the absence of a corresponding mention in the Mass Media Law. Consequently, it is impossible to find a lawful basis for the deadline established by Roskomnadzor. Moreover, the editors of the Internet media site are not obliged to provide their electronic mail address on their site or upon registration, and do not have to have a fax connection.

In response to criticism of Roskomnadzor's demands regarding the deadline for a response, which were expressed by the author in an interview with the radio station Deutsche Welle, an aide to the head of Roskomnadzor responded quickly, asking DW's editors whether such deadlines existed for responses in Germany. A memo was prepared in reply[12] regarding judicial practice in Germany for application of the corresponding rules of German law on regulation of the activity of Internet sites (2007).

If the content of the comments are ambiguous and the editors, for example, need time to consult with a lawyer, a week's deadline are allowed for media sites. German courts are unanimous in saying that preliminary moderation of comments is the equivalent to censorship. The memo speaks of a resolution from a Munich court issued in 2008. It says, in particular: "The presence of preliminary oversight could 'scare off' users wishing to express their deliberate point of view and thus inhibit the exercise of the right to freedom of expression of opinions contained in the Constitution."

Roskomnadzor's practice of sending notices

The practice of applying the new procedure for notices to Internet media on the impermissibility of the abuse of the freedom of mass information indicates

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12 The response was published on the Deutsche Welle site (http://www.dw-world.de/dw/article/0,,5915106,00. html) and Roskomnadzor itself (http://rsoc.ru/press/publications/news12554.htm).

the following. In 2011, Roskomnadzor sent to the editorial boards of web publications 155 letters with requests to remove or edit readers' comments.[13] Thus, it can be said that instead of 155 warnings to media editors which would lead to compulsory closure of the media outlets, 155 notices were sent that left to journalists themselves the opportunity to correct the situation through their own efforts.

Here is how these 155 cases were classified according to the type of possible violations of the law (see Table page 71).

According to Roskomnadzor's official report for 2011, the comments are usually removed by the deadlines established under the rules or less often are edited. In 2012, requests intensified to remove or edit comments with indications of abuse of free mass information; In one week alone in August of this year, there were 18 such notices.[14]

It seems that this activity has turned out to be quite effective. From the moment the Supreme Court Plenary Resolution was passed, there were only a few cases where Roskomnadzor's requests were ignored, which led to warnings being issued. Thus, the editorial board of the electronic periodical Russkiy obozrevatel' received a warning for its dissemination of extremist comments to an article titled "Terrorist Act at Domodedovo Airport: Number of Victims Exceeds 30." In the opinion of experts of the Sova Information and Analytical Center, which monitors issues of xenophobia, the article in the media itself was a neutral report on the tragedy that had occurred in Moscow. However, some comments on the article really did contain calls for limiting the stays in Moscow of natives of the Caucasus or even deportation of them.[15]

The editors of Political News Agency, another electronic periodical, received a warning for distributing on the Internet commentaries to an article, "Ostankino Court Closes K bar'ieru! (To the Barrier!) newspaper". In the opinion of Roskomnadzor, the article had permitted expressions of an aggressive nature, and contained threats and incitement to violence and indications of abetting the commission of terrorist activity and the commission of crimes. A request to immediately remove the commentary with indications of violation of the law or edit it, was sent to the editor-in-chief's email address indicated on the Internet

13 See http://rsoc.ru/docs/docP-817.pdf

14 See http://www.rsoc.ru/news/rsoc/news16026.htm

15 See http://www.sova-center.ru/racism-xenophobia/news/counteraction/2011/03/d21078

site. Within a day, it was established that this commentary was not removed nor edited.

According to the latest information at Roskomnadzor, 12 specialists are involved in monitoring editorial materials and readers' comments of web publications, and are physically unable to track all publications.[16] At the end of 2011, they were allocated a computer and software unit to assist them, where developers tried to create a system which was capable of discovering any indications of violations of the law in officially registered web media materials. Above all, this was a question of detecting the propagation of extremism, narcotics and pornography. The dictionary incorporated into the software contains about five million words and phrases; however the public does not know what they are. The unit may also track pornographic images and videos.

Violation of the right to honor and dignity and privacy in Internet comments

The procedures indicated for sending notices does not concern cases of violation of the right to honor and dignity, business reputation and inviolability in privacy through readers' comments on Internet sites.

This is explained above all by the fact that the violation of reputation rights is not included in abuses of the freedom of the media. Although the divulging of any information that consists of any secrecy protected by law does constitute an abuse of freedom of the media, even so, in the best case Roskomnadzor still only guards state secrecy.

The Supreme Court Plenary Resolution does not address cases when citizens and legal persons, rather than authorized state bodies, complain to Internet media outlets with allegations that certain comments on forums violate their rights and lawful interests. Should we consider that even after such a complaint, in the absence of a positive response from the editors, then an exemption from liability is in effect? During the discussion of the draft Resolution in the drafting group, the prevailing thinking was that the persons who had been defamed themselves could refute the defamatory information on the forum and this should serve as sufficient protection of their rights and interests; moreover, it was not the business of the editors to interfere in readers' personal disputes and answer their numerous complaints.

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16 In addition, we note that there is no information that Roskomnadzor monitors the content of other media, i.e. it makes its warnings on the basis of complaints from citizens and organizations.

An analysis of judicial practice in lawsuits concerning the defense of honor, dignity and business reputation, and the violation of the right to an image in connection with dissemination of comments on forums of sites registered as media indicates the following:

The courts are inclined to believe that the position expressed by the Supreme Court in the Resolution mean that **editors of Internet media sites should not be held liable for comments posted by readers and for content of a defaming nature** (let us call this Rule 1). The courts proceed from the premise that if the liability for abuse of the freedom of the media comes after the refusal to follow the request from Roskomnadzor, then the absence of such a request indicates the absence in general of responsibility of the editors for comments. In the court decisions, we find the following argument: "In the materials of the case, information is absent confirming the request of the authorized state body with a demand for the removal of content from the forum, in connection with the fact that the proper respondent in this case is the person who directly posted the disputed information on the site".[17] In addition, the courts ignore the fact that Roskomnadzor in principle doesn't monitor violations of the reputation rights of citizens and organizations.

In some cases, the courts believe that if a complaint comes to the address of the editorial board claiming certain material does not correspond to reality and it is immediately removed and is unavailable for users of that site, then "there are no bases for placing liability on the editorial board of the newspaper for dissemination of content not corresponding to reality."[18]

The court nevertheless has the right to demand the dissemination of a disclaimer by the site owners' comments (or the editors of the Internet media) of the defamatory material contained in the comments. At the same time, in several decisions, the courts indicated that "reports on a forum, comments to articles

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17 Decision of the Arbitration Court of the Chukotka Autonomous Region in Case No. A80-85/2011 of 28 June 2011. See: http://rospravosudie.com/act-shepulenko-m-yu-as-chukotskogo-ao-28-06-2011-v-iske-otkazat-polnostyu-s. See also Decree of the 19th Arbitration Appellate Court (Voronezh) from 25 February 2011 concerning Case No. A08-5210/2010-30, decision of the Soviet District Court, Krasnodar, 21 October 2010, no. 2-5102/10g http://krasnodar-sovetsky.krd.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=236004710102714355770310000070196

18 Definition of the Judicial Collegium for Civil Cases of the Primorsky Territorial Court in Case No. 33-7523 of 22 August 2012. See: http://rospravosudie.com/act-oredelenie-ot-22-avgusta-2012-goda-33-7523-reshenie-bez-izmeneniya-lozenko-irina-andreevna-sharoglazova-oksana-nikolaevna-stepanova-elena-vasilevna-27-08-2012-o-zashhite-chesti-dostoinstva-delovoj-rep-s. See also decision of the Soviet District Court, Krasnodar, 21 October 2010, No. 2-5102/10g: http://krasnodar-sovetsky-krd.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=236004710102714355770310000070196

whose authors are third parties are not materials that can be refuted, no matter what form in which they were expressed, since in each case, they constitute opinion and judgments."[19] In other words, the demand to refute such reports is not based on the law. Apparently, discrepancies in the approach are related to the nature of the comments posted.

Rule 1 operates by analogy regarding sites not registered as media

In that case liability should not be imposed on the owner of the post-moderated site.[20] Reviewing the lawsuits against site owners, the courts also take into account that in compliance with point 3 of Art. 17 of the Federal Law of 27.07.2006 No. 149-FZ "On information, information technology and on the protection of information" in the event that dissemination of certain information is restricted or forbidden by federal laws, the civil iability for the dissemination of such information is not borne by the person providing the services:

a) either upon transmitting the information provided by another person, under the condition that is transmitted without changes and corrections;

b) or upon storage of the information and ensuring of access to it under the condition that the person could not have known about the illegality of the dissemination of information.

In such cases, the courts believe that content defaming the honor and dignity of the plaintiff is disseminated not by the site owner but directly by the authors of the statements, and the court cannot establish their identity. If the plaintiff does not provide proof of the respondent's commission of any actions whose purpose would be to post commentary containing unlawful content, that is, actions to disseminate information defaming the plaintiff, then demands to the site owner to protect the honor, dignity and business reputation are not subject to satisfaction.

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19 Decision of the Kueda District Court of Perm Territory, 7 April 2011, in Case No. 2-3. See: http://kueda. perm.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=59600261106150918111561000012044 See also: Decision of the Syktyvkar City Court of the Republic of Komi, 29 April 2011 in Case No. 2-2168/2011 http://syktsud.komi.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1& id=1160001110828192027829100120269

20 Decision of the Arbitration Court of Primorsky Territory in Case No. A51-6831/2010 of 29 July 2010. See: http://rospravosudie.com/act-zayashnikova-o-1-as-primorskogo-kraya-29-07-2010-udovletvorit-isk-polnostyu-ili-chastichno-16602507. Decision of the Central District Court, Kemerovo, Kemerovo region, in Case No. 2-3133/10 of 12 August 2010. See: http://centralniy.kmr.sudrf.ru/modules.php?name=bsr&op=show_text&srv_nu m=1&id=42600091009031420174681000098545. Appellate determination by the Judicial Collegium for Civic Cases of the St. Petersburg City Court of 31 May 2012, No. 33-6882/2012. See http://sankt-peterbursky.spb. sudr.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=78400001206140927461871001921253

Courts view the site owner as a respondent who has no special status in mass media or as a media editor whose duties include work to analyze and edit the information product on his site.

Not even cases where the administration of the site removed the statements containing uncensored swear language cannot serve as proof of editing of the posts, since the entire post is removed and not edited by the site administrator when such posts containing uncensored swear words are discovered.

The mere fact of forum moderation on the site in such a way that readers' commentary is allowed to be posted without initial checking of the information contained in the posts does not violate the law and cannot be viewed as activity aimed at dissemination of defamatory information.[21]

The court can come to such a conclusion on the basis of study of the users' agreement between the service provider and the user, in which, for example, it is stated that "the service provider does not initiate the user's creation of information or its transmission and does not select the user's information or influence its integrity." Thus, the court decides, "the respondent does not bear responsibility for the information transmitted since under the terms of the above-mentioned user's agreement, from the moment he is registered at a given site, it is the user who takes upon himself all the risks of liability for the posted information."[22]

The justifications for the imposition of liability on a site owner for dissemination of content by users of the site can be merely their actions proving guilt for dissemination of such content. [23]

Other court decisions offer a contrary interpretation of this issue, imposing liability on the site owner if he had the opportunity to edit and check the information

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21 Appellate determination by the Judicial Collegium on Civil Cases of the St. Petersburg Municipal Court, 31 May, 2012. See http://sankt-peterburgsky.spb.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=78400001206140927461871001921253. Decision of the Kemerovo Central District Court, Kemerovo region, on case No. 2-3133/10 of 12 August 2010 http://centralniy.kmr.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=42600091009031420174681000098545

22 Decision of the Arbitration Court of the Chukotka Autonomous District in case No. A80-85/2011, 28 June 2011.See http://rospravosudie.com/act-shepulenko-m-yu-as-chukotskogo-ao-28-06-2011-v-iske-otkazat-polnostyu-s. See also: Decision of Soviet District Court, Krasnodar, 21 October 2010, no. 2-5102/10 http://krasnodar-sovetsky.krd.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=23600471010271435577031000070196

23 Appellate determination by the Judicial Collegium on Civil Cases of the Supreme Court of the Chuvash Republic, 20 June 2012, in case No. 33-1925-12. See: http://vs.chv.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=21400001206270837377961001449115

posted in the readers' comments of another forum, but did not do so.[24] The position exists, confirmed by a decision of the Higher Arbitration (Supreme Economic) Court, that liability can be imposed on the site owner (administrator) for anonymous statements on the site violating the rights of third parties, since the owner is a person "who provides the relevant conditions and technical capacities (or gives consent to the provision of such conditions) for visitors of his Internet site." Moreover, liability in this case is expressed in the need also to compensate reputation damage in the amount of 100,000 rubles.[25]

In releasing the site owner from liability, the court may come to the paradoxical opinion that "taking into account the special features of the way in which information is disseminated on an Internet site the person who bears responsibility for posting statements on a forum are the owners of the IP addresses (the network addresses of the node) and not the site provider or the administrator."[26]

On the question of the site owner's liability, special attention must be paid to two similar appellate determinations passed in June 2012 by the Chuvash Republic Supreme Court.[27] They overturn decisions of the Cheboksary District Court regarding suits brought in defense of honor and dignity in connection to dissemination of statements on an Internet site.

By decisions of the court of the first instance (that is, the district court), the owner of the Internet portal nasvyazi.ru was pronounced responsible for dissemination of defamatory statements. Along with the authors of the statements, he was obliged to place on the site a rebuttal with apologies proposed by the plaintiffs,

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24 Decision of the Arbitration Court of the Primorsky Territory, case No. A51-6831/2010, 29 July 2010. See http://rospravosudie.com/act-zayashnikova-o-l-as-primorskogo-kraya-29-07-2010-udovletvorit-isk-polnostyu-ili-chastichno-16602507.

25 See Resolution of the Federal Arbitration Court of Moscow District, 22 May 2012, case No. A41-19354/11: http://kad.arbitr.ru/PdfDocument/967195ec-93a8-4a6b-8842-e2ca55cfd4f7/A41-19354-2011_20120522_Reshenija%20i%20postanovlenija.pdf Determination of the Collegium of Judges of the RF Higher Arbitrage Court to reject the referral of the case to the Presidium of the RF Higher Arbitrage Court, No. VAS-8444/12, 16 July 2012. See: http://kad.arbitr.ru/PdfDocument/58ea2fda-8657-45b0-8b23-ffd9f96ef6c8/A41-19354-2011_20120716_Opredelenie.pdf

26 Decision of the Arbitrage Court of the Chukotka Autonomous District in case No. A80-85/2011, 28 June 2011. See: http://rospravosudie.com/act-shepulenko-m-yu-as-chukotskogo-ao-28-06-2011-v-iske-otkazat-polnostyu-s

27 Appellate definition of the Judicial Collegium in Civil Cases of the Supreme Court of the Chuvash Republic of 18 June 2012 in case No. 2-81/2012. See: http://vs.chv.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=21400001206290826359531001454041 and Appellate determination of the Judicial Collegium of Civil Cases of the Chuvash Republic Supreme Court, 20 June 2012, in case No. 2-82/2012. See: http://vs.chv.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=21400001206270837377961001449115

compensate them for the moral harm caused by the statements, and pay the court fees.

