

**RESOLUTION No 2**

**JOURNALISTIC FREEDOMS AND HUMAN RIGHTS**

The Ministers of the States participating in the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994);

**Noting** that freedom of expression, including the freedom of the media, is one of the fundamental conditions of a genuine democratic society;

**Emphasising** in this respect that the functions of all those engaged in the practice of journalism, in particular journalists, editors, publishers, directors and owners, in the different electronic and print media are essential, and that the guarantee of their freedom of expression is indispensable;

**Reaffirming** the solemn commitments which the member States of the Council of Europe have undertaken within the framework of Article 10 of the European Convention for the Protection of Fundamental Rights and Freedoms, as well as the political commitments which these States have accepted under the Declaration on the freedom of expression and information of 29 April 1982 in which the member States of the Council of Europe reiterated their firm attachment to the principles of freedom of expression and information as a basic element of democratic and pluralist society;

**Aware** of the existence of different legal and cultural traditions in the member States for reconciling the exercise of freedom of expression by those engaged in the practice of journalism with the protection of other rights and freedoms;

**Convinced** that all those engaged in the practice of journalism are in a particularly good position to determine, in particular by means of codes of conduct which have been voluntarily established and are applied, the duties and responsibilities which freedom of journalistic expression entails,

**Agree** on the following principles:

**Principle 1**

The maintenance and development of genuine democracy require the existence and strengthening of free, independent, pluralistic and responsible journalism. This requirement is reflected in the need for journalism to:

- inform individuals on the activities of public powers as well as on the activities of the private sector, thus providing them with the possibility of forming opinions;
- allow both individuals and groups to express opinions, thus contributing to keeping public and private powers, as well as society in general, informed of their opinions;
- submit the exercise of the various types of powers to continuous and critical examination.

Principle 2

The practice of journalism in the different electronic and print media is rooted in particular in the fundamental right to freedom of expression guaranteed by Article 10 of the European Convention on Human Rights, as interpreted through the case law of the Convention's organs.

Principle 3

The following enables journalism to contribute to the maintenance and development of genuine democracy:

- a) unrestricted access to the journalistic profession;
- b) genuine editorial independence vis-à-vis political power and pressures exerted by private interest groups or by public authorities;
- c) access to information held by public authorities, granted on an equitable and impartial basis, in the pursuit of an open information policy;
- d) the protection of the confidentiality of the sources used by journalists.

Principle 4

Bearing in mind the fundamental role of journalistic freedom of expression in a genuine democracy, any interference by public authorities with the practice of journalism must:

- a) be foreseen in the complete and exhaustive list of restrictions set out in paragraph 2 of Article 10 of the European Convention on Human Rights;
- b) be necessary in a democratic society and reply to a pressing social need;
- c) be laid down by law and formulated in clear and precise terms;
- d) be narrowly interpreted;
- e) be proportional to the aim pursued.

### Principle 5

Encouragement should be given by public authorities or, as appropriate, by those engaged in the practice of journalism, to:

- a) high quality systems of professional training for journalists;
- b) dialogue between journalists, editors, publishers, directors and media owners in the different electronic and print media and the authorities responsible for media policy at the governmental and intergovernmental levels;
- c) the creation or maintenance of conditions which protect journalists (national and foreign) engaged in dangerous missions or involved in dangerous situations, including by means of bilateral or multilateral agreements;
- d) transparency in regard to:
  - the ownership structures of the various media enterprises;and
  - the relationships with third parties who have influence on the editorial independence of the media.

### Principle 6

The fundamental function of journalism in a genuine democracy implies that all those engaged in its practice act in an ethical and responsible manner, in particular by not abandoning their independence nor their critical approach. Journalism shall be exercised so as to serve freedom of expression, which includes the right to receive and impart information, while respecting other fundamental rights, freedoms and interests protected by the European Convention on Human Rights.

### Principle 7

The practice of journalism in a genuine democracy has a number of implications. These implications, which are already reflected in many professional codes of conduct, include:

- a) respecting the right of the public to be accurately informed about facts and events;
- b) collecting information by fair means;
- c) presenting fairly information, comments and criticism, avoiding unjustified infringement of private life, defamation and unfounded accusations;

- d) rectifying any published or broadcast information which subsequently proves to be grossly inaccurate;
- e) observing professional secrecy with regard to the sources of information;
- f) avoiding the promotion of any violence, hatred, intolerance or discrimination based, in particular, on race, sex, sexual orientation, language, religion, politics or other opinions, national or regional origin, or social origin.

#### Principle 8

Bearing in mind the different and changing conditions of the various media, public authorities should exercise self-restraint in addressing the considerations mentioned in Principle 7 and should recognise that all those engaged in the practice of journalism have the right to elaborate self-regulatory standards - for example, in the form of codes of conduct - which describe how their rights and freedoms are to be reconciled with other rights, freedoms and interests with which they may come into conflict, as well as their responsibilities.