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COMMITTEE ON CULTURE, SCIENCE, EDUCATION AND MEDIA

Addendum to the minutes of the meeting held by videoconference on Thursday, 3 December 2020

8. Media freedom, public trust and the people's right to know
Rapporteur: Mr Roberto Rampi, Italy, SOC
[AS/Cult/Inf (2020) 09]

The Chairperson reminded that the debate was open to the public. He gave then the floor to the Rapporteur.

Mr Rampi indicated that he had been involved in a very interesting and useful collaboration with the invited experts, who had been working for several years on aspects related to the right to know. The Rapporteur underlined that one of the central objectives of this collective work was to codify the right to know and to contribute to establishing an ecosystem that would guarantee this right. It should be based on the free access to public information, on transparency, and on public debate. Such an ecosystem should be ensured by an active involvement of the public institutions and backed by solid education and culture dimensions. There was a need for our democracies to hold a genuine, constructive and pluralist debate at national level regarding citizens' capacity to participate in the public debate and public life.

The Chairperson thanked Mr Rampi and welcomed the invited experts who had agreed to participate in this discussion:

- **Ms Helen Darbishire**, Executive Director, Access Info Europe, Madrid;
- **Mr Claudio Radaelli**, Professor of Comparative Public Policy, School of Transnational Governance, European University Institute, Florence;
- **Mr Ezechia Paolo Reale**, Secretary General, Siracusa International Institute for Criminal Justice and Human Rights, Siracusa
- **Ms Laura Harth**, Representative to the UN Institutions for Nonviolent Radical Party, Transnational Transparty, Rome

The Chairperson invited the experts to make their presentations, which are reproduced below.

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Presentation by Ms Helen Darbishire

The report that you have before you today for your consideration is entirely my own research and analysis, bringing my perspectives as an independent expert who has worked for some 27 years now on the right of access to information.

My report examines the current state of the "Right to Know" which can be defined as the right of a citizen to be adequately informed about and so to participate in public debates and political processes, and, more broadly, in the full social and cultural life of the society in which he or she lives.

One can see the right to know a citizen-centred approach to the rights enshrined in, in particular, Article 10 of the European Convention on Human Rights. This is even more the case as, in recent years, the European Court of

[1] Document declassified by the Committee on 25 January 2021.

Human Rights has confirmed, in line with other international human rights bodies, that the right of access to information is an inherent part of freedom of opinion and expression: I cannot form and express an opinion, I cannot participate meaningfully in public affairs, if I do not have access to relevant information.

The Council of Europe, as the continent's leading promoter of democracy, human rights and the rule of law, has already done much to advance the Right to Know through its standard-setting including a significant body of work on freedom of expression, on pluralism and diversity of the media, and on promotion of media literacy.

Less has been done on the right to participate, which is not explicitly protected by the European Convention on Human Rights. Given the developments in recognition of the right to participate in other regions of the world, and at the national level within Europe, this is an area crying out for standard setting by the Council of Europe.

Nevertheless, the report I am presenting today focuses on the access to information dimension of the Right to Know, examining the evolution of this right since the Council of Europe's 1981 Recommendation to member States on "Access to Information Held by Public Bodies". My report examines the current challenges to guaranteeing to citizens a comprehensive right to information, making recommendations for future action by PACE and the Council of Europe Secretariat.

On 1 December 2020, the world's first binding treaty on the right of access to information came into force, the Council of Europe Convention on Access to Official Documents, known as the Tromsø Convention as it was opened for signature at a meeting of Ministers of Justice in the Norwegian city of Tromsø, back in June 2009.

I had the privilege of participating on behalf of civil society in every single drafting session of this Convention, so I am particularly happy that it is now in force, even if this has taken some time.

The Convention recognises the right of the public to request and receive information held by obliged public bodies, with only limited exceptions, all of which are subject to both harm and public interest tests. The request process must be simple – permitting anonymous requests is encouraged – and free of charge. There should be a right of appeal to either an independent oversight body or the courts. The Convention itself will be overseen by a Group of Specialists comprised of independent experts.

The Tromsø Convention is the starting point for the recommendations that I make in my report, the first of which is that all member States be urged to ratify it. To date, just 10 countries have ratified, the most recent Ukraine. We have commitments from Armenia and Spain to ratify in the near future. It is however regrettable that some larger countries, including France, Germany, Italy and the UK have not yet ratified the Convention: support from members of PACE to encourage their governments to do so would be most welcome.

Currently 46 of the 47 Council of Europe member States have access to information laws – Andorra is the exception with only a draft law – these laws are largely in line with the minimum standards of the Convention, and so could ratify it.

My next recommendation is that member States bring their access to information laws into line with the higher standards of the Convention, so that they can ratify the optional provisions that extend the right of access to the judicial and legislative branches.

We have a situation in which 15 countries do not apply access to information laws to the legislative branch and 22 do not apply them to the judicial branch. Clearly a full right to know means access to information from all branches of government. Indeed, the UN Human Rights Committee in 2011 made clear that the right of access to information applies to all public bodies, to all branches of power, at all levels of government, and many countries have constitutional provisions to the same effect. The European Union grants a fundamental right of access to its documents. Our goal should be full recognition of the right of access to information by all Council of Europe member States so that we can then focus on the challenges of implementation in practice, and the difficulty that many citizens across Europe still have in getting timely information from public bodies.

Next, there is a question as to the extent to which this right of access to information applies to private bodies. The European Court of Human Rights has talked about a right of access where the holder has a "monopoly" on the information – is the only source – and where the information is needed for public debate and, in particular, for journalists and civil society to play their watchdog roles. The Court has not ruled on access to information from private bodies, but this language does point to future possibilities.

In recent decades, the line between public and private has become ever-more blurred and many public services and public works are now delivered by private companies. Globally, there is a consensus that certain information held by private actors should be made public because it is of particular public interest, for example information

necessary to ensure transparency of decision making, to defend human rights, to protect the environment, and/or to aid the fight against corruption. Examples are transparency of lobbying, opening of company registers, data on the gender pay gap, and non-financial reporting on environmental impacts. The right to know clearly does apply to private bodies, and more mapping and standard setting on these issues would be most welcome.

A related area where PACE has done significant and important work is that of Transparency of Media Ownership, as reflected in the PACE Resolution 2065 of 2015. The organisation that I direct, Access Info Europe, contributed to this standard setting, with research and a set of principles. PACE's initiative resulted in Recommendation 2018/1 of the Committee of Ministers. It is clear that if a citizen is to be able to enjoy his or her right to know it is necessary to be aware of any possible biases in information being received, and to this end it is absolutely imperative to know who are the owners of media outlets and what are their sources of financing. Regrettably, this remains a challenge. In 2015 PACE expressed concern about the "alarming" situation of a "growing lack of transparency of media ownership structures in Europe". The situation has not substantially improved since then, and a new push is needed to have member States adopt regulatory frameworks for media transparency.

