



Resolution 2317 (2020)¹

Threats to media freedom and journalists' security in Europe

Parliamentary Assembly

1. Without the right to freedom of expression, and free, independent and pluralistic media, there is no true democracy. The Council of Europe and its Parliamentary Assembly are firmly committed to strengthening media freedom in all its aspects, including the right to access to information, the protection of sources, the protection against searches of professional workplaces and private residences and the seizure of materials, the safeguarding of editorial independence and of the ability to investigate, criticise and contribute to public debate without fear of pressure or interference. The safety of journalists and other media actors is a fundamental component of this freedom.

2. Under the European Convention on Human Rights (ETS No. 5) – in particular its Article 10 – member States have a positive obligation to establish a sound legal framework for journalists and other media actors to work safely. However, threats, harassment, legal and administrative restrictions and undue political and economic pressure are widespread. Worse still, in some countries, journalists who investigate affairs involving corruption or abuse of power, or who merely voice criticism of political leaders and governments in power, are physically attacked, arbitrarily imprisoned, tortured or even murdered. In this respect, the Assembly also refers to its [Resolution 2293 \(2019\)](#) “Daphne Caruana Galizia’s assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges”.

3. According to the information published by the Council of Europe Platform to promote the protection of journalism and safety of journalists (the Platform), from April 2015 to 25 November 2019, 26 journalists were killed, including 22 cases where there was impunity, 109 journalists are currently in detention and 638 serious press freedom violations were perpetrated in 39 countries. Threats to media freedom and the safety of journalists have become so numerous, repeated and serious that they are jeopardising not only citizens’ right to be properly informed but also the stability and smooth functioning of our democratic societies.

4. The Council of Europe bodies, including the Parliamentary Assembly, must not only continue to advocate the development in all European countries and beyond of a safe environment for journalists and other media actors, but they must also make use of all their leverage to prompt member States to remedy quickly and effectively any threats to media freedom, urging and supporting the reforms required to this end.

5. Therefore, the Assembly calls on member States to protect more effectively the safety of journalists and media freedom. In this connection, they must:

5.1. fully implement Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;

5.2. carry out effective, independent and prompt investigations into any crimes against journalists, such as murders, attacks or ill-treatment, and bring to justice authors, instigators, perpetrators and accomplices who are responsible under the law, ensuring that there is no impunity for attacks against journalists;

1. *Assembly debate* on 28 January 2020 (4th Sitting) (see [Doc. 15021](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Lord George Foulkes). *Text adopted by the Assembly* on 28 January 2020 (4th Sitting). See also [Recommendation 2168 \(2020\)](#).



- 5.3. set up national mechanisms consistent with the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, ensuring that such mechanisms are designed and implemented under strong political and operational leadership, with proper inter-agency co-ordination and in genuine partnership with civil society, notably journalists' associations and trade unions, and media freedom watchdog organisations;
 - 5.4. fight online harassment of journalists, particularly female journalists and journalists belonging to minorities, and enhance the protection of investigative journalists and whistle-blowers;
 - 5.5. support the establishment of early-warning and rapid-response mechanisms, such as hotlines or emergency contact points, to ensure that journalists have immediate access to protection whenever they are threatened;
 - 5.6. pay particular attention to the rising number of attacks on journalists and media outlets from groups of extremists and criminal organisations, and take appropriate preventive measures when journalists' lives and safety are exposed to real and immediate risks;
 - 5.7. enhance the co-operation and exchange of information, expertise and best practices with other States whenever crimes against journalists involve cross-border or online dimensions;
 - 5.8. back up laws protecting journalists with effective law-enforcement apparatus and redress mechanisms for victims and their families;
 - 5.9. avoid arrest and extradition of journalists in exile to their countries of origin where they risk punishment and persecution.
6. The Assembly calls on member States to create an enabling and favourable media environment and review to this end their legislation, seeking to prevent any misuse of different laws or provisions which may impact on media freedom – such as those on defamation, anti-terrorism, national security, public order, hate speech, blasphemy or memory laws – which are too often applied to intimidate and silence journalists. In this connection, they must, in particular:
- 6.1. propose no criminal sanctions for media offences – especially prison sentences, the closure of media outlets or blocking of websites and social media platforms – except in cases where other fundamental rights have been seriously impaired, for instance in the case of hate speech or incitement to violence or terrorism; and ensure that these sanctions are not applied in a discriminatory or arbitrary way against journalists;
 - 6.2. recognise, and ensure respect of, the right of journalists to protect their sources, and develop an appropriate normative, judicial and institutional framework to protect whistle-blowers and whistle-blowing facilitators, in line with Assembly [Resolution 2300 \(2019\)](#) on improving the protection of whistle-blowers all over Europe; and, in this respect, consider that the detention and criminal prosecution of Mr Julian Assange set a dangerous precedent for journalists, and join the recommendation of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment who declared, on 1 November 2019, that Mr Assange's extradition to the United States must be barred and that he must be promptly released;
 - 6.3. facilitate journalists' work in specific difficult contexts, such as in conflict zones or in public rallies;
 - 6.4. firmly condemn police violence against journalists and establish deterrent sanctions in this respect;
 - 6.5. develop specific training programmes for law-enforcement bodies and officials who are responsible for fulfilling State obligations concerning the protection of journalists;
 - 6.6. avoid any misuse of administrative measures, such as registration or accreditation, and of tax schemes to harass journalists or apply pressure on them;
 - 6.7. develop constructive, non-discriminatory mechanisms of dialogue with media and journalists' standing or *ad hoc* committees, bringing together politicians, judges, public prosecutors, police officers, journalists and editors, to discuss problems concerning journalists' security, and look for solutions in a collaborative framework, also paying specific attention to the need to ensure effective protection for investigative journalists, as well as to the higher vulnerability of women journalists and the particular vulnerability of freelance journalists.

