Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1506 (2001)[1]

Freedom of expression and information in the media in Europe

Parliamentary Assembly

1. The Assembly believes that free and independent media are an essential indicator of the democratic maturity of a society. The right to freedom of expression and information is intrinsically linked to the citizens' right to know, which is a prerequisite for making well-informed decisions. The possibility to express freely ideas and opinions enhances public dialogue and therefore stimulates the development of the democratic process in society.

2. Now that there are forty-three member states in the Council of Europe, almost all the continent is covered by the provisions of the European Convention on Human Rights and its Article 10 which guarantees everybody freedom of expression, including "freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers". Rapid progress towards democratisation in that respect is expected in the Federal Republic of Yugoslavia and in Bosnia and Herzegovina. Belarus remains the country where the deeds of the authorities most blatantly go against the values and principles in the media field defended by the Council of Europe.

3. As was stated in Assembly Recommendation 1407 (1999) on media and democratic culture, enormous progress in the field of freedom of expression and information has been achieved in central and eastern Europe since the fall of communism. However, serious and unacceptable violations of this freedom are still committed in a number of countries. At the same time new challenges arise and they have to be faced by the whole of Europe.

4. Censorship is still practised and in its most appalling form, violence and murder. Journalists continue to die, not only when covering events on the battlefield, but also, and more often, in the course of their work when trying to throw light on darker sides of the society such as corruption, financial abuse, drug trafficking, terrorism or ethnic conflict. Most perpetrators of such crimes have not been caught and brought to justice, which casts serious doubts on the independence of the judiciary and as to the real willingness of the authorities to disclose the truth. The Assembly has recently drawn attention to this problem in the case of Ukraine in its Resolution 1239. Azerbaijan, Russia, Turkey and Ukraine are the countries where the greatest number of journalists have been subject to physical aggression over the last years.

5. Governments continue to use provisions in legislation, such as defamation, and regulations pertaining to territorial integrity, national security or public order, in order to harass undesired critics. Prison sentence for defamation is still practised in several former communist countries and in Greece, and also features in the criminal codes of other western legislations, although no longer applied there. In Turkey, several journalists are still imprisoned or have been brought to trial, most having been sentenced for or accused of having links with terrorist groups. Elsewhere, even where libel has been decriminalised, disproportionately heavy fines often deter free expression and lead to self-censorship. A very high number of court trials also characterises the transition of new democracies from the "one party, one truth" system to pluralism of opinions.

1. Assembly debate on 24 April 2001 (10th Sitting) (seeDoc. 9000, report of the Committee on Culture, Science and Education, rapporteur: Mr Hegyi). Text adopted by the Assembly on 24 April 2001 (10th Sitting).

6. In several countries access to official information is to a great extent left to the discretion of the authorities. Particularly unacceptable are the restrictions imposed on access to information in areas of conflict such as Chechnya, despite many Assembly appeals to the Russian authorities to guarantee free access to journalists, and on sensitive issues such as, in Turkey, the latest hunger strikes. Some aspects of the information policy of Nato during the Kosovo war also deserve criticism.

7. Attacks against freedom of expression can take many other forms, such as threats, intimidation, arbitrary closure of media outlets, power cuts, bomb alerts, police searches and confiscation of material, damage of printing facilities or television and radio transmitters, heavy taxes, monopolies on paper and distribution, unequal conditions for state media as opposed to other media and pressure on advertisers.

8. Administrative harassment is also commonplace in several former communist countries, especially through tax and other financial regulations. Such practices, for instance in Russia, are currently used in an apparent attempt to bring all nationwide television stations under governmental control. The Assembly expresses particular concern about the recent developments in Russia – the forceful seizure of the only independent nationwide television channel NTV, the closure of the newspaper "Segodnya" and sacking of the journalists of the magazine "Itogy". The attacks on the freedom of expression and mass media in Russia, undertaken with the participation of the authorities, run counter to the basic principles of the Council of Europe and constitute a significant violation of Article 10 of the European Convention on Human Rights.

9. Precarious economic conditions and a low level of democratic culture represent in themselves a serious threat to freedom of expression since they make the media an easy prey to mighty political, economic and other interests. Instead of performing their role of a public watchdog, the media become instruments for settling scores and are transformed into mercenaries acting upon orders.

