

Welcoming address and opening of the high-level Seminar co-organised by the Council of Europe and ENNHRI

Ladies and Gentlemen,

Dear Colleagues,

I would like first of all to address a warm welcome to you all on behalf of ENNHRI and to thank the Council of Europe, our long-term partners and co-organisers of the event, for the excellent organization and for hosting us here today.

It is a great pleasure for me to open this high-level Seminar which will discuss the role and powers of NHRIs and other national mechanisms in protecting the freedom of expression, and protecting journalists themselves.

As NHRIs, we witness and also are mandated to monitor how freedom of expression is at the very core of human rights; a critical, much needed ingredient that paves the way and strengthens other freedoms, and a cornerstone of democracy. Free and pluralist media are both the expression and the safeguard of our core freedoms.

Unfortunately, restrictions have been felt throughout Europe, following regressive legislation and fear of speaking out, which can lead to self-censorship.

Within a volatile, rapidly changing environment, the notion that free speech can be disproportionately regulated has become ever more prominent in European thinking and law restrictions to media freedom. As this happens sometimes on grounds of, or thinly veiled justifications of, for example, national security

requirements, emerge as particularly serious issues, this very serious.

Several other countries, are facing ongoing challenges for many years, whereas a situation in other parts has been changing very rapidly. In such extreme circumstances, NHRIs themselves might be in need of support because of the problems they face ineffectively doing what they have to do.

We have read about concerning developments, such as media being increasingly taken into the hands of state, as in Hungary or Poland, independent and investigative journalists are being arrested or imprisoned as in Turkey; and freedom of expression or assembly being limited due to counter-terrorist measures in various states.

Within a changing landscape, some things remain unchanged: the role that freedom of expression and media freedom play as essential components of a democratic society, founded on human rights. Many NHRIs have increased their attention to the issue of independent media and protection of journalists. The right to be informed via independent media becomes more important in times of crisis.

Here, I would like to draw attention to the very important role of our strong ally the European Court of Human Rights. For instance, when we look at the very recent case against Russia, in which we see satirical publications that are quite severely damaging for the reputation of a regional prosecutor, being 'saved' by the Court because of the importance of informing the public even in this way about the merits of candidates standing for election.

This Court has had a highly impressive contribution to the protection of journalists over the years. This importance can

hardly be over-estimated, but this is what happens all the same sometimes. Without this Court, the notion of citizen journalism, the fight against discrimination and hate speech, the protection of journalistic sources, and of whistle-blowers, and the access to public documents would not have had the developments we have witnessed up to this point.

In regard of this, it is even more worrying that this Court is under attack in several countries under which 'bien etonne de se trouver ensemble' Denmark, where we have heard that there might be a movement towards withdrawing from the Court altogether.

I am not sure if you have heard about the Wilders case in my country, the Netherlands?....

I do not intend to say a lot about this today, but I am convinced that the District Court in the Hague in their decision of last week was inspired enormously by the jurisprudence of the European Court of Human Rights, as was our Supreme Court before when dealing with cases of politicians trying to justify their discriminatory speeches, tweets and blogs, with an appeal to their freedom of expression.

So, the role of National Human Rights Institutions and ENNHRI is: "Support the Court"

And this is what we do.. ENNHRI has been involved throughout the inter-governmental reform process, and has strongly supported the supervisory role of the Court. Furthermore, as recognised in the Brighton and Brussels Declarations, NHRIs are crucial actors in working towards the implementation of the Convention and the execution of Court judgments. Indeed, ENNHRI has published Guidelines to support NHRIs in their work on execution of judgments, and will be developing this work in 2017.

NHRIs work to raise public awareness on human rights, is also crucial for promoting a culture of rights where hate speech is not accepted. Indeed, we inform the public about harassment, and conduct surveys, give opinions and recommendations, and suggest appropriate legal and strategic solutions to government. All of these are within NHRI's mandate, and working with the media is explicitly set out in the UN Paris Principles (against which all NHRIs are accredited).

Often we look to the media when we need them. How can they assist us in achieving our goals in the field of human rights in general, and specifically freedom of expression? A little bit like 'what's in it for us?'

However, in several countries, we see changes in the political and public discourse that might call for another, more structural, more two-way-street approach to our contacts with journalists and other media actors. I am aware that some NHRIs are already working with this approach, given the long-standing challenges faced by journalists. To be honest, for instance in the Netherlands, I can see that it would be a good idea for us to pay more attention to this approach.

We will learn about the unique experience and role of NHRIs today, including their monitoring, advisory, awareness-raising, and complaints-handling roles. Indeed, NHRIs are equipped to address the human rights concerns faced by media through a variety of functions. They address both individual and structural concerns, they are a bridge between the state and civil society, and also between the national context and the international mechanisms.

At European level, several actors have recognized the need for increased action on freedom of expression and protection of

journalists. As Chair of ENNHRI, Ms Vidovic, spoke last month at the recent EU Colloquium on Fundamental Rights which this year focused on "Media Pluralism and Democracy".

Also, ENNHRI has enjoyed cooperation with the Council of Europe, in this case ECRI, on Hate Crime and Hate Speech in a Thematic Platform with FRA and Equinet. Hate Speech is an issue which must be carefully balanced with freedom of expression. This has proved challenging in many situations, including for example, in France and Belgium, following the terrorist attacks, or in the UK, following the Brexit referendum.

We are also following with interest the upcoming work at CDDH on this topic, and we are looking forward to future cooperation with our valued partners at Council of Europe on this important and increasingly relevant area of work.

I am aware that we have excellent speakers today, including former judge of the Court, and I hope that we can use this opportunity for open discussion on the challenges faced well as solutions we can bring to support NHRIs and other actors in our common goal of promoting freedom of expression, and protecting journalists in their vital role.

Thank you very much.