



Doc. 14229 – Compendium of written amendments
24/01/2017

(Revised version)

Attacks against journalists and media freedom in Europe

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A. Draft Resolution

1. The right to freedom of expression and information through the media is a necessary requirement for any democratic society. The Parliamentary Assembly therefore welcomes the establishment, in 2015, of the Platform to promote the protection of journalism and safety of journalists and notes with concern that, unfortunately, the relevance of this tool has been confirmed by the high number of cases which have given rise to alerts on serious threats to media freedom in Europe. The Assembly therefore remains attentive to the situation of media freedom and the safety of journalists in Europe.
2. Following Resolution 2035 (2015) on the protection of the safety of journalists and of media freedom in Europe, a few cases referred therein have been resolved. The Assembly welcomes in particular the release from detention of Khadija Ismayilova in Azerbaijan and the fact that, as suggested in Opinion No. 715/2013 of the European Commission for Democracy through Law (Venice Commission), the Italian Parliament is debating a government bill aimed at abolishing detention for cases of defamation through the media.

Amendment 22

Tabled by Mr Yves CRUCHTEN, Mr Nikolaj VILLUMSEN, Mr Pieter OMTZIGT, Ms Kerstin LUNDGREN, Mr Boriss CILEVIČS

In the draft resolution, paragraph 2, replace the words: "the release from detention of Khadija Ismayilova in Azerbaijan and that, as suggested in Opinion No. 715/2013 of the Venice Commission, the Italian parliament is debating a government bill aimed at abolishing detention for cases of defamation through the media" with the following words: "the fact that, as suggested in Opinion No. 715/2013 of the Venice Commission, the Italian parliament is debating a government bill aimed at abolishing detention for cases of defamation through the media. The Assembly also welcomes the release from detention of Khadija Ismayilova, but expresses concern with regard to the legal proceedings, travel bans and restrictions on freedom of movement imposed on her and on other journalists in Azerbaijan with the aim of preventing them from carrying out their independent work."

Amendment 9

Tabled by Ms Nino GOGUADZE, Ms Sofio KATSARAVA, Ms Tamar CHUGOSHVILI, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Mr Paul SCULLY, Mr John HOWELL

In the draft resolution, at the end of paragraph 2, add the following words: "The Assembly also welcomes Georgian legislation that provides a sound framework for freedom and stability of the media. The law on broadcasting guarantees pluralistic and non-discriminatory coverage of all relevant views in both public and private broadcasters. As a result of cancelling licences for broadcasting and simplifying the authorisation process, 49 private broadcasting companies currently operate in the country. The number of media outlets broadcasting throughout the country and allocating news and political programmes in their airspace has increased from 3 to 11. 24 media outlets operate

at regional level: these also air news and political programmes"

Amendment 20

Tabled by Ms Maria Edera SPADONI, Ms Nunzia CATALFO, Mr Vincenzo SANTANGELO, Mr Manlio DI STEFANO, Ms Adele GAMBARO, Mr Michele NICOLETTI, Mr Andrea RIGONI, Mr Florian KRONBICHLER, Mr Luis Alberto ORELLANA, Mr Francesco Maria GIRO, Mr Claudio FAZZONE, Ms Milena SANTERINI

In the draft resolution, at the end of paragraph 2, insert the following words: "The Assembly invites Member States to promote the dissemination of information about criminal proceedings against organised crime and to discourage all those who try to reduce the visibility of the above proceedings".

