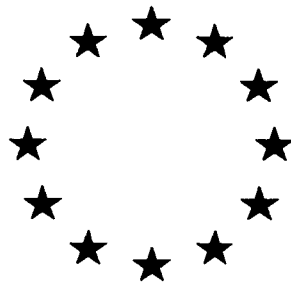


COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

Committee of Ministers  
Comité des Ministres

Strasbourg, 18 March 1996

UNCLASSIFIED  
CM/Del/Dec(96)561

**561st MEETING OF THE MINISTERS' DEPUTIES**

(held in Strasbourg on 14 March 1996)

**561st (B level)**  
**DECISIONS ADOPTED**

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561st meeting - 14 March 1996

The 561st meeting (B level) of the Ministers' Deputies opened on 14 March 1996 at 10am under the chairmanship of Mrs. K. Jaani, Deputy for the Minister for Foreign Affairs of Estonia.

PRESENT

ALBANIA	-		
ANDORRA	Miss	P.	Quillacq
AUSTRIA	Mr	J.	Fröhlich
	Mr	R.	Sturm
BELGIUM	Mr	P.	Dubuisson
BULGARIA	Mr	Y.	Chterk
CYPRUS	Mr	C.	Miltiades
CZECH REPUBLIC	Mr	J.	Svoboda
	Mr	J.	Pavliček
DENMARK	Mr	E.	Hedegaard
ESTONIA	Mrs	K.	Jaani <u>Chair</u>
	Mrs	G.	Rennel
	Mr	E.	Harremoes
FINLAND	Mrs	T.	Turunen
FRANCE	Mrs	D.	de Boisjolly-Hoyet
	Mrs	J.	Caballero-Kolbenstetter
	Mr	V.	Muller
GERMANY	Mr	P.	Schönberg
GREECE	Mr	S.	Theocharopoulos
	Mrs	V.	Dicopoulou
HUNGARY	Mr	C.	Györffy
	Mrs	J.	Jozsef

ICELAND	Mr	S.	Bjornsson
IRELAND	Mr	C.	McCamley
ITALY	Mrs Mr	P. G.	Bertini Malgarini La Barca
LATVIA	Mr	M.	Klišāns
LIECHTENSTEIN	-		
LITHUANIA	Mr	A.	Namavičius
LUXEMBOURG	Mrs	A.	Conzemius-Paccoud
MALTA	-		
MOLDOVA	Mr	E.	Cibotaru
NETHERLANDS	Mr	K.	Van Spronsen
NORWAY	Miss	I.	Stuhaug
POLAND	Mr Mr	J. J.	Regulski Wereszczynski
PORTUGAL	Mr Mr	A. C.M.	Russo Dias Velloso da Costa
ROMANIA	Mr Mr	G. L.	Magheru Ion
RUSSIAN FEDERATION	Mr	M.	Birioukov
SAN MARINO	Mr	G.	Ceccoli
SLOVAKIA	Mrs Mrs	E. M.	Ponomarenkova Mikušová
SLOVENIA	Mr	M.	Pogačnik

SPAIN	Mrs Mr	M. M.	Vilardell Hernandez Ruigomez
SWEDEN	Mr Mrs	C. M.A.	Älfvåg Ramsay
SWITZERLAND	Mr	H.	Gattiker
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	-		
TURKEY	Mr	O.	Demiralp
UKRAINE	-		
UNITED KINGDOM	Mrs Miss	H. A.	Taylor Power

561st meeting - 14 March 1996

Item 1.1

1.1

**ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS**

Decision

The Deputies adopted the agenda for their 561st meeting (14 March 1996, B level) as it appears in Appendix 1 to the present volume of Decisions.

