

## South Programme V

### Project Summary

Version of 10 March 2023

<b>Project title</b>	Freedom of Expression, Pluralistic Media and Access to Information (FEX-PM-ATI)
<b>Project area</b>	Southern Neighbourhood (Tunisia, Morocco, Libya, Lebanon)
<b>Budget</b>	450.000 EUR
<b>Funding Status</b>	European Union Joint Programme
<b>Implementation</b>	Division for Co-operation on Freedom of Expression, Information Society Department-DG I
<b>Duration</b>	36 months (1 September 2022- 31 August 2025)

#### I. BACKGROUND AND JUSTIFICATION

Freedom of expression and pluralistic media are core to the Council of Europe's standards. Such standards aim at the promotion of an enabling environment for freedom of expression and information, underpinned by legal guarantees for independence and diversity of media. However, over the past several years, political crisis and economic pressure have had significant repercussions on progress of freedom of media in the Southern Mediterranean region, as well as have impacted the organizational structures of traditional media. Media, Access to Information (ATI) and more widely Freedom of Expression are facing common challenges in these countries, while disinformation and hate speech continue to spread.

The existing legal, regulatory and institutional framework in some of these countries confirms the need to enhance institutional capacity building at national level to progress toward the implementation of European standards, policies and full enjoyment of relevant rights. During the identification phase a specific demand arose from the Libyan Central Committee for Local Elections concerning their needs for strengthening media coverage during electoral periods.

In view of the above, a Joint Programme between the European Union and the Council of Europe entitled "**Protecting human rights, rule of law and democracy through shared standards in the Southern Mediterranean**" (**South Programme V**) has been agreed to be co-financed by the two organizations and implemented by the Council of Europe. As part of this programme, a Component (C11) on *Freedom of Expression, Pluralistic Media and Access to Information*, mainly in four countries (Tunisia, Lebanon, Morocco and Libya) in the region.

The **Objective** of this Component (Specific Project) is to provide a regional approach and support actions aimed at fostering, raising awareness and strengthening the capacity of institutions and policy makers including also (duty-bearers and right-holders) to align and implement European standards into the application, implementation and enjoyment of freedom of expression, Pluralistic Media and Access to Information. Moreover, such approach would be based on the principle of effectively contributing to the process of implementation and development through peer-to-peer exchanges.

## II. IDENTIFIED SECTORS FOR INTERVENTION AND MODUS

The objective will be achieved through three inter-connected **lines of action**, and which will be focusing on:

- 1) Enhancing quality of journalism by reinforcing the existing institutional networks and support the establishment of formal and informal platforms of exchanges.
- 2) Promoting Access to Information (ATI) through awareness raising and adherence processes (Tromsø Convention).
- 3) Implementing policy priority reforms at national level while addressing common challenges.

The **project methodology** builds on the results of previous bilateral interventions such as “Programme d’Appui au Instances Indépendantes en Tunisie” PAII-T in Tunisia; and previous phases of EU financed European Union South Programs in the region (SP III and SP IV).

The **intervention logic** foresees a combination of tailored bilateral interventions designated as country actions and regional actions. The last will be based on peer-to-peer exchanges and networking where national reforms, challenges and lesson learned at that level will be capitalized and discussed in the framework of the Program’s/component’s broad objective: that is to continue the support to democratic reforms in the region through the establishment of a common legal space between Europe and Southern Mediterranean.

For this specific Component, major areas where **Council of Europe standards and instruments** will be guiding the interventions in each action are:

**Freedom of Expression** as enshrined in Article 10 of the European Convention of Human Rights, and considered by its guardian, the European Court of Human Rights (ECtHR), since its early jurisprudence, as “one of the essential foundations of democratic society”<sup>1</sup>. The protection guaranteed by this article applies as well to information and ideas that are inoffensive or indifferent, but also to those who “shock, offend or disturb”<sup>2</sup>. Freedom of expression can be subject to exceptions that need though to be clearly defined and fully justified on the basis of the three assessment criteria: whether the restriction 1) is prescribed by law, 2) pursued one of the legitimate aims, 3) is necessary in a democratic society.<sup>3</sup>

**Media pluralism:** As the European Court of Human Rights considers, pluralism is at the essence of democracy and that the State should be the ultimate guarantor of it. Therefore, the audiovisual broadcasting while respecting pluralism place a duty on the State to ensure, first, that the public has access through television and radio to impartial and accurate information and a range of opinion and comment, reflecting, *inter alia*, the diversity of political outlook

---

<sup>1</sup> [Handyside v. the United Kingdom, § 49.](#)

<sup>2</sup> *Ibidem.*

<sup>3</sup> When assessing the restrictions imposed by member States over freedom of expression, the principle of the least restrictive measure is applied by the Court: the restriction is to be considered legitimate and necessary if there is no other means that would interfere less seriously with the fundamental right. [Glor v. Switzerland, § 94.](#)

within the country and, secondly, that journalists and other professionals working in the audiovisual media are not prevented from imparting this information and comment<sup>4</sup>.

