

Safety of journalists

Speaking notes

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Introduction

1. We need journalists. Every democratic society needs journalists. We need journalists to be at their best and to do what they do best: leaving no stone unturned as they strive to provide us with accurate and reliable information about matters that are important to us as a society. We need them to serve as public watchdogs, barking and snarling at any whiff of corruption or abuse of power. Journalists need a range of legal protections in order to fulfil those roles, with guarantees of their safety as the absolute baseline of that protection. After all, journalists often have to operate in dangerous situations or battle against resistance and hostility that manifest themselves as threats and violence.

2. But if the democratic purpose of journalism is so clear, if we need journalists so badly, why are we here? Why are we here discussing, why are we *still* here discussing, threats to the safety of journalists and shortcomings in the system of legal and practical protection for journalists? And why are we still discussing them *with such urgency*? This doesn't square with the constant efforts of intergovernmental organisations and many national governments to protect and promote the safety of journalists. It is also all the more puzzling and frustrating, given the tireless, insistent work being done day in, day out, year in, year out, by a broad community of free expression and media freedom organisations and human rights defenders. We will need to keep on discussing these issues with the same urgency until such time as there is justice for the families of murdered journalists like Daphne Caruana Galizia, Ján Kuciak, Jamal Khashoggi and Lyra McKee, and the masterminds and perpetrators of their murders have been prosecuted and convicted. We will be busy until threats and violence designed to muzzle our watchdogs have ceased.

3. I hope today's session will help us move in that direction with a very constructive and forward-looking discussion on how to improve the safety of journalists across the OSCE region. I would like to introduce the session by pointing to some recent developments at the OSCE and Council of Europe levels, which I hope will provide an impetus for continued reflection and action.

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Two OSCE milestones

4. The OSCE has produced two milestone documents dealing with the safety of journalists in past year:

- [Decision No. 3/18 - Safety of Journalists](#), which was adopted by the Ministerial Council on 7 December 2018, and

- the [Tallinn Guidelines on National Minorities and the Media in the Digital Age](#), which were issued by the High Commissioner on National Minorities in February 2019.

I will now explore each of these documents in turn.

Ministerial Council Decision No. 3/18 – Safety of Journalists

5. In its Decision No. 3/18, the OSCE Ministerial Council calls on participating States, first of all, to “[f]ully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom” (para. 1) and to bring their “laws, policies and practices” into line with those commitments and obligations, and to review and revise them, “where necessary” (para. 2).

Ending impunity for crimes against journalists is rightly singled out as a “key element in preventing future attacks” (para. 6). The Decision also addresses the broader political and societal context in which impunity can emerge (para. 7). When political leaders and public officials and figures fail to outrightly condemn all threats and attacks on journalists, including female journalists, impunity gains its first firm foothold in society.

The Decision also repeats familiar – but nonetheless important – calls for awareness-raising and training initiatives on the safety of journalists (para. 9) and for defamation laws to be properly calibrated in accordance with international human rights standards on freedom of expression (para. 11).

6. All of the substantive provisions just mentioned are more or less covered by existing instruments, in particular the Council of Europe’s Committee of Ministers’ Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors. What is the added value of Decision No. 3/18, then? How can it be seen as a milestone?

The Decision contains a number of provisions that are either novel in their own right, or novel in the specific, detailed way they are developed.

For instance, it calls on participating States to “[u]rge the immediate and unconditional release of all journalists who have been arbitrarily arrested or detained, taken hostage or who have become victims of enforced disappearance” (para. 5). This should be a routine reaction. It also calls for the establishment, or strengthening, where possible, of “national data collection, analysis and reporting on attacks and violence against journalists” (para. 10). This would yield valuable insights into the scope of the problem and a statistical evidence base for developing policies and action lines. The call to “[r]efrain from arbitrary or unlawful interference with journalists’ use of encryption and anonymity technologies” (para. 8) may seem modest, but it bears explicit mention.

Another example is the Decision’s call for the public and unequivocal condemnation of attacks and violence directed at journalists (para. 3) and specifically at women journalists (para. 4). In both cases, it spells out the different types of attacks and violence involved. This itemization is very confronting, but also very revealing. Indeed, this is true of the hard and very important work being done on the OSCE Representative on Freedom of the Media’s [#SOFJO – Safety of Female Journalists Online campaign](#) over the past few years. The campaign has been doing pioneering work, naming the specific safety-related threats to the work and lives of female journalists, unpacking the different layers of harm and viciousness, and educating and warning about the dangers they pose.

HCNM – The Tallinn Guidelines on National Minorities and the Media in the Digital Age

7. The Tallinn Guidelines on National Minorities and the Media in the Digital Age stress the importance of the safety of journalists, even though it is not their central focus. The Guidelines seek to foster robust, public debate in which everyone, including persons belonging to national minorities, can participate effectively and without fear. They recommend that States put in place and implement “effective systems of legal and practical protection to guarantee the safety and security of everyone wishing to participate in public debate” (Guideline 3).