Another challenge with respect to the right to know is the difficulty for members of the public – and indeed also often for parliamentarians – to be able to follow the decision-making process inside government. There are multiple reasons why this is the case, including the lack of proactive openness of the early stages of decision making, poor record-keeping, and the failure to justify decisions, often exacerbated by a lack of digitalisation and non-availability of relevant data. We have seen these challenges during this pandemic year, whether it be the difficulties of compiling and publishing health-related data or the lack of transparency around emergency public procurement. I make a series of recommendations in these regards.

The difficulty of following decision-making is being compounded by the increasing use of algorithms and automated decision making. Often the public is not aware that a decision – it could be, for example, a school or university place, or the granting of a subsidy to a small business – has been taken by an algorithm. There is also increased use of algorithms in the private sector, for example, when deciding on issuing credits and bank loans. Not to mention the algorithms that determine which news items pop up in our Twitter feeds or which stories from friends we see on Facebook or other social media. The propensity of such algorithms to promote information of dubious credibility and even deliberate misinformation is now a well-recognised democratic problem but we don't yet have adequate solutions: technology is moving at a faster pace than our established corpus of policies, laws and jurisprudence.

The Council of Europe with its 2020 Recommendation on the human rights impacts of algorithmic systems has made an important contribution here. The Recommendation includes specific language on transparency, recommending provision of easy and accessible explanations on how data is collected and used by algorithms. These recommendations do not, however, go so far as to define that the public can obtain information about the use of algorithms from public bodies, let alone private bodies. There is some progress with the GDPR giving affected individuals information rights, and in France the Commission on Access to Administrative Documents has recognised that algorithms are "documents" for the purposes its access to documents rules. Less progress has been made with respect to private bodies. There is an opportunity here for PACE to help with standard setting and promotion of debate among Council of Europe member States on a right to know basis with respect to the use of algorithms. This is something I am currently working on and I'd be delighted to discuss it further.

Throughout my report on the right to know I have signalled the other inter-governmental actors working on each of the respective sub-themes identified. It is recommended that PACE, with the support of the Council of Europe Secretariat, engage in communication and collaboration with these bodies. They include the Council of Europe's Commissioner for Human Rights and the GRECO mechanism which has a particularly strong track record of recommending specific transparency measures needed for the fight against corruption. There are then the various institutions and bodies of the European Union. I would also highlight the particular roles of UNESCO, the OECD, and the OSCE Representative on Freedom of the Media, all of which are currently actively working on a number of the recommendations I make in my report.

Last but not least, there is the Open Government Partnership, a unique international grouping of 78 countries, founded in 2011, committed to advancing transparency, accountability and participation. Members of the Open Government Partnership commit to two-year action plans, evaluated by an independent monitoring mechanism. The OGP is overseen by a steering committee of 11 governments and 11 civil society representatives, of which I am one. In the Council of Europe region 32 countries are members of the OGP and I strongly believe that this makes it a particularly important partner for the Council of Europe to collaborate with on taking forward the right to know.

I'd like to finish by asking a question that is perhaps hanging in the air: Why now? Why at this juncture, as we come to the end of this remarkable year of 2020 should we make a priority of the right to know? It is because it

is precisely in this pandemic year that we have seen both the importance of and the challenges for the right of citizens to be informed and empowered actors.

The crisis brought by the corona virus pandemic triggered a huge public demand for timely information, updated on a daily basis. The pandemic also accentuated the challenges of disinformation, it underscored the need for open science, for information as the basis for collaboration to beat the pandemic, for information for investigative journalists to track fraud and corruption in supplies of medical equipment, for information for citizens to trust and comply with restrictions placed on their basic liberties, information for all of us to make personal sacrifices and for our societies to make economic sacrifices in order to save the lives of the most vulnerable among us.

We now have vaccines coming, and we need to ensure that the public is well-informed, and that fake news is combatted so that vaccination programmes can be successful, and we can emerge from this nightmare. But then we have new challenges, we have to ensure that the economic recovery, into which trillions will be poured, is a fair and inclusive recovery, that it does not leave sectors of our populations in poverty. And even then, we are not out of the woods because we still have the challenge of the climate crisis. If we have learned one thing from this pandemic year, it is that humanity can pull together to face major crises, but we can only do it if we are well informed, if everyone is able to access the information needed to be empowered actors who can engage in the making of and subsequently have trust in decisions that determine all our futures. For that reason, this is the moment to make a full commitment to ensuring the right to know.

Presentation by Mr Claudio Radaelli

Today, our democracies suffer from the pandemic, but more profoundly from lack of trust in legislation, diffuse scepticism towards 'reason' and 'evidence' and attacks on the legitimacy of parliamentary assemblies to hold the government to account. The right to know is a vision of another future for democracy and governance. If we do not act with initiatives like the one on the table today, the world will not remain as it is. It will get worse. Standing still is not an option.

My reflections are grounded in ten years of research on the instruments that open up the decision-making process to a range of stakeholders. These instruments have the potential to deliver the right to know across the whole policy process, from formulation to decision making and implementation. My research is about the conditions under which this potential is fulfilled. It has been and is currently funded by the European Research Council.

Appraisal

This report sets robust foundations for the political activity of the Committee on Culture, Science, Education and Media and more broadly for all advocacy and political organizations engaged with the right to know. I am not aware of any other study or report that provides equally robust foundations. Helen Darbishire has delivered a milestone, covering an immense territory in an agile and comprehensive document. I also wish to thank her for having discussed her preliminary ideas with me and other colleagues and friends who are supporting Senator Roberto Rampi.

I wish to draw your attention to three important features of the report.

[1] The definition of the right know: for the first time in political history, the Committee has the opportunity to work with a concept, that, if endorsed by the Committee with a resolution, will provide the benchmark for future political work in international organizations and beyond (think of Courts, political parties, governments, advocacy organizations). The right to know is defined as:

*"a citizen's civil and political right to be actively informed of all aspects regarding the administration of all public goods during the entire political process, in order to allow for the full and democratic participation in public debate regarding such goods and hold public goods administrators accountable according to the standards of human rights and the Rule of La*w".

This definition is taken directly from the *Global Committee for the Rule of Law "Marco Pannella".* In this way, the report acknowledges years of conceptual and political activity of the GCRL and the early intuitions of the legendary Marco Pannella, active on the right to know since the days of the Iraq War in 2003. The GCRL sees its efforts endorsed in a report for the Council of Europe. I hasten to add that the definition is fundamental because it covers the whole political process and focuses on accountability of public bodies and administrators.

