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THE ACTIVITIES OF ORGANISATIONS IN EUROPE WORKING FOR THE PROTECTION AND SAFETY OF JOURNALISTS AND TO COMBAT IMPUNITY

REPORT

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The opinions expressed in this work are the responsibility of the author
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This Report for the Council of Europe maps the main activities of the other Inter-Governmental Organisations with mandates to uphold and promote free expression and the safety of journalists in Europe and of many of the leading NGOs active in those fields; and indicates gaps and areas of concern where further efforts appear to be necessary.

The Council of Europe and the European Court of Human Rights (ECtHR) as guardians of the European Convention on Human Rights have a central role in setting standards and acting as a watchdog to uphold Article 10 rights (freedom of expression and information) as well as other rights. Uniquely, the rulings of the Court uniquely have the force of law. The OSCE and the EU, as well as other institutions, use Council of Europe standards and regularly refer to the Council of Europe's work.

Therefore a mapping survey cannot easily separate out the Council of Europe's activities from those of other actors.

The issues of protecting freedom of expression and journalists' safety have risen sharply up the political agenda in Europe. The Council of Europe and other human rights bodies acknowledge the need for additional political and perhaps legal measures to counter the increase in attacks against media workers and against press freedom in Europe and many other parts of the world. These are now judged to present a wider threat to the rule of law and democratic society. Worldwide, UNESCO recorded 115 violent deaths of journalists during 2012, making it the worst year on record.

The December 2012 Report by the OSCE's Representative on Freedom of the Media to the OSCE Permanent Council outlined the problems in the European area. She reported that since the end of 2010 at least 140 media members have been physically assaulted and hospitalised, criminal defamation charges have been filed against approximately 40 journalists, and at least 250 members of the media have been detained or jailed by law-enforcement authorities in more than a dozen participating States, many for reporting facts critical to rulers and the ruling class.

The political landscape is evolving rapidly in terms of actions needed to counter the tide of violence. Fresh evidence of dangerous trends continues to emerge, journalists warn that forced self-censorship is becoming commonplace in some European countries, an unprecedented volume of policy research and analysis is being published, and active consideration is being given by European institutions to the legal and political basis for stronger actions to protect the lives and work of journalists. These concerns echo the call in January 2012 by the Committee of Ministers of the Council of Europe for 'more impact and visibility' for actions to counter assaults on media freedom, and better coordination with other organisations.

Europe also has an impressive and expanding range of **Non-Governmental Organisations** which carry out practical and legal work to protect the lives and work of journalists and

defend freedom of the media, as well as monitoring, information-gathering, advocacy and campaigning.

They seek to influence national governments and IGOs, and in many cases governments and inter-governmental organisations rely heavily on their expertise and their advice to formulate policies. Often, when positive developments are achieved, such as the repeal of repressive laws, releases of detained journalists in Europe, or actions to loosen the unjustified grip of political or business interests over public broadcasters or media regulators, it is through the combined efforts of journalists and media associations and other NGOs together with those of the OSCE RFOM, the Council of Europe's Commissioner of Human Rights and the European Union.

PART ONE: INTER-GOVERNMENTAL ORGANISATIONS

The Council of Europe, the OSCE and the European Union are the three main European inter-governmental organisations concerned with upholding freedom of expression, media freedom and the physical safety of journalists. All have acknowledged a worsening of the climate of press freedom and the incidence of attacks against journalists and others who exercise their right to freedom of expression.

In response, all are now calling for more effective and coordinated policies and actions. Many proposals have put forward or are circulating but until now the inter-governmental organisations have not resolved to take substantial new actions which might halt or reverse the negative developments.

The heightened level of concern among European governments and societies is mirrored by a strong focus on these issues in other regions of the world, including Asia, the Middle East, Africa and Latin America, and at global level at the United Nations.

UNITED NATIONS

The safety of journalists is now the focus of unprecedented attention among UN agencies, funds and programmes. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity, launched in November 2012, represents an exceptional collective effort by the UN family to counter the growing threats to journalists' safety and media freedom. The decision to devote significant resources to the UN Plan was taken in recognition of the chilling effect of the rise in violence and intimidation, and the vital role of journalism and the news media for societies as a whole.

At the political level among UN member states, the Resolution on the Safety of Journalists adopted by the UN Human Rights Council in September 2012 also represents a landmark. It was the first time the UN's leading human rights body has focused specifically on the very high risks faced by journalists in many countries and the need to secure better protection for media workers. The resolution was accepted by consensus.

The Human Rights Council Resolution (A/HRC/21/L6) condemns all kinds of attacks and violence against journalists. It asks all States to bring those responsible for such attacks to justice and to end impunity, and calls for better international cooperation to ensure the safety of journalists, including with the Council of Europe and other regional organisations. And it underlines the need to improve the level of compliance by States with their existing binding obligations and their public political commitments.

The Resolution emphasises that freedom of expression is a fundamental pillar of democracy and a basic human right on which the exercise of other rights depends. The adoption of the text can have practical consequences in the future priorities of the Council's work, which includes regular reviews of the human rights record of every UN member state.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity: In April 2012 the United Nations Chief Executives Board, chaired by the Secretary-General Ban Ki Moon, approved the UN Plan of Action. Its far-reaching goal is to create a safe and enabling environment for journalists and media workers in all countries.

The United Nations has resolved to treat the issue of safety and security together with the issue of impunity -- the persistent failure of state authorities to bring to justice those responsible for violent attacks on journalists. The UN recognises that impunity encourages further attacks: when journalists are killed, attacked or intimidated with impunity a signal is given to would-be perpetrators and to whole populations that journalists are unprotected and may be attacked again with little or no fear of punishment.

UNESCO estimates that nine out of ten killings of journalists in Europe and worldwide go unresolved and unpunished. The Council of Europe's Secretary-General, Thorbjorn Jagland, acknowledged in a Discussion Paper presented to the Committee of Ministers in December 2011 that judgements by the European Court of Human Rights, which may come years after the damage has been done, do not by themselves provide adequate protection. 'We need', he declared, 'to reinforce our ability to anticipate, detect and help to resolve problems when and where they occur'.

The Second UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity, in Vienna in November 2012, marked the inauguration of the Plan, which foresees 120 lines of action with the participation of all relevant UN agencies or bodies, UN in-country missions, national government authorities and national and international and national NGOs.

The Council of Europe, the OSCE and other regional and international organisations are asked to contribute to implementing the goals of the UN Plan. European institutions are seen in some ways as a model for other regions. They are expected to demonstrate and help to spread best practice in terms of laws that protect press freedom, the accountability of law-enforcement agencies, safeguards of judicial independence, and compliance with States' international commitments to support free and diverse media.

The UN's Implementation Strategy calls for monitoring and follow-up actions involving the UN Development Program, UN Office of Drugs and Crime and Office of the High Commissioner for Human Rights including the Special Procedures Branch and Special Rapporteurs and other UN bodies, as well as state authorities, non-governmental organisations, media, journalists associations and others.

