Committee of Ministers: Adoption of Two Texts on Media and Criminal Proceedings

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In Europe, as in other continents, the question of media coverage of criminal proceedings is a constant subject of debate between those who advocate maximum freedom of information on such proceedings and those who, in contrast, believe that this freedom should be restricted on account of the right to be presumed innocent, the right to a fair trial and the right to privacy. Numerous examples of abuses of various kinds reported in recent years in different European countries, some of which have had dramatic consequences for the parties to such proceedings or their families, prove that this is a highly topical and complex subject that is universally relevant.

It was with these questions and concerns in mind that, on 10 July, the Committee of Ministers of the Council of Europe adopted a Recommendation to the governments of its Member States on the provision of information through the media in relation to criminal proceedings. This text, the result of more than two years' work by the Steering Committee on the Mass Media (CDMM), lists a number of principles which public authorities (police services and judicial authorities) involved in criminal proceedings should implement, concerning, for example, access to courtrooms and judgments, in order that the media may report such proceedings to the public while respecting the rights of the parties involved.

The Recommendation was drafted in the light of the case-law of the European Court of Human Rights concerning Articles 6 (right to a fair trial), 8 (right to respect for private and family life) and 10 (freedom of expression and information) of the European Convention on Human Rights. It is complemented by a Declaration designed to remind the media and their professional organisations about certain principles that should govern their investigations and reporting of criminal proceedings. These principles concern, for example, respect for the dignity and security and the right to privacy of victims, suspects, accused persons and their families.

Declaration on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies)

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Recommendation Rec(2003)13 of the Committee of Ministers to the member states on the provision of information through the media in relation to criminal proceedings (adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies)

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