



Resolution 428 (1970)¹

Declaration on mass communication media and Human Rights

Parliamentary Assembly

The Assembly,

1. Having considered the proceedings of the Symposium on human rights and mass communication media held in Salzburg in September 1968 ;
2. Expressing its satisfaction with the results of the Symposium which have contributed to the solution of problems in this field ;
3. Having regard to its recommendation on mass communication media and human rights proposing that the Committee of Ministers take action on a number of specific points ;
4. Considering that, besides action to be taken by the Council of Europe, certain principles affirmed at the Salzburg Symposium should be embodied in a special declaration,
5. Adopts the declaration on mass communication media and human rights hereafter :

Declaration on mass communication media and human rights

A. Status and independence of the press and the other mass media

6. The press and the other mass media, though generally not public institutions, perform an essential function for the general public. In order to enable them to discharge that function in the public interest, the following principles should be observed:
7. The right to freedom of expression shall apply to mass communication media.
8. This right shall include freedom to seek, receive, impart, publish and distribute information and ideas. There shall be a corresponding duty for the public authorities to make available information on matters of public interest within reasonable limits and a duty for mass communication media to give complete and general information on public affairs.
9. The independence of the press and other mass media from control by the state should be established by law. Any infringement of this independence should be justifiable by courts and not by executive authorities.
10. There shall be no direct or indirect censorship of the press, or of the contents of radio and television programmes, or of news or information conveyed by other media such as news reels shown in cinemas. Restrictions may be imposed within the limits authorised by Article 10 of the European Convention on Human Rights. There shall be no control by the state of the contents of radio and television programmes, except on the grounds set out in paragraph 2 of that Article².

1. Assembly debate on 23 January 1970 (18th Sitting) (see [Doc. 2687](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 23 January 1970 (18th Sitting).

2. Article 10 of the European Convention on Human Rights :
"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention



11. The internal organisation of mass media should guarantee the freedom of expression of the responsible editors. Their editorial independence should be preserved.
12. The independence of mass media should be protected against the dangers of monopolies. The effects of concentration in the press, and possible measures of economic assistance require further consideration.
13. Neither individual enterprises, nor financial groups should have the right to institute a monopoly in the fields of press, radio or television, nor should government-controlled monopoly be permitted. Individuals, social groups, regional or local authorities should have - as far as they comply with the established licensing provisions - the right to engage in these activities.
14. Special measures are necessary to ensure the freedom of foreign correspondents, including the staff of international press agencies, in order to permit the public to receive accurate information from abroad. These measures should cover the status, duties and privileges of foreign correspondents and should include protection from arbitrary expulsion. They impose a corresponding duty of accurate reporting.

B. Measures to secure responsibility of the press and other mass media

It is the duty of the press and other mass media to discharge their functions with a sense of responsibility towards the community and towards the individual citizens. For this purpose, it is desirable to institute (where not already done) :

- a. professional training for journalists under the responsibility of editors and journalists ;
- b. a professional code of ethics for journalists ; this should cover inter alia such matters as accurate and well balanced reporting, rectification of inaccurate information, clear distinction between reported information and comments, avoidance of calumny, respect for privacy, respect for the right to a fair trial as guaranteed by Article 6 of the European Convention on Human Rights ;
- c. press councils empowered to investigate and even to censure instances of unprofessional conduct with a view to the exercising of self-control by the press itself.

C. Measures to protect the individual against interference with his right to privacy

15. There is an area in which the exercise of the right of freedom of information and freedom of expression may conflict with the right to privacy protected by Article 8 of the Convention on Human Rights³. The exercise of the former right must not be allowed to destroy the existence of the latter.
16. The right to privacy consists essentially in the right to live one's own life with a minimum of interference. It concerns private, family and home life, physical and moral integrity, honour and reputation, avoidance of being placed in a false light, non-revelation of irrelevant and embarrassing facts, unauthorised publication of private photographs, protection against misuse of private communications, protection from disclosure of information given or received by the individual confidentially. Those who, by their own actions, have encouraged indiscreet revelations about which they complain later on, cannot avail themselves of the right to privacy.
17. A particular problem arises as regards the privacy of persons in public life. The phrase "where public life begins, private life ends" is inadequate to cover this situation. The private lives of public figures are entitled to protection, save where they may have an impact upon public events. The fact that an individual figures in the news does not deprive him of a right to a private life.
18. Another particular problem arises from attempts to obtain information by modern technical devices (wire-tapping, hidden microphones, the use of computers etc.), which infringe the right to privacy. Further consideration of this problem is required.

of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

3. Article 8 of the European Convention on Human Rights :
"1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

19. Where regional, national or international computer-data banks are instituted the individual must not become completely exposed and transparent by the accumulation of information referring even to his private life. Data banks should be restricted to the necessary minimum of information required for the purposes of taxation, pension schemes, social security schemes and similar matters.

20. In order to counter these dangers , national law should provide a right of action enforceable at law against persons responsible for such infringements of the right to privacy.

21. The right to privacy afforded by Article 8 of the Convention on Human Rights should not only protect an individual against interference by public authorities, but also against interference by private persons or institutions, including the mass media. National legislations should comprise provisions guaranteeing this protection.