A series of reviews and evaluations of the progress of the UN Plan will be held involving UN bodies, States and all stakeholders. The first is due to take place in January 2014.

This year UNESCO will also compile the UN's first global report on threats to press freedom as well as threats to media workers, in cooperation with others, for discussion at UNESCO's General Conference in November 2013.

UN Human Rights Committee: In 2011 the UN Human Rights Committee issued a landmark text setting out the nature of their binding obligations with respect to the safety of journalists and safeguards for freedom of expression under the International Covenant on Civil and Political Rights (ICCPR). All Council of Europe member States are parties to the ICCPR.

The Committee's *General Comment No.34 on Article 19, Freedoms of opinion and expression* states, plainly that States should put in place effective measures against attacks aimed at silencing journalist and others who exercise their right to freedom of expression.

The Human Rights Committee is one of ten United Nations human rights treaty bodies, made up of independent experts who monitor implementation of the core international human rights treaties..

Like the UN's Special Procedures Branch, the Human Rights Committee receives complaints and issues communications to States, including those in Europe, about particular cases and issues. In 2009 and 2010 the Committee expressed serious concern regarding ten developments which occurred in the OSCE area. In each case it issued recommendations for changes to law, policy and practice.

The annual World Press Freedom Day on 3 May plays an important part in awareness-raising among people and governments. It focuses attention on violence and serious abuses and on legitimate demands for freedom from censorship and an end to violence and judicial harassment directed against journalists, editors and publishers. Each year the date is marked by special events of many kinds across Europe and the world.

The annual UNESCO/Guillermo Cano World Press Freedom Prize, named after a murdered Colombian journalist, honours a person or organisation for their contribution to the defence of press freedom anywhere in the world. In 2012 the prize was awarded to a European journalist, Eynulla Fatullayev of Azerbaijan, and in 2007 it was awarded posthumously to the murdered Russian journalist Anna Politkovskaya.

UNESCO has welcomed the establishment in 2011 by member organisations of the International Freedom of Expression Exchange, IFEX, of an annual International Day to End Impunity. The date chosen is 23 November, which marks the date of the massacre of over 30 journalists in the Philippines on one day in 2009. Special UN-related events as well as meetings and campaigning activities against impunity take place in many countries.

ORGANISATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The Office of the OSCE's Representative on Freedom of the Media (RFOM) is described as the world's only inter-governmental media watchdog. It operates from Vienna with a staff of 14 people. Since 2010 Dunja Mijatovic has occupied the post of the Representative.

The 57-member OSCE works by consensus and its decisions lack the force of a binding international treaty. Nevertheless the work of RFOM carries significant political and moral force thanks to the ongoing commitment of the OSCE Participating States to support it since the establishment of the Office in 1997.

The OSCE RFOM promotes compliance with OSCE obligations and commitments through early warnings, speeches, meetings and recommendations as well as practical support and assistance to States in the form of expert advice on the drafting of laws and regulations, seminars, technical assistance and training of public officials.

A distinctive feature of the mandate of the RFOM is its strict independence from any political or other considerations. An important part of the Representative's role is to draw attention publicly to problems wherever they may occur in the OSCE area. She works in consultation with State authorities and non-governmental organisations to facilitate solutions, but is also expected when necessary to speak out to forestall or remedy apparent violations of States' obligations and commitments. In this way RFOM performs an important task which national governments and other inter-governmental bodies may feel constrained from doing.

The OSCE region includes the whole Euro-Atlantic and Eurasian area including the Caucasus and Central Asia as well as the USA and Canada. It includes Belarus, which is not yet a member of the Council of Europe, and Mongolia became a participating State in November 2012. All except eight European OSCE participating States are also Council of Europe members.

The violations of freedom of expression and forms of attacks on journalists in some OSCE States were characterised in 2011 as 'among the worst in the world' by vice-chairperson of the UN Human Rights Committee Prof Michael O'Flaherty, speaking at an OSCE conference in Vilnius.

The quarterly Reports of the Representative, Dunja Mijatovic, delivered to the OSCE's Permanent Council, constitute an important record of problems concerning Participating States' commitments and obligations in the field of media freedom and freedom of

expression. Each Report sets out details of a hundred or more specific cases across the OSCE region, including expositions of the nature of the problems, details of meetings and other exchanges with government representatives, and accounts of any resolutions or setbacks in addressing the problems identified.

Major concerns expressed by RFOM relate to violent attacks, harassment and cases of intimidation targeting journalists; cases of arbitrary or unfounded arrest, detention and imprisonment; efforts to bring national laws into line with OSCE commitments; cases of law-enforcers and other public officials abusing their authority to violate journalists' personal or professional rights; and failures to properly investigate and prosecute crimes against journalists (impunity).

Other concerns relate to safeguarding media pluralism and countering laws and practices which unduly restrict Internet content.

RFOM initiatives include efforts to remove criminal defamation provisions from the laws of States and to secure the release from jail and pre-trial detention of many Turkish journalists on charges arising from their exercise of their right to freedom of expression and legitimate journalistic work.

Recent RFOM conferences and publications have focused on Internet freedom, broadcasting regulation and structures for media self-regulation, as well as securing journalists' safety.

The OSCE's annual ministerial conferences provide a focus for ongoing efforts to improve the OSCE's effectiveness in its 'third dimension' of human rights and democracy promotion, as well as addressing issues with respect to security and economic and environmental matters.

In recent years participating States have put forward draft texts for OSCE ministerial Decisions related to the safety of journalists and freedom of expression, with the intention of sending out a clear signal that all OSCE participating States give priority to those matters. However until now those attempts have failed to gain the consensus needed for them to be accepted.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is also concerned with press freedom and the safety of media workers in its work, especially that of election observation.

ODIHR publishes authoritative reports on election observer missions which it undertakes in European States. They often draw attention to heightened patterns of violence, intimidation and other abuses by public officials at election times directed against members of the media, as well as distortion or manipulation of the flow of information which can deprive voters of their right of access to free and diverse sources of news and comment.

ODIHR routinely makes recommendations to States to improve their election management, law-enforcement and media regulatory systems to remedy problems that they identify and to safeguard the right of citizens to impartial and politically balanced information.

THE EUROPEAN UNION

The European Union's record of interventions and public position-taking on matters of human rights and democracy has often been described as weak and inconsistent, by contrast with its expanded competences and quasi-governmental functions in other areas. However, in June 2012 EU leaders declared that the Union must do much more in this field than deliver 'a long catalogue of statements' on human rights matters focused on issues or countries outside the EU area.

On freedom of expression and media freedom, the European Commission has acknowledged criticisms that the Union displays double standards by failing to show the same concern for threats within the EU's borders as it has about those in other countries.

In November 2011, however, the European Commission Vice-President, Neelie Kroes, declared that media freedom 'is high on the EU's agenda'.

