



Conference of Ministers responsible for Media and Information Society

Artificial Intelligence – Intelligent Politics

Challenges and opportunities for media and democracy

10-11 June 2021

Resolution on the impacts of the COVID-19 pandemic on freedom of expression

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. Freedom of expression, access to information and freedom of the media are crucial for the functioning of a democratic society, including in times of crisis. They nurture a free and pluralist public debate, which is a precondition for democracy and a means of resolving emerging challenges. The steady deterioration of freedom of expression in Europe, as evidenced in successive Annual Reports of the Secretary General of the Council of Europe and emphasised by the Committee of Ministers at its 129th meeting in Helsinki in May 2019, therefore requires strong and unwavering action.
2. Covid-19 has shaken European societies in 2020 and led Council of Europe member States to take a series of unprecedented measures. States of emergency have been declared in some States and strict confinement and other measures have been taken in most others to contain the spread of the virus. Apart from taking a huge toll on different aspects of people's lives, the health crisis has had an important impact on freedom of expression.
3. Effective and transparent crisis management depends greatly on prompt, accurate and reliable information being made available to the public. This serves the society to remain abreast of the constantly evolving situation and enables citizens' awareness of public affairs, it promotes accountability and fosters understanding for government action, reduces the impact of misinformation and helps to prevent its possible unwelcome consequences. The health crisis has underscored the need to reinforce the principle of transparency of public authorities regarding their activities.

4. However, in addition to the substantial restrictions on their freedom of movement during the pandemic, journalists and other media professionals faced limitations in terms of the information that they could access or publish. Several governments have taken measures that limit access to information held by public authorities relating to the pandemic and other crucial areas of public interest.
5. Furthermore, the health crisis has amplified pre-existing challenges to freedom of expression and media freedom in Europe. These challenges have been observed at various levels, including with respect to restrictive legal and regulatory frameworks for freedom of expression, the threats to the financial stability of the media sector, as well as the diminishing supply of quality journalism and insufficient levels of media and information literacy. Some countries have also seen public unrest and incidents of violence against journalists, including at anti-lockdown protests, adding to the existing threats to journalists' safety, including the gender specific threats against women journalists.¹
6. It is crucial to address these challenges in order to counter the growing polarisation of the public discourse, the rise in hate speech, particularly online, address the particular challenges of persons belonging to minorities and other vulnerable groups in accessing the information they need, and tackle the problems of mis- and disinformation related to Covid-19 referred to by the World Health Organisation as an "infodemic". Indeed, many Council of Europe member States have introduced measures to promote the circulation of reliable Covid-19 related information and analysis considered to be of high quality, often in cooperation with other stakeholders. Others have engaged in controlling information online and offline, including by outright restrictions on content considered to be "fake" or misleading. Restrictions appear to have been applied most forcefully in those member States where freedom of expression was already in decline.
7. The swift implementation of crisis-response measures further relies considerably on the cooperation and sense of responsibility of every single individual. Critical elements of crisis response, beyond timely and full information, are therefore open communication channels and trust in government action. Effective responses to the Covid-19 crisis have included transparent communication on the part of the government and free information flows, including clarifications, contextualisation and corrections where necessary. Such transparency improves public trust and confidence in the handling of the crisis and promotes responsible behaviour.
8. Effective protection of freedom of expression, media independence and diversity and open public debate therefore greatly enhance the resilience of a society towards crisis situations. By contrast, censorship and excessive blocking create a chilling effect on freedom of expression and lead to an information environment where questions or doubts are no longer discussed and resolved but may lead to disengagement, obstinacy and non-compliance.
9. In line with the Council of Europe Guidelines on protecting freedom of expression and information in times of crisis, crisis situations should not be used as a pretext for restricting the public's access to information. Neither should states introduce restrictions on media freedom beyond the limitations allowed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the

¹ The position of the Russian Federation on this paragraph is expressed in its [interpretative statement](#) appended to the documents of the Ministerial Conference.

“Convention”) or permissible in accordance with Article 15 of the Convention during a state of emergency.

10. Media organisations and journalists should adhere to the highest professional and ethical standards, give priority to authoritative messages regarding the crisis and refrain from publishing, and thus amplifying, unverified stories. The mission of the public service media to inform, educate and entertain has reaffirmed its social value and relevance in the context of this health crisis, as shown by a significant increase of reach, audience engagement and trust levels. Not-for-profit community media with their local and multilingual sources of information are another key resource for effective crisis response, as they can engage audiences that other media may not be able to reach.
11. As Europe is facing one of the deadliest crises since the Second World War, we have seen a rise in pre-existing and urgent challenges to freedom of expression, both offline and online, and a decline in media freedom in Europe. It is critical therefore to reverse the deterioration in freedom of expression and media freedom in Europe as a precondition for the democratic functioning of society and as a pillar of its resilience.

