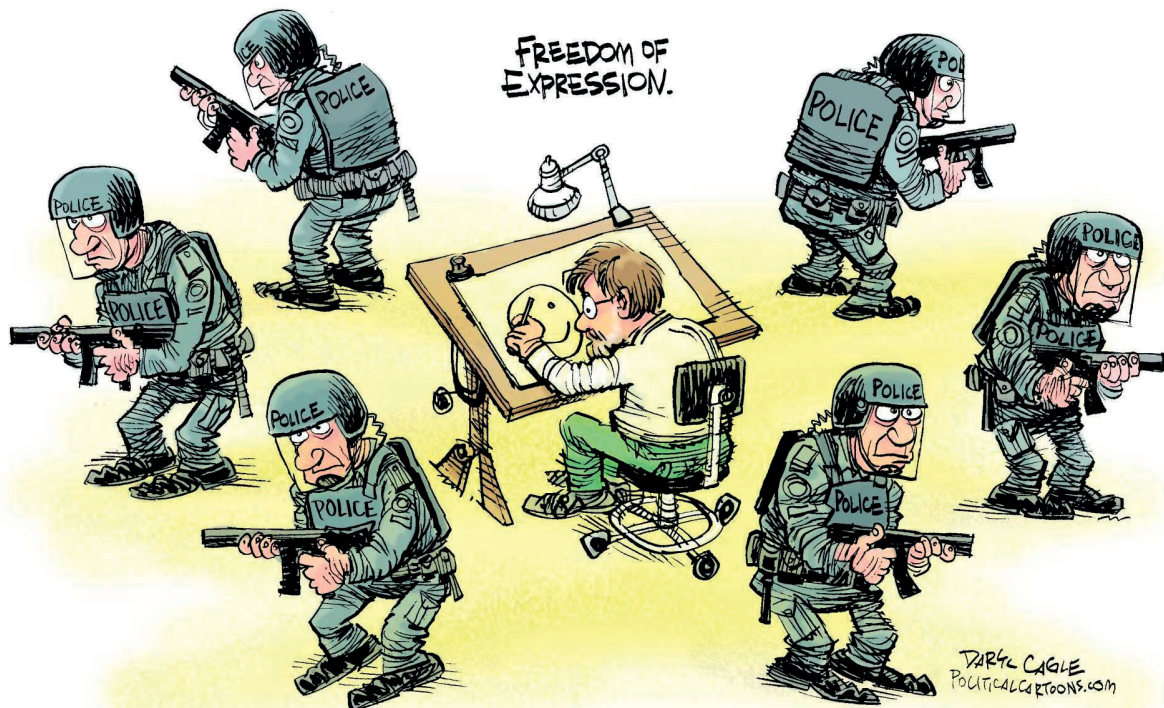


SAFETY OF JOURNALISTS

TRAINING PROGRAMME



Cooperation on Freedom
of Expression

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Training Curriculum for police and law-enforcement officers on Safety and Protection of Journalists and other Media Actors

Participants Manual

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INTRODUCTION

Introduction to the course

Protecting the safety of journalists ensures that they are able to report on issues of public interest without fear of retaliation. This informs public debate on matters of public interest, which in turn is crucial to democracy, protection of human rights, and promotion of the rule of law. This has been recognised by the European Court of Human Rights as well as by the Council of Europe Committee of Ministers, through a series of judgments and the adoption of instruments such as [Recommendation CM/Rec\(2016\)4 on the protection of journalism and safety of journalists and other media actors](#). Yet, whilst standards have been developed at the European level, practice at the national level is often not yet in line with these standards, and opportunities to learn from good practices across borders are rare. Also, year-on-year statistics show that the problem of violence against journalists remains a serious one.¹

This Training Curriculum seeks to improve implementation of Recommendation (2016)4 by providing a comprehensive, autonomous and adaptable training curriculum package on safety and protecting of journalists and other media actors for police and law-enforcement officers. It is based on the case-law of the European Court of Human Rights and national good practices promoting the safety of journalists. The objective of the curriculum is to ensure that police, prosecutors, and other law-enforcement agencies are familiar with European standards and national good practices, and are able to apply these in their own national context.

The curriculum draws on and incorporate elements from existing training programmes and implementation guides, such as the [HELP course on Protection and Safety of Journalists](#) and both the [Implementation Guide to Recommendation CM/Rec\(2016\)4](#) and the [Extended Implementation Guide](#). In addition, this curriculum includes learnings from and references to established good practices, such as the Netherlands' Persveilig program and the role of police within it, as well as emerging good practices as compiled by the [Journalists Matter](#) campaign. Where appropriate, reference is also made to practices in non-European countries with experience of national programs to enhance the safety of journalists, such as [Colombia](#) and [Mexico](#).

This curriculum is focused on European standards and good practices. In order to ensure national relevance, whenever it is delivered a national trainer needs to link these international standards to national laws, regulations and practices. The curriculum will indicate where these references and links will need to be made. For example, if the training is delivered in country X, the section that discusses the role of the police in guarding the safety of journalists during demonstrations needs to include reference to current national practice on this; or, when this curriculum makes reference to swift investigation and prosecution of crimes against journalists, Trainers will refer to the applicable national legislation - European standards and national good practices should not be taught 'in isolation'.

Modules

The Curriculum consists of eight substantive modules:

- ▶ **Module 1:** Testimony
- ▶ **Module 2:** European standards on freedom of expression and journalists' safety
- ▶ **Module 3:** Introduction to Council of Europe Recommendation (2016)4
- ▶ **Module 4:** Council of Europe Recommendation (2016)4: the prevention pillar
- ▶ **Module 5:** Council of Europe Recommendation (2016)4: the protection pillar
- ▶ **Module 6:** Council of Europe Recommendation (2016)4: the prosecution pillar
- ▶ **Module 7:** Protecting the safety of journalists during demonstrations and public unrest
- ▶ **Module 8:** Effective cooperation between law enforcement and the media: the case of PersVeilig

1. See statistics collected on the Council of Europe Platform to promote the protection of journalism and safety of journalists: <https://fom.coe.int/en/graphiques>.

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The curriculum is designed to be delivered over a period of two days; but if time permits it can be delivered over three or four days by adding elements such as site visits to journalists' associations or law enforcement units that work on cases involving journalists. The exact length of the training will depend on time available.

We hope that you will find the training useful, and that you will be able to implement learnings in your work.

CURRICULUM MODULES

→ Module 1: Testimony

Introduction

This module aims to ground the training in real-world experiences by providing law enforcement personnel with firsthand testimony from a journalist or media professional who has faced violence, threats, or intimidation in the course of their work.

Session

Testimony from journalists affected by the problem of violence against journalists may be provided in different ways:

- ▶ Direct testimony from a journalist, or a group of journalists, from the country or region where the training is delivered on the impact that violence against them has had on their ability to do their work;
- ▶ Supplemental testimony from a law enforcement officer, or a group of officers, on specific challenges they have encountered in terms of protecting the safety of journalists;
- ▶ Showing of a video or a series of videos conveying such testimony. Examples include the following:
 - Series of National Union of Journalists videos on the Safety of Journalists ((1) [Introduction](#) (1 minute); (2) [Journalists' safety video](#) (9 minutes); (3) [Photographers' safety](#) (2 minutes); (4) [How journalists from ethnic minority backgrounds are routinely subjected to racist abuse](#) (2 minutes); (5) [How women journalists and those reporting on minority groups become the target for abuse](#) (2 minutes);
 - 'Journalism was her life': Daphne Caruana Galizia's family speak out: <https://www.theguardian.com/world/video/2018/apr/17/journalism-was-her-life-daphne-caruana-galizias-family-speak-out-video> (10 minutes)
 - UNESCO video: How to stop impunity for crimes against journalists? <https://www.youtube.com/watch?v=VuQTq2Ej6q8> (5 minutes)
 - UNESCO video: Online violence against women journalists harms everyone. Let's end it! <https://www.youtube.com/watch?v=-Sc0gmCECoc> (2 minutes)
 - Al Jazeera news report: Violence against journalists on the rise, 'atmosphere of impunity' <https://www.youtube.com/watch?v=u-qWT-2CTM> (4 minutes).

These videos can be shown one at a time after a coffee break or after lunch (showing a video is a good way of breaking up a session and keeping the attention of participants). They can also be played on a loop, in this playlist: <https://youtube.com/playlist?list=PLNwqF0PWlueKvsv3RE1moXF61KKc3qn3v&feature=shared>.

If there is time, for example in the evening, a documentary can be screened such as "[A Dark Place](#)", a 2018 film which provides first-hand experiences shared by leading women journalists targeted with online violence and experts in the fields of human rights, gender and media freedom from Serbia, Spain, the UK, Finland, the US, Turkey and Russia; or "[20 days in Mariupol](#)", an Academy Award- winning documentary about a team of Ukrainian journalists trapped in the besieged city of Mariupol as they struggle to continue their work documenting atrocities of the Russian invasion.

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If the opportunity presents itself, a play such as “[They Blew Her Up](#)” could be staged. This is a play that explores the murder of Maltese journalist Daphne Caruana Galizia. It is a very powerful play but staging it would most likely require significant funding.

These different forms of testimony can complement each other. For example, there can be a session with personal testimony from a group of journalists, and in addition to that short videos can be played during breaks or incorporated into different parts of the curriculum.

If time allows, the screening of a video or presentation of testimony should be followed by group discussion.

→ Module 2: European standards on freedom of expression and journalists’ safety

Introduction

The objective of this module is to equip participants with a clear understanding of the European legal framework governing freedom of expression and the safety of journalists, with a particular focus on Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights. You will examine the obligations of law enforcement authorities in protecting journalists, ensuring a safe working environment, and upholding press freedom while balancing security considerations. The module will also address common threats faced by journalists, the role of state authorities in preventing and responding to attacks, and the legal and institutional mechanisms available to safeguard media freedom in line with European human rights standards.

Sessions

C. 1 Brainstorming exercise: why does freedom of expression and ensuring the safety of journalists matter?

This module opens with a group brainstorming session, facilitated by the trainer. The objective is to explore and identify different aspects of the importance of the right to freedom of expression and the protection of journalists.

The trainer will ask two questions:

1. Why is freedom of expression important?
2. Why is the protection of journalists important?

You are encouraged to share your ideas, which can be written on a flip chart, on Post-it notes on the wall, or on an interactive whiteboard.

If you get stuck, you may ask yourself questions such as:

- ▶ what does freedom of expression mean to me as an individual?
- ▶ what does freedom of expression mean to society?
- ▶ can democracy function without freedom of expression?
- ▶ can freedom of expression help combat corruption?
- ▶ what special function do journalists serve in society?
- ▶ what happens when journalists are threatened or face violence?

The paper on which your contributions have been noted should be left on the wall as a reminder of the various reasons for why the right to freedom of expression is important, and why the protection of journalists is important.

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C. 2 Presentation on Freedom of Expression and Journalists' Safety and subsequent discussion

The trainer presents a PowerPoint presentation on the importance of the right to freedom of expression and the protection of journalists and moderates Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

The Importance of the Right to Freedom of Expression

The right to freedom of expression is guaranteed in the European Convention on Human Rights as well as in other human rights treaties and declarations. Following the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations in 1948, the European Convention, which was drafted in the early 1950s and entered into force in 1953, was the first legally binding human rights treaty.

Article 10 of the Convention states:

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The right to freedom of expression is a cornerstone of democratic society and plays a central role in the protection of other rights. This has been affirmed by the European Court of Human Rights in dozens of judgments, including the following:

- ▶ [Handyside v. the United Kingdom](#), 7 December 1976: "Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man."
- ▶ [Manole and Others v. Moldova](#), 17 September 2009: "Democracy thrives on freedom of expression. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself."

The right to freedom of expression protects all forms of expression. In practice, the Court has distinguished between political speech, discussion on matters of public importance, artistic expression, information of a commercial nature, and entertainment such as music. Political expression and debate on matters of public importance is especially protected:

"[F]reedom of political debate is at the very core of the concept of a democratic society which prevails throughout the Convention" ([Lingens v. Austria](#), 8 July 1986)

A high level of protection is afforded to discussion of all matters of public importance:

- ▶ Discussion of historical genocides ([Perinçek v. Switzerland](#), 15 October 2015)
- ▶ Criticism of the actions of the police ([Savva Terentyev v. Russia](#), 28 August 2018)
- ▶ Criticism of disproportionate pay increases for the director of a large car manufacturer ([Fressoz and Roire v. France](#), 21 January 1999)
- ▶ Discussion on the privatisation of a major national insurance provider ([Radio Twist a.s. v. Slovakia](#), 19 December 2006)

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- ▶ Allegations of mis-selling of insurance products ([Haldimann v. Switzerland](#), 24 February 2015)
- ▶ Discussion on employment law and policy, aimed at professionals in the human resources sector ([Herbai v. Hungary](#), 5 November 2019)

The European Court has emphasised that the scope of information and ideas protected is extraordinarily broad. The only type of expression that falls outside the scope of the right to freedom of expression is hate speech. Examples of what the Court has understood as being part of “information and ideas” include:

- ▶ Information about someone’s private life: publication of photographs to illustrate a news story ([Von Hannover v. Germany \(2\)](#), 7 February 2012)
- ▶ Information about abortion: ([Open Door and Dublin Well Woman v. Ireland](#), 29 October 1992)
- ▶ Criticism of the founder of the state: ([Murat Vural v. Turkey](#), 21 October 2014)
- ▶ Criticism of religion: ([Dubowska and Skup v. Poland](#) (dec.), 18 April 1997)

Freedom of expression applies to words that shock, offend or disturb. As the author, Salman Rushdie, has remarked: “What is freedom of expression? Without the freedom to offend, it ceases to exist.” The European Court of Human Rights has emphasised:

“Freedom of expression ... is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’” ([Handyside v. the United Kingdom](#), 7 December 1976)

The importance of the media and of protecting journalists

The media play a particularly important role in relation to the right to freedom of expression. Whether online, through radio or television or in print, they are the means through which the vast majority of people receive news and information on issues of public interest. As the Court has recognised:

“Although the press must not overstep certain bounds, regarding in particular the protection of the reputation and rights of others, its duty is nevertheless to impart - in a manner consistent with its obligations and responsibilities - information and ideas on all matters of public interest. Not only does the press have the task of imparting such information and ideas; the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of ‘public watchdog’” ([Pedersen and Baadsgaard v. Denmark](#), 17 December 2004)

This applies to online media, bloggers and particularly popular social media users as well as to ‘traditional’ media:

“Given the important role played by the Internet in enhancing the public’s access to news and facilitating the dissemination of information, the function of bloggers and popular users of the social media may be also assimilated to that of “public watchdogs” in so far as the protection afforded by Article 10 is concerned.” ([Magyar Helsinki Bizottság v. Hungary](#), 8 November 2016)

The term ‘journalist’ is to be interpreted broadly and functional. Recommendation CM/Rec(2016)4 states that it includes all who “who contribute to public debate and who perform journalistic activities or fulfil public watchdog functions.” The UN Human Rights Committee has similarly stated that “journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere” (see [General Comment 34](#)). The UN General Assembly has also acknowledged that “journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organisations that seek, receive and impart information and ideas of all kinds, online as well as offline ... thereby contributing to shape public debate” ([Resolution 68/163](#)). And, according to the [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#), “the protection of journalists should not be limited to those formally recognised as journalists, but should cover others, including community media workers and citizen journalists and others who may be using new media as a means of reaching their audiences”.

Obligations on the State, and therefore on Law Enforcement

There are two types of duties on the state, and therefore on law enforcement:

- (3) negative duty: do not interfere unless as prescribed by law and as necessary in a democratic society for the protection of a legitimate aim
- (4) positive duty: take steps for the effective realisation of the right to freedom of expression

Negative duty

The negative duty requires that there is no interference with the right to freedom of expression unless the following conditions are fulfilled:

1. The restriction has must have been prescribed by law;
2. The restriction must have been imposed in pursuit of a legitimate aim; and
3. The restriction must be demonstrated to have been 'necessary in a democratic society'.

This so-called 'three-part test' is drawn from the text of Article 10(2) ECHR.