3. The Assembly regrets, however, that some concerns expressed in Resolution 2035 (2015) have to be reiterated, regarding:
 - 3.1. the Ukrainian film producer Oleg Sentsov, who was abducted from the Crimean Peninsula and sentenced by a Russian military court in Rostov-on-Don to 20 years imprisonment in Yakutsk, in Russia; the Assembly urges the Russian authorities to transfer him to the competent law-enforcement authorities of Ukraine without further delay;
 - 3.2. the closure of the broadcaster ATR and other Crimean-Tartar media in the wake of the illegal occupation and annexation of the Crimean Peninsula of Ukraine by Russian authorities; concerned about the general situation of media freedom in the Crimean Peninsula occupied by Russia, the Assembly calls on the Russian authorities to respect freedom of expression and information through the media also in areas which are de facto controlled by them outside the territory of Russia, in violation of Resolution A/RES/68/262 of the United Nations General Assembly;
 - 3.3. media freedom and security for journalists in the eastern parts of Ukraine which are still under the de facto control of belligerent separatist military forces supported by the Russian Federation;
 - 3.4. the past and continuing changes in media ownership in Georgia, which have an impact on media pluralism and diversity in Georgia.

Amendment 10

(If adopted, amendment 21 falls)

Tabled by Ms Nino GOGUADZE, Ms Tamar CHUGOSHVILI, Ms Sofio KATSARAVA, Ms Eka BESELIA, Mr Dimitri TSKITISHVILI, Mr Paul SCULLY, Mr John HOWELL, Mr Mark PRITCHARD

In the draft resolution, delete paragraph 3.4.

4. The Assembly notes with sadness that 16 journalists have died violently in member States since January 2015 and strongly calls on the competent prosecutors to thoroughly investigate the still not fully resolved deaths of:
 - 4.1. Pavel Sheremet, a Belarusian journalist who was working for Ukrayinska Pravda and Radio Vesti in Ukraine when he died in a car explosion in Kyiv on 20 July 2016;
 - 4.2. Mustafa Cambaz, a Turkish photojournalist with the newspaper Yeni Şafak who died of a gunshot wound to the head in Istanbul in the early hours of 16 July 2016 during the failed military coup d'état;
 - 4.3. Naji Jerf, a Syrian journalist who had made several films about atrocities by both "IS"/Daesh and the current Syrian Government, who was shot dead in Gaziantep (Turkey) on 27 December 2015.

5. Referring to Resolution A/RES/68/163 of the United Nations General Assembly on the safety of journalists and the issue of impunity, the Assembly reiterates its call on member States to fully investigate the deaths of Elmar Huseynov (2005) and Rafiq Tagi (2011) in Azerbaijan, Paul Klebnikov (2004) and Anna Politkovskaya (2006) in the Russian Federation, Dada Vujasinović (1994) and Milan Pantić (2001) in Serbia, Hrant Dink (2007) in Turkey, Georgiy Gongadze (2000) and Vasil Klementiev (2010) in Ukraine, as well as Martin O'Hagan (2001) in the United Kingdom.

Amendment 21

(Falls if amendment 10 is adopted)

Tabled by Mr Eerik-Niiles KROSS, Mr Serhii SOBOLIEV, Ms Dzhema GROZDANOVA, Mr Valeriu GHILETCHI, Ms Olena SOTNYK, Mr Kostiantyn USOV, Mr Emanuelis ZINGERIS

In the draft resolution, at the end of paragraph 3.4, add the following words: "Efforts to change the ownership of the country's most popular pro-European TV station have caused continual concern among many international interlocutors and in civil society."

Amendment 23

Tabled by Mr Yves CRUCHTEN, Mr Nikolaj VILLUMSEN, Mr Pieter OMTZIGT, Ms Kerstin LUNDGREN, Mr Boriss CILEVIČS

In the draft resolution, after paragraph 4.3, insert the following paragraph:

"Rasim Aliyev, Azerbaijani journalist and Chairman of the Institute for Reporters' Safety and Freedom (IRFS), who died in a Baku hospital on 9 August 2015. He had been severely beaten the day before, following continual threats and intimidation via social media networks in the three weeks leading up to his death."

