



Recommendation 2204 (2021)¹

Media freedom, public trust and the citizens' right to know

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 2382 \(2021\)](#) “Media freedom, public trust and the people’s right to know”, welcomes the entry into force of the Council of Europe Convention on Access to Official Documents (CETS No. 205, the “Tromsø Convention”). However, it believes that the right of access to information should be broadened further, and that a strong and comprehensive set of transparency measures giving full effect to the right of access to information should be implemented, to advance towards a wide-ranging “right to know”.

2. Therefore, the Assembly recommends that the Committee of Ministers instruct the Steering Committee for Human Rights (CDDH), in collaboration with the Steering Committee on Media and Information Society (CDMSI) as required, to:

2.1. evaluate compliance by member States with [Recommendation CM/Rec\(2017\)2](#), [Recommendation CM/Rec\(2018\)1](#) and [Recommendation CM/Rec\(2020\)1](#), and to identify further action required for their effective implementation;

2.2. prepare a comprehensive report on the models for independent monitoring and oversight of the right of access to information in the member States, also bearing in mind the dimension of democratic culture developed by the Directorate General of Democracy in the Reference Framework of Competences for Democratic Culture;

2.3. launch a study to identify good practice in the range of policy instruments that provide for accountability throughout the policy-making and administrative processes, considering in particular the conditions under which consultation, impact assessments of proposed legislation, freedom of information, the ombudsman, *ex-post* legislative reviews and administrative judicial reviews can generate accountability;

2.4. draft, based on this study, one or more soft-law instruments containing guidelines on:

2.4.1. proactive publication of information of public interest with a “transparency-by-design” approach; this should also include private bodies that have a public mandate or operate in areas of great public interest, such as the defence of human rights, environmental protection and combating corruption;

2.4.2. monitoring the implementation of and identifying good practice in preparing policy instruments that provide accountability throughout policy-making and administrative processes;

2.4.3. public access to information relating to the legislative and judicial branches, including the procedure for parliamentary questions and the rules of debate, as well as open access to all judicial decisions, provided that a proper balance is struck between the right of access and the protection of privacy;

2.4.4. transparency of lobbying by private actors;

2.4.5. public access to company registers, specifying the types of data and documents that should be made public.

1. *Assembly debate* on 22 June 2021 (17th sitting) (see [Doc. 15308](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Roberto Rampi). *Text adopted by the Assembly* on 22 June 2021 (17th sitting).



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3. The Assembly also recommends that the Committee of Ministers develop co-operation with relevant regional and international bodies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank and the Organization for Security and Co-operation in Europe on monitoring the right of access to information under the Indicator 16.10.2 of the United Nations Sustainable Development Goals, aimed at creating a strong connection between transparency, open access, sustainable development and the defence of democratic and just societies.