In applying the 'prescribed by law' test, the Court uses a substantive test. It considers that the term 'law' includes legal provisions passed by parliament, but also ministerial regulations and similar norms, as well as judicial interpretations of the law. Further requirements include:

- ▶ The legal measure on which the restriction is based must be 'adequately accessible'. Unpublished internal regulations cannot provide a basis for a restriction.
- ▶ The law must be foreseeable, meaning 'formulated with sufficient precision to enable the citizen to regulate their conduct' ([Sunday Times v. the United Kingdom](#), 26 April 1979). Journalists and other professionals are expected to take special care and, if necessary, to seek legal advice (see, in particular, [Delfi v. Estonia](#) (GC), 16 June 2015)
- ▶ The law must afford protection against abuse and arbitrary or excessive use of the law ([Centro Europa 7 S.R.L. and Di Stefano v. Italy](#) (GC), 7 June 2012)
- ▶ The law must provide for the possibility of judicial review ([Ahmet Yildirim v. Turkey](#), 18 December 2012)

The 'legitimate aim' requirement means that a restriction may be imposed only for the protection of one of the aims listed in Article 10(2): the protection of national security, territorial integrity or public safety; the prevention of disorder or crime; the protection of health or morals; the protection of the reputation or rights of others; preventing the disclosure of information received in confidence; and maintaining the authority and impartiality of the judiciary.

Any restrictions on the right to freedom of expression "must be narrowly interpreted and the necessity for any restrictions must be convincingly established" ([Observer and Guardian v. the United Kingdom](#), 26 November 1991).

In the case of [Sunday Times v. the United Kingdom \(No. 1\)](#), (26 April 1979), the Court emphasised that any restrictions must be truly necessary and elaborated on the strict meaning of that word:

"[W]ilst the adjective 'necessary', within the meaning of Article 10 (2), is not synonymous with 'indispensable', neither has it the flexibility of such expressions as 'admissible', 'ordinary', 'useful', 'reasonable' or 'desirable' ... it implies the existence of a 'pressing social need'"

In determining whether there is a 'pressing social need' that would justify a restriction as being 'necessary in a democratic society', the Court requires that the following questions are addressed:

- ▶ Are the reasons given for the restriction 'relevant and sufficient'? As part of this, it needs to be assessed whether the authorities based themselves on an acceptable assessment of the relevant facts; and whether they applied standards that were in conformity with the principles embodied in Article 10?
- ▶ Is the restriction proportionate to the legitimate aim pursued?

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Various factors are taken into consideration to assess whether or not a restriction is proportionate to the aim pursued, including:

- ▶ The nature and severity of the restriction, and how long it was imposed for (see, for example, [Sunday Times v. United Kingdom \(No. 1\)](#))
- ▶ The position of the applicant and his/her role in the public debate
- ▶ The impact of the expression in question: how many individuals have read, seen or heard it (for example, in [Tamiz v. the United Kingdom](#) (19 September 2017) only a limited number of people had accessed an impugned blog post and so it had limited impact)
- ▶ The right of the public to be informed on matters of general importance
- ▶ Whether the authorities have struck a fair balance between the right to freedom of expression and other rights (see, for example, [Cumpănă and Mazăre v. Romania](#) (17 December 2004))
- ▶ Whether the authorities have applied the least restrictive means possible to achieve the legitimate aim (see, for example, [Ürper and Others v. Turkey](#) (20 October 2009))

Positive duty: What States Must do to Protect and Facilitate Freedom of Expression

States are under a strong duty to take measures to protect journalists and others who report or speak out on issues of public interest. The Court has held:

“States are obliged to put in place an effective system of protection for authors and journalists as part of their broader obligation to create a favourable environment for participation in public debate by everyone and to enable the expression of opinions and ideas without fear, even when they are contrary to those held by the authorities or by a significant section of public opinion and even if they are annoying or shocking for the latter.” ([Dink v. Turkey](#), 14 September 2010)

This is not just about protecting Freedom of Expression, but also the right to life, the right to physical integrity, the right to respect for private life, and the right to be free from discrimination, to name but a few of the other rights engaged.

In addition to protecting these rights, in recognition of its importance in democratic society, States must create an enabling environment for the exercise of the right to freedom of expression. Journalists and other media actors in particular should be able to speak out on matters of public importance without fear of retaliation or retribution.

This entails three distinct obligations:

- (1) States must put in place effective criminal-law provisions to deter the commission of offences, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions;
- (2) where necessary, States must take preventive operational measures to protect an individual or individuals whose lives are at risk
- (3) When violent acts are committed, or threats are made, States are under a duty to investigate and bring those responsible to justice.

In a concrete situation, law enforcement must consider whether there are or have there been threats. In the case of [Özgür Gündem v. Turkey](#), the domestic authorities – which were aware of a series of violent actions against a newspaper and people associated with it – did not take any action to protect the newspaper and its journalists. This violated the right to freedom of expression. By contrast, in [Huseynova v. Azerbaijan](#), neither the applicant’s husband (a journalist who had been murdered) nor his magazine had been subjected to acts of violence. Moreover, the applicant’s husband had not lodged any application or request for protection with the domestic authorities before his murder. This meant that law enforcement could not have been expected to act proactively to protect the journalist’s right to life.

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In [Dink v. Turkey](#), the European Court of Human Rights found that the Turkish Government violated Articles 2 (Right to Life), 10 (Freedom of Expression), and 13 (Right to an Effective Remedy) of the European Convention on Human Rights by failing to protect journalist Firat Dink, leading to his murder. Dink, an outspoken Armenian minority member in Turkey, was killed due to his writings. Despite knowing of an assassination plot against Dink, Turkish authorities did not take action. The Court emphasised that states have a positive obligation to create a favourable environment for participation in public debate.

Law enforcement must also consider motive. For high profile journalists, it should often be assumed that the motive of an attack or a threat is linked to the journalist's professional activities. In [Khadija Ismayilova v. Azerbaijan](#), the Court held that "[i]n a situation where the applicant was well known in society specifically for her journalistic activity and for that activity only, it is difficult to discern any motive for threats of public humiliation received by her other than a motive connected to that activity."

→ Module 3: Introduction to Council of Europe Recommendation (2016)4

Introduction

The objective of this module is to provide a comprehensive introduction to Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors. You will explore the purpose, scope, and key principles of the Recommendation, including the broad definition of journalists and media actors, the obligations of states to prevent, protect, and prosecute attacks against them, and the importance of fostering an enabling environment for free and independent journalism. The module will highlight the Recommendation's relevance to law enforcement, emphasizing your role in upholding media freedom and ensuring the safety of journalists in line with European human rights standards.

Sessions

B. 1 Small group discussions: What issues are relevant when considering the safety of journalists?

Guidance

Trainers will divide the participants in groups of three or four participants.

At the start, you will be asked to consider the following very broad question:

- ▶ When thinking about the protecting the safety of journalists, what topics are important?

You will have five minutes to start the discussion.

If you get stuck, think about safety from different angles:

- ▶ safety from physical attacks;
- ▶ safety from verbal threats;
- ▶ online safety;
- ▶ safety from abusive legal threats;
- ▶ other angles.

Also think about what kind of actions might be required from law enforcement and other state bodies, as regards preventive action, protective action, as well as the investigation and prosecution of crimes of safety.

B. 2 Presentation introducing Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors and subsequent discussion

The trainer presents a PowerPoint presentation introducing the Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors emphasises the fundamental role of free and independent journalism in democratic societies. Recognising the increasing threats, harassment, and violence faced by journalists, the Recommendation sets out a comprehensive framework for member states to ensure their safety through prevention, protection, and prosecution measures. It emphasizes that journalism is defined by its public watchdog function and extends protections to a broad range of media actors, including citizen journalists and bloggers. The Recommendation calls on states to uphold their positive obligations under Article 10 of the European Convention on Human Rights and to establish effective safeguards that enable journalists and other media actors to work without fear of intimidation or harm.

The Recommendation is built on four pillars:

1. Prevention
2. Protection
3. Prosecution
4. Promotion and awareness raising

Prevention

To ensuring an enabling environment for journalists and other media actors, the prevention 'pillar' of the Recommendation calls on Member States to establish a robust legal framework that ensures the independence of the media and safeguards media pluralism, including protections for public-service and community media. This framework should guarantee public access to information, uphold privacy and data protection, secure confidentiality of communications, and protect journalistic sources and whistle-blowers. It must also provide effective protection for all journalists and media actors, with specific attention to gender-related threats and labour protections to prevent undue pressures. Member States must also ensure all state surveillance and interception of communications are legally regulated, include procedural safeguards, and are subject to independent oversight to guarantee transparency and accountability.

To maintain effectiveness, the legislative framework should be subject to independent, periodic review to ensure compliance with European and international human rights standards. Reviews should assess laws on national security, extremism, and defamation, ensuring they do comply with European standards.

Independent bodies should conduct these reviews transparently, involving civil society and media representatives. Findings should be formally submitted to relevant authorities, requiring timely responses and integration into reporting mechanisms at the Council of Europe and other international organisations.

Protection

Member States should ensure that legislation criminalising violence against journalists is effectively enforced through law enforcement and redress mechanisms. Authorities have a duty to prevent and respond to threats against journalists, taking proactive measures such as providing police protection or relocation, when necessary, with specific attention to gender-related risks.

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Establishing early-warning systems and rapid-response mechanisms is crucial to ensuring journalists' safety. This includes 24-hour hotlines, emergency contact points, and secure online platforms where journalists can report threats and seek immediate assistance. Protection measures should be proactive, such as police protection for those at risk, safe relocation options, and legal mechanisms to prevent imminent harm.

Journalists deprived of liberty must be granted procedural safeguards, including the right to legal assistance, medical care, and judicial review of detention.

Training programmes and protocols should be developed for state authorities, including law enforcement, to ensure compliance with international human rights obligations and awareness of journalists' democratic role. Such training should cover threat assessments, gender-specific risks, and protocols for interacting with journalists, particularly in sensitive situations like protests and conflict zones. Journalists should also be trained in safety measures, digital security, and emergency response to mitigate risks in high-threat environments.

Member States must also guard against the misuse of laws to harass or silence journalists. This includes the misuse of defamation, national security, or anti-terrorism laws to prosecute or imprison journalists unfairly. Legal safeguards should prevent frivolous lawsuits (SLAPPs) and arbitrary administrative actions, such as burdensome licensing, accreditation, or taxation policies, that undermine press freedom.

Journalists covering protests and public demonstrations are particularly vulnerable to physical attacks, arbitrary detention, and obstruction by law enforcement. Authorities must respect the right of the media to report and ensure that journalists are not treated as participants in protests. Press credentials should be recognised, and law enforcement should be trained to facilitate, rather than hinder, media coverage. Any use of force against journalists should be subject to thorough investigation and accountability measures.

Public officials and political leaders must refrain from using hostile rhetoric that delegitimises journalists and incites threats or violence against them. Labelling journalists as "enemies of the people," accusing them of spreading "fake news," or using other forms of negative discourse erodes trust in the media and endangers journalists' safety. Governments should actively promote a culture of respect for press freedom and condemn all attacks, threats, and intimidation against journalists, regardless of the source.

Media organisations are encouraged to uphold institutional responsibilities for journalists, including safety training, insurance, legal support, and trauma counselling, particularly for those working in high-risk environments.

Prosecution

Ensuring justice for crimes against journalists is essential to prevent impunity. Investigations into killings, attacks, and ill-treatment must meet key requirements: they should be adequate, thorough, impartial, independent, prompt, and subject to public scrutiny. Investigations must establish the facts, identify those responsible, and explore potential links between violence and journalistic work, including any racist or gender-based motivations. Specialised, well-trained units should conduct these investigations, ensuring there are no conflicts of interest and maintaining public confidence in the rule of law.

Member States must prosecute all individuals involved in crimes against journalists, from instigators to accomplices, and uphold judicial integrity by guaranteeing the independence and safety of judges, prosecutors, lawyers, and witnesses. Victims and their families must have access to effective remedies, including legal action, compensation, medical and psychological support, and relocation if necessary.

Impunity for crimes against journalists leads to a breakdown of justice. To combat this, statutes of limitations should not apply to crimes involving ill-treatment by State agents, and amnesties or pardons should not be granted without compelling justification. Public officials who obstruct justice through neglect or complicity should face aggravated penalties. If prosecutions fail, special inquiries or independent bodies may be established to investigate cases further.

Given the cross-border nature of some crimes, international cooperation in sharing information and best practices is crucial. States should also actively prioritise journalist protection and accountability for crimes against them in international forums, including reporting to bodies such as the Council of Europe

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Commissioner for Human Rights and the OSCE Representative on Freedom of the Media, relevant UN bodies, UNESCO. Judgments of the European Court of Human Rights should be swiftly implemented.

Promotion

The promotion 'pillar' requires Member States to promote awareness of the importance of protecting the safety of journalists, and of the Recommendation. States should facilitate the translation of the Recommendation into both national and minority languages and ensure its broad dissemination. They should actively promote awareness of its content through various publicity materials and campaigns. Awareness-raising efforts should include targeted initiatives that leverage internationally recognised observances, such as World Press Freedom Day (3 May), the International Day to End Impunity for Crimes against Journalists (2 November), and the International Right to Know Day (28 September). Additionally, Member States should engage fully with international and regional intergovernmental organisations in information-gathering, awareness-raising, and other initiatives related to the safety of journalists and media actors. These efforts should, where relevant, highlight gender-specific concerns and issues linked to prohibited forms of discrimination.

Member States should also encourage relevant institutions to incorporate this recommendation - and related educational materials covering its key themes, including gender-specific considerations - into journalism training programmes, continuing professional development for media professionals, and media and information literacy initiatives.

Finally, Member States should foster collaboration with civil society and the media to promote best practices for safeguarding journalists and media actors and addressing impunity. This should include implementing the principles of open government and open justice, maintaining a constructive and responsive approach to civil society and media reports on threats and violence against journalists, and giving due attention to gender-specific and other relevant concerns.

B. 3 Case Study: Identifying Journalists and Other Media Actors

Guidance

The following case studies, designed to be discussed in small groups, aim to help you understand the broad scope of the term "journalists and other media actors" by engaging them in real-world scenarios and discussing the challenges of identifying individuals who should be afforded protection under this category.

Case Scenarios

Scenario 1: The Investigative Reporter

Maria is a full-time investigative journalist employed by a major newspaper. She has uncovered corruption in local government and frequently publishes detailed reports exposing wrongdoing. Recently, she has been threatened by officials who want to silence her.

Discussion Questions:

- ▶ Does Maria fit the definition of a journalist or media actor?
- ▶ Should she be entitled to specific protections?

Scenario 2: The Freelance War Correspondent

Ahmed is a freelance journalist who covers armed conflicts. He contributes articles and photos to various international media outlets but does not have a permanent contract with any of them. While reporting on a military offensive, he is detained by security forces who claim he is not a "real journalist."

Discussion Questions:

- ▶ Does Ahmed qualify as a journalist?
- ▶ How does his freelance status impact his protection?

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Scenario 3: The Citizen Journalist

Sofia is a university student who runs a blog about social issues in her country. She records protests on her phone and posts them online, where they receive significant public attention. Recently, she was harassed by law enforcement for her coverage.

Discussion Questions:

- ▶ Should Sofia be considered a journalist or media actor?
- ▶ What protections, if any, should she receive?

Scenario 4: The Social Media Influencer

Luca has a large following on social media, where he frequently comments on political issues and shares news from various sources. He does not have formal journalism training but has been invited to speak on media panels. A politician has accused him of spreading misinformation and called for his arrest.

Discussion Questions:

- ▶ Is Luca a journalist or media actor?
- ▶ How does the role of social media complicate definitions of journalism?

Scenario 5: The Documentary Filmmaker

Elena is producing a documentary on police violence. She conducts interviews, films protests, and plans to release her work through a streaming platform. Authorities claim she is an activist, not a journalist.

Discussion Questions:

- ▶ Should Elena be recognised as a media actor?
- ▶ What risks could she face, and should she receive protection?

Scenario 6: The Whistleblower's Platform

A non-profit organisation runs an online platform that allows whistleblowers to anonymously submit evidence of corporate and government misconduct. The platform does not create news content but verifies and publishes leaked documents.

Discussion Questions:

- ▶ Does the organisation fit within the definition of "media actors"?
- ▶ Should the organisation and those who work for it be protected in the same way as traditional journalists?

Debrief and Conclusion:

After all groups have presented, discuss:

- ▶ The evolving nature of journalism in the digital age.
- ▶ The risks faced by various media actors, including freelancers, bloggers, and whistleblowers.
- ▶ International standards regarding the protection of journalists and media actors.
- ▶ The importance of a broad and inclusive definition to ensure adequate protection for all those who contribute to public debate.

