

Statement by the Council of Europe

Freedom of expression, free media and information

The activities of the Council of Europe in the media field aim at promoting freedom of expression and information, as guaranteed by **Article 10 of the European Convention on Human Rights**, as well as the free flow of information at the pan-European level through the existence of a plurality of independent media.

For the Council of Europe, freedom of expression and information and freedom of the media are inextricably linked to democracy. Without such freedoms, elections and other democratic process are seriously challenged and flawed.

The CoE has elaborated a number of instruments supporting pluralism and independence of the media as a whole. I will focus on the developments since last year's Human Dimension Meeting.

I. New Standard Setting Instruments

In the beginning of this year, the Committee of Ministers adopted **3 new standard setting documents**:

- The first two address **media pluralism and diversity of media content**, and the protection of the role of the media in democracy in the context of **media concentration**, respectively.
- The third **Recommendation** is about the **remit of public service media**.

II. Protection of Journalists

1) As regards the protection of journalists, the CoE continues to urge the reform of national laws and practice in order to align the treatment of **defamation** with the case law of the European Court of Human Rights. As far as journalists and the media are concerned, **decriminalisation** should be the answer.

2) *On 26 September 2007* the Committee of Ministers adopted a new Declaration on **investigative journalism**, and Guidelines on the protection of freedom of expression and information in **times of crisis**. It is precisely in times of crisis and conflict, or during pre-election periods that the right to freedom of expression and information is most at risk and is being tested as to its real quality, namely the extent to which journalists can exercise it and report freely without fear of political pressure, physical threats or detention.

III. Internet and the Information Society

1) As regards the online world, we are actively involved in the follow-up of the World Summit on the Information Society (WSIS). In particular, we participate in the **Internet Governance Forum** and advocate that human rights and,

especially, the right to freedom of expression are respected by various stakeholders on the Internet. The Council of Europe's existing standard setting instruments help create a safe and open Internet:

2) In particular, the **Convention on Cybercrime**, which has global vocation and is, thus, open for signature world-wide.

3) The CoE newest instrument is the recently adopted **Convention on the protection of children against sexual exploitation and sexual abuse**, which criminalises conduct, such as knowingly accessing child pornography on the Internet. In addition, in response to the increasingly worrying phenomenon of children being sexually harmed by adults whom they have met in cyberspace, the Convention also requires the criminalisation of soliciting children for sexual purposes ("grooming").

IV. Assistance Activities

The CoE continues its assistance activities in the media field in the form of training and legal advice to public authorities of interested member states, as well as to media and legal professionals, such as judges, lawyers and prosecutors.

Cooperation with the OSCE and its Field Missions is essential and has proved to be fruitful so that duplication could be avoided. We wish to continue our cooperation in this concerted and constructive manner.

V. To conclude, I would mention that the CoE is currently discussing a possible future **mechanism** to examine freedom of expression and freedom of the media in our member states and to promote compliance with Article 10 of the European Convention on Human Rights. If, as recommended by the Council of Europe's Parliamentary Assembly, this mechanism is established, it would become part of the system of mutually reinforcing existing institutions competent in this area, such as the European Court of Human Rights, the Council of Europe Commissioner for Human Rights and the OSCE Representative on Freedom of the Media.

This monitoring mechanism would constitute the third side of the triangle, also made up the Council of Europe standard setting and targeted assistance activities in respect of freedom of expression and freedom of the media, and would be a means to reinforcing democratic processes.