



**Organization for Security and Co-operation in Europe  
Office of the Representative on Freedom of the Media**

**Expert workshop on content curation and media pluralism**

**23 June 2021**

**CONCEPT NOTE**

Diversity and media pluralism are core democratic principles. With the rise of dominant internet intermediaries and their influence over public discourse, the question arises on how algorithmic curation exercised by private actors impacts these democratic values. In recent years, internet intermediaries and in particular social media platforms have gradually become an important source of information, including news content. The growing “systemic opinion power of intermediaries”, which is „the power to create dependences and influence other players in a democracy” is the result of automated systems closely building on unprecedented access to users’ data.<sup>1</sup> While there are numerous methods how intermediaries can exercise such power asymmetries, the work of this expert group will primarily focus on content recommender systems and personalisations of news content:

- Deployment of content recommender systems, which determine the ranking of content as it is presented to individual users, thereby impacting individuals’ freedom to seek and impart information, have far-reaching impact on the overall information landscape, and media freedom. These recommender systems’ design significantly affects what is seen online, and what remains hidden – and for whom. The factors for ranking can include the level of engagement specific content is generating among other users, the type of content, when it was shared, or how users have interacted previously with similar content. As a basic principle, the content prioritised and displayed to a user is the one the system predicts they are most likely to engage with. Similar to systems for personalised and behavioural-based advertisements, content recommender systems extensively collect users’ data to create digital profiles, assess similarities among users, and make inferences based on this data.
- Algorithmic content curation deployed by online news sites or news sharing on social media have substantially changed the information and news landscape. In the current context, it is highly relevant to explore how the changes in the media landscape and in users’ media consumption affects media diversity on the one hand, and policies that are directed at facilitating and fostering the role of the media as a “general interest

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<sup>1</sup> Natali Helberger, The Political Power of Platforms: How Current Attempts to Regulate Misinformation Amplify Opinion Power (2020). retrieved from <<https://www.tandfonline.com/doi/epub/10.1080/21670811.2020.1773888?needAccess=true>>

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intermediary” on the other hand.<sup>2</sup>

The goal of this expert group is to provide recommendations for strengthening the protection of human rights and fundamental freedoms, with the focus on the absolute right to form one’s opinion and to safeguard media pluralism and media freedom that may be negatively impacted by algorithmic content curation and personalisation. Specifically, the experts will address the amplification of potentially harmful but legal content, such as dis- and misinformation; and the impact of recommender systems on diversity of information, including self-selected and pre-selected personalization of news content.<sup>3</sup> The expert group will explore whether and how the endangering of media pluralism online may lead to a polarisation of societies.<sup>4</sup> The expert group should focus on algorithmic content curation at scale deployed by large internet intermediaries because scale matters: the societal impact of a single message or video rises exponentially when a powerful algorithm is driving its distribution.<sup>5</sup>

The algorithmic selection of content for users is based on intermediaries' own rules that follow their own and advertisers' economic interests rather than democratic or editorial news values. Content recommendation is crucial for the growth and dominance of large internet intermediaries, and lies at the heart of their business models. As recommender systems are "a key logic governing the flows of information on which we depend",<sup>6</sup> internet intermediaries have gained a gatekeeping function, implicating public interests and swiftly becoming a key point of control.<sup>7</sup> Their recommender systems significantly reconfigures the logics of public communication and pressurizes professional journalism by altering journalistic routines, changing the journalist–source relationship regarding selection of sources as well as verification strategies.<sup>8</sup> Moreover, news items are accessed less often than a bundled overall offer of individual information content. Therefore, every single post fights for attention in the news feed. Since user reactions are usually based on the very first impression, clickbaiting in the news feed

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<sup>2</sup> Judith Moeller, Damian Trilling, Natali Helberger, Kristina Irion and Claes De Vreese, Shrinking core? Exploring the differential agenda setting power of traditional and personalized news media (2016). Retrieved from <https://www.emerald.com/insight/content/doi/10.1108/info-05-2016-0020/full/pdf>

<sup>3</sup> Frederik J. Zuiderveen Borgesius, Damian Trilling, Judith Möller, Balázs Bodó, Claes H. de Vreese, Natali Helberger, Should we worry about filter bubbles? (2016). Retrieved from <https://policyreview.info/node/401/pdf>

<sup>4</sup> Filter bubbles refer to the distribution and usage of information and development around a single user through algorithmic recommendations, in which the individual user may be largely uncoupled from relevant societal discussions. On the other hand, echo chambers refer to communication situations where one is exposed only to opinions that agree with their own, thus one is never alone in an echo chamber (Stark, Stegmann, 2020, see footnote 6)..