Complaints against these decisions were sent to the Chuvash Supreme Court, notably on the grounds that the site owner only provides an opportunity to other persons to publish their opinion and to familiarize themselves with information published by other users. The complaints stated that as an intermediary ensuring the work of the Internet, a site owner, in compliance with the legal position outlined in the "Joint Declaration on Freedom of Opinion and the Internet" of 1 June 2011, cannot bear responsibility for disseminated information.

In its determination, the Supreme Court first of all indicated that the right to freely express one's opinion, including the freedom to hold one's opinion and the freedom to received and impart information and ideas is provided by the standards of international law, including Art. 10 of the Convention on the Defense of Human Rights and Fundamental Freedoms and Art. 19 of the International Covenant on Civil and Political Rights. "This principle is extended also to the Internet, as well as all other means of communications. In creating forums, site owners offer users the opportunity to receive and impart information, which is to realize the right indicated above. Restrictions on the freedom of expression of opinions on the Internet in those cases where they are in accordance with established international norms and can be applied only in cases provided by law."

In that connection, the Chuvash Republic Supreme Court focused on the nature and content of the Joint Declaration on Freedom of Expression on the Internet issued 1 June 2011 by the United Nations Special Rapporteur on Freedom of Opinion and Expression; the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe; the Special Rapporteur on Freedom of Expression of the Organization of American States and the Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and People's Rights. The joint statement outlines the principles of liability for subjects acting in the capacity of intermediaries. In particular, par. 2(a) of the Declaration states

> *No one who simply provides technical Internet services such as providing access, or searching for, or transmission or caching of information, should be liable for content generated by others, which is disseminated using*

those services, as long as they do not specifically intervene in that content or refuse to obey a court order to remove that content, where they have the capacity to do so ('mere conduit principle').

Par. 2(b) of the Declaration notes the necessity of viewing the question of full protection of other subjects performing the function of intermediaries from liability for content generated by others under the conditions defined in par. 2(a). At a minimum, these "intermediaries" are not obliged to perform monitoring of the content generated by users and regarding them, must not apply rules of extra-judicial removal of content which does not guarantee the necessary protection of freedom of expression.

The Chuvash Supreme Court noted that the court of the first instance, in making its decision on imposing liability on the site owner indicated that the Declaration is not a binding norm of law that must be applied. Without objecting to this position, the appellate court nevertheless indicated that "the imposition of liability on the site owner is possible only on the grounds provided by common norms of civil law." Even so, common principles, including international principles, in resolving the issue of liability of owners of sites that are not mass media outlets, cannot fundamentally diverge from the principles of liability for owners of sites that are mass media outlets. This is also borne out by the concurrence of legal positions in the declaration and the Resolution of the Supreme Court Plenary of 15 June 2010, "On the Practice of Application by the Courts of the Law of the Russian Federation 'On the Mass Media'."

The Chuvash Supreme Court also noted that in making the decision to impose liability for failure to take measures to remove content from the site, the district court did not cite any legal norms obliging site owners to remove users' statements which do not suit other users. At the time when the owner was issued the demands to remove the posts as not corresponding to reality and defaming the honor, dignity and business reputation of the plaintiffs, there was also no court decision confirming the nature of such statements.

All of these arguments served as a basis for overturning the decision for the district court regarding the site order and issuing a new decision, according to which the owner was obliged only to post a disclaimer on the site as edited by the Chuvash Supreme Court. The time period for the posting (archiving) of the

disclaimers was defined as at least one year from the moment of publication (the original posts were removed). Yet it was also noted that in itself, release from liability for disseminating statements that did not correspond to reality could not serve as the basis for a rejection of the demands to publish the disclaimers.

Some courts believe that Rule 1 also applies to printed periodicals which reprint commentary on their pages from Internet forum readers, even if this is commentary from the forum of another media outlet. Moreover, it is unfair to demand that the editors check the statements disseminated: after all, they do not have a "real opportunity" to establish even the identity of the authors (who in the case reviewed by the court used a nickname)[28].

Meanwhile, the right position should have been the dissenting opinion of another court which found that liability for media "is not imposed in the event that readers' comments are posted on the forum of that site in connection with another publication."[29]

Rule 1 may also apply regarding e-mail sent to the address of the editors of the media.[30]

Comments on forums are outside the jurisdiction of civil cases on defense of reputation

In one decision, the court found that the statements of authors of their personal opinion and evaluation of a specific topic discussed on the forum in the form of public debates in principle could not be a subject of judicial defense in cases of defense of honor, dignity and business reputation. A person who believes that a valuation judgment or opinion disseminated through mass media (or by analogy, on the Internet in general) affects his rights and lawful interests can use the right provided him under Art. 152, point 3 of the RF Civil Code and Art. 46 of the RF Law

28 Decision of the Kuede District Court of Perm Territory, 7 april 2011, in case No. 2-3. See: http://kueda.perm.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=596002611061509181115610000120144

29 Decision of the Arbitration Court of the Primorsky Territory in case No. A51-6831/2010, 29 July 2010. See:http://rospravosudie.com/act-zayashnikova-o-l-as-primorskogo-kraya-29-07-2010-udovletvorit-isk-polnostyu-ili-chastichno-16602507

30 Determination by the Judicial Collegium for Civil Cases of the Primorsky Territory Court in case No. 33-7523, 22 August 2012. See: http://rospravosudie.com/act-oredelenie-ot-22-avgusta-2012-goda-33-7523-reshenie-bez-izmeneniya-lozenko-irina-andreevna-sharoglazova-oksana-nikolaevna-stepanova-elena-vasilevna-27-08-2012-o-zashhite-chesti-dostoinstva-delovoj-rep-s.

"On Mass Media" for a reply, comments, or statements in the same mass media for the purpose of justifying the falsehood of the disseminated judgments, and supply another evaluation.[31]

Reviewing the lawsuit regarding the material posted on the blog, the court noted that "An Internet blog is an instrument for communication on the site, that is, it constitutes a form of communication with comments from specific persons who express their own opinions and evaluations regarding the topic of discussion given by these same persons…The posted article on the forum and the comments under it published on the Internet as private opinion can be disputed by the plaintiff in the form of polemics, that is, an answer, reply or comment which the plaintiff can freely and independently publish on the same forum. The plaintiff has the right to comment himself on the author's statements for the purpose of justifying the incorrectness of the disseminated judgments, and can offer another evaluation."[32]

At the present time, the Supreme Court is reviewing the possibility of consolidating the above-mentioned practice and adopting new recommendations for courts with the purpose of developing its 2010 Resolution and harmoniously applying the law on media.

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31 Decision of the Arbitration Court of the Chukotka Autonomous District in case No. A80-85/2011, 28 June 2011. See:http://rospravosudie.com/act-shepulenko-m-yu-as-chukotskogo-ao-28-06-2011-v-iske-otkazat-polnostyu-s. Decision of the Kueda District Court of the Perm Territory, 7 April 2011, in case No. 2-3. See:http://kueda.perm.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=596002611061509181115610000012044

32 Appellate definition of the Judicial Collegium for Civil Cases, Saint Petersburg City Court, 31 May 2012, no. 33-6882/2012. See: http://sankt-peterburgsky.spb.sudrf.ru/modules.php?name=bsr&op=show_text&srv_num=1&id=78400001206140927461871001921253.

Table 1. Statistics of Requests from Roskomnadzor Regarding Readers' Comments on Internet Media

REASON	NUMBER OF REQUESTS
Indications of incitement of ethnic hatred	81 (52%)
Calls for violent change of the foundations of the constitutional order and violation of the integrity of the Russian Federation	26 (17%)
Comments containing instigation of commission of terrorist activity	18 (12%)
Indications of incitement of social enmity	9 (6%)
Indications of incitement of religious enmity	9 (6%)
Propaganda of the cult of violence and cruelty	6 (4%)
Propaganda of fascism	4 (3%)
Indications of incitement of racial enmity	1 (<1%)
Propaganda of narcotics	1 (<1%)
TOTAL	155

Charged by the Net

Anna Kachkaeva

A little more than two years ago, I had to start a page on Facebook.

By that time, for many editors who were adapting themselves to convergent and multi-media tracks, it had become clear that social networks were a convenient means for additional promotion of programs and the radio station where I worked. As a researcher and a teacher, it was important for me to understand personally as well – and not from the publications of Western colleagues – how a professional journalist can and should exist in this information space, and how much his affiliation with an editorial office and his status as a journalist affect audience attraction and the formation of a persistent online community.

I had 1,545 friends; they were, in part, active readers and listeners but largely professionals connected to the media of various platforms and with various editorial lines, except the nationalist line (this was a very important understanding of the "kernel" of the audience). I also had 1,912 subscribers and about 1,000 offers of friendship rejected. Observing the life of this very likeable community, I was to find a confirmation of many of the observations of my colleagues from different countries, but with a Russian coloration, largely related to the lack of a free discussion space in traditional media (especially on TV).

For starters, two examples: On November 1, on a day when the mass media, citing press secretary Peskov, published the news that the president of Russia was postponing his foreign trips until December due to a "confluence of reasons" and not due to his health, I published this post on my Facebook page:

> A man of about 60 years old picked me up for a ride[1] in an ancient but sturdy and well-maintained Volga. He was talkative and forceful. When he told me about V.V.'s back[2], he swore at the mass media and switched

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1 The reference is to an informal private car driver who offers rides to the public.

2 The reference is to President Vladimir Vladimirovich Putin, who was rumored to suffer from an undisclosed back ailment at the time.

to a recounting of a show on the False Dmitry[3] (no accident, allegedly! It was broadcast then) at the very end of the news on RSN (although when I had gotten into the car, from habit I glanced at the dashboard and saw the radio was switched to the station Ekho Moskvy[4] – most likely the man surfed through different talk show stations). Well, this folk interpreter of "the agenda of the day" who surely knew his business, told me: "Things are bad with Vlad Vladimych[5]; so there's no question they are showing us a double."

"Oh, stop it," I replied. "So he's gotten sick, and isn't traveling for the time being."

"Oh, no," my driver interrupted. "What, you believe them?! There's a real rumpus going on there, that's for sure. But I feel sorry for him, you know, Vlad Vladimych, none of the billionaires are helping him," this fellow – nearly a character out of a Shukshin[6] novel – concluded, "There's a media symptom for you."

Seventy five people clicked "like" on this story, and 5 people shared it (i.e. they re-posted it). But the main thing was that their comments reflected the entire cross-section of typical Facebook reactions. Some of my journalist colleagues joked about how "doubles" often figure in our Russian history, so that it was not so far-fetched to think of a "False Vladimir"; others noted that they also always notice what radio station is turned on in the car. A foreign reader of my feed asked: "Who is *dvoinik*[7]?"

It wasn't the journalists who reacted to this post more emotionally, from political positions; it was those who are not satisfied with the current government who responded with unkind words. Their opponents – supporters of the current government – reposted and commented on their own feed, and immediately suspected the author (that is, me) of a fake story, that is, "taxi drivers don't talk

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3 The "False Dmitry" is a term that refers to the various pretenders to the Russian throne during the Time of Troubles who claimed to be Tsarevich Dmitry Ivanovich of Russia, the youngest son of Ivan the Terrible, after the real Dmitry's death at the age of eight. These imposters claim to have miraculously escaped the assassination attempt that appeared to have claimed Dmitry's life; one of them actually became tsar. *Source Wikipedia.*

4 Echo of Moscow, one of Russia's few independent radio stations.

5 Colloquial for Putin.

6 Valery Shukshin, 1929-1974, a Russian author, actor screenwriter and movie director from Altay region noted for his rural themes whos father was arrested and shot during Stalin's collectivization campaign.

7 The Russian word for "double."

like that" (although I did not say anything about taxi drivers in my post); that even the "ancient Volga" evoked mistrust (in the opinion of one commenter, I could hardly have wound up in "the rarest car in Moscow").

Finally, the most important comment in the context of this article, was this statement: "It isn't appropriate for a journalist to cite a taxi driver's statement. Even if it were true, it will still be perceived as a lie." At the finale of this story, which lasted online for about an hour (from the time of my publication of the post to the last comment), the blog editor of Ekho Moskvy wrote to me and asked to place this post on the radio station's site. This time, I asked him not to do this (although some of my Facebook posts published on the Ekho portal would get 14,000 to 30,000 views) because I had written it for my friends; it was a "scene from life" not intended for the media, but just a personal observation (not having any relationship to my work), and my skeptical readers should not become victims of conspiracy theories and media effects like the character about whom I had written.

Ten days later, on a weekend in November, I posted a photograph on my Facebook page with a panoramic view of autumn in Moscow, which had been taken from the window of our Faculty of Media Communications of the National Research Institute, Higher School of Economics, whose building is located in the historic center of Moscow. The picture got more than 100 "likes." Such a collection of button-pushing to say "I like this," aside from pretty pictures of nature, occurs in two other cases: the publication of pictures of cats or dogs (children, by the way, sometimes get less "likes") and anecdotes or aphorisms, preferably in one or two lines, preferably with a light touch of cynicism or frivolity.

What follows from these examples?

A working journalist who has many years of work to their credit and has formed an audience one way or another from traditional media can only in part remain a private person on the Web. The journalist's status, the media brand, and his personal reputation are transferred to the Web, helping or, on the contrary, hurting his professional position. On pages in social networks, mechanisms of processes open up which are hard to pinpoint in editorial offices due to their limited interactivity. That's one side of it. On the other hand, it is the Web that replicates the editorial mechanisms with which the professional is more accustomed to dealing, turning the Web space into a space of collaboration (never have such

a number of people invented headlines, taken photographs, and laid out and published periodically at such a mass level).

Like and smile space: The Web and emotions

How does a television screen differ from the screen of a computer hooked up to the Internet? In the context of our conversation, in only one way: when watching television, we "talk" to a screen that does not talk back to us, in the sense that we do not obtain feedback from the television. You can speak as much as you like about a surrogate and network communication, but it is interactivity that is attractive for people who are looking either for a "communities of their own people" or a sense that they are not alone, or a mutual disclosure of "life scenarios" or a means of self-expression, when people laugh and empathize what was not made by professionals. But for professionals as well, informal network communication is an opportunity to receive additional attention (or approval or censure), the opportunity to explain oneself to people whose opinion you trust and even reduce tension, which is always present in the professional milieu.

Smiley faces and "likes" can also, in some sense, be seen as media effects. A smiley face J is a replacement for revealed emotions, a sign enabling one not to waste a lot of words. It is a utilitarian instrument conceived in order to compensate for the absence of emotions on the Web,))), essentially, it leads to an increasing lack of the need to select words (((Everything is clear anyway))).

Repost journalism

In the era of mass television and only a fledgling Internet, it was customary to say: "If you haven't been shown on television, you don't exist." In the current situation of Web "individual mass communications" (according to Manuel Castells) it is considered that "if you have been reposted, then you exist." Essentially, this is the same index of citation that is important for those who attain popularity and influence on the Web. With the help of "repost journalism," the effect of the correlation of the information consumer to the author is more obvious; there is solidarity with similar or liked opinion, and satisfaction from the expression of thoughts in such a way that it seems as if "he wrote it himself."

