



# Study Guide

## Topic Area B

### Protection of Journalism: Media Freedom in challenging times.

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**Study Guide Topic Area A: *Tackling the spillover effect of economic crisis; human rights and external debt sustainability* to be discussed at Committee of Ministers for the Ministerial Summit of the Council of Europe for its simulation during the 7<sup>th</sup> Rhodes Model Regional Co-operation to be held in Rhodes, October 12-16, 2016. Version 1.0 – Pages 22 – Last update: 03/09/2016**

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## **Welcoming Message from the Board of the Council of Europe**

Honorable ministers,

The Board of the Council of Europe is extremely pleased to welcome you in the 7<sup>th</sup> edition of the Rhodes Model Regional Co-operation (RhodesMRC), which will be held from the 12<sup>th</sup> to the 16<sup>th</sup> of October 2016 in the island of Rhodes. We are really happy to consider that you are going to be part of the committee, bearing in mind that the core of every committee, and every single debate of it, are the participants, the delegates, you. We are willing to guide you and answer to every question you may have, so as to contribute in making this conference such an unforgettable experience for all, share with you the same passion for attending simulations and urge you to develop your skills on diplomacy,

political speech and ongoing situations. Based on the specific authorities of the Council of Europe, let us present you through this study guide the agenda items that are going to be addressed during the upcoming sessions. To be more precise, these are: a) tackling the spill over effect of economic crisis; human rights and external debt sustainability and b) protection of journalism: media freedom in challenging times. Before we proceed with the analyzation of both issues, we believe it is important to tell you a few things about us, so as to know each other better.

The chairperson salutes you! My name is Evangelia Mitropoulou -it would be fully appreciated if you call me Lia- and for RhodesMRC 2016, I will have the great honor to serve as the chairperson of the Council of Europe, when at the same time representing Estonia, since Estonia holds the chairmanship of the Council of Ministers for the period May- November 2016. I will have this honor along with his excellency, the Secretary General Minas Lyrstis. As far as myself is concerned, I am a fourth year undergraduate student in the Faculty of Law in the National and Kapodistrian University of Athens. I had my internship in the Greek Ministry of Foreign Affairs and most specifically in the Directorate of the United Nations and International Organizations- this will be my 23<sup>rd</sup>-, and for the time being I am focusing on my studies, on serving my passion to participate in simulations of international organizations and European organs, working as an analyst of international affairs and volunteering.

At this point, the Secretary General salutes you! My name is Minas Lyrstis and I will serve as the Secretary General of the Council of Europe for RhodesMRC 2016. I was born in Mykonos, and I currently study at the Department of Mediterranean Studies of Aegean University. I have just finished my Erasmus+ Studies at University of Ghent(Be) and I am now looking forward to meet you at Rhodes. For the time being, I also work as a youth professional at Center of Middle East Policy and Culture(KEMMEP). I also worked as an intern at the Greek Ministry of Foreign Affairs, the UNHCR in Athens and in various research groups in University of Ghent. Moreover, I am a member of the organizing committee of Mare Nostrum, an academic conference dealing with economy, politics and international Relations in the Mediterranean Sea, held also in Rhodes every May. RhodesMRC 2016 will be my 4th Simulation at Rhodes and the 10th overall. What Minas expects from you? Study enough

and be fully prepared for these 5 day!

See you all in Rhodes!

Best regards,

Lia Mitropoulou & Minas Lyristis.

## **General Introduction on the Committee**

The Council of Europe has been created after the Second World War in order to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress. Any European State may become a member of the Council of Europe as far as it accepts the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.

This aim shall be pursued through the two organs of the Council – the Committee of Ministers and the Consultative Assembly – by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realization of human rights and fundamental freedoms.

The Committee of Ministers is the organ which acts on behalf of the Council of Europe. Each member shall be entitled to one representative on the Committee of Ministers, the Minister for Foreign Affairs or its Representative. On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements.

The Parliamentary Assembly is the deliberative organ of the Council of Europe. It shall debate matters within its competence under the Statute of the Council of Europe and present its conclusions, in the form of recommendations, to the Committee of Ministers. Each member State is represented by a delegation from its national parliament. The number of seat for each member State is given in the

Statute of the Council of Europe (Article 26).