→ **Module 4: Council of Europe Recommendation (2016)4: the prevention pillar**

Introduction

The objective of this module is to provide a comprehensive understanding of the prevention pillar of the Council of Europe Recommendation (2016)4 on the protection of journalism and the safety of journalists and other media actors. The module will explore the key measures that member States should implement to prevent threats, violence, and other forms of interference against journalists. You will examine the importance of early warning and rapid response mechanisms, protective measures, specialised training for law enforcement, and legal safeguards to ensure a safe working environment for media professionals.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Extended Implementation Guide to selected topics under Prevention and Promotion Pillars of the Guidelines of Recommendation CM/Rec \(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 7-63
- ▶ [Self-Assessment tool for member States on selected topics regarding the protection of journalism and safety of journalists and other media actors – under the Prevention and Promotion pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 74-87

Sessions

C. 1 Brainstorming exercise: preventive measures to protect the safety of journalists

Guidance

This module opens with a group brainstorming session, facilitated by the trainer, building on the introductory session. The objective is to engage you in identifying and discussing effective preventive measures to enhance the safety of journalists and protect press freedom.

The goal of this session is to explore preventive measures law enforcement can take to protect journalists and prevent threats or violence against them, highlighting the importance of proactive strategies over reactive responses.

The trainer divides the participants into five groups. Each group is asked to focus on a different category of preventive measures:

- ▶ Legal and Policy Measures
- ▶ Operational and Security Measures
- ▶ Community Engagement and Awareness
- ▶ Training and Capacity Building
- ▶ Technology and Digital Safety

Consider the following guiding questions:

- ▶ What measures can law enforcement take before threats materialize?
- ▶ How can law enforcement foster trust with journalists?
- ▶ What policies or protocols should be in place to prevent violence against journalists?
- ▶ How can law enforcement collaborate with media organisations?
- ▶ What role does technology play in prevention?

Following the group discussions, each group presents their key ideas. All ideas are to be collected and categorized on a whiteboard or on flipchart sheets.

C. 2 Presentation on the prevention pillar of Recommendation CM/Rec(2016)4

The trainer presents a PowerPoint presentation introducing the prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

The prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

Prevention is a critical component in ensuring a safe environment for journalists, enabling them to carry out their work free from threats, intimidation, or violence. Law enforcement plays a key role in this process by fostering a culture of safety through early intervention, risk assessment, proactive engagement with journalists, and the establishment of protective mechanisms. The prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors recommends that states put in place a number of preventive measures and policies. As discussed in the previous section, many of these are focused on building an enabling legal and regulatory environment:

- ▶ establishing a robust legal framework that ensures the independence of the media and safeguards media pluralism, guarantees public access to information, upholds privacy and data protection, secures confidentiality of communications, and protects journalistic sources and whistle-blowers;
- ▶ specific attention to gender-related threats and labour protections to prevent undue pressures;
- ▶ state surveillance and interception of communications must be legally regulated, include procedural safeguards, and subject to independent oversight to guarantee transparency and accountability;
- ▶ the legislative framework should be subject to independent, periodic review to ensure compliance with European and international human rights standards;

Law enforcement officers cannot change the law and so, even if a review of the legal framework shows a need for law reform this is not something that the police can deliver. However, there are various ways in which law enforcement *can* contribute or even kickstart law reform processes; and there are also various other actions that law enforcement should be taking to prevent violence against journalists.

Law reform processes

Police can contribute to law reform processes by providing information to parliament and parliamentary committees setting out the scale and specific nature of the problem of violence against journalists, and the importance to democracy of protecting journalists and other media actors. This will contribute to a better understanding of the issue among parliamentarians and contribute to a more enabling and protective legislative framework.

Proactive engagement with journalists and media organisations

Law enforcement can enhance journalist safety through proactive engagement with media professionals and media freedom organisations. Building trust through regular dialogue fosters a collaborative relationship, allowing for better communication and mutual understanding. Appointing dedicated liaison officers within police departments ensures that journalists have clear points of contact, improving response times and coordination in high-risk situations. Additionally, law enforcement should provide clear guidance on how journalists can report threats and seek police assistance, reinforcing a framework of protection that enables them to carry out their work safely and without fear.

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Training and Capacity-Building for Law Enforcement

Law enforcement officers should receive specialized training on press freedom and journalist safety, emphasizing their role in safeguarding, rather than restricting, media activities. Establishing dedicated units within police forces to handle cases of violence against journalists can ensure a more focused and informed response. Additionally, law enforcement must be aware of gender-specific threats, such as the targeted harassment of female journalists, and develop appropriate strategies to address and prevent such incidents.

Ensuring Safe Environments for Reporting

Creating safe environments for reporting is essential to upholding media freedom and ensuring journalists can work without fear of harm. Law enforcement must take proactive steps to prevent the excessive use of force against journalists covering protests or public demonstrations, recognizing their right to report on matters of public interest. Officers should receive clear instructions on respecting journalists' rights, including their ability to record public events and police interactions without interference. Additionally, police should coordinate with media outlets to facilitate the safe movement of journalists in conflict zones or areas of unrest, implementing security measures that allow them to operate without unnecessary risk.

Promoting Public Awareness and Cultural Change

Fostering public awareness and cultural change is essential in ensuring the safety of journalists and other media actors, and reinforcing respect for media freedom. Law enforcement should publicly condemn violence against journalists, sending a strong message that such acts will not be tolerated. Engaging with local communities can help raise awareness about the vital role journalists play in a democratic society and the need to protect their rights. Additionally, collaborating with civil society organisations can further promote journalist safety as a fundamental human rights issue, encouraging a broader commitment to press freedom and accountability.

Participate in multi-stakeholder working groups to improve the safety of journalists

Police participation in multi-stakeholder working groups is essential to improving the safety of journalists. These platforms bring together law enforcement, media representatives, civil society, and other relevant actors to foster dialogue, build trust, and develop coordinated strategies to prevent and respond to threats against journalists. By engaging in these groups, police can gain a deeper understanding of the challenges journalists face, improve communication with the media sector, and contribute to the design of effective protection mechanisms. Such collaboration enhances transparency and accountability, promotes respect for press freedom, and strengthens public confidence in the police as a protector of fundamental rights.

C. 3 Small group discussions: Implementing the prevention pillar

Guidance

Building on the information provided through the PowerPoint presentation, the group should now revisit the suggestions made during the first session of this module and which have been written down on flipchart sheets, or on a whiteboard, or recorded somewhere else. You should consider whether, having listened to the PowerPoint presentation, you wish to add further suggestions or change any of the ones that were written down.

Following this stocktaking exercise, discuss:

- ▶ which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation);
- ▶ how these preventive measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

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You should use the [Self-Assessment tool for member States on selected topics regarding the protection of journalism and safety of journalists and other media actors – under the Prevention and Promotion pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 74-87 of the [Extended Implementation Guide](#).

Think about next steps and how, concretely, you will go about incorporating your findings into your work. Do not go back to your jobs and resume ‘business as usual’.

→ Module 5: Council of Europe Recommendation (2016)4: the protection pillar

Introduction

The objective of this module is to provide a comprehensive understanding of the protection pillar of the Council of Europe Recommendation CM/Rec(2016)4 on the safety of journalists and other media actors. You will explore law enforcement’s critical role in protecting journalists and other media actors from threats, harassment, and violence, ensuring they can operate freely and without fear. The module will provide practical guidance on risk assessment, rapid response mechanisms, protective measures, and legal frameworks that enhance journalist safety, with a focus on gender considerations. Through case studies and scenario-based discussions, you will develop strategies to effectively intervene in cases of threats or attacks, fostering a culture of protection, accountability, and media freedom within your jurisdiction.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 8-42
- ▶ [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 60-64

Sessions

C. 1 Case study: Gender-considerations in the protection of journalists

Guidance

The following case study is designed to be discussed in small groups. It aims to foster critical thinking, reflection on current practices, policy-oriented solutions, and awareness of gender-specific challenges in journalist safety.

Case Study Scenario

Anna Petrova is an investigative journalist. She has reported extensively on corruption and organised crime, and over the years she has received multiple threats. Recently, she published a high-profile investigation exposing ties between a political figure and a criminal network. Following the publication:

- ▶ She receives explicit online threats, including gender-based abuse and rape threats.
- ▶ Fake social media accounts spread defamatory content, falsely accusing her of unethical behaviour.
- ▶ Other fake social media accounts spread AI-generated faked pornographic images.
- ▶ Her home address is leaked online, leading to anonymous phone calls and messages threatening her children’s safety.
- ▶ A local tabloid runs a story discrediting her, portraying her as a bad mother for pursuing dangerous stories.

She has complained to police, but law enforcement authorities have initially dismissed her concerns, advising her to stop publishing for a while and to “stay off social media”.

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Questions for discussion

1. Risk Assessment:
 - ▶ What specific gender-based threats is Anna facing?
 - ▶ How do these threats differ from those faced by male journalists?
 - ▶ What additional risks arise due to her family situation?
2. Protective Measures:
 - ▶ What immediate security measures should be put in place for Anna and her children?
 - ▶ What role should law enforcement play, and how can they be held accountable for ensuring her safety?
 - ▶ How can media organisations and journalist networks support her?
3. Legal and Institutional Response:
 - ▶ What legal protections (national or international) should be invoked in this case?
 - ▶ How can authorities ensure that threats against female journalists are taken seriously rather than dismissed?
4. Long-Term Strategies:
 - ▶ What structural changes are needed to prevent gender-based attacks on female journalists?
 - ▶ How can journalist protection programmes be made more gender-responsive?
 - ▶ What role can civil society and international bodies play in supporting at-risk female journalists?

Debrief and Reflection

Each group presents their analysis and recommendations. The trainer will guide a discussion on best practices for addressing gender-based threats in journalism and how protection mechanisms can be improved to account for the realities faced by female journalists and their families.

C. 2 Presentation on the protection pillar of Recommendation CM/Rec(2016)4

Following the case study and group discussion of the scenario presented above, the trainer presents a PowerPoint presentation introducing the protection pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

The protection pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

This session focuses on the protection pillar of the Council of Europe's Recommendation CM/Rec(2016)4, which outlines the responsibilities of law enforcement in shielding journalists and other media actors from harm.

The Council of Europe's Recommendation CM/Rec(2016)4 outlines clear obligations for Member States to protect journalists and other media actors. Law enforcement officials play a key role in implementing these protections.

The protection pillar of the Recommendation focuses on the following points.

First, legislation criminalizing violence against journalists must be enforced effectively. Law enforcement agencies should ensure that legal protections are backed by practical enforcement measures and that victims (or their families) have access to effective redress mechanisms. Authorities must also implement precautionary protective measures, such as restraining orders, for journalists facing credible threats.

Furthermore, law enforcement must act on known threats to journalists. Building on the jurisprudence of the European Court of Human Rights discussed in previous sessions, the Recommendation states that when authorities know or should have known of a real and immediate risk to a journalist's safety, they have

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a duty to prevent harm. This includes providing police protection when requested and, where necessary, arranging voluntary evacuation to a secure location. Protective measures should be timely, effective, and sensitive to gender-specific risks, particularly those faced by female journalists.

It is important that early-warning and rapid-response mechanisms are established. The Recommendation encourages Member States to support hotlines, online platforms, or 24-hour emergency contact points so that journalists under threat can quickly access protection. If these mechanisms are state-run, they must allow civil society oversight and include safeguards for whistleblowers and sources who seek anonymity. Law enforcement should also cooperate with the Council of Europe's [Platform to promote the protection of journalism and safety of journalists](#), to monitor and respond to threats against journalists.

When, in extraordinary situations, journalists are arrested or detained, legal safeguards must be followed. The Recommendation emphasizes that journalists detained by law enforcement must be treated in accordance with procedural guarantees to prevent unlawful detention or mistreatment. This includes:

- ▶ The right to inform a third party of their detention and location.
- ▶ The right to legal representation and medical assistance.
- ▶ The right to challenge the lawfulness of their detention in court.
- ▶ Prompt presentation before a judge in line with Article 5 of the European Convention on Human Rights.

Legal and administrative measures should not be used to intimidate journalists. The Recommendation warns against the misuse of laws, lawsuits, or bureaucratic measures (such as accreditation, taxation, or registration) to harass journalists. Member States must ensure that laws are not applied arbitrarily or discriminatorily to silence critical reporting.

It is imperative that journalists are protected during demonstrations, elections, and crises. [Statistics show](#) that such situations represent occasions of high risk to journalists; yet, they are also situations of high public interest during which it is imperative that journalists should be able to report. Press credentials and journalistic identification should be recognized and respected by law enforcement. At the same time, law enforcement officials should recognize that there may be times when it is not safe for a journalist to display their credentials visibly, especially [during protests when the anger of participants is directed at the media](#). In such situations, law enforcement officials should make reasonable efforts to verify their status rather than obstruct their work. Regular dialogue between law enforcement and journalist organisations is encouraged to prevent conflicts and misunderstandings.

State officials, including law enforcement officials must not undermine journalists or encourage hostility toward them. The Recommendation states that public figures must not delegitimize journalists through threats, accusations of propaganda, or attacks based on gender, ethnicity, or political bias. Instead, officials should publicly condemn violence and threats against journalists, regardless of the source. For example, on occasions when there has been violence against journalists or other media actors, or threats have been made, law enforcement officials should clearly condemn this.

To ensure implementation of these recommendations in practice, law enforcement officials should receive specialized training. The Recommendation calls for training programs and operational protocols for all State authorities involved in journalist protection, including police, prosecutors, judges, military personnel, immigration officials, and other relevant officials. Training should ensure that officials understand international human rights obligations, the role of journalists in democracy, and highlight the specific risks faced by female journalists.

The Recommendation recognises that media organisations also have responsibilities when it comes to protecting the safety of journalists. The Recommendation urges media to put in place institutional protections for their employees as well as for freelancers whose work they publish, including through:

- ▶ Security guidelines for dangerous assignments.
- ▶ Ensuring voluntary and informed deployment in conflict zones.
- ▶ Providing access to safety and digital security training.
- ▶ Providing access to insurance, legal support, and trauma counselling.

C. 3 Small group discussions: Implementing the protection pillar

Guidance

Building on the information provided through the PowerPoint presentation, and the results of the first exercise in this session, the group will now map out the situation in the country as regards protective measures and discuss how this can be improved.

You will breakout into small groups. Each group will assess the country's adherence to a specific standard. Guiding questions are provided for each theme. Groups should discuss strengths, weaknesses, challenges, and possible reforms.

All groups must include in their discussion how gender-specific threats impact female journalists and propose ways to improve their protection.

Group 1: Legal Protections and Law Enforcement Implementation

Guiding questions:

- ▶ What is the legislation criminalizing violence against journalists, and is this effective in practice?
- ▶ Are protective measures, such as restraining orders or police intervention, available for journalists facing threats? Are police protection and evacuation measures available for journalists under threat?
- ▶ Do laws recognize the specific threats faced by female journalists, such as sexual harassment, doxxing, and online abuse? Are female journalists provided with specialized protection measures when facing gender-based violence?
- ▶ Does law enforcement act when credible threats to journalists arise?
- ▶ What is the scope for improvement in relation to each of the above issues?

Group 2: Emergency and Rapid-Response Mechanisms

Guiding questions:

- ▶ Are there hotlines, emergency contact points, or rapid-response systems for journalists under threat?
- ▶ If these exist, are they easily accessible and effective?
- ▶ Is there civil society oversight in the operation of state-run emergency mechanisms?
- ▶ Are these emergency mechanisms designed to address gender-based threats, such as online harassment, stalking, and sexual violence?
- ▶ What is the scope for improvement in relation to each of the above issues?

Group 3: Arrest and Detention of Journalists

Guiding questions:

- ▶ When may journalists legitimately be arrested or detained? Does this happen frequently, and what is the impact on *a.* public safety and *b.* freedom of expression?
- ▶ Are there procedural safeguards in place to prevent unlawful detention of journalists?
- ▶ Do journalists have access to legal counsel, medical care, and the right to challenge their detention?
- ▶ Are these procedures consistently followed in practice?
- ▶ Are female journalists detained in conditions that ensure their safety and dignity?
- ▶ What is the scope for improvement in relation to each of the above issues?

Group 4: Law Enforcement Training and Awareness

Guiding questions:

- ▶ Do police officers receive specific training on journalist protection? If so, when is that training delivered, and is it regularly refreshed?
- ▶ Are there established protocols for law enforcement on handling journalists in conflict situations?

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- ▶ Does training cover international human rights obligations and gender-sensitive risks?
- ▶ Are officers trained to recognize and respond to gender-based violence against female journalists?
- ▶ What is the scope for improvement in relation to each of the above issues?

Plenary discussion

Following discussions in the small groups, each group presents its key findings to the plenary. The trainer then moderates follow-up discussion, identifying common challenges and key gaps. The plenary discussion should focus on identifying recommendations for improving journalist protection, in line with Recommendation CM/Rec(2016)4, with a focus on gender-specific risks.