6. Conscious of the difficulties and serious challenges Turkey is facing with regard to the failed coup d'état, the terrorist attacks, the crisis caused by the enormous number of refugees and the war in Syria, the Assembly expresses its concerns regarding the dramatic situation of media and journalists in Turkey under the decrees passed during the state of emergency, in particular the dissolution and seizure of assets of media companies, the detentions of writers, journalists, editors and executives of media companies, as well as the cases of deviations from criminal procedure law, including access to a lawyer and the right to be informed promptly of the nature and cause of the criminal charges.

7. The Assembly calls on the Turkish authorities to:

7.1. release from detention all journalists who have not been indicted for actively participating in terrorist acts, among others the writer and translator Necmiye Alpay, the writer and columnist Aslı Erdoğan, the journalist and writer Nazlı Ilıcak, as well as the head of the board of the newspaper Cumhuriyet, Akin Atalay, its editor-in-chief Murat Sabuncu, its cartoonist Musa Kart, Kadri Gürsel and several of its columnists, and to immediately check and possibly improve their conditions of detention; the Assembly welcomes the statement by the Minister of Culture and Tourism of Turkey, Mr Nabi Avci, that writers, journalists and cartoonists should not be tried in detention like murderers;

Amendment 12

Tabled by Mr Talip KÜÇÜKCAN, Ms Ganira PASHAYEVA, Mr Sabir HAJIYEV, Mr Rafael HUSEYNOV, Mr Rovshan RZAYEV

In the draft resolution, paragraph 6, delete the following words: "under the decrees passed during the state of emergency, in particular the dissolution and seizure of assets of media companies, the detentions of writers, journalists, editors and executives of media companies, as well as the cases of deviations from criminal procedure law, including access to a lawyer and the right to be informed promptly of the nature and cause of the criminal charges."

Amendment 1

Tabled by Ms Lotta JOHNSON FORNARVE, Mr Nikolaj VILLUMSEN, Ms Miren GORROTXATEGI, Ms Liana KANELLI, Mr Henk OVERBEEK, Ms Ulla SANDBÆK, Mr Ertuğrul KÜRKCÜ, Ms Filiz KERESTECİOĞLU DEMİR, Mr Andrej HUNKO, Mr Marco NICOLINI, Ms Ioanneta KAVVADIA, Mr Georgios KYRITSIS, Ms Anastasia CHRISTODOULOPOULOU, Mr Hişyar ÖZSOY

In the draft resolution, paragraph 7.1, delete the words: "who have not been indicted for actively participating in terrorist acts".

Amendment 13

Tabled by Mr Talip KÜÇÜKCAN, Ms Ganira PASHAYEVA, Mr Sabir HAJIYEV, Mr Rafael HUSEYNOV, Mr Rovshan RZAYEV

In the draft resolution, paragraph 7.1, delete the following words: "the writer and translator Necmiye Alpay, the writer and columnist Aslı Erdoğan,"

Amendment 2

Tabled by Ms Lotta JOHNSON FORNARVE, Mr Nikolaj VILLUMSEN, Ms Miren GORROTXATEGI, Ms Liana KANELLI, Mr Henk OVERBEEK, Ms Ulla SANDBÆK, Ms Filiz KERESTECİOĞLU DEMİR, Mr Ertuğrul KÜRKCÜ, Mr Andrej HUNKO, Mr Marco NICOLINI, Mr George LOUCAIDES, Ms Ioanneta KAVVADIA, Mr Georgios KYRITSIS, Ms Anastasia CHRISTODOULOPOULOU, Mr Hişyar ÖZSOY

In the draft resolution, paragraph 7.1, before the words "the journalist and writer Nazlı Ilıcak", insert the following words: "the journalist Mazlum Dolan,".