561st meeting - 14 March 1996

Item 1.2

1.2

**CONFERENCES OF SPECIALISED MINISTERS**  
**State of preparation**  
(CM/Del/Dec/Act(96)558/1.2, CM(96)32, SG/D/Inf(96)2)

Decisions

The Deputies

With regard to the 20th Conference of European Ministers of Justice  
(Budapest, 11-12 June 1996)

1. established that there is general consent within the Committee of Ministers as to the advisability of inviting Armenia, Azerbaijan and Georgia to participate in the Conference as observers;

With regard to the 6th Conference of European Ministers of Labour  
(Bucharest, September 1997)

2. took note that the Conference will be held in Bucharest in September 1997, at the invitation of the Government of Romania;

3. took note of the provisional proposals for the general theme of the Conference, i.e. either "Employment Policies and Social Cohesion" or "Work and Social Cohesion";
4. took note that the Parliamentary Assembly will be invited to be represented at the Conference;
5. took note that the Council of the European Union, the Commission of the European Communities and the Economic and Social Committee of the European Communities will be invited to participate in the Conference;
6. took note that the European Parliament will be invited to be represented at the Conference;
7. established that there is general consent within the Committee of Ministers as to the advisability of inviting the International Labour Office (ILO) and the Organisation for Economic Co-operation and Development (OECD) to participate in the Conference as observers.

561st meeting - 14 March 1996

Item 1.3

1.3

## **CONFERENCES OF SPECIALISED MINISTERS**

### **Role, aims and organisation**

(CM/Del/Dec/Act(96)555/1.2, CM(96)36)

#### Decision

The Deputies agreed to resume consideration of this item at their 563rd meeting (16-17 April 1996, B level), in the light of a further document, taking account of the discussion held at the present meeting, to be prepared by the Secretariat.

561st meeting - 14 March 1996

Item 4.1

4.1

**DISCRIMINATION BETWEEN MEN AND WOMEN  
IN THE CHOICE OF A SURNAME AND IN THE  
PASSING ON OF PARENTS' SURNAMES TO CHILDREN  
Parliamentary Assembly Recommendation 1271 (1995)  
(CM/Del/Dec/Act(95)538/3.1b, CM(95)151, CM(96)13)**

Decision

The Deputies invited their Rapporteur Group on Equality between Women and Men to prepare a draft reply to Parliamentary Assembly Recommendation 1271 (1995) in the light of the outline drawn up by the Secretariat.

561st meeting - 14 March 1996

Item 5.1

5.1

**DRAFT DECLARATION AND DRAFT RECOMMENDATION  
ON THE PROTECTION OF JOURNALISTS IN SITUATIONS OF  
CONFLICT AND TENSION  
(CM/Del/Dec/Act(96)555/5.1, CM(95)167)**

Decision

The Deputies invited their Rapporteur Group on Human Rights to consider, at its next meeting on 22 March 1996, the draft Declaration and complementary draft Recommendation on the protection of journalists in situations of conflict and tension, as they appear in Appendices 2 and 3 to the present volume of Decisions, on the basis of the written comments of some delegations, to be circulated by the Secretariat to all delegations, with a view to preparing, for the 562nd meeting (1-4 April 1996, A level), a decision by the Deputies on this matter.

561st meeting - 14 March 1996

Item 7.1

7.1

**ROUND TABLE ON TOLERANCE, FAIR PLAY AND SPORT  
(Amsterdam, 11 April 1996)  
(CM(95)99)**

Decisions

The Deputies

1. approved the arrangements made by the Steering Committee for the Development of Sport concerning the Round Table on Sport, Tolerance and Fair Play to be held in Amsterdam on 11 April 1996;
2. authorised the Secretary General to provide secretarial services for the event.

561st meeting - 14 March 1996

Item 8.1

8.1

**PARTIAL AGREEMENT ON THE YOUTH CARD  
Appointment governmental members  
of the Board of Co-ordination  
(CM/Del/Dec/Act(95)531/8.1, (96)558/8.1, CM(96)16)**

Decisions

The Representatives on the Committee of Ministers of the member States of the Partial Agreement on the Youth Card<sup>1</sup>

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<sup>1</sup> France, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Portugal, San Marino, Spain and Switzerland.

