



For immediate release – 6 October 2008

Council of Europe Passes Resolution on Indicators for Media in a Democracy

ARTICLE 19 welcomes Resolution 1636 adopted by the Parliament of the Council of Europe on 3 October 2008, on "Indicators for media in a democracy" and call on all member states to implement it as a matter of urgency.

"At a time of great challenge for the media across the world, including in Europe, this resolution is particularly welcome and timely. The repeated attacks against media freedom and freedom of expression for close to a decade now, reversing the positive trend of the previous ten years, impede the free flow of information to the public, and constitute a major threat to democracies, old and new alike" said Dr. Callamard, ARTICLE 19 Executive Director.

Resolution 1636 highlights the role of freedom of expression and information in the media as an essential requirement of democracy: *"Public participation in the democratic decision-making process requires that the public is well informed and has the possibility of freely discussing different opinions."* The resolution welcomes the comparative assessments of national media situations and the media development indicators prepared by ARTICLE 19 and other press freedom organisations, and invites national parliaments to analyse their own media situation, to identify shortcomings in their national media legislation and practice, and take appropriate measures to remedy them. The resolution goes on to identify 27 basic principles to assess the situation of press freedom.

ARTICLE 19 congratulates the Parliamentary Assembly of the Council of Europe for Resolution 1636 and calls on the Committee of Ministers to endorse the list of Principles, and to issue regular reports on the media situation in member states. ARTICLE 19 offers its assistance and support in the development and refinement of indicators associated with the basic principles and in the assessment of media situations amongst member states.

The list of basic principles of Resolution 1636 includes principles on appropriate and proportionate defamation legislation: *"state officials shall not be protected against criticism and insult at a higher level than ordinary people, for instance through penal laws that carry a higher penalty...Journalists should not be imprisoned or media outlets closed for critical comment"* (Basic Principle 2); so-called hate speech laws: *"Penal laws against incitement to hatred or for the protection of public order or national security must respect the right to freedom of expression. If penalties are imposed, they must respect the requirements of necessity and proportionality"* (Basic Principle 3); media ownership: *"media ownership and economic influence over media*

must be made transparent. Legislation must be enforced against media monopolies and dominant market positions among the media. In addition, concrete positive action should be taken to promote media pluralism” (Basic Principle 18).

The principles also call for respect for confidentiality of journalists’ sources of information (Basic Principle 8); protection of journalists, including through police and justice: *“Police protection must be provided where requested by journalists under threat. Prosecutors and courts must deal adequately and timely with cases where journalists have received threats or have been attacked”* (Basic Principle 14).

The resolution includes several principles related to ensuring the independence of the media outlets, including independence against political interference: *“members of government should not pursue professional media activities while in office”* (Basic Principle 23); independence from media owners (Basic Principle 13); fair and equal access to distribution channels, frequencies, cables, etc. (Basic Principle 16); fair and equal access to the media during elections (Basic Principle 5); no restriction of access to foreign print media or electronic media including the Internet (Basic Principle 17); independence of public service broadcasters against political interference (Basic Principle 20); *“private”* media should not be run or held by the state or state-controlled companies; etc.

The principles insist on self-regulation: *“there should be a system of media self-regulation including a right of reply and correction or a voluntary apology by journalists. Media should set up their own self-regulatory bodies, such as complaints commissions or ombudspersons, and decisions of such bodies should be implemented. These measures should be recognised legally by the courts”* (Basic Principle 25) and *“journalists should set up their own professional codes of conduct and they should be applied. They should disclose to their viewers or readers any political and financial interests as well as any collaboration with state bodies such as embedded military journalism”* (Basic Principle 26).

NOTES TO EDITORS:

- For more information: please contact Oliver Charles, oliver@article19.org +44 20 7278 9292
- For a copy of the resolution, please click: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1636.htm>
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.