- 7.2. review the emergency decrees in so far as they order the arrest of writers and media staff as well as the public seizure of media companies and their assets;
- 7.3. consider treating as a priority the applications submitted to the Constitutional Court by media outlets or media staff;
- 7.4. revise Articles 216, 299, 301 and 314 of the Penal Code in accordance with Opinion No. 831/2015 of the Venice Commission;
- 7.5. revise Law No. 5651 on “regulation of publications on the Internet and combating crimes committed by means of such publication”, in accordance with Opinion No. 805/2015 of the Venice Commission;
- 7.6. strengthen the editorial independence of the state broadcaster Türkiye Radyo Televizyon in accordance with its Resolution 1636 (2008) on indicators for media in a democracy;
- 7.7. take into account the new country report on Turkey by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
8. Concerned about media freedom in the Russian Federation, the Assembly calls on the Russian authorities to:
 - 8.1. drop its criminal charges for “separatism” and related offences against the Ukrainian journalists Anna Andrievska, Natalya Kokorina and Mykola Semena for their reports about the illegal occupation and annexation of the Crimean Peninsula by the Russian Federation;
 - 8.2. release Roman Sushchenko, a correspondent for the Ukrainian national information Agency UKRINFORM in France since 2010, who has been detained in Moscow on charges of “espionage” since 30 September 2016;
 - 8.3. exert its influence over the belligerent separatist military forces in eastern Ukraine in order to ensure that journalists can report safely from those areas in accordance with its Resolution 1438 (2005) on freedom of the press and the working conditions of journalists in conflict zones;
 - 8.4. respond to the alerts published on the Platform to promote the protection of journalism and the safety of journalists, and collaborate effectively with the Council of Europe in upholding media freedom.

Amendment 14

Tabled by Mr Talip KÜÇÜKCAN, Ms Ganira PASHAYEVA, Mr Sabir HAJIYEV, Mr Rafael HUSEYNOV, Mr Rovshan RZAYEV

In the draft resolution, delete paragraph 7.2.

Amendment 15

Tabled by Mr Talip KÜÇÜKCAN, Ms Ganira PASHAYEVA, Mr Sabir HAJIYEV, Mr Rafael HUSEYNOV, Mr Rovshan RZAYEV

In the draft resolution, delete paragraph 7.6.

Amendment 24

Tabled by Mr Yves CRUCHTEN, Mr Nikolaj VILLUMSEN, Mr Pieter OMTZIGT, Ms Kerstin LUNDGREN, Mr Boriss CILEVIČS

In the draft resolution, after paragraph 8, insert the following paragraphs: "Referring to paragraph 9 of its Resolution 2062 (2015) on the functioning of democratic institutions in Azerbaijan, the Assembly reiterates its concern

with regard to retaliation against independent media and advocates of freedom of expression in Azerbaijan. In this regard, it deplores the arbitrary application of criminal legislation to limit freedom of expression, in particular the reported recent use of different criminal laws against journalists and bloggers, and recommends taking the measures necessary to ensure a genuinely independent and impartial review by the judiciary of cases involving journalists and others expressing critical opinions. Recalling the decision adopted by the Committee of Ministers on 6-8 December 2016 on Mahmudov and Agazade Group v. Azerbaijan, the Assembly regrets the absence of information on measures taken to ensure the adequacy of legislation on defamation and expresses, in this context, grave concern in the face of recent legislative amendments to the Criminal Code introducing new defamation offences subject to imprisonment, irrespective of whether incitement to violence or hatred is involved. In particular the Assembly calls on the Azerbaijani authorities to:

- cease targeting the Institute for Reporters' Freedom and Safety (IRFS) and guarantee necessary conditions for the organisation to be able to operate freely in the country;
- stop harassment against independent blogger and IRFS Chairman Mehman Huseynov, return his identification documents and investigate allegations of ill-treatment against him;
- drop the criminal case against independent media outlet Meydan TV, refrain from pressuring its staff and contributors and lift all travel bans imposed on them;
- lift all investigations against Radio Free Europe/Radio Liberty and allow its office in Baku to carry out its normal activities."