In 2012, as a result of internal and external pressures, the Council of the European Union (the leaders of the 27 member states) adopted a Strategic Framework on Human Rights and Democracy aimed at strengthening the effectiveness of EU human rights policy within the EU area and in the wider world.

Expectations have been raised because the Lisbon Treaty of December 2009 incorporates the EU Charter on Fundamental Rights as a legally binding part of the treaty. Article 11.2 of the Charter states that "the freedom and pluralism of the media freedom shall be respected".

In 2012 the European External Action Service (EEAS) created the post of EU Special Representative for Human Rights with a mandate to promote fundamental human rights including freedom of expression and media freedom in countries beyond the EU. The practical effect of the appointment to the post of Stavros Labridinis, a lawyer and former Greek foreign minister, has yet to be clearly felt.

In 2013 the EEAS is due to publish new Guidelines on Freedom of Expression. They will be a counterpart to the EU's existing Guidelines on Human Rights Defenders, which established guidance on how European Union missions in third countries should articulate EU policies and respond to cases that arise, and may in some cases offer physical support or protection to human rights defenders who face violence or harassment.

In the field of protecting freedom of expression and media freedom within the EU area, the Union's main formal powers or 'competences' relate to competition policy. In external relations the Commission has sometimes threatened or imposed trade or economic

sanctions. It has also made significant efforts to ensure that states applying for Union membership meet approved standards of media freedom and diversity before joining.

But recent events have drawn public attention to the EU's lack of action in the face of serious threats to media freedom and independence within some EU member states.

The Commission, prompted partly by the dispute with one member state, Hungary, over its recently-enacted Media Laws, has sought advice to determine how far the European Union may exercise legal competence to encourage or enforce compliance with accepted standards of respect for freedom of expression and media freedom within the EU itself.

In practice the Commission has relied largely on the expertise of the Council of Europe, including the Venice Commission and the Commissioner for Human Rights, for definitive analysis of such issues.

In the case of Hungary case the Commission stated that its own efforts had helped to secure a commitment from the government to amend some parts of the media laws, including what were deemed to be the law's excessive powers regarding media content and registration requirements.

But the Commission said it lacked sufficient legal authority to require all the changes it judged necessary to ensure respect for European standards, either in that case or in others which have arisen or which may arise. It has sought advice from a four-person ad hoc High-Level Group on Media Freedom and Media Pluralism chaired by former Latvian President Vaira Vike-Freiberga.

In January 2013 the High-Level Group published its Report and declared its opinion that the EU should be much more pro-active in upholding media freedom and pluralism, and address the need for safeguards against political or commercial interference. Acknowledging the importance of that goal, the High-Level Group recommended that the Union should have *more* extensive competences in that area than in others covered by the Charter of Fundamental Rights.

The High-Level Group recommended that the European Commission should establish a system of monitoring of threats to media freedom and pluralism in EU member states, perhaps through the EU's own Fundamental Rights Agency. It urged the Union to raise the issue of journalistic freedom in all relevant international fora, 'including as part of trade/partnership agreements and in the context of provision of aid.'

It also called for the European Commission to have powers to monitor national self-governing media councils, to seek to ensure that they follow Europe-wide standards of independence and powers of enforcement of codes of conduct, with the ability to impose fines and order apologies or 'removal of journalistic status' in certain cases.

The last recommendation was quickly rejected by some governments and by leading journalists organisations and NGOs as opening the way to unacceptable interference in the freedom of the press and media.

In response Mrs Kroes called for an EU-wide political debate and a public consultation, inviting the views of all stakeholders before any decisions are taken. She has shown awareness of both the merits of the case for stronger EU actions and the potential risks to freedom and pluralism from 'having too much power, or acting too much'.

Meanwhile the European Parliament is seeking to promote what its Rapporteur on Media Freedom, Renate Weber, calls a big step forward to strengthen safeguards for media freedom within the 27 EU member states.

The text of a motion for a draft EU Parliament Resolution, dated 8 October 2012, envisages a form of media freedom monitoring covering EU countries; institutionalised EU-level coordination, backed by appropriate sanctions, to ensure the independence and transparency of national media regulatory authorities; efforts to protect journalists from threats and violence; and so far unspecified mechanisms to impede threats to media freedom such as partisan control and censorship of the media.

The draft Report on the EU Charter: *standard settings for media freedom across the EU* is available online.

PART TWO: NON-GOVERNMENTAL ORGANISATIONS

Non-governmental organisations are vital sources of information for the Council of Europe, the OSCE and the United Nations, and for national governmental authorities. Their work provides much of the evidence and analysis on which informed assessments can be made on policies for freedom of expression and safeguarding the lives and work of media workers. The input of NGOs can also ensure that policy-makers are alive to the realities and concerns of their societies.

The most urgent concerns of leading NGOs and civil society groups are for measures to reverse and end the growing level of violence against media workers, including Internet users, as well as the need for governments/ to repeal or amend repressive laws and to ensure effective transparency and oversight of state powers with respect to media freedom, freedom of expression and the safety of journalists.

International and national NGOs in the field of media freedom and freedom of expression include journalists' associations, bodies representing the media industry, publishers and editors, legal experts including practising lawyers' groups, NGOs specialising in promoting free expression, media freedom and freedom of information, and human rights foundations and organisations concerned with press freedom as a key aspect of human rights and the

rule of law. They vary widely in focus, size and character. The following 19 international NGOs are among the most active and representative:-

ACCESS INFO EUROPE

(Own statement) Access Info Europe provides advice and support to civil society, journalists and members of the public on how to file requests for information and legal complaints against government secrecy.

EU Transparency Campaign: A campaign to stop amendments which will narrow the scope of the existing access to documents regulation. We are also engaged in litigation before the European Court of Justice to press for greater transparency of decision making. We file requests with the EU and help others trying to get information.

Campaign for a Spanish Access to Information Law: Spain is the largest EU country with no access to information law. Our campaign is to promote government transparency in Spain, organising events and materials to promote public awareness of the right to know, and gather support for our call for Spain to adopt an access to information law.

AMNESTY INTERNATIONAL (AI)

London-based global movement campaigning against grave abuses of human rights.

(Own statement) AI's Statement: Amnesty International works for journalists exposing human rights violations, as well as community workers, trade unionists, women working for women's rights and environmentalists.

The Introduction of restrictive counter-terrorism laws in many countries is having a serious impact on freedom of expression and other rights. Human rights defenders depend on freedom of expression and their activities promote it for the benefit of whole societies.

Impact: Eynulla Fatulayev, the Azeri journalist imprisoned for four years on what the ECtHR ruled were false charges, expressed his belief that AI's persistent campaign on his behalf contributed to his eventual release.

ARTICLE 19

London-based international organisation to defend freedom of expression and freedom of information.

Major concerns include censorship; violence; defamation; new media; media regulation

Activities: Advocacy letters to government authorities; legal analysis; submissions and statements; opposing censorship and restrictions on freedom of expression; promoting guarantees for public access to information; data protection.

