



Resolution 2171 (2017)¹

Parliamentary scrutiny over corruption: parliamentary co-operation with the investigative media

Parliamentary Assembly

1. Corruption undermines States' democratic and economic systems. Combating this threat is essential to defending European values and must continue to be a priority for both the Council of Europe and its member States. The Parliamentary Assembly is firmly resolved to do its utmost to strengthen the parliamentary dimension of this fight, in particular through its Anti-Corruption Platform.
2. National parliaments have a vital role to play, not only through lawmaking but also by encouraging integrity within their own ranks, by setting an example in terms of transparency and by strengthening co-operation with civil society and in particular with the media.
3. Investigative journalism is a key weapon in tackling corruption and, in some cases, it is perhaps the only really effective external means of prevention. Many cases of corruption would never have come to light without the patient, difficult and dangerous work done by journalists and the courage of whistle-blowers. The Assembly therefore considers investigative journalism to be a "public asset", which should be given more recognition and support. The Assembly notes that financing investigative journalism only through private or only through State-controlled sources could lead to the public's lack of trust in the choice of and reporting on the issues investigated.
4. National parliaments should actively seek synergies with investigative journalists and media in fighting corruption and financial misappropriation and, more broadly speaking, in promoting good governance. The Assembly firmly believes that closer co-operation between parliaments and investigative journalists would strengthen the role and credibility of parliaments in tackling corruption and increase citizens' confidence in democratic institutions and the media.
5. An environment that is conducive to investigative journalism – and more generally to freedom of information and of the media – requires firstly that journalists be given effective protection against any violation of their safety and their physical integrity, any unlawful detention, any attempt to intimidate them and any undue pressure on their independence. The Assembly consistently underlines this. However, other conditions are also necessary to ensure that investigative journalism can do more to contribute to the common cause of combating corruption.
6. The Assembly therefore recommends that member States of the Council of Europe do more to include the role of investigative journalism in their anti-corruption strategies and, to this end:
 - 6.1. enact laws that ensure the widest possible access to information;
 - 6.2. put in place financial mechanisms to support investigative journalism without compromising its independence;
 - 6.3. provide adequate protection to whistle-blowers, including by limiting any risk they might face of criminal proceedings or retaliatory action.

1. *Assembly debate* on 27 June 2017 (22nd Sitting) (see [Doc. 14274](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Gülsün Bilgehan). *Text adopted by the Assembly* on 27 June 2017 (22nd Sitting). See also [Recommendation 2106 \(2017\)](#).



7. In particular, the Assembly recommends that national parliaments:
 - 7.1. as regards access to information:
 - 7.1.1. ensure that the Council of Europe Convention on Access to Official Documents (CETS No. 205) is ratified as soon as possible, if this has not already been done;
 - 7.1.2. include the revision and improvement of laws on access to information on the parliamentary agenda; such laws should, *inter alia*:
 - 7.1.2.1. also apply to parliaments and guarantee transparency with regard to the financial interests of all their members;
 - 7.1.2.2. stipulate that data concerning the owners and the actual beneficiaries of companies are easily accessible to the public at large and to investigative journalists in particular;
 - 7.2. as regards financial support for investigative journalism:
 - 7.2.1. consider, in close collaboration with national associations of journalists, the establishment of a national fund for investigative journalism, whose statutes should guarantee that it is non-profit and that its management is transparent and independent of politics; make provisions to ensure that this national fund could receive public subsidies and private donations whose transparency must be guaranteed;
 - 7.2.2. include in the annual budget a subsidy for the funding of projects entailing enquiries, reporting or journalistic investigations, the amount of which should ensure the financial sustainability of the fund; the body responsible for managing the fund should be obliged to inform parliament and the public on how the fund is being used, without prejudice to enquiries already in progress or planned;
 - 7.3. as regards improved protection of whistle-blowers:
 - 7.3.1. give a precise but broad definition of “whistle-blowers” and ensure that they are given protection which is at least equal to that provided for in Committee of Ministers Recommendation CM/Rec(2014)7 on the protection of whistleblowers; in particular:
 - 7.3.1.1. recognise a “right to blow the whistle” in all cases where information is disclosed in all good faith and is clearly in the public interest, for example where infringements of fundamental rights or of criminal law, including active or passive corruption, or facts that reveal a threat to safety, health or the environment are concerned;
 - 7.3.1.2. define the exercise of the “right to blow the whistle” as an objective criterion for exemption from criminal liability; forbid and penalise retaliatory measures against or abusive pressure on whistle-blowers;
 - 7.3.1.3. introduce a reporting line at national level (one that does not rule out the possibility of directly reporting any wrongdoing to the judicial authorities) to enable whistle-blowers, without fear of any negative consequences, to bring a matter before an independent authority which has the powers of enquiry and intervention required to follow up the alert, while guaranteeing as appropriate the confidentiality or anonymity of the whistle-blowers;
 - 7.3.1.4. in this respect, as an alternative to the establishment of specialist agencies, study as a priority two possible avenues of action, which are not mutually exclusive: firstly to bring such matters before parliamentary committees of enquiry and establish specific procedures in national parliaments; and secondly to bring such matters before the national ombudsperson, if such a body exists, and explicitly entrust the ombudsperson by law with this competence, if this is not already the case;
 - 7.4. as regards collaboration between national parliaments and investigative journalists and recognition of their work:
 - 7.4.1. promote the image of investigative journalism and the social recognition of the role it plays in a democratic society; do more to involve investigative media in discussions on legislative reforms concerning them and in the work of parliamentary committees of enquiry; and bring this collaboration and its results to the attention of the public at large.