Suggested focus areas for discussion are:

- ▶ What are the biggest weaknesses in national adherence to the Prosecution Pillar?
- ▶ Where is progress being made?
- ▶ What practical reforms can law enforcement implement?

The groups should use the [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 60-64 of the [Implementation Guide](#).

The discussion should identify which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation).

The discussion should also identify how these protective measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

You are encouraged to think about next steps and how, concretely, you will go about incorporating these into their work. Following the training, you should not go back to your jobs and resume 'business as usual'.

→ Module 6: Council of Europe Recommendation (2016)4: the prosecution pillar

Introduction

This module aims to provide a clear understanding of the prosecution pillar of Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors. You will examine the role of law enforcement in ensuring accountability for crimes against journalists, specifically investigating and prosecuting acts of violence, harassment, and intimidation. The module will discuss principles for effective investigations, legal frameworks for prosecuting perpetrators, and strategies to combat impunity. Through case studies and group discussions, you will assess national challenges in prosecuting crimes against journalists and develop actionable recommendations to strengthen law enforcement's role in upholding media freedom and the rule of law.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 43-60
- ▶ [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 65-66

Sessions

C. 1 Presentation on the prosecution pillar of Recommendation CM/Rec(2016)4

The trainer presents a PowerPoint presentation introducing the prosecution pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

The prosecution pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

This session focuses on the prosecution pillar of the Council of Europe's Recommendation CM/Rec(2016)4, which outlines the responsibilities of law enforcement in the investigation and prosecution of crimes against journalists and other media actors.

Recommendation CM/Rec(2016)4 emphasizes that all crimes against journalists must be effectively investigated and prosecuted to prevent impunity and uphold the rule of law. Law enforcement and judicial authorities have a duty to ensure that investigations are adequate, thorough, impartial, and independent and that those responsible are held accountable. Failure to do so undermines public trust, weakens democracy, and creates a culture where further attacks against journalists can take place without consequence.

The Recommendation stresses that all killings, attacks, and cases of ill-treatment against journalists must be subject to prompt and effective criminal investigations. These investigations must establish the facts, identify the perpetrators, and, where appropriate, lead to prosecution and punishment. Law enforcement must take all reasonable steps to collect evidence, including forensic materials, witness testimonies, and digital records. Investigators must also assess whether the crime was linked to journalistic activity, whether racial motives played a role, and whether gender-specific factors contributed to the attack.

To ensure credibility, investigations must be independent, both in law and in practice. Officials who are implicated in any way must not participate in the investigation. Cases involving journalists should be handled by specialized investigative units within law enforcement agencies, with personnel trained in human rights norms and press freedom protections. This is essential to prevent conflicts of interest, maintain transparency, and ensure the integrity of investigations. The Recommendation also highlights the need for public oversight, allowing independent bodies or civil society organisations to monitor the investigative process. Victims and their families must also be informed and involved to the extent necessary to protect their legitimate interests.

Beyond identifying the direct perpetrators of crimes against journalists, prosecutors must also pursue all those involved, including instigators, accomplices, and those obstructing justice. Investigations must not stop at identifying the individuals who carried out the attack but must also examine whether any public officials played a role by allowing, encouraging, or covering up the crime.

Ensuring justice for journalists requires an independent and impartial judiciary. Judges, prosecutors, lawyers, and witnesses involved in such cases must be protected from threats, intimidation, and violence. Their safety is essential for ensuring that cases are prosecuted without external pressure or fear of retaliation.

The Recommendation further emphasises that victims and their families must have access to appropriate remedies. This includes legal avenues for seeking justice, as well as financial compensation, medical and psychological support, and, where necessary, relocation to a safe environment. Importantly, the availability of these remedies must not depend on the outcome of criminal proceedings; victims must be able to seek civil remedies even if a criminal trial is still ongoing.

One of the greatest threats to journalist safety is impunity: the failure to bring perpetrators to justice. When crimes against journalists go unpunished, it emboldens those who seek to silence the press through violence

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and intimidation. The Recommendation makes it clear that member States must take decisive action to prevent impunity by ensuring that cases are prosecuted without delay or obstruction.

To achieve this, cases involving violence or ill-treatment by state agents must never be time-barred. This means that these crimes should not be subject to statutes of limitations that allow perpetrators to avoid prosecution simply because too much time has passed. Additionally, public officials who obstruct investigations, whether through neglect, complicity, or active interference, should face aggravated penalties. This ensures that law enforcement and government authorities are held accountable for their role in either preventing or enabling attacks on journalists.

Amnesties or pardons for those convicted of crimes against journalists should not be granted unless there are exceptional, justified circumstances. The granting of amnesty in such cases can erode trust in the justice system and sends the message that attacks on journalists will not have serious consequences.

In situations where the justice system fails to deliver accountability, the Recommendation suggests that member States consider establishing special judicial or independent investigative bodies. These can take the form of commissions of inquiry that conduct in-depth investigations into specific cases or ongoing patterns of violence against journalists. These bodies should involve respected legal experts, media professionals, and civil society representatives to ensure transparency and credibility.

Many crimes against journalists have cross-border elements, especially in cases of online threats, digital surveillance, or attacks against journalists in exile. The Recommendation urges member States to improve international cooperation in investigating and prosecuting such crimes. This includes sharing information, expertise, and best practices while ensuring that safeguards for privacy, data protection, and the presumption of innocence are respected.

Member States should also engage with regional and international human rights mechanisms that monitor press freedom violations. This includes submitting reports to the UN Human Rights Council's Universal Periodic Review, providing updates to UNESCO on the status of investigations into journalist killings, and responding to inquiries from the Council of Europe Commissioner for Human Rights and the OSCE Representative on Freedom of the Media. Additionally, member States must promptly implement European Court of Human Rights rulings that address journalist safety and media freedom violations.

C. 2 Case study: Group work analysing prosecution questions

Guidance

Divide into small groups, taking care that the groups are not identical to the same groups that you have been in before.

Consider the following scenario. Your task is to consider the appropriate course of action for police and prosecutors, taking into account the European standards that have been presented.

Following discussion in small groups, report back to the plenary and present the following:

- ▶ Recommended course of action for police and prosecutor
- ▶ All the considerations that you took into account reaching this conclusion

The trainer may moderate follow-up discussion.

Case Study Scenario

Four individuals, Egon Erwin Kisch, Magdalena Avieténaitė, Ryszard Kapuściński, and Oriana Fallaci, are widely known for their work as journalists, editors, or activists. They are prominent figures in the national media and civil society and have often been critical of government policies.

In 2024, they participated in the protests relating to the demolition of certain houses and installations in the capital city, the lack of transparency of a large-scale construction project, also in the capital city, and the changes in the management of the national public service broadcaster. The protests were known as the "bring down corruption" protests.

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On 27 May 2024, the website "INFORMATION", which was run by a well-known right-wing movement, published the following:

"The assassination of [the Prime Minister] begins! The EU and the USA are paying extremists to create chaos in our country!"

The article stated that the EU and the US ambassadors in Serbia had conceived a plan for the radicalisation of the "bring down corruption" protests, through which they would try to overthrow the government. The article stated that the ambassadors were coordinating and organising the financing of the protests, which were supposed to develop into violent demonstrations and a "colour revolution" (anti-regime protests aimed at overthrowing governments). The ultimate aim was the violent occupation of institutions, even the incitement of conflict with the police and the ruling party supporters, which would lead to an "extraordinary political state". The article wrote that the atmosphere at protests would become violent in character, transforming from the previous peaceful protests. The article published photos of Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci, naming them as the organisers.

The online article was followed by 118 readers' comments. Fifteen of these referred to the organisers as domestic traitors and mercenaries, failed journalists, the easily corrupted, "sold souls", western pets, extremists and trash. These comments suggested that "domestic traitors should be marked as such for the rest of their lives", that "the yellow scum should be arrested", and stated "don't make us use shitty poles". These comments attracted dozens of 'likes'.

On 1 June, the website's Editor-in-Chief was interviewed on "BLUE", a commercial national TV station. He repeated the allegations and named Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci. He said that the ambassadors had been exchanging written documentation relating to the protests, which were being funded as a 'project', most of the funding coming from the US, Swedish, and Danish governments as well as from some western 'human rights' foundations.

On 10 June, a follow-up article suggested that there were "new details of a big Western conspiracy against our government". The article mainly repeated the allegations from the article of the day before, again mentioning Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci. The article again attracted comments that named the four as traitors, western pets, scum, fake journalists, and called for them to "face justice".

On 13 June a television show, "Balkan Spring in the Making", was broadcast on "BLUE". The show discussed the alleged planning of the destabilisation and disintegration of the State and discussed the "bring down corruption" protests.

Between 14-15 June, there were thousands of highly negative remarks on social media discussing the behaviour of Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci, some calling for violence against them.

On 16 June, Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci lodged a criminal complaint with the police. They complained that the articles and television shows in question, together with the many comments that they had attracted, constituted a form of hate speech against them, and that they were being targeted on the basis of their political opinions. They requested that criminal action be taken against the editors and publishers of the website "INFORMATION" and the TV channel "BLUE".

Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci submitted that they had not received any direct threats, but that they had been commented on in a negative context or in a discriminatory and insulting manner on social media. They said that such allegations put them in danger, and could have dramatic consequences, of which there had been dramatic examples in recent history. James Brown submitted that his ethnicity had been mentioned, which he considered had been done in order to incite ethnic tensions.

The editor of "INFORMATION" was interrogated by police. He stated that he had intended to warn of the working methods of Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci and their financing. He had found the information in publicly available sources, primarily on the websites of the

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organisations in question. Given that the applicants were themselves engaged in public work, they should have been aware that they were susceptible to criticism.

Relevant background:

- ▶ On 6 April 2010 an article, “Robert Oppenheimer: Traitor”, was published. The text implied that Robert Oppenheimer, a well-known journalist and newspaper publisher, was a foreign agent who promoted LGBTQ rights, immigration, and who undermined the country’s traditional Christian identity. Five days later, he was murdered. The murder remains unsolved.
- ▶ The Independent Association of Journalists has been registering attacks against journalists since 2008. It has reported that investigative journalists or those critical of the government are frequently smeared in pro-government media as criminals or members of foreign intelligence agencies. It also reported that media freedom is being undermined by editorial pressure from politicians and politically connected media owners, and direct pressure and threats against journalists. It also criticised the Regulatory Body for Electronic Media for a lack of independence, and stated that journalists had faced physical attacks, smear campaigns and other forms of pressure. Some privately owned national broadcasters and popular tabloids regularly participate in smear campaigns against the political opposition and other perceived opponents of government.

C. 3 Small group discussions: Implementing the prosecution pillar

Guidance

Building on the information provided through the PowerPoint presentation, and the results of the first exercise in this session, your task is now to map out the situation in the country as regards protective measures and discuss how this can be improved.

You will breakout into small groups. Each group will assess the country’s adherence to a specific standard. Guiding questions are provided for each theme. Groups should discuss strengths, weaknesses, challenges, and possible reforms.

All groups must include in their discussion how gender-specific crimes impact female journalists and propose ways to improve the prosecution of these crimes.

Group 1: Investigative Standards and Law Enforcement’s Role

Guiding questions:

- ▶ Are all attacks on journalists (physical violence, killings, threats) investigated and thoroughly?
- ▶ Are investigations conducted promptly to avoid evidence loss or obstruction?
- ▶ Are investigators trained in journalist safety and press freedom issues?
- ▶ Are there specialized units or mechanisms for handling crimes against journalists?
- ▶ Are investigations impartial and independent from political or institutional influence?
- ▶ Is there a clear protocol for gathering evidence (including digital threats, hate speech, and online harassment)? Does the protocol take into account the right of journalists to protect confidential sources of information, and to protect journalistic materials?

Group 2: Independence and Transparency of Investigations

Guiding questions:

- ▶ Are investigations free from interference by political actors, business interests, or other undue influences?
- ▶ Are individuals or institutions implicated in the case excluded from the investigation?
- ▶ Is there public oversight (e.g., independent review bodies, civil society monitoring)?
- ▶ Are victims and their families informed and included in the investigation process?

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Group 3: Prosecution and Judicial Integrity

Guiding questions

- ▶ Do cases involving crimes against journalists result in prosecution and sentencing?
- ▶ Are prosecutors and judges protected from external pressure, threats, or political influence?
- ▶ Are trials conducted fairly, without excessive delays or procedural barriers?
- ▶ Are penalties proportionate and deterrent to prevent future crimes?
- ▶ Do legal frameworks recognise and address gender-based threats against female journalists?

Group 4: Addressing Impunity and Accountability

Guiding questions

- ▶ Do most cases against journalists result in convictions, or do many remain unsolved?
- ▶ Are there systemic barriers to prosecuting crimes against journalists (e.g., corruption, political interference, weak legal frameworks)?
- ▶ If investigations fail, are independent inquiries or special investigative commissions established?
- ▶ Are public officials held accountable if they fail to act or obstruct investigations?
- ▶ Are amnesties or pardons granted inappropriately for crimes against journalists?

Group 5: Victim Support and Remedies

Guiding questions

- ▶ Do victims or their families have access to legal representation and protection?
- ▶ Are financial compensation, medical, psychological, or relocation services available for journalists facing threats?
- ▶ Can journalists pursue civil remedies even if criminal cases are unresolved?
- ▶ Are there dedicated state resources for journalists under threat?

Plenary discussion

Following discussions in the small groups, each group presents its key findings to the plenary. The trainer then moderates follow-up discussion, identifying common challenges and key gaps. The plenary discussion should focus on identifying recommendations for improving journalist protection, in line with Recommendation CM/Rec(2016)4. Suggested focus areas for discussion are:

- ▶ What are the biggest weaknesses in national adherence to the Prosecution Pillar?
- ▶ Where is progress being made?
- ▶ What practical reforms can law enforcement implement?

The groups should use the [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 60-64 of the [Implementation Guide](#).

The discussion should identify which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation).

The discussion should also identify how these measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

You are encouraged to think about next steps and how, concretely, you will go about incorporating these into your work. Following the training, you should not go back to your jobs and resume 'business as usual'.

→ Module 7: Protecting the safety of journalists during demonstrations and other public unrest

Introduction

This module focuses on the critical role of law enforcement in protecting journalists covering demonstrations, protests, and public unrest, ensuring they can report freely and safely. The European Court of Human Rights has established through key judgments that journalists have a right to report from public gatherings without undue interference, as protected under Article 10 of the European Convention on Human Rights. Building on these judgments, Council of Europe Recommendation CM/Rec(2016)4 sets out practical guidelines for law enforcement, emphasizing the importance of preventing violence against journalists, avoiding unlawful arrests, and ensuring media access during public events. This module will provide law enforcement officials with the knowledge and skills to manage protests effectively while safeguarding human rights and media freedom.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 33-38
- ▶ [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), p. 64.

Sessions

C. 1 Presentation on European standards concerning the safety of journalists during demonstrations and other public unrest

The trainer presents a PowerPoint presentation introducing the main European Court of Human Rights judgments as well as parts of the protection pillar of Recommendation CM/Rec(2016)4 that deal with protecting journalists during protests, and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

European Court of Human Rights judgments and Recommendation CM/Rec(2016)4 on protecting the safety of journalists during demonstrations and other public unrest

This session focuses on European Court of Human Rights judgments and Recommendation CM/Rec(2016)4 on protecting the safety of journalists during demonstrations and other public unrest.

Journalists play a crucial role in documenting demonstrations and other public events, ensuring the public has access to information. However, their presence at such events can lead to clashes with law enforcement, particularly when dispersal orders are issued or when authorities perceive their actions as disruptive.

European Court of Human Rights judgments

The European Court of Human Rights (ECtHR) has ruled on several cases where journalists faced interference while reporting on public events, clarifying the legal principles that govern such situations. Three cases in particular are relevant.

[Pentikäinen v. Finland](#) (20 October 2015) concerned events during 2006 Asia-Europe Meeting (ASEM) in Helsinki, Finland. Pentikäinen, a journalist, was assigned to cover a protest against the meeting. Instead of remaining in the designated media area, he chose to embed himself within the protest. When violence erupted, the police ordered a dispersal. While most protesters left without issue, Pentikäinen stayed within the police cordon, insisting on his right to report. Despite repeated warnings, he refused to leave and was arrested alongside other demonstrators. He claimed he had identified himself as a journalist, but the police

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denied having heard this. He was detained for 17.5 hours and later convicted of disobeying a lawful order, although no penalty was imposed. His appeals to higher courts were unsuccessful.

