



Parliamentary Assembly Assemblée parlementaire

Doc. 11388

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“Threats to the lives and freedom of expression of journalists”

Recommendation 1783 (2007)

Reply from the Committee of Ministers

adopted at the 1005th meeting of the Ministers' Deputies (26 September 2007)

1. The Committee of Ministers welcomes Parliamentary Assembly Recommendation (1783) 2007 on “Threats to the lives and freedom of expression of journalists”, which it has transmitted to the governments of member states for information. It joins in the Parliamentary Assembly's unequivocal condemnation of attacks on journalists in Europe. The Committee of Ministers considers that it is essential that such attacks be properly and promptly investigated and that the instigators and perpetrators be brought to justice. In this context, the Committee recalls that it emerges from the case law of the European Court of Human Rights that a violation of Article 10 of the European Convention on Human Rights can result not only from a direct interference with freedom of expression by the state but also from a lack of protection of someone known to be in danger or under threat because of that person's exercise of the right to freedom of expression or as a means of preventing the exercise of that right, or a lack of effective investigation by the authorities into the killing of such a person.

2. The importance of the freedom of the media and the free and unhindered exercise of journalism in a democratic society, in particular for informing the public, for the free formation and expression of opinions and ideas, and for scrutinising the activities of public authorities, has been stressed by the Committee of Ministers on numerous occasions.

3. The Committee of Ministers refers also to the Political Declaration adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, March 2005) in which the Ministers condemned attacks on freedom of expression, the free and unhindered exercise of journalism and the physical integrity of journalists. Pursuant to the Action Plan adopted at the Conference, the Committee of Ministers recalls that the Steering Committee on the Media and New communication Service (CDMC) and its subordinate bodies are giving great importance to the issue of journalists' safety and considerable efforts are being made to improve the protection of journalists in Europe in the context of the work of the Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC).

4. On 26 September 2007, the Committee of Ministers adopted guidelines to member states on protecting freedom of expression and information in times of crisis. The CDMC is also currently working on concrete proposals for encouraging the training of media professionals with an emphasis on safety issues and on the importance of the professional and independent coverage of crisis situations. This document is due to be finalised before the end of 2007.

5. The Committee of Ministers has considered the Assembly's proposal for preparing common policy guidelines on possible action by police and law enforcement authorities for protecting journalists, and has decided that presently such guidelines are not called for, given that a number of these issues are treated in the above-mentioned guidelines on protecting freedom of expression and information in times of crisis.

6. The Committee of Ministers recalls that it has instructed the Secretariat to establish an internet-based space where media professionals and other interested parties can exchange views on protecting freedom of expression and information in times of crisis and discuss the challenges to freedom of expression that they experience. This responds to item 4 of the Action Plan adopted at the 7th European Ministerial Conference on Mass Media policy “to establish 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 and the working conditions of journalists in times of crisis”.

7. In this context, the Committee of Ministers notes that a Group of Specialists on Human Rights Defenders (DH-S-DDH), reporting to the Steering Committee for Human Rights (CDDH), is presently exploring what intergovernmental action of the Council of Europe could be envisaged to improve the protection of human rights defenders and promote their activities, in the light of the conclusions of the Colloquy “Protecting and Supporting Human Rights Defenders in Europe” (13-14 November 2006). The Group transmitted a draft activity report to the CDDH before the summer. The CDDH welcomed the Group’s work and shared the idea of a possible general Committee of Ministers’ Declaration on human rights defenders that it might draft at the end of its term.

8. With regard to the Parliamentary Assembly’s recommendation to the Committee of Ministers to establish a mechanism for identifying and analysing attacks against journalists and other serious violations of media freedom in Europe, the Committee of Ministers draws attention to the fact that the CDMC has started to examine the desirability of developing a mechanism to monitor the situation of freedom of expression and of the media in Council of Europe member states. In so doing, it is taking into account, in order to avoid any duplication, work undertaken, and any relevant mechanisms established, by other international organisations such as the OSCE, and is aware of the need to consider the budgetary implications of such a mechanism.