In a similar vein, Senator Rampi's memo dated 19 June 2020 rightly observes that this definition has an immediate connection with policy instruments. He argues that the definition:

"is a foundation to strengthen the effectiveness of policy instruments such as consultation, citizens assemblies, data protection tools, freedom of information acts, impact assessment of proposed policies, ex-post legislative evaluation and the Ombudsman, and (when these instruments are not effective) to enhance citizens' protection by a general right that can be enforced by the courts".

[2] The list of practical recommendations made in the report, commencing with the invitation to the member States of the Council of Europe to ratify the Tromsø Convention. The report points towards practical, operative initiatives that this Assembly should take.

[3] The synoptic treatment of access to information in a variety of contexts and in relation to a full set of actors. The report is also forward-looking in reasoning about how to govern access to information in the 'age of the machines', GDPR, digital rights and algorithmic governance. This synoptic treatment provides the Committee and the Council of Europe with a detailed map of where to look and where to go. No territory is missed. This is the territory we need to navigate to democratise our ailing democracies.

Suggestions

What next, then? Foundations are indispensable to building work. Detailed maps are for those who want to explore, travel and reach destinations. The report and Senator Rampi's work in this Committee are a call for action. What building works are most necessary and feasible? Here we should consider the difference between right of information and right to know. The former is contained in but does not constitute the latter. The equation, so to speak is 'information + something else = right to know". What is the 'something else'? I offer two suggestions:

First, rights travel better across the policy process if encapsulated in policy instruments and institutions that can be adopted by government, supervised by parliaments and oversight bodies, protected by special commissioners and 'champions' and finally reviewed in Court. If you wish, following Vivien Schmidt, one can talk of accountability in three phases: input, throughput and output.

Second, if we put a dynamic lens on the policy process and observe it from inception to implementation, we can easily identify the patterns and see what these right-to-know instruments and institutions are.

[1] Consider the input dimension or phase first. When public decisions emerge at the stage of policy formulation, stakeholders and the general public have the right to be notified and the right to comment on the basis of meaningful and sufficiently detailed elements of the proposal. This is the policy instrument of consultation, or, as known in the North American experience, notice and comment. Today we are facing an uncertain future and for this reason consultation must also apply to foresight. I see foresight as the nexus between present decisions and the future. The presence of consultation in foresight tools is more important than ever. Parliamentary assemblies are the natural fora to push governments and regulators to avoid making consultation a tick-the-box exercise based on dull questionnaire based on tweaking the status quo. The agenda is to push consultation towards the wider notion of participation, connecting the right to know to the right to participation – a point that is splendidly captured in the report we discuss today.

[2] Always at the stage of policy formulation, the government and public bodies such as independent regulatory authorities must produce evidence of the likely effects of the decision or, better, alternative options under consideration. This instrument is known as (regulatory) impact assessment.

The impact assessment instrument is grounded on the right of all citizens, affected stakeholders and above all Members of Parliament to know the evidence that leads a government to introduce a new rule or policy. This right has a mirror image in the obligation to give reasons before making a public decision – an obligation enshrined in the US Administrative Procedure Act since 1946. It is this obligation and the right that follows that has allowed Courts to develop what exactly is or should be the nature of the 'evidence' and 'reasons'. We have seen the political importance of impact assessment in the Brexit process, when Westminster shamed the May government to inform the MPs on whether there were impact assessments of how Brexit would have impacted on key sectors of the British economy. More recently, Conservative MPs have criticised their own Prime Minister, Boris Johnson, in November 2020 for having introduced a lockdown in England without a full impact assessment covering both the public health effects and the economic implications. Advocacy organizations and research institutes have criticised the European Commission for withdrawing proposals without publishing

an impact assessment justifying the decision to withdraw. The governance architecture of the Eurozone has emerged in a kind of 'impact-assessment-free' zone.

This policy instrument (impact assessment) provides parliamentary assemblies with resources to hold the government to account for the absence of impact assessment, as well as for the poor quality of these assessments. More broadly, it has the potential for the right to know of all groups that are affected by a public decision, such as a regulation.

One final word on this policy instrument: it is distinctively different from the explanatory memorandum because it has analytical quality. A good impact assessment includes estimates on the effects on the economy, jobs, gender and the environment in a single template, allowing MPs and the general public to see how the government makes choices across trade-offs and risks. Fundamental is the transparency of the impact assessments and studies on which decisions affecting our lives are taken, as shown by the transparency reviews carried out by Sense about Science. Parliaments should push harder on the provision of these transparency reviews and look hard, with healthy scepticism, at the trade-offs and balancing acts in the pandemic and recovery plans.

And indeed, the future is now. All member States of the Council of Europe are engaged with recovery and innovation, in a context of public health emergency that is still worrying. We need to know how governments are making their balancing acts between different types of risks and objectives, between data protection and data for the protection of the public – between sustainability and immediate economic concerns. Gender is key to the recovery and the new model of growth we ought to embrace. Impact assessment is an important lens (not the only one of course) we and our representatives have to observe, know and when necessary criticize and hold national leaders and institutions like the European Commission to account for these balancing acts.

[3] The Ombudsman allows access to a wide range of citizens, independently of their economic and cultural capital, to a form of quasi-litigation. The members of the Committee do not need me to explain how this institution works. The Ombudsman tackles issues in terms of substance rather than in terms of legal form. This office can create reputational damage to the public administrations that are not aligned with standards of good practice. In our context, the fundamental nexus is between Ombudsman and parliamentary assemblies - in fact we distinguish parliamentary Ombudsman officers from sectoral ones.

[4] Senator Rampi's June 2020 memorandum mentions ex-post regulatory and legislative evaluation. This is an instrument that allows MPs and their representatives to hold the government to account on the basis of whether laws and regulations are still fit for purpose. In our phase of paradigmatic change, it's important to know whether laws and regulations are fit for future, support ambitious plans for a digital world where citizens are in control of their data, and allow socially responsible innovations. Consultation is a technique that is often used in legislative evaluation – we see this instrument interwoven to another.

Research shows that few governments are latched on this regulatory and legislative evaluation agenda. But some parliamentary assemblies already show that we should not wait for governments to initiate evaluations of the legislative stock. MPs can push the government on the presence or absence of evaluations, their timing, the questions asked in evaluations, the level of publicity and publication, and finally what the government wants to do with the results of the evaluation.