<sup>5</sup> Nathalie Maréchal, Ellery Roberts Biddle (2020). It's Not Just the Content, It's the Business Model: Democracy's Online Speech Challenge: A Report from Ranking Digital Rights. Retrieved from <https://www.newamerica.org/oti/reports/its-not-just-content-its-business-model>.

<sup>6</sup> Gillespie, T. (2018). Custodians of the internet. Retrieved from

[https://www.researchgate.net/publication/327186182\\_Custodians\\_of\\_the\\_internet\\_Platforms\\_content\\_moderation\\_and\\_the\\_hidden\\_decisions\\_that\\_shape\\_social\\_media](https://www.researchgate.net/publication/327186182_Custodians_of_the_internet_Platforms_content_moderation_and_the_hidden_decisions_that_shape_social_media).

<sup>7</sup> Paddy Leerssen, The Soap Box as a Black Box: Regulating Transparency in Social Media Recommender Systems. Retrieved from [file:///Users/eliskapirkova/Downloads/Leerssen%20EJLT\\_corr.pdf](file:///Users/eliskapirkova/Downloads/Leerssen%20EJLT_corr.pdf).

<sup>8</sup> Sophie Lecheler, Sanne Kruikemeier, Re-evaluating journalistic routines in a digital age: A review of research on the use of online sources. *New Media & Society* (2015). Retrieved at <https://journals.sagepub.com/doi/10.1177/1461444815600412>

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is used for attracting attention and engaging users, which, in turn, facilitates advertising and thereby generates profit.

Recent research findings reveal that content recommender systems can contribute to the polarisation of opinions and attitudes online, though it must be noted that several conditions have to be fulfilled for algorithmic filtering to be effective in causing polarization. For instance, an important factor is the predisposition and political attitude of users, and algorithmic filtering can cause polarisation especially for those users who are already at the edges of the political spectrum.<sup>9</sup> Thus, it cannot be simply assumed that algorithms are capable of polarising society per se, though the aim of content curation to drive engagement and even attempts to boost users' engagement for profit have been clearly documented. Since controversial issues in particular generate more user engagement, such content is more likely to be highly ranked by algorithms programmed to increase user engagement and thereby more likely to be visible to a larger audience.

The expert workshop will focus on the following thematic areas:

- **States positive obligation to effectively protect public interest and address power asymmetries between internet intermediaries and individuals that result in unjustified interferences with their absolute right to form an opinion:** The expert group will address how to secure an adequate level of public scrutiny, meaningful transparency requirements necessary for effective oversight and users' empowerment, and finally, adequate safeguards for a non-distorted public space of democratic discourse.
- **Meaningful transparency:** Internet intermediaries typically incorporate 'diversity' into recommender systems simply to engage the user and increase their profits, rather than to promote a pluralistic, democratic debate. These systems may have unintended consequences from the perspective of media pluralism, and broader societal objectives. The expert group will address ways to establish meaningful transparency measures, with the needs of users in mind.
- **Content diversity:** Given the risks of overly personalised content on social media platforms, the expert group will address whether and how large social media platforms should be required to take steps to ensure users are exposed to sufficiently diverse content and balanced coverage of issues on their service by default.

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<sup>9</sup> Birgit Stark, Daniel Stegmann. Are Algorithms a Threat to Democracy? The Rise of Intermediaries: A Challenge for Public Discourse. Retrieved from <https://algorithmwatch.org/wp-content/uploads/2020/05/Governing-Platforms-communications-study-Stark-May-2020-AlgorithmWatch.pdf>.

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- **Prioritization of public interest content:** algorithmic selection of content is primarily to enhance user engagement for economic purposes rather than to ensure users are exposed to a diversity of information sources, perspectives and opinions, or that they are informed on issues of public interest. The expert group will assess whether and how rules should be developed around the prioritization of public interest content.
- **Media pluralism:** The excessive market concentration leads to a small number of social media platforms acting as gatekeepers of the flow of information online, including media and news content. The expert group will address whether and how large social media platforms should promote media pluralism and ensure that a diversity of media actors get their content distributed visibly on their platforms.

The expert group should provide guidance on independent auditing of algorithmic content curation tools as well as (*ex ante*) human rights impact assessments, with the emphasis on the need to return the agency and control back to users. In this vein, members of the expert group should provide a set of human rights centric recommendations addressed to OSCE participating States with the aim to identify effective ways to adhere to human rights obligations, due diligence standards, procedural fairness safeguards and adequate public oversight that can effectively prevent risks to freedom of expression and media freedom.



