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Contribution by the EU to the Committee of Ministers thematic debate on the Safety of journalists – further steps for the better implementation of human rights standards

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Freedom of expression in the Charter of Fundamental Rights of the European Union

Freedom and pluralism of the media, including independent media governance, are key elements for enabling the exercise of freedom of expression, which constitutes one of the essential foundations of the European Union (EU).

The European Union's commitment to respect freedom and pluralism of the media, as well as the right to information and freedom of expression is enshrined in Article 11 of the Charter of Fundamental Rights, similar to the provision of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 11 reads as follows:

"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.

2. The freedom and pluralism of the media shall be respected."

The Charter of Fundamental Rights of the European Union became legally binding on 1 December 2009 with the entry into force of the Lisbon Treaty. According to Article 51 of the Charter, its provisions are addressed to the institutions and bodies of the EU and to Member States only when they are implementing Union law. This means that the Charter does not establish a general power for the European Commission (EC) to intervene in the area of fundamental rights, including the right to information and freedom of expression. It can intervene only when EU law comes into play, for example when EU legislation is adopted or when a national measure applies an EU law in a manner incompatible with the Charter.

EU recent action promoting safety of journalist in the context of freedom of expression and freedom of media

Media freedom and pluralism are fundamental values for the EU. At the same time matters relating to media are predominantly dealt with at the Member State level.

Nevertheless, strengthening freedom of the media, including the safety of journalists, is a longstanding top priority for the EU. Actions for promotion of freedom of the media and for supporting and enabling environment for media freedom, to guarantee all media actors are carried out by EU institutions.

The Council of the European Union

On 25-26 November 2013, the Council of the EU (Education, Youth, Culture and Sport) adopted conclusions on media freedom and pluralism in the digital environment. The Council of the EU notes that ensuring protection of journalists from undue influence was of key importance to guarantee media freedom.

The EU Council recognised that Council of Europe plays an important role in setting standards for media freedom and pluralism and the cooperation of the Commission with that body should be further continued and strengthened.

The EU Council invited Member States to take appropriate measures to safeguard the right of journalists to protect their sources and to protect journalists from undue influence. The Council invited the European Commission to continue to support projects that aim at enhancing the protection of journalists and media practitioners as well as non-legislative initiatives in the field of media ownership transparency rules.

The High-Level Group on Media Freedom and Pluralism

A High-Level Group to provide recommendations for the respect, protection, support and promotion of media freedom and pluralism in Europe was convened by EC Vice-President Neelie Kroes in 2011. The mandate of the High-Level Group on Media Freedom and Pluralism was to draw up a report for the EC with recommendations for the respect, protection, support and promotion of pluralism and freedom of the media in Europe, including existing or potential legal threats to the protection of journalists' rights and their profession in Member States.

The final report "A free and pluralistic media to sustain European democracy" was issued in January 2013¹. The High-Level Group recognised that a free and pluralistic media is crucial for European democracy. But there are currently a number of challenges which can potentially restrict journalistic freedom or reduce pluralism, whether through political influence, undue commercial pressures, the changing media landscape with new business models, or the rise of the new media. In particular, the High-Level Group found that media freedom requires a robust framework for protecting freedom of journalists in all Member States, as this represents a special aspect of the general right to freedom of expression.

Different Recommendations of the group are related to journalists' rights. For instance, Recommendation 10 suggested EU should raise the issue of journalistic freedom in all international fora where human rights and democracy are discussed. Recommendation 17 suggested that journalistic fellowships should be offered to both entry-level and mid-career candidates who could take leave from their media organisations. Recommendation 18 suggested that journalist and media organisations should adapt their codes of conduct and journalistic standards to the challenges posed by a rapidly changing media environment.

¹ The Report of the High Level Group on Media Freedom and Pluralism is available at <https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/HLG%20Final%20Report.pdf>.

Recommendation 21 suggested that all EU countries should have enshrined in their legislation the principle of protection of journalistic sources.

The Council of the EU took note of the report in its above-mentioned conclusion of 25-26 November.

Pilot projects related to media freedom and pluralism

The European Commission was asked by the European Parliament to implement 2 pilot projects in 2013. The first pilot project concerns testing and implementation of the Media Pluralism Monitoring tool which is designed to identify potential risks to media pluralism in Member States. This project is being implemented by the Centre for Media Pluralism and Media Freedom at the European University Institute.

The second pilot project concerns a European Centre for Press and Media Freedom which will follow on from the EU Charter of Fundamental Rights and European Charter for Freedom of the Press with the objective of acting as a European-level 'drop-in centre' for journalistic organisations or individuals and media actors alleging violations of those Charters. The Centre is intended to monitor and document such violations. This is also foreseen to provide an alarm centre for acute cases.

