

OSCE Human Dimension Implementation Meeting**Warsaw, 16 to 27 September 2019****Working sessions 4 and 5: Safety of Journalists****Contribution of the Council of Europe****OVERVIEW OF THE WORK OF THE COUNCIL OF EUROPE IN THE INFORMATION SOCIETY FIELD**

The Council of Europe's activities in the information society field aim to promote the right to freedom of expression and information, as guaranteed by Article 10 of the European Convention on Human Rights (the Convention), as well as the free flow of information at the pan-European level and the respect for private life as guaranteed by Article 8 of the Convention. Whilst the European Court of Human Rights provides judicial protection of the right to freedom of expression and information and to private life and data protection, the Council of Europe policy-making work strives to map out measures that will facilitate the effective exercise of these rights and freedoms both in the off-line and in the on-line environment, having due regard to new services, technologies and trends.

Main activities and achievements in the area of safety of journalists

The Council of Europe possesses many tools to assist Member States in securing a favourable environment for journalists and ensuring their safety. It is currently expanding these tools and fast-tracking their implementation as the issue of safety of journalists and other media actors has been identified as a priority area of work for the Council of Europe by its Secretary General.

Recommendation CM/Rec(2016)4 on the Protection of Journalism and the Safety of Journalists and other Media provides detailed guidance on how to ensure the protection of journalism and the safety of journalists and other media actors through a four pronged approach encompassing prevention, protection, prosecution and promotion of awareness. While in principle, it is a soft-law instrument, in substance it codifies a number of rules and principles from the case law of the European Court of Human Rights that are legally binding for the member states.

The Council of Europe adopted in 2018 an *Implementation Strategy on the Safety of Journalists* including an Implementation Guide to Recommendation CM/Rec(2016)4 to assist Member States with its implementation. The Implementation Guide explains and provides context to the recommendation, including the ECtHR's jurisprudence on which it is based; it establishes indicators against which progress in the implementation of the Recommendation can be assessed; identifies valuable practices from 47 Member States and from civil society in the area of protection and prosecution; offers States suggestions as to how to implement the Recommendation; and offers a self-assessment tool. The

Implementation Guide will be published by the end of 2019. The Implementation Strategy also foresees the creation of a database of best practices and the development of an on-line training course on the safety of journalists for judges, lawyers, prosecutors, journalists and law enforcement officials, that will be ready in early 2020.

The Council of Europe's Committee of Ministers agreed in November 2018 to place the safety of journalists as an urgent issue to address during the *2020 Conference of Ministers responsible for Media and Information Society*, that will be held in Nicosia, Cyprus, and to secure, at that time, Member States' commitment to adopt dedicated National Action Plans. Ahead of the Ministerial Conference, a document outlining the urgent need to implement CM/Rec(2016)4 by way of adoption of National Action plans has been produced and lays out: the characteristics that such action plan should have; possible action points for the prevention, protection, prosecution and awareness-raising pillars. It provides a number of best practices for those action points.

Following the prospective adoption of a Resolution on the safety of journalists during the 2020 Ministerial conference in Cyprus, the Council of Europe will produce Guidelines for Member States, expanding on the possible action points to include in national action plans.

The Information Society Department (ISD) published the *study "Journalists under pressure"* in April 2017. It was conducted among 940 journalists in the 47 Council of Europe member states and Belarus. The study/survey assesses the prevalence and impact of unwarranted interference on journalists and documents extended attacks on the physical and psychological integrity of journalists, the harassment of journalists, the experience of impunity, threats to journalistic sources as well as measures and acts having a chilling effect on media freedom. The ISD is now conducting a *Qualitative study on the safety of journalists* as a content-enriched follow up to the 2017 study. It will be based on detailed account of 20 investigative journalists about the risks and threats they have encountered, the impact on their work and life, the strategies they've developed, and provides some ideas on the remedies that should be available to them.

Safety of journalists is also a focus of *Council of Europe cooperation programmes*. Safety of journalists was included in the "Strengthening Freedom of Media and Establishing a Public Broadcasting System in Ukraine" project (2016-2018). Journalists' safety will be an important part of the upcoming cooperation project targeting specific needs in the field of freedom of expression and media in South-East Europe (the so-called JUFREX II). Training will target all relevant stakeholders – journalists and their professional associations, law enforcement agencies, the judiciary – towards increased safety for journalists working in the Western Balkans

Other main activities and achievements in the field of media freedom

[2018 Report on Freedom of Expression](#)

The Information Society department (ISD) is continuing its report on freedom of expression, integrated, in the past, in the annual reports of the Secretary General of the Council of Europe. In 2019, the Information Society department has published a separate, dedicated report on freedom of expression. This report draws on various sources including the alerts of the Platform

to promote the protection of journalism and safety of journalists, the ECtHR case-law, Venice Commission reports and opinions, the Council of Europe Human Rights Commissioner's opinions, Council of Europe Parliamentary Assembly's reports and ISD assessments of national freedom of expression legislation. It addressed five areas:

- Legal guarantees for FoE
- Safety of journalists and other media actors
- Media independence
- Media pluralism and diversity
- FoE on the internet.

This year's highlights on journalists' safety included the progress made in the murder investigations of D. Caruana Galizia, J. Kuciak, criminal prosecutions of Turkish journalists, smear campaigns against journalists in Slovakia and Serbia, Hungarian legislative package criminalising some NGO activities, Russian and Ukrainian interferences with the work of media workers, and state surveillance and bulk interception of communications.

Platform to promote the protection of journalism and safety of journalists

The Platform to promote the protection of journalism and safety of journalists (<http://www.coe.int/fom>) has been functioning since April 2015, as a mechanism to report serious concerns about media freedom and safety of journalists in Europe, and to contribute to the capacity of the Council of Europe and its member states to address and respond to these threats.

It is a co-operation platform between the Council of Europe and a number of partner organisations - prominent European associations of journalists and international NGOs active in the field of freedom of expression - which alert the Council of Europe on ongoing threats to freedom of the press and safety of journalists.

Alerts and replies are also brought to the attention of Council of Europe bodies, which may raise them with member states or the Committee of Ministers, where they can serve as a starting point for actions or dialogue. The Platform publishes additional information, reports on action taken by state bodies, updates the information as the situation evolves. It also posts follow-up carried out by Council of Europe bodies. Systematic attention is given to the follow-up made by the OSCE Representative on Freedom of the Media. Where partner organisations consider a threat to media freedom no longer active, an alert is labelled as "resolved", which is the ultimate purpose.

Since 2015, 604 alerts originating from 39 member states have been registered, out of which 292 have received a state reply. In 126 cases, the state authorities have taken measures to address the threat reported that were deemed sufficient by the partner organisations to consider a situation "resolved". The data collected and disseminated through the Platform captures an accurate picture of the status of media freedom across the 47 Council of Europe member states. Since 2018, the partner organisations issue an annual report that features statistics, takes account of the Platform's activity, and identifies trends emerging from the submitted alerts and needs for adequate responses.