9. The Assembly furthermore notes with deep concern that the protection of media freedom under Article 10 of the European Convention of Human Rights (ETS No. 5) is also absent in other territories of member States which are de facto controlled by separatist regimes, namely in Nagorno-Karabakh of Azerbaijan, Abkhazia and South Ossetia of Georgia and Transnistria of the Republic of Moldova. Therefore, the Assembly pays particular tribute to the few investigative journalists who dare shed light on the situation in those otherwise totally non-transparent and lawless areas.

Amendment 18

(If adopted, amendments 17, 19 falls)

Tabled by Mr Armen RUSTAMYAN, Mr Piet De BRUYN, Ms Lotta JOHNSON FORNARVE, Mr Georgios MAVROTAS, Mr Constantinos EFSTATHIOU, Ms Naira ZOHRABYAN, Mr Georgios KYRITSIS, Ms Ioanneta KAVVADIA

In the draft resolution, replace paragraph 9 with the following paragraph:

"The Assembly furthermore notes that the protection of media freedom under Article 10 of the European Convention on Human Rights poses a particular challenge in conflict zones. The Assembly is convinced that there should be no grey areas in Europe when it comes to the application and protection of the European Convention on Human Rights as a whole. In this regard, the Assembly calls on the Secretary General to explore avenues of engaging the Council of Europe's mechanisms, with a status-neutral approach, in assessing the situation of media freedom in those parts of Europe. The Assembly also pays particular tribute to the few

investigative journalists who dare to shed light on the situation in those areas."

Amendment 17

(Falls if amendment 18 is adopted)

Tabled by Mr Rudy SALLES, Mr René ROUQUET, Ms Marie-Christine DALLOZ, Mr André SCHNEIDER, Mr François ROCHEBLOINE, Mr Frédéric REISS, Ms Lotta JOHNSON FORNARVE, Ms Sylvie GOY-CHAVENT, Ms Naira ZOHRABYAN, Mr Armen RUSTAMYAN, Ms Mónica BARTOS

In the draft resolution, replace paragraph 9 with the following paragraph:

"The Assembly also notes that media freedom in accordance with Article 10 of the European Convention on Human Rights poses a particular challenge in conflict zones. The Assembly is convinced that there should be no grey areas in Europe for the application of the European Convention on Human Rights. Consequently, the Assembly pays special tribute to the few investigative journalists who dare to shed light on the situations prevailing in these areas."

Amendment 19

(Falls if amendment 18 is adopted)

Tabled by Mr Armen RUSTAMYAN, Mr Piet De BRUYN, Ms Lotta JOHNSON FORNARVE, Mr Samvel FARMANYAN, Mr Georgios MAVROTAS, Mr Constantinos EFSTATHIOU, Ms Naira ZOHRABYAN, Ms Stella KYRIAKIDES, Mr Georgios KYRITSIS, Ms Ioanneta KAVVADIA

In the draft resolution, replace paragraph 9 with the following paragraph:

"The Assembly also notes that media freedom in accordance with Article 10 of the European Convention on Human Rights poses a particular challenge in conflict zones. The Assembly is convinced that there should be no grey areas in Europe for the application of the European Convention on Human Rights. Consequently, the Assembly pays special tribute to the few investigative journalists who dare to shed light on the situations prevailing in these areas."

10. Referring to paragraph 2.7 of its Resolution 2064 (2015) on the situation in Hungary following the adoption of Resolution 1941 (2013), the Assembly welcomes progress in combating racist and xenophobic expressions in the media and calls on the Hungarian authorities to:

Amendment 4

Tabled by Mr Attila TILKI, Mr Attila KORODI, Ms Dzhema GROZDANOVA, Ms Liliana PALIHOVICI, Mr Žarko OBRADOVIĆ, Mr Samad SEYIDOV

In the draft resolution, paragraph 10, after the words "in the media", insert the following words: ", also welcomes the constructive dialogue

between the Hungarian authorities and the European Commission in this regard,"

- 10.1. revise the media legislation in accordance with Opinion No. 798/2015 of the Venice Commission;