[5] I do not want to carry on with a list of instruments and procedures to avoid the impression of providing a handbook of policy instrumentation. But parliamentary assemblies should pay attention to who when and for whom oversight (of the above-mentioned instruments) is exercised. Institutions are indispensable to exercise oversight on how the instruments are deployed and their effects. (Regulatory) Oversight bodies in charge of consultation, impact assessment, evaluation and so on should not be governmental tools to fine-tuning the status quo. Parliamentary assemblies should demand and obtain the independence of these bodies from the political line of the government of the day. This dimension of the right to know is about knowing whether the instruments are used appropriately and for what aims. Good things (like meaningful consultation) do not just happen because they are good. They have to be protected by institutions.

To conclude, I offer two observations. Please do not think about the instruments and institutions as a shopping list. Our research shows that what matters is their interaction, how they work together. We talk about the mechanisms that link some properties of the right to know across the instruments, not about building a house of cards of regulatory and legislative requirements. When the ecology of instruments and institutions triggers the correct mechanisms of the right to know, there are positive effects on final governance outcomes – we just

published a study on the causal relation between consultation and corruption and I would be delighted to brief the committee on the implications of this ecological thinking.

Finally, and this is my second observation, the right to know we consider today at the hearing can be strengthened by recent developments in the United Nations. The UN published on 30 April an important General Comment on the Right to Science, which enhances some of the properties of the right we consider in this Committee and the background report. The right to science as defined in the General Comment is not (just) the right of the scientists, it is the right of all citizens. It has right-to-know dimensions because citizens have the right to know why research and authorization on this or that substance is carried out, how and when. We have seen faster authorization processes for vaccines. The right to science suggests that citizens are entitled to know, in a context of spreading anxiety and depression, why faster research protocols and authorization for medical use of psychedelics are not in sight, as lamented by medical doctors in the UK such as Ben Sessa and Robin Carth-Harris.

Presentation by Mr Ezechia Paolo Reale

Definition

The right to know is to be understood as a new generation human right, profoundly capable of contrasting the illiberal drift characterizing the transition of societies based on nation states - or their federations and aggregations - to a global and digital society in which the centres of power and decision making can no longer be subjected to the logic of control typical of societies protected by physical borders.

For a long time, borders represented physical obstacles not only delimiting the space of knowledge, but also allowing to dominate and protect it. In such a context, necessary information and its verification operated in a restricted spatial context and a dilated time frame, thereby allowing for considerable depth. Today, in the global digital era, we see the exact opposite: we have enormously expanded spaces without political governance and a very limited time frame in which our fundamental rights, protected by mechanisms conceived in a past that has quickly become remote, risk being left without protection and therefore without effectiveness.

We witness a constant feature in the move of decision-making power from traditional democratic centres to a series of different entities, often private and not necessarily legal: the progressive subtraction of information relevant to public policies from the people, as well as from their elected representatives.

"*Akili Ni Mala*", is an ancient saying in Swahili according to which knowledge is power.

In a democracy it is the people who hold the power and it is therefore the people that must possess the knowledge as an indispensable tool to properly and fully exercise that power.

It is the responsibility of today's decision makers to provide future generations, who will experience the global digital world more fully, with the right to know, the only tool capable of transforming a society oppressed by incontrollable powers - not only political powers, but also economic and technical - into a resilient society capable of absorbing inevitable blows and to recompose within a framework of freedom and development.

In this sense, it is certainly no coincidence that among the 17 sustainable development goals of the United Nations Action Programme, signed by all 193 member States, known as "Agenda 2030", we find in the chapter "Education" the commitment to promote peaceful societies also by guaranteeing public access to information and protecting fundamental freedoms.

To understand the operational scope of the right to know, as correctly defined in the expert report by Helen Darbishire, to whom I express my sincere gratitude for the depth and completeness of her preliminary analysis, and to distinguish it clearly from the right to information we must think of two geometric figures that overlap only for a small portion.

The figure on the left is the field of action of the traditional right to information which has already largely evolved and can be summarized in the contents of the most advanced national Freedom of Information Acts. It is a field of action in which the logic of the particular interest of an individual or collective subject prevails, allowing them, upon request and for the protection of their interests, to access certain information held by public authorities.

The figure on the right is the field of action of the right to know, based on the exact opposite principle, according to which all information on issues of public relevance are to be made immediately available to the community,

without the need for any request, to allow the establishment of a public debate that offers decision makers the opportunity to reach the best possible decisions or to correct any erroneous choices. Moreover, it offers the community the opportunity to form a correct and informed opinion on the capacities and qualities of those governing and, consequently, render the latter accountable towards the governed.

The small overlapping area coincides, on the one hand, with the protection of the right to information exercised by individual or collective subjects on the basis of the protection of such vast interests they may be defined as public and, on the other, with that area of the right to know not respected by the powers which, although obliged to, do not make the information they possess available to the public.

Thus, the first one, the right to information, is aimed at defending personal or collective positions on specific issues; the second, the right to know, is an ordinary mechanism for the functioning of democracy and the rule of law. It is the modern tool that allows effective freedom of opinion and expression of thought, the effective exercise of the right to vote in representative democracies and the concrete attribution of responsibility to decision makers and power centres, even when they do not coincide with traditional ones.

Hence, one does not exclude the other as they are in fact complementary: in the overlapping area the right to know, in cases where disclosure is not voluntarily made by public or private authorities, will find judicial protection in the traditional and more advanced forms already guaranteed by the national Freedom of Information Acts (I am thinking for example of the generalized civic access protected by the Regional Administrative Courts in Italy) and implemented through the principles of the Tromsø Convention; studies and well-advanced research on the limits of the right to information will constitute a valid and useful tool for delimiting also the right to know, justifiably excluding it in exceptional but existing cases in which the dissemination of information may cause harm to public or private security of such gravity as to legitimize imposing secrecy on such information. Finally, the right to privacy will remain protected by the clear distinction between the right to information on matters of private importance, which can only be exercised by those entitled to it, and the right to know on matters of public importance.

The manifold content of the right to know

Having made this necessary distinction, I wish to focus my speech on the holistic dimension of the right to know, which constitutes its distinctive character and which obliges a profound restructuring of the social order and of the mechanisms for participation in democratic processes.

As highlighted, on the one hand, at the beginning we have the availability, or if you prefer the disclosure, of all relevant information and data; on the other hand, at the end of the process, we find the public debate necessary to guide the decision and evaluate its correctness.

The holistic dimension of the right to know, however, is found in the path leading from the availability of information to public debate.

In fact, for such debate to be effective, it is not enough that information be made available to the public, but it is also necessary that such information is:

A) selected and rendered understandable;
B) made known to public opinion;
C) correctly understood by public opinion.

These three phases in the transmission of information require a different outlook on the traditional perspective that can guide a global digital society in its delicate transition towards a future concept of the rule of law that looks very different from what we know now.