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**AGENDA**

**10:00 - 10:10**

**Welcome by OSCE RFoM and Access Now**

- Teresa Ribeiro, OSCE Representative on Freedom of the Media
  - Welcoming remarks
- Eliska Pirkova, Europe Policy Analyst, Access Now
  - Introducing the agenda and objectives of the working group
  - Housekeeping rules

**10:10 - 11:00**

**Tour de table**

- Name and affiliation (and your favorite dessert)
- What are, in your view, two utmost priorities that this workshop should tackle when addressing potential human rights violations caused by the deployment of recommender systems, personalisation of news content and algorithmic content curation in general by large internet intermediaries? Please when preparing your contributions, focus on the right to form an opinion and media pluralism.

**11:00 - 11:10**

Coffee break

**11:10 - 12:00**

**Session 1: Personalisation of news content by internet intermediaries as well as by private and public media, and its effects on access to diverse information**

Extensive parts of traffic to news sites passes through internet intermediaries, such as social media sites that deploy recommender systems, personalisation of news content and algorithmic content curation in general to determine the supply of news items for individuals. This may result in negative impacts on various human rights of users, especially when pre-selected personalisation is used, i.e. when the personalisation of news content is not a result of a user's direct choice but determined by an opaque algorithm that decides what content is

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shown in a user's newsfeed. At least in theory, if algorithms are programmed to favour news items that cover only a small set of topics that users are assumed to be interested in, users may be deprived of information of public interest or on many other diverse topics that are important for democratic discourse and society at large. States have a positive obligation to promote media freedom, including by enabling a vibrant, pluralistic media landscape to the benefit of society's right to access a diversity of information.

- Introduction by the Chair covering the main areas for this session
- Discussion among experts
  - In your view, is there a serious risk that pre-selected personalisation of news content may impede media pluralism and lead to the creation of "filter bubbles" and to polarisation of society at large?
  - If so, how can States mitigate such a risk, including regulatory responses addressing governance of internet intermediaries as well as other concrete measures in this regard, such as prioritising public interest content?
  - Can mandatory *ex ante* human rights impact assessments and other due diligence safeguards play a significant role in preventing such risks? How should they be designed in order to be effective?

**12:00 - 13:00**

Lunch break

**13:00 - 13:50**

**Session 2: States' positive obligation to protect the absolute right to freedom of thought and opinion from unjustifiable interference by internet intermediaries**

The right to freedom of thought has been described as "one of the foundations of a democratic society" and "the basis and origin of all other rights". Internet intermediaries exercise gatekeeping control by deploying tools closely related to interaction with individual users, the amount of knowledge and control they have over the user base, and their exposure to diverse information. The gatekeeping role allows intermediaries to significantly shape the content diversity that users are subject to, and thereby, the opinion formation process.

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- Introduction by the Chair covering the main areas for this session
- Discussion among experts
  - In your view, do recommender systems, personalisation of news content and algorithmic content curation in general have power to manipulate users' right to form an opinion and to decrease the content diversity that users are being exposed to? If so, what is the role of States in preventing users' thoughts and opinions from being manipulated by automated decision-making systems that personalize and curate both user-generated and news content?
  - Is the collection of personal behavioural data lawful for the purpose of content recommendation, and given the current profiling practices performed by intermediaries, can users still exercise their right to freely receive information and ideas?

**13:50-14:00**

Coffee break

**14:00-14:50**

**Session 3: States' positive obligation to effectively protect public interest and to enable public scrutiny and adequate oversight mechanism**

Concerns about the negative impact of content recommender systems and personalisation of news content on users' freedom of thought and democratic discourse are legitimate. However, researchers and other independent stakeholders with relevant expertise lack proper access to a wide variety of intermediary data in order to scrutinize methods responsible for users' manipulation.

- Introduction by the Chair covering the main areas for this session
- Discussion among experts
  - Can legally mandated criteria of meaningful transparency imposed on internet intermediaries return the agency back to users and if so, what information should be disclosed for the purpose of users' empowerment?
  - What data, parameters and other relevant information should be disclosed by internet intermediaries about their content recommender systems and algorithmic



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personalisation of news content in order to achieve effective public oversight and in a full compliance with data protection standards?

- What public authorities and other independent stakeholders should have access to this data and who should be responsible for their verification?
- Should a data access framework be legally mandated by States or rather under a voluntary self- or co-regulatory framework?
- How can States increase users' awareness that they are being subject to personalisation of content, including news content, via recommender systems, especially when pre-selected personalisation is put in place by intermediaries?

**14:50 - 15:05**

Coffee break

**15:05 - 15:55**

**Closing remarks:**

- Brief discussion on areas not covered by this workshop which would need additional attention (in the scope of the specified subject matter: right to the freedom of opinion and media pluralism)
- Summarising the takeaways, seeking to identify technical recommendations from the “how to” discussions in the three sessions
- Explaining the next steps