Both these organs are served by a Secretariat directed by the Secretary General.<sup>1</sup>

Focusing on the Committee of Ministers, it is the Council of Europe's statutory decision-making body. Its role and functions are broadly defined in Chapter IV of the Statute. It meets at ministerial level once a year and at Deputies' level (Permanent Representatives to the Council of Europe) weekly. The Ministers' Deputies are assisted by a Bureau, rapporteur groups, thematic coordinators and ad hoc working parties.<sup>2</sup>

Focusing on the fact that the Council is called to the "safeguard of human rights", we need to note its primary mandates. To begin with, the Council advocates freedom of expression and of the media, freedom of assembly, equality and the protection of minorities. It has launched campaigns on issues such as child protection, online hate speech, and the rights of the Roma, Europe's largest minority. It also helps member states fight corruption and terrorism and undertake necessary judiciary reforms. Its groups of constitutional experts, known as the Venice Commission, offers legal advice to countries throughout the world. Last but not least, it monitors member states' progress in these areas and makes recommendations through independent expert monitoring bodies.

## **Introduction of the topic**

This October, the ministers of the member states of the Council of Europe will discuss about the protection of journalism in challenging times. That topic needs to be debated as the last years we note some abuse in the media society. After the Second World War measures were taken in order to prevent propaganda or manipulation from/to media and journalism in general. But UN could not observe and prevent every incident. Coe sets the agenda on protecting journalism especially on challenging times,

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<sup>1</sup> <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/001>.

<sup>2</sup> <http://www.coe.int/en/web/cm>.

and expects from the delegates-ministers to make concrete proposals on the topic, discuss and debate on them, in order to reach the best outcome that could be.

Those days, in numerous places media freedom is being violated. Imprisoning of journalists or photographers, social media cloture, newspapers are being manipulated by governments organizations or other factors, are just some of the examples that have to be discussed. Protection of freedom includes protection of journalism, and this has to be the aim of the following Council of Europe conversation.

The previous years United Nations, the European Union, the Organization for Security and Cooperation in Europe and many other international Organizations took measures in order to protect Media Freedom. Many NGO's also aided those Organizations with information and/or proposals. What the Council of Europe needs at this point is to review all those measures and proposals, propose new ideas and finally publish an official resolution which will make the world a better place for our children.

## Definitions

- *Journalism*

*“Journalism is the activity of gathering, assessing, creating, and presenting news and information. It is also the product of these activities.*

*Journalism can be distinguished from other activities and products by certain identifiable characteristics and practices. These elements not only separate journalism from other forms of communication, they are what make it indispensable to democratic societies. History reveals that the more democratic a society, the more news and information it tends to have.”<sup>3</sup>*

- *Media*

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<sup>3</sup> Definition as described at the American Press Institute (<https://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/>)

*"Communication channels from which news, entertainment, education, data, or promotional messages are disseminated. Media includes newspapers, magazines, TV, radio, billboards, telephone and internet."*<sup>4</sup>

- *Media Freedom*

*"The right to publish newspapers, magazines, and other printed matter without governmental restriction and subject only to the laws of libel, obscenity, sedition, etc."*<sup>5</sup>

- *Right of freedom of expression*

*"The right of freedom of expression is about holding opinions without interference while seeking, receiving and imparting information and ideas through any media regardless of frontiers"*<sup>6</sup>

- *Freedom of Speech*

*"Freedom of speech is the right to communicate someone's opinions and ideas without fear of government retaliation or censorship. The term freedom of expression is sometimes used synonymously, but includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used."*<sup>7</sup>

- *Right of privacy*

*" Privacy is a fundamental human right recognized in the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and in many other international and regional treaties. Privacy underpins human dignity and other key values such as freedom of association and freedom of speech. It has become one of the most important human rights issues of the modern age."*<sup>8</sup>

- *Whistleblowers*

*"A whistleblower is anyone who has and reports insider knowledge of illegal activities occurring in an organization. Whistleblowers can be employees, suppliers, contractors, clients or any*

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<sup>4</sup> <http://www.businessdictionary.com/definition/media.html>

<sup>5</sup> <http://www.dictionary.com/browse/freedom-of-the-press>

<sup>6</sup> <http://www.youthforhumanrights.org/what-are-human-rights/videos/freedom-of-expression.html>

<sup>7</sup> van Mill, David. "Freedom of Speech". Stanford Encyclopedia of Philosophy.

