

Committee of Experts on protection of journalism and safety of journalists (MSI-JO)



**MSI-JO(2014)08
10 November 2014**

**2nd meeting, 6-7 October 2014
(Strasbourg, Palais de l'Europe, Room 6)**

Meeting Report

1. The Committee of Experts on protection of journalism and safety of journalists (MSI-JO) met in Strasbourg on 6 and 7 October 2014. The meeting was opened by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate. He provided information on developments in the field of the protection of journalists since the first meeting of MSI-JO and encouraged members to continue their result oriented approach when elaborating the guidelines.
2. In the absence of its Chair, Ms Françoise Tulkens, the meeting was chaired by MSI-JO Vice-Chair, Trond Idås.
3. The Committee adopted the agenda (Appendix II).

Main focus of the meeting

The main focus of the 2nd MSI-JO meeting was the discussion paper [Elements for Preamble](#) drafted by the Rapporteur Tarlach McGonagle (see in Appendix II).

Working methods and the structure of the draft Recommendation

The Expert Committee chose to discuss the text section by section.

The MSI-JO discussed in detail the discussion paper, as well as how to transfer it into a complete draft CM Recommendation.

The MSI-JO also discussed the outline structure that the Rapporteur had prepared overnight according to the discussions and the agreements reached on the first day. The committee also discussed on the general scope and headlines for the concrete guidelines.

The proposed structure would be as follows; 1) Preamble, 2) Operative part, 3) Principles, 4) [concrete] Recommendations (or Guidelines), and 5) Appendices.

The Expert Committee identified five points for the operative part.

The concrete recommendations (or guidelines) would be structured under four main parts: prevention, protection, prosecution and promotion of best practices.

Decisions on timelines and follow-up

The MSI-JO will hold its next meeting in Strasbourg from 19 to 20 March 2015. These dates were decided among the MSI-JO members after the meeting via e-mail.

The MSI-JO decided that the Rapporteur Tarlach McGonagle will prepare a preliminary version of the draft recommendation. Thereafter the Secretariat will send the preliminary draft recommendation to the MSI-JO with a deadline of a few days allowing for major comments. The draft will then be transmitted to the CDMSI, if possible before their next plenary meeting (18 – 21 November 2014). MSI-JO members who are also CDMSI members, together with the secretariat, will present the work of the expert committee to the mother committee.

Any other business

The MSI-JO took note of information, suggestions and recommendations provided by representatives from EU (Mr Gabriele Bertolli, EC), OSCE (Mr Juan Barata), UNESCO (Mr Ming Kuok Lim) and Reporters without Borders (Ms Prisca Orsonneau).

The Russian Federation submitted a declaration, in the same spirit as their reservation on the *CM declaration on the protection of journalism and safety of journalists and other media actors (30 April 2014)* (footnote n°1). The Committee took note of the declaration of the Russian Federation and decided to discuss it at its next meeting.

Appendix I: List of participants

Appendix II: Annotated agenda

Appendix I: List of participants 2nd meeting, Strasbourg 6-7 October 2014

Committee of experts on protection of journalism and safety of journalists (MSI-JO)

Comité d'experts sur la protection du journalisme et la sécurité des journalistes (MSI-JO)

COMMITTEE MEMBERS

MEMBRES DU COMITE

MEMBER STATES REPRESENTATIVES

REPRESENTANTS DES ETATS MEMBRES

Bulgaria

Ms Hristina Dobрева
Senior Expert, Information Technology and e-Governance Directorate
Ministry of Transport, Information Technology and Communications

Bulgaria

Mme Hristina Dobрева
Expert, Direction des technologies de l'information et de l'e-gouvernance
Ministère des transports, des technologies de l'information et de la communication

France

Mr Jérôme Bouvier
Ombudsman for the Radio France radio channels

France

M. Jérôme Bouvier
Médiateur des radios de Radio France

Georgia

Ms Irine Bartaia
Deputy Director
Department of International Law
Ministry of Foreign Affairs

