Council of Europe

Workshop

How to protect journalists and other media actors in Europe: implementing the CoE standards

Strasbourg, 30 June 2016

Palais de l'Europe room 3

Presentation and programme

1.Background

On 2nd of April 2015, a selection of eight questions on the implementation of Council of Europe standards related to safety of journalists and other media actors, as agreed by the CDMSI Bureau in their 31 March/1 April meeting, was sent to the CDMSI members[1].

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[1] **1.** Which are the existing mechanisms to ensure investigation and prosecution of attacks against journalists and other media actors? **2.** Are there any non-judicial mechanisms, such as parliamentary or other public inquiries, ombudspersons, independent commissions, as useful complementary procedures to the domestic judicial remedies guaranteed under the ECHR, specifically dealing with threats and crimes targeting journalists and other media actors? **3.** Is the confidentiality of journalists' sources of information protected in both law and practice? **4.** Does the domestic legislation in your country regarding defamation/libel include criminal law provisions? **5.** What are the procedural guarantees (the right to defence, the periods of limitation applicable to defamation suits, exceptio veritatis (defence of truth) and the burden of proof, presumption of good faith etc.) included in the civil and/or criminal legislation related to defamation? **6.** In the domestic legal framework, are state officials protected against criticism and insult at a higher level than ordinary people, for instance through penal laws that carry a higher penalty? **7.** Do laws on the protection of public order, national security or anti-terrorism have safeguards for the right to freedom of expression? What are these safeguards? **8.** Are the following instruments translated into the national language and disseminated widely, in particular brought to the attention of judicial authorities and police services? Are these made available to representative organisations of lawyers and media professionals?

As of 8th of April 2016, the Secretariat had received contributions from 38 member states, namely Greece, Slovakia, Czech Republic, Austria, Italy, Norway, Ireland, Sweden, Iceland, Germany, Latvia, Denmark, Russian Federation, Poland, Slovenia, San Marino, Bosnia and Herzegovina, Netherlands, Montenegro, Armenia, Croatia, France, Switzerland, United Kingdom, Lithuania, Ukraine, Serbia, Azerbaijan, Republic of Moldova, Malta, the former Yugoslav Republic of Macedonia, Estonia, Georgia, Turkey, Liechtenstein, Luxembourg, Monaco and Andorra.

Based on the replies received by the member States, with a view to enhancing the implementation of Council of Europe standards on the safety of journalists and other media actors in Europe, CDMSI agreed, at its 10th meeting in June 2016, to hold a Workshop on this topic. As it was also agreed, to combine this Workshop with a presentation and discussion of the Internet based platform on safety of journalists after one year since the beginning of its operation in April 2015 and to have a first reflection on how to implement the [CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](), adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies.

2. Objectives of the Workshop

1)   To have a debate amongst the CDMSI members on how to facilitate the implementation of the pillars set out in the above Council of Europe CM/Rec(2016)4 and to identify possible needs of member States for assistance from CoE related to this;

2)   Provide a forum to member States to exchange best practices on the protection of journalism and safety of journalists and other media actors and to reflect on how to implement them in their respective countries.

3. Programme of the Workshop

The Workshop will take place on Thursday 30 June 2016 and will take the whole morning session (9:15' to 13:00') and one hour of the afternoon session (14:30' to 15:30').

09:15 - 10:45	Session I
	How to support member States in implementing Council of Europe standards on safety of journalists and other media actors?

- Opening remarks of Ms Elfa Ýr Gylfadóttir, Chair of the CDMSI

- Presentation of the analysis (trends and figures) of the answers to the questionnaire on the implementation of CoE standards on safety of journalists and other media actors, by the Secretariat (Ms Christina Lamprou);

- Presentation of a study commissioned to Mr Joan Barata entitled "*How to strengthen soft powers for press freedom: national human rights institutions*" and exchange of views with him;

- Presentation of an overview and stock taking of the CoE On-line Platform to promote the protection of journalism and the safety of journalists (Mr Matjaž Gruden);

- Exchange of views with Mr Ricardo Gutiérrez, General Secretary of the European Federation of Journalists, on the results of the CoE On-line Platform to promote the protection of journalism and the safety of journalists, after one year of its operation;

- Exchange of views with Mr Volodymyr Ariev (Ukraine), member of the Parliamentary Assembly, Chairperson of the PACE Committee on Culture, Science, Education and Media, General Rapporteur on media freedom and safety of journalists;

- Discussion and exchange of views amongst the CDMSI members and the panellists.

Moderator: Ms Silvia Grundmann

Rapporteur: Mr Roel Maalderink

10:45 - 11:00	**Introduction to the Workshop (Mr Tarlach McGonagle)**
11:00 - 11:30	**Coffee break**

11:30 - 13:00	**Session II**
	Mutual engagement on the protection of journalism and safety of journalists and other media actors: identification of best practices for the implementation of the Recommendation CM/Rec(2016)4

The Workshop will be based on the identification of best practices amongst member States on specific topics, based on the pillars of the CM/Rec(2016)4 and presented as keypoints here below, on the protection of journalism and safety of journalists and other media actors. Attention will be paid to relevant cross-cutting issues like gender-specific issues and issues relating to the use of digital technologies by journalists, other media actors and States.

Identification of best practices amongst the CDMSI members to the following key-points:

➤ [Pillar 1] Independent, substantive reviews of national legal frameworks governing the protection of journalists and other media actors – and the implementation of those frameworks. Which mechanisms exist at the domestic level? Which additional mechanisms are required?

➤ [Pillar 2] Concrete/practical/operational measures by member States, media organisations and other parties to ensure the safety, protection and liberty of journalists and other media actors;

➤ [Pillar 3] Effective investigations into killings, attacks and ill-treatment, in accordance with member States' (positive) obligations, and including particular attention for measures to combat and eradicate impunity;

➤ [Pillar 4] International co-operation, awareness raising, training and education programmes for all relevant branches of state authorities, especially public prosecutors and law-enforcement bodies, journalists, students, etc. Exchange of information amongst member States on how to protect journalism and journalists at the domestic level: exploring concrete steps of cooperation of member states with Council of Europe.

Moderator: Mr William Horsley

Rapporteur: Mr Patrick Leerssen

13:00 - 14:30   Lunch break

14:30 - 15:30   Closing remarks and discussion

➤ Presentation of the results of the two sessions of the Workshop by the Rapporteurs, including on the need for an analytical compilation of best practices on the protection of journalism and safety of journalists, as identified during the Workshop.

➤ Closing by Elfa Ýr Gylfadóttir, Chair of the CDMSI