Own Statement: Article 19 campaigns for the protection of journalists including online journalists and human rights defenders who are prosecuted in relation to legitimate speech.

Supports legal cases relating to Freedom of Expression; monitors violations of the right to freedom of expression of journalists, opposition politicians and other citizens and campaigns against such practices; campaigns for the release of persons held for exercising their right to freedom of expression; supports media pluralism by review of existing laws and advocacy; reviews existing laws and policies and advocates for the adoption of a progressive framework on community radio and equality and diversity in frequency allocations;

Publications and reports include: Submissions to the UN's Universal Periodic Review process (examining countries' human rights records); a model freedom of information law

Current campaign to reform UK defamation and libel laws: 'Article 19 urges the government to show greater leadership to protect the right to freedom of expression and make changes to other legislation that illegitimately restricts this fundamental right'.

ASSOCIATION OF EUROPEAN JOURNALISTS (AEJ)

Brussels-registered association of professional journalists active in more than 20 European countries.

Publications: Guidebook on the Safety of Journalists (OSCE, 2012); AEJ Media Freedom Surveys & Reports; Reports on the State of Media Freedom in Europe to the PACE (2009; June 2012; December 2012)

Activities: Reports and Surveys of issues and problems related to media freedom; policy advice and advocacy to the Council of Europe, Parliamentary Assembly of the CoE (PACE), the OSCE, the European Union and European Parliament; statements and appeals concerning violent attacks on journalists, harassment and arbitrary or wrongful imprisonment of media workers.

In 2012 the AEJ sent proposals regarding journalists' safety and security, and for enhanced safeguards for media freedom to the Committee of Ministers and the Secretary-General of the Council of Europe, and shared written submissions on pressing media freedom concerns by AEJ members across Europe with the Council of Europe's internal Task Force on respect for Article 10.

Major concerns: Violent attacks, intimidation and pressures leading to self-censorship as revealed in 2012 AEJ Sections' Media Freedom Reports and AEJ-Bulgaria's journalists' survey; political interference in public service and other media; denial of media access by state or party officials restricting coverage of issues of public interest (Spain); repeal or amendment of excessively restrictive anti-terrorism and state security laws; transparency

of media ownership; safeguards for the professional independence of journalists in traditional and new forms of media.

The AEJ calls for better responsiveness of European institutions and governments to evidence of attacks on media freedom and independence. It seeks to protect media freedom through enhanced effectiveness of European Court of Human Rights judgements, including interim measures and general measures, to protect Article 10 rights.

Recommendation: The AEJ recommends that the European Union prepares for its accession to the European Convention on Human Rights by declaring its priority to the compliance of EU member states, as well as non-EU member states, with Article 10 (freedom of expression and information). AEJ advocates the EU to empower the Council of Europe as the guardian of the European Convention to become a more effective watchdog.

The European Commission and the European Council, as executive quasi-governmental bodies, may not properly take new powers for themselves to intervene in matters affecting media self-regulation. The European Commission and the constituent states of the EU may mandate the EU's Fundamental Rights Agency to conduct independent monitoring and reporting of misuses of state power and other infringements of media freedom among member states. EU institutions should ensure that EU states are not seen to be more protected from scrutiny than others.

BALKANS INDEPENDENT REPORTING NETWORK (BIRN)

BIRN Hub is registered in Bosnia: it has bases in nine Balkan countries and networks in a further five more countries so is active in 14 countries

Aims: to build and strengthen media capacity in the Balkans, develop democracy and serve the needs of transitional societies including policy-makers

Activities include investigative reporting and analysis of public affairs, publishing, campaigns, court reporting, creating networks, promoting open debate and journalism training

Programmes: Independent Online Investigative Journalism; Reporting on Transitional Justice Issues; Justice Series: Media, civil society and war crimes trials; monitoring of public services

CENTRE FOR FREEDOM OF THE MEDIA (CFOM)

Research and Policy Centre at the University of Sheffield, UK

Area of activity: includes Europe and Eurasia; partner of UNESCO on implementation of the UN Plan of Action of the Safety of Journalists and the Issue of Impunity

CFOM brings together experts and policy-makers from all sectors including governments, academia, IGOs, media, journalists' associations and NGOs to make informed assessments of existing legal and political safeguards against violence targeting journalists because of their professional work, and present the case for more effective international mechanisms to counter such crimes of violence and end impunity.

Impact: In 2012 CFOM and the BBC College of Journalism co-hosted a preparatory Symposium on Journalists' Safety in London before the UN Inter-Agency Meeting on journalists' safety in November. The resulting London Statement supported by more than 40 global media organisations enhanced the engagement of media professionals with the UN Plan of Action, the most far-reaching global effort by the international community to counter killings of journalists and impunity.

The London Statement expressed the disappointment of members of the global media community at the failure of many governments to end impunity, and concern at the lack of effectiveness of previous international efforts regarding the safety of journalists. It encouraged news media everywhere to monitor national government authorities and relevant international bodies to help the UN Plan to produce positive results.

In 2010-11 CFOM carried out the Initiative on Impunity and the Rule of Law together with City University, London, to develop legal and political remedies for violence against journalists and judicial impunity.

Publications: The resulting publications, including a Legal Instruments Study and Political Aspects Study (assessing the role of institutions and the behaviour of states in Europe), form part of a substantial store of knowledge and analysis on the CFOM website www.cfom.org.uk, together with a library of interviews and statements by leading experts and international organisations. Some citations from materials gathered for the Impunity Initiative are included in this Report.

CPJ COMMITTEE TO PROTECT JOURNALISTS

US-based, active in Europe and worldwide

Activities: global monitoring, assessing and issuing reports on case of journalists' killings, other physical assaults and cases of intimidation; country visits; advocacy and campaigns. In 2012 CPJ launched a new global campaign Speak Justice Now to raise public awareness and combat impunity.

(Own Statement): CPJ believes that its advocacy, combined with others, has had a strong impact in raising awareness of this issue, and has made governments more responsive, at least in public.

CPJ also considers the record of the Council of Europe disappointing. E.g the Committee of Ministers' decision to give only a reprimand instead of calling for sanctions against

Azerbaijan as a penalty for that country's non-compliance with a Strasbourg Court ruling (in April 2010) to release imprisoned editor Eynulla Fatullayev. Fatullayev was not released until 26 May 2011.

Special focus or concerns: Support for European Commission and European Parliament moves to set up "shelter cities" for human rights defenders, including journalists in danger.

CPJ advocates: all Council of Europe States should take lessons from European Court of Human Rights rulings in press freedom cases from Russia and Azerbaijan;

More systematic international trial monitoring and stronger support for UN and regional Special Rapporteurs would be beneficial.

More should be done to train and provide resources for national governments which need outside help to address weaknesses in their enforcement and justice **systems**.

