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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Guaranteeing freedom of expression in times of polarisation and uncertainty

Background document

We welcome the Council of Europe's prominent role in international standard-setting on freedom of expression and related issues such as media freedom, access to information and combatting hate speech and disinformation, including the instrumentalisation of history, in particular in the light of the increasing impact of digital technologies on these issues. We will continue our collective efforts for the safety of journalists and other media actors.

Reykjavík Declaration,
4th Summit of Council of Europe Heads of State and Government

Hold ELECTIONS AND REFERENDA in accordance with international standards and take all appropriate measures against any interference in electoral systems and processes. Elections are to be grounded in respect for relevant human rights standards, especially FREEDOM OF EXPRESSION, FREEDOM OF ASSEMBLY AND FREEDOM OF ASSOCIATION, including for the creation of political parties and associations in accordance with national and international standards.

Principle 2, Reykjavik Principles for Democracy

Ensure the right to FREEDOM OF EXPRESSION, including academic freedom and artistic freedom, to hold OPINIONS and to receive and impart information and ideas, both online and offline. Free, independent, plural and diverse media constitutes one of the cornerstones of a democratic society and journalists and other media workers should be afforded full protection under the law. Disinformation or misinformation posing a threat to democracy and peace will be countered, in a manner compatible with international law including the right to freedom of expression and freedom of opinion.

Principle 7, Reykjavik Principles for Democracy

The poison

The current socio-political climate is characterised by a prevailing sense of polarisation and uncertainty. These worrying phenomena are further fuelled by an overwhelming amount of toxic information and the difficulty of distinguishing between reliable and unreliable sources. In particular, the dissemination of harmful propaganda can impair the development of free opinions and informed citizen participation in public debate and decision making. Moreover, the growing influence of Internet platforms as gatekeepers of information confers upon them significant power to determine not only what constitutes acceptable or unacceptable speech, but also which content and ideas should be promoted. Algorithmic selection may lead to a lack of exposure to diverse sources of information, create so-called "filter bubbles" or "echo chambers", and contribute to radicalisation and growing partisanship in society.

The polarisation of society in uncertain times has a number of negative consequences. It is becoming increasingly frequent for public authorities to prohibit public gatherings and, as a result, to limit freedom of expression for reasons related to public order. Furthermore, an increasing climate of threats to journalists have a detrimental impact on news reporting, creating a pernicious chilling effect. Finally, there has been an increase in cases of groups of people demanding - often by violent means - that individuals with ideas they dislike be 'cancelled' or 'deplatformed'.

The antidote

The first antidote to polarisation and uncertainty is quality information. There is a need to ensure that trustworthy, unbiased information is available and easily accessible. Nevertheless, this may prove insufficient. Citizens must also acquire the requisite skills and be given the necessary tools to approach media content with a critical eye and discern beyond the hyperbole and falsehoods. Moreover, member States should refrain from resorting to censorship (both on- and offline), except in cases of extreme necessity and in accordance with the provisions set forth in Article 10 of the European Convention on Human Rights (ECHR).

Journalists must be protected

There cannot be quality journalism unless journalists can work safely without fear or undue restrictions. Unfortunately, the alerts published on the Safety of Journalists Platform show an increasing variety of threats, pressures and constraints under which journalists are carrying out their mission. The ongoing conflicts in Ukraine and Gaza are dramatic examples of both the importance and the difficulty of this mission. Beyond war, there are a number of major issues affecting press freedom in Europe, including: intimidation, violence, abusive detentions, restrictive legislation, SLAPPs (Strategic Lawsuits Against Public Participation) and smear campaigns, media capture and attacks on public media.

Independent news media must be safeguarded

As recalled by the Council of Europe's Committee of experts on increasing resilience of media (MSI-RES), in recent years we have witnessed a consistent deterioration in the viability and sustainability of conventional business models of the news media. Newspapers and audiovisual services are facing a severe decrease in revenues from advertising, due to the rise of new digital platforms competing on the advertising market. Furthermore, Google and other online platforms have been accused of generating billions of dollars in revenue from the dissemination of news content without sharing the revenue with the individuals or entities responsible for gathering that content. Also, influencers enter the political arena without any kind of safeguard for the users as to distinction between facts and opinions, and the more commercial ones drain plenty of resources without being subject to advertising rules, altering the level playing field with other actors. Finally, the abundance of free news online has resulted in a decreased willingness to pay. All this poses a danger to media pluralism and its independence.

Public service media require special protection and support since they play a unique role in providing the public with objective information and a range of political perspectives, as well as in promoting pluralism and awareness of diverse opinions. In order to fulfil their mission, however, they also require independence from economic and political influence, adequate funding, high editorial standards, safeguards for appointment and dismissal of management, and efficient oversight.

Media literacy is key

Media and Information Literacy can have a tangible, positive impact on building bridges between citizens and reducing polarisation. According to Recommendation CM/Rec(2018)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership, it is fundamental for individuals "to develop the cognitive, technical and social skills and capacities that enable them to effectively access and critically analyse media content; to make informed decisions about which media they use and how to use them; to understand the ethical implications of media and new technologies, and to communicate effectively, including by creating content. Furthermore, media literacy contributes to media pluralism and diversity by reducing the digital divide; by facilitating informed decision making, especially in respect of political and public affairs and commercial content; and by enabling the identification and countering of false or misleading information and harmful and illegal online content".

There are different types of Media and Information Literacy. The European Digital Media Observatory (EDMO) Guidelines for Effective Media Literacy Initiatives mention disinformation, but also news literacy initiatives, which will have a greater focus on the value of independent journalism in the media ecosystem; wider digital literacy initiatives, which will focus on explaining how digital media operate and how to use them; algo-literacy initiatives, which will focus on understanding the role of algorithms in our media consumption, or many more. In particular, AI literacy could be one of the tools that could help counteract the perils posed by GenAI content like deepfakes, by providing users with skills to identify AI-generated content.

Questions for discussion

- What can parliaments do to fulfil the commitments taken at the Reykjavik Summit and ensure that freedom of expression is protected in times of polarisation and uncertainty?
- What can parliaments do to reduce polarisation in society?
- What can parliaments do about government abuse of public order exceptions that run counter to freedom of expression?
- What can be done against so-called cancel culture?
- How can national parliaments engage with the partners of the Safety of Journalists Platform and establish effective response mechanisms to its alerts?
- What can be done to promote robust fact-checking and awareness-raising initiatives to preserve electoral integrity and democratic values?
- Should member States provide public funding to news media outlets?
- How can member States promote Media and Information Literacy?

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Appendix: key reference documents

Parliamentary Assembly of the Council of Europe

Resolution 2256 (2019) 'Internet governance and human rights'

Resolution 2281 (2019) 'Social media: social threads or threats to human rights?'

Resolution 2334 (2020) 'Towards an internet ombudsman institution'

Resolution 2382 (2021) 'Media freedom, public trust and the people's right to know'

Resolution 2454 (2022) 'The control of online communication: a threat to media pluralism, freedom of information and human dignity'

Council of Europe
4th Council of Europe Summit, United around our values – Reykjavík Declaration, 2023.