It is in this fundamental context that we find the wonderful alchemy transforming simple information in knowledge, and on which I allow myself to suggest the possibility of including five further recommendations in the final report.

A) In order for useful information to be correctly selected and made understandable to those who may not possess the necessary technical skills, or even the necessary time and tools, it will be necessary to reinforce the independence and capacity, and therefore authority, of intermediate bodies, starting obviously from the international and intergovernmental institutions, universities, scientific institutes, non-territorial public institutions and non-governmental organizations, whose social roles must be turned from contributors to truth seekers and to which autonomy and independence must be guaranteed, on the one hand, while, on the other, they must necessarily be included in the public debate on matters of their competence;

B) To allow the technical and / or scientific debate to become public then, it is necessary to ensure its flow and the results be mediated and reported to public opinion. The need to demand the necessary independence, competence and freedom for traditional and new "media" arises at this stage. This is the most delicate phase for the concrete existence of the right to know, because the needs of freedom of expression must be combined correctly with the defence against disinformation and fake news, which have become important tools for conditioning public opinion and attacks on democracy. It is a subject matter already included in a wide reflection at the national and international level. On this front, the Council of Europe, its Parliamentary Assembly and the European Court of Human Rights are probably the institutions that more than any other have studied the subject and affirmed the principles of uncompromising defence of freedom of opinion and the expression of thought, particularly in the ambit of political activity and journalism, so I consider any further comments, including on the different economic, political and security angles which define the effective independence of journalists, to be superfluous here. The call to apply the recommendations and resolutions cited in the rich and dense introductory memorandum of rapporteur Roberto Rampi, to which we may add the recommendations of the Council of Ministers CM/REC (2018)1 and CM/REC (2016)4, together with the invite to member States to adapt their legislation to the jurisprudence of the European Court of Human Rights could be the subject of specific recommendations.

In this regard, I would also like to point to the recent resolution of the European Parliament of 13/11/2020 "on the impact of Covid-19 measures on democracy, the rule of law and fundamental rights", and in particular to the points "whereas" I, T, W and 2, 12, 13, 14, and the Report of the Committee for Civil Liberties, Justice and Home Affairs of the European Parliament of 03/11/2020 on "strengthening media freedom: the protection of journalists in Europe, hate speech, disinformation and the role of platforms".

It is my firm conviction that in order to prevent and combat the phenomena of disinformation and fake news it is not possible, and may indeed be counterproductive, to establish upstream control mechanisms, preventive censorship tools. Only the correct functioning of the democratic mechanism of the right to know, guaranteeing the widest possible effective freedom of opinion and expression of thought, will allow to paralyze the effectiveness of disinformation and fake news which base its current success exclusively on missing or inaccurate public knowledge of relevant information on single issues.

Once information is provided in a complete and correct manner to public opinion, elaborated and debated by authoritative institutes and bodies, and transmitted in an understandable form by independent media, the tools of disinformation will be deprived of oxygen and will become ineffective, whereas any form of preventive censorship would only accredit the truthfulness and authority of the obscured source.

Therefore, no form of censorship on the public debate can be tolerated within the framework of the right to know, and the role and responsibility of digital platforms and social media must be profoundly reconsidered, as it is unacceptable that private subjects exercising a service of public importance may, among other things, exercise censorship on opinions or subjects based on their personal values of reference or political or scientific opinions and beliefs, even worse if transfused into apparently impersonal algorithms.

In this context, careful reflection must be undertaken on the possibility, in democratic society, of disseminating opinions and thoughts of trolls or fake profiles on social networks, basing the future knowledge society on the authority of opinions expressed and on the social responsibility of those who express them, who cannot remain anonymous if they wish to partake in the public debate.

C) The possibility of the correct understanding of information and the public debate that follows from it by public opinion is then conditioned by the cultural and literacy level of the population, including in terms of media and computers.

It is the great chapter of education which must recover its values in a knowledge society, not limiting it to technical “knowing how to do things”, but extending it to a general culture that allows us to understand the entire social dimension of the context in which the student “will do things” he has been taught in the future, starting with the importance of respecting and protecting fundamental human rights and the values of democracy, without neglecting the need for indispensable media and IT education to participate effectively and fully in the decision-making processes of the society in which they operate.

Conclusions

I would like to use a concrete case to illustrate the current limits of the right to simple information compared with the right to know. I will therefore refer to an Italian case, obviously without attributing any critical political value towards the current government in this specific context.

In March 2020, as is well known, the Italian Prime Minister issued a series of measures to confront the COVID19 emergency by adopting severe limitations to numerous fundamental freedoms, justifying their need with the results of analyses and assessments carried out by a specifically constituted Scientific Technical Committee. However, the minutes of the work of this Committee were not made public.

A group of lawyers linked to the Luigi Einaudi Foundation, institution also engaged in the battle for the right to know, requested these reports and, after receiving the refusal of the Head of Civil Protection, appealed to the Lazio Regional Administrative Court.

The Court accepted the appeal and ordered the delivery of the minutes, stressing, among other things, that "the instrument of generalized civic access, in addition to favouring widespread forms of control over the pursuit of institutional functions and the use of public resources, also has the purpose of promoting participation in the public debate."

The Presidency of the Council of Ministers first appealed to the State Council but, after an interlocutory provision in which the Council stated that "it is not clear why such atypical acts - the emergency provisions by the President of the Council of Ministers - should be included among those excluded from the general rule of transparency" and under pressure by the public and Parliament, they published the minutes of the Scientific Technical Committee which contained many important information and evaluations, including, in particular, the suggestion not to adopt measures of indiscriminate limitation of freedoms throughout the national territory, as instead ordered by the Prime Minister and ratified by Government and Parliament, even though MPs did not have access to these minutes prior to their ratification vote.

The news made the newspapers, though not all of them, for about 48 hours, solely and exclusively in terms of political criticism of the Government's work, but no one paid attention to the concrete content of those published documents and no public debate ensued.

Of all the medical faculties, research institutes, organizations, individual virologists and experts who appear on television every day, not one decided to study the documents and offer an opinion, nor did the media decide to question them or to independently try to filter the content of the documents to make them understandable for public opinion.

Have scholars and media been conditioned by the need to be close to power or are they simply unprepared and unaware of their role? The result is the same: the belated availability of information on the most important decisions in this historic moment has not produced any positive effect on society, as the process immediately stalled in the phase of processing and distributing that important information.

Furthermore, the time required for the request and appeal not only determined the fact that, at the instigation of Government, Parliament adopted decisions based on unknown documents, but also made that information partially less relevant given that the front of the battle against the pandemic had moved over time and numerous other measures had been adopted in replacement of the previous ones.

