

Mr. Thorbjørn Jagland

Secretary General, Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex, France

cc:

Ms. Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe

Mr. Andris Mellakauls, Chair, Steering Committee on the Media and New
Communication Services

Mr. Mevlut Cavusoglu, President of PACE

Mr. Markku Laukkanen, Chair, Sub-Committee on the Media, PACE

Mr. Mats Johansson, Standing Rapporteur for Freedom of the Media of PACE

Mr. Thomas Hammarberg, Commissioner for Human Rights,

10 June 2011

Dear Mr. Thorbjørn Jagland,

As human rights, media and journalists' organisations working to promote and defend the right of freedom of expression and information we are writing to express our serious concern at the lack of action by Council of Europe member states¹ on the commitment made at the Reykjavik Ministerial Conference on 29 May 2009 to review anti-terror laws for their potential negative impacts on freedom of expression and access to information.

We call on you as Secretary General of the Council of Europe to contact the member states and urge them to comply with the very clear commitment they made in the "Resolution on Developments in anti-terrorism legislation in Council of Europe member states and their impact on freedom of expression and information" to:

[R]eview our national legislation and/or practice on a regular basis to ensure that any impact of anti-terrorism measures on the right to freedom of expression and information is consistent with the Council of Europe standards, with a particular emphasis on the case law of the European Court of Human Rights.

We urge you to use your powers, including the power vested in you under Article 52 of the European Convention on Human Rights, to request member states to declare whether their internal laws are fully protective of freedom of expression and information. Member states should ensure the effective implementation of the rights protected by the Convention as interpreted by the jurisprudence of the European Court of Human Rights.

We understand from our previous correspondence (your letter of 28 October 2009) that the Committee of Ministers was due to discuss "what support might be offered or action taken to assist member states in their review of national legislation and/or practice." To the best of our knowledge, however, the Committee of Ministers has not held such a discussion, in spite of a recommendation to do so from the Committee on Media and New Communications Services (CDMC) from its 20-23 October 2009 meeting.

In June 2010 the CDMC "expressed disappointment that little or no action has been taken towards the implementation by member states of their commitment entered into at the Reykjavik Ministerial Conference to review their national anti-terrorism legislation and practice and their impact on freedom of expression and information."

¹ Russia opted out from this commitment.

We find the lack of action on this important issue, despite pledges and reminders from civil society and the CDMC, extremely worrying. We reiterate the importance of conducting this review in order to ensure full protection of freedom of expression, access to information and media freedom. As you yourself noted on 3 May this year, on the occasion of World Press Freedom Day, "*Freedom of speech is one of the essential pillars of a genuine democracy, it requires extraordinary protection.*"

The failure to review anti-terror laws comes in a context in which recent initiatives to bolster protection of Article 10 rights have so far borne little or no fruit. In spite of broad support from the Parliamentary Assembly, the Committee of Ministers, and yourself personally, and in spite of alarming picture of legal and physical attacks on journalists and media outlets which are documented by NGOs, the OSCE's Representative on Freedom of the Media and the Council of Europe's own Parliamentary Assembly, the Council of Europe has not yet instituted effective mechanisms for monitoring and countering abuses of the right to freedom of expression and information in member states.

It is now imperative that the Council of Europe take all possible steps to guarantee member state compliance on specific commitments, including those made in Reykjavik, to evaluate their anti-terrorism laws and measures and amend them if necessary to ensure that the level of protection of the right to freedom of expression and information in the Council of Europe region is consistent with the European Convention on Human Rights.

Defence of freedom of expression and information deserves high priority as it is essential to protecting democracy and other human rights. We look forward to seeing this reflected in practical and effective ways in the Council of Europe's future programmes.

We assure you that we the undersigned are ready, with others, to assist you in this important task. We welcome your proposal to open a new and constructive dialogue with stakeholders and civil society groups to ensure that the core principles and values of the Council of Europe, including the effective protection of the right to freedom of expression and information are upheld and promoted, with in your own words "*no compromise*".

Yours sincerely,

Helen Darbshire, Access Info Europe

Gergana Jouleva, Access to Information Programme, Bulgaria

Andrei Soldatov, Agentura.ru

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Ioana Avadani, Center for Independent Journalism, Romania

Toby Mendel, Centre for Law and Democracy

Venkatesh Nayak, Commonwealth Human Rights Initiative

Pieter de Wit, Community Media Forum Europe

Yaman Akdeniz, Cyber-Rights.Org

Preben Sørensen, European Alliance of Listeners' and Viewers' Associations

Ingrid Deltenre, European Broadcasting Union

Arne König, European Federation of Journalists

Francesca Fanucci, Free Expression Associates

Eva Brems, Human Rights Centre, Ghent University

Giorgi Kldiashvili, Institute for Development of Freedom of Information, Georgia
Róisín Pillay, International Commission of Jurists
Marc Geneve, International Federation of CEMEA
Beth Costa, International Federation of Journalists
Julia Keserű, K-Monitor Watchdog for Public Funds, Hungary
Dirk Voorhoof, Legal Human Academy
Galina Arapova, Mass Media Defence Centre, Russia
William Horsley, Media Freedom Representative, Association of European Journalists
Andrei Richter, Media Law and Policy Centre, Russia
Peter Noorlander, Media Legal Defence Initiative
Hanno Gundert, n-ost Network for Reporting on Eastern Europe
Brankica Petkovic, Peace Institute, Slovenia
Klime Babunski, PRO MEDIA, Macedonia
Gabriel Nissim, SIGNIS (World Catholic Association for Communication)
Oliver Vujovic, South and East Europe Media Organisation
Sandor Orban, South East European Network for Professionalization of Media
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