Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1589 (2003)[1]

Freedom of expression in the media in Europe

Parliamentary Assembly

1. The Parliamentary Assembly recalls its Recommendation 1506 (2001) on freedom of expression and information in the media in Europe and its decision to exert, through the general rapporteur on the media, moral and political pressure on governments which violate freedom of expression in the media, pursuing this issue on a country-by-country basis.

2. It regrets that since the adoption of Recommendation 1506 many problems persist and that further serious violations of freedom of expression have since taken place in Europe as well as in the rest of the world.

3. Violence continues to be a way of intimidating investigative journalists or of settling scores between rival political and economic groupings, for whom certain media act as mercenaries. The number of journalists attacked, or even murdered, in the Russian Federation is alarming. Violence has also recently been recorded in Armenia, "the former Yugoslav Republic of Macedonia", Georgia, Ukraine and Belarus. In particular, the Assembly strongly condemns the murder of Tigran Naghdalian, Chairman of the Public Television and Radio Council of Armenia. It is unacceptable that no substantial progress has been made in the investigation of crimes committed earlier, such as the murder of Heorhiy Gongadze in Ukraine and the disappearance of Dmitry Zavadsky in Belarus.

4. It is also unacceptable in a democracy that journalists should be sent to prison for their work, as in the cases of Mikola Markevich, Paval Mazheika and Viktar Ivashkevich in Belarus, and of Grigory Pasko in Russia. Criminal prosecution against journalists continues in Turkey.

5. Other forms of legal harassment, such as defamation suits or disproportionately high fines that bring media outlets to the brink of extinction, continue to proliferate in several countries. Such cases were recently recorded in Azerbaijan, Belarus, Croatia, Russia and Ukraine. A dozen lawsuits have been brought against Presspublica, the publisher of the major Polish daily, Rzeczpospolita. Intimidation of the media also takes the form of police raids, tax inspections and other kinds of economic pressure.

6. In Ukraine, according to numerous journalists and the conclusions of the parliamentary hearings on freedom of speech and censorship, the presidential administration provides instructions to the media on the coverage of the main political events.

7. In most countries of the Commonwealth of Independent States the national television, the main source of information for the majority of the population, continues to be state-run or under tight government control. It is regrettable, for instance, that despite explicit Council of Europe recommendations to the Moldovan authorities and despite mass protests at Teleradio-Moldova last spring, the newly adopted broadcasting law provides for many forms of direct political interference. The same problem exists with the proposed draft for a law on public television in Azerbaijan.

8. In certain countries it is still far too easy to replace heads of public media according to the whims of the authorities.

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1. Assembly debate on 28 January 2003 (3rd Sitting) (see Doc. 9640 rev., report of the Committee on Culture, Science and Education, rapporteur: Mrs Isohookana-Asunmaa). Text adopted by the Assembly on 28 January 2003 (3rd Sitting).

9. Even the most advanced new democracies still face difficulties in ensuring genuinely independent public service broadcasting and a proper balance between government and opposition.

10. In certain west European countries, courts continue to violate the right of journalists to protect their sources of information, and this despite the case-law of the European Court of Human Rights.

11. The media legislation in some of these countries is outdated (for instance the French press law dates back to 1881) and although restrictive provisions are no longer applied in practice, they provide a suitable excuse for new democracies not willing to democratise their own media legislation.

12. In Italy, the potential conflict of interest between the holding of political office by Mr Berlusconi and his private economic and media interests is a threat to media pluralism unless clear safeguards are in place, and sets a poor example for young democracies.

13. Media concentration is a serious problem across the continent. In certain countries of central and eastern Europe a very small number of companies now predominantly own the printed press. Access to digital television also tends to be highly concentrated.

14. The recent terrorist attacks can provide a pretext for introducing new restrictions to freedom of information, as with the adoption by the Russian Duma of amendments to the Laws on Mass Media and the Law on the Fight against Terrorism, but which President Putin had asked to be reformulated using his right of veto.

15. The Assembly therefore stresses the need for the Council of Europe, through its appropriate bodies, to continue to monitor closely the state of freedom of expression and media pluralism across the continent and to put all its weight behind the active defence of its basic standards and principles, including the duty of journalists to observe ethical and responsible professional standards.

16. In this context, it asks the Committee of Ministers to make public the results of its monitoring procedure in the field of freedom of expression of the media.

17. The Assembly also asks the Committee of Ministers to urge all European states, where appropriate:

17.1. to ensure that substantial progress is made in the investigation of murders of journalists and that the perpetrators of such crimes are punished;

17.2. to set free all journalists imprisoned for their legitimate professional work and to abolish legislation that makes journalistic freedom of expression subject to criminal prosecution;

17.3. to stop immediately all forms of legal and economic harassment of dissenting media;

17.4. to revise their media legislation according to Council of Europe standards and recommendations and to ensure its proper implementation;

17.5. to revise in particular their broadcasting legislation and implement it with a view to the provision of a genuine public service;

17.6. to abolish restrictions on the establishment and functioning of private media broadcasting in minority languages;

17.7. to incorporate the case-law of the European Court of Human Rights in the field of freedom of expression into their domestic legislation and ensure the relevant training of judges;

17.8. to ensure the plurality of the media market through appropriate anti-concentration measures, especially in fairness of access to digital radio and television platforms, and to press for relevant international mechanisms in that respect to be introduced;

17.9. to refrain from adopting unnecessary restrictions to the free flow of information under cover of the fight against terrorism, while respecting Article 10 paragraph 2 of the European Convention on Human Rights.

18. The Assembly should continue to devote special attention to freedom of expression in the mass media in all European states. It considers active international co-ordination necessary in order to react immediately to cases of violence and pressure on journalists.