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Committee on Political Affairs, Human Rights and Democracy

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DRAFT REPORT

on 'Ensuring media freedom and integrity in the EU and Eastern European partners'

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The Euronest Parliamentary Assembly,

- having regard to the Constituent Act of the EURONEST Parliamentary Assembly of 3 May 2011,
 - having regard to the Joint Declaration of the Eastern Partnership Summit of 21 and 22 May 2015, in Riga,
 - having regard to Article 11 of the Charter of Fundamental Rights of the European Union and to article 10 of the European Convention for Human Rights, as well as to the relevant case-law of the European Court of Human Rights,
 - having regard to the Association Agreements between the EU on one side and Georgia, Moldova and Ukraine on the other side, in particular the provisions for cooperation on media, covering the audio-visual policy and the training of journalists and other media workers,
 - having regard to the European Parliament resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties,
 - having regard to the regular reports on media freedom developments in the OSCE region, presented by the OSCE Representative on Freedom of the Media for the OSCE Permanent Council;
 - having regard to the Commission and External European Action Service Joint Staff Working Document of 15 December 2016 on 'Eastern Partnership - Focusing on key priorities and deliverables',
- A. whereas the Eastern Partnership is based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms;
- B. whereas, during the 2015 Riga Eastern Partnership Summit, all participants underlined the important role that media play in democratic society and confirmed their continued support for media freedom, under the article 16 of the Joint Declaration;
- C. whereas protection of press freedom is provided within the framework of the Council of Europe, on the basis of the European Convention on Human Rights (ECHR); whereas media freedom issues are a central part of the whole set of democratic and legal reforms implemented by Eastern European partner countries and, therefore, of high relevance in the political dialogue between the EU and its partners;
- D. whereas EU Member States and partner countries face, at different level, challenges and problems in the fields of media freedom and economy of print and digital mass media; whereas common concerns include inadequate legislation, inappropriate use of counter-terrorist legislation, concentration of media ownership, economically dominant position in media markets, intolerance of political elites to criticism, undemocratic and politically-motivated control and regulation over information space, restrictions on pluralism, as well as limitations and deterrence to the freedom of expression through internet media;

- E. whereas under the European Neighbourhood Instrument for 2014-2020, the EU aims to enhance media cooperation with its Eastern European partners and earmarks funding for that purpose; whereas the EU has funded number of projects, in particular those with an aim to improve media law, monitor the situation of freedom of expression and access to information, and help improve professional skills of mass media workers;
- F. whereas, in line with article 10.2 of the ECHR, exercise of the freedom of expression carries with it duties and responsibilities and may be subject to formalities, conditions, restrictions or penalties, as prescribed by the law; whereas such legal framework is necessary in a democratic society for the prevention of disorder or crime, protection of health or morals, reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary as well as it is in the interest of national security, territorial integrity or public safety; whereas, however, these limitations must be absolutely necessary and measures taken must be proportional; whereas no measure taken with the purpose of shielding a government or institution from criticism should be deemed as legitimate;
- G. whereas crackdown and violence against journalists, media workers and bloggers, including murder, assault, intimidation and harassment, as well as impunity for these crimes, are a major threat to media freedom; whereas physical safety of journalists has become more critical in recent years in Eastern European partner countries, in particular in the conflict-affected regions;
- H. whereas violence serves the purpose of silencing different and uncomfortable views and greatly damages media freedom by discouraging free expression, including through self-censorship; whereas against this backdrop, the terrorist attack which took place at the satirical magazine "Charlie Hebdo" in Paris in 2015 and the killing of television journalist Pavel Sheremet in Kyiv in 2016 had a shocking impact on media communities and caused waves of indignation worldwide;
- I. whereas cooperation with international journalist organisations, donation support from various foundations, recommendations and commitments made in relation to the accession of Eastern European partner countries to the OSCE and the Council of Europe played a positive role in advancing media freedom, and developing modern mass media in partner countries; whereas enhancing professionalism in journalism, improving instruments of media self-regulation in order to make them suitably operative and ensuring proper education for media workers, can also help in building more democratic societies based on greater civic participation and respect for the rule of law;
- J. whereas promotion of investigative journalism is a useful tool for improving good governance and fight against corruption; whereas, on the contrary, persistent rule-of-law deficiencies and widespread corruption negatively influence the situation of media, undermining their credibility and preventing them from providing valid, good quality information and distanced analysis;
- K. whereas development of digital economy brings challenges, but also opportunities for growth and new jobs in media sectors in the EU and partner countries;
- L. whereas national authorities face difficulties to control the widespread availability on

internet of certain types of content deemed illegal, such as terrorist propaganda, racist content, hate speech, sexually explicit content and incitement to violence, discrimination or hostility; whereas libel and defamation laws are already applicable to this sector; whereas there is now an intensive debate about the need to further regulating the social media;