In fact, liking an opinion, text or author unifies people on the Web no less than dislike and irritation (it turns out that "getting mad" together for a common

reason is also comforting). The repost, just like the comments, is a reaction of engagement, the "stickiness" of the audience not only for specific authors on the Web but the transition of this personal loyalty to the media where the journalist works. Thus, the continuation of "the editorial you" on the Web works for the author's name and the media brand – and vice versa. When the media outlet where you work establishes a Web page, this helps promote you when a re-post is made not only of your materials broadcast on the air but your blog posts.

The Web as a community of experts and critics

The personal story of a personal observer with which I began this article is part of the ordinary life of a published author on the Web, on to which the profession of author is projected. But further, on your personal page, there can be more or less of the professional – it depends on your personal strategy. Many of my colleagues use their pages as an additional place for publication of their materials already published in the media; others use it as a place to offer publication of those texts and broadcasts that were cut or rejected by the editors. For me, the Facebook page above all is a platform to maintain and support interest in the topics of my professional interest in television and the media, in the accepted format for the Web.

Observation of how the social network audience, professional or non-professional, discusses television provides a representation not only of people's reactions. They are capable of becoming material for producers, television content providers and can serve as marketing tools for promoting the product to the consumer who traditionally does not watch television.

The Web viewer can be "glued" to the television by commentary along with viewing. This is particularly visible when there is a live broadcast of a significant, large-scale spectacle. The effect of presence; the wish to discuss in a community what is seen; the satisfaction from instantly sharing with someone the reaction to the screen; the remark or joke – this participation in the event is similar to the feeling of a fan. The custom of watching something together brings people closer. There are even cases when I have begun a discussion, and described the first scenes, and then I had to leave. Then later, on the road, I catch up on the comments which filled my page in my absence. I no longer saw what was being shown on television, but on my iPhone, I saw a reflection of what was shown in the Facebook comments.

Today, the subject of how TV shows are discussed on social networks is one of serious research interest. Thus, for example, in Germany, according to data from an Internet survey conducted by the channels ARD and ZDF, 43 percent of German users have a profile in social networks and a third of them (31 percent) exchange views on these networks about what they have seen on television. But 80 percent of viewers up to 25 years of age watch sports programs and simultaneously discuss them with friends on Facebook. A recent Western survey that also touched upon Russia was conducted by Ericsson ConsumerLab (13,000 interviews in 13 countries). More than 40 percent of those surveyed noted that while they are watching TV, they continue to chat on social networks with the help of smart phones or tablets. (For more details see http://www.kommersant.ru/doc/1818066).

Recalling the classic work by José Ortega y Gasset, *Revolt of the Ma*sses, we can agree with the fact that the "mass man," who has obtained a lot of free time and relative social prosperity develops the need for self-presentation and self-realization which is realized in the indisputable "right to an opinion on the matter without previous effort to work one out for themselves" (Chapter VIII).

But at the same time, Web communication, with its interactivity and necessity of entering into polemics, helps both to form a view and enables its formulation. Even 50 years ago, the idea was expressed that television disunites the family; family members didn't gather at the dinner table, where they could talk among themselves, but sat at the television set. Now, they don't even sit at the same television at all. People who are in one apartment can be looking at programs at the same time but discussing them not among themselves, but in various communities on the Internet. The networks uniting people more strongly and more rapidly according to individual interests nevertheless cannot, like television, impose a "common agenda of the day" for peoples and the state, but evidently can still influence it.

Likely even today, you cannot disagree strongly with the opinion of Ortegy y Gasset, who did not know the Web, but who wrote about "a century of self-satisfied ignoramuses." Yet such a characterization of active users (especially of activists who build bridges and "crowd-sourcing" platforms to offline foundations, actions, and volunteers) does not reflect the whole spectrum of processes. Since the appearance of bloggers, equated in influence and popularity to mass media, there has been a recognition that timeliness is now a prerogative mainly for social

networks and not traditional media. Not to mention the fact that thanks to the formation of communities, through the Web a journalist can very quickly find both a needed expert and the direction for research. He can obtain important insider's information, and the explanation of details of processes not visible on the surface. The Web is prepared to help, and a journalist can and should make use of this opportunity. Finally, the Web makes available to "the individual Web viewer" a lot of what television tries to hide from the "mass viewer" (stories and programs taken off broadcast from federal channels quickly turn up on the Web).

Am "I" on the Web a journalist or a person?

Is there a difference between the reaction to a journalist's text on the editors' platform and the opinion of a journalist on social media? Yes and no.

On the one hand, it seems as if on the Web, "authorship is liberated" (it's your own personal blog), but affiliation with a professional corporation does not separate the person from the journalist. That's why there are cases when the journalist, as a private person on his page on Facebook, Live Journal or Twitter has published some remark or comment and it provokes exactly the same reaction of the community or the people mentioned in the remarks as if they were publications in the traditional media, when people are insulted, demand retractions, and insist on publication of their own viewpoint. This is not to mention cases of firings from media outlets for publication on personal pages which contradict the editorial code or the rules of the contract (this is a special and sensitive topic, but such stories are not a rarity in many countries of the world).

Moreover, heated discussions periodically erupt among professionals on social networks: about what is permissible and what is not; where people have sold out and where they have not; where the border is between propaganda and a viewpoint. Such reflection forces people to say: why you are in the profession, what you are doing, what do you want to do further, and how much you relate yourself to the corporation? This conversation, it seems to me, is productive. Furthermore, in this constant feedback with content consumers, you sense the need to teach citizens media literacy, and with media professionals, expand the "interpretorial community" on the Web, which helps reflections and making sense of what happens in the professional sphere.

Thus, the free Web space for the professional journalist is not only and not merely a personal space, but a space for a new type of professional communication which you have to learn how to manage and which does not remove the consequences for ethical norms and internal accountability for reactions, opinions and words.

Social media and journalism

Leah Betancourt

The backchannel of life that is social media doesn't take a break. Social media doesn't stop when you go to sleep. Not only is it always on, but it is growing in size and its voice is getting louder.

This real-time flow of information, photos and video from all over the world funneling through social networks cannot be ignored. For journalists, the balance of using social media for newsgathering, reporting, verifying – with the ethical issues that go with it – remains a challenge that continues to be tried and tested as older standards evolve to meet the demands of new technologies. Social media's immediacy, ease of use, low barrier to entry and global footprint have made information, news, content and sentiment, travel farther and faster than ever before.

What used to happen before "going to press" – information distribution – in the forms of verification and fact checking now play out simultaneously in social media. Process and transparency is as newsworthy as the newsgathering and reporting itself. It is becoming a part of how stories are told with social media, and the whole world is paying close attention.

Facebook hit 1 billion users in October 2012, and 81 percent of its monthly active users are now outside the United States and Canada. Twitter today has more than 140 million active users and generates 340 million tweets per day.

Journalism has begun addressing what this change means for the industry. Harvard University's Neiman Report focused its Summer 2012 issue "Truth in the Age of Social Media," on how news organizations such as the AP, BBC and CNN handle verifying user-generated content from social media. (http://www.nieman. harvard.edu/assets/pdf/Nieman%20Reports/backissues/NRSummer2012.pdf).

One of several early tests of social media that grabbed the world's attention and validated these networks as a news source was the protests that erupted from the Iranian election in June 2009. Twitter users turned their profile icons green to support the protests. #IranElection tweets maxed at 221,744 per hour at the time

and 3,000 videos on Iran were posted on YouTube in one day, Mashable reported in 2009.

Twitter's role was significant: The U.S. State Department asked Twitter to postpone scheduled maintenance during the upheaval so as not to interrupt the updates. Social media put a face on the protest victims. News reports identified a woman shot in the streets during the melee as Neda Soltan. A YouTube video captured her graphic death and attempts to stop the bleeding after she took a gunshot to the chest. Her death fueled an outcry to stop the violence.

During the 2011 Arab Spring, Andy Carvin, senior strategist at National Public Radio in Washington, D.C., used Twitter to curate, crowdsource, build sources and verify updates from the region remotely. At one point, Carvin tweeted for 20 hours, generating 1,400 messages, the Washington Post reported in 2011. He turned to the region to find out what was happening, but the world turned to Carvin on Twitter for real-time updates. He won a Knight-Batten Award, Shorty Award for best journalist on social media and was one of TIME Magazine's 140 Best Twitter Feeds of 2011.

When the U.S. stormed Osama bin Laden's compound in Pakistan, a witness took to Twitter during the takedown and capturing of the elusive terrorist. The Atlantic reported that IT consultant Sohaib Athar live tweeted and blogged the raid as it happened. Athar's firsthand, real-time account garnered him worldwide attention.

However, the real-time news feed of social media content has not come without pitfalls. Posting updates on social media and verifying content has become more critical – and downright tricky. Editorial and social media teams at operations such as Storyful, BreakingNews.com and Reuters follow social media reports closely, working to verify and distribute reports from originating sources.

Social media's international scope has worked to narrow the gap between national and international events. In June 2011, The *Gay Girl in Damascus'* blog that supposedly was run by lesbian Amina Arraf, claimed she had been kidnapped by Syrians, but the blog was outed to be a hoax: it was being run by an American man in Scotland, according to the Guardian. The Guardian's website reported on the blogger's identity and his response. (http://www.guardian.co.uk/world/2011/jun/26/gay-girl-damascus-accused-defending).

"Innocence of Muslims," a trailer posted on YouTube for a film about the Islamic Prophet Muhammad in September 2012 resulted in a violent backlash among Arab populations worldwide. The upheaval culminated with the bombing of the U.S. Consulate in Benghazi, Libya, which killed four Americans, including U.S. Ambassador J. Christopher Stevens. Social media accounts continued to capture the outrage and spreading militia violence resulting from the video, as well as the anti-militia sentiment that went through Libya after the Ambassador's death. The social transformations that fueled the Arab Spring did not end with successful revolutions, but continued to play a pivotal role in shaping the peace that followed.

Leading up to the U.S. presidential election on November 6, 2012, social media became more influential than in the previous two presidential elections. Presidential hopeful and former House Speaker Newt Gingrich announced his run for president on Twitter. Campaign ads made instant fact checking a new hobby – or even a national pastime with apps such as Ad Hawk, which checks ads via audio content against its database for accuracy. Instant fact checking became a feature of the presidential and vice presidential debates. On election night at 11:19 p.m. EDT as news networks called President Barack Obama's re-election, tweets per minute peaked at 327,452, according to Twitter's blog.

On October 29, 2012, Superstorm Sandy slammed into the Mid-Atlantic U.S., devastating the New Jersey coastline, Manhattan and its subway system, Long Island and other areas in the region. As the storm made landfall, Northeasterners took to Twitter and Facebook during the unprecedented weather event. What unfolded was verification, curation, crowdsourcing and fact-checking – all happening in real time. False reports about Metropolitan Transportation Authority's subway system were quickly debunked. A Twitter user (@ComfortablySmug) who tweeted false information during the storm was outed as the campaign manager for New York Congressional candidate Christopher Wright and ended up resigning, according to a report by Buzz Feed political reporter Andrew Kaczynski. The storm knocked out websites of Huffington Post, Buzz Feed and Gawker, Kaczynski immediately started a Tumblr site specifically to keep the Sandy storm updates and comments coming[1].

So what do these news events playing out on social media mean for journalists? The notion of what is news continues to broaden. So does distribution. There are

1 http://buzzfeedandrew.tumblr.com/page/6 and http://www.buzzfeed.com/andrewkaczynski/councilman-pushes-for-charges-against-twitter-user

more devices for getting content out to users, and more platforms for distributing content.

The downside is that users, the audience, media companies, developers and APIs are at the whim of these platforms – unless the company reverts. When social networks change their interface or are bought out, users and apps must adapt, keep up, find another similar service or complain loudly. Sometimes these services retreat due to users' backlash such as Instagram changing its terms of service in December 2012, but sometimes they don't

Social media as a news source means changing roles for journalists in how they approach and cover news – as Andy Carvin demonstrated with his Arab Spring coverage. The changing role for news organizations on social media continues to be the tone and the approach they use in posting content, the process of vetting content and reaching their audience in the space.

In a presentation I made in April 2012 at the S.I. Newhouse School of Public Communications at Syracuse University, I pointed out the trend of journalists being hired at high-profile blogs and news websites such as Mashable, Buzz Feed and Tumblr. Similarly, media companies are hiring leading social media influencers to run their social media presence on these platforms. With that hiring trend, is there also a role reversal between these online sites and news organizations or are they just resembling each other?

GigaOm's Matthew Ingram suggested that mainstream media is trying to be like Tumblr by injecting memes and animated gifs into their content and that Tumblr is trying to become more like mainstream media by doing things such as hiring bloggers to cover the national Democratic and Republican party conventions. (http://gigaom.com/2012/10/26/what-tumblr-can-tell-us-about-the-future-of-media).

A large part of the digital shift of newsrooms has social media taking a central position.

The same issues traditional journalism faces – verification, sourcing and timeliness – have infiltrated and challenged social networks. For journalists, social media is a news tool, but it also has evolved into a news platform itself.

Social media and social networks as tools for journalists

Christian Möller

Social networks and social media are great tools for research and as sources for stories. They open new channels for the distribution of editorial content by traditional media and citizen journalists. Social networks allow for marketing and branding for media companies and freelance journalists. With social networks and social media a new way of "crowdsourcing" and online collaboration has become possible when researching stories. And Web 2.0 platforms are being developed to search for "crowdfunding" for stories.

This chapter will provide an overview of the changes in content production and distribution that have become available with the advent of social media and social networks. Many are in an experimental stage. Also journalism education still has to incorporate new tools in the curricula. Plus, it is not yet clear what, in fact, will prove to really add value beyond technical gadgetry. This chapter should be considered a snapshot of the current situation and viewed with a certain degree of skepticism when examining future developments.

Research and Crowdsourcing

Twitter, Facebook and You Tube offer a wide variety of content produced by other journalists and the public, including events to which there is limited access for journalists, for safety, financial or other reasons.

Case studies show that today news spreads faster on Twitter than over traditional newswires and even media websites. When in January 2009 US Airways flight 1549 experienced trouble shortly after departing from La Guardia Airport and made an emergency landing on the Hudson River the first pictures of the accident were tweeted just minutes after the event.[1] Traditional media, naturally, were slower in covering this event because there were no reporters on the scene.

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1 The Telegraph (16 January 2009) *New York plane crash: Twitter breaks the news, again* <http://www.telegraph.co.uk/technology/twitter/4269765/New-York-plane-crash-Twitter-breaks-the-news-again.html#>

Von **Janis Krums** @jkrums

Another example of a Tweet that became famous is one posted by the Pakistani IT consultant Sohaib Athar (@ReallyVirtual on Twitter), who unknowingly reported the special forces operation during which Osama bin Laden was killed in May 2011. Athar reported live about helicopters over his house, which he thought to be "a rare event."[2]

2 Mashable (2 May 2011) *One Twitter User Reports Live From Osama Bin Laden Raid* <http://mashable.com/2011/05/02/live-tweet-bin-laden-raid/>

Athar eventually became aware of what he was inadvertently covering, saying "Uh oh, now I'm the guy who liveblogged the Osama raid without knowing it." Perhaps this demonstrates the added value professional journalism has compared to mere observation of facts without a proper context.