Publications include: Anatomy of Injustice (2009), a comprehensive analysis of cases of journalists murdered for their work in Russia.

EUROPEAN DIGITAL RIGHTS IN EUROPE (EDRI)

Registered in Belgium

EDRI is made up of over 30 privacy and civil rights organisations across the Council of Europe area which defend civil rights in the information society.

Own Statement (website): the need for cooperation among organisations active in Europe is increasing as more regulation regarding the Internet, copyright and privacy is originating from European institutions or from International institutions with strong impact in Europe.

Concerns include: data retention requirements, spam, telecommunications interception, copyright and fair use restrictions, the cyber-crime treaty, rating, filtering and blocking of internet content and notice-and-takedown procedures of websites.

EUROPEAN NEWSPAPER PUBLISHERS ASSOCIATION

Registered in Belgium

An international non-profit organisation representing publishers of newspapers and news media on all platforms. It represents over 5,200 national, regional and local newspaper titles, published in many EU Member States, plus Norway, Switzerland and Serbia.

Current activity: ENPA opposed a proposal in the Report published in January 2013 by the European Commission-appointed High-Level Group on Media Freedom and Pluralism, which called for the Commission to have greater powers to oversee national press councils to ensure (in the words of the Report) that they 'comply with European values'. ENPA

denounced the proposal as a prescription for Europe-wide system of political control of the media.

ENPA welcomed the Report's recognition of the role of free media in modern democracies and its recommendation in favour of media literacy education in schools.

EUROPEAN FEDERATION OF JOURNALISTS (EFJ)

European Branch of the International Federation of Journalists (IFJ). Based in Brussels

(Own statement): The European Federation of Journalists (EFJ) is a regional organisation of the International Federation of Journalists (IFJ). It is created within the framework of the IFJ Constitution to represent the interests of journalists' unions and their approximately 260,000 members in over thirty countries.

The EFJ supports its affiliates to foster trade unions, to recruit new members and maintain or create environments in which quality, journalistic independence, pluralism, public service values and decent work in the media exist.

Activities include frequent statements and press releases on topics and issues of media freedom, country visits, reports and in-depth publications; conferences and expert group meetings.

Current campaigns: Turkey: Set Journalists Free – including a combined 2012 EFJ and NGOs country visit, an international postcard campaign to support jailed journalists, and an e-petition to Turkey's Prime Minister;

Other activities include: the European Institute for Media Pluralism; Mapping Change in Employment in Journalism and Media

The EFJ works with the IFJ Safety Fund for Journalists under Threat

It engages with the European Union, OSCE and other inter-governmental bodies on policy issues related to journalists' safety and protecting media freedom.

EUROPEAN HUMAN RIGHTS ADVOCACY CENTRE (EHRAC)

Lawyers' organisation based in London

(Own statement) The primary aim of the European Human Rights Advocacy Centre is to assist individuals, lawyers and non-governmental organisations within the Russian Federation, Georgia and Azerbaijan to take cases to the European Court of Human Rights, whilst working to transfer skills and build the capacity of the human rights community.

EHRAC has a partnership with the Russian NGO Memorial as well as two Georgian NGOs, the Young Lawyers' Association and Article 42 of the Constitution, and with three Azerbaijani NGOs: the Legal education Society, the Media Rights Institute and the Democracy and Human Rights Public Union. EHRAC also has links with other NGOs and lawyers throughout the Russian Federation, Georgia, Azerbaijan and in other former Soviet Union countries.

EHRAC has three programmes:

Human Rights Litigation and Advocacy: EHRAC is currently working on around 285 Russian, Georgian and Azeri cases at the European Court. These cases concern, among others, extrajudicial executions, disappearance, ethnic discrimination, environmental pollution, torture and criminal justice.

Human Rights Capacity Building: By training local lawyers, EHRAC aims to give ordinary people across Russia, Georgia and Azerbaijan access to lawyers who have the knowledge and skills to represent them effectively at the European Court.

Raising Awareness and Dissemination of Information: EHRAC seeks to draw international attention to the human rights situation in Russia, Georgia and Azerbaijan and raise awareness of the results of its litigation work, through press releases, the EHRAC Bulletin and Events.

Impact: EHRAC has taken cases of the EctHR which resulted in landmark judgments concerning Article 10 rights (freedom of expression and information); see below (PART THREE: Implementation gaps and Areas of Concern).

FREEDOM HOUSE

US based global NGO

(Own statement) Freedom House seeks to monitor, assess and advocate compliance with international norms in the field of freedom of expression and media freedom as well as freedom of assembly, democratic governance, rule of law, countering corruption etc.

It publishes annual reports and assessments of the situation regarding media freedom in Europe and global surveys on Press Freedom, Countries in Transit, Freedom on the Net etc.

Impact: The *Freedom of the Press* report and others are widely cited by IGOs and other NGOs as evidence of a retreat of media freedom over the past decade in some EU member states and many states in Eastern Europe.

Nations in Transit covers 29 countries in Central Asia, Eurasia and Central and Eastern Europe, of which 23 are Council of Europe members and all are OSCE participating States.

Findings in Nations in Transit 2012: The report warns of rising antidemocratic tendencies in Hungary and Ukraine that have the potential to take root elsewhere in the region. In the Balkans, critical reforms stalled in nearly all countries in 2011. Reverberations of the Arab Spring in authoritarian states like Belarus, Azerbaijan, and Kazakhstan led to harsher repression of civil society and an increased use of the judiciary as an instrument to punish political opposition.

INDEX ON CENSORSHIP

UK-based global freedom of expression and anti-censorship organisation with regional editors in Russia and other countries; member of the Global Network Initiative for freedom of expression on the Internet

(Own statement): Publishes an influential monthly magazine on freedom of expression issues and themes; organises public meetings, awards annual international prizes for different categories of champions of free expression; and carries out field work in countries where journalists face physical danger.

'Our campaigns lobby governments, the Council of Europe and the UN. We challenge authoritarian regimes in countries like Belarus that deny their populations the right to free expression. We also scrutinise laws and regulations that threaten free speech in democracies, such as English libel law.

'Index on Censorship's work on freedom of expression in the digital world focuses on web governance; takedown orders, filters and intimidation; security and surveillance; privacy; copyright, and media rights online.

The UK Libel Reform Campaign is demanding a serious, effective public interest defence and provisions to ensure free speech online, and to limit the power of corporations to sue for libel as if they are individuals.

In the run-up to the May 2012 Eurovision contest in Baku Index campaigned for an e-petition to the Azerbaijani president to highlight local rights abuses.

Index works with the UK arts sector to stand up for freedom of expression in the arts, in collaboration with groups including the Young Vic and the Belarus Free Theatre.

INTERNATIONAL PRESS INSTITUTE (IPI)

Based in Vienna. Global network of editors, media executives and journalists; defends press freedom through statements, protests, country visits and advocacy and campaigns.

Operates a Press Freedom Fund and Emergency Response Fund for press freedom under threat.