1. appointed the following five Partial Agreement member States to designate representatives to the Board of Co-ordination for a two-year period (1996/1997):

Ireland  
Luxembourg  
Netherlands  
Portugal  
Switzerland

2. appointed San Marino as Partial Agreement member State to designate a representative for 1996 to fill the vacant seat on the Board of Co-ordination for the remainder of the two-year period 1995/1996.

561st meeting - 14 March 1996

Item 9.1

9.1

**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE  
(CLRAE)**

**Texts adopted by the Standing Committee at its 2nd Session  
(Strasbourg, 21 November 1995)**

(CM/Del/Dec/Act(96)558/1.1, CM/Inf(96)1, CM(96)5)

Decisions

The Deputies

Regarding Recommendation 15 (1995)

1. invited the Secretary General and the members of the Monitoring Committee on Confidence-Building Measures to pay particular attention to the Local Democracy Embassy Programme;

2. decided to resume consideration, at one of their forthcoming meetings, of further action (paragraph 11 and 11.B i) of the Recommendation), in the light of the outcome of the exploratory missions provided for under Urgent Measures (see document CM(96)5);

3. adopted the following interim reply to the Recommendation:

"In response to Recommendation 15 (1995) on the Local Democracy Embassies, adopted by the Standing Committee of the Congress of Local and Regional Authorities of Europe (CLRAE), the Committee of Ministers has expressed its support for the Local Democracy Embassies Programme initiated in 1993 by the Standing Conference of Local and Regional Authorities of Europe and the other proposals to assist local and regional authorities in the areas affected by the conflicts in Bosnia, Herzegovina and Croatia. The Committee of Ministers is conscious of the challenges posed by the Peace Agreement on Bosnia and Herzegovina and wishes to confirm its support for an initiative that invites territorial authorities in Europe to make a practical contribution to the peace process by associating themselves with the embassies programme.

The Committee of Ministers has taken note of the potential role of the local democracy embassies in implementing the Council of Europe's activities within the framework of the rehabilitation and reconstruction plan for Bosnia and Herzegovina. These bodies could make a particularly valuable contribution, particularly regarding the monitoring of democracy and human rights at the local level.

At their 554th meeting (January 1996, item 2.3) the Ministers' Deputies approved a series of urgent measures, contained in document CM(96)5, which are designed *inter alia* to support local democracy in Bosnia and Herzegovina and certain parts of Croatia. The measures include special assistance to each of the embassies operating in the areas concerned (Osijek, Sarajevo, Tuzla and, shortly, Sisak). The embassies' activities will be backed up by assessment visits charged with drawing up assistance programmes and identifying municipal facilities and buildings requiring reconstruction. The total assistance granted under the heading of local democracy is 1.3 million francs, 1 million of which is earmarked for the local democracy embassies. These Urgent Measures come under Vote IX of the Budget, as requested in paragraph 11.A i).

The Committee of Ministers has also taken account of the urgent requests in paragraphs 9, 10 and 11. The Council of Europe has been involved in the co-ordination of international efforts referred to in paragraph 11.B ii). The Committee of Ministers also hopes that the local democracy embassies programme will eventually receive additional financial and logistical support as part of the more ambitious measures that could be agreed in the near future (paragraph 10), in consultation with other international organisations active in the region and having regard to the financial resources that the Council of Europe makes available for that purpose.

The Committee of Ministers has asked the Secretary General and the members of the Monitoring Committee on Confidence-Building Measures to pay particular attention to the Local Democracy Embassies Programme (paragraph 11.A ii).

The Committee of Ministers will resume its consideration of paragraphs 11 and 11.B i) to determine what further action to take, in the light of the outcome of the visits to assess the needs of territorial authorities in Bosnia and Herzegovina and the regions of Croatia covered by the Urgent Measures."

