



Resolution 1535 (2007)¹

Threats to the lives and freedom of expression of journalists

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned by the numerous attacks and threats to the lives and freedom of expression of journalists in Europe in 2006 and January 2007. It strongly condemns the murders of Hrant Dink in Turkey and Anna Politkovskaya in the Russian Federation and the brutal attacks on Fikret Huseynli, Bahaddin Khaziyev and Nijat Huseynov in Azerbaijan, Ion Robu in Moldova and Ihor Mosiyshuck, Sergei Yanovski and Lilia Budjurova in Ukraine. It is also shocked by the recent death decrees by Iranian religious leaders against Rafiq Tagi and Samir Sedagetoglu in Azerbaijan, and against Robert Redeker in France, as well as by the death threats to Mubarak Asani in Bosnia and Herzegovina, Drago Hedl and Ladislav Tomicic in Croatia, Slavica Jovanovic and Jahja Fehratovic in Serbia and Vassil Ivanov in Bulgaria for their journalistic work. Other attacks on journalists may have happened in Europe without having been noted by a wider public. The Assembly strongly deplores the fact that journalists in Europe have to work under fear for their lives and physical safety.

2. The Assembly pays tribute to all journalists and media that further democracy and the rule of law by investigative journalism into political and social issues which are of public concern while respecting the standards of journalistic ethics. Hate journalism, which confuses propaganda with reporting, defames individuals and inflames rather than illuminates public debate, is also growing and needs to be confronted.

3. Freedom of expression and information in the media includes the right to express political opinions and criticise the authorities and society, expose governmental mistakes, corruption and organised crime, and question religious dogmas and practices. This freedom is guaranteed under Article 10 of the European Convention on Human Rights (ECHR) (ETS No. 5) as one of the fundamental requirements of a democratic society. The member states of the Council of Europe have committed themselves to human rights, democracy and the rule of law, and the vast majority of European citizens have embraced these values after a sometimes long and often painful history of having been deprived of their enjoyment. Where journalists must fear for their lives and security, democracy is at risk. Freedom of expression is one of the cornerstones of democracy in Europe.

4. The Assembly believes that to make democracy meaningful, freedom of expression and freedom of religion should go hand in hand. Violent attacks and threats, by any group invoking their religion, against expressions of opinion by words, speech or visual images, have no place in European democracies.

5. The Assembly recalls the legal obligation of member states, in accordance with Articles 2 and 10 of the ECHR, to investigate any murders of journalists as well as acts of severe physical violence and death threats against them. This obligation stems from the individual journalist's rights under the Convention as well as from the necessity for any democracy to have functioning media free from intimidation and political threats. Where attacks against journalists can be carried out with impunity, democracy and the rule of law suffer.

6. Public authorities should use restraint and respect proportionality when applying legal restrictions to freedom of expression. Administrative acts, such as the granting of licences for the electronic media or awarding subsidies to the media, must be fair and provide equal treatment for all journalists and media companies. Where arbitrary or politically motivated discrimination of journalists and the media occurs, freedom of the media is violated.

1. *Assembly debate* on 25 January 2007 (7th Sitting) (see [Doc. 11143](#), report of the Committee on Culture, Science and Education, rapporteur: Mr McIntosh). *Text adopted by the Assembly* on 25 January 2007 (7th Sitting).



7. While being aware of the importance of Article 10 of the ECHR for the protection of media freedom throughout Europe, the Assembly believes that additional measures are needed to effectively protect the lives and freedom of expression of journalists in Europe. Applications to the European Court of Human Rights can only be made after the violation has taken place and national legal remedies have been exhausted; therefore judgments are delivered long after the violation.

8. The Assembly appreciates that several thousand signatures have been collected and forwarded to the President of the Assembly by Reporters Without Borders in Paris, demanding an investigation into the murder of Anna Politkovskaya. The Assembly also welcomes the initiatives of the International Press Institute in Vienna, ARTICLE 19 in London, the Glasnost Defence Foundation in Moscow and the South East Europe Media Organisation (SEEMO) in Vienna, as well as other organisations, to make publicly known all murders of journalists and attacks against them because of their journalistic work. Professional organisations of journalists and the media can help their members when they are faced with threats and attacks by providing assistance and training to journalists and by raising awareness among politicians and the public at large. The work of such professional organisations is protected under Articles 10 and 11 of the ECHR against undue restrictions by state authorities.

9. The Assembly has regularly defended freedom of the media in Europe. It recalls in this context its [Recommendation 1506 \(2001\)](#) on freedom of expression and information in the media in Europe, [Recommendation 1589 \(2003\)](#) on freedom of expression in the media in Europe, [Resolution 1372 \(2004\)](#) and [Recommendation 1658 \(2004\)](#) on the persecution of the press in the Republic of Belarus, [Resolution 1438 \(2005\)](#) and [Recommendation 1702 \(2005\)](#) on freedom of the press and the working conditions of journalists in conflict zones, [Recommendation 1706 \(2005\)](#) on media and terrorism and [Resolution 1510 \(2006\)](#) on freedom of expression and respect for religious beliefs.

10. The Assembly calls on national parliaments to:

10.1. closely monitor the progress of such criminal investigations and hold the authorities accountable for any failures to investigate or prosecute – for example, the Russian Parliament as regards the murder of Anna Politkovskaya;

10.2. abolish laws which place disproportionate limits on freedom of expression and are liable to be abused to incite extreme nationalism and intolerance – for example, the Turkish Parliament as regards Article 301 of the Turkish Penal Code on the “denigration of Turkishness”.

11. The Assembly calls on all parliaments concerned to conduct parliamentary investigations into the unresolved murders of journalists as well as attacks and death threats against them, in order to shed light on individual cases and develop as a matter of urgency effective policies for the greater safety of journalists and their right to carry out their work without threats.

12. The Assembly condemned the disappearance in 2000 and murder of Ukrainian journalist Georgiy Gongadze and called for investigations by the competent authorities. It is concerned at the lack of progress in these investigations and stresses the need to ensure an environment for independent judgment.

13. After the arrest of the alleged assassin of Hrant Dink, the Assembly now unites in calling for the deletion of Article 301 of the Turkish Penal Code, under which Dink and other journalists were prosecuted. The continuing presence of such a law limiting freedom of expression validates legal and other assaults on journalists.

14. The Assembly resolves to establish a specific monitoring mechanism for identifying and analysing attacks on the lives and freedom of expression of journalists in Europe as well as the progress made by national law enforcement authorities and parliaments in their investigations of these attacks, and consequently invites Reporters Without Borders, the International Press Institute, the International Federation of Journalists and other organisations to report such attacks to the Assembly. The Assembly believes that fully representative, independent organisations and unions of journalists are an important form of protection for freedom of expression and rejects any concept of state licensing or control over the profession of journalism.