Géorgie

Mme Irine Bartaia
Directeur adjoint
Service des Droits Internationaux
Ministère des Affaires Etrangères

Italy

Ms Elda Brogi
Scientific Coordinator Centre for Media Pluralism and Media Freedom
Robert Schuman Centre for Advanced Studies
European University Institute

Italie

Mme Elda Brogi
Coordinatrice scientifique, Centre pour la pluralité des médias et la liberté des médias,
Centre Robert Schuman d'études supérieures
Institut universitaire européen

Ireland

Dr Tarlach McGonagle (Rapporteur)
Institute for Information Law (IViR)
University of Amsterdam

Irlande

Dr Tarlach McGonagle (Rapporteur)
Institut du droit de l'Information (IViR)
Université d'Amsterdam

The Netherlands

Mr Nol Reijnders
Senior Adviser
Department for Media, Literature, Libraries
Ministry of Education, Culture and Science

Pays-Bas

M. Nol Reijnders
Conseiller, Service des médias, de la littérature et des bibliothèques
Ministère de l'éducation, de la culture et des sciences

Norway

Mr Trond Idaas (Vice-Chair)
Special advisor for the Norwegian Union of Journalists on safety and trauma

Norvège

M. Trond Idaas (vice-Président)
Conseiller spécial pour l'Union norvégienne des journalistes sur la sécurité et les traumatismes

Poland**Ms Małgorzata Pek
(Gender equality Rapporteur)**

Director of Legal Department
National Broadcasting Council of Poland

Russian Federation

Mr Arseny Nedyak
Deputy Director
Department of State Policy in the field of Mass
Media
Ministry of Communications and Mass Media
(Apologised)

Serbia

Ms Gordana Predić
State Secretary
Ministry of Culture and Information

“The former Yugoslav Republic of Macedonia”

Ms Vesna Poposka
Head of International Public Relations Department
Government of the Republic

INDEPENDENT EXPERTS**Mr William Horsley**

Media Freedom Representative
Association of European Journalists (AEJ)

Ms Françoise Tulkens (Chair)

Former Judge, and
Former Vice-President of the
European Court of Human Rights
(Apologised)

Pologne**Mme Małgorzata Pek
(Rapporteuse égalité hommes-femmes)**

Directrice du service juridique
Conseil national de radiodiffusion de Pologne

Fédération de Russie

M. Arseny Nedyak
Directeur adjoint, Service des politiques nationales
dans le domaine des médias de masse, Ministère de la
communication et des médias de masse
(Excusée)

Serbie

Mme Gordana Predić
Secrétaire d’Etat
Ministère de la culture et de l’information

«Ex-République yougoslave de Macédoine»

Mme Vesna Poposka
Chef du service des relations publiques internat.
Gouvernement de la République

EXPERTS INDÉPENDANTS**M. William Horsley**

Représentant pour la liberté des médias
Association des journalistes européens (AEJ)

Mme Françoise Tulkens (Présidente)

Ancienne Juge, et
Ancienne vice-Présidente de la Cour
Européenne des Droits de l’Homme
(Excusée)

PARTICIPANTS AND OBSERVERS**European Commission**

Mr Maciej Tomaszewski
DG-CONNECT (Unit G1 on Converging Media)
(Apologised)
Represented by: Mr Gabriele Bertolli

OSCE

Mr Juan Barata
Principal Adviser to the Representative on Freedom
of the Media

PARTICIPANTS ET OBSERVATEURS**Commission Européenne**

M. Maciej Tomaszewski
DG-Connect (Unité G1 sur la convergence des médias)
(Excusée)
Représenté par : M. Gabriele Bertolli

OSCE

M. Juan Barata
Conseiller principal, Bureau de la Représentante de
l’OSCE pour la liberté des médias

UNESCO

Mr Guy Berger
 Director, Division of Freedom of Expression and
 Media Development

(Apologised)