Regarding Opinion 3 (1995)

4. took note of Opinion 3 on the draft Recommendation of the Committee of Ministers to member States on local authorities' budgetary deficits and excessive indebtedness which was taken into account when finalising the text of the Recommendation adopted by the Deputies at their 558th meeting (15 February 1996, item 9.2.c);

Regarding Resolutions 24 and 25

5. took note of:

- Resolution 24 (1995) on the First European Conference on Local and Regional Government Studies (Tampere, Finland, 26-28 January 1995);
- Resolution 25 (1995) on the Local Democracy Embassies.

561st meeting - 14 March 1996

Item 9.2

9.2

**"PAN-EUROPEAN BIOLOGICAL AND LANDSCAPE  
DIVERSITY STRATEGY"**  
Follow-up to the 3rd "Environment for Europe" Ministerial Conference  
(Sofia, 23-25 October 1995)  
(CM/Del/Dec/Act(96)558/9.3, CM(96)29)

Decisions

The Deputies

1. authorised the holding in Strasbourg from 15 to 17 May 1996 of the first formal meeting of the 55 States and International Organisations involved in the "Environment for Europe" process;
2. decided that the member States of the Council of Europe would meet the day before the above meeting, i.e. on 14 May 1996, to discuss questions connected with the environmental sector of the Intergovernmental Programme of Activities;
3. entrusted their Rapporteur Group on Environment and Local Authorities to consider the draft Agreement with the United Nations Environment Programme (UNEP) and the draft terms of reference of the decision-making and executive bodies, which would be prepared by the Secretariat shortly in co-operation with the UNEP, prior to their submission for approval to the Committee of Ministers after the above meeting in Strasbourg from 15 to 17 May 1996.

561st meeting - 14 March 1996

Item 9.3

9.3

**REPLY TO RECOMMENDATION 2 (1994) OF THE CONGRESS OF  
LOCAL AND REGIONAL AUTHORITIES OF EUROPE (CLRAE)  
ON MONITORING THE IMPLEMENTATION OF THE  
EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT**  
(CM/Del/Dec(96)558/9.2, CM(96)8 Addendum revised)

Decision

The Deputies adopted the following reply to Recommendation 2 (1994) of the Congress of Local and Regional Authorities of Europe (CLRAE):

"With reference to Recommendation 2 (1994) of the Congress of Local and Regional Authorities of Europe (CLRAE) on monitoring the implementation of the European Charter of Local Self-Government, the Committee of Ministers wishes to inform the Congress that it examined the Recommendation as soon as it was forwarded to it and decided to transmit it (in particular paragraph 8) to Governments of member States. In this connection, the Committee of Ministers decided to invite the Governments of member States, which might not yet have done so, to translate the European Charter on Local Self-Government into their national language(s) and to ensure its distribution to interested groups.

Furthermore, the Committee of Ministers decided to ask the Steering Committee on Local and Regional Authorities (CDLR) to provide it with the necessary information to give a reply to Recommendation 2 (1994) on monitoring the implementation of the European Charter of Local Self-Government. To this end, the Committee of Ministers asked the CDLR to study the questions set out in paragraph 7 of the Recommendation and to inform the CLRAE on the existence of:

- a) judicial remedies to verify whether or not an internal piece of legislation would be in conformity with the Charter in States which have ratified the Charter and where it has been incorporated into domestic law;
- b) procedures of which local authorities could avail themselves to verify the conformity of an internal piece of legislation with the Charter in countries which have ratified the Charter and where it has not been incorporated into domestic law.

The report prepared by the CDLR containing the information transmitted by 21 national delegations to the above two questions is set out in the appended document (CM(96)8 Addendum revised).