This is a self-explaining example. It is the proof that the right to know will either be conceived and protected in its holistic dimension or it will have no impact on the social life of the future.

Simply put, we could ask ourselves why there has not yet been a serious and in-depth public debate in Europe and in the world on the relationship between emergency measures related to the pandemic and fundamental rights, despite the authoritative alerts launched by almost all international institutions, including the UN Secretary General, the UN High Commissioner for Human Rights, the European Parliament, and in particular by the Council of Europe, from its Secretary General to the President of the Parliamentary Assembly, from the Commissioner for Human Rights to the Commission on the Effectiveness of Justice, from the Committee for the Prevention of Torture to the Congress of Local and Regional Authorities, from the Group of States against Corruption to the Venice Commission, and with the publication of the tools intended for member States on the topic of "Respecting democracy, Rule of Law and Human Rights during the Covid-19 health crisis", published in April 2020.

Simply because the powers have not made information available, intermediate bodies and the media do not have sufficient authority and independence, public opinion does not have the tools and education to open and participate in a public debate and is less and less sensitive to the issue of the protection of fundamental rights and, in particular, of democracy, sensing in a perhaps confused but correct way that the places of decision and power are no longer within the democratic institutions. In one sentence: because the right to know does not yet exist.

Presentation by Ms Laura Harth

The recognition of the right to know has been in the pipeline for over a decade, from its very first conception following the 2003 Iraq War and the ensuing findings of the Commissions of Inquiry into the decision-making process leading up to that moment. Bringing it before the Culture Committee today is an enormous step forward in bringing the fundamentals of democracy and the strengthening of those principles back to the forefront after two decades that have been too often characterised by imposed states of emergency - be it due to terrorist threats or the current health pandemic - in a world in which democracy has unfortunately been on the decline and where the resilience of democratic structures and institutions is being tested on a daily basis.

I would like to highlight four main points in an effort to pinpoint the philosophy behind the right to know as we have envisaged it.

The Right to Know is *"the citizen's civil and political right to be actively informed of all aspects regarding the administration of all public goods during the entire political process, in order to allow for the full and democratic participation in public debate regarding such goods and hold public goods administrators accountable according to the standards of human rights and the Rule of Law."*

The first point I wish to highlight is the emphasis on the right to know as a citizen's right. Though it may seem a superficial observation, a number of consequences flow from this emphasis. Modern societies and their markets are built on the division of labour. This is no different when it comes to the building blocks of democracy and the informational environment. We elect Members of Parliament to represent us, we elect or nominate governments to execute - ideally - legislation adopted by those Parliaments, and we have an independent - again, ideally - judiciary to ensure the rule of law applies to all. Their primary purpose however is to serve society, to serve citizens. It is no different for the right to know that we propose here today. In that sense, it is fundamental in my opinion we take into account the reality of how citizens receive and perceive information, and how we may enhance those flows in a manner effectively enriching their right to know and therefore to form informed opinions, participate through elected representatives or alternative mechanisms, and partake in public debate.

The role of intermediary bodies has been mentioned a couple of times: academia, media, Parliament, civil society organisations, etc. It can in fact not be expected from a citizen carrying out a full-time job, taking care of his or her family, and so on, to take on the burdensome task of following up daily on all that goes on with the administration of public goods, be that task carried out by public or private entities. In fact, as has been highlighted by NGOs in the past when remarking the elevated cost of following up on information requests or getting through available information for the decision-making process, even taking up that task with regard to a single specific issue is possibly - if not probably - too much. I therefore wish to place some emphasis on both media and elected representatives as they have a fundamental role to play as effective vessels of information, elevating the right to obtain and access information to the right to know in which citizens may be actively informed.

While both these categories, media and elected representatives, are themselves recipients of a - let's call it passive - right to obtain and access information, a right which must obviously be ensured according to the guidelines set out by Ms Darbishire and the additional recommendations by Prof. Radaelli to encompass the entire decision-making process as well as the reasoning behind it, they also have an active responsibility in ensuring the citizens enjoy their right to know. Moreover, as I will argue, they are an active part of the decision-making and agenda-setting process and as such have additional responsibilities as well as rights.

When it comes to media, another important part of the proposed definition comes into play as they are administrators of the public good that is information, and as such - be they public or private entities, traditional or new media - they must all be beholden to the same minimum standards. Freedom of media, the protection of sources, the rightful attention for the safety of journalists, and so on, exist because of their role in ensuring the public's right to know, they are subservient to this purpose and as such they must be protected but they also impose clear obligations. It is true that the different bodies of the Council of Europe, together with the OSCE and the European Parliament, have created an impressive set of recommendations and rules regarding many aspects of (public service) media, a corpus that continues growing.

At the same time, we cannot but observe that novel and often transnational information phenomena as well as increasing budget restraints on traditional media have put the principles of pluralism, adequate monitoring mechanisms, and independent journalism under serious strain. This creates an environment not inducive to performing its key role as a vessel of trustable information dissemination among the public and a space for profound public debate. As in many other societal sectors moreover, continuous cuts and financial insecurity

have opened the doors to an increasing dependency on outside sources, be it from publicity - often negatively impacting the time allotted for effective debate which is fundamental in democratic societies to avoid polarisation, especially with regards to the protection of minority groups - or from other types of agreements with foreign entities.

My call therefore on the Committee is not only to recall the incredibly important rules and recommendations of this very body regarding the need for adequate and foreseeable financing, to ensure not only the independence of the profession and the chance for many young journalists to enter it, but also to firmly acknowledge the need to make the financial income as well as agreements of a different nature - content sharing for example - with third entities public as they may heavily impacted the quality and/or quantity of information provided. In a world of information warfare against democracies, this is not only about ensuring the citizens' right to know, it is an essential tool to protect our liberal democratic model and make our society more resilient to outside threats.

Finally, media are not mere vessels of information: as the Fourth Estate - and as the Members of this Committee most certainly know better than me -, they are often an effective part of the agenda-setting and decision-making process, thereby actively participating in the input, throughput and output phases described by Prof. Radaelli. Effective monitoring therefore of the nature of their content to ensure true pluralism and adequate representation of societal actors as well as themes is a sine qua non for the citizens' right to know. In this sense, I would like to point to the experience of the *Centro d'Ascolto Radiotelevisivo* set up by the late Marco Pannella, which developed a series of innovative monitoring mechanisms that more effectively show lack of pluralism or representation than those usually used. I will not go into this now, but we would be most happy to provide the Committee with documentation.