<sup>8</sup> <http://gilc.org/privacy/survey/intro.html>

*individual who somehow becomes aware of illegal activities taking place in a business either through witnessing the behavior or being told about it. Whistleblowers are protected from retaliation under various programs created by the Occupational Safety and Health Administration (OSHA) and the Securities and Exchange Commission (SEC).<sup>9</sup>*

## **Media Freedom**

All member states of the European Union protect the values of press freedom and freedom of expression of their citizens<sup>10</sup>, and also all states that wish to be members must make laws which are going to protect them. This is a very important decision since it makes the European Union a society of respect and freedom of journalism.

In other European countries that are not member states of EU, the situation is more complex. For example, in Switzerland media freedom consists of a fundamental value, while in Ukraine it is not being respected, especially after the civil war. In challenging times, it is a rule that journalism is one of the first things which will be manipulated; such phenomena shall be eliminated.

### **a. Legislative framework**

*“Laws alone cannot secure freedom of expression; in order that every man presents his views without penalty there must be spirit of tolerance in the entire population.”*

*- Albert Einstein*

Article 19 of the Universal Declaration of Human Rights as well as Article 19 of the International Covenant on Civil and Political Rights recognize freedom of expression and freedom of information as

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<sup>9</sup> Definition as described at Investopedia (<http://www.investopedia.com/terms/w/whistleblower.asp>)

<sup>10</sup> [http://ec.europa.eu/enlargement/policy/policy-highlights/media-freedom/index\\_en.htm](http://ec.europa.eu/enlargement/policy/policy-highlights/media-freedom/index_en.htm)

fundamental Human Rights. Although most treaties are signed by the majority of the U.N. Member-States, the implementation, protection and promotion of these rights depends on the state's discretion and national legislative frameworks<sup>11</sup>.

The Council of Europe, through adoption of the European Convention on Human Rights (ECHR), provides legal protection and promotion of such rights. More specifically, the European Convention of Human Rights Article 10 on Freedom of expression states the following:

*"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

*2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary<sup>12</sup>."*

ECHR does not recognize the freedom of expression as an absolute right, and that can mean that it is subject to restriction. One of the main reasons that the freedom of expression is usually restricted is for issues of national security and counter-terrorism policies, or more specifically "a public emergency threatening the life of the nation". Even though the Convention doesn't give exact and absolute definition of such terms, the European Court of Human Rights in the case of *Lawless vs Ireland* has provided certain characteristics. The Court stated that a public emergency is "an exceptional situation of crisis or emergency which afflicts the whole population and constitutes a threat to the organized life

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<sup>11</sup> For more information on the issue of freedom of press, you may visit <https://rsf.org/en/ranking> [ Accessed 20<sup>th</sup> July 2016].

<sup>12</sup> [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

of the community of which the community is composed”.<sup>13</sup>

Moreover, investigating and research journalism are protected by international and constitutional law, and also sanctions against journalistic activities are being deprecated. This is an important advantage of journalism as a value, since every person who wishes to work as a journalist, knows that he is protected by the legislative framework. What has to be addressed is that violations can happen, depending on the political system of a country, the situation this country is (e.g. dictatorship etc.) and other aspects. Although those happen in very rare occasions and they deserve the criticism of every international organization

Also the European Court of Human Rights strengthened the protection of the right to privacy.

Specifically, in article 10 par. 1 of Convention for the Protection of Human Rights and Fundamental Freedoms they are protected the following freedoms:

- “Freedom to hold opinions”: The freedom implies that the state must respect citizens’ opinion even if differs from its and the freedom gives citizens the right to criticize the government respecting the rule of law.
- “Freedom to impart information and ideas”: gives citizens the right to contribute information and views through all possible legal sources.
- “Freedom to receive information” is the freedom to gather information through all possible lawful sources.
- “Freedom of the press”: This is the public’s right to know. It is not mentioned clearly in the article but it has been underlined by the European Court of Human Rights.
- “Freedom of radio and TV broadcasting”: Freedom of expression is applicable for Radio and TV Broadcasting. There are some restrictions for this right as it is seen in article 10 paragraph 2. To be more specific, restriction is only being permissible for:
  - (i) The protection of public interest (e.g. national security, prevention of crimes, health and moral

