RESOLUTION

on ensuring media freedom and integrity in the EU and Eastern European partner states
Resolution by the Euronest Parliamentary Assembly on ensuring media freedom and integrity in the EU and Eastern European partner states

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 held in Riga on 21 and 22 May 2015,

– 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 (ECHR), 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 the one hand and Georgia, Moldova and Ukraine on the other, in particular the provisions for cooperation on media, covering audiovisual 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 parties¹,

– having regard to the regular reports on media freedom developments in the OSCE region presented by the OSCE Representative on Freedom of the Media to the OSCE Permanent Council,

– having regard to the Joint Staff Working Document of the Commission and the External European Action Service (EEAS) of 15 December 2016 entitled ‘Eastern Partnership – Focusing on key priorities and deliverables’,

– having regard to the Joint Staff Working Document of the Commission and the EEAS of 9 June 2017 entitled ‘Eastern Partnership – 20 Deliverables for 2020 focusing on key priorities and tangible results’,

– having regard to the initialled EU-Armenia Comprehensive and Enhanced Partnership Agreement, to be signed in Brussels in November 2017,

– having regard to the reports by well-known international journalists’ organisations,

A. whereas the Eastern Partnership is based on commitment 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

¹ Texts adopted, P8_TA(2016)0441.
support for media freedom, under 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 ECHR; whereas media freedom issues are a central part of the whole set of democratic and legal reforms implemented by Eastern Partnership countries and are 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 levels, challenges and problems in the fields of media freedom and the print and digital media economy; whereas common concerns include inadequate legislation, inappropriate use of counter-terrorist legislation, concentration of media ownership, the holding of economically dominant positions in media markets, political elites’ intolerance of criticism, undemocratic and politically motivated control and regulation of information space, restrictions on pluralism, and as limitations on and obstruction of freedom of expression in 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 a number of projects to this end, in particular projects aiming to improve media law, monitor the situation of freedom of expression and access to information, and help improve the professional skills of media workers; whereas a well-functioning media environment, based on the principles of plurality and independence, is one of the prerequisites for democratic, stable, prosperous and resilient societies;

F. whereas, in line with Article 10.2 of the ECHR, the exercise of freedom of expression carries with it duties and responsibilities and may be subject to formalities, conditions, restrictions or penalties, as prescribed by law; whereas such a legal framework is necessary in a democratic society as a means of preventing crime and disorder, protecting health and morals, protecting the rights and reputation of others, preventing the disclosure of information received in confidence, maintaining the authority and impartiality of the judiciary and safeguarding the interests of national security, fundamental rights, territorial integrity and public safety; whereas, however, such limitations must apply only where they are absolutely necessary, and the measures taken must be proportionate; whereas no measure taken with the purpose of shielding a government or institution from criticism should be deemed legitimate;

G. whereas crackdowns on, and violence targeting, journalists, media workers and bloggers, including murder, kidnapping, assault, arbitrary detention, intimidation, harassment and the confiscation of equipment, as well as impunity for such crimes, pose a major threat to media freedom; whereas the physical safety of journalists in Eastern partnership countries has become more problematic in recent years, in particular in regions affected by conflict;

H. whereas violence serving to silence dissident and uncomfortable views, including terrible crimes such as contract murders and kidnappings of journalists, which have had a shocking impact on media communities, threatens basic European freedoms and greatly damages media freedom by discouraging free expression, not least by inducing
self-censorship; whereas, by way of examples, the terrorist attack on the offices of 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 journalists’ organisations, donation support from various foundations, and recommendations and commitments made in relation to the membership commitments of the Eastern Partnership countries to both the OSCE and the Council of Europe, have played a positive role in advancing media freedom and developing modern mass media in partner countries; whereas initiatives to enhance professionalism in journalism, ensure proper education for media workers and improve the instruments of media self-regulation in order to make them suitably operative can also contribute to the effort to build more democratic societies based on greater civic participation and respect for the rule of law;

J. whereas the promotion of investigative journalism is a useful way of improving good governance and fighting corruption; whereas, on the other hand, widespread corruption and persistent deficiencies in the rule of law have a negative impact on the media environment, undermining the credibility of media actors and preventing them from providing factual information and detached analysis;

K. whereas the development of the digital economy brings with it an untapped potential for social and economic development, as well as for the creation of growth and jobs in media sectors in the EU and the partner countries; whereas challenges arising in the course of efforts to harmonise digital markets should be addressed jointly by the EU and the Eastern Partnership countries;

L. whereas national authorities face difficulties in controlling the widespread presence on the internet of illegal content, such as terrorist propaganda, racist and xenophobic material, hate speech, sexually explicit material 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 over the need to regulate social media further;

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 opinion and interfere in the domestic policies of EU Member States and partner countries; whereas, in response to this, the EU has adopted an Action Plan on Strategic Communication and, as part of this initiative, has set up the EU Strategic Communication Task Force;

N. whereas proper media education and training in digital skills empower citizens to analyse media with a critical eye and identify propaganda and fake news;