9. Finally, the Committee of Ministers recalls that it actively promotes the Council of Europe human rights standards, including the European Convention on Human Rights, at the UN level. Following the adoption of the resolution on co-operation between the United Nations and the Council of Europe by the UN General Assembly on 13 November 2006, the Committee of Ministers recently adopted decisions to achieve greater synergy between the activities of the two organisations in human rights matters, covering also issues relating to freedom of expression and the safety of journalists.

Appendix to the reply

Opinion of the Steering Committee on the Media and New Communication Services (CDMC)

1. The CDMC joins in the Parliamentary Assembly’s unequivocal condemnation of attacks on journalists in Europe. It is essential that such attacks be properly and promptly investigated and that the perpetrators and instigators be brought to justice. In this context, the CDMC would recall that it emerges from the case law of the European Court of Human Rights that a violation of Article 10 of the European Convention on Human Rights can result not only from a direct interference with freedom of expression by the state but also from a lack of protection of someone known to be in danger or under threat because of that person’s exercise of the right to freedom of expression or as a means of preventing the exercise of that right, or a lack of effective investigation by the authorities into the killing of such a person.

2. The CDMC recalls that the Committee of Ministers has, on numerous occasions, stressed the importance of the freedom of the media and the free and unhindered exercise of journalism in a democratic society, in particular for informing the public, for the free formation and expression of opinions and ideas, and for scrutinising the activities of public authorities.¹

3. The CDMC refers to the Political Declaration adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, March 2005) in which the Ministers of States participating in the Ministerial Conference condemned attacks on freedom of expression, on the free and unhindered exercise of journalism and on the physical integrity of journalists.

4. Pursuant to the Action Plan adopted at the 7th European Ministerial Conference on Mass Media Policy, the CDMC and its subordinate bodies are giving great importance to the issue of journalists’ safety and considerable efforts are being made to improve the protection of journalists in Europe in the context of the work of the Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC).

¹ See, *inter alia*, the Declaration of the Committee of Ministers on freedom of expression and information, adopted on 29 April 1982; Recommendation (96) 4 of the Committee of Ministers on the protection of journalists in situations of conflict and tension; the Declaration of the Committee of Ministers on the protection of journalists in situations of conflict and tension adopted on 3 May 1996; Declaration of the Committee of Ministers on freedom of expression and information in the media in the context of the fight against terrorism, adopted on 2 March 2005.

5. The CDMC examined, at its meeting from 12 to 15 June 2007, draft guidelines to member states prepared by the MC-S-IC on protecting freedom of expression and information in times of crisis. The MC-S-IC is also currently working on concrete proposals for encouraging the training of media professionals with an emphasis on safety issues and on the importance of the professional and independent coverage of crisis situations. The CDMC expects to submit a final version of these documents to the Committee of Ministers before the end of 2007.

6. The CDMC welcomes the request by the Committee of Ministers to the Secretariat to set up a web-based discussion space for media professionals and other interested parties on these matters. This responds to (and implements) item 4 of the Action Plan adopted at the 7th European Ministerial Conference on Mass Media policy "to establish 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 and the working conditions of journalists in times of crisis". The CDMC understands that, if funding is made available (cf. voluntary contribution for the project 2006/DG2/VC/1104 "Freedom of expression and information in times of crisis"), additional activities (e.g. conferences gathering interested parties with a view to discussing the subjects in question) may be organised. It would encourage member states to provide that funding.

7. The CDMC stands ready to assist the competent steering committee that is entrusted with the work of drawing up policy guidelines on possible action by police and law enforcement authorities to protect journalists who are the targets of serious threats and would recommend that, in the context of this work, due account be taken of the above-mentioned guidelines to member states on protecting freedom of expression and information in times of crisis which are currently under preparation.

8. With regard to the Parliamentary Assembly's recommendation to the Committee of Ministers to establish a monitoring mechanism for identifying and analysing attacks on the lives and freedom of expression of journalists in Europe, the CDMC draws attention to the fact that it has started to examine the desirability of developing such a monitoring mechanism which would permit to examine the situation country by country, identifying flaws and drawbacks and offering advice to the state concerned with a view to remedying them. The CDMC considered this issue at its meeting (12-15 June 2007) on the basis of a discussion paper requested from the Secretariat.