

# Parliamentary Assembly: New Recommendation on Respect for Media Freedom

**IRIS 2010-3:1/3**

*Tarlach McGonagle  
Institute for Information Law (IViR), University of Amsterdam*

On 27 January 2010, prompted by concern about continued violations of, and threats to, media freedom, the Parliamentary Assembly of the Council of Europe (PACE) adopted Recommendation 1897 (2010), entitled “Respect for media freedom”. The Recommendation provides important re-affirmation of and/or follow-up to several earlier PACE texts as follows:

(i) Resolution 1535 (2007) – Threats to the lives and freedom of expression of journalists (see IRIS 2007-5: 0/102)

- Noting “with great concern” that at least twenty journalists have been killed in Europe since 2007, the PACE insists that the Council of Europe and its Member States “must do more to ensure respect for media freedom and the safety of journalists”. It welcomes the appointment of a rapporteur on media freedom within the PACE and states its appreciation of the work of the OSCE Representative on Freedom of the Media and various professional and civil society organisations. It “deplores the fact that [...] the Russian Federation has failed to conclude a proper investigation and adjudication of the murder of Anna Politkovskaya [...] and to ensure that journalists can work freely and in safety”. It also “deplores the fact that organised crime in several member states is threatening the safety of journalists, while law enforcement authorities remain ineffective against such threats”.

(ii) Resolution 1438 (2005) – Freedom of the press and the working conditions of journalists in conflict zones

- The PACE “deplores” the loss of journalists’ lives in the 2008 conflict between Russia and Georgia. While it “welcomes” amendments to Article 301 of the Turkish Penal Code, it “deplores the fact that Turkey has not abolished Article 301 or completed investigations into the murder of Hrant Dink [...] especially as regards possible failures of the police and security forces”. It observes that criminal charges have been brought against journalists under the “slightly revised Article 301”.

(iii) Resolution 1577 (2007) – Towards decriminalisation of defamation

- The PACE “reaffirms that defamation and insult laws must not be used to silence critical comment and irony in the media”. It states that defamation and insult laws must not offer protection for “the reputation of a nation, the military, historic figures or a religion”. It calls on government members and parliamentarians to refrain from using political influence to silence critical media and to “engage in a constructive debate through all media” instead.

It recommends that the Committee of Ministers (CM) review national legislation and practice to ensure that they comply fully with PACE Recommendation 1706 (2005) – Media and terrorism (see IRIS 2005-8: 4). Similarly, it recommends that the CM “call on the governments of all member states, and in particular those of Azerbaijan, the Russian Federation and Turkey, to revise their defamation and insult laws and their practical application” in accordance with Resolution 1577. It calls for the safeguarding in all Member States (and in particular, in Armenia, Azerbaijan, Moldova, the Russian Federation, Ukraine and Belarus) of fair and equal access to the media for political parties and candidates during election periods. It also advocates the revision of Armenian legislation governing the allocation of broadcasting licences.

(iv) Resolution 1636 (2008) – Indicators for media in a democracy (see IRIS 2009-1: 4)

- The PACE asks the Secretary General of the Council of Europe to provide resources for the collation of information from media freedom organisations; its systematic analysis, on a country-by-country basis, using the indicators set out in Resolution 1636, and the wide dissemination of such information, including by way of periodic updates.

(v) Resolution 1387 (2004) – Monopolisation of the electronic and print media and possible abuse of power in Italy (see IRIS 2004-7: 3)

- The PACE asks the European Commission for Democracy through Law (the Venice Commission) to prepare “an opinion on whether, and to what extent, legislation in Italy has been adapted to take account of” the Commission’s 2005 Opinion on the compatibility of the laws “Gasparri” and “Frattoni” of Italy with Council of Europe standards in the field of freedom of expression and pluralism of the media (see IRIS 2005-8: 5).

(vi) Resolution 1372 (2004) – Persecution of the press in the Republic of Belarus

- The PACE “notes with concern the official warning addressed by the justice ministry of Belarus on 13 January 2010 to the Belarusian Association of Journalists, challenging its internationally recognised work in the interests of journalists, media and media freedom” and asks the Venice Commission to examine the compatibility of the warning with universal human rights standards.

Finally, the PACE draws attention to the relevance of media freedom to (and its promotion by) the (Council of Europe) Partial Agreement Group of States against Corruption (GRECO), the European Union Agency for Fundamental Rights and national human rights institutions.

*“Respect for media freedom”, Recommendation 1897 (2010) (Provisional edition), Parliamentary Assembly of the Council of Europe, 27 January 2010*

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/eREC1897.htm>

