

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

*Towards an effective framework of protection for the work of  
journalists and an end to impunity*

**CONCEPT NOTE**

**Seminar and Inter-regional Dialogue  
on the protection of journalists**

<http://www.inter-justice.org/>

**Organised by**

Council of Europe

UNESCO

Centre for Freedom of the Media (CFOM), University of Sheffield  
European Lawyer's Union / Union des Avocats Européens (ELU/UAE)

**European Court of Human Rights, Strasbourg (PRESS ROOM)**

**Monday 3 November 2014**

**8.30 -18.00**

*The Organisers thank Open Society Foundations for supporting this event*



United Nations  
Educational, Scientific and  
Cultural Organization



Union des avocats européens

## CONCEPT NOTE

The Seminar addresses the need to improve legal protections for journalists whose safety and security are threatened because of their work. In recent years the number of killings and other violent attacks against journalists has markedly increased. Frameworks of legal protection vary greatly between different regions of the world. The rate of effective investigations leading to prosecutions of those responsible remains low, resulting in de facto impunity for perpetrators. That in turn has a chilling effect on the exercise of the right to freedom of expression and of media freedom.

The international community has acknowledged the negative effect of these realities on the exercise of other basic rights and on the rule of law. The United Nations General Assembly adopted a Resolution in 2013 which calls on states to ensure the necessary legal protections as well as prompt and effective investigations of attacks against journalists. That Resolution proclaimed 2 November as the International Day to end Impunity for Crimes against Journalists.

The UN Human Rights Committee's General Comment Number 34 on Article 19, issued in 2011, provides detailed guidance on States' obligations to put in place measures to protect journalists against attacks aimed at silencing those exercising their right to freedom of expression. It insists on the fact that this kind of attacks must be subjected to criminal investigations in order to punish the perpetrators. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted in 2012, foresees an essential role for initiatives involving regional human rights systems in the achievement of the goals of the Action Plan.

In its Declaration of 30 April 2014, the Committee of Ministers of the Council of Europe urged member States to fulfil their positive obligations to protect journalists and other media actors from any form of attack and to end impunity. The Ministers also pledged to contribute expertise based on the competence of the Council of Europe to other international organisations.

The Seminar will provide a forum for an intensified inter-regional dialogue among representatives of regional human rights courts and inter-governmental organisations in Europe, the Americas and Africa, together with other experts and concerned parties, to examine the progress as well as significant gaps in these systems of protection. The event will also be a forum to explore ways of advancing the adoption of best practices in regional and national jurisdictions, with the goal of developing a consistent framework of protection globally.

The organisation of the Seminar and the proposal for an intensified inter-regional dialogue reflect the commitment of non-governmental and civil society organisations to a genuinely effective legal framework of protection, as well as the will of UN Member States as expressed in Resolutions in UN bodies and in the UN Action Plan.

Human rights Treaties are living instruments which must be interpreted and applied in accordance with evolving legal standards and social developments, so that they may effectively provide the guarantees of protection which they promise.

### Major issues and questions to be addressed include:

- What are the comparative strengths and weaknesses of the legal protections in different regional systems with regard to the physical safety of journalists and others engaged in the function of journalism, and their protection against arbitrary actions by states?
- What are the best practices found in regional systems with respect to prevention of attacks; emergency protection measures to ensure the safety of journalists under threat, and effective prosecution of crimes against journalists?
- What are the best practices with respect to the protection of other rights of journalists, including protection of confidential sources, the right to access to information and their legal protection against abuse of legislation on defamation, fight against terrorism, state security etc. ?
- How do the European and Inter-American systems compare with one another with regard to the granting and enforcement of precautionary measures/ interim measures?
- What is the extent and usefulness of the application of case law between different regional human rights courts, and how might it properly be expanded?
- What is the case for a compendium of the jurisprudence of regional systems in a common global form based on case law and agreed international standards in terms of the protection of journalists' work?
- What are the arguments for further reforms of the procedures of regional human rights courts to strengthen protections in order to achieve a safe and enabling environment for journalists?
- What means can be used to improve states' compliance with their positive obligations to protect at-risk journalists and media workers and to raise awareness among public officials concerning states' international commitments?
- What steps should be taken to strengthen the framework of protections in Africa and to promote the establishment of treaty-based regional human rights systems in other regions, notably in Asia?
- How may the inter-regional dialogue on these matters be best organised and advanced by the concerned parties?