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Media and terrorism

Recommendation 1706 (2005)

Reply from the Committee of Ministers

adopted at the 953rd meeting of the Ministers' Deputies (18-19 January 2006)

1. The Committee of Ministers notes that the Parliamentary Assembly raises issues of the highest importance in its Recommendation 1706 (2005) on media and terrorism, which it has studied with interest and transmitted to the member states' governments. The Committee of Ministers recalls that terrorism dramatically affects the full enjoyment of human rights, in particular the right to life, threatens democracy, aims notably to destabilise legitimately constituted governments, undermines pluralistic civil society and challenges the ideals of everyone to live free from fear. In this context, the Committee of Ministers underlines the importance of free and independent media and the need to refrain from any action that may have a negative impact on this independence. The Committee of Ministers refers to its Declaration on freedom of expression and information in the media in the context of the fight against terrorism, adopted in 2005, in which it recalled in particular that "in their fight against terrorism, states must take care not to adopt measures that are contrary to human rights and fundamental freedoms, including the freedom of expression, which is one of the very pillars of the democratic societies that terrorists seek to destroy" while inviting the media and journalists "to bear in mind their particular responsibilities in the context of terrorism in order not to contribute to the aims of terrorists".

2. The Assembly recommends that the Committee of Ministers asks member and observer states to take a certain number of measures some of which are also covered by the above-mentioned declaration. This includes measures such as providing adequate and regularly updated information to the media, in particular by appointing spokespersons and organising press conferences, but also abstaining from restricting freedom of expression and information in the media. It also includes measures to ensure the safety of journalists. The training of journalists and other media professionals regarding their protection and safety should also be encouraged (paragraph 10 i, ii and iii of the recommendation).

3. The Committee of Ministers agrees with the Assembly about the importance of media literacy as a subject in the school curricula of member states. Knowledge and understanding on how the media works and a critical and informed consumption of media content, is to the benefit of a democratic society (paragraph 10 iv of the recommendation).

4. The Committee of Ministers further agrees with the Assembly that member and observer states shall co-operate through their law enforcement authorities in order to prevent the dissemination of illegal messages and images by terrorists on the Internet. Moreover, the States Parties to the Additional Protocol to the Convention on Cyber Crime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems shall apply it to terrorist content in so far as the latter advocates, promotes or incites hatred or violence against any individual or group of individuals based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors (paragraph 10 v and vi of the recommendation).

5. The Committee of Ministers stresses that this kind of crime is also covered by Article 5 of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), which obliges Parties to establish as a criminal offence "public provocation to commit a terrorist offence". The latter is defined as "the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence...". This covers the use of internet facilities for the said purposes which is in this respect

criminalised by international treaty law. The Explanatory Report to the aforementioned Convention confirms this approach (paragraph 102).

6. In its Declaration on freedom of expression and information in the media in the context of the fight against terrorism, the Committee of Ministers agreed to monitor, within the framework of the existing procedures, the initiatives taken by governments of member states aiming at reinforcing measures, in particular in the legal field, to fight terrorism as far as they could affect the freedom of the media. It invited the Parliamentary Assembly to do the same (paragraph 11 i of the recommendation).

7. In this context, the Committee of Ministers draws the Assembly's attention to the work undertaken by the Steering Committee on the Media and New Communication Services (CDMC) and by its Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC), pursuant to the Action Plan adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10-11 March 2005). The MC-S-IC has been asked, *inter alia*, to: explore the methods which could be applied to monitor the implementation by member states of the texts adopted by the Council of Europe on freedom of expression and information in times of crisis (a term which includes, but is not limited to, terrorism). It has furthermore been asked to make proposals on the establishment of a forum for the regular review, in consultation with media professionals and other interested parties, of the question of the rights and responsibilities of the media in times of crisis; to explore ways to encourage the media's contribution to intercultural and inter-religious dialogue; and to make proposals for the establishment of an award for those media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue. The MC-S-IC will take due account of the Assembly's recommendation in its work.

8. The Committee of Ministers supports the idea of the media and journalists preparing a handbook for journalists reporting about terrorist acts and violence. In this context, the Committee of Ministers again refers to the above-mentioned declaration, in which it invited the media and journalists to consider adopting self-regulatory measures so that they can effectively respond to ethical issues raised by media reporting on terrorism (paragraph 11 ii of the recommendation).

9. Moreover, the Committee of Ministers notes that the Assembly asks that it "initiate work towards an additional protocol to the Convention on Cyber Crime setting up a framework for security co-operation for the prevention of cyber terrorism, in the form of large-scale attacks on computer systems and through computer systems" (paragraph 11 iii of the recommendation). The Committee of Ministers underlines that the Council of Europe Convention on Cybercrime (ETS No. 185) not only enumerates a certain number of "new" crimes but also provides that any crime committed through the use of computers (e.g. terrorism) can be pursued using the procedural means provided for in the convention. Nevertheless, the notion of cyber terrorism as such merits further consideration. In any event, procedural means for criminal prosecution of such crimes should be in line with the international anti-terrorist regime set up, *inter alia*, by the Council of Europe. The Bureau of the European Committee for Crime Problems (CDPC) and the Committee of Experts on Terrorism (CODEXTER) have agreed to explore this issue further.

10. At the 115th Session of the Committee of Ministers, held in Strasbourg on 16 and 17 November 2005, the Ministers present reiterated the need to firmly combat the scourge of terrorism and the various forms of crime, including corruption and cybercrime, which pose a threat to democracy. They gave instructions on reinforcing the Council of Europe's efforts in the fight against these threats and called on those member states which have not yet done so to sign and ratify the three Conventions opened for signature at the Third Summit of Heads of State and Government of the Council of Europe on the prevention of terrorism, the fight against trafficking of human beings and money laundering and the financing of terrorism as soon as possible. The Committee of Ministers also encourages member states to ratify the Cybercrime Convention and its Additional Protocol as soon as possible.

11. Noting that the issue of using Internet for terrorist purposes is also being actively discussed within the OSCE, the Committee of Ministers recommends that the co-ordination group between the Council of Europe and the OSCE exchange information on this subject in its work on joint efforts in the fight against terrorism, which has been identified as one of the four priority areas of co-operation between the two organisations.