Moreover, the Committee of Ministers believes that the holding, within the framework of the Danish Chairmanship of the Committee of Ministers and the CLRAE, of a Conference in Copenhagen, on 17 and 18 April 1996, on "Local Self-Government in Europe: The Charter as a Democratic Mechanism to Promote Subsidiarity" will provide another opportunity for highlighting the importance of the Charter. The Conference which is organised to mark the tenth anniversary of the European Charter of Local Self-Government will focus on the implementation of the Charter in the member States which have ratified it as well as on the response to the principles established in the Charter by the States which have not ratified it."

561st meeting - 14 March 1996

Item 11.1

11.1

**REVISED STAFF REGULATIONS**  
(CM(96)37 and Corrigendum)

Decision

The Deputies decided to postpone this item to their 563rd meeting (16-17 April 1996, B level).

APPENDIX 1

561st MEETING OF THE MINISTERS' DEPUTIES  
(Strasbourg, 14 (10am) March 1996 - B level)

AGENDA

1. General questions

- 1.1 Adoption of the Agenda and of the Order of Business
- 1.2 Conferences of Specialised Ministers - State of preparation  
(CM/Del/Dec/Act(96)558/1.2, CM(96)32, SG/D/Inf(96)2)  
(Notes No. 96/262 of 29.2.96 and Addendum of 12.3.96)
- 1.3 Conferences of Specialised Ministers - Role, aims and organisation  
(CM/Del/Dec/Act(96)555/1.2, CM(96)36 of 19.2.96)  
(Notes No. 96/263 of 19.2.96)

4. Human Rights

- 4.1 Discrimination between men and women in the choice of a surname and in the passing on of parents' surnames to children - Parliamentary Assembly Recommendation 1271 (1995)  
(CM/Del/Dec/Act(95)538/3.1b, CM(95)151, CM(96)13)  
(Notes No. 96/264 of 6.3.96)

5. Mass Media

- 5.1 Draft Declaration and draft Recommendation on the Protection of Journalists in Situations of Conflict and Tension  
(CM/Del/Dec/Act(96)555/5.1, CM(95)167 Appendices III and IV)  
(Notes No. 96/265 of 29.2.96)

7. Education, Culture and Sport

- 7.1 Round Table on Sport, Tolerance and Fair play (Amsterdam, 11 April 1996)  
(CM/Del/Dec/Act(95)543/7.2, CM(95)99)  
(Notes No. 96/266 of 14.2.96)

8. Youth

- 8.1 Partial Agreement on the Youth Card - Appointment of governmental members on the Board of Co-ordination  
(CM/Del/Dec/Act(95)531/8.1, (96)558/8.1, CM(96)16)  
(Notes No. 96/530 of 28.2.96)

9. Environment and Local Authorities

- 9.1 Congress of Local and Regional Authorities of Europe (CLRAE) - Texts adopted by the Standing Committee (Strasbourg, 21 November 1995)  
(CM/Del/Dec/Act(96)558/1.1, CM/Inf(96)1, CM(96)5)  
(Notes No. 96/531 of 27.2.96)  
**(Prepared by the Rapporteur Group on Environment and Local Authorities)**
- 9.2 "Pan-European Biological and Landscape Diversity Strategy" - Follow-up to the 3rd "Environment for Europe" Ministerial Conference (Sofia, 23-25 October 1995)  
(CM/Del/Dec/Act(96)558/9.3, CM(96)29)  
(Notes No. 96/532 of 12.3.96)  
**(Prepared by the Rapporteur Group on Environment and Local Authorities)**
- 9.3 Congress of Local and Regional Authorities of Europe (CLRAE) - Reply to Recommendation 2 (1994) on Monitoring the implementation of the European Charter of Local Self Government  
(CM/Del/Dec/Act(96)558/9.2, CM(96)8 Addendum revised)  
(Notes No. 96/533 of 29.2.96)

11. Administrative questions

- 11.1 Revised staff regulations  
(CM(96)37 and Corrigendum of 12.3.96)  
(Notes No. 96/267 of 1.3.96)

APPENDIX 2  
(item 5.1)