- M. whereas Russian state-controlled media outlets have engaged in a systematic campaign of disinformation and propaganda across the European continent, aiming to undermine European values, manipulate public opinions and conduct interferences in domestic policies of EU Member States and partner countries; whereas, in response to this, the EU adopted an Action Plan on Strategic Communication, including setting up of the EU Strategic Communication Task Force;

Pursuing engagement in media freedom, integrity and pluralism and countering negative trends

1. Bearing in mind that media freedom and freedom of expression are fundamental rights that need to be promoted and protected in a democratic society, reaffirms that states have the primary duty to ensure freedom of opinion and expression; calls on the EU institutions and authorities of partner countries to continue engaging in political dialogue on democratic issues, putting those relating to media freedom, integrity and pluralism as a priority;
2. Expresses its support to a vibrant media environment allowing diffusion of diverse information and opinions, relying on a balanced duality of public service and private media channels and developing digital broadcasting, social networks and online dissemination tools of information;
3. Condemns acts of violence against journalists and intimidation as major threats to media freedom; calls on the EU Member States and partner countries to pay attention to the safety and independence of journalists and to make sure that legal instruments, including criminal prosecutions and investigations, are not misused in order to preclude journalists from working freely, intimidate or influence them; notes with regret that investigation and prosecution of attacks on journalists is often slow and inadequate, if not totally inconclusive; points out that executive and judicial powers share responsibility for maintaining respect for media freedom and integrity and avoiding impunity of criminal attacks and offences targeting journalists;
4. Calls for enhanced cooperation and specific programmes for training of security forces on human rights, freedom of expression and safety of journalists; considers that the notion of journalist should be used in a broader sense, including ‘bloggers’; encourages the EU to strengthen its support to journalists’ and media professional organisations;
5. Draws attention to threats posed by concentration of private media assets in the hands of few owners; notes that horizontal concentration hampers media pluralism and vertical concentration prevents new competitors from entering media markets; takes the view that national authorities responsible for media market regulation should closely monitor concentration processes and, where necessary, decide on measures or sanctions in order to prevent actions which create dominant positions or restrict pluralism;

6. Is concerned by the risk of dependence of public and private media including broadcasters on governments' political interests; calls on governments to refrain from interfering or influencing editorial lines of public media and to provide for transparency of private media ownership; to this aim, recommends to create and maintain registries at national level, where data on direct and cross-border owners and beneficiaries are accessible to the public;
7. Supports protection and confidentiality of sources as a right granted to journalists and recognized by the European Court of Human Rights under its case-law; considers that coercion on journalists to compel them to release the identity of information sources, including by judicial proceedings, clashes with media role to engage in investigative reporting, for instance on cases of crime, corruption or public wrongdoing;
8. Expresses concerns about negative and backward trends in a number of EU Member States and partner countries, where plans for reforming media law might be in breach of fundamental freedoms; urges governments to consider legislative changes to media law, with sound objectives and only after duly consulting the Venice Commission of the Council of Europe on potentially controversial legal issues; calls on the Commission to continuously assess the state of play and provide recommendations about issues of relevance to media law, touching upon respect by the EU Member States of EU common values, as foreseen under Article 7 of the Treaty on the functioning of the European Union;
9. Considers that fight against terrorism and necessary reinforcement of national security measures following recent wave of terrorist attacks in Europe should not entail adopting new legislations aimed at restricting the freedom of expression and establishing censorship on media; takes the view that limitations to free expression in the name of decency or protection of privacy should evenly apply to all types of media and that, on this basis, on-line information available through Internet should not be subject to discriminatory legal restrictions;
10. Calls on the Commission to make full use of all existing instruments under the European Neighbourhood Instrument, in particular the Eastern Partnership Media Freedom Watch to support media freedom in partner countries;
11. Welcomes various EU initiatives including the "Media Pluralism Monitor" (MPM) aimed to identify potential risks to media pluralism in EU Member States; encourages national authorities of partner countries, in particular those which are associated to the EU, to join such initiatives;

Improving media law, economic and legal frameworks in which media operate

12. Takes the view that media law should primarily focus on guarantees and conditions, that ensure the exercise of media activity, in accordance with fundamental freedoms and without limitations to their independence; considers that regulation on media markets should also serve the interests of free expression and access of citizens to information, by securing economic sustainability of media; believes, furthermore, that the aim of independence is better served though the regulation of the sector by an independent body for broadcasters;