Thirdly, the role of elected representatives, be it at the local, regional, national or supranational level. As media they enjoy a privileged right to information, act as vessels for sharing that information with and give reasons to their electorate. They are also - or should be - highly active participants in the entire decision-making process. I therefore applaud the final recommendation contained in Ms Darbishire's report regarding the need to map the current level of effective participation and debate time for individual Members of Parliament to adequately understand MPs insights and recommendations. When it comes to giving reasons, when it comes to ensuring a voice for minorities, when it comes to compromise, the discussion between elected representatives cannot and should not be reduced to backdoor dealings as standards of efficiency impose increasingly short public debate times or eliminates them altogether. This not only undermines the public trust, but much as in media, heightens the risk of polarisation as debate is often reduced to single pro or con slogans, thus effectively hampering the citizen's right to know in understanding how a final agreement was reached.

The current pandemic, and the ensuing heavy toll on Parliamentary prerogatives in many countries notwithstanding the incredible impact on civil, economic and social liberties has demonstrated the eroding dangers behind this. In the division of labour for democratic societies Members of Parliament, as well as elected representatives on other levels, more than any other, play the key role in ensuring the right to know on a daily basis, as recipients of information, as vessels for transmitting that information, and as active participants in creating that information and most of all giving reasons behind decisions as well as holding other democratic entities to account. No effective citizens' right to know can exist without emphasising their role and making sure they can effectively execute it.

Finally, a short fourth point regarding the all-encompassing environment citizens find themselves in. As debates on the environment, on social issues, on democracy versus authoritarianism in general, shows the importance of ensuring an ecology not only of instruments to ensure effective access to information, but also an environment conducive to making those debates alive and pluralistic. I know, this is a topic close to Senator Rampi's heart, and I agree with him that creating an overall climate conducive to information-sharing, pluralistic debate, and forming an informed opinion cannot be based only on the concepts described above, but must include attention for continued learning and confrontation such as museums, think tanks, academic institutions, libraries, and so on.

Mapping those and understanding how conducive an overall environment is to enable the citizen to seize his or her right to know may be a long step but, I am convinced, an essential part of this road. In this sense, given the polarisation we witness all over democratic societies, it is also essential to ensure there is not only freedom of, but also freedom in, for example, scientific debate. Making sure people have freedom in forming and changing their opinion through different means and voices is a quintessential prerequisite to ensuring the freedom of thought. Because it is in our freedom that lies the fundamental difference with authoritarian models around the world growing in strength and number, and not shying away from attacking our values and principles.

Only free-thinking and informed citizens can present a resilient front to protect and spread the liberal democratic model. In a world where citizens become ever more visible to their governments, but not the other way around, as UN Special Rapporteur on extreme poverty and human rights Philip Alston put it, building, constructing this right to know also means re-centring our focus on the essence of our societies: each and every individual citizen.

* * *

Debate

The Chairperson thanked the invited experts for their presentations and opened the debate.

Mr Maniero underlined that the experts confirmed once again, in their excellent presentations, that today people were submerged in a wealth of information, but this did not give any guarantee in terms of the reliability or authenticity. Therefore, there was a need to educate a critical faculty in citizens starting at the earliest age in schools. Also, there was a need for more quality journalism in order to fight disinformation.

Mr Maniero addressed a specific question to Ms Darbishire who mentioned that Italy had not ratified the Tromsø Convention: he wondered what the right way would be for his country to sign and ratify this important international legal instrument.

Mr Brenner also thanked the experts for their outstanding presentations. He noted a controversial situation: there was a massive flow of information, however, some sectors of the society did not have regular access to public information. This was happening in Hungary, a country where the opposition politicians were not given access to programmes of the public service media. Only the Prime Minister's supporters or media were able to speak out. Many Hungarians were denied access to reliable information and yet Hungary was a member of the Council of Europe and of the European Union.

Mr Brenner also addressed the situation of the national minorities and indigenous groups within Council of Europe member States who should have the right of access to information in their mother tongue. The Council of Europe established clear standards regarding the rights of national minorities, including their linguistic rights, therefore there was a need to pay more attention to this aspect.

Ms Šuštar praised the quality of Ms Darbishire's report and all the experts' presentations. Regarding the expert report, she suggested to complete the footnote regarding paragraph 81 with some more examples, aside Slovenia.

Ms Darbishire agreed that it might be useful to add a couple of additional examples from countries where people encountered difficulties in getting access to court documents. She also noted that it was very important to ensure that public information was available in all official languages of any particular country. Moreover, this information had to be formulated in accessible and comprehensible terms. During the Covid-19 pandemic the need to explain to citizens a complex situation in clear and accessible terms became obvious.

Regarding CoE Convention on access to official documents ("Tromsø Convention"), Ms Darbishire indicated that it was the world's first legal instrument on the matter; it was open for signature in 2009, and it came into force on 1 December 2020, with 10 ratifications. It would be necessary to promote this convention to encourage member States to sign it. Answering Mr Maniero's question, Ms Darbishire explained that there would be no problem for Italy to sign and ratify the Tromsø Convention because its law would be in line with the provisions of the convention.

Mr Radaelli emphasised the role of education and the need to develop critical sense among the public starting at school. He also commented on the opposition between passive and active obligation to provide information. There was a lot of information published by public authorities that simply could not be used or required additional steps to be used. By contrast, the emphasis on the right to know entailed active use of information released by public authorities and indicators driven by demand, i.e. by what citizens wanted to know in order to evaluate government's policies.

Mr Radaelli then commented on trustworthy information in traditional and new media. He pointed to the example of the UK where the statistics authority was enforcing a code of conduct on all local authorities and public bodies regarding the use of information that was not trustworthy. Thus, the statistics authority could challenge any public authority for publication of information that was not worth the trust of citizens.

Regarding transparency reviews, quite often public bodies such as regulators published information without giving sufficient transparency on what was behind it. However, this was not just the job of academics; it could be done by NGOs, by think tanks, by advocacy groups, etc. A relevant example in this context was the work done in the UK by Sense about Science that had carried out some critical transparency reviews of documentation produced by government and regulators.

Mr Reale said that no form of censorship on the public debate could be tolerated within the framework of the right to know. The important role and the responsibility of digital platforms and social media must be reconciled, because there was a great danger that private actors fulfilling public functions could exercise a sort of censorship based on their subjective values, political or scientific opinions and beliefs. In this connection, a careful reflection must be undertaken on the possibility of disseminating opinions via trolls or fake profiles across social networks. There was a need to address the question of social responsibility: one could not remain anonymous if s/he wished to participate in the public debate.

Ms Harth underlined the importance to monitor the circulation of information, notably the information regarding representatives of the people. It was vital to ensure not only the flow of information from the top of decision-making bodies to the bottom i.e. citizens; there was also a need to ensure a bottom-up process. In this connection, the role of the representatives of the people on all levels – local, national, international - was fundamental. Additional research and studies should be undertaken with representatives of the people to examine their difficulties in getting information or in participating adequately in a public debate.