Publishes online: IPI Death Watch record of journalists and media workers killed; and annual World Press Freedom Review

Impact includes: Cooperation with and advice to the Austrian government on safety of journalists and press freedom issues in response to the government's announcement of high priority for those issues during Austria's 2011 to 2014 membership of the UN Human Rights Council; contacts and cooperation with the Office of the OSCE RFOM, UNESCO and other inter-governmental organisations.

MEDIA LEGAL DEFENCE INITIATIVE (MLDI)

Based in London, operates in Europe and other regions.

(Own statement) Our core mission is to help journalists and media outlets defend legal cases against them, by making sure that journalists and media outlets have the best available legal representation through our global network of specialist media lawyers.

Impact: Bringing cases to the ECtHR. In the case of *Sanoma Uitgevers B.V. v. the Netherlands* the resulting judgment strengthened the law on the protection of journalistic sources in Europe and established rules against law-enforcement agencies searching newsrooms.

Other successful interventions include *MGN v. United Kingdom*, which challenged the UK's notoriously expensive funding scheme for plaintiff lawyers in libel and privacy cases, and *Von Hannover v. Germany*, which set principles on the balance to be applied between privacy and the right to freedom of expression.

Judgments at the European Court take a long time to come to fruition but they can lead to changes in the law outside Europe as well. For example, the *Sanoma* judgment has been relied on to help recognise the principle of confidentiality of sources in South Africa.

OPEN SOCIETY MEDIA PROGRAM

Based in London. Regions covered include Central, Eastern, and South Eastern Europe.

(Own statement) The Open Society Media Program seeks to promote independent and viable media and professional, quality journalism in countries undergoing a process of democratization, and building functioning media markets.

We promote media freedom by supporting projects that ensure monitoring and defense of journalists' rights and that advocate an open legal and regulatory environment.

Supports initiatives aimed at helping media-related legislation to conform to democratic, international standards, increasing the professionalism of journalists and media managers, strengthening associations of media professionals, and establishing mechanisms of media self-regulation. Provides financial support, fosters exchanges of expertise among countries and regions, and sometimes advocates on behalf of local media institutions.

Legal defense and personal security training to help protect journalists; support for TV, radio and film productions on Roma issues in Central Europe, and analyses of media privatisation and independence in Europe.

Current and recent projects: *Transparency of Media Ownership in Europe*: A report for the High-Level Group on Media Freedom and Pluralism (*in conjunction with Access Info Europe*).

Mapping Digital Media in the European Union: A report for the European Parliament Committee on Civil Liberties, Justice and Home Affairs

Research into digitisation and new media in conjunction with Access Info, focusing on media pluralism in Europe; detailed Country Reports on many countries in Europe and elsewhere.

REPORTERS WITHOUT BORDERS (RWB)

Based in Paris. Global NGO.

Statements and advocacy, campaigns; the much-cited RWB annual Press Freedom Index; Protections for journalists in the field: practical safety training

Publications include: “Practical Guide for Journalists” developed in partnership with UNESCO

RWB operates a ‘Press SOS’ hotline for journalists in difficulty: American Express partners Reporters Without Borders to provide journalists in need with emergency telephone assistance at any time.

SOUTH EAST EUROPE MEDIA ORGANISATION (SEEMO)

Based in Vienna, SEEMO is an affiliate of the International Press Institute. It closely monitors the press freedom situation in 20 countries from Turkey to Estonia. Issues on average at least eight reports or statements per month concerning specific cases or categories of infringements of media freedom.

SEEMO promotes press freedom through its wide network of local journalists and defends journalists who are harassed, persecuted and imprisoned and exposes state, political, economic, criminal and religious pressure on media and journalists; also denounces laws and legislation that undermine press freedom and restrict public access to information;

It campaigns for decriminalization of defamation and libel; establishment of financial sanctions for defamation and libel in civil litigation in line with a country’s economic development; and access to information legislation; compiles country reports on political, economic and media developments including press freedom violations; and conducts country visits; addresses public letters to heads of state or government and ministers

Impact: SEEMO claims that some positive results follow from 60 percent of its protests and public statements concerning attacks on journalists and on media freedom

WORLD ASSOCIATION OF NEWSPAPERS AND NEWS PUBLISHERS (WAN-IFRA)

Headquarters: Darmstadt, Germany and Paris, France

Global association of the world's press representing more than 18,000 publications, 15,000 online sites and over 3,000 companies in more than 120 countries.

Activities: Press Freedom missions; advocacy for freedom of expression; statements and resolutions; joint actions with other organisations; promotes press freedom, quality journalism and editorial integrity

Current and recent actions (2012): International delegation to Ukraine and Ukraine Freedom of Expression Dossier; raised the then unresolved case of the murder of Georgiy Gongadze in 2000 and called for open transparent judicial process

Joint protest campaign concerning press freedom violations and violence against journalists in Russia; joint letter with World Editors Forum, Article 19 and Institute of the Americas sent to then Prime Minister Vladimir Putin.

Resolution calling on Turkey to Respect Freedom of the Press with the Coordinating Committee of Press Freedom Organisations

NGOs FOCUSED ON ONE COUNTRY

Many NGOs with impact in the field of freedom of expression and the safety of media workers are focused primarily on a single country. They are too numerous to list, but the following are examples of the activities and concerns of some of the most active and representative of them:

ARMENIA: INVESTIGATIVE JOURNALISTS NGO: Monitoring and investigating violent attacks, intimidation and judicial harassment against journalists; publications of cases and analysis

AZERBAIJAN: INSTITUTE FOR REPORTERS FREEDOM AND SAFETY: support and legal help to threatened and injured journalists; monitoring and investigating violations including police violence against media; statements and special reports; training and special projects.

BELARUSIAN ASSOCIATION OF JOURNALISTS (BAJ): Monitors and campaigns against violations of freedom of expression and media freedom; provides support and legal assistance to journalists, including BAJ members, who are assaulted, prosecuted,

imprisoned and exiled; analysis of media laws including drafting alternative legislation. Recipient of the 2004 European Parliament's Sakharov Prize

RUSSIA: NGOS focusing on Russia and the CIS States

CENTRE FOR JOURNALISM IN EXTREME SITUATIONS (CJES): CEJS was set up by the Russian Union of Journalists (RUJ). It monitors violations of journalists' and media rights in Russia and the CIS republics; investigates murders, assaults and threats to journalists; gives legal assistance to journalists; promotes reform of media laws; publishes handbooks and conducts training. The RUJ also maintains a Journalists Defence Hotline: a telephone alert system to respond to and assist journalists under threat.

GLASNOST DEFENCE FOUNDATION (GDF) publishes a detailed weekly bulletin, the Glasnost Defence Foundation digest, of all recorded cases of alleged intimidation, assault, murder and disappearances of journalists.