European Parliament

The European Parliament (EP) voted on 21 May 2013 a resolution drafted by its Rapporteur on Media Freedom, Renate Weber Media, on the "EU Charter: standard settings for media freedom"². According to the resolution across the EU freedom and pluralism should be monitored in all member states, and the findings published in annual reports followed up by proposals for action. This should be done, according to the text of the resolution, by the EC, the Fundamental Rights Agency and/or the European University Institute (EUI) Centre for Media Pluralism and Media Freedom. EU Parliament wanted to safeguard journalists' independence from the internal pressures of publishers or owners and the external ones of political or economic lobbies. For editors and journalists, editorial charters or "codes of conduct" are crucial to independence, as they prevent owners, governments or others from interfering with news content, stresses the text. MEPs urged the EU and its member states to support investigative journalism, as it monitors democracy and uncovers criminal offences. Ethical journalism should also be promoted in the EU, but media regulatory bodies should always be independent and created by the media sector itself.

On 13 June 2013, the EP voted a resolution on the freedom of press and media in the world³, stressing that the EU should demonstrate maximum political leadership in order to ensure the protection of journalists globally.

Furthermore, the European Parliament adopted a resolution on 3 July 2013 on the "situation of fundamental rights: standards and practices in Hungary". This resolution called on Hungarian authorities to refrain from developing or supporting mechanisms that threaten media freedom and journalistic and editorial independence.

² Resolution 2011/2246(INI).

³ Resolution 2011/2081(INI).

The European Instrument for Democracy and Human Rights

Launched in 2007, the European Instrument for Democracy and Human Rights (EIDHR) replaces and builds upon the European Initiative (2000-2006). Its aim is to provide support for the promotion of democracy and human rights in non-EU countries. The EU's political commitment to support human rights defenders is being complemented by the dedicated EIDHR financial assistance to organisations providing support to the work of human rights activists. With the EIDHR, the European Commission has provided, since 2007, over 142 million Euros to support actions defending Human Rights and their Defenders where they are the most at risk. Projects helped protecting HRDs, organisations alike but also individual defenders at risk, providing them with tangible means to work and reinforcing their capacities.

The projects selected in the past aimed at supporting journalists, often targeted because of their reports on human rights violations or because they witness human rights violations, and freedom of expression worldwide, focusing in particular on the area of the Balkans, Eastern Europe, Asia and Africa.

A new global call on defending Human Rights and their Defenders where they are the most at risk was launched in June 2013 with a budget of 15 million euros. For the period 2014-2020 a new EIDHR will enter into force.

European External Action Service

The Council of the EU adopted on 25 June 2012 a Strategic Framework on Human Rights and Democracy and the Action Plan, a fundamental human rights "package" for the development of the EU human rights policy. The Strategic Framework sets out the principles, objectives and priorities designed to improve the effectiveness and consistency of the EU policy in the next ten years. This framework is being into practice through the Action Plan.

The Action Plan mentions the development of Guidelines on freedom of expression online and offline, including the safety of bloggers and journalists. The drafting process is actually underway. The Guidelines should be finalized in the first part of 2014.

On the World Press Freedom Day, 3 May, the EU pays tribute to journalists worldwide who dedicate their lives - sometimes at great personal cost - to reporting events or expressing views that many might prefer to silence. The EU High Representative / Vice President of the European Commission Catherine Ashton, in her 2013 Declaration, condemned the increasing level of intimidation, violence and censorship that journalists face in many countries.

The EU continues to step up its efforts to promote the safety of journalists through engagement in international fora such as the UN, UNESCO, the Council of Europe and the OSCE.

Among EU priorities for the United Nations Human Rights Council, the EU underlined the need for the Human Rights Council to maintain its focus on freedom of expression, including on the Internet.

The Annual Report on Human Rights and Democracy maps the EU's foreign policy work in the broad realm of human rights. The need for safety of journalists has been raised, inter alia,

in statements issued on the occasion of assassination of journalist in Somalia and Syria, or of detention of journalists in Belarus

Proposals for further action

The EU welcomes the discussion paper issued by the Secretary General for the thematic debate⁴ and the proposals to the Committee of Ministers for further action.

The EU reiterates its readiness to cooperate with the Council of Europe and other multilateral fora for the promotion of media freedom, including protection of journalists.

In the EU Priorities for cooperation with the CoE for the period 2014-2015, adopted by the Council of the EU (Foreign Affairs) on 18 November 2013, a specific priority on freedom of expression: freedom of expression in all its dimensions, with special focus on media freedom (including protection of journalists) and freedom of expression on the internet is included. In its conclusion of 25-26 November 2013, the Council of the EU mentioned the 2007 Memorandum of Understanding between the Council of Europe and the European Union, which lists freedom of expression and information among the shared priorities and focal areas for cooperation between these organisations. On both occasions, the EU Ministers agreed to continue and strengthen cooperation on these issues. In particular, cooperation could take place next year in the field of transparency of media ownership.

The Council of Europe participates to the consultation on the Draft Guidelines on freedom of expression online and offline, including the safety of bloggers and journalists.

In the past, some joint programmes were set up and implemented promoting freedom, professionalism and pluralism of the media, mainly in the South Caucasus. Further proposals might be examined. The EC is interested in becoming an observer of the subgroup on the protection of journalists within the Steering Committee on Media Freedom and Pluralism (CDMSI).

⁴ Information document SG/Inf(2013)42 of 2 December.