The Grand Chamber of the ECtHR ruled by thirteen votes to four that his right to freedom of expression under Article 10 ECHR had not been violated. The key considerations were:

- ▶ His arrest was a consequence of failing to comply with dispersal orders, not a deliberate attempt to target him as a journalist.
- ▶ Other journalists had complied with police orders and left the area without being detained.
- ▶ His equipment was not confiscated during the demonstration, only during processing.
- ▶ Since no penalty was imposed and the conviction was not added to his criminal record, the interference with his rights was relatively light.

The key takeaways for law enforcement from this case are that journalists may be subject to general dispersal orders when public safety is truly at risk; but police must clearly communicate orders to journalists and allow them to leave safely. Any arrests must be based on non-compliance with lawful orders, not as a means to prevent reporting.

[Selmani v. FYROM](#) (9 February 2017) concerned media coverage of a heated parliamentary debate on the 2013 Budget Act in Macedonia. Against a backdrop of public protests outside and escalating tensions inside parliament, where opposition MPs disrupted proceedings, security officers forcibly removed journalists covering the proceedings from the Parliament gallery. The journalists resisted removal, arguing that it prevented public access to information on a highly significant political event. They were redirected to follow the session via live broadcast in a separate press room.

The European Court of Human Rights ruled that the journalists' removal was not justified by any immediate security threat within the Chamber; and that the protests outside the Parliament did not justify their expulsion from inside the building. It found that the journalists had neither participated in nor contributed to the disturbances, and that their removal effectively blocked them from witnessing a matter of public concern (the forced removal of opposition MPs). Their right to freedom of expression had therefore been violated.

Key takeaways for law enforcement are that removing journalists from public institutions must be justified by a clear security threat; that the authorities should avoid restricting media access unless absolutely necessary; and when alternative reporting methods are provided, such as viewing events on a TV feed in a room, these should not undermine journalists' ability to observe events first-hand.

The case of [Butkevich v. Russia](#) (13 February 2018) concerned events during an anti-globalisation protest at the G8 Summit in St Petersburg, in 2006. Ukrainian photojournalist Maksim Butkevich was arrested despite presenting his press credentials; Russian police alleged that he disobeyed lawful orders to cease "unlawful actions" and voluntarily enter a police vehicle. Butkevich was forcibly detained, charged with participating in an unauthorised demonstration, and convicted based on police reports. His appeal was unsuccessful, but his sentence was reduced from three days to two days' detention.

The European Court of Human Rights found that his arrest had not been justified; the six-hour delay in his release had lacked justification; and the authorities had failed to balance his right to freedom of expression against public order concerns.

Key takeaways for law enforcement are that photographing or observing protests does not equal participation; press credentials must be recognized and respected; and arrest procedures must be transparent, impartial, and allow for journalistic rights to be considered.

Across these cases, the European Court of Human Rights outlined key principles for law enforcement when dealing with journalists at demonstrations and public events:

- ▶ Any interference with journalistic work must be necessary and proportionate.
- ▶ The public interest in the journalist's work must be considered; events of high public significance require greater media access.

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- ▶ Lawful orders to leave must be justified and clearly communicated—journalists must be given the opportunity to comply.
- ▶ The severity of sanctions matters—heavy penalties or undue detentions can amount to a violation of press freedom.

Recommendation CM/Rec(2016)4

The principles laid down by the European Court of Human Rights are further elaborated in Recommendation CM/Rec(2016)4. This provides:

“Member States should take into account the specific nature and democratic value of the role played by journalists and other media actors in particular contexts, such as in times of crisis, during election periods, at public demonstrations and in conflict zones. In these contexts in particular, it is important for law enforcement authorities to respect the role of journalists and other media actors covering demonstrations and other events. Press or union cards, relevant accreditation and journalistic insignia should be accepted by State authorities as journalistic credentials, and where it is not possible for journalists or other media actors to produce professional documentation, every possible effort should be made by State authorities to ascertain their status. Dialogue between State authorities and journalists’ organisations is moreover encouraged in order to avoid friction or clashes between police and members of the media.”

The [Implementation Guide](#) to Recommendation CM/Rec(2016)4 reiterates that journalists play a vital role in providing the public with accurate information and holding authorities accountable, particularly in sensitive or politically charged situations. It provides guidance on several distinct issues:

Recognition of Journalists and Media Credentials

While law enforcement officials should be trained to recognize journalistic insignia and credentials to facilitate the work of the media during demonstrations and other events, a lack of official documentation should not be used as a pretext to restrict journalistic activity. Law enforcement officials should recognize that there may be times when it is not safe for a journalist to display their credentials visibly, especially [during protests when the anger of participants is directed at the media](#). In such situations, law enforcement officials should make reasonable efforts to verify their status rather than obstruct their work, through journalistic organisations, professional associations, or media outlets. Establishing regular coordination and dialogue between police forces and media professionals will help build mutual understanding, reduce conflicts, and improve operational cooperation during public events.

Preventing Violence Against Journalists by Law Enforcement

The Council of Europe Commissioner for Human Rights has identified police violence against journalists as a significant threat to media freedom, particularly in the context of demonstrations. The European Court of Human Rights has emphasized that whether or not law enforcement officers intentionally target journalists, excessive force against media professionals obstructs their ability to report and undermines press freedom.

Regulating Law Enforcement Operations to Prevent Abuse

Police operations, including the handling of public demonstrations, must be regulated by clear protocols that include safeguards against the abuse of force. This includes:

- ▶ Ensuring a defined chain of command and clear operational guidelines for officers managing demonstrations.
- ▶ Establishing strict criteria for the use of force, aligned with international human rights standards.
- ▶ Providing specialized human rights training for law enforcement personnel on handling journalists, public assemblies, and the use of force.

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Ensuring Journalists' Safety During Demonstrations

Ahead of demonstrations, briefings should be held with journalists to communicate safety protocols and expectations; law enforcement authorities should appoint designated contact points. A designated safe communication area may be established to allow the media to observe and report from an advantageous position; but unless there are clear public order concerns the media should not be restricted to that area. Police officers and other security officers involved in the policing of demonstrations should receive mandatory training prohibiting harassment, intimidation, or violence against journalists.

Jointly developed protocols

Guidelines should be jointly developed between police and media professionals on covering protests, crime scenes, and public gatherings. These should clarify:

- ▶ Journalists' rights to report freely without police interference.
- ▶ Protocols for identifying journalists on the ground.
- ▶ Steps to prevent conflicts between the media and police.

C. 2 Case study: Group work analysing a case scenario involving the protection of journalists during demonstrations and other public unrest

Guidance

You are divided into small groups to discuss the following scenario.

Your task is to consider whether to charge the journalist in this scenario for refusing to obey police orders to leave the area, taking into account the European standards that have been presented during the day. Please report back to the main group and present the following:

- ▶ Whether the journalist should be charged for refusing to obey police orders
- ▶ All the considerations that you took into account reaching this conclusion

Case Study Scenario

Lee Miller is a photographer and journalist. On 9 September 2006, the employer sent her to take photographs of the demonstration which was being held in protest against the visit of a controversial president of another country. Her assignment was to conduct an extensive report.

Before the demonstration took place, the police carried out an assessment of the risk levels inherent in the demonstration and concluded that because of heightened political tensions, it could turn violent. A similar risk assessment had also been carried out in the context of two earlier demonstrations which had taken place during the same year, both of which had turned violent. During both these demonstrations, a march of approximately 1,500 persons had evolved into a riot with projectiles being thrown and property damaged. Several people had been arrested and found guilty of violent rioting.

The 9 September demonstration started in the main square in the capital city and intended to march to the Parliament buildings some two kilometres away. This covered an area of dense traffic. The theme of the demonstration was "opposition to fascism", with some focus on human rights issues. In posters inviting people to take part in the demonstration.

The police expected violence and, to keep journalists safe, they had created a separate area reserved for the media at the start and at the finish points of the march. The police had notified major media organisations of the protest and included the contact details of the police's public-relations unit, which was available to discuss any questions the media might have. Furthermore, a senior officer was nominated to be present at the protest in order to answer any questions media representatives might have.

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As the demonstration was about to start, a core group of about 200 demonstrators gathered at the starting point of the march. The police had made security preparations for the event by deploying 400 police officers. There were around 50 journalists in the area reserved for media, across the road from the demonstrators.

At the start of the demonstration, at 12pm, bottles, stones and jars filled with paint were thrown at the public and at police officers. More demonstrators arrived, and some kicked at and hit police officers. Soon after the start, police surrounded the area of the demonstration. The police announced several times over loudspeakers that a peaceful demonstration was allowed to take place on the spot but that the crowd was not allowed to start a march.

The violence escalated and at 12.30pm, the police considered that the event had turned into a riot. From 12.30 p.m. to 1.17 p.m. the police sealed off the area in an effort to contain the rioting. The crowd tried to break through the police cordon.

At 1.17pm the police announced over loudspeakers that they were stopping the demonstration and that everyone should leave the scene. This announcement was repeated several times.

Throughout all of this, Lee Miller had been trying to take photos. She had left the area reserved for media because the line of policemen surrounding the protesters was so tight that she could not see the protesters. Furthermore, police vehicles were blocking visibility. She had therefore moved closer to the actual protest and had managed to get inside the police cordon. Towards the end of the demonstration, she had placed herself between the police and the demonstrators. Some of the protesters turned their anger on her, shouting that she represented "fake media" and making gender-based threats towards her. Undeterred, she continued to take photos. The police continued to order the crowd to disperse, stating that any person who did not leave would be arrested.

By 3p.m., most demonstrators had left but about twenty demonstrators were still sitting on the ground, closely encircled by the police. The demonstrators held on to one another and were holding each other's arms. The police arrested them all for refusing to obey the police order to leave.

Lee Miller had been standing next to the protesters – she was the last journalist there – and police arrested her along with the protesters and took him to a bus for detainees. In the police bus, she explained to the police that she was a magazine photographer. She held up her press card, which she had kept in an inside pocket of her jacket and started to wear it visibly on her chest thereafter. Upon arrival at the police station, the police took her camera and her memory cards. Lee Miller was kept in a police cell for seventeen and a half hours.

Miller was one of 130 people who had been arrested that day; she was the only journalist to have been arrested.

→ Module 8: Effective cooperation between law enforcement and media: the case of PersVeilig

Introduction

To illustrate best practices, this module introduces the Dutch 'PersVeilig' (Press Safe) initiative, a collaboration between law enforcement, media organisations, and the public prosecutor's office aimed at improving journalist safety through clear protocols, communication channels, and rapid response mechanisms. You will explore how PersVeilig fosters trust between journalists and law enforcement and you will be asked to consider how a similar framework could be adapted and implemented in their own country. By examining this model, you will gain insights into practical strategies for preventing violence against journalists, responding effectively to incidents, and building long-term cooperation with the media.

Key reading / handouts

- ▶ PersVeilig [Collective Norm](#)
- ▶ PersVeilig [Press Safety Protocol](#)
- ▶ PersVeilig [Security Plan for Dutch Media](#)

Sessions

C. 1 Presentation introducing PersVeilig

The trainer presents a PowerPoint presentation introducing the PersVeilig initiative and moderates subsequent Q&A and discussion.

The PowerPoint will be provided to you following the course.

Handout for participants

PersVeilig: Background and Policy Context

PersVeilig was established in 2019 as a project aimed at tackling aggression and violence against journalists through both preventive and repressive measures. It is a collaborative initiative involving the Dutch Association of Journalists, the Society of Editors-in-Chief, the Public Prosecution Service, and the Police. The initiative was launched in response to growing societal and political concerns about the safety of journalists and their ability to carry out their work freely and securely.

Origins of PersVeilig

In 2018, the partners involved in the Steering Committee on Aggression and Violence Against Journalists signed an agreement to strengthen journalists' protection. This agreement, endorsed by the Minister of Justice and Security, set out key commitments, including:

- ▶ Raising awareness of violence against journalists and media organisations.
- ▶ Establishing a collective standard that defines unacceptable behaviour and sets out how authorities should respond.
- ▶ Enhancing journalists' knowledge and preparedness through digital tools and training.

To implement these commitments, the PersVeilig project officially started in February 2019. It is managed by NVJ and the Society of Editors-in-Chief, with funding from both the government and the media sector.

Phases of PersVeilig

PersVeilig has been developed in three main phases:

1. Preparation Phase (July 2018 – January 2019): Establishing project goals and structures.

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2. Phase 1 (February 2019 – December 2019): Launching key initiatives, setting up the reporting system, and implementing the Journalist Safety Plan.

3. Phase 2 (2020–2022, extended into 2023): Expanding the initiative, refining services, and strengthening legal protections for journalists.

Phase 1 focused on raising awareness, launching support services, and training journalists. Phase 2 refined these measures and linked them to concrete outcomes.

Core Components of PersVeilig

PersVeilig includes both preventive and reactive measures to protect journalists:

Meldpunt PersVeilig (PersVeilig Reporting Point):

A platform where journalists (or their employers) can report threats, aggression, or violence. PersVeilig provides support and advice on filing police reports, ensuring media organisations follow collective reporting standards.

Resilience Training for Journalists:

Training programs for journalists, their employers, and journalism students to help them handle threats and dangerous situations.

National and International Support:

PersVeilig advises media organisations and governments on journalist safety policies and protocols.

Freelancer Protection Package:

Financial aid for freelance journalists to access safety tools (e.g., panic buttons, bodycams, home security assessments).

Balie Persvrijheid (Press Freedom Legal Assistance):

A legal support centre offering free legal aid to freelance journalists, independent publishers, and local media facing legal threats.

PersVeilig Protocol:

A set of official agreements between law enforcement, prosecutors, media organisations, and journalists. It includes commitments to:

- ▶ Swift investigation and prosecution of attacks against journalists.
- ▶ Stronger penalties for violence against journalists.
- ▶ Support for journalists before, during, and after violent incidents.

Defining Journalists and Acts of Violence

PersVeilig adopts a broad definition of “journalist”, aligned with Dutch law, covering both professional and non-professional individuals involved in news gathering. Similarly, it defines aggression and violence broadly, including physical violence, threats, and systematic online harassment.

While Dutch criminal law is clear on physical attacks, online threats present legal challenges. Some threats - such as “I wish you were dead” - may not be legally actionable, but persistent online harassment is covered under PersVeilig’s safety framework.

Objectives of PersVeilig

The primary goal of PersVeilig is to strengthen the position of journalists against violence and aggression so they can continue fulfilling their essential role in society. This ensures that journalists do not self-censor due to safety concerns—an issue often described as the “chilling effect” on press freedom.

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A key tenet of PersVeilig is that violence against journalists is treated similarly to attacks on public officials, resulting in a 200% higher penalty than provided for in the standard criminal sentencing guidelines.

Additionally, raising public awareness of journalist safety is a major focus of PersVeilig. While not initially included in the project plan, this has become a priority due to increased political and public concerns over media safety.

PersVeilig Protocol

Under the PersVeilig Protocol, the media sector, police, and Public Prosecution Service each commit to taking concrete steps to combat violence and aggression against journalists.

Employers:

Media employers are responsible for ensuring the safety, health, and well-being of their journalists. This includes providing adequate preparation time and preventive measures, such as effective training for reporting or publishing content that may pose risks. A dedicated training budget is allocated within the collective labour agreement to support this. Additionally, media organisations must be prepared to handle threats to their staff and operations.

In the event of a security incident, the employer must offer full support to the journalist, recognizing that such experiences can be traumatic. Employers are responsible for providing psychosocial assistance when needed.

When a journalist is affected by aggression or threats, the employer is responsible for filing a formal complaint on their behalf. This not only relieves the journalist from handling the legal process alone but also enhances their protection by using the company's address rather than the journalist's personal details in legal filings.

Journalists:

Journalists working within the media sector - whether employed or regularly contracted - are expected to participate in security training programs provided by their employer and to adhere to the responsibilities outlined in the Dutch Media Security Plan. Freelancers without a regular client can access training through PersVeilig.

To ensure safety, journalists must report all incidents of threats or violence to both their employer and the PersVeilig helpdesk. Employers are then responsible for guiding them through the next steps. Freelancers should report incidents to their regular client, and those without a client can seek support directly from PersVeilig.

Law enforcement:

Journalists are granted a preferential legal status with the police and the Public Prosecution Service, meaning that crimes involving violence or aggression against journalists are treated with high priority. This preferential status equates journalists with public sector workers such as police officers, firefighters, teachers, and paramedics - but only when the aggression is linked to their journalistic work.

Threats or violence against a journalist in their private life are not automatically given this status unless the attack is aimed at influencing their reporting.

