Committee of Ministers: Declaration on Freedom of Expression and Information in the Media in the Context of the Fight against Terrorism

IRIS 2005-3:1/1

Francisco Javier Cabrera Blázquez
European Audiovisual Observatory

On 2 March 2005, the Committee of Ministers of the Council of Europe adopted a Declaration on freedom of expression and information in the media in the context of the fight against terrorism.

In its declaration, the Committee of Ministers unequivocally condemns all acts of terrorism as criminal and unjustifiable, wherever and by whomever committed, and stresses the dramatic effect of terrorism on the full enjoyment of human rights. At the same time, it notes that every state has the duty to protect human rights and fundamental freedoms of all persons. The principles of freedom of expression and information are a basic element of democratic and pluralist society and a prerequisite for the progress of society and for the development of human beings.

The Committee of Ministers considers that the free and unhindered dissemination of information and ideas is one of the most effective means of promoting understanding and tolerance, which can help prevent or combat terrorism. States cannot adopt measures which would impose restrictions on freedom of expression and information going beyond what is permitted by Article 10 of the European Convention on Human Rights, unless under the strict conditions laid down in Article 15 of the Convention (derogation in time of emergency). Therefore, 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. The Committee of Ministers notes particularly the value which self-regulatory measures taken by the media may have in the particular context of the fight against terrorism.

The Declaration calls on public authorities in member states:

- not to introduce any new restrictions on freedom of expression and information in the media unless strictly necessary and proportionate in a democratic society and after examining carefully whether existing laws or other measures are not already sufficient;

- to refrain from adopting measures equating media reporting on terrorism with support for terrorism;

© European Audiovisual Observatory (Council of Europe) 2026

- to ensure access by journalists to information regularly updated, in particular by appointing spokespersons and organising press conferences, in accordance with national legislation;

- to provide appropriate information to the media with due respect for the principle of the presumption of innocence and the right to respect for private life;

- to refrain from creating obstacles for media professionals in having access to scenes of terrorist acts that are not imposed by the need to protect the safety of victims of terrorism or of law enforcement forces involved in an ongoing anti-terrorist operation, of the investigation or the effectiveness of safety or security measures; in all cases where the authorities decide to restrict such access, they should explain the reasons for the restriction and its duration should be proportionate to the circumstances and a person authorised by the authorities should provide information to journalists until the restriction has been lifted;

- to guarantee the right of the media to know the charges brought by the judicial authorities against persons who are the subject of anti-terrorist judicial proceedings, as well as the right to follow these proceedings and to report on them, in accordance with national legislation and with due respect for the presumption of innocence and for private life; these rights may only be restricted when prescribed by law where their exercise is likely to prejudice the secrecy of investigations and police inquiries or to delay or impede the outcome of the proceedings and without prejudice to the exceptions mentioned in Article 6 paragraph 1 of the European Convention on Human Rights;

- to guarantee the right of the media to report on the enforcement of sentences, without prejudice to the right to respect for private life;

- to respect, in accordance with Article 10 of the European Convention on Human Rights and with Recommendation No. R (2000) 7, the right of journalists not to disclose their sources of information; the fight against terrorism does not allow the authorities to circumvent this right by going beyond what is permitted by these texts;

- to respect strictly the editorial independence of the media, and accordingly, to refrain from any kind of pressure on them;

- to encourage the training of journalists and other media professionals regarding their protection and safety and to take, where appropriate and, if circumstances permit, with their agreement, measures to protect journalists or other media professionals who are threatened by terrorists;

Invites the media and journalists to consider the following suggestions:

© European Audiovisual Observatory (Council of Europe) 2026

- to bear in mind their particular responsibilities in the context of terrorism in order not to contribute to the aims of terrorists; they should, in particular, take care not to add to the feeling of fear that terrorist acts can create, and not to offer a platform to terrorists by giving them disproportionate attention;

- to adopt self-regulatory measures, where they do not exist, or adapt existing measures so that they can effectively respond to ethical issues raised by media reporting on terrorism, and implement them;

- to refrain from any self-censorship, the effect of which would be to deprive the public of information necessary for the formation of its opinion;

- to bear in mind the significant role which they can play in preventing “hate speech” and incitement to violence, as well as in promoting mutual understanding;

- to be aware of the risk that the media and journalists can unintentionally serve as a vehicle for the expression of racist or xenophobic feelings or hatred;

- to refrain from jeopardising the safety of persons and the conduct of antiterrorist operations or judicial investigations of terrorism through the information they disseminate;

- to respect the dignity, the safety and the anonymity of victims of terrorist acts and of their families, as well as their right to respect for private life, as guaranteed by Article 8 of the European Convention on Human Rights;

- to respect the right to the presumption of innocence of persons who are prosecuted in the context of the fight against terrorism;

- to bear in mind the importance of distinguishing between suspected or convicted terrorists and the group (national, ethnic, religious or ideological) to which they belong or to which they claim to subscribe;

- to assess the way in which they inform the public of questions concerning terrorism, in particular by consulting the public, by analytical broadcasts, articles and colloquies, and to inform the public of the results of this assessment;

- to set up training courses, in collaboration with their professional organisations, for journalists and other media professionals who report on terrorism, on their safety and the historical, cultural, religious and geopolitical context of the scenes they cover, and to invite journalists to follow these courses.

Finally, the Committee of Ministers agrees to monitor 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, and invites the Parliamentary Assembly to do alike.

© European Audiovisual Observatory (Council of Europe) 2026

Declaration on freedom of expression and information in the media in the context of the fight against terrorism (Adopted by the Committee of Ministers on 2 March 2005 at the 917th meeting of the Ministers' Deputies)

https://wcd.coe.int/ViewDoc.jsp?Ref=Decl-02.03.2005&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026