As fast as Twitter might be in spreading news, it might also be unreliable and spread false information, hoaxes and rumours. Journalists need to develop skills and techniques to fact check information received through social media, get to the original source and get confirmation from several sources to cross-check information. In short, they need to apply their professional judgment. Twitter and other social media cannot substitute for journalism, but they can be a great new tool for journalists if they use it professionally.

The use of Web 2.0 tools for this form of research – or "crowdsourcing" – is still underdeveloped and journalists need to develop those skills to verify sources to guarantee accurate information. Recent cases[3] demonstrate a considerable lack of fact checking of social media sources by journalists. Journalists need to learn how to use the new tools.

Increasingly, governments and politicians are using social media such as Facebook and Twitter for official communication. U.S. President Barack Obama, when elected for his second term in November 2012, used Twitter as the first channel to announce his victory. (The picture that went along with the Tweet, however, was taken months before in Iowa.[4]) It quickly became the most popular tweet of all time (at least so far), with more than 800,000 re-tweets so far.

In Germany there was an outcry among traditional journalists when the Chancellor's spokesperson announced that they will start using Twitter to distribute official information and press releases.[5] Apparently, the traditional journalists were afraid to lose the privilege of being a gatekeeper of government news.[6] Instead of fearing to be left out, however, journalists should consider to embrace new technologies and social media as yet another tool in their professional toolbox.

In order to verify the official character of a politician's or government official's Twitter account or Facebook page, for example, it would certainly be helpful to check cross-references and links on the official homepage, ask for confirmation of facts through direct messages or re-tweets – or to pick up the phone and call the office or spokesperson directly. Old school journalistic skills remain important in the age of social media.

3 *'A Gay Girl in Damascus'* comes clean, Washington Post, June 12, 2011 <http://www.washingtonpost.com/lifestyle/style/a-gay-girl-in-damascus-comes-clean/2011/06/12/AGkyH0RH_story.html> (accessed November 11, 2011)

4 Forbes (07 November 2012) *The Hugging Obamas Photo Tweeted To Declare Victory Was Taken Months Ago In Iowa* <http://www.forbes.com/sites/kashmirhill/2012/11/07/the-hugging-obamas-twitter-photo-used-to-declare-victory-was-taken-months-ago-in-iowa/>

5 Carta (28 March 2011) *Das Unbehagen der Hauptstadtjournalisten mit dem twitternden Regierungssprecher* <http://carta.info/39476/das-unbehagen-der-hauptstadtjournalisten-mit-dem-twitternden-regierungssprecher/>

6 Spiegel Online (29 March 2011) *Twitter-Eklat auf Bundespressekonferenz Netz spottet über Hauptstadtjournalisten* <http://www.spiegel.de/netzwelt/netzpolitik/twitter-eklat-auf-bundespressekonferenz-netz-spottet-ueber-hauptstadtjournalisten-a-753789.html>

Online collaboration

Social networks and social media also enable journalists to collaborate with fellow journalists or citizens on the Internet, for examples in wikis, comments on articles, fact checking and making use of the "wisdom of the crowd."

Wikis are one example for Web 2.0 applications that can be used to collaborate on stories. Wikipedia, the free encyclopedia that has been entirely put together voluntary by users is one of the best known examples. Although critics claim that there is no guarantee of accuracy in Wikipedia articles, because of the lack of editorial review, the entries usually provide a pretty good orientation on topics.

There are a number of tools available that draw from the meta-information and statistics provided by Wikipedia in order to try to assess the quality of entries. WikiWatch[7] and WikiTrust, for example, provide information on every single Wikipedia entry by checking the number of sources, the number of editors and the number of links to the article.

Accountability and editorial responsibility is an issue, though, especially when it comes to anonymous wikis and comments. When in 2011 the then Minister of Defense of Germany, Karl-Theodor zu Guttenberg, was accused of plagiarizing his doctoral thesis, the online platform *GuttenPlag* was established. In a common effort users of this Wiki checked all 393 pages of Guttenberg's thesis for plagiarism and documented the findings on the Internet. Guttenberg stepped down as minister and had his degree revoked.

Even today, it is unclear who the founder of GuttenPlag was. No one claimed ownership or editorial responsibility. The imprint stated an address in St. Petersburg, Florida, as a point of contact and many contributors to the Wiki chose to remain anonymous. This example shows the thin line between online journalism and Internet activism and the need for further discussion on online journalism ethics.

Other case studies, however, reveal a high degree of professionalism by bloggers and other online actors. When traditional and online media falsely reported on the arrest of a female blogger in Damascus in June 2011, it was the collaborative effort of bloggers and online activists to uncover the fraud and track down the

7 http://en.wiki-watch.de/

man behind it.[8] The combination of journalism and technical skills in an online collaboration demonstrated professionalism unmatched by traditional media.

Again, this should not imply that bloggers and Internet reporting will be able to substitute professional journalism. What is needed, though, is a deeper technical understanding of the Internet by traditional journalists.

Crowdfunding
In many countries of the OSCE region, the financial situation of print media is deteriorating. The reasons are manifold and include the 2008 financial crisis, decreased advertising revenue as well as competition from Internet websites.

Traditional media outlets need to develop new business models to be sustainable. Although newspapers' circulation may be down, there certainly is no lack of demand for news and content. Never before have so many people read and consumed media content – online and offline.

One possible way out of this dilemma is establishing so-called paywalls. This means that editorial content on the Internet is no longer free. Among others, the Wall Street Journal in the United States and *Hamburger Abendblatt* in Germany are currently experimenting with this model. Other media are reluctant to introduce paywalls because they fear losing readership to free online news portals.

The Internet and social media, however, can also be used to develop innovative forms to fund journalistic research and to finance investigative reporting. Crowdfunding, i.e. the funding of a product by many, is one new form that has proven to be successful for movies and a number of products. In journalism, an online tool such as the non-profit organization spot.us in the United States serves as proof of concept for this new form of 'crowdfunding' for journalistic media.

Other tools, such as *Flattr*, try to establish an infrastructure in which users can pay for stories or online content they liked. This would enable bloggers and other non-traditional online media to generate some revenue from their online activities, but there is a long way to go to build sustainable business models on these new tools. They demonstrate, however, potential.

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8 Composite (12 June 2011) *Chasing Amina* <http://bookmaniac.org/chasing-amina/>

The Internet, social media and Web 2.0 is not a substitute for traditional journalism. Bloggers and online media actors might not necessarily be traditional journalists, but they complement them – and sometimes even outwork them.

While social media and the Internet are sometimes seen as children's playgrounds they offer a great potential for traditional media to research news stories as well as distribute them. For this, however, traditional media need to get on board and invest in technical and content development for the digital age.

Journalism research in the digital age

Marcus Lindemann

The Internet, and digitization in general, affects journalism in a multitude of ways: It affects both production and reception of media content. While production and distribution become cheaper, revenues decrease at a much faster pace. To most media entities this comes as a threat. Regarding research, digitization will advance craftsmanship and fact-finding. But it will also threaten those who cannot cope with the vast amounts of information coming from so many sources. And, of course, it is a threat to those who do not do sound research in their work – because new digital tools make it more likely that research shortcomings become more evident.

This article will be on how to cope with these challenges, such as verification of digital sources and how to filter the vast amount of material online. It will also discuss how journalists can make best use of social media – from a journalism researcher's perspective.

Most journalists try to somehow cope with the Internet. And, unfortunately, most of them have not yet achieved the necessary level of understanding. Common and widespread shortcomings include the inability to cross-check online sources (fact checking as well as source checking including data sources) and the reluctant use of search-engine operators. While most journalists should be working on those skills, the next challenges are already in sight. The Internet is still growing and the vast amount of information will necessarily mean that journalists have to deal with big data – searching, extracting, analyzing and presenting data.

The current phase of growth is one that should interest journalists more than previous ones.

There are four major trends that make the Internet grow:

- First, social media enables so many people to publish – from blogs and tweets to sharing photos and video. On You Tube alone there are 72 hours of video material being uploaded every minute – and there are even more websites hosting videos.

- Second, because other technologies developed and became available at lower rates, the digitization of non-digital and pre-digital material is a major growth factor – think of libraries, newspaper archives (the Times of London has digitized every issue since the first; January 1785) and paper archives in parliaments, universities and other non-digital sources of knowledge.

- Third, more and more governmental data is being made available. After the spread of Freedom of information acts (FOIA) all over Europe, some countries and regions are already taking the next step: Automatic publication of files that fall under FOIA.

- Fourth, we are creating more and more data automatically. Consider smart phones alone: Despite what their users want to do with them, they are already good tools to predict traffic jams, to analyze patterns of congestion and so on. And, of course, there is automatically generated data for flights, ships, buildings and many other things that can be measured or move around – while being connected to central processing units that can save and distribute such data. This is called "big data" because of the vast amounts of data that are being generated and because it is different from databases: it is unstructured and not organized for analysis. Most of it is just a by-product of other processes.

In general, all of this is interesting and good for journalism because it gives us new information, new content and new tools. If some journalists feel that there are too few topics and too much competition, here is where to go: the web, data and new tools (and FOIA enquiries). For many journalists this comes as a surprise – they tend to regard the web as a place of published material, but not as an area were to discover *new* information.

Michael Haller, a German journalism professor at Leipzig University, compared that to expeditions in previous centuries: Everything that was discovered was already there ("available") and existed – but the public did not know about it.

Drawing from that example, it is legitimate to argue that investigative journalism includes bringing up something that was not known to the public. There are a couple of cases how and why that which is online still could make up for news, for analysis and even for investigative stories:

- Information that could be found and linked to each other online because of digital tools. That includes Information that enables new analysis because it is available in a digital format. For example, with company information on paper, journalists needed tips or insider knowledge to find the same names or addresses of company information in other countries, regions and so on. With digitization such information became full-text searchable.

- Information that is online but hardly read or noticed. More and more material is being published in order to be transparent or to fulfil legal duties, but a lot of it is hardly ever read. This includes governmental data, business data and databases of information that went online accidentally. The more information we share digitally, the more difficult it becomes to carefully select whom to share it with. This is not only a problem of complicated privacy settings on Facebook, but that is also true for content management systems within companies or the bureaucracy.

While the net is still growing, communication patterns change at the same time. User-generated content has already been mentioned. Many newspapers (in Germany at least) still have not realized why blogs became such a buzz and they openly display that by nick-naming blogs as "Online Tagebücher", explaining to their readers, that blogs are just online diaries. They are not. They are a powerful means of publication. If you should decide to start a blog today, within half an hour, everybody who Googles for some keyword in your text will find your blog.

During the "old world wide web" this would have been a process of weeks if not months. It is important to understand that the web 2.0 introduced technologies that make user-generated content not only easy to generate but more importantly, easy to find. Hence we should no longer use the term "online diaries." Otherwise we journalists might end up thinking that it is very difficult to replace journalism by private diaries. This is no longer true. Today you no longer need a publisher, a printing press or a broadcast station to share your stories. That is a problem for those owning such equipment, but it is not necessarily a problem for journalists.

It opens up space to run blogs, podcasts and even television programmes without having to own equipment worth more than several thousand euros. For journalists, this is a great way to bypass structures of publishing houses and broadcast stations – and see whether their innovative material will find an audience. (While you still will not find funding for such content.)

But we should not expect that users start publishing newspaper articles or TV packages, but see them as sources when they report or as a representation of some part of the public. Most content coming from users will still need editing – and that is just the very last step of journalism tasks dealing with social media.

Social Media will also engage journalists in communication with their audience and such a feedback ould render more effective than other measures of quality control. From a researchers point of view, social media could enhance investigations in several ways:

- Identification of topics: Especially with twitter we can see the topics coming up – be it from eyewitnesses, from experts or from fellow journalists who share what the read and do.

- Provision of data: As mentioned above, people share so many things online today and of course all that material is full of information that might become of interest for specific investigations: how people connect, where they are, what they do and so on. On top of all that there is a lot of Meta-Data within each item: photos contain the camera type, info on picture editing software, data and time of the photo (as set in the camera); e-mails contain IP-addresses, office documents and .pdf files contain information such as the name of the computer and its owner or the document template that was used.

- Crowdsourcing: Data that cannot fully be digitized needs manpower. The Guardian in the UK successfully exercised this on MP spending data. If journalists can involve the audience in their project this is a great way to handle big, messy data.

After having outlined the chances for journalism in the current decade I will share some techniques and advice on how to deal with all these changes in our day-to-day work.

One answer to that vast amount of data coming up online or being made available in digital formats is "data journalism." The term is the newly used buzzword that –at least for the moment – replaces the term computer assisted reporting (CAR). It addresses three steps of handling data – from getting and preparing the data to analyzing it and finally, but not necessarily, visualising it.

Getting data is still a complex procedure and might include the use of a FOIA and other legal procedures. On the technical side it includes transforming data from paper, pdf files and other unusable formats into something you can work with. Analysis then will use software to make the data understandable and to see what stories can be found within the data. Typical ways of analysis are the use of Excel, Access, SPSS, social network analysis and Mapping. The latter two already lead to visualisation but are first-hand tools for analysis. In some cases analysis will help you to see stories, to locate where to go to report, how to meaningfully pick your samples. In many cases we see beautiful and amazingly skilful visualization but without any analysis or answers to questions journalists should have when seeing such data sets. Probably that points out that classic journalism skills are still needed.

Apart from these more technical skills, with the vast amount of information that is available now online, filtering becomes more essential. While search engines are a used for navigation a lot (i.e. going to websites that you know of), they are good filtering devices. So how do we search and filter online information best?

The first step would be to describe the information you are looking for in a detailed way. While that sounds simple, identifying the right search terms (keywords) is the most difficult part for many reasons: First, wrong keywords will spoil your whole search – because with most search engines all keywords must appear on the pages and the search engine comes up with as a result (The default is that keywords are linked with the word "AND," whereas other search engines linked them with the word "OR").

We have to remind ourselves that we are searching strings of characters that actually have to appear in the page we want to find. In the early years of the Internet, searching and finding was much more dependent on meta tags, where webmaster helped us find content by adding meaningful keywords (metatags) that must not actually be in the text. (Now the same is true for finding video, audio and pictures online – it depends very much on the description and key words provided by the person who uploaded the material. While Google has already proven that they have technology that can automatically transcribe video to text (a service called Gaudi – Google audio indexing, that was in place during the 2008 electoral campaign in the United States), we will still have to wait to see all that material being indexed – just because of the still enormous resources such a project needs.)

Maybe webmasters providing meaningful meta tags and keywords spoiled our efforts somehow – it lead to searching for titles or questions in most cases, which is still a valid strategy but in more and more cases it will not be efficient or even helpful at all. The latter is especially true for official websites that have to publish material but are not very keen on it being read to easily. (The same holds true for a lot of databases, which hinder investigations by making the data almost inaccessible and hence lead to more and more scraping, i.e. systematically copying data from databases in order to make available for analysis.)

So if you are not sure – start with a few but highly relevant keywords only. Most times we only have a vague idea about the vocabulary in place. Then it is best to think of synonyms or related terms – and to connect these with the operator [OR]. Keep in mind that your sources might use rather technical, bureaucratic language or very colloquial slang – depending on whom you are after. Colloquial language works especially fine if you are looking for an answer to a question that a lot of people might have put to the net before you. This holds especially true for questions on all kind of electronic devices, software and the like.