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<sup>13</sup> Michaelsen, C. Permanent Legal Emergencies and the Derogation Clause in International Human Rights Treaties: A Contradiction?. In Masferrer, A. ed. Post 9/11 and the State of Permanent Legal Emergency: Security and Human Rights in Countering Terrorism. London: Springer (2012).

issues)

- (ii) The protection of other personal rights (e.g. personal data, protection of reputation)
- (iii) The protection of the authority and objectivity of the judiciary<sup>14</sup>

### **(1) CoE Recommendation No. R (2000) 7**

Recommendation on the right of journalists not to disclose their sources of information adopted by the Committee of Ministers on 8 March 2000 follows the case *Goodwin v. the United Kingdom* (1996) which was referred to the Court by the European Commission of the Human Rights on May 1994<sup>15</sup>. The Court decided that the right of protection of journalists' sources is a fundamental precondition of the freedom of press<sup>16</sup>. Since the right of journalistic resources was considered of such paramount importance, under the Steering Committee, a new body was created to fully protect and ensure the actualization of the already mentioned agreement as well as to provide further recommendation for future action.<sup>17</sup> The recommendation focuses on ways to protect journalists and guarantees their security and legal right to disclosure of sources.

The recommendation consists of 7 Principles from which, every principle appears to have a very specific function. Firstly, the report refers to the "right of non- disclosure of journalists"<sup>18</sup> and points out the importance of each and every member state to fully protect the right by implementing domestic law in accordance with the provisions of the Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>19</sup>. Secondly, the "right of non-disclosure of other persons"<sup>20</sup> recommends the equal protection of other persons who may have a professional relation with the journalist and may have access to the same source. Moreover, the "limits to the right of non- disclosure"<sup>21</sup> specifically

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14 <http://www.coe.int/t/dghl/cooperation/media/publications/Guidelines%20crisis-20080828160132en.pdf>

15 ECoHM. 1996. Case of *Goodwin v. the United Kingdom*. Application no.17488/90. Available at: [http://hudoc.echr.coe.int/eng?i%3D001-57974#{"itemid":\["001-57974"\]}](http://hudoc.echr.coe.int/eng?i%3D001-57974#{)

16 <http://merlin.obs.coe.int/iris/2000/3/article2.en.html>

17 Ibid.

18 Principle 1 of the Recommendation

19 [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

20 Principle 2 of the Recommendation

21 Principle 3 of the Recommendation

recommends an exception to be granted in case the Court decides that “circumstances are of a sufficiently vital and serious nature”<sup>22</sup> under conditions which are mentioned in the Paragraph b of the Principle 3. Furthermore, the “alternative evidence to journalists’ sources” suggests that authorities should take into consideration the available information “under national procedural law” while respecting the right to disclosure of journalistic sources. Principle 5 for “conditions concerning disclosures”<sup>23</sup> analytically sets five conditions under disclosures of sources always referring to the principles derived by the Convention. Principle 6 for “the interception of communication, surveillance and judicial search and seizure”<sup>24</sup> highlights the importance needs to be given on the protection of journalists, their data, their work and their employers by once more mentioning the role and obligations of the responsible authorities. Lastly, the Committee of Ministers propose the “protection against self-incrimination”<sup>25</sup> in which they emphasize in the relation between the self-incrimination and national laws and as long as this domestic legal framework applies, journalists should hold the right of disclosure of information identifying a source.

### **b. Press Freedom**

One of the fundamental cornerstones of a democratic society is the freedom of media that derives from the freedom of expression. The media freedom results in a well-informed, open-minded and democratic society, where information, knowledge and public discussions have few restriction, if not any at all. Variety of information is an important instrument and combined with a pluralism in opinions gives the society the opportunity to be democratic. The freedom of media, including press freedom, supports the constant observation of governmental actions, international phenomena, provides information on recent events and creates a network of trivial information, significant data and general feedback on the current

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22 Principle 3 paragraph b

23 Principle 5 of the Recommendation

24 Principle 6 of the Recommendation

25 Principle 7 of the Recommendation

events.

