

Reykjavik, 27th May 2009

Media and terrorism – civil society forum calls for substantial and effective review of anti-terror laws

We, members of the Forum on Anti-terrorism legislation and its impact on freedom of expression and information, welcome the commitment of Council of Europe member states to review the impact of anti-terror laws and measures on freedom of expression and media freedom.

There has been a rush to adopt anti-terror laws in the aftermath of 9/11, and this has undermined respect for human rights and the rule of law.

One worrying aspect of these laws has been the general extension of surveillance powers over citizens and their personal communications. We are particularly concerned about the shift of power to police and security agencies to monitor and intrude upon the professional activities of journalists and media, which seriously impedes their ability to report on matters of public interest.

We are also highly concerned that anti-terror laws have been poorly drafted, and the restrictions they have placed on the media and civil society have been arbitrary and open to abuse. These laws and their implementation by the state administration have compromised civil liberties and undermined respect for the rule of law. There is scant evidence that the increased security for which these laws were enacted has been achieved.

Yet there is clear evidence of the negative impact of counter-terror laws on freedom of expression and access to information, as well as instances of abuse and misuse of counter-terror laws, as revealed by reports commissioned by the Council of Europe and in the conclusions of Council of Europe conferences.

A particular feature of the recently enacted legislation is that the laws have been rarely used for the purposes for which they were ostensibly enacted. This brings into question the necessity of these laws and whether or not they were rational and proportionate for the purpose for which they were enacted. Instead they have resulted in censorship and self-censorship, to the detriment of society's right to be informed.

We reaffirm our belief that human rights must be central in the maintenance of democratic society and confirm our confidence in the Council of Europe as the guardian of human rights and justice in Europe.

We therefore welcome the call for a review at national level of all laws, regulations and practices that have been put into effect to counter terrorism and in the name of national security. To be meaningful and effective, this review should be:

- Urgent;
- Wide-ranging;

- Transparent and inclusive of all stakeholders including civil society and media groups and professionals;
- Completed within a clear deadline, and at the latest one year from now;
- Use existing Council of Europe standards on media freedom as the benchmark against which laws, regulations and practices are reviewed.

We call on all governments to act quickly to restore the public's confidence in security policies that will respect their rights.

Barbora Bukovska, ARTICLE 19

Helen Darbishire, Access info

William Horsley, Association of European Journalists

Peter Noorlander, Media Legal Defence Initiative,

Aidan White, International Federation of Journalists

Bill Bowring, School of Law, Birkbeck College, University of London

Jon Silverman, University of Bedfordshire, UK

Dirk Voorhoof, Gent University

Hans Verploeg, Netherlands Association of Journalists

Stewart Chisholm, Open Society Media Program

Yaman Akdeniz

Stig Finslo, Vice-President, Eddamedia /European Newspaper Publishers' Association

Andrei Richter, Faculty of Journalism, Lomonosov Moscow State University

The Forum, meeting in Reykjavic in preparation for the ministerial conference, brought together 40 representatives of journalists', media, lawyers' and civil rights organisations.