COMMITTEE OF MINISTERS

**DRAFT DECLARATION  
ON THE PROTECTION OF JOURNALISTS  
IN SITUATIONS OF CONFLICT AND TENSION**

*(adopted by the Committee of Ministers on ... May 1996  
at its \_ Session)*

1. The Committee of Ministers of the Council of Europe condemns the growing number of killings, disappearances and other attacks on journalists and considers these to be also attacks on the free and unhindered exercise of journalism.
2. The Committee of Ministers appeals to all states, in particular to all member states of the Council of Europe, to recognise that the right of individuals and the general public to be informed about all matters of public interest and to be able to evaluate the actions of public authorities and other parties involved is especially important in situations of conflict and tension.
3. The Committee of Ministers solemnly reaffirms that all journalists working in situations of conflict and tension are, without qualification, entitled to the full protection offered by applicable international humanitarian law, the European Convention on Human Rights and other international human rights instruments.
4. The Committee of Ministers reaffirms the commitments of governments of member states to respect these existing guarantees for the protection of journalists.
5. The Committee of Ministers, on the occasion of World Press Freedom Day, draws attention to recommendation No. R (96) .. on the protection of journalists in situations of conflict and tension and the appended basic principles.
6. The Committee of Ministers instructs the Secretary General of the Council of Europe speedily to take all appropriate action on receipt of reports on violations of the rights of journalists within the jurisdiction of the member states in situations of conflict and tension. It invites the governments of member states to co-operate with the Secretary General in this regard.

7. The Committee of Ministers shall consider, together with the Secretary General, ways of strengthening existing arrangements within the Council of Europe for receiving, and taking action on, information on violations of journalists' rights in situations of conflict and tension.

APPENDIX 3  
(item 5.1)

COMMITTEE OF MINISTERS

**DRAFT RECOMMENDATION No. R (96) ..  
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES  
ON THE PROTECTION OF JOURNALISTS  
IN SITUATIONS OF CONFLICT AND TENSION**

*(adopted by the Committee of Ministers on .. May 1996  
at its \_ Session)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Emphasising that the freedom of the media and the free and unhindered exercise of journalism are essential in a democratic society, in particular for informing the public, for the free formation and expression of opinions and ideas, and for scrutinising the activities of public authorities;

Affirming that the freedom of the media and the free and unhindered exercise of journalism must be respected in situations of conflict and tension, since the right of individuals and the general public to be informed about all matters of public interest and to be able to evaluate the actions of public authorities and other parties involved is especially important in such situations;

Emphasising the importance of the role of journalists and the media in informing the public about violations of national and international law and human suffering in situations of conflict and tension, and the fact that they thereby can help to prevent further violations and suffering;

Noting that, in such situations, the freedom of the media and the free and unhindered exercise of journalism can be seriously threatened and journalists often find their lives and physical integrity at risk and encounter restrictions on their right to free and independent reporting;

Noting that attacks on the physical safety of journalists and restrictions on reporting may assume a variety of forms, ranging from seizure of their means of communication to harassment, detention and assassination;

Reaffirming the importance of international human rights instruments at both world and European levels for the protection of journalists working in situations of conflict and tension, especially the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the European Convention on Human Rights;

Reaffirming also the importance of Article 79 of the First Additional Protocol to the Geneva Conventions of 12 August 1949, adopted on 8 June 1977, which provides that journalists shall be considered as civilians and shall be protected as such;

Considering that this obligation also applies with respect to non-international armed conflicts;

Convinced that it is necessary to reaffirm these existing guarantees, to make them better known and to ensure that they are fully respected with a view to strengthening the protection of journalists in situations of conflict and tension;

Stressing that any interference with the work of journalists in such situations must be exceptional, be kept to a minimum and be strictly in line with the conditions set out in relevant international human rights instruments;

Noting that media organisations, professional organisations and journalists themselves can also contribute to enhancing the physical safety of journalists, notably by taking and encouraging practical prevention and self-protection measures;

Considering that, for the purposes of this recommendation, the term "journalist" must be understood as covering all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff such as drivers and interpreters,

Recommends that the governments of member states:

I. be guided in their actions and policies by the basic principles concerning the protection of journalists working in situations of conflict and tension set out in the appendix to this recommendation, and apply them without distinction to foreign correspondents and local journalists and without discrimination on any ground;

II. disseminate widely this recommendation and in particular bring it to the attention of media organisations, journalists and professional organisations, as well as public authorities and their officials, both civilian and military.