In order to secure freedom of press, states have to respect freedom of expression. Those rights are not just respected, but also signed conventions of the UN and other International Organizations. So they adapt laws and rules on it, in order not to suffer the consequences. Authorities have to; stay away of actions of intruding on media or manipulating them, and also guarantee that they are not going to let public or private actors do that.<sup>26</sup>

### **c. Radio and Television**

Radio and Television are two media that have an informative and also an entertaining character. Today those media are more direct to citizens. In comparison with printed media, radio and television have the advantage of being momentary and many of the broadcastings are live. Thus, they have a greater impact in people's daily life. A great deal of complaints is received by governments for extreme, inaccurate or somehow improper social, economic or political statements. At the same moment, in newspapers, people have the chance to read the article again. So editors and authors are even more careful about what they are writing because as the Latin said "scripta manent" (=the writings remain). Nevertheless, regarding radio and television most of the times they do not have the chance to see or hear the broadcasting again for many times because -as it is mentioned above- there are live broadcastings where journalists are not so careful.

Sometimes, states are more regulative in Radio and Television than in printed media. That is the reason why in almost all countries a license is necessary to use airwaves and to run media. However, these regulations may sometimes put obstacles to the free spread of information and there is an indirect control of the media by the government. The role of the legal bodies and CoE is very essential in order to monitor these regulations in the directions of the European Convention on Human Rights and the national legal framework as well.

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<sup>26</sup>[http://www.intajour.com/fileadmin/downloads/VOICE\\_Supplement\\_to\\_Bertelsmann\\_AnnualReport2010.pdf](http://www.intajour.com/fileadmin/downloads/VOICE_Supplement_to_Bertelsmann_AnnualReport2010.pdf)

**d. Internet**

Internet is not only a kind of media but it is also one of the most useful tools for the human daily life. However, there are a lot of dangers in its use. As the internet spreads through all the aspect of modern life, more problems that need to be solved reveal. In many incidents, Governments stopped the use of specific websites or applications in order to prevent the news from spreading easily. Moreover, sometimes videos or other facts that were not accepted by governments, were deleted, or made unavailable for use within those countries. The Council of Europe in co-operation with the private sector, the civil society and other actors tries to shape an Internet that respects human rights, pluralism and law. A secure and open internet environment characterized by freedom of expression, diversity, culture, education and knowledge is the main goal. Council of Europe tries to achieve this through its conventions, recommendation and guidelines referring to cybercrime, data protection and the protection of children.<sup>27</sup>

**e. Monitoring**

Non-Governmental Organizations and International Governmental Organizations monitor the freedom of journalism across EU members, Candidate states, potential Candidate States and other states. Except from monitoring, those Organizations also report on every state level of freedom of media both in calm years and also in challenging times (e.g. wars, conflicts, crises etc.). Coe monitors member states' progress in Media Freedom and makes recommendations through independent expert monitoring bodies. Many papers are released with proposals, suggestions and other ideas every year.

**f. Censorship**

*“Censorship is a word of many meanings. In its broadest sense it refers to suppression of information, ideas, or artistic expression by anyone, whether government officials, church authorities, private pressure groups, or speakers, writers, and artists themselves. It may take place at any point in time,*

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<sup>27</sup> <http://hub.coe.int/en/a-free-and-safe-internet>

*whether before an utterance occurs, prior to its widespread circulation, or by punishment of communicators after dissemination of their messages, so as to deter others from like expression. In its narrower, more legalistic sense, censorship means only the prevention by official government action of the circulation of messages already produced”<sup>28</sup>*

## **Positive and Negative Effects of Censorship in bullets**

### ***Benefits***

- Prevention of access to pornographic material by children;
- Preservation of national secret data;
- Prevention of some people’s offense from abusive scenes in movies;
- Protection of indigenous culture from bad impact of foreign ones in them;
- Elimination of racism spreading.

### ***Negatives***

- Compromising freedom of expression;
- Prevention of the free spreading of views and ideas;
- Controlling of People’s opinion;
- Elimination of the creativity in general and especially in arts;
- Possible hiding of the abuse of human rights.

