



Resolution 1636 (2008)¹

Indicators for media in a democracy

Parliamentary Assembly

1. The Parliamentary Assembly recalls the importance of media freedom. Freedom of expression and information in the media is an essential requirement of democracy. Public participation in the democratic decision-making process requires that the public is well informed and has the possibility of freely discussing different opinions.
2. All Council of Europe member states have committed themselves to respecting democratic standards. Democracy and the rule of law are necessary conditions for membership of the Council of Europe. Therefore, member states themselves must permanently monitor their state of democracy. However, democratic standards are also part of universally recognised human rights in Europe and hence are not merely an internal affair of a state. Council of Europe member states must also analyse the state of democracy in all the member states, in particular at the Assembly level.
3. The Council of Europe has set standards for Europe on media freedom through Article 10 of the European Convention on Human Rights (ETS No. 5) and a number of related recommendations by the Committee of Ministers as well as resolutions and recommendations by the Parliamentary Assembly.
4. The Assembly also monitors media freedom before national elections and produces an analysis on the basis of standards set by the Council for Democratic Elections comprising representatives of the European Commission for Democracy through Law (Venice Commission), the Congress of Local and Regional Authorities of the Council of Europe and the Parliamentary Assembly.
5. The Assembly welcomes the comparative assessments of national media situations prepared, for example, by Reporters Without Borders (Paris), the International Press Institute (Vienna), Article 19 (London), and other organisations. This work provides for important public scrutiny over media freedom, but it does not relieve national parliaments and governments of their political duty to look at their own media situation.
6. The Assembly also welcomes the UNESCO media development indicators drawn up in consultation with experts from Article 19, the West African Newsmedia and Development Centre and others, which shall help determine communication development strategies within the overall context of national development.
7. The Assembly considers it necessary for a number of principles concerning media freedom to be respected in a democratic society. A list of such principles would facilitate analyses of national media environments in respect of media freedom, which could identify problematic issues and potential shortcomings. This will enable member states to discuss, at European level, possible actions to address those problems.

1. *Assembly debate* on 3 October 2008 (36th Sitting) (see [Doc. 11683](#), report of the Committee on Culture, Science and Education, rapporteur: Mr Wodarg). *Text adopted by the Assembly* on 3 October 2008 (36th Sitting). See also [Recommendation 1848 \(2008\)](#).



8. The Assembly invites national parliaments to analyse their own media situation regularly in an objective and comparable manner in order to be able to identify shortcomings in their national media legislation and practice and take appropriate measures to remedy them. Such analyses should be based on the following list of basic principles:

- 8.1. the right to freedom of expression and information through the media must be guaranteed under national legislation, and this right must be enforceable. A high number of court cases involving this right is an indication of problems in the implementation of national media legislation and should require revised legislation or practice;
- 8.2. state officials shall not be protected against criticism and insult at a higher level than ordinary people, for instance through penal laws that carry a higher penalty. Journalists should not be imprisoned, or media outlets closed, for critical comment;
- 8.3. penal laws against incitement to hatred or for the protection of public order or national security must respect the right to freedom of expression. If penalties are imposed, they must respect the requirements of necessity and proportionality. If a politically motivated application of such laws can be implied from the frequency and the intensity of the penalties imposed, media legislation and practice must be changed;
- 8.4. journalists must not be subjected to undue requirements by the state before they can work;
- 8.5. political parties and candidates must have fair and equal access to the media. Their access to media shall be facilitated during election campaigns;
- 8.6. foreign journalists should not be refused entry or work visas because of their potentially critical reports;
- 8.7. media must be free to disseminate their content in the language of their choice;
- 8.8. the confidentiality of journalists' sources of information must be respected;
- 8.9. exclusive reporting rights concerning major events of public interest must not interfere with the public's right to freedom of information;
- 8.10. privacy and state secrecy laws must not unduly restrict information;
- 8.11. journalists should have adequate working contracts with sufficient social protection, so as not to compromise their impartiality and independence;
- 8.12. journalists must not be restricted in creating associations such as trade unions for collective bargaining;
- 8.13. media outlets should have editorial independence from media owners, for instance by agreeing with media owners on codes of conduct for editorial independence, to ensure that media owners do not interfere in daily editorial work or compromise impartial journalism;
- 8.14. journalists must be protected against physical threats or attacks because of their work. Police protection must be provided when requested by journalists who feel threatened. Prosecutors and courts must deal adequately, and in a timely manner, with cases where journalists have received threats or have been attacked;
- 8.15. regulatory authorities for the broadcasting media must function in an unbiased and effective manner, for instance when granting licences. Print media and Internet-based media should not be required to hold a state licence which goes beyond a mere business or tax registration;
- 8.16. media must have fair and equal access to distribution channels, be they technical infrastructure (for example, radio frequencies, transmission cables, satellites) or commercial (newspaper distributors, postal or other delivery services);
- 8.17. the state must not restrict access to foreign print media or electronic media including the Internet;
- 8.18. media ownership and economic influence over media must be made transparent. Legislation must be enforced against media monopolies and dominant market positions among the media. In addition, concrete positive action should be taken to promote media pluralism;
- 8.19. if media receive direct or indirect subsidies, states must treat those media fairly and with neutrality;

8.20. public service broadcasters must be protected against political interference in their daily management and their editorial work. Senior management positions should be refused to people with clear party political affiliations;

8.21. public service broadcasters should establish in-house codes of conduct for journalistic work and editorial independence from political sides;

8.22. "private" media should not be run or held by the state or state-controlled companies;

8.23. members of government should not pursue professional media activities while in office;

8.24. government, parliament and the courts must be open to the media in a fair and equal way;

8.25. there should be a system of media self-regulation including a right of reply and correction or voluntary apologies by journalists. Media should set up their own self-regulatory bodies, such as complaints commissions or ombudspersons, and decisions of such bodies should be implemented. These measures should be recognised legally by the courts;

8.26. journalists should set up their own professional codes of conduct and they should be applied. They should disclose to their viewers or readers any political and financial interests as well as any collaboration with state bodies such as embedded military journalism;

8.27. national parliaments should draw up periodic reports on the media freedom in their countries on the basis of the above catalogue of principles and discuss them at European level.

9. The Assembly invites the Council of Europe Commissioner for Human Rights to draw up information reports on member states where problems exist in the implementation of the above list of basic principles as regards freedom of expression.

10. The Assembly also invites media professionals and companies, as well as media associations, to apply and develop further the above list of basic principles applicable to the media.