With their focus on the digital age, the Tallinn Guidelines remind us that public debate today is shaped by a range of actors: journalists, and other media actors such as citizen journalists, NGOs, academics, bloggers, whistleblowers, fact-checkers, ordinary individuals, etc. This realisation has prompted international and European human rights law to embrace an expansive understanding of journalism and public debate.

The Tallinn Guidelines underscore the importance of safety of journalists as a key feature of the enabling environment for freedom of expression and media freedom that States must ensure.²

The Council of Europe

8. The Council of Europe’s [Committee of Ministers’ Recommendation CM/Rec\(2016\)4 to member States on the protection of journalism and the safety of journalists and other media actors](#) remains a key reference point.³ It offers detailed guidance, organised around four pillars:

- Prevention (legislative framework, independent and substantive periodic review of laws and practice);
- Protection (law enforcement, redress mechanisms, gender-specificity, safety trainings, digital security);
- Prosecution (general requirements for investigation and prosecution; impunity);

² An animation presenting the Tallinn Guidelines is available at: <https://www.osce.org/hcnm/410759>.

³ An infographic positioning Recommendation CM/Rec(2016)4 in the Council of Europe’s overall approach to the protection of journalism and the safety of journalists and other media actors is available at: <https://www.ivir.nl/publicaties/download/CM-Rec20164-Infographic.pdf>.

- Promotion of information, education and awareness-raising.

The Council of Europe has been developing an Implementation Strategy for the Recommendation.

9. [The Platform to promote the protection of journalism and safety of journalists](#), hosted by the Council of Europe, and run by 14 Partner Organisations,⁴ is an alert-based system that warns of threats to media freedom across the 47 Member States of the Council of Europe. The Platform's partners, including journalists' and media organisations as well as freedom of expression advocacy groups, can register alerts about the safety of journalists, and request responses by States to the individual alerts. According to the Platform's data, there are currently 118 journalists in detention across the Council of Europe region, as well as 20 cases of impunity for killings of journalists. Since the launch of the Platform in April 2015, there have been 609 alerts in 39 countries (353 of which have been resolved or have elicited responses from Member States) and 26 journalists have been killed.⁵

10. The overlap between the efforts of the OSCE and the Council of Europe could lead to further synergies. The level of detail provided by the Council of Europe Recommendation could prove useful in a broader OSCE context. The Representative on Freedom of the Media's statements are already a valuable source of information and updates on alerts posted on the Platform. It would certainly be very much in keeping with the spirit of Decision No. 3/18 if OSCE participating States (which are also members of the Council of Europe) were to be more responsive to alerts on the platform. Improved responsiveness by States would also contribute to constructive dialogue on concrete threats to journalists and the media. There is much room for cross-fertilisation of best, good and promising practices in implementation strategies: legislative and administrative innovations, helplines, hotlines, legal aid, emergency funds, police protection, safe houses, multi-stakeholder involvement in enquiries into cases of impunity, etc. In the Netherlands, the coordination of many of these activities through a dedicated [Steering Group on Aggression and violence against journalists](#),⁶ has yielded important results. The Steering Group comprises representatives of the Public Prosecutor's Office, the Police force, the Dutch Association of Journalists and the Dutch Society of Editors-in-Chief.

Conclusions and looking ahead

11. The point is frequently made that we already have a strong set of international and European standards to ensure the safety of journalists and other media actors. But do we also have the political commitment to implement those standards effectively? That set of international and

⁴ European Federation of Journalists (EFJ), The International Federation of Journalists (IFJ), Association of European Journalists (AEJ), ARTICLE 19, Reporters without borders, Committee to Protect Journalists, Index on Censorship, International Press Institute, International News Safety Institute, the Rory Peck Trust, the European Broadcasting Union (EBU), PEN International, the European Centre for Press and Media Freedom, Free Press Unlimited.

⁵ Data gathered from the Platform on 17 September 2019.

⁶ For more information about the Steering Group, see (in Dutch): <https://www.nvj.nl/nieuws/minister-bekrachtigt-afspraken-tegen-geweld-en-bedreiging-journalisten>. An (unofficial) English-language translation of the Agreement reached by the Steering Group, supported by the Minister of Justice, is available at: <https://www.ivir.nl/publicaties/download/Agreement-of-the-Steering-Group-on-Aggression-and-violence-against-journalists-EN-translation.pdf>.

European standards has recently been fortified by two new OSCE texts. The unanimous adoption of Decision No. 3/18 must count for something, but the political challenge must now be to ensure that the document becomes a roaring tiger, not a paper tiger. The Decision comprises 14 points (some of which could even be merged). It is short and sharp; clear and uncompromising. It is a no-nonsense document and follow-up by participating States ought to be equally no-nonsense. How could this be achieved? What best practices from your own countries and organisations could you already share today?

12. In conclusion, I wish to return to and reiterate my opening words. We need journalists. And journalists need us. Especially on days like today, at gatherings like this, where there is energy and potential for cooperative, creative action ready to be galvanized. We need journalists to be at their best so that they can do what they do best. And they would say precisely the same about us.