Amendment 5
Tabled by Mr Attila TILKI, Mr Attila KORODI, Ms Dzhema GROZDANOVA, Ms Liliana PALIHOVICI, Mr Žarko OBRADOVIĆ, Mr Samad SEYIDOV

In the draft resolution, replace paragraph 10.1 with the following paragraph:

"reconsider certain parts of its media legislation in accordance with Opinion No. 798/2015 of the Venice Commission, which acknowledges the efforts of the Hungarian government in terms of improving legislation in this field so far;"

- 10.2. reconsider, in accordance with Decision No. SA.39235 of 4 November 2016 by the European Commission, Act XXII of 2014 on Advertisement Tax, which created a discriminatory tax on the publication of advertisements in the media in Hungary and hence has a negative effect on media freedom under Article 10 of the European Convention on Human Rights;

Amendment 6
Tabled by Mr Attila TILKI, Mr Attila KORODI, Ms Dzhema GROZDANOVA, Ms Liliana PALIHOVICI, Mr Žarko OBRADOVIĆ, Mr Samad SEYIDOV

In the draft resolution, paragraph 10.2, replace the words "discriminatory tax on the publication of advertisements in the media in Hungary and hence has a negative effect on media freedom under Article 10 of the European Convention on Human Rights" with the following words: "tax on the publication of advertisements in the media in Hungary".

- 10.3. ensure that advertising contracts by public authorities and State companies are concluded with all media in a transparent manner, irrespective of their political position towards the government;

Amendment 7
Tabled by Mr Attila TILKI, Mr Attila KORODI, Ms Dzhema GROZDANOVA, Ms Liliana PALIHOVICI, Mr Žarko OBRADOVIĆ, Mr Samad SEYIDOV

In the draft resolution, paragraph 10.3, replace the words "irrespective of their political position towards the government" with the following words: "according to the existing Hungarian regulation on public procurement, which should be further maintained".

- 10.4. strengthen media pluralism and diversity and ensure transparency of media ownership, especially where a media outlet is effectively held or controlled by a commercial entrepreneur who has been awarded public contracts.

Amendment 8
Tabled by Mr Attila TILKI, Mr Attila KORODI, Ms Dzhema GROZDANOVA, Ms Liliana PALIHOVICI, Mr Žarko OBRADOVIĆ, Mr Samad SEYIDOV

In the draft resolution, replace paragraph 10.4 with the following paragraph:

"continue to strengthen media pluralism and diversity, as laid down in the Hungarian

11. Noting the recommendation of 27 July 2016 by the European Commission regarding the rule of law in Poland, which also included concerns over media legislation on the State broadcaster Telewizja Polska that had been adopted on 30 December 2015 and had become effective on 7 January 2016, the Assembly asks the Venice Commission to prepare an opinion on this law.

Fundamental Law, and continue to ensure transparency of media ownership."

Amendment 25

Tabled by Mr Yves CRUCHTEN, Mr Nikolaj VILLUMSEN, Ms Kerstin LUNDGREN, Mr Stefan SCHENNACH, Mr Alex SALMOND, Ms Tasmina AHMED-SHEIKH

In the draft resolution, replace paragraph 11 with the following paragraph:

"Noting that on 22 June 2016 the Polish Parliament passed an act on the National Media Council - a new body with the power to nominate and dismiss management and supervisory boards of public media - thus enhancing the influence of the governing majority over public media, the Assembly asks the Venice Commission to prepare an opinion on this law. The Assembly also deplores the fact that recommendations by the Constitutional Tribunal on this act have not been implemented. The Assembly regrets the dismissal of over 200 journalists from public media posts and calls on the Polish authorities to refrain from further actions in that direction and to work towards the depoliticisation of the media and their controlling institutions."