In most cases answers here will come from laymen who post and discuss matters like that in forums online. But in most of these cases the only thing that counts is that you solve your problem, i.e, if you fixed a bug in your software, you fixed the bug – no matter what source the tip came from. In research you might use such results to find more specific keywords. (And, of course, on those forums you see how many people discuss the same problem. It is an ideal place to find cases or protagonists for your story. If that is what you are after, check out Google Groups, a specific search engine for these kinds of websites).

If you are lacking (good) keywords, here are strategies to help out: Look out in the snipets of your results list and read overview articles on the topic, including Wikipedia. When coping with foreign languages, do not simply translate your keywords but find out what terms are actually being used abroad – here again the foreign language version of Wikipedia is of great help.

Once you have managed that, there are more options are available to describe what you want. I will name only the most important ones: Date, site, filetype, ""(string), minus, OR.

While so far you have described what you want, another strategy is on how to get rid of what you do not want. To some degree this is much easier, but at the same time it is a slightly risky way that might lead to covering up pages you would have liked to find. In order to know what you do not want, look at your result list and exclude material by using the operator [-] in combination with the operators mentioned above. The [-] allows you to minus out pages with certain keywords, filetypes or results from specific domains, subdomains, top level domains or within specific directories of a domain.

But common search engine technology has its shortcomings and while some of them might be overcome with time and new technology, others are very likely to stay. It is feasible to analyse more data formats in the future and software is getting better in reading text from pictures. Still, databases and other unindexed or undindexable information will remain a huge and probably very important part of the deep web. Journalists databases are interesting for several reasons: usually the information within comes from authorities or other primary sources, databases allow for more intelligent filtering and sorting and, third, a lot of them can be seen as raw material that allows sample drawing as well as generalization. So currently we seldom can search for the content of databases, but for its title or source/publisher/owner only.

Searching social media content is something between the two spheres just described: Partly it is indexed and can be found with search engines; partly it is in the deep web and, in many cases, it cannot be accessed by people outside a personal network. The latter will necessarily mean that one will have to become a member of such personal network (or at least a friend of a friend) – and if necessary and justified, this includes the use of a false identity. Some social networks are searchable once you are member and quite often the search options increase if you are paying member (or a journalist being granted pro-level as on Linkedin). Except for the fact that you have to login, these networks are comparable with deep web databases: Once you have the database you have specific search tools at hand – so, for example, in business networks you can distinguish between current and former employers.

Searching social media content without logging in is feasible and can be very powerful, but here the tools to use are under ongoing alteration and changes come quick and without notice.

While Google's real time Search was powerful, it went offline, giving space to specialized search engines like topsy for Twitter. Topsy has, as many tools using Twitters API, only limited access to the archived tweets (maximum 3,200). At the moment of writing, Google is back into indexing Twitter and appears to have full or nearly full archive access or cache – in several cases we saw 3,200 plus tweets, up to 15,000. So the site "Operator" is great for twitter again: [site: twitter.com Keyword] will find your keyword on twitter, while [site: twitter.com/ MarcusLindemann Keyword] will find your keyword in my Twitter account.

With Facebook you can conduct similar searches as well, but remember that indexing is limited to what users made available to the public by adjusting their privacy settings.

As in the offline world of journalism investigation, the verification of online information and social media content and identities is crucial. When examining the quality of sources we have to distinguish: First, we have hints and traces that might help us to get an impression or an idea of the source's quality and that might hint to even more sources. This is no difference from the online world, where we often have rumors, people telling us something interesting and, hence, giving us hints to where to look for proof.

Second, and more important, we should try not to be satisfied with traces, but look for proof. With websites it is easy to check who registered a certain website – there are authoritative institutions for each top level domain (for a full list see iana.org) and there are easier to use commercial "whois" databases that allow you to easily look up domains from a wide variety of top-level domains, without having to customize to different search engines each time. But if that does not work go for the original, official registration authorities. In most cases they will have more complete data than the "whois" databanks. (There are a few exceptions, when web service companies hide the identities of their clients to the public.)

Apart from the formal proof who registered a certain website, "whois" data will give you a lot of traces: addresses, names, webhoster, ip-adress of the server the website is hosted on (look for the other websites on the same server via "reverse ip"-search). With social media it is more complicated because companies such as Twitter or Facebook register their websites, but the single users do not register in a formal manner. Everybody can easily set up fake identities.

The best and often easiest way to prove online identities is to contact the person in question and check out whether she or he is behind that online identity. Let us look at some scenarios here:

- With politicians and famous people you will in most cases easily learn, whether the identity in question is trustworthy or not. Usually they or their offices will reply within a day. Of course when trying to proof that, do not rely on information drawn from the online identity under investigation, but other, ideally official, authoritative sources.

- If you have anonymous or unknown sources, you should still try to contact them. In order to check, whether the information that you want to use from them is plausible and could be verified. First contact then probably will channel on Twitter or Facebook, unless you already find real names, Websites, employer info and the like in their profiles.

Once you are in contact, you can treat them as an ordinary online source, asking questions on their whereabouts; what they have seen or heard and where exactly they got it from. This really depends on the topic and the info you want to take from them. Let us assume we want to cross-check whether they are on location. Here again the Internet is of great support. From asking them to switch on their smart phones' GPS-device to be added to their next tweet or status update, to asking them what they see, what the name of the shops and streets around are (and cross-checking that on maps or street view) to finally asking them for other sources around them and for other details that are hard to know when you are a fraudster.

Where you cannot contact the person, company or organization in question, but you can clearly see the links from their social media accounts to their official web appearances would be the next best solution. And, more importantly, the links back – because it is easy to include links to official websites into your profile, but links from official websites to social media accounts can only be done from someone with legitimate access – or a from a hacker. It would be the ultimate goal to link an online identity to one official website. Until that has been achieved we only have ideas on how reliable the information or person is so far.

Let's look at one example on how such a link could be established quickly:

When Michael Jackson died, a then hardly know website tmz.com had the news first. At that time they were not well known and even a "whois" lookup would not have helped to make them more trustworthy. So while waiting for confirmation was the right strategy then, today we would quote them ("according to the website tmz.com") or even add some attributes ("that is known for their access to insider information in Hollywood").

On Myspace, within 24 hours after his death, his former wife, Lisa Marie Presley, wrote about one conversation that she had with Jackson about death in general.

It was a strong piece and probably the most personal statement that you could get from someone so close to Jackson. But that was on Myspace only – so we were looking for better proof and followed links from there. One of the few traces we had was a link from the Myspace profile to the official website and – more importantly, there was also a link *vice versa*. With a good knowledge of Google Operators such links can be found quickly and you can quickly establish if there is no link back. Having done that, we cross-checked the "whois" data of the official website and saw it was trustworthy.

In such cases it is legitimate to quote Twitter and the like and then to add that the person, company or organization "apparently" said on Twitter that something.

This is a quick check that is especially valuable when you are under time pressure and you cannot wait for official verification. Another strategy under time pressure is to name or describe the source as well as you can and sense whether you feel that is good enough for publication. There is a wide array of possibilities to describe sources and their value – from saying that something is very likely to be true but cannot be proved, to saying that a rumour is circulating despite everybody involved denying it.

In other cases, if we cannot find proof we must look out for traces and follow these systematically. Possible traces are so plentiful that they cannot be covered here, they include the following:

Account data: When was the account started, activity on the account (with whom, when, how often and so on), links from and to the account.
Meta data in any file (location data in a tweet, other meta data in mails, video, photos a.s.o) might contain info to verify sources or to raise doubts.

The language used: Are these words that ordinary people would use?

Such traces are not only valuable for verification, they might lead investigators to other information as well. So even if you have proven the account identity data right or wrong, it is worth looking for them.

New Media investigative journalism: The gay girl in Damascus hoax

Liz Henry

Over the past decade as the web developed and deepened, traditional media increasingly has been covering its events. Public discourse unfolding on Twitter or Facebook became newsworthy in itself, not merely as a reflection of a real world event. This came to a head during the Arab Spring in 2011, as protestors in Egypt used social media and web video from their phones to provide public with on the spot information. The latest news coalesced from blog posts or Twitter, ahead of the wave of mainstream media's breaking news reports.

An article by Katherine Marsh printed in the Guardian on May 6, entitled, "A Gay Girl in Damascus becomes a heroine of the Syrian revolt," cited the blog Gay Girl in Damascus. The blog's author, Amina, told stories of her life as a lesbian in Syria, and of her father protecting her from security forces. The post "My Father The Hero" was reported to have had more than 400,000 page views. Amina let the world know that she and her father were going into hiding.

There were pockets of controversy over Amina's identity and reality among other bloggers and Syrian activists. Some claimed that Amina did not speak or act as a Syrian woman would. Others countered that Amina spent much of her childhood and young adulthood in the United States, so her writing was reasonable for a bicultural expat who had returned to Damascus. This discussion took place in the context of widespread reporting of intellectuals and activists being arrested or tortured or going into hiding. Marsh quoted Amina as encouraging others to follow her frank, heroic example: "Blogging is, for me, a way of being fearless," she says. "I believe that if I can be 'out' in so many ways, others can take my example and join the movement."

Amina's disappearance

The spotlight returned to Amina's blog in a second Guardian article on June 6, Syrian blogger Amina Abdallah kidnapped by armed men. Amina was believed to have been detained by Syrian secret police or security forces. A post on Gay Girl in Damascus signed by Rania Ismail, Amina's cousin, Ismail described the

incident graphically, how Amina struggled and fought, then was shoved into a car by three leather-jacketed thugs: "One of the men then put his hand over Amina's mouth and they hustled her into a red Dacia Logan." Sources quoted lurid details of Amina's fears of torture and arrest as she moved from apartment to apartment, evading capture and attending secret political meetings.

Fox News interviewed Amina's distraught partner Sandra Bagaria, who lived in Montreal. The post, and the news articles of June 6 and 7, included Amina's full name. Overnight, a "Free Amina" movement caught fire across social media. Over 15,000 people joined the Free Amina Facebook group, many people twittered with a #freeamina hashtag, and many more signed an Avaaz.org petition to the Syrian government.

While I am not a professional journalist nor human rights activist, I worked as a software developer and a content editor for BlogHer, a women's media company that began as an outlet for women bloggers. I had been active in bringing attention to the protests in Tahrir Square in early 2011, and have been a queer feminist activist and writer for many years. Early on June 7, I was contacted by bloggers and human rights activists asking me to use my position at BlogHer, and my voice on social media, to help Amina. Editors at BlogHer began to write about Amina. I contacted Jillian York at the Electronic Frontier Foundation because of her contacts in Washington D.C., and Danny O'Brien, who works for the Committee to Protect Journalists, to spread the word and ask for their latest news. I also began to research details on Amina's life in the U.S. or in Syria to help the activists who wanted to contact her family. I got word at some point that the U.S. State Department was looking into Amina's case and was asking the Syrian government for information on her detention.

Doubts emerge

I realized at this point on the afternoon of June 7 that all the information about Amina, even that quoted in the two Guardian articles, had come from Amina's blog or from email communication. Amina told stories of growing up in Virginia. She spun long tales of her mixed Syrian and U.S. ancestry with details of her parents' geneology. Yet there was no trace of her or her parents' names anywhere on the Internet, other than sources generated by Amina. Other than Sandra Bagaria, reported variously as her partner, girlfriend, or friend, no one came forward who was a personal friend of Amina's, someone who had known her in college or high school, cousins or other family members. In a normal news cycle,

I would expect more details, and more personal contacts and interviews, to emerge. In some sense, I expected "real journalists" to do the footwork, to contact and speak to relatives and friends of Amina to fill out the story. That wasn't happening, which was an enormous red flag. I started to keep detailed notes on Amina's e-mail addresses, blogs, screen names, dating profiles, and mailing list posts, which dated back to around 2005.

My doubts crystallized as "Amina" eluded all my attempts to triangulate on her identity. Instead, a cloud of contradictory identities and names emerged, like a scatter plot around a graph of a line. Amina described an alternate history, what her life would have been like if her name had been Amanda Lynn McClure, after her American mother's side of the family, instead of being marked as "other" in her white, middle-class Virginia suburbs by an Arab name. Amanda Lynn McClure proved to be a fruitful nexus of identities within identities; an explosion of poetry-writing, multilingual, mixed-race lesbian angst. Amina and Amanda surrounded themselves with friends and relatives whose identities were quite thin, only a Twitter or Facebook profile whose only contacts were Amina's contacts. I expressed my doubts to a few people in private over IM, e-mail, and phone calls. My doubts were met with shock and denial. I spoke with people who had been friends with Amina for years, who were intimate with the details of her daily life on Facebook as well as on her blog. There were many reasons – privacy and safety of her family – why she might have obscured her name and identity. Amina was well-beloved.

Collaborative fact checking

I made my research and conclusions public at the end of June 7, 2012, in a blog post "Painful doubts about Amina." It was a difficult decision, to question the very existence of someone who was widely embraced as a hero. The response to my post was overwhelming. I was interviewed by the BBC and other media outlets and received hundreds of e-mails and blog comments. More details of Amina's history emerged. Many people, especially other pseudonymous lesbian bloggers, felt strongly that if Amina were real, she needed their help; if she weren't, they were all in to expose whoever was behind her persona.

Those lesbian bloggers and blog commenters, along with Andy Carvin from NPR and Ben Doherty from Electronic Intifada, formed the core of an amateur research team. We shared the results of our investigations. We all entered a phase of rapid cycling of collaborative fact-checking. In retrospect, it was at this point

that we should have developed a group-editable document as a resource, rather than emailing each other in groups or in pairs. But private conversations were hard to resist.

On June 8, 2012, many of us were emailed by someone named Amy who wanted to contribute her theories to the pool. I engaged this person who developed a hypothesis of the blogger, Amina's possible transgender identity. Her focus was on how she and I, together, could come up with a way to avoid a media "trans-panic" that would frame Amina's story as one of a predatory man secretly pretending to be a woman on the Internet, when the real story of the Amina blogger's gender identity would likely be much more complex. While I understood this point well, and shared Amy's concerns, my commitment was to uncovering the truth as quickly as possible. I felt it was important for Syrians and GLBT people in the Middle East in general to know about the situation, and also, important for human rights activists not to waste their time on a fictional person who was not in jail. Amy's priorities were on careful private action and preserving the safety and feelings of the Amina blog's author. As she hatched elaborate plans to persuade the Amina blogger to contact us – for example, by quickly learning Arabic and posting our concern on GLBT message boards, trusting that she would contact us "in about a week" I felt increasingly sure I was emailing back and forth with a charming pathological liar; the person behind Amina.

Over the course of June 8, 2012, many more crucial details had emerged. The State Department announced (first through backchannels and then in public) that they had not found any information on Amina's identity. Sandra Bagaria made it clear to the media that her relationship with Amina had taken place entirely online, over e-mail and chat, with no in-person meetings or phone calls. The photos of Amina were in reality photos pulled from the Facebook profile of a woman named Jelena who lived in London. Katherine Marsh, who originally wrote about Amina for the Guardian, had never met her. In fact, Katherine Marsh was pseudonymous as well. She had been on her way to meet Amina in Damascus when Amina reported she was being followed and would have to go into hiding.