Lord Foulkes thanked the experts for their excellent presentations and expressed gratitude to senator Rampi for the work that he had done on the right to know. Lord Foulkes explained that during his recent visit to Rome, he was impressed by the work on this topic in the Italian Senate and by the activity of the *Radio Radicale* that was contributing to the dissemination of information of public interest. In this connection, he pointed out that the disinformation concerning the vaccine that was put out mainly on social media by the anti-vaccination campaigners was particularly worrying, because this might influence enough people to make the vaccination less effective. There was a need to take action to counter the influence of the anti-vaccination campaigners and the dissemination of correct and reliable information was one of effective remedies.

Ms Darbishire noted that the fight against disinformation and false news was a complex problem that had arisen in our societies. There was a need in new responses to these new challenges. Transparency of the media ownership - both traditional and new media – could be useful to understand where information was coming from.

The EU Democracy Action Plan included the idea of strengthening transparency of media ownership and of the State advertising. The transparency of media ownership and funding could contribute to developing quality media which were able to provide people with reliable and trustful information.

There were a number of media organisations which were essentially dedicated to fact-checking. Beyond that, there was also a need for information from governments. The story of the difficulty in getting access to the scientific report that was used as the basis for decisions in Italy was quite symptomatic. By the time the report was released, it was almost too late for it to raise public interest: information about how decisions were taken had to be timely.

Also, there was a need for political leadership. In a country like the UK where there were members of the government saying that they did not trust experts anymore - now begging people to listen to the experts - one could see the irony of the situation. It was important to ensure that quality information was respected, therefore all the work on media literacy was very important. There was a need for transparency and accountability of political leadership. The decision-making process must be evidence-based and fact-checked by the public. This was how the right to know could play an important role so that, for example, people could make the right choice regarding vaccines.

Mr Reale observed that once the information was provided to the public in a complete and correct manner, elaborated and debated by authoritative institutions and bodies, and shaped in an understandable form by independent media, the tools of disinformation would be deprived of oxygen and become ineffective. This was the way to knowledge permitting to combat effectively disinformation and false news.

Ms Harth commented on the issue of public trust which was very low at this moment. To restore it, we needed an ecology of instruments and an effective right to know. We also needed to be aware that it was very easy to dismiss public trust. In the past decades, a lot had been done to destroy it. Rebuilding this trust wold take time, but the fact that perhaps citizens were not immediately susceptible to all that entire ecology of rights must not discourage us from working towards that objective.

Mr Radaelli said that we knew quite a bit about myths on vaccine. Correcting the myth after it was already in circulation could not work. A randomised analysis of segments of the population exposed to myths was done, and once the right information was accessed, people tended to see the myth as a false information. Nevertheless, their propensity to take the vaccination did not necessarily increase. Therefore, when one asked people if they realised that this was a myth, the response was “yes”, but when one asked them if they would now take the vaccine for flu, they said “no”. The conclusion was that we had to work not from the last mile, by trying to correct a myth. A more fundamental work should be done at source. Such a work was more effective than trying to correct the myths one by one.

The Chairperson recalled the role of school in busting myths and eradicating ignorance but noted that beyond formal official education dispensed at school and university, young people more and more frequently were finding sources of education online. Therefore, if the internet was polluted with fake information, that could contaminate the young with conspiracy theories and other myths.

The Chairperson wondered if it was necessary at some point, with a view to ensuring transparency, to develop websites dedicated to dismantling false news or this could perhaps be dangerous as well, because that could amount to putting in place certain entities that would be “the purveyors of truth” and could be simply used to promote a given authoritarian type of regime.

Ms Harth specified that this question had recently been relevant for Italy where such a committee had to be created. Much of the debate was on who was eligible, how the candidates were selected and who they would be accountable to, because in the process of setting up monitoring mechanisms, there was a need to make sure that there was a pluralistic representation and the selection process of experts was transparent. There was a need to exercise the right to know in this domain as in many others. Otherwise, we could get conspiracy theories and public distrust.

Ms Darbishire remarked that there was a large number of media outlets developing fact-checking activity. Her own organisation - *Access-Info Europe* - did a lot of work helping the journalists working for those media to obtain the information they needed from governments in order to do the fact-checking. One of the problems encountered by media outlets was that they could not get the information from the government bodies concerned and *Access-Info Europe* had to submit requests for information. There was a need for much more information and data to be published proactively so that it could be available whether it be a fact-checking journalist or a member of the public.

This issue was related to the problem of ensuring the existence and survival of independent media and to the questions of transparency of the media financing. The scandal going on in Greece, where publicity about the measures related to the coronavirus was given to pro-governmental media and not to opposition media, was very symptomatic. The facts came to light after an NGO used access to information requests to find out how the money had been distributed.

Therefore, there was a vital need for greater transparency of the spending - that went from government bodies to the media - to ensure that independent media could obtain the funding they needed to survive, to be active and to be able to operate permanent fact-checking.

Ms Harth noted that fact-checking may play a positive role in building the trust between the citizen and the authorities. This was particularly visible during the Covid-19 pandemic: the authorities must allow and encourage public debate, including any questions and critical evaluations. Unfortunately, in some countries, people asking uncomfortable questions or expressing critical opinions concerning government’s actions were demonised. The authorities must be transparent and encourage any questions or critical opinions: this was an efficient way to counter any false information, to avoid any polarisation in society and to build trust in the public authorities.

Mr Rampi thanked the invited experts for their excellent presentations, and the members for their active participation in the debate. He noted a number of ideas raised during the discussion, such as: the importance of countering false information and of ensuring media pluralism and transparency of the media ownership; the different approach to private information (as opposed to public information); the need to develop and ensure a network of verified and reliable sources of public information; the importance of building trust between the administration and the citizen, and the role played by local administrations in establishing a responsible and solid relationship with the public; the essential role of schools in educating critical thinking and active civic attitude among the young; the important role of culture, including museums, libraries, theatres, arts in the education of cultivated, responsible and active citizens but also in developing a diverse information ecosystem.

The Chairperson thanked the experts and the members for the high quality of the debates. The discussions showed that there was a difficulty in having a reliable space of information, especially when the social media

were involved. There was a need to ensure freedom of information; at the same time, we must make the web a space free of harmful content, as that could result in destruction of public trust and undermine the rule of law and ultimately our economies. We could see this in today's public health crisis: if citizens did not accept the measures being proposed - be it testing, self-isolation or vaccination - that could undermine our economies as well, and not just public trust.

The Chairperson expressed his hope to continue this discussion in 2021 in real physical meetings of the committee.