The police commitments include:

- ▶ Immediate follow-up on reports of aggression or violence against journalists.
- ▶ Providing guidance to victims and employers on protective measures when threats extend into a journalist's private life.
- ▶ Allowing employers to file reports on behalf of their journalists.
- ▶ Enabling employers to use company addresses instead of journalists' home addresses in legal proceedings.
- ▶ Ensuring journalists receive full information and support regarding damage recovery.

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- ▶ Appointing dedicated contact officers in each of the 10 police regions, available 24/7 for journalist safety concerns.
- ▶ Implementing internal procedures to safeguard journalists' rights and press freedom.

Prosecution

The Public Prosecution Service has committed to:

- ▶ Prioritising the prosecution of aggression and violence against journalists.
- ▶ Seeking penalties at 200% of the standard sentencing guidelines for such offenses.
- ▶ Ensuring victims receive full information and legal support to recover damages from the perpetrator.

Key Implementation Strategies

PersVeilig's strategies focus on:

1. Increasing journalists' resilience (training, legal protection, psychological support).
2. Encouraging incident reporting and ensuring effective law enforcement responses.
3. Raising awareness about media safety among journalists, employers, and the public.

Core actions include:

- ▶ Training for journalists and law enforcement officers.
- ▶ Improved reporting procedures for attacks against journalists.
- ▶ Legal support for journalists facing intimidation or lawsuits.
- ▶ Promoting media safety in political discussions.

PersVeilig Protocol

The PersVeilig Protocol serves as the foundation for cooperation between law enforcement, prosecutors, and media organisations. It establishes clear commitments for:

- ▶ Police and prosecutors: Fast-tracking cases of violence against journalists and ensuring strict enforcement of legal protections.
- ▶ Media organisations: Implementing preventive security measures and ensuring all incidents are reported and followed up.
- ▶ Journalists: Undergoing safety training and proactively reporting threats or attacks.

Funding and Resources

PersVeilig receives funding from both the government and the media sector, reflecting the shared responsibility of public institutions and private employers in ensuring journalist safety. Personnel for PersVeilig includes project managers, trainers, and legal experts, and the initiative is partially integrated into the Dutch Association of Journalists (NVJ).

Annual funding in 2022 and 2023 was around €440,000.

Effectiveness

A 2024 [evaluation](#) found that PersVeilig was able to have a high impact on relatively limited resources. The evaluation underscored PersVeilig's crucial role in safeguarding media freedom in the Netherlands and highlighted the importance of its continued operation in a more permanent and structurally sound capacity. Key findings included:

Transition to a Permanent Organisation: The report emphasizes the necessity for PersVeilig to evolve from a temporary project into a permanent organisation to ensure long-term effectiveness in protecting journalists.

Efficient Organisation: PersVeilig operates with minimal overhead and operational costs, achieving its goals through flexible support from the Dutch Association of Journalists. This lean structure has been effective in reaching its objectives.

Financial Sustainability: Following the report's recommendations, the Ministry of OCW has committed to providing structural funding for PersVeilig starting in 2025, ensuring the initiative's continuity and stability.

Establishment of a Foundation: To solidify its organisational structure, PersVeilig plans to establish a foundation in 2025. This foundation will have a board comprising representatives from public broadcasters, publishing houses, and the NVJ, serving as both the client and quality guardian of the organisation.

C. 2 Discussion: Could PersVeilig be successful in your country?

Guidance

This session aims to explore how law enforcement officials in different European countries can initiate a journalist safety program similar to the Dutch PersVeilig model. You will analyse PersVeilig's structure, discuss challenges and opportunities in your own country, and develop concrete action plans for implementing a similar initiative.

Your discussion should be guided by the following questions:

- ▶ What makes PersVeilig effective? (for example, collaboration between law enforcement, prosecutors, and media organisations) Could this be replicated in your country?
- ▶ What responsibilities do each of these stakeholders have? Could this be replicated in your country?
- ▶ What legal provisions support PersVeilig? Is this similar to the legal provisions in your country?
- ▶ How do Dutch law enforcement and prosecutors ensure that threats against journalists are taken seriously? Could this be replicated in your country?
- ▶ What would be the main obstacles to a similar initiative in your country, and how could these be overcome? (e.g., lack of trust between law enforcement and journalists, political resistance, legal barriers)
- ▶ What stakeholders need to be involved from the beginning?
- ▶ What role can police leadership play in advocating for change?
- ▶ What are the first concrete steps that law enforcement can take to launch a journalist safety initiative?
- ▶ How can pilot programs be tested before full implementation?
- ▶ If setting up something like PersVeilig is not achievable in the short term, what other steps can law enforcement take to strengthen relationships with journalists?
- ▶ How can regular meetings, joint training, and dialogue improve mutual understanding?

These questions can be discussed in the larger group or, if time permits, in smaller groups followed by a larger group discussion.

You are encouraged to think critically about *practical implementation*, and distilling clear action points from the answers to the questions.

If time permits, you may engage in action planning and create a roadmap towards creating something like PersVeilig. You may outline:

1. Short-term actions (next 6 months), focusing on:

- ▶ Identify potential partners (e.g., journalist associations, prosecutors, government officials).
- ▶ Organise an initial meeting with stakeholders to discuss collaboration.
- ▶ Map existing legal frameworks and law enforcement policies related to journalist safety.

2. Medium-term actions (6 months – 1 year), focusing on:

- ▶ Develop pilot programs for journalist safety training and reporting mechanisms.
- ▶ Establish a contact point within law enforcement for journalists.
- ▶ Engage prosecutors and policymakers to strengthen legal protections for journalists.

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3. Long-term actions (1–3 years), focusing on:

- ▶ Expand pilot programs into permanent policies.
- ▶ Create official agreements or protocols between police, media, and prosecutors.
- ▶ Advocate for legal reforms where necessary.

By way of conclusion, reflect on what you have discussed and learned, and what you might apply in your professional roles.

Training Curriculum for police and law-enforcement officers on Safety and Protection of Journalists and other Media Actors

Trainers Manual

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INTRODUCTION

Introduction to the course

Protecting the safety of journalists ensures that they are able to report on issues of public interest without fear of retaliation. This informs public debate on matters of public interest, which in turn is crucial to democracy, protection of human rights, and promotion of the rule of law. This has been recognised by the European Court of Human Rights as well as by the Council of Europe Committee of Ministers, through a series of judgments and the adoption of instruments such as [Recommendation CM/Rec\(2016\)4 on the protection of journalism and safety of journalists and other media actors](#). Yet, whilst standards have been developed at the European level, practice at the national level is often not yet in line with these standards, and opportunities to learn from good practices across borders are rare. Also, year-on-year statistics show that the problem of violence against journalists remains a serious one.¹

This Training Curriculum seeks to improve implementation of Recommendation (2016)4 by providing a comprehensive, autonomous and adaptable training curriculum package on safety and protecting of journalists and other media actors for police and law-enforcement officers. It is based on the case-law of the European Court of Human Rights and national good practices promoting the safety of journalists. The objective of the curriculum is to ensure that police, prosecutors, and other law-enforcement agencies are familiar with European standards and national good practices, and are able to apply these in their own national context.

The curriculum draws on and incorporate elements from existing training programmes and implementation guides, such as the [HELP course on Protection and Safety of Journalists](#) and both the [Implementation Guide to Recommendation CM/Rec\(2016\)4](#) and the [Extended Implementation Guide](#). In addition, this curriculum includes learnings from and references to established good practices, such as the Netherlands' Persveilig program and the role of police within it, as well as emerging good practices as compiled by the [Journalists Matter](#) campaign. Where appropriate, reference is also made to practices in non-European countries with experience of national programs to enhance the safety of journalists, such as [Colombia](#) and [Mexico](#).

This curriculum is focused on European standards and good practices. In order to ensure national relevance, whenever it is delivered a national trainer needs to link these international standards to national laws, regulations and practices. The curriculum will indicate where these references and links will need to be made. For example, if the training is delivered in country X, the section that discusses the role of the police in guarding the safety of journalists during demonstrations needs to include reference to current national practice on this; or, when this curriculum makes reference to swift investigation and prosecution of crimes against journalists, trainers should refer to the applicable national legislation - European standards and national good practices should not be taught 'in isolation'.

Modules

The Curriculum consists of eight substantive modules:

- ▶ **Module 1:** Testimony
- ▶ **Module 2:** European standards on freedom of expression and journalists' safety
- ▶ **Module 3:** Introduction to Council of Europe Recommendation (2016)4
- ▶ **Module 4:** Council of Europe Recommendation (2016)4: the prevention pillar
- ▶ **Module 5:** Council of Europe Recommendation (2016)4: the protection pillar
- ▶ **Module 6:** Council of Europe Recommendation (2016)4: the prosecution pillar
- ▶ **Module 7:** Protecting the safety of journalists during demonstrations and public unrest
- ▶ **Module 8:** Effective cooperation between law enforcement and the media: the case of PersVeilig

1. See statistics collected on the Council of Europe Platform to promote the protection of journalism and safety of journalists: <https://fom.coe.int/en/graphiques>.

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The curriculum is designed to be delivered over a period of two days; but if time permits it can be delivered over three or four days by adding elements such as site visits to journalists' associations or law enforcement units that work on cases involving journalists. The exact length of the training will depend on time available.

Indicative agenda

An indicative two-day agenda is suggested as follows:

Day 1

9:30-9:45	Welcome and introductions (including welcoming remarks from hosting party and any other formal welcome/introductory remarks)
9:45-10:00	Pre-course test
10:00-11:15	Module 1: Testimony
11:15-11:30	Coffee break
11:30-13:00	Module 2: European standards on freedom of expression and journalists' safety
13:00-14:00	Lunch
14:00-15:30	Module 3: Introduction to Council of Europe Recommendation (2016)4
15:30-15:45	Coffee break
15:45-17:15	Module 4: Council of Europe Recommendation (2016)4: the prevention pillar
18:00	Dinner
20:00	After dinner: showing of "A Dark Place", "20 days in Mariupol", or performance of a play such as "They Blew Her Up"

Day 2

9:30-11:00	Module 5: Council of Europe Recommendation (2016)4: the protection pillar
11:00-11:15	Coffee break
11:15-11:45	Module 5: Council of Europe Recommendation (2016)4: the protection pillar (continued, focus on implementation)
11:45-13:00	Module 6: Council of Europe Recommendation (2016)4: the prosecution pillar
13:00-14:00	Lunch
14:00-14:30	Module 6: Council of Europe Recommendation (2016)4: the prosecution pillar (continued, focus on implementation)
14:30-15:30	Module 7: Protecting the safety of journalists during demonstrations and public unrest
15:30-15:45	Coffee break
15:45-16:45	Module 8: Effective cooperation between law enforcement and media: the case of Persveilig and follow-up discussion
16:45-17:30	Post-course test, feedback and closing. Discussion points: ▶ how can lessons learned during the training session be applied in practice? ▶ what will participants do differently? ▶ can a network be maintained with regular meetings? ▶ can this training session be integrated with other trainings and be delivered on a sustainable basis (for example, as part of the standard programme of the police academy)?

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METHODOLOGY AND INSTRUCTIONS FOR USE

Methodology

This curriculum is designed for face-to-face delivery, which fosters deeper engagement, a more personal connection, and a richer learning experience than on-line training. In-person teaching enables real-time feedback, dynamic discussions, and better adaptation to students' needs through non-verbal cues. The social aspect also enhances collaboration and community building. While online delivery is possible, this should be done only when in-person training is not possible, and trainers should address limitations of the on-line format by actively encouraging participation, feedback, and discussion. Videoconferencing tools like break-out rooms, polls, quizzes, and chat functions can help maintain engagement.

The curriculum uses a training methodology that mixes presentations with exercises. For each of the modules, the curriculum provides PowerPoint presentations, learning exercises, hand-outs for participants, and guidance to trainers.

Knowledge tests will be conducted twice: a pre-course test, to be taken by course participants at the beginning of the curriculum; and a post-course test, to be taken at the end of the curriculum.

Teaching techniques

The curriculum uses case-based learning, simulations and role-playing, collaborative learning, and problem-based learning approaches. There is also a strong element of peer-learning, recognizing that participants are law enforcement officers who bring a significant amount of expertise and experience in their field. The aim is to help them build on this experience and help them enrich it by incorporating European standards and good practices.

Case-based learning involves presenting participants with real or hypothetical scenarios and asking them to apply the standards and approaches taught in this curriculum. This mirrors the real-life challenges that participants face, making the learning experience more relevant and practical. It encourages participants to think critically, analyse facts, and explore multiple perspectives before reaching a conclusion. Moreover, it provides opportunities for discussion and debate, allowing participants to deepen their understanding through interaction with peers.

Collaborative learning uses group work and peer-to-peer learning to allow participants sharing knowledge, challenge each other's thinking, and develop solutions together. This mirrors the collaborative nature of law enforcement work, where working with colleagues and experts is often necessary. This approach not only enhances learning outcomes but also fosters a sense of community and support among participants. Trainers should however be vigilant that everyone participates in group work.

The following pages summarize the teaching techniques used in this curriculum, along with tips on effectively utilizing each one.

Small group discussions

Group discussion is one of the best ways to share ideas and experiences among participants. It requires participants to apply and validate newly acquired knowledge, making the training more rewarding and new concepts are more likely to be retained and applied in practice. Small group discussions are more conducive to getting every participant to be engaged and involved than discussions in a large group, where some participants are almost inevitably not involved.

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However, group work can present challenges. Poorly managed discussions can lead to frustration and disengagement. This is why careful preparation and awareness of discussion techniques are essential to ensure that all participants benefit fully from the experience. Key steps for effective small group discussion include the following:

- ▶ To form groups, have participants count off to form the number of groups you need. For instance, if there are twenty trainees and you want five groups of four people, have them count sequentially up to five (1-2-3-4), with the next person starting back at 1. Each person will end up with a number between 1 and 4. Remind them to remember their number and pay attention to others with the same number;
- ▶ Provide clear instructions to the group, such as “All 1’s, please move to this corner of the room; all 2’s, please move to the other end of the room with your chairs...” This ensures that each group is seated face to face and positioned away from the others;
- ▶ If possible, instruct some groups to move outside the training room for their small group work, saying, “Please find a spot where you can sit in a circle, select a speaker, and wait for me—I’ll join you shortly”;
- ▶ Instruct the groups to first select a speaker among themselves. This person may take notes and should be ready to present their group’s views to the larger group later;
- ▶ Distribute the written task to each group or announce the topic for discussion. Specify how long the groups have to complete their discussion. Make sure you are clearly heard;
- ▶ Allow the groups a few minutes to settle in, choose their speaker, and start thinking about the topic. Then, move from one group to the next, offering guidance. Encourage the group to choose a speaker based on willingness rather than by assigning the role;
- ▶ Begin by asking each group who their speaker is. If they haven’t chosen one yet, wait for them to do so. Then ask if anything on the paper needs clarification or if there’s anything about the discussion topic that needs further explanation. Address these queries quickly to allow sufficient time for discussion;
- ▶ During your rounds, focus on answering questions and providing the clarifications requested by the groups. Avoid offering examples or suggestions that might influence their thinking. Work efficiently, ensuring you do not spend too much time with one group at the expense of others;
- ▶ Emphasise that the speaker’s role is to convey the group’s discussion to the larger group, not to share their own views unless they align with the group’s. They should feel free to present any dissenting opinions.

During the reporting-back from the small groups to the main group, ensure that each speaker is listened to attentively by the larger group. Particularly when all groups have the same topic, encourage speakers to build on what has already been said rather than repeat it. As the facilitator, carefully listen to all contributions and gently guide speakers to avoid unnecessary repetition.

This curriculum uses the ‘small group discussion’ method frequently. To avoid the development of unhelpful group dynamics, for example one or two participants dominating discussions, the trainer should ensure that the groups are not always formed of the same people.

Large group discussion

Under the guidance of the trainer, participants answer questions and share their opinions within the group. This interactive method may appear simple at first glance, but it can present challenges. To effectively use this method, the following points are important:

- ▶ Insofar as time allows, ensure that everyone who raises their hand has the opportunity to speak;
- ▶ Gently prevent any participant from dominating the discussion;
- ▶ Listen carefully to each speaker and, when necessary, rephrase their statements to ensure that everyone, including the facilitator, understands;
- ▶ Avoid repeating each speaker’s words, as this can cause trainees to tune out the speaker and wait for the facilitator’s repetition;
- ▶ Resist the urge to comment after each speaker;

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- ▶ Discourage participants from simply stating their opinions without engaging with or listening to previous speakers;
- ▶ Redirect the conversation if it strays off-topic;
- ▶ Subtly address any participants who are not listening or who are talking among themselves, either by gently approaching them or catching their attention discreetly.

