

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

Freedom of Expression and Freedom of the Media

Council of Europe action in South East Europe

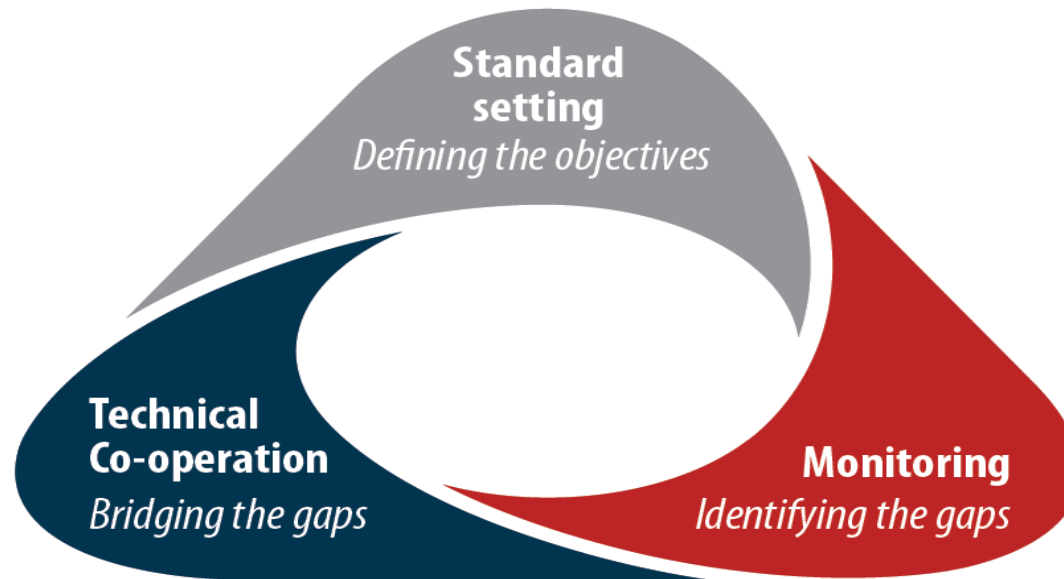
Brussels

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Head of the Information Society Department

The main standard-setting organisation on freedom of expression and freedom of the media in Europe



Its action is based on the “triangle” which represents the Council of Europe’s strongest comparative advantage

Undue political **pressure**
leading to media
censorship and self-
censorship

Longstanding **impunity** for
crimes against journalists

Generally **unsafe climate**
for investigative journalists

A steep rise in the use of
hate speech and other
harmful expressions
including inflammatory
remarks against journalists

Media resorting to
sensationalism and
unethical reporting



*“Regressing trend in the
protection of freedom of
expression and media
freedom in a considerable
part of Europe”*

**removing journalists
from the scene of
demonstrations** and
other important events
for the functioning of
democratic societies

**unjustified convictions
of criminal defamation
against journalists**

**difficulties in obtaining
access to information
held by public
authorities**



Important judgments by the European Court of Human Rights pertaining to excessive **interferences in media freedom**, which originate in applications against the Western Balkans states

Top per capita
alerts on the
platform:

1 Montenegro

3 FYROM

**4 Bosnia and
Herzegovina**

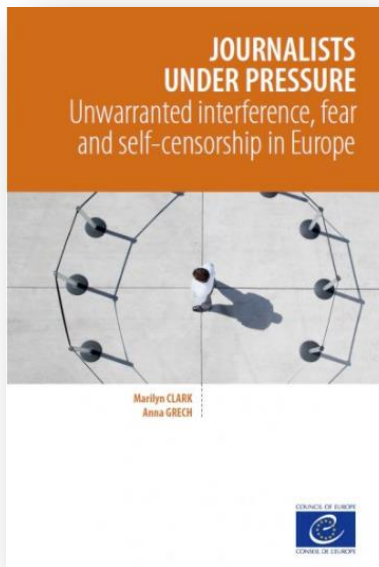
7 Albania

10 Serbia



**Western Balkan states rank in the first half
of the list of states with regard to which
alerts have been made**

Experiences of unwarranted interference in SEE countries



26% of journalists experienced **physical assault**

47% experienced **threats** of force

31% of respondents were **threatened by the police**

75% of respondents reported having experienced **psychological violence**

59% were victims of **cyberbullying**

40% of respondents became, due to these interferences, even **more resilient**

Implementation of European standards on Freedom of Expression and the Freedom of the Media

- ☐ Protection of Journalists
- ☐ Transparency of Media Ownership
- ☐ Media Pluralism
- ☐ Freedom of Expression online
- ☐ Media Literacy and Digital Literacy
- ☐ Ethical standards
- ☐ Awareness and proper implementation of ECtHR case-law on Article 10 ECHR
- ☐ Independence of Media Regulatory Authorities and harmonisation of their practices on several topics (Hate speech, Protection of minors, Co-regulation, etc.)