The story continued to develop over the next few days. I tracked "nodes" of identity, IP and email addresses, on Maltego – free software for intelligence and investigations which draws convenient diagrams of the relationships between pieces of information. The bloggers at Electronic Intifada did the best collection and synthesis of information, whereas my strength was rather in outreach and community involvement. Amina had commented on various blogs with an IP

address that turned out to be in Edinburgh. E-mail headers also sometimes pointed to an Edinburgh location. But the smoking gun turned out to be a man who enjoyed debating with Amina on a mailing list about Middle Eastern history over the years. He had once sent her a Christmas card to an address in Stone Mountain, Georgia. Public property records for that address revealed it had been owned by a man named Tom MacMaster. MacMaster's visible history on the net was as an activist for Palestinian rights, a graduate student of history at Edinburgh University, and as the husband of a graduate in Syrian studies. Some of his Facebook vacation photos were duplicates of photos posted on Amina's blog. On June 13, our unofficial investigative coalition contacted MacMaster. He wrote a confession and apology and published it on Amina's blog that day. It turned out that Tom MacMaster had just come back from a nice vacation in Turkey with his wife. Amina's abduction was nothing more than Tom MacMaster's away message.

Unexpectedly, our wide net caught a number of other fish. A U.S. lesbian media outlet and activism center called LezGetReal, run by editor Paula Brooks and a collection of her business partners, turned out to hold more hoaxes. Brooks, a deaf lesbian surfing enthusiast and mother of twins, communicated to her colleagues only over instant messaging and e-mail. Occasionally her father "The Major," a retired military officer with connections in U.S. intelligence agencies and the White House, would take phone calls for Paula. Newspapers quoted Brooks as an experienced blogger who had been in close contact with Amina. Her colleagues, who would later prove to be nearly all pseudonymous and not all verifiably real people, were also quoted as expert sources on the Amina case. My joint investigation with the Electronic Intifada bloggers pointed to an Ohio man named Bill Graber as the author of "Paula Brooks." Other bloggers such as Jasmine in Pakistan, a popular lesbian atheist writer, appeared to be hoaxes and were loosely connected to Amina's identity.

But the main trouble was Brooks. The web of lies Bill Graber built snared other hoaxers as well as enmeshing real women who, marginalized in mainstream society, used the Internet to develop important communities. Even after Graber was exposed, journalists would quote him as an authoritative source on his own life and on the Amina case. A concern for journalists, here, is that when dealing with the world of a pathological liar, everything needs verification that doesn't stem from the liar's mouth.

Washington Post reporters Melissa Bell and Liz Flock pursued Graber and Amina relentlessly, as did reporters from the Guardian, working to correct public opinion and establish a story somewhat closer to what had actually happened. Their in-depth coverage helped to undo some of the damage wreaked, but also kept the Amina story going. "Fake Lesbians!" was a story with legs. It was not only as complex as a soap opera, it was about women who were presented as plucky, perky, objectified heroines whose sexuality was commodified for and by the public. Why was this news, more so than actual oppression and violence, protests and war?

In part, the early coverage of Amina (and of Brooks) reflected a general naïveté of the public about online identity. People without a vested interest in pseudonymity, or in (mis)representing the details of their personal life, may not imagine others' motivations in doing so. Journalists, in addition to being aware of this aspect of online activity, can become educated about IP addresses, email headers, the use of Tor and proxies, and other methods of privacy protection that can obscure the source of a communication. Reading the history of the psychology, relationship patterns, and common methods of hoaxers, spies, and infiltrators can also be extremely useful.

Some Syrian women detained for activism and blogging

Tal al-Moullahi (also transliterated as Tal al-Mallohi) is a Syrian teenager who wrote political opinions and poetry on her blog. She admired Gandhi and the poet Nizar Kabbani. She was arrested in 2009 and her papers and computer confiscated. Her family stayed relatively quiet about her disappearance for months as they worked to release her from detention, but after nearly a year they went public. Her mother wrote an open letter to the Syrian government and by fall 2010 the international media had picked up her story. In February 2011 Tal al-Moullahi was sentenced to five years in prison. However, there was no "FreeTal" Twitter hashtag, no Facebook campaign with thousands of supporters.

In December 2011 Razan Ghazzawi, a Syrian-American blogger, was arrested in Damascus. She was eventually released but was arrested again in early 2012 with 11 of her colleagues from the Syrian Centre for Media and Freedom of Expression.

Tuhama Mahmoud Ma'rouf, along with eight other women, was arrested and jailed in 2010 for her involvement in the 1990s with the Communist

Labor Party. She was released in June 2011 in a general amnesty by the Syrian government in response to mass protests.

Mainstream media's coverage of Amina's arrest extensively quoted her blog, but did not tend to include context about Syrian politics or information about other bloggers, women or people in general who were political prisoners. The lack of context in this sensationalized story is deplorable.

Much of the damage done by the hoax and, sadly, by the widespread coverage of the hoax, was not visible or obvious to the public. Many Syrian activists stopped communicating with the outside world for the week that the Amina controversy raged across television, newspapers and the net. Lesbian and gay activists across the Middle East were thrown into a whirl of mutual suspicion, and more false identities were quietly discovered, which continues to have effects on the community today and on the connections they are able to make and maintain.

The construction of truth and history

One person with Internet access can quite easily represent themselves as an entire political movement. Traditional media often does not have a good framework for reporting on these situations. For example, there might be a report that the activist group Anonymous has targeted a Mexican drug cartel's operations. The source could easily be a couple of pseudonymous Twitter accounts and a YouTube video announcement. Despite the uncertain provenance of this information, announcements such as these are cited as evidence that a mass action is in progress.

Widespread, cheap Internet access and thus mass cultural production carry the power, beauty, and danger of the creation of history and truth. Misinformation, hoaxes, and disinformation are just a few of the dangers. Sockpuppets created to satisfy an individual urge to fictional identity, achieve Internet celebrity, and end up misrepresenting real people. Instead of giving voice to the "voiceless," hoaxers like Tom Macmaster steal the airwaves, distracting attention from real people who are speaking to each other and to the world. Persona management software, spamming tools and botnets can be used by independent agents, organizations, even by governments, for astroturfing – the widespread faking of a grassroots political movement. Fake movements, and fake martyrs, are powerful political tools.

Journalists have an opportunity to learn about false identities and identity tracking from activists, dissidents, hackers and security researchers. They can also learn from marginalized people who have particular motivation in hiding details of their identity. GLBT people have to evade homophobia and transphobia. Women, particularly domestic violence experts, work hard to shield their identities to avoid misogynist threats and stalkers. Fanfiction and fanvideo authors hide from threats of corporate legal action over copyright. Disabled and chronically ill as well as cancer patients who have a long history of community expertise in hoax detection because of Munchausen-by-Internet perpetrators. These communities, among many others, have developed best practices over long years of internet use, in collective ethics about identity representation and outing. Because they are marginalized, they are vulnerable – but they also have had to create strength.

It is my hope that Amina's story can serve as a cautionary tale for journalists and as a pointer to useful methods for reporting on crisis situations where the people involved are not easy to find or verify. We used searches, court records, public information databases, Skype video calls and IP numbers to verify information and identity. I believe it also points to the need for better software and web tools for professional and amateur collaborative investigations to collect and share information.

Freedom of expression in the digital age

Ross La Jeunesse and William Echikson

When we were growing up, a powerful elite controlled mass communication. The Internet overthrew this accepted topdown order, providing each one of us with the ability to leap borders, to disregard convention, and to engage in unprecedented debate on everything from movies to the monarchy. More than 2.4 billion people are active online today, and any one of them can publish their ideas that can be discovered and consumed. More information generally translates into more choices and ultimately more power for the individual.

Unfortunately, many governments and institutions are uncomfortable losing control, which means the year ahead may be marked by an accelerated crackdown on web freedoms. At Google, we already see free expression stifled almost every day. Our products – from search and Blogger to YouTube and Google Docs – have been blocked in more than 30 of the approximately 150 countries where we offer our services. At least 17 countries have cut off YouTube at one time or another and it remains off limits today in China, Iran, and more recently, Pakistan. And, of course, there is our infamous experience in 2010 in China where a steady and measurable increase in censorship in every medium, including the Internet, ultimately led to our decision to stop providing a local search engine.

As a company with the explicit mission to "make all the world's information universally accessible and useful" – where and how and when do we draw limits around free expression? How do we protect our users' privacy in the face of government demands for information? How much speech is too much speech? These are issues that we grapple with every day at Google. We've got some very smart folks working on these issues and it's still tricky. It's also timely, as political events from China to the Middle East make clear. Right now we are standing at a critical crossroads in ensuring human rights and civil liberties for people around the world. And technology is at the center of this discussion.

Here are some statistics:
- Netcraft's May 2011 survey reported it had found 325 million websites. To put that in context, The Guardian counted only 623 websites on New Year's Day 1994.

- Researchers at the University of California Berkeley estimated that around 5 exabytes of data was created during 2002 across all storage forms (print, film, magnetic, optical). Now, in 2011 less than a decade later IDC estimates that more than 5 exabytes are recorded online every day!

- In September 2010 Flickr announced that its users were uploading 3,000 photos per minute and they'd surpassed 5 billion photos uploaded. Over a New Year's Day weekend alone, 750 million photos were uploaded to Facebook.

- As of March 2011, users were sending 140 million Tweets on average per day equivalent to almost 100,000 a minute – up from 50 million Tweets sent per day a year ago

So what is the impact of this flood of free speech? More information means more choice, more freedom, and ultimately more power for individuals. The Internet has the potential to turn the light on regardless of where you live, who you are, how rich or poor. When talking about Internet freedom last year, Secretary of State Hillary Clinton said that she is "convinced that an open Internet fosters longterm peace, progress, and prosperity." Just a few months ago she went on, saying, "Information has never been so free. There are more ways to spread more ideas to more people than at any moment in history. And even in authoritarian countries, information networks are helping people discover new facts and making governments more accountable."

And she's right.

We've all seen the news over the past few months. We know that right now there is a gust of freedom sweeping through the Middle East. And I would assert that this movement is powered, at least in part, by technology. Twitter and YouTube and Facebook and Google Maps have become critical tools for organizing. Over the past few years, we've seen evidence of the power of these tools to literally bring people into the streets – from Tunis to Tripoli to Cairo.

But we don't want to overstate the potential power of technology for good. The Internet will not transform the world into a democratic wonderland. In fact, as Evgeny Morozov writes in his book, The Net Delusion, "More and cheaper tools in the wrong hands can result in less, not more, democracy."

And he's right too.

Even Secretary Clinton acknowledges the doubleedged sword of technology. She talked in January about the way in which technology tools are being exploited to undermine human progress and political rights. She put it eloquently: "Just as steel can be used to build hospitals or machine guns, or nuclear power can either energize a city or destroy it, modern information networks and the technologies they support can be harnessed for good or for ill."

Just as the Internet allows movements to recruit potential supporters as never before, so too does technology enable tracking and surveillance by governments.

Take a specific example from our recent history: In June of 2009, during the protests that followed a disputed presidential election, the government of Iran ejected foreign journalists, shut down the national media and disrupted Internet and cell phone service. In spite of this, YouTube and Twitter were cited by traditional journalists and bloggers alike as the best sources for first-hand accounts and on-the-scene footage of the protests and violence in Tehran. With YouTube views at only 10% of normal levels, Iranians continued to upload videos that documented demonstrations, violent clashes between police and protesters, and other scenes of unrest.

You may remember, in particular, the graphic video of Neda Soltan's murder on YouTube that became a testament to the vital role that technology plays in giving a voice to activists around the world. But as users developed ways to get around censors, government censorship methods evolved further to block and filter online content. The Iranian regime also dangerously demonstrated that geo-targeting and mobile phones can be used to track and target dissidents.

These censorship efforts are very real and they strike at the heart of an open Internet. They also violate article 19 of the Universal Declaration of Human Rights, a document that most of the censoring governments have signed, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

That was written in 1948, but the principle still rings true today, almost as though it was crafted with the Internet in mind. Let me repeat: "Everyone has the right to freedom of opinion and expression....through any media and regardless of frontiers."

Here's the bad news: this trend of increasing censorship is likely to continue. Left to their own devices, governments will continue to construct new obstacles to speech, and repression will spread further across the globe. But the good news is that all of us – individuals, groups, companies and governments – can work together to uphold and advance the fundamental human right to free expression. Our real challenge is to summon the will to act.

Free expression is a core Google value, and it's also essential to Google's business. Our services and tools are founded on the free exchange of information. Our products are specifically designed to help people create, communicate, share opinions and find information across the globe. Very simply, when our services are blocked or filtered, we cannot serve our users effectively.

An Internet that rebuilds walls around people, cuts the lines of global communication, revokes the right of every person with an Internet connection to be heard freely, loudly and without fear of government persecution, is not the Internet we want. It is a true fact that it will be bad for our business, but it will also be a tragically lost opportunity to build a better world.

An open Internet, then – one that continues to fulfill the democratic function of giving voice to individuals, particularly those who speak in dissent – demands that each of us make the choice to support a free and robust web and to resist government censorship and other acts to chill speech, even when that decision is hard.

Google wrestles with difficult free speech issues all the time. It's not just a cut and dried case where we always support more speech. For example, we prohibit child pornography across all of our products; that content is illegal in virtually every country. And we also remove spam and results that could expose users to identity theft or malicious software.

From our perspective, the current global landscape demands that we hold fast to our principles as a company, and the principles that are inherent to the Internet, such as openness and access to information, while doing our best to comply with local laws in the countries where we operate.

So our approach is always evolving. Decisions to allow, restrict or remove content from our services and products often require difficult judgment calls. We have

spirited debates about the right course of action, whether it's about our own content policies or the extent to which we resist a government request.

Consider this concrete example: Should we remove the YouTube video of Saddam Hussein's execution? Well, no. It's extremely graphic violence, but it's also an important documentary moment. Now, should we remove the video of his body after the execution? He's disfigured; it's a gory image that has no apparent purpose other than the intent to shock. We decided to take that video down. These are hard choices and the right answers are not clearcut.

Censorship can only be upheld when governments force platforms to exercise it, and this explains the numerous political initiatives we see all over the world to force Internet service platforms, search engines, blogging platforms and others to comply with censorship requests. Three Google employees were convicted in Milan in a criminal case that represents a grave threat to the freedom of the Internet and is inconsistent with both Italian and European Union law. The conviction stemmed from an incident in 2006 when students at a school in Turin filmed and then uploaded a video to Google Video that showed them bullying a disabled schoolmate. Google removed the video immediately after being notified, as our policy is to remove any content that violates our terms and conditions. We then cooperated with Italian law enforcement agencies to help identify the bullies and bring them to justice.

The verdict was wrong because none of these three Google employees had any involvement with the uploaded video. They did not produce it. They did not upload it. They did not approve of it. None of them reside in Italy. This prosecution is akin to prosecuting mail service employees for hate speech letters sent in the post. If upheld, such ideas would put unacceptable pressure on us and other Internet platforms to filter out material before they are uploaded. Fortunately, in December 2012, a Milan appeals court overturned this flawed judgment and cleared our colleagues' names.

We approach this issue with a few guiding principles in mind.