7. The Assembly condemns the rise of aggressive behaviour and violent verbal attacks by political figures and representatives of the authorities against journalists and calls on all political leaders to combat this phenomenon.

8. The Assembly notes with concern that public service media have been under increasing pressure in most parts of Europe, suffering from funding cuts and new laws or regulations which limit their independence or reduce their remits. The Assembly reaffirms and commends the crucial role that public service media play in a democratic society and calls again on member States to ensure their adequate and sustainable funding, editorial independence and institutional autonomy.

9. While the above-mentioned problems, or at least some of them, are observed in various proportions in most countries, the Assembly notes that, concerning media freedom and the safety of journalists, the situation in some member States is particularly worrying. In this context, the Assembly specifically calls on:

9.1. Azerbaijan to radically modify the present hostile environment which seriously curtails media freedom and, in particular to:

9.1.1. ban the abuse of criminal legislation to silence independent journalists, who are today systematically threatened with unfounded charges, trumped-up evidence and unjustified imprisonment;

9.1.2. review urgently all cases of imprisoned journalists and media professionals, and free all those who are detained without any serious and substantiated evidence of criminal activities;

9.1.3. refrain from the adoption of restrictive administrative measures, such as travel bans on journalists, which limit their freedom to properly inform the public;

9.1.4. end legal harassment of independent news agencies, for example through false accusations of tax evasion or under-declaring profits;

9.1.5. stop systematically blocking access to independent news websites;

9.1.6. stop any administrative and political pressure against the only independent news agency, Turan, and against the Institute for Reporters' Freedom and Safety (IRFS);

9.2. Hungary to immediately address the grave problem of media pluralism: the politically and economically biased licensing media conglomerate which concentrates 78% of the Hungarian media closely associated with the ruling party is totally incompatible with freedom of expression and information;

9.3. Malta to:

9.3.1. urgently end the prevailing climate of impunity and implement Assembly [Resolution 2293 \(2019\)](#). In this connection, the Assembly welcomes the recent announcement of revised terms of reference and composition of a public independent inquiry into the murder of Daphne Caruana Galizia, following the concerns set out in the Declaration of the PACE Committee on Legal Affairs and Human Rights adopted on 30 September 2019;

9.3.2. as recommended by the Council of Europe's Commissioner for Human Rights, repeal any laws allowing the posthumous pursuit of defamation cases, targeting journalists, against their heirs. It is unacceptable that over 30 posthumous civil defamation proceedings against Daphne Caruana Galizia's family are still under way;

9.4. the Russian Federation – which holds the dubious record for the number of alerts on serious attacks against, and harassment and intimidation of, journalists – to immediately:

9.4.1. address the problem of violence against journalists, including murders, physical attacks and threats, arrests, imprisonment and online harassment; take remedial action to impede such crimes and put an end to the climate of impunity that encourages further attacks; ensure that those who carried out or ordered the crimes are brought to justice;

9.4.2. prevent police violence against journalists, as happened during the demonstrations in Moscow in July and August 2019; apply deterrent sanctions against policemen who are responsible for such unacceptable misuse of power;

9.4.3. stop intimidation of journalists by way of arrests and imprisonment under forged accusations of drug dealing or other crimes, in order to prevent journalistic investigations of corruption and misuse of power, as in the case of the journalist Ivan Golunov;