Recent developments

- ☐ **Serbia – drafting the new media strategy**
- ☐ **Montenegro – drafting a series of new laws upon the recommendations of the Media Sector Inquiry (JUFREX)**
- ☐ **Albania - new code of ethics and new strategy of AMA (JUFREX)**
- ☐ **“The former Yugoslav Republic of Macedonia” – recent change of Government and**
- ☐ **Bosnia and Herzegovina – static situation (*Hate Speech both off- and on-line, lack of funds for PBS, lack of transparency of Media ownership, lack of independence of CRA- the regulator*) but very active media and civil society**
- ☐ **Kosovo* - recent decrease of cases of intimidation of journalists, persists lack of transparency of media ownership**

South East Europe or Western Balkans – one region, many national identities

Albania, Bosnia and Herzegovina, Montenegro, Serbia, “The Former Yugoslav Republic of Macedonia” and Kosovo*

*“This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.”

JUFREX (April 2016 – May 2019) is a regional project which includes six national actions tailored to the specific needs of the country. It translated in a very intense action implementing more than 200 activities involving more than 2000 people.

Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe

Funded
by the European Union
and the Council of Europe



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Implemented
by the Council of Europe

Council of Europe's holistic approach in its action on Freedom of Expression and the Freedom of the Media

JUFREX is structured upon 3 components addressing specific target groups:

- ☐ Judiciary and legal professionals (70%)
- ☐ Media Regulatory Authorities (15%)
- ☐ Journalists and media actors (15%)

Component 1: Strengthening the capacities of the Judiciary and legal professionals

Main achievements:

- ☐ First examples of **domestic judgements** directly quoting and applying ECtHR case law at national level
- ☐ **Established a pool of trainers** (judges, prosecutors and lawyers) in National Training Institutions (Academies of Judges and Prosecutors and Bar Associations)
- ☐ **Developed training material** for trainers based on adult learning methodology, including handbooks, online courses, and other tools
- ☐ **Integrated training curricula** on FoE in the regular training programme of the National Training Institutions

At regional level: established a **bi-annual forum** for exchange among this specific group of trainers

Component 2: Media Regulatory Authorities

Regional cooperation constitutes a major added value

Thematic areas:

- ☐ **Hate Speech** (publication available)
- ☐ **Protection of Minors** (publication on-going)
- ☐ **Media Literacy** (to be continued in the next phase)

At national level – different kind of intervention upon specific requests of the beneficiaries.

Component 2: Examples

- ☐ **Media Sector Inquiry** (Montenegro)
- ☐ Comparative study on co-regulation (Serbia)
- ☐ **INDIREG Study** (Serbia)
- ☐ Support for the development of Annual Strategy and by-laws (Albania)
- ☐ Expertise provided license management (Albania)
- ☐ **Study on the media regulatory framework** and the online media (“the former Yugoslav Republic of Macedonia”)
- ☐ **Strengthening the role of the regulator** among media actors (Bosnia and Herzegovina)
- ☐ **Study visits** to Media Literacy Centers (Serbia, Montenegro, Bosnia and Herzegovina to Ireland and “the former Yugoslav Republic of Macedonia” to Hungary)
- ☐ **Capacity building** activities for the employees of the regulator (Kosovo* and others)

Component 3: Journalists and other media actors

- ☐ **Regional summer school** on FoE for students of journalism and law
- ☐ Diversified **national interventions** in partnership with Associations of journalists, Press Councils and Media NGOs
- ☐ **Synergies and coordination** with other actors active in the field (UNESCO, OSCE, NGOs, etc.)

Examples:

Inter-professional seminars: opening a dialogue between journalists and the judiciary

- ☐ Bosnia and Herzegovina: Dictionary of Media and Legal terms (adapted to all other countries)
- ☐ Albania: Code of Ethics (cooperation with OSCE); Self-regulation (coordination with UNESCO)
- ☐ Kosovo*: Publication on Access to information, Trainings on Protections of whistleblowers, Safety of Journalists
- ☐ All countries: Rights and duties of journalists, Hate speech, and many other....

Horizontal Facility 2019 – 2022 – under discussion

☐ **Continue both:**

- ✓ the interconnected action between the national interventions and the regional one
- ✓ the structured holistic approach on 3 components

☐ **Focus on Protection of Journalists:** online course, in-depth training material, national tutors, etc.

☐ **Enlarge the target group** for component 1 to law enforcement

☐ **Focus on Media Literacy** and the role of the Media Regulatory Authorities

☐ **Establish and/or strengthen the cooperation with Universities:** WB regional network of faculties of Law, including FoE training material for academics, etc.

Other Council of Europe actions in the SEE region

- **Latest news**

- ☐ **Recent International Conference on Hate Speech in Zagreb (6-7 November)**

- ✓ Consistent participation of Judges, Prosecutors, Media Regulatory Authorities and Self-regulatory Bodies from the region

- ☐ **Providing legal opinions on draft laws upon request of the Member States**

- ✓ Recently, expertise provided on the drafts on Media Law and PBS Law requested by Montenegrin authorities