Publications: Two large media monitoring organisations, CJES and GDF, use networks of monitors to record and investigate threats, attacks and murders of journalists across Russia. Their findings are published on Journalists-in-russia.org and Russia and Conflicts in the Media website as a real-time database, including known facts about attacks and any judicial follow-up including trials: a project of the International Federation of Journalists and the Russian Union of Journalists.

FOUNDATION FOR INVESTIGATIVE JOURNALISM/ FOUNDATION 19/29: defends investigative journalists and facilitates and conducts investigations into crimes against journalists; aims to combat impunity, encourage public opposition to assaults and murders of journalists; to create a system of legal aid to investigative journalists confronting corrupt state authorities and businesses, and criminal structures.

Projects include: Investigative reporters school; Emergency lawyers – network of legal assistance to investigative journalists in need.

TURKEY: BIANET (Independent Communication Network): Strengthening independent media in Turkey: monitoring neglect and violation of rights on bianet website and in quarterly reports; legal support related to the media; extensive journalist training programmes; handbook series and publications on journalism education.

UKRAINE: INSTITUTE OF MASS INFORMATION (IMI): monitors attacks and pressures on journalists and media online; publishes numerical 'barometer' of press freedom violations and textbook series for journalists. IMI participated with Telekritika and other NGOs in Ukraine's Interagency Working Group, a forum to analyse compliance with international laws and standards on freedom of speech and protection of journalists including government agencies, law-enforcement, media and civil society organisations.

Apart from the NGOs described, the variety of others actively concerned about these issues in various parts of Europe is illustrated by the list of 24 signatories of a joint letter sent in February 2012 to the Secretary-General of Council of Europe. Its purpose was to request actions to fulfil a pledge made by Council of Europe Ministers responsible for the media at the Reykjavik Ministerial Conference to review national legislation and practice on a regular basis to ensure that any impact of anti-terrorism measures on the right to freedom of expression and information is consistent with Council of Europe standards.

Those signatory organisations included the Community Media Forum Europe, the European Broadcasting Union, the South East European Network for Professionalization of the Media, the Romanian Center for Independent Journalism, PRO MEDIA (Macedonia), Agentura.ru, and the Mass Media Defence Centre (Russia).

Lack of space precludes any mention here of many other authoritative academic and research centres, institutes and journalism training schools, and a large number of other specialised or single-country NGOs around Europe.

Civil Society Forums and the safety of journalists and media freedom

The OSCE and the European Union are active, as is the Council of Europe in sponsoring and organising consultative forums where journalists and media workers as well as representatives of a range of NGOs may share with governments their concerns and proposals for policy priorities and reforms. Some examples are: -

Civil Society Forum (CSF) of the Eastern Partnership, funded by the European Union

Aims: to develop stable democratic structures and enable stronger participation by civil society in the Eastern Partnership states: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine; focus on Media freedom (including legal frameworks and working conditions of journalists) human rights, electoral standards and combating corruption

Activities: monitoring, information-sharing and producing reports, including first-hand information about violent attacks and official abuses against journalists and failings of systems of justice (impunity) in such cases.

Impact: Limited by the absence of adequate channels to European policy-makers and continuing doubts about the degree of political commitment to the CSF on the part of the EU and its member states and some Eastern Partnership states

European Union: Multiple initiatives including the *Speak up!* Conference on Freedom of Expression and Media in the Western Balkans and Turkey:

- European Commission conference in May 2011, attended by 400 invited journalists from the region.

- OSCE/ ODIHR annual Human Dimension Implementation Meeting annual meeting in Warsaw
- Civil Society Parallel Conference held before the annual OSCE Ministerial Conference

MEDIA REPORTING AND AWARENESS-RAISING IGOs and NGOs concerned with freedom of expression and journalists' safety emphasise that public awareness about threats and attacks on those basic rights is essential in democratic societies. The media have an important stake in themselves and they have a role as watchdogs on public affairs to investigate and expose all forms of injustice. The following are examples of some of the many influential media outlets which have taken editorial decisions to give close attention to these issues as a matter of public importance:

- **BBC College of Journalism** website – Journalism and Safety area: reports, analysis and discussion
- **The Guardian** (UK daily newspaper) – Sections on Journalist Safety and media law
- **Hetq** (Armenian daily newspaper) – regular coverage and special features on violence against journalists and impunity
- **Ilta-Sanomat** (Finnish newspaper): is publishing an 80-part series of articles on cases of persecution and killings of journalists (December 2012-)
- **Radio Free Europe/ Radio Liberty** – regular Journalists in trouble feature on its website

PART THREE: GAPS IN IMPLEMENTATION AND AREAS OF CONCERN

This Report, together with detailed analysis by experts and stakeholders, points to gaps in implementation of European standards and areas of concern which may merit additional actions or stronger enforcement measures. Some citations here come from Statements and Interviews provided for the Initiative in Impunity and the Rule of Law (full texts on CFOM's website www.cfom.org.uk)

1 Weaknesses in monitoring and in the transparency of official information concerning structural problems or serious violations: OSCE RFOM, various branches of the Council of Europe and a large number of expert NGOs are engaged in monitoring and publish their information online in real time as well as in periodical and annual reports and analyses. But Europe's IGOs lack any comprehensive means to process and assess the large amounts of information.

Responses: The European Commission has been urged by some to set up a system for monitoring EU member states, perhaps using the Fundamental Rights Agency, and is committed to giving more attention to the issues in external relations and in dealings with pre-accession states. The Council of Europe has moved to set up a 'light touch' system of information-gathering and sharing. The PACE is to commission comprehensive background reports on the State of Media Freedom in Europe each year instead of once every three

years as in the past. NGOs virtually unanimously wish to see consistent and public condemnation of serious violations and effective actions backed by a high level of political commitment to remedy them.

Recommendation in Addendum to PACE 'State of Media Freedom in Europe' background report (William Horsley) (Restricted AS/Cult/Inf 2012) of December 2012:

All too often official sources are either unable or unwilling to give out the information required for media to do their work reporting on matters of public interest, as is necessary in democratic societies. Improvements in the transparent publication, collection and access to such information would greatly assist the Committee as well as Council of Europe member states to gain a more complete picture of the factors which are now contributing to the erosion of legitimate media freedom in many parts of Europe.

The UN Plan of Action on the Safety of Journalists: European IGO human rights bodies may contribute to the effectiveness of an International Monitoring Committee made up of representatives of Member States and non-governmental organisations including media and professional monitoring and free expression advocacy organisations.