Appendix to Recommendation No. R (96) \_

**Basic principles concerning  
the protection of journalists  
in situations of conflict and tension**

**Chapter A Protection of the physical safety of journalists**

**Principle 1**

**Prevention**

1. Media organisations, journalists and professional organisations can take important preventive measures contributing to the protection of the physical safety of journalists. Consideration should be given to the following measures with a view to adequate preparation for dangerous missions in situations of conflict and tension:

- a. the provision of practical information and training to all journalists, whether staff or freelance, with the assistance of experienced journalists and competent specialised authorities and organisations such as the police or the armed forces;
- b. wide dissemination among the profession of existing "survival guides";
- c. wide dissemination among the profession of information on the availability of appropriate protection equipment.

2. While these measures are first and foremost the responsibility of media organisations, journalists and professional organisations, the authorities and competent specialised organisations of the member states should be co-operative when approached with requests for the provision of information or training;

**Principle 2**

**Insurance**

1. Journalists working in situations of conflict and tension should have adequate insurance cover for illness, injury, repatriation and death. Media organisations should ensure that this is the case before sending journalists employed by them on dangerous missions. Self-employed journalists should make their own insurance arrangements.

2. Member states and media organisations should examine ways of promoting the provision of insurance cover for all journalists embarking on dangerous missions as a standard feature of contracts and collective agreements.

3. Media organisations and professional organisations in member states should give consideration to setting up a solidarity fund to indemnify journalists or their families for damage suffered in cases where insurance is insufficient or non-existent.

### Principle 3

#### "Hotlines"

1. The emergency hotline operated by the International Committee of the Red Cross (ICRC) has proved invaluable for tracing missing journalists. Other organisations such as the International Federation of Journalists (IFJ) and the International Freedom of Expression Exchange (IFEX) operate effective hotlines which draw attention to cases of attacks on the physical safety of journalists and their journalistic freedoms. Media organisations and professional organisations are encouraged to take steps to make these hotlines better known among the profession. Member States should support such initiatives.

2. Journalists working in situations of conflict and tension should consider the advisability of keeping the local field offices of the ICRC informed, on a confidential basis, of their whereabouts, so enhancing the effectiveness of the hotline in tracing journalists and in taking steps to improve their safety.

**Chapter B** Rights and working conditions of journalists working in situations of conflict and tension

### Principle 4

#### Information, movement and correspondence

Member states recognise that journalists are fully entitled to the free exercise of human rights and fundamental freedoms as guaranteed by the European Convention on Human Rights (ECHR), and by protocols thereto and international instruments to which they are a party, including the following rights:

a. the right of everyone to seek, impart and receive information and ideas regardless of frontiers;

- b. the right of everyone lawfully within the territory of a state to liberty of movement and freedom to choose their residence within that territory as well as the right of everyone to leave any country;
- c. the right of everyone to respect for their correspondence in its various forms.

### Principle 5

#### Confidentiality of sources

Having regard to the importance of the confidentiality of sources used by journalists in situations of conflict and tension, member states shall ensure that this confidentiality is respected.

### Principle 6

#### Means of communication

Member states shall not restrict the use by journalists of means of communication for the international or national transmission of news, opinions, ideas and comments. They shall not delay or otherwise interfere with such transmissions.