- 9.4.4. cease abusing anti-terrorism laws to apply censorship to the media, as in the case of the journalist Svetlana Prokopyeva, who was charged with “publicly justifying terrorism” and could face up to seven years in prison for expressing on the radio her opinion about a teenage suicide;
- 9.4.5. review the terms of reference of the Russian federal media regulator, Roskomnadzor, to limit its excessive power in the monitoring and censorship of the media, including online media; the blocking of independent media outlets without any warning or explanation, as recently happened to the Fergana news website, is an action amounting to censorship that is incompatible with the freedom of the media;
- 9.4.6. modify the recent legislation on false news and disrespect for the State, the authorities and society, and bring it into line with Council of Europe standards; general prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with the provisions of the European Convention on Human Rights and must be abolished; they have a chilling effect of self-censorship on journalists and other media professionals and allow the government to silence any criticism against the ruling power, putting journalists and bloggers who oppose it in jail, and to determine the make-up of the media landscape by forcing media outlets to remove content identified by the authorities as “socially dangerous” or “disrespectful” or having their websites blocked;
- 9.4.7. stop discriminating against the main organisations defending the media by declaring them to be “foreign agents”; repeal the new bill adopted by the State Duma which extends the status of “foreign agents” to freelance journalists and bloggers receiving grants, salaries or payment for specific pieces of work from any foreign source: marking with the “foreign agent” label the information published by independent journalists and bloggers will have a chilling effect on freedom of expression and of the media;
- 9.5. Turkey – the country which has the highest number of imprisoned journalists of all the Council of Europe member States – to immediately:
- 9.5.1. stop abusing the criminal code and anti-terrorism laws to silence media outlets and journalists: the latter are placed in arbitrary pre-trial arrest and detention and are held for months, sometimes for years, before their cases come to court; the European Court of Human Rights has consistently condemned such detentions as a real and effective constraint on freedom of expression that leads to self-censorship;
- 9.5.2. in line with Assembly [Resolution 2121 \(2016\)](#) on the functioning of democratic institutions in Turkey, repeal Article 299 (Insulting the President of the Republic), repeal or amend Article 301 (Degrading the Turkish Nation, the State of the Turkish Republic, the organs and institutions of the State) and ensure a strict interpretation of Article 216 (Incitement to violence, armed resistance or uprising) and Article 314 (Membership of an armed organisation) of its criminal code which, according to the Venice Commission, contains excessive sanctions and is too widely applied against freedom of expression and information;
- 9.5.3. ensure that the over 150 media outlets which were closed, and the approximately 10 000 media employees who were dismissed, after the failed coup in 2016 have access to effective domestic remedies and, if the case arises, obtain adequate compensation;
- 9.5.4. eliminate from the recently adopted legislation all provisions retained from the abolished emergency decrees that make it possible to apply radical measures against the media;
- 9.5.5. ensure that the newly introduced regulation, empowering the Radio and Television Supreme Council to supervise internet media strictly, abides by the case law of the European Court of Human Rights;
- 9.5.6. continue the reforms with regard to the revision of the Internet Act in order to avoid unnecessary and unjustified blocking of access to internet resources on the grounds of “national security”;
- 9.5.7. in the framework of the announced Judicial Reform Strategy, focus on the protection of journalists’ safety and ensure, in that context, that meaningful steps are taken to expand freedom of expression and of the media and guarantee judicial independence, in line with Council of Europe standards.

10. The Assembly welcomes the constructive attitude that a number of member States have shown so far with regard to the Platform and the alerts published therein. As examples, France and Ukraine have set up response mechanisms to co-ordinate adequate follow-up to the alerts, in an effort to solve the problems. In the Netherlands, the public prosecution, the police authorities and media outlets concluded an agreement to adopt preventive measures and co-ordinate responses to instances of violence. Encouraging progress should be acknowledged with regard to North Macedonia, where pressure on and prosecutions against journalists have been significantly reduced.

11. With the hope that all member States will recognise the added value that the Platform represents and the importance of the contribution that its partners offer to the Council of Europe, the Assembly calls on member States to:

11.1. support unreservedly and co-operate with the Platform, and contribute financially to its operation;

11.2. establish appropriate response mechanisms and provide substantive responses to the alerts posted on the Platform, looking for prompt remedial actions and adopting targeted measures to avoid the repetition of such cases;

11.3. consider how other member States are enhancing their collaboration with the partners of the Platform, seeking to follow positive examples and good practices;

11.4. support the development of other similar transnational technical platforms on which media professionals would be able to signal any threats to their security.

12. Finally, the Assembly calls on national parliaments to ensure that governments act in full respect of the Council of Europe standards concerning the right to freedom of expression, including media freedom and the safety of journalists. National parliaments must be the guardians of this right and ensure full engagement of the State apparatus at all levels: political, legislative, judicial, law enforcement and educational. In this connection, national parliaments should take more account of the Council of Europe's work and in particular bring the recommendations of the Committee of Ministers and the Assembly's reports and resolutions to the attention of their relevant committees, and build on these texts when drafting legislation that is relevant for media freedom and the safety of journalists.