Represented by: Mr Ming Kuok Lim

Reporters without borders

Ms Prisca Orsonneau
 Coordinator of the legal committee

**Permanent Representation of Armenia
to the Council of Europe**

Ms Susanna Adamyan

**Permanent representation of the Russian
Federation to the Council of Europe**

Mr Vitaly Nevzorov

Office of the Commissioner for Human Rights

Ms Ombeline Lesselier
 Trainee

UNESCO

*M. Guy Berger
 Directeur, Division pour la liberté d'expression et le
 développement des médias*

(Excusé)

Représenté par : *M. Ming Kuok Lim*

Reporters sans frontières

*Mme Prisca Orsonneau
 Coordinateur du comité juridique*

**Représentation permanente de l'Arménie
auprès du Conseil de l'Europe**

Mme Susanna Adamyan

**Représentation Permanente de la Fédération de
Russie auprès du Conseil de l'Europe**

M. Vitaly Nevzorov

Bureau du Commissaire aux droits de l'homme

*Mme Ombeline Lesselier
 Stagiaire*

SECRETARIAT

Mr Jan Kleijssen
 Director
 Information Society and Action against Crime
 Directorate

Ms Silvia Grundmann
 Head of Media Division
 Information Society Department

Ms Onur Andreotti
 Administrator, Media Division
 Information Society Department

Ms Hanna Salmén
 Assistant, Media Division
 Information Society Department

SECRETARIAT

*M. Jan Kleijssen
 Directeur
 Direction de la Société de l'Information et de la Lutte
 contre la Criminalité*

*Mme Silvia Grundmann
 Chef de la Division Médias
 Service de la Société de l'Information*

*Mme Onur Andreotti
 Administratrice, Division Médias
 Service de la Société de l'Information*

*Mme Hanna Salmén
 Assistante, Division Médias
 Service de la Société de l'Information*

INTERPRETERS

Mr Christopher Tycwka
 Ms Bettina Ludewig
 Mr Jean-Jacques Pedussaud

INTERPRETES

*M. Christopher Tycwka
 Mme Bettina Ludewig
 M. Jean-Jacques Pedussaud*

Annotated Agenda

1. Opening of the meeting

Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate will open the meeting.

2. Adoption of the agenda

3. Information by the Secretariat

The MSI-JO will be informed about the meeting of the Bureau of CDMSI (Steering Committee on Media and Information Society), 24-25 September 2014; other information of relevance for the work of MSI-JO.

4. Discussion paper

Presentation of the discussion paper (MSI-JO(2014)06) "ELEMENTS FOR PREAMBLE" Recommendation CM/Rec ...of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors (Dr Tarlach McGonagle, Rapporteur) and related discussion to arrive at a preliminary draft recommendatio.



MSI-JO(2014)06E_D
raftRecommendationI

5. Cooperation with other organisations (EU, UN, OSCE)

The representatives of the organisations will be invited to inform the Committee on their activities of relevance for the work of MSI-JO.

6. Dates of next meetings

7. Any other business

Reference documents

- Report MSI-JO first meeting (3-4 March 2014)



MSI-JO(2014)03E_m
eeting report 3-4 Mar

- [Terms of reference](#)
- Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods
- Report - Round Table on Safety of Journalists: From commitment to action (Council of Europe, Strasbourg; 19 May 2014)