Sub-amendment 1 to amendment 25

Tabled by Mr Dominik TARCZYŃSKI, Mr Włodzimierz BERNACKI, Mr Andrzej WOJTYŁA, Mr Marek AST, Mr Józef LEŚNIAK

In amendment 25, replace the words: "passed an act on the National Media Council - a new body with the power to nominate and dismiss management and supervisory boards of public media - thus enhancing the influence of the governing majority over public media, the Assembly asks the Venice Commission to prepare an opinion on this law. The Assembly also deplores the fact that recommendations by the Constitutional Tribunal on this act have not been implemented. The Assembly regrets the dismissal of over 200 journalists from public media posts and calls on the Polish authorities to refrain from further actions in that direction and to work towards the depoliticisation of the media and their controlling institutions." with the following words: "passed, as an interim law, an act on the National Media Council - a new pluralistic body with the power to nominate and dismiss management and supervisory boards of public media - thus enhancing the influence of the governing majority over public media, the Assembly holds this matter under consideration. The Assembly further notes that the Polish authorities have confirmed that the opinion of

Council of Europe experts will be taken into account in the legislative process."

Amendment 3

Tabled by Mr Kostiantyn USOV, Mr Vladyslav GOLUB, Mr Oleksii GONCHARENKO, Mr Leonid YEMETS, Mr Ihor HUZ, Mr Andrii LOPUSHANSKYI, Ms Olena SOTNYK, Mr Emanuelis ZINGERIS, Mr Volodymyr ARIEV, Mr Serhii SOBOLIEV, Mr Sergiy VLASENKO, Mr Georgii LOGVYNSKYI, Ms Iryna GERASHCHENKO, Ms Mariia IONOVA, Mr Egidijus VAREIKIS

In the draft resolution, after paragraph 11, insert the following paragraph:

"Expressing concern about reports of plans by Euronews to close down its Ukrainian service and to limit the rights of journalists to apply for some vacant positions within the company, contrary to French and European labour laws and with clear signs of potential discrimination. The Assembly notes that dozens of Euronews employees joined a strike at the company's headquarters in Lyon on 5 December 2016 against the plans to close its Ukrainian service and to cut several other Euronews services. The Assembly calls on the French authorities to closely monitor the situation and to make sure that no legal rights of the employees concerned are violated or limited."

12. Noting the recent auction of private broadcasting licenses by the current Greek Government, the Assembly recalls that, while Article 10 of the European Convention on Human Rights allows States to require licenses for broadcasting, such restrictions need to be necessary in a democratic society and the award of such licenses has to be made in a transparent and reasoned process. Mere profitability concerns of private broadcasting are not a sufficient ground to revoke long existing licenses, especially as the digitalisation of broadcasting reduces the need, and thus the possibility, for governments to reduce the number of broadcasting licenses for technical reasons.

Amendment 11

Tabled by Mr Georgios KYRITSIS, Mr Nikolaj VILLUMSEN, Ms Lotta JOHANSSON FORNARVE, Ms Ulla SANDBÆK, Mr Ertuğrul KÜRKCÜ, Ms Filiz KERESTECİOĞLU DEMİR, Mr Andrej HUNKO, Mr Marco NICOLINI, Mr George LOUCAIDES, Ms Ioanneta KAVVADIA, Mr Hişyar ÖZSOY, Ms Anastasia CHRISTODOULOPOULOU, Mr Dimitrios KAMMENOS

In the draft resolution, in paragraph 12, replace the words "Mere profitability concerns of private broadcasting are not a sufficient ground to revoke long existing licenses, especially as the digitalisation of broadcasting reduces the need, and thus the possibility, for governments to reduce the number of broadcasting licenses for technical reasons" with the following words: "Hereof, the Assembly notes that Greece has suspended the initiation of a public auction until the official publication of the relevant judgement of the Greek Council of State and that it has declared that it will comply fully and unreservedly with that judgement. The Assembly also notes that the Greek government has legislated that the number of television broadcasting licenses will be determined with the consent of the National Board for Radio and Television, the

relevant independent authority, which will also conduct the public auction"