*“Censorship is all about perspective. Censorship will always be a heated debate, with both sides have their positive and negatives. It can be used to prevent politically motivated propaganda and plagiarism can be prevented. Freedom of speech is compromised. Media*

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28 Definition taken: <http://www.experiencefestival.com/censorship>

*giants can push their agendas under the censorship. it hinders upon the freedom of the press. It shelters people from things that they need to know about. Censorship in books, plays, and movies may affect the overall feeling and meaning of the writing.”<sup>29</sup>*

In other words, Censorship can be either an important tool or a massive bomb for the society. The conversation starts and ends in the way censorship is used. Media Freedom cannot be real with the use of censorship, but at the same moment it is very important to keep the state secrets, or to prevent children from watching pornography etc. The only measure we should take, is to adapt the “Aristotelian Virtue” and find middle solutions on how to use Censorship.

Internet Censorship is a category that affects most people today. At 1<sup>st</sup> of June<sup>30</sup> a study was released, concerning the actions of 47 member states upon online restrictions. According to the Secretary General of Coe: *“Governments have an obligation to combat the promotion of terrorism, child abuse material, hate speech and other illegal content online. However, I am concerned that some states are not clearly defining what constitutes illegal content. Decisions are often delegated to authorities who are given a wide margin for interpreting content, potentially to the detriment of freedom of expression. On the basis of this study we will take a constructive approach and develop common European standards to better protect freedom of expression online”*. Laws about counter terrorism raise concerns on freedom of expression. General terms, such as “extremism” are blocked without being analogically filtered. States use different options on this. Some of them have laws, while others base on the private sector to censure the material.

Index on Censorship<sup>31</sup> is an International Organization that promotes and defends the right to freedom of expression. It has won numerous prizes for its work. Founded in 1972, it defends freedom of expression in cases of censorship and repression in journalists, Social Media users, bloggers, politicians, academics, activists and citizens, using a combination of tactics, including journalism,

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<sup>29</sup> <https://www.waterloo.k12.ia.us/schoolsites/thespectator/censorship-does-both-harm-good>

<sup>30</sup> <https://www.coe.int/en/web/tbilisi/-/council-of-europe-secretary-general-concerned-about-internet-censorship-rules-for-blocking-and-removal-of-illegal-content-must-be-transparent-and-prop>

<sup>31</sup> <http://www.indexoncensorship.org/>

campaigns and pleading. Such initiatives shall not be excluded from the mainstreaming of the efforts of the international organizations; as such, the Council of Europe shall defend, protect and promote related activities, events and organizations, which arise by the civil society and the need for a free, democratic society.

**g. Cybercrime**

Sarah Gordon<sup>32</sup> attempted to define Cybercrime stated that: *«Like traditional crime, Cybercrime has many different facets and occurs in a wide variety of scenarios and environments. Current definitions of Cybercrime have evolved experientially. They differ depending on the perception of both observer/prosecutor and victim, and are partly a function of computer-related crimes geographic evolution. For example, the Council of Europe’s Cybercrime Treaty uses the term “Cybercrime” to refer to the offences ranging from criminal activity against data to content and copyright infringement. However, Zeviar-Feese suggests that the definition is broader, including activities such as fraud, unauthorized access, child pornography, and cyberstalking. The United Nations Manual on Prevention and Control of Computer Related Crimes includes fraud, forgery, and unauthorized access in its cybercrime definition”<sup>33</sup>*

A useful instrument is its Additional Protocol concerning the criminalization of acts of racist and xenophobic committed through internet systems<sup>34</sup>. The Protocol tries not only to harmonize substantive criminal law in the fight against racism and xenophobia on Network but also to improve international co-operation in this area

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32 Sarah Gordon is a computer security researcher, responsible for early scientific and academic work on virus writers, hackers, and social issues in computing

33 <http://vx.org.ua/lib/pdf/On%20the%20definition%20and%20classification%20of%20cybercrime.pdf>

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<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.seepag.info%2Fdownload%2FAdditional%2520Protocol%2520to%2520the%2520Convention%2520on%2520Cybercrime%2520concerning%2520the%2520criminalization%2520of%2520acts%2520of%2520a%2520racist%2520and%2520xenophobic%2520nature%2520committed%2520through%2520computer%2520systems.doc>

## **Important Examples**

According to the [www.mappingmediafreedom.org/](http://www.mappingmediafreedom.org/) which is co-founded by the European Commission, most media freedom violations happen in the Balkans, Eastern Europe and Turkey. In that Country, cases about violating freedom of journalism is a day to day situation, especially after the Russian-turkey crisis of 2015. Moreover, the failed coup followed an impressive activity of violation of the Human Rights, also in the Media sector. In Greece, Italy and Spain many cases exist too. This has to do with challenging times. Since the economic and the refugee crises are the greatest problems of those countries, journalism is not as free as it would be in times of calm and without political problems.