O. whereas the document ‘20 Deliverables for 2020’ identifies concrete and tangible results for citizens on the basis of already existing commitments on the part of both the EU and the Eastern Partnership countries, including in the area of strategic communication and support for independent media;
Pursuing engagement in media freedom, integrity and pluralism, and countering negative trends

1. Reaffirms that states have the primary duty to ensure freedom of opinion and expression, and that media freedom and freedom of expression are fundamental rights that need to be promoted and protected in a democratic society; calls on the EU institutions and partner country governments to continue to engage in political dialogue on democratic and human rights issues, with priority given to those pertaining to media freedom, integrity, pluralism and the right of access to information; welcomes, in this regard, endeavours in partner countries to protect freedom of expression and to guarantee media freedom;

2. Expresses its support for a vibrant media environment that allows information and opinions of all kinds to be shared, based on a balanced mix of public and private media outlets and including digital broadcasting services, social networks and online tools for disseminating information;

3. Condemns acts of violence against, and intimidation of, journalists as major threats to media freedom; calls on the Member States and partner countries to guarantee the safety and independence of journalists and to make sure that legal instruments, including criminal investigations and prosecutions, are not misused in order to hinder journalists from working freely, or to intimidate or influence them; notes with regret that investigations and prosecutions of attacks on journalists are often slow and inadequate, if not totally inconclusive; points out that the executive and judicial powers share the responsibility of maintaining respect for media freedom and integrity and of avoiding impunity for criminal attacks and offences targeting journalists;

4. Calls for enhanced cooperation in the area of, and specific programmes for the training of security forces on, human rights, freedom of expression and the safety of journalists; considers that the term ‘journalist’ should be understood in a broader sense, to include bloggers; encourages the EU to strengthen its support for journalists’ and media professionals’ organisations in the Member States and partner countries;

5. Draws attention to the threats posed by the concentration of private media assets in the hands of a few owners; notes that horizontal concentration hampers media pluralism, while vertical concentration prevents new competitors from entering media markets; takes the view that the national authorities responsible for media market regulation should monitor such concentration processes closely and, where necessary, decide on measures or sanctions to prevent actions that create dominant positions or restrict pluralism;

6. Calls on the EU and its partner countries to ensure that national minorities have access to information in their mother tongues;

7. Is concerned at the risk of public and private media, including broadcasters, being constrained or influenced to further governments’ political interests; calls on governments to refrain from interfering with or seeking to influence the editorial policy of public media, and to provide for transparency of private media ownership; recommends, to this end, that registries of data on direct and cross-border owners and
beneficiaries of media interests be created and maintained at national level and made accessible to the public;

8. Supports the protection and confidentiality of sources as a right accorded to journalists and recognised in the case-law of the European Court of Human Rights; considers that attempts to intimidate journalists into identifying their sources, including by judicial means, clash with the media’s role of engaging in investigative reporting on matters of public interest, such as cases of crime, corruption or public wrongdoing;

9. Calls on a number of Member States and partner countries to reform their media laws in the light of international law, so as to ensure that they are not in breach of fundamental freedoms; urges the governments concerned to consider introducing changes to their media legislation, on the basis of sound objectives and of the outcomes of the consultations of the Council of Europe’s Venice Commission;

10. Considers that any new anti-terrorism legislation proposed in response to the recent wave of terrorist attacks in Europe should be formulated in such a way as to balance the need to strengthen national security with the need not to restrict freedom of expression or introduce media censorship; condemns the abuse of judicial power for the purpose of restricting media freedom; takes the view that any limitation of free expression in the name of decency or the protection of privacy should apply equally to all types of media and that, on this basis, on-line information available through the internet should not be subject to discriminatory legal restrictions; condemns any politically motivated use by media of images of people being injured or killed;

11. Calls on the Commission to make full use of all existing mechanism under the European Neighbourhood Instrument, in particular the Eastern Partnership Media Freedom Watch, in order to support media freedom in partner countries;

12. Takes note of various EU initiatives, including the Media Pluralism Monitor (MPM), that are aimed at identifying potential risks to media pluralism in the Member States; encourages the national authorities of partner countries, in particular those associated with the EU, to join such initiatives;

**Media law – improving the economic and legal frameworks in which media operate**

13. 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 on the independence of media; considers that regulation of media markets should also serve the interests of citizens, and specifically the right to free expression and the right of access to information, by securing the economic sustainability of media; believes, furthermore, that the independence of the broadcasting media is best served when it is regulated by an independent body;

14. Stresses that public media should remain impartial and should not be subject to political control by governments or serve as a propaganda channel for them;

15. Welcomes the cooperation projects launched under the Eastern Partnership aimed at strengthening independent media, professional reporting standards and journalism
ethics, involving in particular journalism training and networking activities; underlines that partner countries need to make more effective use of EU programmes of relevance to the media sector; calls for more cooperation and twinning in the media sector, and for such collaboration to be extended to include issues of relevance to the development of profitable digital media platforms;