2 Non-implementation by States of obligations under the European Convention and other international treaties: The Council of Europe SG said in his Discussion paper in December 2011: *'It is now time for the leading European institutions responsible for setting standards and monitoring their implementation – namely the Council of Europe, the EU and the OSCE – to seek to take concerted action to defend and promote freedom of speech and media freedom in Europe. In order to obtain maximum impact and visibility, they should work together with major stakeholders such as European associations of journalists and media organisations, as well as NGOs and their networks.'*

Responses: Article 19 calls for more consistent focus [by responsible authorities] on compliance with the obligations of States under the international law and treaties; and better use of peer review mechanisms on international and regional level

CPJ: 'Today's sad reality is that while international law guarantees the right to free expression, journalists can rely on few international institutions to defend that right. While nongovernmental organizations have filled the void by challenging press freedom abusers and raising concerns internationally, these groups are spending an increasing amount of time monitoring the behaviour of international governmental organizations that should be their allies in the press freedom struggle.'

MLDI: 'The international community [must] establish the means to enforce recommendations and judgments from international bodies and courts in individual cases. The closest existing model for such an oversight body, the Committee of Ministers of the Council of Europe, charged with the Execution of ECtHR decisions, not only lacks enforcement powers, but as a body representing states, it must always be open to suspicions of compromise on political grounds.'

EHRAC: ‘EHRAC is seeking to make use of the new provision, Protocol 14, in force since 2010, which is intended to give the CoM greater powers of enforcement. At the end of the day this is a question of political pressure on the state concerned. The other possibility is an “Inter-State Case”. There are now two inter-State cases brought by Georgia against Russia.’

3 Pre-emptive and preventive measures against attacks against journalists or against freedom of expression: OSCE RFOM’s role includes early warnings and alerts. Multiple calls have been made for additional measures to address and forestall serious violations without waiting for a period of years for rulings from the ECtHR

Responses: CPJ points to the important success of the inter-American human rights system in providing protection to threatened journalists or others in particular cases: ‘The Inter-American Commission on Human Rights has ordered member states to provide direct protection to at-risk journalists, and it has provided effective mediation when the rights of journalists have been violated.’

EHRAC sees a possible remedy in the ECtHR jurisprudence related to the concept of the positive obligations of States: ‘The case of *Özgür Gündem v Turkey* (23144/93, judgment of 16 March 2000) first laid down the positive duty of the state to protect freedom of expression in a case involving the murder of a number of journalists working on the paper. The creative jurisprudence of the ECtHR in that case has effectively read a whole new right — the positive duty on the state — into Article 10 of the ECHR. It is not clear whether amendment to the ECHR by way of an additional protocol is necessary. It would anyway be a very long process. In my view what is needed is for the greatest possible use to be made of Article 10 as expanded, with requests for Interim Measures where appropriate.’

EHRAC: The ECtHR has the power to order ‘Interim Measures’, the equivalent of an injunction, in ‘life and limb’ cases, usually where a person is to be extradited to a place where [he or] she will be tortured or killed, or in cases where medical treatment is denied.. If it were possible to present compelling evidence that a journalist has been targeted and that the state is complicit – and [it would probably be] very hard to obtain such evidence – then the Court could order interim measures.

4 Eradicating impunity: From the Council of Europe CM’s Guidelines: *Cases of impunity for violations of human rights are unfortunately not uncommon in Council of Europe member states, particularly as regards those committed by police and prison officers, or those directed against human rights defenders. Allowing such crimes to go unpunished demonstrates a lack of respect for human rights (often involving a human rights violation in its own right) and encourages repetition of those crimes...It is therefore essential to eradicate impunity in the member states and encourage states outside Europe to do the same.*

Responses: Under discussion are responses ranging from international sanctions against public officials responsible for ordering or condoning impunity to a significant increase in resources and political attention to go into IGO and NGO-sponsored training programmes for justice officials, prosecutors and law-enforcement officials. The UN has welcomed the establishment in 2011 by the International Freedom of Expression Exchange, IFEX, and its constituent NGOs, of 23 November as International Day to End Impunity. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity invites supportive actions and initiatives by IGOs and governments as well as NGOs and media.

5 Coordination among Inter-Governmental Organisations: OSCE RFOM : ‘What is lacking is better coordination among international institutions, and working together for the same goals and purposes. Sometimes, for political reasons, it is difficult to join together and speak with one voice.’

Responses: CPJ calls for a system of accountability and transparency among the political leadership of IGOs: ‘Intergovernmental organizations often consist of a political structure of member states and a legal structure that adjudicates the applicability of international treaties that protect human rights and press freedom. These legal structures are served, in turn, by special rapporteurs for freedom of expression, whose role is to advocate within the institutions and ensure press freedom mandates are upheld... It is not acceptable to shunt all responsibility for protection of press freedom to special rapporteurs, who are often politically isolated and underfunded. The political leaders of every international institution--from the United Nations to the AU, the OAS to the Council of Europe and the OSCE--need to speak out forcefully for press freedom and push back against member states who seek to block them from fulfilling this responsibility. They also need to work aggressively to enforce legal rulings. Journalists working in dangerous conditions feel isolated and abandoned by the very international institutions created to protect their rights.

Framework agreements and areas of cooperation among the Council of Europe, the OSCE, the European Union and the United Nations may be re-examined with a view to making them more effective and results-oriented.

6 Cases of serious media distortion or manipulation of news coverage in the hands of partisan and self-serving interests, whether of the state or of private owners, and of gross media intrusions into the privacy of members of the public

Responses: Self-regulation of the media is widely recognised as the only legitimate means of enforcing ethical and professional standards. International norms require that State or political interests should not decide media content. Editors and journalists are to be held responsible to their audiences and the public, not to any State authority. Efforts to ensure transparency of media ownership are urgently needed in many countries; media regulators and authorities allocating licences and frequencies should be free of political influence; journalists should be protected from pressures to behave dishonestly or unprofessionally; the ordinary criminal law exists to deter and punish law-breaking.

The ECtHR has often stated that Freedom of Expression is an essential foundation of democratic society and the media have a vital function as a public watchdog by virtue of their role imparting information and ideas of public interest. So any restrictions to freedom of the press have to be justifiable in pursuit of a limited number of other things needed for a democratic society; those reasons must be compelling and narrowly interpreted.

7 Ensuring the conditions for NGOs to operate and thrive without undue regulation or interference, and allowing a larger role for expert NGOs in formulating policies and oversight of compliance processes. RFOM says independent civil society organisations and media are crucial for a democratic society: ‘What I see in too many OSCE participating states is that civil society is not recognized as such.

Responses: The rights of establishment and operation of NGOs should be protected and promote by state authorities.

Article 19 calls for ‘a proper response by governmental authorities to the weight of evidence from reputable NGOs demonstrating evidence of violations... Representative media & human rights and civil society groups should be given a greater role or standing within national or international bodies to achieve better compliance with States’ commitments related to freedom of expression and to combat impunity. Article 19 also favors giving civil society enhanced standing in criminal proceedings in cases involving violence or murder, e g when relatives are unwilling or unable to use justice systems themselves.’

MLDI calls for a system of standing review committees at regional and/or global level with a mandate to monitor and assist international efforts to counter persistent and grave violations. ‘To be effective and inspire confidence such bodies should be constituted independently from any state authority and must involve independent NGOs in a meaningful way in their work.’

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