The trainer should maintain an open and welcoming demeanour throughout the discussion, smiling and accepting all opinions expressed. This approach will encourage participation and help those who are hesitant to speak feel more comfortable contributing.

Presentations

PowerPoint presentations are an appropriate learning tool when used in the context of other, more interactive, teaching methods. Presentations allow complex or novel concepts and information to be presented in a clear, structured manner, making it easier for learners to follow and understand key points. Visual aids such as charts, diagrams, and case summaries can help reinforce learning and provide a visual reference that complements verbal explanations.

The effectiveness of PowerPoint lies in its integration with interactive methods. For instance, after presenting key information, trainers can encourage group discussions, case studies, or role-playing exercises to deepen understanding and promote critical thinking. This actively engages participants, making the learning experience more dynamic. PowerPoints can also be used following group discussions or group brainstorming sessions, to galvanise what has been said or to demonstrate links between participants' contributions and external resources such as European Court of Human Rights judgments.

Brainstorming

Brainstorming can be used to spark discussion following a presentation. Participants are encouraged to share ideas, which are written on a flip chart without any discussion or rejection, with the trainer's role at this stage limited to listing ideas and preventing premature debate. Once all responses are noted, discussion, analysis, and categorisation of the ideas can follow as appropriate.

To ensure a smooth brainstorming session, the following steps can be taken:

- ▶ Outline the rules of the exercise and set a time limit;
- ▶ Ask trainees to generate and save their ideas;
- ▶ Use a flip chart or interactive white-board to record ideas;
- ▶ Clearly explain the question to be discussed;
- ▶ Hang full sheets on the wall;
- ▶ Continue until new ideas stop emerging;
- ▶ Summarise and wrap up the ideas.

If discussion is slow to take off, or gets stuck, the trainer can encourage contributions by:

- ▶ Suggesting a few of their own ideas (whilst taking care not to pre-empt discussion by being seen to give "the right answer");
- ▶ Clearly identifying the problem and ensuring quick, accurate writing;
- ▶ Ensuring that no ideas are dismissed or undermined;
- ▶ Asking the right questions;
- ▶ Managing time effectively and ensuring all ideas are recorded accurately without slowing the process.

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Opinion poll

An opinion poll exercise stimulates lively discussions, allowing participants to explore different aspects of the European standards taught in this curriculum and their application to real-world situations. The core of this exercise is identifying a proposition: a statement that reflects a logical conclusion related to a specific situation, incident, or observation. For instance, consider a situation where journalists are covering a public protest which law enforcement is concerned might escalate into violence. The proposition might be that the journalists should be removed from the protest to ensure their safety, even if this means they will no longer be able to report on the protest.

To conduct this exercise, trainers should follow these steps:

- 1) Write the proposition on a flip chart.
- 2) Select five spots around the room with ample space for participants to stand. Label each spot with one of the following: "I Completely Agree," "I Agree," "I am Undecided," "I Disagree," and "I Completely Disagree."
- 3) Gather the group and instruct the participants to carefully consider the proposition and decide where they stand.
- 4) Once everyone has chosen, ask those willing to explain why they are standing there.
- 5) After everyone has spoken, or at least a few people from each group have shared their views, ask if anyone wishes to change their position based on what they've heard. If someone changes their spot, allow them to explain their new reasoning. This moment is an opportunity to discuss how listening to different perspectives can lead to changing one's stance, and how this is a sign of open-mindedness rather than a lack of conviction.

Key considerations for the opinion poll exercise:

- ▶ Ensure that the proposition is clearly and correctly worded to encourage a distribution of participants across the five positions. A proposition that is too obvious will prevent meaningful discussion;
- ▶ When asking for volunteers to speak, start with the group with the fewest members;
- ▶ Allow participants to respond to each other's statements and change their positions if they wish, but maintain control of the flow to ensure everyone has a chance to participate;
- ▶ Conclude the exercise with a summary that highlights the diversity of reasons behind similar positions, reinforcing the importance of understanding different perspectives.

Resource person

The 'resource person' method is an engaging approach that helps participants develop empathy, consider diverse perspectives, and highlight positive role models. A resource person is typically defined as an individual with relevant knowledge, experience, skills, or expertise to provide guidance, deliver talks, or offer firsthand information on a specific subject. This could be a respected media professional who has suffered attacks because of their journalistic work, and who can offer a first-hand testimony of the impact that this had on their work as well as on their personal and family life. It could also be an experienced law enforcement professional who has successfully prosecuted crimes against journalists.

Trainers should follow several key steps when inviting a resource person to contribute to the training:

- 1) Ensure the selected individual has a strong reputation, deep knowledge in the relevant area, and effective communication skills.
- 2) Inform the resource person about the subject matter and the types of questions they may receive from participants. It is advisable to meet with the resource person to discuss the goals, subject matter, and participants' level of knowledge. Clearly communicate expectations, such as motivating the participants, and highlight potential challenges.
- 3) The resource person should start with a clear framework to help participants understand the subject. They should provide necessary details and clarify any professional jargon used during their presentation.

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When inviting a resource person, trainers should be mindful of the following considerations:

- ▶ The facilitator should be present during the session and intervene only if the discussion veers off-topic.
- ▶ The resource person should not attempt to impose their opinions on the participants. The facilitator should remind everyone that the goal is not to reach consensus, but to increase awareness of different perspectives.
- ▶ Before the session begins, discuss ground rules with participants, such as listening to others, keeping mobile phones silent, and respecting differing viewpoints.

Case study

A case study involves presenting a specific incident or scenario, along with relevant background information, for detailed analysis with the goal of identifying a solution. This method allows participants to understand and apply principles and rules to hypothetical situations. Case studies often don't provide clear-cut answers but are meant to raise questions, guiding trainees through the decision-making process to arrive at their own solutions. A case study can be used as a standalone session or can be integrated throughout a training program, revisited as the course progresses.

This curriculum provides several case studies so trainers will not need to develop their own.

Key considerations when conducting a case study exercise include:

- ▶ Use small groups for case studies to encourage peer learning and reflection on personal approaches. In larger groups, a facilitator should manage discussions to ensure all participants engage and contribute;
- ▶ Allow sufficient time for group discussions;
- ▶ Provide opportunities for groups to debrief, with rapporteurs reporting their findings to the larger group (inform groups in advance to appoint a rapporteur);
- ▶ Ensure all participants contribute to discussions, intervening if necessary to encourage quieter participants;
- ▶ Participants should be strongly encouraged to apply newly-taught points concepts or methods of analysis, not fall back on 'old' methods;
- ▶ The trainer should only step in when necessary and allow trainees to apply their knowledge without taking over the discussion
- ▶ Make sure that the room and materials (e.g., whiteboards, flipcharts) are adequate for the planned activities

Ten Tips for Successful training

(1) Adult learning and teaching professionals

Adult learning, and in particular teaching of professionals, is very different from teaching at a school or university level. Participants in this course are professionals who have already accumulated a lot of knowledge and experience, and who will be interested in practical results and knowledge that they can apply. Trainers should emphasise this whenever they can.

The main teaching strategy is to recognise pre-existing knowledge and skills and use that as the basis on which to build further knowledge and skills. Trainers need to be sensitive that experienced law enforcement professionals will want to understand the legal principles and approaches behind concepts that may be 'novel' to them. They may also want to engage in discussion as to why domestic practices may need to be changed. Trainers should be ready to engage with these discussions, being sensitive to participants' current knowledge and experience whilst taking care to point out the primacy of the European Convention on Human Rights, the status of judgments of the European Court of Human Rights, and areas where international human rights law has moved on from pre-existing knowledge that participants may have. For example, there may be a new line of judgments from the European Court of Human Rights that participants are not yet aware of, and which may require them to change a particular practice or decide particular legal points differently. The key is in teaching whilst avoiding being (perceived as) patronising.

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Common mistakes are for a trainer to 'sit back' during group work, not engage in group discussions or suggestions, or not to recognise or be willing to engage in discussions that may challenge some of the teaching. It is precisely in these moments that participants are most open to learning and trainers should capitalise on this. The hand-outs in this curriculum aim to equip trainers with the tools to engage with participants and respond to their questions, for example by referring to case-law of the European Court of Human Rights or to specific elements of soft law around SLAPPs.

(2) Build on pre-existing knowledge

Trainers should assess what the participants already know about human rights law, the right to freedom of expression, and the European Convention on Human Rights, and how they currently use this knowledge in their day-to-day work. Doing this will identify knowledge that can be built on as well as any gaps or areas that require further development. This approach reinforces prior knowledge and empowers participants to confidently and competently handle cases and situations where freedom of expression is at stake, in accordance with European and international legal standards.

(3) Avoid lengthy lectures

To provide concise and valuable information to participants, traditional lectures should be avoided, as they often rely on lengthy monologues that limit engagement. Instead, trainers should focus on speaking less and listening more, using open-ended questions to encourage participants to think critically and engage deeply with the material.

While this curriculum does envisage the use of PowerPoint presentations, trainers should build in frequent stops to ask for feedback or questions and ensure that they still have the participants' full attention. It is important to allow ample time for questions and contributions, both during and at the end of any presentations. The trainer should from time to time ask questions such as, "Is this clear?"; "Do you have any questions regarding [the topic presented on a particular slide]?"; or similar. Longer feedback and discussion can be elicited by asking questions such as, "How does what I just presented compare with your current practice?". Another technique to elicit participation, especially when participants are quiet, is to break participants into small groups at the end of a presentation and ask them to discuss their feedback.

(4) Link topics with current practice

One of the best ways to get participants' attention is to link the concepts being presented with everyday practice. For example, when the topic of policing demonstrations is discussed, there may be a recent or well-known recent event or incident in the country that is relevant and which participants know about. That would be an ideal link to make in order to get participants to realise the relevance of the curriculum. To this end it is always useful to make sure that the trainer is up-to-date on current practices in the country concerned. When the trainer is not aware of current cases, they can instead ask participants: "Are there any recent cases that share these characteristics?" As an added bonus, that adds an element of interactivity.

(5) Align with participant's motivation

Participants are likely to have their own motivations for wanting to take part in the curriculum. For some it may be as straightforward as it being a requirement for their continuing professional development; but others may have particular reasons. It can be useful to find out what those reasons are and then to come back to these reasons throughout the course, ensuring that participants remain motivated. As professionals are generally internally motivated and autonomous, their motivation will remain high when they feel that their views are sought and there is enough flexibility in the training approach of trainers to allow their active participation.

(6) Make it enjoyable

Professional training and learning should be enjoyable. When participants are engaged and having fun, they are more likely to retain information, participate actively, and apply what they've learned in real-world situations. Enjoyable training sessions create a positive atmosphere that reduces stress, fosters creativity, and encourages collaboration. This leads to a more dynamic learning environment where professionals feel motivated to learn and grow.

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To ensure that training sessions are enjoyable, here are some tips and techniques:

- ▶ interactivity: incorporate icebreakers, group discussions, and hands-on exercises that encourage active participation and keep energy levels high
- ▶ variety: use a mix of teaching methods, such as presentations, videos, case studies, and role-playing, to cater to different learning styles and prevent monotony
- ▶ real-world applications: connect the material to real-life scenarios relevant to the participants' work, making the content more meaningful and interesting
- ▶ humour: contrary to popular belief, law enforcement officials do have a sense of humour. Appeal to it! Occasionally use light and appropriate humour, which can make the learning experience more enjoyable and memorable.
- ▶ comfort: ensure that the physical environment is conducive to learning, with comfortable seating, good lighting, and snacks or refreshments to keep participants relaxed and focused.

(7) Have good icebreakers

Icebreakers are effective short exercises that can be given to trainees at the start of a training session to help them feel more comfortable and quickly get acquainted with one another before starting the main activities. These exercises also allow trainers to familiarise themselves with the group.

There are many ways to do icebreaker exercises, and the trainer should be sensitive to what may be appropriate in a particular cultural or professional setting, and how much time there is. Here are three suggested ones, designed to be relevant, engaging, and respectful of the experience and professionalism of the participants:

- ▶ "Landmarks": ask participants to speak, for no more than two minutes, about a landmark event or pivotal moment in their career. This could be a situation that challenged them, taught them something valuable, or significantly influenced their professional path. This icebreaker not only helps participants get to know each other but also allows them to share their expertise and experiences, fostering mutual respect and understanding.
- ▶ "Common ground": divide the group into small teams of 3-4 people and ask them to discover three things they all have in common, professional or otherwise. At the end, each team shares their commonalities with the larger group. This exercise builds camaraderie by highlighting connections that may not be immediately apparent, helping participants see each other as more than just colleagues.
- ▶ "Case swap": Ask each participant to think of a challenging case they've worked on recently. They should summarise the case (keeping confidentiality intact) and present a key question or issue that arose during the case. After sharing, participants can briefly discuss how they might have approached the issue differently or share insights.

(8) Be an effective facilitator

To be an effective facilitator in discussions, trainers must have a range of skills including listening, summarising, observing, clarifying, and managing differences. These skills are underpinned by personal qualities such as balance, self-confidence, assertiveness, openness, flexibility, positivity, and consistency. While trainers should avoid unnecessary intervention or imposing their views, they should occasionally share their perspectives to enrich the discussion, ensuring mutual respect and clear understanding by reframing key points.

Key suggestions for effective facilitation include:

- ▶ maintain a positive demeanour;
- ▶ convey enthusiasm;
- ▶ provide clear and concise instructions for group work;
- ▶ ask open-ended questions;
- ▶ regularly summarise discussions;
- ▶ keep discussions focused and stick to time;

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- ▶ read and interpret body language;
- ▶ genuinely listen to participants, even during breaks;
- ▶ connect different points of the discussion;
- ▶ when sharing your own views, do so without disrupting the flow of discussion among participants.

(9) Be open to questions and to being challenged

Trainers should be open to questions and challenges because this fosters a more dynamic and engaging learning environment. Participants bring a wealth of experience and knowledge, which can enhance discussions and lead to deeper understanding when their input is welcomed. By being open to questions, trainers encourage critical thinking and active participation, helping learners to better grasp complex concepts and apply them in real-world situations.

Being receptive to challenges also demonstrates a trainer's confidence and flexibility, showing that they value diverse perspectives and are willing to consider alternative viewpoints. This openness builds trust and respect between the trainer and participants, creating a collaborative atmosphere where learners feel comfortable exploring ideas and contributing to discussions. Ultimately, this approach enhances the overall effectiveness of the training, leading to more meaningful learning outcomes.

(10) Unusual but effective training settings

Professional training settings outside the traditional classroom environment offer great opportunities for more dynamic and engaging learning experiences. For example, conducting training on-site at a workplace allows participants to immediately apply what they have learned to their actual tasks, bridging the gap between theory and practice. This can deepen understanding and improve retention as learners see the direct impact of their training. Outdoor or retreat-style settings provide a relaxed atmosphere that can reduce stress and encourage open communication. These environments are particularly effective for interactive training, where the informal setting fosters creativity and collaboration. Additionally, these settings often incorporate physical activities that can enhance bonding and provide a refreshing break from the usual routine. It has been shown that exercise, in particular walking, can stimulate thought, especially in green settings. If time and settings allow, you might consider the following as a combination of exercise and training:

- ▶ At the start of the day, take the group for a walk. This can also be a great ice breaker. This can be in nature, or if the training takes place in a town with a historic centre, take a walk through the town. You can also take the group for a walk after lunch or at the end of a day.
- ▶ When asking participants to divide into duos or small groups, instead of sitting at a table you might ask them to go outdoors or take a short walk.

However, trainers should always be mindful of participants' abilities and ensure that all participants can take part in an exercise. For example, wheelchair-bound participants are unlikely to be able to join a walk. Not all disabilities are visible, and trainers should be careful in dealing with this.

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PRE- AND POST-COURSE TEST

Pre-course test

1. Are you familiar with the Recommendation of the Committee of Ministers of the Council of Europe, Rec/CM(2016)4, on the protection of journalism and safety of journalists and other media actors?

- a) Yes
- b) No

1.b If you answered yes to the above question, are you confident that you know how this Recommendation should be implemented and how you can use it in your work?

- a) Yes
- b) No

3. Have you heard of, and can you distinguish between, the positive and negative duties on the state as regards the implementation of the right to freedom of expression?

- a) Yes
- b) No

4. Are you familiar with the Council of Europe Platform for the Safety of Journalists, or the UNESCO Observatory of Killed Journalists?

- a) Yes
- b) No

5. Do you know what the Council of Europe standards are for the investigation of threats of violence against journalists?

- a) Yes
- b) No

Post-course test

1. Are you confident that you know how Recommendation of the Committee of Ministers of the Council of Europe, Rec/CM(2016)4, on the protection of journalism and safety of journalists and other media actors, should be implemented and how you can use it in your work?