16. Recommends that both MEPs and national parliamentarians in the Member States and the partner countries step up exchanges of expertise and experience with a view to drafting, amending and adopting legislation on media issues; welcomes the valuable assistance provided by the Council of Europe to partner country legislators with the task of reforming media legislation;

17. Expresses its concern over the use of social media for disseminating hate speech and inciting violence, and encourages the Member States and the Eastern Partnership countries to adapt and update their legislation so as to ensure that ongoing digital developments are kept within the bounds of the law; considers that collaboration with online platforms and leading media companies is crucial;

18. Urges the competent national authorities in the EU and partner countries to organise public dialogues on new laws with a direct bearing on freedom of expression and freedom of the media, and to include civil society and consult professional media organisations as part of the drafting process;

19. Supports the principle of legislative reforms aimed at establishing or strengthening fair and unbiased competition in media markets and of rejecting concentration processes and state ownership of, or dominance over, media sectors, including in the form of publishing capacity and distribution networks; recommends the drafting of legislation ensuring transparent media ownership structures and funding instruments; recommends that laws governing the audiovisual media sector should limit the opportunities for monopolies to emerge though ownership of multiple over-the-air broadcasting licenses by a single physical person or legal entity;

20. Calls on the Commission and the Eastern Partnership governments to cooperate in formulating new measures to promote transnational cooperation and alliances between print and digital media in the EU and among its neighbours, with a view to supporting the production of information content of quality and promoting linguistic diversity;

21. Supports changes to partner countries’ defamation laws that provide for the abolition of criminal defamation and set reasonable limits to compensation for moral harm;

Building public trust in the media and in the professionalism of journalists

22. Welcomes the significant efforts made by the EU and the partner countries to ensure the preservation and development of responsible and quality journalism, support media self-regulation systems, promote ethical standards for journalism and develop professional educational opportunities for journalists;

23. Notes, however, that public confidence in the media remains low, and highlights the importance of media literacy, transparency regarding the economic links between media
and political and economic circles, the development of professional ethics among journalists and the quality of media content, as key factors determining the level of citizens’ trust; recommends that further efforts be made to develop training and mentoring schemes for young journalists and that more visibility be given to prizes for young media professionals awarded under the framework of the Eastern Partnership;

24. Urges journalists’ professional associations to raise public awareness regarding cases where journalists or media publishers have acted in ways that are in blatantly contradiction of their moral responsibility;

Enhancing cooperation in measures to counter propaganda under the Eastern Partnership, on a basis of full respect for human rights and freedom of expression

25. Condemns policies of propaganda and disinformation, as well as policies of confrontation, which may incite violence and hatred and may also foster intolerance and discrimination;

26. Denounces the Russian Government’s policy of seeking to influence public opinion across the European continent, discredit the EU and create divisions among the Member States and the Eastern Partnership countries by using state-controlled Russian media outlets to generate streams of fake news and distorted facts;

27. Calls on the competent authorities of the EU institutions, the Member States and the partner countries to take all necessary measures to mitigate the risks mentioned above and to protect their respective media from cyber attacks or hacking operations; stresses the need for careful monitoring of the exposure of media in EU and partner countries to outside pressures; is deeply concerned, however, regarding certain kinds of extreme measure, such as the closure or blockage of particular TV channels and websites or the unfounded denial of access to journalists;

28. Welcomes the EU Action Plan on Strategic Communication and the fact that the Commission and the EEAS have singled out a better, clearer, tailor-made strategic communication as one of the twenty key priorities of the Eastern Partnership framework, to be presented at the forthcoming summit in November 2017;

29. Stresses that these efforts must be pursued on a basis of full respect for human rights and freedom of expression; recommends, therefore, placing the focus on improving the resilience of media to propaganda and outside pressures and on developing instruments for identifying manipulative communication content; takes the view that the best way to counter propaganda is to promote fact-based, high-quality information;

30. Supports initiatives to create EU-funded transnational networks of fact-checkers, investigative journalists and researchers to scrutinise hostile attempts to influence public opinion, thereby providing policymakers with factual bases for responses to hostile disinformation;

31. Supports non-governmental watchdog organisations in the EU and partner countries that promote critical thinking and digital and media literacy, and that counter the spread of conspiracy theories and disinformation;
32. Calls on the EU to provide strong, clear and tailor-made strategic communications aimed at increasing the understanding and credibility of the EU among citizens across the Eastern Partnership, and of the Eastern Partnership among EU citizens;

33. Strongly condemns the kidnapping, ill-treatment and killing of journalists in conflict-affected zones and in the territories of Ukraine under illegal occupation (Crimea and certain parts of the Donetsk and Luhansk regions); underlines the need to end impunity for crimes against journalists and to bring those responsible to justice;

34. Calls on the partner countries to introduce programmes to support media plurality and independence in order to ensure people’s access to information and increase public support for the EU;

35. Notes that each Eastern Partnership country faces specific challenges and that a specific assessment of each country would make the implementation of the report more effective;

36. 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 responsible for European Neighbourhood policy and enlargement negotiations, the European External Action Service, and the governments and parliaments of the EU Member States and the Eastern Partnership countries.