



Recommendation 1897 (2010)¹

Final version

Respect for media freedom

Parliamentary Assembly

1. Recalling its [Resolution 1535 \(2007\)](#) on threats to the lives and freedom of expression of journalists, the Parliamentary Assembly notes with great concern that the number of attacks on the media and journalists and other serious violations of media freedom have increased and that at least 20 journalists have been killed in Europe since 2007. These alarming facts require the resolute reaffirmation that media freedom is a necessary condition for democracy and thus for membership with the Council of Europe. Member states and the Council of Europe must do more to ensure respect for media freedom and the safety of journalists.
2. In its [Resolution 1535 \(2007\)](#), the Assembly resolved 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. In support of this resolution, the Assembly welcomes and supports the appointment of a rapporteur on media freedom in its Committee on Culture, Science and Education.
3. The Assembly values highly the work of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) and looks forward to continued and increased collaboration. It also appreciates the active contribution of such organisations as the International Federation of Journalists, the Association of European Journalists, the European Newspaper Publishers Association, Article 19, the International Press Institute and Reporters Without Borders in identifying violations of media freedom.
4. The Assembly deplores the fact that, since the adoption of [Resolution 1535 \(2007\)](#), the Russian Federation has failed to conduct a proper investigation and to bring those responsible for the murder of Anna Politkovskaya in Moscow on 7 October 2006 to justice and to ensure that journalists can work freely and in safety. Since 2007, 13 more journalists have lost their lives in Russia: Ivan Safronov, Vyacheslav Ifanov, Ilyas Shurpayev, Gadji Abashilov, Sergey Protazanov, Magomed Yevloyev, Telman Alishayev, Shafiq Amrakhov, Anastasia Baburova, Vyacheslav Yaroshenko, Natalia Estemirova, Abdulmalik Akhmedilov and Olga Kotovskaya.
5. The Assembly also deplores the fact that organised crime in several member states is threatening the safety of journalists, while law enforcement authorities remain ineffective against such threats. The Assembly is saddened by the murders of Georgi Stoev in Bulgaria on 7 April 2008, Ivo Pukanic and Niko Franjic in Croatia on 23 October 2008, as well as Cihan Hayirsevener in Turkey on 18 December 2009. Critical media play an important role in discovering and shedding light on corruption and organised crime. The public has the right to be informed about such facts by the media, which should be supported by member states.
6. Recalling its [Resolution 1438 \(2005\)](#) on freedom of the press and the working conditions of journalists in conflict zones, the Assembly deplores the fact that the war between Russia and Georgia in 2008 took the lives of Alexander Klimchuk, Grigol Chikhladze, Stan Storimans and Giorgi Ramishvili.

1. *Assembly debate* on 27 January 2010 (6th Sitting) (see [Doc. 12102](#), report of the Committee on Culture, Science and Education, rapporteur: Mr McIntosh). *Text adopted by the Assembly* on 27 January 2010 (6th Sitting).