Report_RoundTable2
014-en.pdf

- Committee of Ministers Thematic debate 2012: "Safety of journalists"
[SG/Inf\(2012\)6](#) Discussion paper presented by the Secretary General
- Committee of Ministers Thematic debate 2013: "Safety of journalists – Further steps for the better implementation of human rights standards"
[SG/Inf\(2013\)42](#) Discussion paper presented by the Secretary General
[SG/Inf\(2014\)2](#) Proposals for Follow-up
- Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors adopted on 30 April 2014 [Decl\(30.04.2014\)](#)
- [Link](#) to the official text of the European Convention on Human Rights in different languages
- [MCM\(2013\)009](#): How to address current threats to journalism? The role of the Council of Europe in protecting journalists and other media actors, by Tarlach McGonagle
- [MCM\(2013\)012](#): The principles which can be drawn from the case-law of the European Court of Human Rights relating to the protection and safety of journalists and journalism, report by Philip Leach
- [MCM\(2013\)011](#): The activities of organisations in Europe working for the protection and safety of journalists and to combat impunity by William Horsley
- [Research report](#) by ECHR on Positive obligations on member States under Article 10 to protect journalists and prevent impunity
- [Resolution n° 3](#) Ministerial Conference
- [CDMSI\(2012\)Misc11Rev2](#): Study on Defamation
- CM Guidelines on eradicating impunity for serious human rights violations ([1769177](#))
- [Declaration](#) by the Committee of Ministers on the protection and promotion of investigative journalism, adopted 26 September 2007
- [Recommendation No. R\(2007\)7](#) of the Committee of Ministers to member states on the right to journalists not to disclose their sources of information

- [Recommendation 1950\(2011\)](#) on Protection of journalists' sources
- [Recommendation CM/Rec \(2011\)7](#) of the Committee of Ministers to member states on a new notion of media
- [Recommendation CM/Rec\(2013\)1](#) of the Committee of Ministers to member States on gender equality and media
- [Resolution 1636\(2008\)](#) on Indicators for media in a democracy
- [Resolution 1535\(2007\)](#) on Threats to the lives and freedom of expression of journalists
- [Resolution 1438\(2005\)](#) on Freedom of the press and the working conditions of journalists in conflict zones
- [Recommendation 1706\(2005\)](#) on Media and terrorism
- [Recommendation No R\(96\)4](#) on the protection of journalists in situations of conflict and tension
- European Court of Human Rights: [Factsheet New technologies](#)
- CM [Declaration](#) on the protection of journalists in situations of conflict and tension
- ["Speaking of terror"](#): A survey of the effects of counter-terrorism legislation on freedom of the media in Europe by David Banisar (Contains, in the appendix, Guidelines of the Committee of Ministers of the Council of Europe on protection freedom of expression and information in times of crisis, adopted on 26 September 2007 and Declaration on freedom of expression and information in the media in the context of the fight against terrorism)

Selection of documents from other organisations

- [UN plan of action](#) on the safety of journalists and the issue of impunity
- [Resolution](#) on the Safety of Journalists – United Nations Human Rights Council, 21st session
- [OSCE Safety of Journalists guidebook](#)
- [International News Safety Institute](#): Journalism Safety: Threats to media workers and measures to protect them
- Safety of journalists and the issue of impunity: revised draft resolution, United Nations General Assembly, 68th session ([A/C.3/68/L.40/Rev.1](#)) (see also [A/RES/68/163](#))
- The safety of journalists: Report of the United Nations High Commissioner for Human Rights, United Nations General Assembly, Human Rights Council, 24th session ([A/HRC/24/23](#))
- United Nations Human Rights Council - promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development ([A/HRC/27/L.7](#))



AHRC27L.7_en.pdf

- EU Guidelines on Freedom of Expression online-offline



EU_Council adopts
the Guidelines on Fre

- ORGANISATION OF AMERICAN STATES : Answers to the key questions of the outline document



OAS

Answerstoquestions. |

- [Remarks by William Horsley](#): Thematic debate Council of Europe Committee of Ministers, 12 December 2013
- [Report](#) of the High Level Group on Media Freedom and Pluralism: A free and pluralistic media to sustain European democracy, January 2013
- [Conclusions](#): Council of the European Union "Education, Youth, Culture and Sport Council meeting, 25-26 November 2013
- T.McGonagle & F.J. Cabrera Blázquez (eds.), with the collaboration of D. Voorhoof), Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights, [IRIS Themes – Vol III](#), Strasbourg: European Audiovisual Observatory, 2013
- T.McGonagle & S. Nikoltchev (eds.), Freedom of Expression and the Media: Standard-setting by the Council of Europe's Committee of Ministers, [IRIS Themes - Vol I](#), Strasbourg: European Audiovisual Observatory, 2011