



Doc. 14339 – Compendium of written amendments
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(Final version)

Political influence over independent media and journalists

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A. Draft Resolution

1. The Parliamentary Assembly considers the right to freedom of expression and information as well as freedom and diversity of the media as fundamental elements of a true democracy; no system can claim to be democratic if it does not effectively ensure pluralism and independence of the media.
2. There is no independence when journalists and their families are exposed to physical threats or are subject to arbitrary detention, or when the media outlets which employ them run the risk of simply being put out of business. The Assembly is also deeply concerned about the many forms of psychological violence, intimidation and harassment, including through the internet and social media, and by the range of tactics used to erode media freedom, force journalists into self-censorship, or take control over media outlets and subjugate them to vested interests.
3. National authorities must not only guarantee journalists' security and media freedom, preventing and condemning unconditionally blatant violations, but they must also recognise and oppose the threat that more insidious methods pose to the independence and genuine pluralism of the media, to the interest of the public in receiving unbiased, critical information and hence to our democratic systems.
4. The digital environment is driving in-depth changes in the media business model, which endanger the financial viability of many media operators. This intensifies the risk of financial screws being tightened on the media to tame them. Public funding has greater importance than in the past, in particular – but not only – for public service media (PSM); however, media which are financially dependent from public funding become more vulnerable to political influence. The latter can also derive from an instrumental use of the procedures for the appointment of top PSM managers.
5. The Assembly denounces all practices which are aimed at fuelling public distrust of the media. Regrettably, some political forces are using this strategy to silence criticism and dissenting views voiced by independent media. However, mistrust could also derive from deviated use of the media – and in particular new media – as a weapon against political antagonists and from the increasing risk of manipulation of public opinion through the media.
6. As political (but also social and economic) actors have moved from traditional media to the internet and social media for their communication with the public, journalism's role in the way the public acquires, values and exchanges information is diminishing, and with it the possibility of independent media to initiate and uphold quality public debate; this makes them less attractive, less competitive and eventually less viable and thus more vulnerable to political influence.
7. The Assembly therefore calls for stronger engagement in safeguarding journalists' security and freedom, as well as

in upholding media pluralism and independence. It recommends that the Council of Europe member States:

- 7.1. implement effectively Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors in four areas: prevention; protection; prosecution of all threats against journalists and media freedom; and promotion of information, education and awareness raising;
- 7.2. ask for independent reviews of their laws and practices which have, or could have, a chilling effect on media freedom, such as those on national security, terrorism and defamation, and entrust human rights commissions or ombudspersons with monitoring their implementation to avoid their being misused to stifle media freedom;
- 7.3. improve the legal provisions concerning transparency of formal and beneficial ownership, as well as about funding mechanisms and organisational and managerial structures of the media, to allow for identification of possible sources of control and influence and to strengthen accountability. In this respect, the Assembly recalls in particular its Resolution 2065 (2015) on increasing transparency of media ownership;
- 7.4. review PSM governance mechanisms, keeping in mind the basic standards set by the "Guiding principles for public service media governance" in the appendix to Recommendation CM/Rec(2012)1 on public service media governance and aiming at genuine independence of PSM, including in editorial terms, while preserving national authorities' – and in particular parliaments' – oversight role;
- 7.5. ensure transparency of the operation of regulatory bodies; the provisions for their appointment, mandate and powers must secure their independence from any influence, especially from governments;
- 7.6. ensure that appointment procedures of PSM managers and staff for which an intervention of public authorities is required:
 - 7.6.1. respect the role of the opposition and, when parliaments are involved, provide for appointment decisions to be taken by qualified majority;
 - 7.6.2. are not used to exert influence over PSM programmes or editorial policy;
 - 7.6.3. are grounded on clear merit-based criteria, strictly related to the role and remit of PSM and are neutral with regard to political views;
 - 7.6.4. are made for a specified term, which can only be shortened on the basis of a limited number of legally defined circumstances;

Amendment 2

Tabled by Mr Armen RUSTAMYAN, Ms Arpine HOVHANNISYAN, Mr Giorgi KANDELAKI, Mr Killion MUNYAMA, Mr Andrzej HALICKI, Ms Agnieszka POMASKA

In the draft resolution, at the end of paragraph 7.3, add the following sentence: "At the same time, it is necessary to consider the specific nature of online media and to have regulations that will allow online media transparency as well as to create sanctions for non-compliance with media transparency regulations."