### Principle 7

#### Checks on limitations

1. No interference with the exercise of the rights and freedoms covered by Principles 4-6 is permitted except in accordance with the conditions laid down in relevant provisions of human rights instruments, as interpreted by their supervisory bodies. Any such interference must therefore:
  - be prescribed by law and formulated in clear and precise terms;
  - pursue a legitimate aim as indicated in relevant provisions of human rights instruments; in accordance with the case-law of the European Court of Human Rights, the protection of national security within the meaning of the ECHR, while constituting such a legitimate aim, cannot be understood or used as a blanket ground for restricting fundamental rights and freedoms; and
  - be necessary in a democratic society, that is: correspond to a pressing social need, be based on reasons which are relevant and sufficient and be proportionate to the legitimate aim pursued.

2. In situations of war or other public emergency threatening the life of the nation and the existence of which is officially proclaimed, measures derogating from the state's obligation to secure these rights and freedoms are allowed to the extent that these measures are strictly required by the exigencies of the situation, provided that they are not inconsistent with other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

3. Member states should refrain from taking any restrictive measures against journalists such as withdrawal of accreditation or expulsion on account of the exercise of their professional activities or the content of reports and information carried by their media.

#### Principle 8

##### Protection and assistance

1. Member states should instruct their military and police forces to give necessary and reasonable protection and assistance to journalists when they so request, and treat them as civilians.

2. Member states shall not use the protection of journalists as a pretext for restricting their rights.

#### Principle 9

##### Non-discrimination

Member states shall ensure that, in their dealings with journalists, whether foreign or local, public authorities shall act in a non-discriminatory and non-arbitrary manner.

#### Principle 10

##### Access to the territory of a state

1. Member states should facilitate the access of journalists to the territory of destination by promptly issuing visas and other necessary documents.

2. Member states should likewise facilitate the importation and exportation of professional equipment.

## Principle 11

### Use of accreditation systems

Systems for the accreditation of journalists should be introduced only to the extent necessary in particular situations. When accreditation systems are in place, accreditation should normally be granted. Member states shall ensure that:

- a. accreditation operates to facilitate the exercise of journalism in situations of conflict and tension;
- b. the exercise of journalism and journalistic freedoms is not made dependent on accreditation;
- c. accreditation is not used for the purpose of restricting the journalist's liberty of movement or access to information; to the extent that refusal of accreditation may have the effect of restricting these rights, such restrictions must be strictly in accordance with the conditions set out in Principle 7 above;
- d. the grant of accreditation is not made dependent on concessions on the part of journalists which would limit their rights and freedoms to a greater extent than is provided for in Principle 7 above;
- e. any refusal of accreditation having the effect of restricting a journalist's liberty of movement or access to information is reasoned.

## Chapter C Investigation

### Principle 12

1. In situations of conflict and tension, member states shall investigate instances of attacks on the physical safety of journalists occurring within their jurisdiction. They shall give due consideration to reports of journalists, professional organisations and media organisations which draw attention to such attacks and shall, where necessary, take all appropriate follow-up action.
2. Member states should use all appropriate means to bring to justice those responsible for such attacks, irrespective of whether these are planned, encouraged or committed by persons belonging to terrorist or other organisations, persons working for the government or other public authorities, or persons acting in an individual capacity.
3. Member states shall provide the necessary mutual assistance in criminal matters in accordance with relevant applicable Council of Europe and other European and international instruments.

COUNCIL  
OF EUROPE



CONSEIL  
DE L'EUROPE

Committee of Ministers  
Comité des Ministres

Strasbourg, 29 April 1996

CONFIDENTIAL  
CM/Del/Act(96)561

**561st MEETING OF THE MINISTERS' DEPUTIES**

(held in Strasbourg on 14 March 1996)

**561st (B level)**  
**RECORDS**

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Introduction

At the opening of the meeting, the Chairman welcomed Mr Mikhail BIRIOUKOV from the Delegation of the Federation of Russia, who participated for the first time in a B level meeting.

She wished him every success as well as a fruitful co-operation within the Committee.