

Steering Committee on Media and Information Society - CDMSI

COUNCIL OF EUROPE



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Draft Comments of the Steering Committee on Media and Information Society on PACE Recommendation 2111(2017) Political influence over independent media and journalists.

- 1.** The Steering Committee on Media and Information Society (CDMSI) examined with interest the Parliamentary Assembly Recommendation 2111 (2017) on "Political influence over independent media and journalists".
- 2.** The Committee believes that violence against journalists and attacks on the media are attacks on democracy. As indicated in the 2017 Council of Europe Secretary General report, in recent years there has been a negative trend in relation to the safety of journalists and other media actors, as in the majority of Member States journalists are not sufficiently protected against violence and threats. The Platform to promote the protection of journalism and safety of journalists, in addition to providing an overall picture on whether the situation is improving or deteriorating, is an important tool to raise States' awareness in this connection and in prompting them to take action. Out of 336 alerts registered on the platform since April 2015, only 139 triggered a reaction from Member States (MS) and only 49 cases were fully resolved. Thus the CDMSI recognises that more cooperation is needed from MS in order to remedy all serious threats to media freedom reported on the Platform, and accordingly supports PACE's recommendation to the CoM in this respect (under § 5.1).
- 3.** The 2017 CoE publication "Journalists under Pressure – Unwarranted interference, fear and self-censorship in Europe" has also brought to light the increasing use of psychological violence and intimidation, including judicial intimidation on journalists, particularly through the use of defamation, public order, national security and anti-terrorism laws. The CDMSI appreciates and shares PACE's focus on these issues (as outlined under §§ 2, 3 and 5.2.3.) and is currently in the process of producing a qualitative study on judicial intimidation on journalists through the use of defamation, national security and anti-terrorism laws and their impact on their work. The research will be based on individual interviews with journalists working in different regions of the CoE membership. It is expected to result in a report and a publication which will be published in 2019.
- 4.** The Committee notes that the Platform for the Protection of Journalism and Safety of Journalists has highlighted an emerging trend of threats to the independence of public broadcasters as a growing number of alerts concern political interference in the editorial line of public broadcasters, insufficient safeguards in the legislation against political bias, or the lack of appropriate funding. Furthermore, the 2017 Secretary General report has stressed that the year 2016 witnessed interference of governments in the appointment and dismissal procedures of members of public-service media boards.
- 5.** The CDMSI recalls that a number of standards have been issued in this area in order to safeguard the important role played by PSM. The Committee of Ministers Recommendation on public service media governance (2012) calls on member states to ensure that external

governance arrangements for public service media guarantee the independence and sustainable development of public service media. It also provides detailed criteria to ensure a well-functioning internal governance system of these organisations which relate to the principles of independence, accountability, effective management, transparency and openness as well as responsiveness and responsibility. A number of other normative documents adopted by the Committee of Ministers or the Parliamentary Assembly also promote specific aspects relevant to public service media such as: Recommendation on media and the promotion of a culture of tolerance (1997); Recommendation on hate speech (1997); Recommendation on the remit of public service media in the information society (2007); Recommendation on media pluralism and diversity of media content (2007); PACE Resolution on indicators for media in democracy (2008); and PACE Recommendation on the funding of public service broadcasting (2009). The draft Recommendation to Member States on "Media pluralism and transparency of media ownership", being prepared by the CDMSI, also stresses the importance, role and the safeguards needed to enable the functioning of a strong PSM and is expected to be approved by the CDMSI at its Plenary meeting in December 2017.

6. The CDMSI, supports PACE's proposal to develop in operational terms the principles enshrined in CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance, including in relation to appointment procedures (under § 5.2.1). In this respect, for the 2018-2019 biennium, the CDMSI envisages to carry out implementation activities in relation to that recommendation, notably the sharing of best practices among Member States and the preparation of compilations on institutional and financial independence of public service media. While it recognises the importance of standard setting in the area of PSM, the CDMSI also acknowledges the existence of limits to the harmonisation of legislation and the development of model provisions in this area, which stem from contextual factors linked to differences in culture, legal and social systems across the 47 Member States, which would warrant a tailored application of the above standards and their development in operational terms in a context-specific manner and in close cooperation with all parties involved.

7. The Committee also supports the call to design and implement targeted co-operation programmes aimed at promoting good practice in the governance of public service media (under §5.2.2). It notes that the Media and Internet division over the past decade has implemented around 20 projects in member states and partner countries promoting media freedom, including independence and efficiency of public service media. For example, the project "Strengthening Freedom of the Media and Establishing a Public Broadcasting System in Ukraine" is aimed at consolidating public broadcasting system in Ukraine, strengthening the institutional capacity of the public broadcaster's Supervisory Board, enabling the production of higher-quality programming, developing a model of regional public broadcaster etc. Furthermore, the Project "Promoting Media Freedom and Pluralism in the Republic of Moldova", launched in 2017, focuses on ensuring the functioning of the public service broadcasters supervisory bodies, improving their editorial policies and the existing TV and radio programs and setting up a Training Centre at Teleradio-Moldova.

8. The CDMSI recalls the important role of public service media in upholding freedom of expression, by providing different groups in society with an opportunity to impart, as well as to receive unbiased information and diverse political opinions. The CDMSI is thus committed to continue its work in this field and to addressing serious threats to independent media and journalists.