In view of the above:

- a. We affirm the pivotal importance of freedom of expression and information in the face of crisis and the essential role of the media as a pillar and precondition of democracy, as a platform for health-related public debate, provider of pluralist information to all sectors of society and critical watchdog over holders of political, economic and social power.
- b. We pledge to uphold the human rights protection framework designed by the Convention for cases of states of emergency and limit all exceptional measures to the conditions laid down in Article 15 of the Convention, as interpreted by the European Court of Human Rights (the Court), including as regards time limits and strict parliamentary scrutiny.
- c. We commit to remove all unnecessary obstacles to freedom of expression, put in place positive measures of support for this right, and abide by Article 10 of the Convention, in line with the relevant case law of the Court. With respect to the Covid-19 pandemic, we further commit to ensure that all limitations to free speech constitute the least restrictive means possible, are time-bound and proportionate to the legitimate aims of protecting public health and the rights of others, including by regularly reviewing their necessity in light of the evolving situation.
- d. We reiterate our commitment to ensure that existing laws and policies are not misused for the purposes of silencing critical or otherwise undesirable voices but instead for promoting a free and pluralist public debate on all issues of public interest, ensuring timely provision of key and evolving information related to crisis situations and fostering an overall information environment that is open to diversity of opinions.
- e. We underline the need to refrain from restricting the public’s access to information beyond the limitations allowed by Article 10 of the Convention. We confirm our pledge to promote unhampered and timely access to information, including by proactively publishing information relating to the health crisis, ensuring free access to information through the media, and by striving to provide the conditions for affordable access to

the internet to everyone, without discrimination, including to people with low income, those in remote areas and those with special needs.

- f. We stress our commitment to ensure access to official information and documents in line with the Convention, as interpreted by the case law of the Court. We acknowledge the importance of the Council of Europe Convention on Access to Official Documents (Tromsø Convention) in enhancing transparent governance and decision-making, notably during crisis situations.
- g. We pledge, taking account of the role of the Platform to promote the protection of journalism and safety of journalists, to ensure an information environment free of denigration and threats to the media, where all journalists – women and men – can perform their essential task in safety and in appropriate working conditions, reflecting the respect and high esteem that are due to their public watchdog role.
- h. We resolve to address the challenges of the media market, including for public service and community media, in a systematic manner and in close cooperation with media representatives and journalist associations, and to ensure media independence and sustainability. We further commit to pay urgent attention to the need for enhancing the resilience of media freedom and empowering independent and pluralist media in the face of crisis. This can include support measures for the media to alleviate their financial burdens, in a non-discriminatory manner and without interfering with their independence.
- i. We confirm our commitment to develop media and information literacy skills amongst the public and acknowledge the importance of education, media and communication systems to enhance, through targeted programmes, critical thinking skills in all segments of society, with a view to promoting the abilities of all individuals to take independent decisions at all times. This is particularly important in crisis situations where the implications of misinformation can have particularly grave consequences.

We invite the Council of Europe to:

- I. Strengthen international cooperation in the field of freedom of expression with a view to consolidating, and where necessary developing, guarantees for media freedom and access to information at all times, including during crisis situations. Such cooperation should contribute to identifying negative developments at an early stage and reinforcing the Organisation's response capacities regarding an issue of pivotal importance to human rights, democracy and rule of law in Europe, including in the context of crisis.
- II. Promote the Tromsø Convention as an important element of ensuring transparency and accountability of public actors and strengthening public scrutiny over their policies and actions, including in the context of crisis.
- III. Support member States' efforts to ensure, especially during times of crisis, access to a minimum level of information for everyone, also for people with low income, those in remote areas and those with special needs or facing other disadvantages or obstacles when accessing media content. This includes measures to promote and facilitate increased internet access.
- IV. Promote the co-operation between media self-regulatory bodies at regional and European level, in line with the Guidelines of the Committee of Ministers of the

Council of Europe on protecting freedom of expression and information in times of crisis, with a view to promoting effective self-regulation as the most appropriate mechanism for ensuring that media professionals perform in a professional way and provide quality information to the public.

- V. Co-operate closely with journalists and media associations to explore the long-term structural conditions needed to promote an enabling economic environment for media, including during times of crisis, that does not reduce their role to fact-checking or publishing government messages but one that fosters media freedom, pluralism and diversity by facilitating coverage of the widest possible range of voices and opinions.
- VI. Support the creation of relevant fora for dialogue between public and private actors, media professionals, internet intermediaries, civil society and academia to develop effective strategies towards diminishing the heightened risk of polarisation of public discourse around crisis situations, including vis-à-vis the growing prevalence of mis- and disinformation as well as the spread of hate speech against certain groups.
- VII. Support the development of effective and targeted media and information literacy projects that empower individuals of all backgrounds to recognise and develop resilience against crisis-related mis- and disinformation, and foster a culture of solidarity, tolerance and understanding between different groups in society.
- VIII. Review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this Resolution.