- 7.6.5. are respectful of gender balance;
- 7.7. review their (national, regional and local) funding systems for PSM and for private media outlets to:
 - 7.7.1. avoid mechanisms (directly or indirectly) being used to exercise editorial influence or to threaten the recipients' institutional autonomy;
 - 7.7.2. ensure that the financing schemes are based on fair and objective criteria and are operated in a non-discriminatory manner;
 - 7.7.3. guarantee full transparency of their operation, and in particular of the level of public funding, grants and sponsoring, and provide for easy access of the public to this information;
- 7.8. design PSM funding systems so that they:
 - 7.8.1. guarantee a level of funding coherent with the agreed role and remit of PSM, thus enabling them to properly fulfil their mission in a fast changing media environment;
 - 7.8.2. provide for an independent body to determine – and regularly review – the level of funding, following consultation with the PSM concerned, with tight limits on the room for manoeuvre of policy makers (parliaments and governments) to adjust the proposals by this independent body;
 - 7.8.3. ensure predictable and sufficient stable revenues, but also the buoyancy of the funding schemes; in this respect, national authorities should consider the possibility of combining different sources of funding (including advertising), giving preference to licence fees (paid by all households irrespective of the device) and/or earmarked taxes, the level of which should be indexed to guarantee financial stability in real terms;
 - 7.8.4. provide for a mechanism to recover excess income from recipients and reinvest it in the system;
- 7.9. design public support schemes for private and non-profit media so that these schemes:
 - 7.9.1. reinforce pluralism, also paying attention to non-commercial media outlets, such as free radio stations, as well as to media which are the expression of local perspectives of societal challenges, and of cultural diversity;
 - 7.9.2. favour investments which are necessary for the media to keep pace with technical developments.
- 8. The Assembly urges all political forces and political leaders to firmly condemn psychological violence, harassment and cyberbullying against journalists and to join efforts to counter the growing distrust of journalism and journalists; Political actors certainly have the right to respond to critical views and dissent expressed by the media, but such reactions must respect freedom of expression, and any behaviour inciting their followers to target journalists and media outlets is to be proscribed.
- 9. The Assembly calls on media associations to be more active in identifying and denouncing abuses by unprofessional individuals who misuse the title of

"journalist" or unscrupulous media outlets which seek to manipulate public opinion by disseminating false information. Political lynchings staged by deceitful media operators must be opposed.

B. Draft Recommendation

1. The Parliamentary Assembly highly values the increasing efforts of the Council of Europe intergovernmental sector to enhance journalists' security and strengthen media freedom. In this respect, the Assembly welcomes the joint work with the partner organisations of the "Platform to promote the protection of journalism and safety of journalists" and appreciates the relevance of ongoing work by the Steering Committee on Media and Information Society (CDMSI) concerning the preparation of a draft recommendation to member States on media pluralism and transparency of media ownership.
2. However, the number and gravity of attacks against independent journalism continues to increase and the situation in many European countries is deteriorating. Not only are trends alarming with regard to physical attacks against journalists and the direct takeover or closure of media outlets which express dissent, but it also appears that strategies to silence critical journalism increasingly use psychological violence and intimidation, which erode the right to freedom of information and force journalists to use self-censorship, including judicial intimidation through a range of laws such as (but not only) those on national security, terrorism and defamation.
3. In this respect, recalling its Resolution ... on political influence over independent media and journalists, the Assembly considers that proper follow-up must be given to the recent survey conducted by the Council of Europe on "Journalists under pressure – Unwarranted interference, fear and self-censorship in Europe".
4. Moreover, the independence of public service media is not always properly guaranteed: there is a need to promote sound legal provisions and good administrative practice in the domain of public service media, with a view to strengthening their independence and their capability to meet the mission they pursue in the general public interest.
5. The Assembly therefore recommends that the Committee of Ministers:
 - 5.1. call for stronger engagement of Council of Europe member States in a constructive dialogue to remedy all serious threats to media freedom reported on the Platform to promote the protection of journalism and safety of journalists;
 - 5.2. entrust the CDMSI and/or other relevant intergovernmental bodies with:
 - 5.2.1. resuming work on public service media with the aim of developing in operational terms the principles enshrined in its Recommendation CM/Rec(2012)1 on public service media governance, in particular with regard to appointment procedures, and propose model provisions respectful of the independence of public service media;

- 5.2.2. designing and supporting the implementation of targeted co-operation programmes aimed at promoting good practice in the governance of public service media;
- 5.2.3. starting a comprehensive study on national laws and practices which are misused to smother critical independent journalists and media, starting with those on national security, terrorism and defamation, with a view to providing guidance for their review.

Amendment 1

Tabled by Mr Armen RUSTAMYAN, Ms Arpine HOVHANNISYAN, Mr Giorgi KANDELAKI, Mr Killion MUNYAMA, Mr Andrzej HALICKI, Ms Agnieszka POMASKA

In the draft recommendation, after paragraph 5.2.3, insert the following paragraph:

"starting a comprehensive study to reveal the obstacles to online media transparency and to provide effective mechanisms, by suggesting regulations that will provide media transparency on the one hand and freedom of expression on the other, as well as allowing anonymity on the internet. Instead of general legal regulations, new regulations should take into account the specific nature of online media."