10. Independence of public service broadcasting and the need to provide a genuinely independent regulatory authority for the broadcasting sector, as prescribed in Recommendation Rec(2000)23 of the Committee of Ministers, remain a serious challenge for almost all former communist countries and is not completely taken for granted even in established democracies. This was well illustrated during the recent events concerning Czech public television and Bulgarian national radio. In Hungary only the ruling parties are represented on the television and radio boards, despite the constant complaints of two opposition parties. The problem is rooted in the fact that the smallest opposition party requires double the representation on the media boards compared to the leading opposition party, which has ten times more MPs. Recently a new law on radio and television was adopted in Croatia without taking into account the reservations of the Council of Europe in that respect. It is equally important to establish a fair and transparent licensing procedure, as can be witnessed in the case of the problems that private broadcasters in Azerbaijan are facing.

11. Throughout Europe, freedom of expression and information is facing new challenges resulting from the ongoing process of globalisation of the media market along with the revolution provoked by the convergence between broadcasting, computing and telecommunications. The current market restructuring, leading to new alliances and mergers between traditional media companies and new service providers, might lead to further concentration and vertical integration of multimedia corporations and thus restrict media pluralism. The Committee of Ministers, in its Recommendation (99) 1, stressed that states should promote political and cultural pluralism by developing their media policy in line with Article 10 of the European Convention on Human Rights.

12. A pluralist and independent media system is also essential for democratic development and a fair electoral process. It is thus essential to eliminate oligopolism in the media, and to ensure that the media are not used to gain political power, especially in countries where a mixed public-private system would enable political movements, supported by the private sector, to control all information after elections, especially through radio and television.

13. There is a growing trend for the media to be considered as a purely commercial product rather than a specific cultural and democratic resource. Even if certain journalists are willing to live with it, this trend puts the majority of them under unacceptable pressure to sacrifice quality journalism to “infotainment” and therefore restricts freedom of expression and information. The merciless competition between media enterprises puts increasing pressure on editorial boards to ensure immediate coverage, at the expense of in-depth analysis and research. Cuts in editorial budgets and new ownership policies result in a decline of editorial standards and to increasing reliance on freelance journalists and consequent damage to professional responsibility. Investigative journalism is becoming unprofitable. Sensational stories and “advertorials” or “Big Brother”-style programmes are replacing independent editorials. On the other hand, employed journalists are censored and

often limited in expression by their employers – owners or chiefs of wireless media companies, editors of newspapers – when they impose their own views and political or commercial interest upon the journalist's personality, name and professional responsibility.

14. Taking into account these considerations, the Assembly considers that freedom of expression and information is and will remain a major challenge for democracy in Europe and should continue to be a primary concern for the Council of Europe.

15. In this respect, the Assembly reiterates its position, stated in Recommendation 1407 (1999) on media and democratic culture, that the Council of Europe should "exert moral and political pressure upon governments which violate freedom of expression". The Assembly will pursue this issue, and on a country-by-country basis. It regrets the fact that the Committee of Ministers has still failed to provide a satisfactory reply to the recommendation, and this in a period when it is striving to acquire a stronger political presence in Europe.

16. Therefore the Assembly recommends that the Committee of Ministers:

16.1. consider as a priority the defence of freedom of expression and information in member and candidate states;

16.2. set up a more efficient system of defending freedom of expression and information in Europe, involving all relevant sectors of the organisation that deal with this issue and allowing it to increase pressure on governments;

16.3. make public the findings of its monitoring procedure in the field of personal and editorial freedom of expression, formulate on this basis specific recommendations to individual member states and make these states publicly accountable for their implementation;

16.4. ensure that the expertise provided by the Council of Europe in the field of media legislation is duly taken into account by member states, particularly on points challenging attempts at political control over the media;

16.5. instruct its relevant bodies to step up work on challenges to freedom of expression and information and to media pluralism and diversity stemming from globalisation and from the further development of the information society;

16.6. enhance public debate within its specific bodies on necessary changes and improvements in the field of freedom of expression and information in member countries;

16.7. provide the necessary means for the implementation of assistance programmes and make governments better aware of the urgent need for voluntary contributions;

16.8. ensure co-ordination and complementarity of the above-mentioned activities with other international institutions, and in particular the OSCE Representative on Freedom of the Media, the European Union and Unesco, as well as with relevant press freedom NGOs, journalism associations and trade unions;

17. The Assembly considers it necessary that the Monitoring Committee pay special attention to the freedom of expression and mass media in Council of Europe member states during the monitoring procedures.

18. The Assembly welcomes the decision of its Committee on Culture, Science and Education to appoint a General Rapporteur on the Media and requests the Committee of Ministers and the Secretary General to give him/her their support, in particular as regards information and secretariat assistance.