7. The Assembly welcomes amendments made to Article 301 of the Turkish Penal Code but deplores the fact that Turkey has neither abolished Article 301 nor completed investigations into the murder of Hrant Dink in Istanbul on 19 January 2007, especially as regards possible failures of the police and security forces. Criminal charges have been brought against many journalists under the slightly revised Article 301, which still violates Article 10 of the European Convention on Human Rights.
8. Referring to its [Resolution 1577 \(2007\)](#) “Towards decriminalisation of defamation”, the Assembly reaffirms that defamation and insult laws must not be used to silence critical comment and irony in the media. The reputation of a nation, the military, historic figures or a religion cannot and must not be protected by defamation or insult laws. Governments and parliaments should clearly and openly reject false notions of national interest evoked against the work of journalists. Nationalism must never again become the misguided reason for killing journalists, or depriving them of their rights or liberty.
9. The Assembly notes with concern that excessive sanctions have been imposed on media outlets. Government members and parliamentarians should not use their political influence to silence critical media, but engage in a constructive debate through all media.
10. The Assembly reaffirms that the introduction of digital broadcasting must not be used to discriminate for party political reasons against individual broadcasters.
11. The Assembly therefore recommends that the Committee of Ministers:
 - 11.1. review national legislation and practice to ensure that anti-terrorism measures fully respect media freedom in accordance with [Recommendation 1706 \(2005\)](#) on media and terrorism;
 - 11.2. assist member states in training their judges, law enforcement authorities and police in respecting media freedom, in particular as regards protection of journalists and media against violent threats;
 - 11.3. give its full support to the mechanism proposed by the Steering Committee on the Media and New Communication Services for promoting compliance with Article 10 of the European Convention on Human Rights and other Council of Europe standards on media freedom;
 - 11.4. call on the governments of all member states, and in particular those of Azerbaijan, the Russian Federation and Turkey, to revise their defamation and insult laws and their practical application in accordance with Assembly [Resolution 1577 \(2007\)](#);
 - 11.5. call on the governments of all member states, and in particular of Armenia, Azerbaijan, Moldova, the Russian Federation and Ukraine as well as Belarus, to ensure fair and equal access of all political parties and candidates to the media before elections and pay particular attention to this issue when assessing future elections;
 - 11.6. call on the Government of the Russian Federation to ensure that the high number of murders of critical journalists are investigated and brought to justice;
 - 11.7. call on the Government of Armenia to revise their legislation on the allocation of broadcasting licences, which was passed as a countermeasure to the judgment of the European Court of Human Rights in the case of *Meltex Ltd and Mesrop Movsesyan v. Armenia* of 17 June 2008.
12. Referring to its [Resolution 1636 \(2008\)](#) on indicators for media in a democracy and on the basic principles for assessing media freedom, the Assembly asks the Secretary General of the Council of Europe to allocate the resources necessary to:
 - 12.1. collate information on a continuing basis from media freedom organisations including the International Federation of Journalists, the Association of European Journalists, the European Newspaper Publishers Association, Article 19, the International Press Institute, and Reporters Without Borders, identifying violations of media freedom;
 - 12.2. analyse this information on a systematic basis, country by country, using the indicators for media freedom set out in [Resolution 1636 \(2008\)](#);
 - 12.3. make such information publicly available in electronic form on the website of the Council of Europe, as well as in print form;
 - 12.4. issue electronic and print reports on this information and analysis to the governments and parliaments of member states and to the media, at least every three months, highlighting the important events of the most recent period in each country and requiring remedy when necessary.

13. Referring to its [Resolution 1387 \(2004\)](#) on monopolisation of the electronic media and possible abuse of power in Italy, and taking into account the very fast development of the Italian audiovisual market from 2004 to the present day, the Assembly asks the European Commission for Democracy through Law (Venice Commission) to prepare an opinion on whether, and to what extent, legislation in Italy has been adapted to take account of its Opinion on the compatibility of the laws “Gasparri” and “Frattoni” of Italy with Council of Europe standards in the field of freedom of expression and pluralism of the media, adopted by the Venice Commission at its 63rd Plenary Session (Venice, 10-11 June 2005).
14. The Assembly notes with concern the official warning addressed by the Justice Ministry of Belarus on 13 January 2010 to the Belarusian Association of Journalists, challenging the association’s internationally recognised work in the interests of journalists, media and media freedom. Recalling its [Resolution 1372 \(2004\)](#) on the persecution of the press in the Republic of Belarus, the Assembly reaffirms that media freedom is an essential condition for democracy and a requirement for membership with the Council of Europe. The Assembly calls on the authorities in Belarus not to abuse arbitral administrative regulations to restrict unduly the rights to freedom of expression and freedom of association under Articles 19 and 22 of the International Covenant on Civil and Political Rights and Articles 10 and 11 of the European Convention on Human Rights. As Belarus is an associate member of the Venice Commission, the Assembly furthermore asks the Venice Commission to analyse the compatibility of such a warning by the Justice Ministry of Belarus with universal human rights standards.
15. The Assembly invites the parties to the Group of States against Corruption (GRECO) Partial Agreement to emphasise in their work the importance of media freedom and the role of investigative journalism in combating corruption and to ask the European Union to accede to GRECO.
16. The Assembly invites the European Union Agency for Fundamental Rights as well as national human rights institutions in member states to co-operate with the Council of Europe in assisting governments, courts and media organisations with their pursuit of remedies for serious violations of media freedom.
17. For the purposes of the publication proposed in paragraph 12 above, the Assembly invites the International Federation of Journalists, the Association of European Journalists, the European Newspaper Publishers Association, Article 19, the International Press Institute, Reporters Without Borders and other media freedom organisations to continue to provide regular information to the Assembly and the rapporteur on media freedom of the Committee on Culture, Science and Education on serious violations of media freedom in Europe which may require interparliamentary attention and follow-up.