First, we believe that our primary responsibility is to our users – to maximize their access to information and provide an open platform for their free expression. Our default position is to let information flow in as many ways and forms as possible.

There's no standard approach to handling these requests, as every situation is different. We balance a range of factors: law, cultural traditions, a government's attitudes, and the presence of our employees to name a few. We assess every country we decide to enter, and the difficulty comes when we have to decide where to draw boundaries. But the bottom line: maximizing freedom of expression and access to information, remains the same. And we are not afraid to push back against overweening governments.

It is tempting to think that we can come up with hard and fast rules to apply to situations worldwide. But the fact of the matter is that every situation is different: a decision to remove or filter content in one country should not blind us to subtleties that might tip the balance the other way in a different case. And when we do make a decision to filter content in response to local law, we have always been committed to doing so in as narrow a way as possible, and to making sure that any removals are done locally not globally.

The second principle is transparency.

We try to be as transparent as legally possible with respect to requests. For example, if we remove content in search results, we display a message to users. More generally, we believe that shining a light on the scale and scope of government interventions in the flow of information is beneficial in highlighting the problem and providing the data for a real debate.

To that end, in 2010 we started featuring data, listed on a country-by-country basis, of the number of requests we receive from governments to either hand over data about our users, or remove content.

The tool we developed to display this is called the Transparency Report located at www.google.com/transparencyreport. This tool, which is in the format of a Government Requests map, shows for example that government demands for user data have increased steadily. In the first half of 2012, there were 20,938 inquiries from government entities around the world. Those requests were for information about 34,614 accounts.

We consider this tool to be an important step in our commitment to inform and empower users by giving them insight into the scope, authority and impact of government actions on the web. As you can see if you check out our report, we comply with the majority of requests to remove content because they are

valid, written demands, based in law and consistent with human rights principles. However, we also believe that government actions should be as transparent as possible to the people who are governed.

So, what else is Google doing to advance the debate? Well, a few things.

In the transparency report, we have created a tool where you can see traffic graphs of access to our products, broken down by country, in nearly real time. For example:

- If you look at traffic to YouTube in May 2010 in Pakistan, you see it was inaccessible for 6 days due to concerns around the "Everyone Draw Mohammad Day" competition that was organised by a Facebook User.

- If you check out Syria in December, 2011 you see flatline for all of our products when the entire web was shut down. You can even see dips in traffic related to lower usage of the Internet on the weekends.

It's a great visualization tool of what is happening to web traffic around the globe and we encourage you to take a look.

Where appropriate, and of course working within the law, we also provide tools to help overcome Internet access barriers.

Take the example of Egypt. After the Internet was shut down and Egyptians could not be heard outside their borders, a small team of Googlers working with people from Twitter and SayNow, a voice and text company acquired by Google just a week earlier, worked over a weekend to give people a new tool that enables them to leave voice messages that are posted on Twitter.

The tool is called "Speak2Tweet" and it fits with our mission of lowering barriers to access to information and making communication tools easy to use and more widely available. In the words of the former Dutch Foreign Minister, Uri Rosenthal, "such spontaneous creativity deserves great credit", and we're very proud of the teams who came up with the idea and built it so fast. You'll see our engineering teams continue to work to create more targeted solutions like this to increase communication and the spread of information. We recently relaunched the tool in Syria after the government cut access to the Net.

In parallel, Google is also working to establish the connection between economic growth and the free flow of information. Information, after all, is the currency of the Internet. Access to information via the web has transformed traditional commerce, created an astounding array of new economic opportunities, and expanded international trade. We would argue, then, that when a government blocks Internet service, it is tantamount to a customs official stopping goods at the border.

One concrete thing we've done to advance Internet freedom, then, is to encourage the U.S. and other countries to change their approach to trade agreements, to recognize that censorship can act as a trade barrier and, indeed, that it violates basic free trade principles. We believe there is an opportunity for governments to align trade policy with the 21st century economy and to promote the many trade benefits that come from an open Internet.

Three years ago, Google joined negotiations with Microsoft, Yahoo, human rights groups and others in the United States to see if we could arrive at a code of conduct for how technology companies operating in repressive regimes could best operate to promote freedom of expression and protect the privacy of users.

The result, called the Global Network Initiative, is by no means a silver bullet, but it has taken concrete steps forward. It holds companies accountable for their commitments to protect their users and maximizes the power of its membership to effect change and prevent backsliding. Yet so far, no European company has signed up.

That isn't to say there isn't recognition of the importance of the issue from within Europe. For instance:

- Swedish Foreign Minister Carl Bildt has promoted the free expression religion. In a recent speech he proclaimed "when you set people free you set the conditions for society and the economy to develop". Bildt's conclusion was simple: "the most important instrument of change in our time is the Internet."

- Speaking in Shanghai, the European Commissioner Neelie Kroes has decried Chinese censorship as a trade barrier. And back in Brussels, she called on the European Commission to finance technologies that can

circumvent Internet bans, and reaffirmed the Commission's commitment to upholding fundamental human rights such as freedom of expression.

We think there is much more that could be done. Poland should put this on the European Union agenda for its presidency. The European Parliament should pass a resolution defending Internet freedom. Other politicians and European companies should step up.

But it is not as straightforward as you might think. Even in progressive countries, the risks to free expression are very much alive. Many politicians are facing lobbyists seeking to have filters for pornography set as a default even though such filters would also block access to much fine art, The Sun newspaper and pretty much any health education site. It's vital that politicians acknowledge the risks that such well-meaning intentions can create.

We'd like to conclude with a word about cooperation. Internet censorship is not a problem that any particular industry, much less any single company, can tackle on its own. Sustainable efforts to promote freedom of expression and to limit the impact of censorship will require significant action from both the public and private sectors.

Our real challenge – for all of us who care about preserving the openness of the Internet is to get governments to embrace the power of the Internet and not try to stop it – to recognize that the Internet can be a powerful tool to advance their economies and improve the lives of their citizens. Indeed, those of us who value the free flow of information should press governments and United Nations agencies to make combating Internet censorship a top priority in human rights and economic agendas. With a sustained, cooperative effort in the coming years, we believe battling online censorship is a challenge we can meet together.

This much is certain; The political and social changes following the birth and growth of the Internet have just begun. Nothing will be given to us automatically. We will succeed in our defense only if those of us who believe in the right to free expression defend our values and then get to work.

Changing societies, changing journalism

Leonard Novy

The debate about the state and the future of journalism over the past couple of years – with few exceptions to the rule – was dominated by a rhetoric of decline.[1] With a mixture of outrage, defiance and morbid fascination experts and practitioners discussed the "crisis of journalism;" the looming "death" of the newspaper; an unstoppable deterioration of quality and the loss of the socially integrative function of the media. The economic and finance crises, which strongly affected media businesses that traditionally are particularly dependent on the economic situation, added the rest: owners and investors responded as they do so frequently – with budget cuts, layoffs and even shutting down entire papers.

Today, the fatalistic parlance has given way to a more constructive discourse. Among many publishing houses there are indications of moderate optimism; in some parts of the media sector there is even a sense of euphoria thanks to the economic recovery. However, the increasing turnovers – which usually come from the non-journalism divisions of the business – cannot conceal that the challenges which journalism is facing are only in part of cyclical nature, results of the economic crisis.

The other part is structural and has to do with comprehensive changes, some of them long term, some of them evoked by the Internet. The problems connected with this do not lend themselves to superficial explanations and simple solutions. And yet the discourse on journalism's dysfunctionalities and its perspectives in the network society stands in a striking disproportion to the scope of the technological and socio-cultural changes that have taken hold of our society, to the opportunities resulting from these changes, and to the necessity to deal with the question what this is all about after all. Is it about printed paper as a recording medium? About the cultural form of journalism in its 20th century shape? Or is it not about the question how a critical and independent journalism that meets certain professional and ethical standards can fulfill its function for democracy also in the future, under changing technical and social conditions?

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1 Parts of the following reflections stem from an article by the author in an edited volume on journalism in "Digital modernity" (Kramp, Novy, Ballwieser, Wenzlaff 2012).

The new structural transformation of the public sphere

The complaints about the decline of the quality in the media can almost be regarded as part of the standard repertoire of journalistic self-reflection and navel-gazing; debates on the fragmentation of the media landscape, loss of quality, trivialization, and the alleged erosion of the integrative power of media have taken place at least since the mid-1980s – during a time in which a number of signs, such as changes in usage behavior and decreased newspaper circulation, pointed toward consolidation and downward trends in the newspaper business, while publishing houses were generally still highly profitable enterprises (cf. Faulstich 2012: 280; 328-9, Witschge 2011: 113). The criticism is new insofar as it is being debated in the context of an actual, fundamental structural change that has to do largely, but not exclusively, with the spreading of digital media and which has severely affected media enterprises worldwide, particularly the publishing houses. It changes distribution channels and usage habits; it challenges traditional ways of working and thinking, and it undermines classic business models and patterns of value creation. The consequences are severe.

Economics of Internet communication

For more than a century editorial content, especially print journalism, used to be financed via revenues from copy sales and advertising (cf. Lünenborg 2012: 6). This system experienced its heyday after 1945 when journalism had an authoritative status (for assigning meaning) and when there was essentially no competition when it came to the production and provision of information. Especially for print journalism, this business model has been falling apart during the past few years. The economy of the Internet – which has long since become a central part in the lives of the large majority of the population – is undermining the gatekeeper-based business model of the established mass media.

In today's "multi-media-saturated societies" (Keane 2010: 737) newspapers compete for the attention of readers not just with the websites of other traditional media organizations but also with countless new actors – blogs, company web sites, search engines and news aggregators such as Google and social networks such as Facebook and Twitter. In a dynamic and increasingly diverse communication ecosystem, professional journalism with organized editing structures has irrevocably lost its exclusive position as the transmitter of information and social self-understanding. Well into the mid-1990s there was no

way for consumers who wanted to be informed about current topics to bypass classic news journalism. These monopolies have fallen with the open architecture of digital media which in a technological-structural sense are "social media," bringing together individual and public communication in a shape which Manuel Castells (2007: 246) calls "mass self communication." Twitter and Facebook, which boast more than a billion users, have developed into essential components of the communication infrastructure of modern societies (cf. Röhle, Leistert 2011), which by their reach alone are challenging the traditional distinction between mass media and "personal" communication. Public communication today is, of course, still based on journalistic message production, but also on other sources: blogs, commentaries, short messages, photos and videos which are disseminated through the numerous channels and distribution platforms of the social Web.

As the number of multipliers grow exponentially, and with it the possibilities to reach your own audience via digital channels, the value of news decreases: "The very core of journalism, the value of news – whether monetary, cultural or social – has been put into question in the changing social context and by the changing consumption patterns of news." (Philips, Wischge 2011: 7-8) The revenue shares of media are shifting accordingly. Counting in their online editions, many newspapers are reaching more readers than ever before (Philips and Wischge 2011: 12). But practically all outlets struggle when it comes to monetizing their reach.

As media organizations worldwide search for successful online business models, the number of those who are willing to pay for print journalism continues to decrease across all age groups. In sum, the losses in revenues from copy sales and advertising have not nearly been compensated by additional online revenues. A look at the numbers confirms these developments. According to the *State of the News Media 2012* report published by the Pew Research Center for the People and the Press (2012) which summarizes the annual developments in U.S. news journalism, revenues from advertising in U.S. newspapers fell in 2011 for the sixth year in a row (by 7.3 percent compared by the year before). Altogether, the U.S. newspaper industry generated revenues of $34 billion; in 2000 it was $59.2 billion. This decrease also shows in the shrinking number of editorial staff in 2011. Frequently media corporations and publishing houses were able to save their profitability (and, sometimes, their existence) only by rationalizations, cuts and layoffs.

Of course, the recent changes are not solely caused by the disruptive effects of technological innovation but have to be seen in the context of country-specific structures and traditions as well as political and entrepreneurial decisions (cf. Nielsen, Levy 2010: 4-5). The liberalized rules for cross-ownership in the U.S. (cf. Starr 2012), for example, allow corporations in the same market to run newspapers and broadcast simultaneously – developments in the course of which many traditional corporations such as the Chicago-based *The Tribune Company* were first taken over by investors from other industries who were solely focused on high return, then submitted to extreme profit maximizing measures, and finally left to go bankrupt (cf. Nielsen and Levy 2010: 9-10). Also, in the U.S., advertising sales account for 87 percent of the newspaper revenues – more than in any other country worldwide (cf. OECD 2010). This leads one to expect more massive cuts, entire papers being shut down, merged, or published exclusively online (Pew Project for Excellence in Journalism 2012a).

In comparison, in many Western European countries such as Germany the habits of media usage and loyalties to established media brands are more stable, partly because of strong regional print brands (cf. Reuters 12: 13f). Thus, the dramatic downhill trend and the radical shift from print to online that the U.S. experienced does not have an equivalent in Europe. However, here as well the resources are getting tighter for costly and labor intensive segments such as local journalism and foreign correspondents, for methods such as investigative journalism, and also for equipment, training and innovation. The published diversity of opinion is suffering. Many other markets show a similar picture, among them France, where *France Soir* and *La Tribune* have been discontinued, England, Japan and Spain.

For a long time, it appeared that radio and television stations would be less affected by these developments. But they, too, compete with countless providers for attention and revenues, while new on-demand services, made possible only through faster transfer rates, are calling into question the traditional linear concept of broadcast programming. YouTube, at four billion video views per day the world's third most visited web site, is increasingly investing in special interest channels fed with professional exclusive content – thus competing with traditional television providers. Seven years after its launch the company is now also about to enhance its position as a news platform, with amateur videos and professionally edited content from established news brands such as *The Wall Street Journal*, *Reuters* or the California-based *Center for Investigative Reporting* (cf. Pew Research Center for Excellence in Journalism 2012b).

Public information in crisis?

Journalism and media are not simply a product or industry like any other. As crucial social intermediaries of modern societies they are means of communication and connectors, they create meaning and orientation and largely determine to which extent we succeed in understanding our world – or not. By enabling a qualified participation in democratic processes of opinion forming and involvement and by facilitating control of political power they are considered, no matter what your standpoint in the theory of democracy may be, a crucial component of the communicative infrastructure of modern democracies.

So much for theory.

Today we are facing a paradoxical situation: Never before have so many sources been available to users, allowing them to form their own opinion about events at home and abroad, virtually in real time and often for free. As U.S. sociologist Paul Starr (2012) convincingly points out, the Internet has given us – and other societies to an even greater extent – freedom of opinion and of information, and with the entry of new players on the market has, in many places, also contributed to a revitalization of journalism.

Facebook, YouTube, Twitter and personal blogs have multiplied the possibilities to make oneself heard. The spectacular eyewitness reports, without which reporting has become unimaginable, frequently transmitted via smart phones from areas of crises and catastrophes around the world, bear testament to this. But the picture is more complex. As far as freedom of the press is concerned, the picture is less rosy, "if one understands that freedom as referring not merely to the formal legal rights but to the real independence of the press as an institution." (Starr 2012: 234) For the U.S. one can notice a decrease in institutional capacity (Starr 2012: 240), the consequences of which for democracy can be felt already now and are potentially far-reaching. Journalism is – at the top of the segment – probably better and more independent than ever before in its century old history. And yet, as local journalism in particular is suffering and resources decrease, the supply of high quality journalism cannot be considered as secure (see Wunsch-Vincent 2010: 37).