13. Regarding the media situation in Belarus, the Assembly welcomes the report of 21 September 2016 by the United Nations Special Rapporteur on the situation of human rights in Belarus. The Assembly regrets that media pluralism and diversity are still absent. This fact limits the Belarusian people in exercising public control over government conduct and especially hampers the respect of democratic standards during elections.
14. Several governments have tightened their anti-terrorism legislation by enlarging the criminal offence of aiding and abetting terrorist activities, as well as by allowing law-enforcement authorities to search and seize the work of journalists. However, overbroad applications of such laws are not permissible under Article 10 of the European Convention on Human Rights.
15. The Assembly is alarmed that journalists have sometimes been targeted by police action during violent demonstrations. While law-enforcement authorities can stop such demonstrations and order journalists to leave the scene, the physical integrity of those journalists and the integrity of their equipment must be respected. Media must not be hindered when reporting on such demonstrations, which are of public concern in a democracy.
16. Welcoming the fact that investigative journalists have revealed government misconduct in some member States, the Assembly is furthermore alarmed that many of those journalists have faced pressure by governments, law-enforcement authorities or organised crime. The rights of whistle-blowers and the right of journalists not to disclose their sources must be respected. The Assembly invites the Group of States against Corruption (GRECO), Transparency International and the Global Investigative Journalism Network to co-operate more closely in their work in this context.
17. Noting that the situation of public service broadcasting is difficult in several member States, the Assembly recalls that the independence of such broadcasters from governments has to be ensured through law and practice. Governments and parliaments must not interfere in the daily management and editorial work of such broadcasters, which should establish in-house codes of conduct for journalistic work and editorial independence from political sides. Senior management positions should be refused to people with clear party political affiliations.
18. Welcoming the efforts of the Ukrainian authorities to establish a strong public broadcasting system, the Assembly emphasises the importance of continuing without delay the full implementation of the public broadcasting law adopted by the Ukrainian Parliament in April 2014, and of transforming State media outlets into public service media.
19. Welcoming the fact-finding work on serious violations of media freedom by professional media organisations throughout Europe, the Assembly calls on member

States, the European Union, the Organization for Security and Co-operation in Europe (OSCE) and the United Nations to join forces with the Council of Europe and support its Platform to promote the protection of journalism and safety of journalists. The Platform alerts and governmental responses should be used for in-depth analyses of serious cases of attacks on journalists and media freedom, especially where the severity and frequency of such attacks indicate systemic problems in member States.

B. Draft Recommendation

1. Recalling its Resolution ... (2017) on attacks against journalists and media freedom in Europe, the Parliamentary Assembly thanks the Committee of Ministers for having established the Platform to promote the protection of journalism and safety of journalists, which is a unique tool for professional media organisations to alert the Council of Europe about serious attacks against media freedom and for governments of member States to respond to these alerts through the Committee of Ministers.
2. With regard to the high number of serious cases brought to the attention of member States through this Platform, the Assembly recommends that the Committee of Ministers:
 - 2.1. allocate adequate resources to the functioning of the Platform, enabling targeted follow-up to the alerts;
 - 2.2. remind member States of their commitment under Article 3 of the Statute of the Council of Europe (ETS No. 1) to co-operate sincerely and effectively in the realisation of the work of the Platform;
 - 2.3. include Belarus in the countries addressed by the Platform.
3. In view of the serious threats to media freedom in conflict zones in member States as well as under the states of emergency declared by member States, the Assembly invites the Committee of Ministers to hold a thematic debate on this subject and stands ready to co-operate in such a thematic debate.

Amendment 16

Tabled by Mr Talip KÜÇÜKCAN, Ms Ganira PASHAYEVA, Mr Sabir HAJIYEV, Mr Rafael HUSEYNOV, Mr Rovshan RZAYEV

In the draft recommendation, after paragraph 2.3, insert the following paragraph:

"ensure that adequate mechanisms are created within the Platform to filter and monitor the alerts, with a view to preventing misuses and abuses as well as enhancing the credibility of the Platform."