**The independence of media regulatory authorities:** In particular in its Recommendation<sup>5</sup> to member States on media pluralism and transparency of media ownership Council of Europe member states have the obligation to foster a favorable environment for freedom of expression, offline and online. This entails the necessity for the legal framework and operational setting to safeguard independence of media and the establish independent regulatory authorities. The independence of such bodies should be guaranteed by the law and borne out in practice<sup>6</sup>, also providing access to adequate finance resources and autonomous budget.<sup>7</sup>

**Quality journalism and safety of journalists** promoting pluralism cannot be done without the main stakeholders, journalists and media professionals; as journalists have to perform their duties respecting ethical and professional standards, states have the obligation to foresee a legal framework that enables journalists and other media actors to contribute to public debate effectively and without fear. Specific guidelines of state policy orientation on the matter are set out in the Recommendation<sup>8</sup> on the protection of journalism and safety of journalists and other media actors.

**Access to information:** The right to access to information fully falls into the scope of Article 10 of the ECHR. In addition, a new legally binding instrument<sup>9</sup>, the Convention on Access to Official Documents known as the *Tromsø Convention*, entered into force in 2020 and opened also to the ratification of non -member states. *Tromsø Convention* is the first binding international legal instrument which recognizes a general right of access to official documents held by public authorities and constitutes a milestone in the promotion of democratic governance, openness, participatory democracy and in the exercise of other human rights and fundamental freedoms.

**III. INDICATIVE LOGICAL FRAMEWORK OF THE INTERVENTION**

<b>Overall objective of Programme</b>	<b>To better protect human rights, Rule of Law and democracy in the Southern Mediterranean region in line with European and international standards.</b>
<b>Intermediate Outcome 1</b>	<b>Council of Europe standards and instruments become the policy guidance of major country reforms in the region.</b>
<b>Immediate Outcome 1.1.</b>	<b>Beneficiaries of the region participate in Council of Europe conventions and Partial Agreements, including in monitoring mechanisms as relevant, especially when concerning Access to Information.</b>

<sup>4</sup> [Guide on Art.10 of the European Court of Human Rights, ECHR, updated August 2022. See also, \(Manole and Others v. Moldova, § 100\).](#)

<sup>5</sup> [Recommendation CM/Rec\(2018\)1\[1\] of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#)

<sup>6</sup> [Recommendation CM/Rec\(2018\)1\[1\] of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#), Par.1.5.

<sup>7</sup> *Ibidem*, Par.1.6.

<sup>8</sup> [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors.](#)

<sup>9</sup> [The Council of Europe Convention on Access to Official Documents](#) (CETS No. 205), *Tromsø Convention*.

<b>Intermediate Outcome 2</b>	<b>Capacities to address global challenges through common tools and responses are enhanced and based on European and international standards.</b>
<b>Immediate Outcome 2.1</b>	<b>Tools, mechanisms and strategies regarding global challenges to human rights, democracy and Rule of Law are developed to ensure a consistent understanding and approach to these phenomena.</b>
<b>Immediate Outcome 2.2</b>	<b>Strengthened and developed capacities among representatives of relevant bodies, civil society and professional organizations understanding and applying common tools deriving from European standards.</b>
<b>Intermediate Outcome 3</b>	<b>Co-operation and dialogue and networking on human rights, Rule of Law and democracy is enhanced within the Southern Mediterranean region and between the region and Europe on the understanding and application of European standards.</b>
<b>Immediate Outcome 3.1</b>	<b>Existing networks of the Council of Europe are consolidated and expanded, including development of new professional ones.</b>

#### **IV. PROPOSED PARTNERS/BENEFICIARIES**

The project will work primarily with the regulatory authorities in the above-mentioned countries, self-regulatory bodies and journalists' associations as the proposed main beneficiaries and partners of the project. In Tunisia: The Authority for the Access to Information (INAI) in Tunisia it is wished to act as an entry point to the constituting network of ATI institutions in different countries of the region. In accordance with specific actions, the project will extend its intervention to other duty-bearer institutions in Libya related to the implementation on Freedom of Expression and Freedom of Access to Information such as: the Libyan Central Committee for Local Elections (CCLE), the General Authority for Media Monitoring Content (GAMMC), and possibly the Libyan Centre for the Freedom of the Press (LCFP).

#### **V. PROPOSED IMPLEMENTATION ARRANGEMENTS**

Overall project management and supervision will be ensured by the Division for Co-operation on Freedom of Expression at the Information Society Department - DG I of the Council of Europe in Strasbourg. A Project Manager in Strasbourg will oversee the project's implementation and ensure daily follow up of actions and guide the team in one project officer stationed in Tunis. The expertise services will be mainly delivered through the engagement of Council of Europe experts (internationally and locally) and of responsible government institutions that will be main beneficiaries will be available following the inception phase.

The Council of Europe will ensure the active participation of local professional skills where available, and a suitable mix of European and local experts in all project activities. All local and international experts/consultants are to be independent and free from conflicts of interests.

#### **VI. CONTACT**

##### **Council of Europe**

Division for Co-operation on Freedom of Expression Department of Information Society - DG I Council of Europe, F-67075 <b>Strasbourg Cedex FRANCE</b>  <a href="mailto:Roberta.battista@coe.int">Roberta.battista@coe.int</a> ; Tel: + 33 (0) 3 90 21 64 78 <a href="https://www.coe.int/en/web/freedom-expression/home">https://www.coe.int/en/web/freedom-expression/home</a>	Council of Europe Office in Tunis, Tunisia Business Centre Lake Forum - 6th floor (B61), 5 Avenue de la Feuille d'Erable, 1053 LAC II <b>Tunis, Tunisia.</b>  <a href="mailto:Asma.rihane@coe.int">Asma.rihane@coe.int</a> Tel: +216 22 899 311
---	---