At the same time and precisely because we live in an age of communicative abundance, independent, professional journalism is necessary more than ever; the performance demands on its protagonists have never been higher. And yet

it has to prove itself under changing conditions; it also must change itself. This responsibility of the media and their functions that are constitutive for democracy have to be defended under changing conditions and even expanded. Because, structurally, online journalism does not have to go along with trivialization.

This requires all stakeholders to let go of the cherished view of journalism's problems from the particular perspective of single genres and organizational forms, and also to leave behind the ritualized trench wars ("pixel vs. paper").

We need to move away from thinking in terms of delivery technologies – "Hallowed is what's written, not the printed paper" (Seidl 2010; my transl.) – toward the question how journalism can meet the multitude of expectations that it is facing in the light of new technical possibilities and rapidly changing cultural and economic conditions. This includes accepting the fact that blogs, Wikipedia and social media are part of a development that is democratizing the access to, and the production of information and knowledge. They are expressions and drivers of a fundamental social change, the logics of which traditional media corporations and journalists have to integrate into their own activities.

Today, the possibilities of the Internet to create an essential value that people would want to pay for have not nearly been exhausted. Rather than formatting news in the spirit of transmedial storytelling, adapting them to several platforms and thereby creating an essential added value for digital services such as apps, there is still a prevalence of text-heavy products that are modeled on print formats. Participation and transparency in particular are core features (and norms) of the digitalization, turning formerly passive consumers of information or services into co-creators. Testament to this are the citizen-journalism projects that are budding in many places, which are playing an increasingly important role in local journalism especially in the U.S., where whole cities and regions have seen their newspapers shut down. Rather than mocking bloggers and citizen journalists broadcasters, publishers and journalists have to adapt to these new realities and give readers possibilities to co-create and share their experiences with other users. "A neighbor with a garden hose and good intentions is not a citizen firefighter," said David Simon, former newspaper journalist and creator of the U.S. series "The Wire" in his testimony before the Senate Committee on Commerce, Science, and Transportation Subcommittee on Communications, Technology, and the Internet.

The same is true for citizen journalism. But such projects are not meant to replace professional journalism in editorial structures. Nor does a more transparent journalism that lays open its methods and invites user to collaborate have to mean that journalists give up their unique qualities and their claim to professional research, contextualizing, and good writing style – to throw out, as it were, the baby with the bath water. Quite the contrary. New technologies "cannot release us from our old obligations" (Starr 2009). Just the opposite. (And) with digital media there are now chances for a revitalized journalism that is all the more clearly anchored amidst society. Such an approach enables us to see opportunities instead of only risks, such as:

- the contribution that the Internet can make (e.g. through dialogue, user involvement and new journalistic formats) for the quality of journalistic research as well as for an understanding of journalism as a dynamic, self-developing process of insight;

- the positive effects on trust and brand loyalty that result from involving formerly passive audiences, from collaborating with "new stakeholders" such as civil society journalism projects or "related" initiatives as well as from transparency concerning structures, processes, and decisions. Engaging in a dialogue with readers via Twitter, as it is common practice in editorial offices in Great Britain or the U.S., shows that users as eye witnesses, collaborators, informants and networkers can make meaningful contributions to the professional work of journalists. For example, important impulses in the field of data journalism trace back to the Open Source movement.

"If general print newspapers didn't exist, would anybody dream of inventing them?" the British Observer recently asked (Preston 2012). That much is certain: The oft-quoted crisis of journalism is foremost a crisis of the mass media – a concept that in the course of its some 170 years of history was declared the standard, but really its era is coming to an end.

Whether journalism will keep its social function, acceptance and, thereby, also its economic viability, depends largely on whether it will accept and face the fundamental change that the Internet presents. Neither does this mean that all large media brands are going to disappear nor that there will be no more print media. The large newspapers will continue to exist – as multimedia news

organizations. But the times of mass media as exclusive brokers of information and knowledge are over. In the words of the *Atlantic Monthly*:

> The cultural sameness and conformity that prevailed after World War II – the era of *Father Knows Best* and Betty Crocker – have been replaced by a popular pursuit of difference and self-expression. (Powers 2005)

With this, the idea of a single, monolithic public sphere (which was underlying the metaphor of the television as the nation's "campfire") is rendered obsolete. But the concept of just one public has only been a myth anyway; a code for the multitude of heterogeneous publics (cf. Fraser 1995; Gestrich 2006). Professional journalism will have to explore and win over these audiences again and again in a new, hyper-competitive communication landscape.

In the end, media corporations too are facing the problem of adapting to a culture that is amplifying "their own values and own functions" in "networks connecting their decisions in value chains 'upstream' towards suppliers and 'downstream' towards customers" (Baecker 2011:327; my transl.). Instead of treating momentary findings such as the difficulty of refinancing journalism in view of disproportionately lower online revenues from advertising and copy sales as laws of nature, and instead of getting lost in tactical trifles, media corporations need to question their ways of working, production and distribution, try out new solutions, and systematically analyze their success as well as failures. Those who succeed now in developing and implementing innovative journalism formats under the new social and technical conditions, the new desires for participation, and the publicist opportunities online, those can secure for themselves a head start on the media market.

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The OSCE Representative on Freedom of the Media 2013 Social Media Guidelines

Introduction

A decade ago, the Office of the OSCE Representative on Freedom of the Media first convened a series of Internet Conferences to establish the potential and challenges of the Internet for freedom of expression and freedom of the media. The *Amsterdam Recommendations* of 2003 and the *Media Freedom Internet Cookbook* of 2004 approached the Internet as a new phenomenon and an unprecedented communication platform.

The general principles are still valid today, but the Internet has evolved from a rather technical infrastructure to an integral part of our everyday lives. As broadband access to the Internet is expanding, the Internet is constantly becoming a more affordable tool for citizens across the OSCE region.

At the same time, the technical development of the so-called Web 2.0 has made it even easier to share information and participate in public discourse. We live in the Digital Age, which makes it easier for us to create more democratic cultures with participation by all members of society. The Internet isn't free by nature, though, but by design and by enlightened decisions of legislators, the technical community and users.

The Internet also brings along a new notion of media: Social media make it possible for everyone to create, impart and receive news; or to comment on and discuss ideas and developments. Bloggers have expanded the scope of classical journalism and added the new form of "citizen reporting" to the media landscape. And traditional professional journalism is also increasingly making use of social media tools for researching and distributing their stories.

In the light of these developments, the OSCE Representative on Freedom of the Media compiled these guidelines from the contributions to the *2013 Social Media Guidebook* to assist all stakeholders in OSCE participating States to foster freedom of the media on the Internet.

Just as 10 years ago with the *Amsterdam Recommendations*, these guidelines need to be adjusted as social media develop even further. The underlying principle, however, remains the same: the basic human rights to free media and free expression and their implementation in the digital age.

Social media and freedom of expression

- Social Media make it easier than ever for every connected citizen to disseminate information, share news, comment on reports and get involved into the creation of content. The right to free expression and free media as human rights is not reserved for media companies or editorial offices. These rights are equally applicable to all forms of journalism, not just traditional media. As basic human rights there cannot be different rights for different categories and there cannot be different subsets for traditional media and new media.

- The right to free media also includes the right to seek and receive information and ideas of all kinds, regardless of frontiers, orally or in print, in art or any other media of choice. Social media and social networks unquestionably are protected by these rights, because they are simply a different way transferring news, opinions and ideas.

- It is important to note that freedom of the media on the Internet must be defended offline, too, because "traditional" forms of censorship, such as harassment or imprisonment of online journalists or physical raids of editorial offices, apply for online media, too. Assaults on journalists, bloggers or social media activists are direct attacks on media freedom.

- Legislation and regulations constantly need to be adjusted to reflect technical innovations and new communication platforms. The underlying right to free expression, however, remains unaltered and valid for any new technological platform.

Social media and journalism

- The real-time flow of information from all over the world funneling through social networks cannot be ignored. For journalists, the balance of using social media for newsgathering, reporting, verifying – and ethical issues that go with it – remains a challenge that continues to be tested as new

standards evolve to meet the demands of new technologies. Social media's immediacy, ease of use, low barrier to entry and global footprint have made information, news, content, sentiment, travel farther and faster than ever before.

- Beyond the use for individual communication, social networks today serve as an indispensable tool for the work of journalists and bloggers. Research, publication, distribution, funding, collaboration, follow up or discussion – all this happens on social networks and through social media. At the same time also users rely on social media and social networks to receive news reporting. This multi-dimensional usage of social media and social networks also brings with it implications for the basic right of freedom of the media.

- The Internet and mobile technologies are at the center of how people's relationship to news is changing. The importance of social networks for news consumption is growing. People use social networks and social networking technology to filter, assess and react to news. The Internet with its social media and social networks, today forms an indispensable infrastructure for the right to seek and receive information –also across borders – a right that is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

- Blogging, vlogging, posting videos, aggregating news, sharing articles online or syndicating content are some of the forms of journalism that the innovative technology of the Web 2.0 allows for.

- With regard to the increasing importance of the Internet as a means of mass communication, a debate is needed on extending the protection of journalists' sources to others engaged in the dissemination of information.

- In a world in which individuals communicate on public or semi-public platforms, the line between professional journalism and other forms of content production is not easily drawn. Collaborative works, such as wikis, make it difficult to identify a single author. Rather than judging by the origin of content, the content itself should qualify as journalism and this definition should be broadly applied.

Professional media and Web 2.0

- The way that media outlets are developing their social media policies and practices is influenced by the extent to which the "people formerly known as the audience" are increasingly accessing and sharing news and information via social media platforms.

- What used to happen before "going to press" - information distribution – in the forms of verification and fact checking, now plays out simultaneously on social media. Process and transparency is as newsworthy as the newsgathering and reporting itself, and is becoming a part of how stories are told with these media. And the whole world is paying close attention.

- Social media as a news source means changing roles for journalists in how they approach and cover news. The changing role for news organizations on social media continues to be the tone and the approach they use in posting content; the process of vetting content and reaching their audience in the space. Instead of fearing to be left out, however, journalists should embrace new technologies and social media as yet another tool in their professional toolbox.

- It would be valuable to establish what constitutes standard practice with respect to user-generated content in newsrooms. Understanding the in-depth newsroom workflows and practices in relation to production and technical capabilities would allow researchers to better understand the challenges that newsrooms face in evaluating UGC and integrating it effectively into news packages and programs. A set of best practices could emerge from further inquiry into these processes.

- However, the real-time news feed of social media content has not come without pitfalls. Posting updates on social media and verifying authenticity has become more important than ever before. Editorial and social media teams could follow social media reports closely and work to verify and distribute reports from originating sources.

- The Internet and social media are highly technical environments. Journalists have an opportunity to learn about false identities and identity tracking from activists, dissidents, hackers and security researchers. Social media journalists could also make themselves familiar with the technical

functionalities such as IP addresses, TOR, email headers and similar features.

- The use of Web 2.0 tools for this form of research – or "crowdsourcing" – is still underdeveloped and journalists need to develop skills to check and verify sources to guarantee reliable and accurate information. Recent cases have demonstrated a considerable lack of fact checking of social media sources by journalists. Awareness should be raised and tools for journalist training in the use of social media and social networks should be developed.

User generated content and online comments

- The issue of free comments by citizens on the Internet, although partly going beyond the bounds of media law regulation, is worth looking at. For the first time in history, an opportunity to discuss events reported by media and propose topics and develop life stories has emerged. For now, it is not a question of replacing professional journalism with "citizen reporting," but enhancing the work of media editors through social media and a new group of media actors.

- With the diverse range of cultures, values and online usage throughout the OSCE, it is not surprising that regulation of online comments is just as varied. As the process involves interpretation of guidelines, understanding of freedom of expression, business interests and privacy policies, almost every country has its own way of responding to the issue, and it is unlikely there will be a unified policy any time in the near future. The rapidly changing way of Internet regulation also means the existing policies will probably be fluid, both technologically and legally, with individual Web sites determining the policies that work for them and their users.

- Accountability is an issue, for example when it comes to anonymous wikis. Professional journalism ethics, as well as guidelines for user ethics, needs to be further developed in this field.

- No matter what policy is chosen, however, the policies each country uses should not violate freedom of expression as stated in Article 10 of the European Convention of Human Rights nor should they hold third parties liable for posts, particularly considering the rate and volume at which

online comments are posted and circulated. Only continued discussion and transparent debate on this subject will ensure that these standards are met.

- Mandatory prior monitoring of user-generated content, including online comments, is practically impossible and legally too restrictive. Mandatory monitoring has a chilling effect and discourages users to express themselves freely. Editorial offices and Web site owners, of course, can establish their own procedures, but legally prescribed prior monitoring inhibits the users' free expression.

- Holding intermediaries liable for the content disseminated or created by their users severely undermines the enjoyment of the right to freedom of opinion and expression, because it leads to self-protective and overly broad private censorship, nontransparent and potentially arbitrary decisions, often without respecting due process. Content regulation should never be delegated to a private entities alone.

- No one should be held liable for content on the Internet of which they are not the author, as long as they do not specifically intervene in that content or refuse to obey court orders to remove that content, were they have the capacity to do so ('mere conduit principle').

Multi-stakeholder approach and corporate responsibility

- It is crucial to also mention the importance of the right to privacy, data protection and the confidentiality of individual communications, although it might take place on the same platforms as public communication.

- Government actions requesting to remove content should be as transparent as possible and allow for independent appeals procedures.

- Companies and service providers have a positive obligation to exercise their corporate social responsibility in such a way that guarantees freedom of expression and freedom of the media online and safeguards the privacy and security of their users.

- Although it is foremost that the state has the obligation to guarantee the individuals' basic human rights, corporations and companies also have a

responsibility to protect these rights and enable their users in exercising these rights. These partly voluntary commitments are manifested in covenants and industry standards such as the Silicon Valley Standard and other Corporate Social Responsibility (CSR) guidelines.

- When following removal requests that are valid, written demands, based on law and consistent with human rights principles, interventions should always be as narrow as possible and it should be made sure that any removals are done locally, not globally.

- Countering Internet censorship is not something that any particular industry could tackle on its own. Sustainable efforts to promote freedom of expression and to limit the impact of censorship will require significant action from both the public and private sectors.

- Coming up with globally valid and enforceable rules to apply to situations worldwide will be difficult to achieve. A multi-stakeholder approach, including governments, civil society, industry and academia, might be helpful to develop guidelines for how technology companies, including those operating in repressive regimes, could best operate to promote freedom of expression and protect privacy of users.

About the authors

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Kevin Anderson is a journalist, journalism trainer and digital strategist. After starting his career in newspapers, Kevin shifted to digital journalism in 1996. In 1998, he became an online journalist for the BBC in the Washington bureau. He joined the Guardian in 2006 as its first blogs editor. Two years later, he became digital research editor at the newspaper, helping identify and implement new technologies to support the newspaper's world-class journalism. In March 2010 he became an independent journalist and strategist and continues his work in journalism, providing frequent comment on technology issues for the BBC and Al Jazeera. He also works with journalists and news organizations around the world, including Al Jazeera and Reed Business Information, to prepare them for the digital future.

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