In Northern Europe the same problem occurs, since the attacks in Paris and Brussels, but in a lower level. The fact is that the level of Media Freedom in challenging times is much lower than the previous -calm- years. That is something that the council of ministers should discuss and cooperate upon finding solutions and proposals that could be reality. After the attacks, in the Media a wave of nationalism started, and this helped political parties of the far-right to have a massive audience. Also, the “War on Terror”, played its role on the media infrastructure, since it made the audience a bit more nervous. In fact, the whole media system changed and instead of informing or entertaining the masses, it started to spread the fear and the uncertainty.

## **Data Protection**

In today’s society more and more personal data is spread via internet. Personal Data is information for an individual and for one’s personal life. Some of this information is completely secret, some of them are only accessible by the state and there is this information that is provided by the individual on his or her own will. There come two crucial problems; the illegal use and spread of secret personal date and then the use of our willingly accessible personal data by private actors such as commercial industries. The first problem is even more important but it can be identified and solved more easily. However, the second one seems to be of less importance but we still do not know its consequences. Social Networks

(e.g. Facebook, Instagram and Twitter) host a vast and growing repository of digital personal data. It is up to our national and international authorities to protect our individual rights and data protection and not be sacrificed to social media. The Council of Europe has created some beneficial standards in this sector. The Convention for the protection of individuals with processing of personal data is the most significant tool and was adopted in 1981. What is more, recently there was an adoption of two recommendations that are dealing with protection of human rights with regard to search engines (e.g. Google) and networking services (e.g. Yahoo) because these two pose a threat to human rights and especially the right to freedom of expression and information and the right to respect for private and family life. These recommendations try to guide the governments and private companies in order to balance these rights.

## **Conclusion**

Our people must have the right to choose the type, political idea, news coverage and ideals of the media they are attending. Also, states must make sure that all media can work properly and without manipulation, or other effects. Journalism, as ideas, has to be free. Council of Europe members have to assure and secure that the values above mentioned must continue being active. We need to ensure that our press, social media, tv and internet will remain free of any activity that operates against the treaties signed the previous years

Freedom of journalism in challenging times is a topic that can have much of debating at the next Council of Europe Conference this October. Ministers should discuss thoroughly the topic, cooperate with others and in the end reach to a conclusion. The outcome should be well argued and ready to make the difference. Proposals should become draft papers, and then resolutions. We live in challenging times, and we need to prepare a better world for us and our children.

## **Points to be addressed**

- The right of journalists and media to gather and spread information should not be threatened
- Citizens of every country should be granted free access to all national and foreign media and sources of information.
- State or state-controlled institutions shall not hinder the freedom of access of the media and journalists to information. They have a duty to support them in their mandate to provide information.
- why the level of violation of press freedom rises on challenging times?
- how could we make other countries not only adapt the ECHR but also apply it?
- why journalism is being manipulated and what happens with journalists who propagandize people?
- can member states of the council of Europe fight corruption of journalism?
- how do member states of CoE cooperate in order to protect journalists?
- can we find a definition that could be adapted by every member state for; Media Freedom on challenging times,
- can we ensure that; the media have the full protection of the law and the authorities while carrying out their role
- Can journalists have access to all news and information sources?

## **Bibliography**

### **a. Books and other resources**

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"Convention for the Protection of Human Rights and Fundamental Freedoms". Council of Europe.

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**b. Related International Organizations**

UNESCO Division of Freedom of Expression and Media Development

Freedom of the Press and Freedom on the Net

Mapping Media Freedom

Freedom of Expression Awards

Section on Press Freedom

Ethical Journalism Network

Media Law Database

Institute of European Media Law

Access Info Europe

Centre for Media Pluralism and Media Freedom

Amnesty International

Association of European Journalists

The Media Diversity Institute

**c. Websites**

[www.dictionary.com](http://www.dictionary.com)

[www.uslegal.com](http://www.uslegal.com)

*\*All links of the study guide were revised at 26/8/2016*