13. Welcomes cooperation projects taking place under the Eastern Partnership, aimed to strengthen independent media, professional reporting standards and journalists' ethics, notably through journalism trainings and networking activities; underlines the necessity for more effective use of EU programs of interest to media in partner countries; recommends to intensify cooperation and twinning in media sector and to extend it to issues of relevance to the development of profitable digital media platforms;
14. Recommends parliamentarians of the EU, EU Member States and partner countries to intensify exchange of expertise and experience, with a view of drafting, amending and adopting new legislations related to media issues; commends valuable assistance provided by the Council of Europe to legislators of partner countries, regarding media legislation changes;
15. Urges competent national authorities in the EU and partner countries to organize public dialogue on new laws that have a straight bearing on freedom of expression and media, to include civil society and to consult professional media organizations in elaboration processes of new legislations;
16. Supports the principle of legislative reforms aimed at establishing or strengthening fair and unbiased competition in media markets and rejecting concentration processes and state ownership dominance over media sectors, including publishing capacity and distribution networks; recommends to develop legislations aimed at providing transparency of ownership structure and funding instruments of media; recommends that legislations on audio-visual media sector provides for limits to the number of over-the-air broadcasting licenses owned by a single physical person or legal entity;
17. Calls on the Commission and the partners to cooperate in pursuit of the definition of new measures favouring transnational cooperation and alliances between print and digital media in the EU and its neighbour countries, in order to support the production of information content of quality and to promote linguistic diversity;
18. Supports legislative changes in partner countries, regarding defamation law, that provide for the abolition of criminal defamation and set reasonable limits for compensating moral harm;

Building up trust of public in media and professionalism of journalists

19. Welcomes significant efforts in the EU and partner countries to retain and increase responsible and quality journalism, to support media self-regulation systems, to promote standards of journalism ethics and to develop professional education of journalists;
20. Notes, however, the still low levels of confidence of public in media and highlights the importance of media literacy, of transparency in economic links between media and political and economic circles, as well as the development of professional ethics and quality of media content as key factors for increasing citizens' trust in media; recommends to further develop training and mentoring of young journalists and to give more visibility to prizes or awards granted to young media professionals under the framework of the Eastern Partnership;

21. Urges professional associations of journalists to raise awareness of the public about blatant cases of violations of moral responsibility by media or journalists;

Enhancing cooperation in countering propaganda under the Eastern Partnership with full respect of human rights and the freedom of expression

22. Condemns policies of propaganda and disinformation, as well as policies of confrontation which may incite violence and hatred, and may lead to intolerance and discrimination;
23. Denounces the Russian Government policy targeted at influencing public opinion across the European continent, discrediting the EU dividing EU Member States and its partners by using Russian state-controlled media outlets;
24. Calls on competent authorities of the EU institutions, EU Member States and partner countries to take all necessary measures to mitigate risks and to protect media from cyber-attacks or hacking operations; stresses the need to carefully monitor the exposure of media in EU and partner countries to outside pressures; is deeply concerned, however, of certain extreme measures, such as the closure or blockage of particular TV channels and websites or unfounded denial of access to journalists;
25. Welcomes the EU Action Plan on Strategic Communication and the fact that the Commission and the EEAS have singled out a better, clearer and tailored-made strategic communication as one of the twenty key priorities in the framework of the Eastern Partnership, by the next Summit in November 2017;
26. Stresses the necessity to pursue these efforts with full respect for human rights and the freedom of expression; recommends, therefore, to focus on measures improving the media resilience to propaganda and outside pressures, and the development of instruments for identifying manipulative communication content; takes the view that the best way to counter propaganda is by promoting fact-based and high-quality information;
27. Supports initiatives for creating EU-funded transnational networks of fact-checkers, investigative journalists and researchers scrutinising hostile influence operations, in order to prepare policy-making on responses to hostile disinformation;
28. Supports non-governmental watchdog organisations in the EU and partner countries, which promote digital and media literacy, critical thinking and counter disinformation and conspiracy theories;
29. Strongly condemns kidnappings, ill treatment, violence and killings of journalists in conflict and occupied areas, in particular in Crimea and the Donbas region;
30. Instructs its Co-Presidents to forward this resolution to the President of the European Parliament, the Council, the Commission, the Vice-President of the Commission/High Representative of the EU for Foreign Affairs and Security Policy, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, the European External Action Service, the governments and parliaments of the EU Member States and the Eastern European partner countries.