- a) Yes
- b) No

2. Are you familiar with the Council of Europe Platform for the Safety of Journalists, or the UNESCO Observatory of killed journalists?

- a) Yes
- b) No

3. Following this workshop, are you better equipped to apply the Council of Europe's standards on the safety of journalism in your daily work?

- a) Yes
- b) No

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4. According to the Recommendation Rec/CM(2016)4, the definition of media actors includes only professional journalists, and not to other individuals who contribute to public debate or perform journalistic activities or play a watchdog role in the public interest.

- a) True
- b) False

5. What constitutes the positive obligation of the state to protect freedom of expression?

- a) An effective and prompt mechanism to protect journalists from threats
- b) Criminalization of defamation

CURRICULUM MODULES

→ Module 1: Testimony

Module objective

This module aims to ground the training in real-world experiences by providing law enforcement personnel with firsthand testimony from a journalist or media professional who has faced violence, threats, or intimidation in the course of their work. By hearing directly from those affected, participants will gain a deeper understanding of the impact such threats have on individual journalists, press freedom, and democratic society as a whole. This module fosters empathy, reinforces the crucial role of law enforcement in protecting journalists, and sets the stage for a more informed and engaged approach to safeguarding media professionals.

Session

Testimony from journalists affected by the problem of violence against journalists can be provided in different ways:

- ▶ Direct testimony from a journalist, or a group of journalists, from the country or region where the training is delivered on the impact that violence against them has had on their ability to do their work;
- ▶ Supplemental testimony from a law enforcement officer, or a group of officers, on specific challenges they have encountered in terms of protecting the safety of journalists;
- ▶ Showing of a video or a series of videos conveying such testimony. Examples include the following:
 - Series of National Union of Journalists videos on the Safety of Journalists ((1) [Introduction](#) (1 minute); (2) [Journalists' safety video](#) (9 minutes); (3) [Photographers' safety](#) (2 minutes); (4) [How journalists from ethnic minority backgrounds are routinely subjected to racist abuse](#) (2 minutes); (5) [How women journalists and those reporting on minority groups become the target for abuse](#) (2 minutes);
 - 'Journalism was her life': Daphne Caruana Galizia's family speak out: <https://www.theguardian.com/world/video/2018/apr/17/journalism-was-her-life-daphne-caruana-galizias-family-speak-out-video> (10 minutes)
 - UNESCO video: How to stop impunity for crimes against journalists? <https://www.youtube.com/watch?v=VuQTq2Ej6q8> (5 minutes)
 - UNESCO video: Online violence against women journalists harms everyone. Let's end it! <https://www.youtube.com/watch?v=-Sc0gmCECoc> (2 minutes)
 - Al Jazeera news report: Violence against journalists on the rise, 'atmosphere of impunity' <https://www.youtube.com/watch?v=u-qWT-2CTM> (4 minutes).

These videos can be shown one at a time after a coffee break or after lunch (showing a video is a good way of breaking up a session and keeping the attention of participants). They can also be played on a loop, in this playlist: <https://youtube.com/playlist?list=PLNwqF0PWlueKvsv3RE1moXF61KKc3qn3v&feature=shared>.

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If there is time, for example in the evening, a documentary can be screened such as “[A Dark Place](#)”, a 2018 film which provides first-hand experiences shared by leading women journalists targeted with online violence and experts in the fields of human rights, gender and media freedom from Serbia, Spain, the UK, Finland, the US, Turkey and Russia; or “[20 days in Mariupol](#)”, an Academy Award- winning documentary about a team of Ukrainian journalists trapped in the besieged city of Mariupol as they struggle to continue their work documenting atrocities of the Russian invasion.

If the opportunity presents itself, a play such as “[They Blew Her Up](#)” could be staged. This is a play that explores the murder of Maltese journalist Daphne Caruana Galizia. It is a very powerful play but staging it would most likely require significant funding.

These different forms of testimony can complement each other. For example, there can be a session with personal testimony from a group of journalists, and in addition to that short videos can be played during breaks or incorporated into different parts of the curriculum.

If time allows, the screening of a video or presentation of testimony should be followed by group discussion.

→ Module 2: European standards on freedom of expression and journalists’ safety

Module objective

The objective of this module is to equip participants with a clear understanding of the European legal framework governing freedom of expression and the safety of journalists, with a particular focus on Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights. Participants will examine the obligations of law enforcement authorities in protecting journalists, ensuring a safe working environment, and upholding press freedom while balancing security considerations. The module will also address common threats faced by journalists, the role of state authorities in preventing and responding to attacks, and the legal and institutional mechanisms available to safeguard media freedom in line with European human rights standards.

Sessions

C. 1 Brainstorming exercise: why does freedom of expression and ensuring the safety of journalists matter?

Guidance for trainers

This module opens with a group brainstorming session, facilitated by the trainer. The objective is to explore and identify different aspects of the importance of the right to freedom of expression and the protection of journalists.

The trainer should ask two questions:

1. Why is freedom of expression important?
2. Why is the protection of journalists important?

Participants are encouraged to share their ideas, which can be written on a flip chart, on Post-it notes on the wall, or on an interactive whiteboard. At this stage there should be no discussion or critiquing of contributions or other discussion; the trainer’s role is limited to listing ideas and preventing premature debate.

If necessary, the trainer may gently guide the discussion to try to elicit the following:

- ▶ to be able to express oneself is a key element of what makes us human;
- ▶ freedom of expression is important to the realisation of other rights;
- ▶ freedom of expression is important to hold power to account;

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- ▶ freedom of expression is important to the fight against corruption;
- ▶ journalists provide the public with information they require in order to vote and for democracy to function;
- ▶ when journalists are threatened for their reporting, they may self-censor and reporting on certain issues or individuals will be curtailed, to the detriment of society.

Once all responses are noted, the trainer facilitates feedback. This will include discussion, analysis, and categorization of the ideas that have been contributed.

The trainer should anticipate challenges, particularly regarding why journalists require special protection. Participants may argue that other professionals performing public functions, such as ambulance workers, firefighters, and police officers, also deserve protection. Rather than dismissing this, the trainer can acknowledge that in many countries, these groups also receive enhanced safeguards for their safety. The key takeaway of the session is to emphasize the vital role journalists play in society and how ensuring their ability to report freely is essential for the functioning of democracy.

The trainer can wrap up the session by thanking participants for their contributions.

The paper on which contributions have been noted should be left on the wall as a reminder of the various reasons for why the right to freedom of expression is important, and why the protection of journalists is important.

C. 2 Presentation on Freedom of Expression and Journalists' Safety and subsequent discussion

The trainer presents a PowerPoint presentation on the importance of the right to freedom of expression and the protection of journalists and moderates Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint is somewhat technical in nature. In order to make the presentation as accessible and interactive as possible, the trainer should invite questions throughout. Several topics in the PowerPoint are suitable for discussion, including but not limited to the question of 'who is a journalist', what is a 'proportionate' restriction, the difference between the 'positive duty' and the 'negative duty' on the state. The trainer may provide the hand-out in advance and invite participants to read along as the PowerPoint is presented – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

The Importance of the Right to Freedom of Expression

The right to freedom of expression is guaranteed in the European Convention on Human Rights as well as in other human rights treaties and declarations. Following the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations in 1948, the European Convention, which was drafted in the early 1950s and entered into force in 1953, was the first legally binding human rights treaty.

Article 10 of the Convention states:

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

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The right to freedom of expression is a cornerstone of democratic society and plays a central role in the protection of other rights. This has been affirmed by the European Court of Human Rights in dozens of judgments, including the following:

- ▶ [Handyside v. the United Kingdom](#), 7 December 1976: "Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man."
- ▶ [Manole and Others v. Moldova](#), 17 September 2009: "Democracy thrives on freedom of expression. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself."

The right to freedom of expression protects all forms of expression. In practice, the Court has distinguished between political speech, discussion on matters of public importance, artistic expression, information of a commercial nature, and entertainment such as music. Political expression and debate on matters of public importance is especially protected:

"[F]reedom of political debate is at the very core of the concept of a democratic society which prevails throughout the Convention" ([Lingens v. Austria](#), 8 July 1986)

A high level of protection is afforded to discussion of all matters of public importance:

- ▶ Discussion of historical genocides ([Perinçek v. Switzerland](#), 15 October 2015)
- ▶ Criticism of the actions of the police ([Savva Terentyev v. Russia](#), 28 August 2018)
- ▶ Criticism of disproportionate pay increases for the director of a large car manufacturer ([Fressoz and Roire v. France](#), 21 January 1999)
- ▶ Discussion on the privatisation of a major national insurance provider ([Radio Twist a.s. v. Slovakia](#), 19 December 2006)
- ▶ Allegations of mis-selling of insurance products ([Haldimann v. Switzerland](#), 24 February 2015)
- ▶ Discussion on employment law and policy, aimed at professionals in the human resources sector ([Herbai v. Hungary](#), 5 November 2019)

The European Court has emphasised that the scope of information and ideas protected is extraordinarily broad. The only type of expression that falls outside the scope of the right to freedom of expression is hate speech. Examples of what the Court has understood as being part of "information and ideas" include:

- ▶ Information about someone's private life: publication of photographs to illustrate a news story ([Von Hannover v. Germany \(2\)](#), 7 February 2012).
- ▶ Information about abortion: ([Open Door and Dublin Well Woman v. Ireland](#), 29 October 1992).
- ▶ Criticism of the founder of the state: ([Murat Vural v. Turkey](#), 21 October 2014)
- ▶ Criticism of religion: ([Dubowska and Skup v. Poland](#) (dec.), 18 April 1997)

Freedom of expression applies to words that shock, offend or disturb. As the author, Salman Rushdie, has remarked: "What is freedom of expression? Without the freedom to offend, it ceases to exist." The European Court of Human Rights has emphasised:

"Freedom of expression ... is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no 'democratic society'" ([Handyside v. the United Kingdom](#), 7 December 1976)

The importance of the media and of protecting journalists

The media play a particularly important role in relation to the right to freedom of expression. Whether online, through radio or television or in print, they are the means through which the vast majority of people receive news and information on issues of public interest. As the Court has recognised:

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"Although the press must not overstep certain bounds, regarding in particular the protection of the reputation and rights of others, its duty is nevertheless to impart - in a manner consistent with its obligations and responsibilities - information and ideas on all matters of public interest. Not only does the press have the task of imparting such information and ideas; the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of 'public watchdog'" ([Pedersen and Baadsgaard v. Denmark](#), 17 December 2004)

This applies to online media, bloggers and particularly popular social media users as well as to 'traditional' media:

"Given the important role played by the Internet in enhancing the public's access to news and facilitating the dissemination of information, the function of bloggers and popular users of the social media may be also assimilated to that of "public watchdogs" in so far as the protection afforded by Article 10 is concerned." ([Magyar Helsinki Bizottság v. Hungary](#), 8 November 2016)

The term 'journalist' is to be interpreted broadly and functional. Recommendation CM/Rec(2016)4 states that it includes all who "who contribute to public debate and who perform journalistic activities or fulfil public watchdog functions." The UN Human Rights Committee has similarly stated that "journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (see [General Comment 34](#)). The UN General Assembly has also acknowledged that "journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organisations that seek, receive and impart information and ideas of all kinds, online as well as offline ... thereby contributing to shape public debate" ([Resolution 68/163](#)). And, according to the [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#), "the protection of journalists should not be limited to those formally recognised as journalists, but should cover others, including community media workers and citizen journalists and others who may be using new media as a means of reaching their audiences".

Obligations on the State, and therefore on Law Enforcement

There are two types of duties on the state, and therefore on law enforcement:

- (3) negative duty: do not interfere unless as prescribed by law and as necessary in a democratic society for the protection of a legitimate aim
- (4) positive duty: take steps for the effective realisation of the right to freedom of expression

Negative duty

The negative duty requires that there is no interference with the right to freedom of expression unless the following conditions are fulfilled:

- 1. The restriction has must have been prescribed by law;
- 2. The restriction must have been imposed in pursuit of a legitimate aim; and
- 3. The restriction must be demonstrated to have been 'necessary in a democratic society'.

This so-called 'three-part test' is drawn from the text of Article 10(2) ECHR.

In applying the 'prescribed by law' test, the Court uses a substantive test. It considers that the term 'law' includes legal provisions passed by parliament, but also ministerial regulations and similar norms, as well as judicial interpretations of the law. Further requirements include:

- ▶ The legal measure on which the restriction is based must be 'adequately accessible'. Unpublished internal regulations cannot provide a basis for a restriction.
- ▶ The law must be foreseeable, meaning 'formulated with sufficient precision to enable the citizen to regulate their conduct' ([Sunday Times v. the United Kingdom](#), 26 April 1979). Journalists and other professionals are expected to take special care and, if necessary, to seek legal advice (see, in particular, [Delfi v. Estonia](#) (GC), 16 June 2015)

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- ▶ The law must afford protection against abuse and arbitrary or excessive use of the law ([Centro Europa 7 S.R.L. and Di Stefano v. Italy](#) (GC), 7 June 2012)
- ▶ The law must provide for the possibility of judicial review ([Ahmet Yildirim v. Turkey](#), 18 December 2012)

The 'legitimate aim' requirement means that a restriction may be imposed only for the protection of one of the aims listed in Article 10(2): the protection of national security, territorial integrity or public safety; the prevention of disorder or crime; the protection of health or morals; the protection of the reputation or rights of others; preventing the disclosure of information received in confidence; and maintaining the authority and impartiality of the judiciary.

Any restrictions on the right to freedom of expression "must be narrowly interpreted and the necessity for any restrictions must be convincingly established" ([Observer and Guardian v. the United Kingdom](#), 26 November 1991).

In the case of [Sunday Times v. the United Kingdom \(No. 1\)](#), (26 April 1979), the Court emphasised that any restrictions must be truly necessary and elaborated on the strict meaning of that word:

"[W]hilst the adjective 'necessary', within the meaning of Article 10 (2), is not synonymous with 'indispensable', neither has it the flexibility of such expressions as 'admissible', 'ordinary', 'useful', 'reasonable' or 'desirable' ... it implies the existence of a 'pressing social need'."

In determining whether there is a 'pressing social need' that would justify a restriction as being 'necessary in a democratic society', the Court requires that the following questions are addressed:

- ▶ Are the reasons given for the restriction 'relevant and sufficient'? As part of this, it needs to be assessed whether the authorities based themselves on an acceptable assessment of the relevant facts; and whether they applied standards that were in conformity with the principles embodied in Article 10?
- ▶ Is the restriction proportionate to the legitimate aim pursued?

Various factors are taken into consideration to assess whether or not a restriction is proportionate to the aim pursued, including:

- ▶ The nature and severity of the restriction, and how long it was imposed for (see, for example, [Sunday Times v. United Kingdom \(No. 1\)](#))
- ▶ The position of the applicant and his/her role in the public debate
- ▶ The impact of the expression in question: how many individuals have read, seen or heard it (for example, in [Tamiz v. the United Kingdom](#) (19 September 2017) only a limited number of people had accessed an impugned blog post and so it had limited impact)
- ▶ The right of the public to be informed on matters of general importance
- ▶ Whether the authorities have struck a fair balance between the right to freedom of expression and other rights (see, for example, [Cumpănă and Mazăre v. Romania](#) (17 December 2004))
- ▶ Whether the authorities have applied the least restrictive means possible to achieve the legitimate aim (see, for example, [Ürper and Others v. Turkey](#) (20 October 2009))

Positive duty: What States Must do to Protect and Facilitate Freedom of Expression

States are under a strong duty to take measures to protect journalists and others who report or speak out on issues of public interest. The Court has held:

"States are obliged to put in place an effective system of protection for authors and journalists as part of their broader obligation to create a favourable environment for participation in public debate by everyone and to enable the expression of opinions and ideas without fear, even when they are contrary to those held by the authorities or by a significant section of public opinion and even if they are annoying or shocking for the latter." ([Dink v. Turkey](#), 14 September 2010)

This is not just about protecting Freedom of Expression, but also the right to life, the right to physical integrity, the right to respect for private life, and the right to be free from discrimination, to name but a few of the other rights engaged.

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In addition to protecting these rights, in recognition of its importance in democratic society, States must create an enabling environment for the exercise of the right to freedom of expression. Journalists and other media actors in particular should be able to speak out on matters of public importance without fear of retaliation or retribution.

This entails three distinct obligations:

- (1) States must put in place effective criminal-law provisions to deter the commission of offences, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions;
- (2) where necessary, States must take preventive operational measures to protect an individual or individuals whose lives are at risk
- (3) When violent acts are committed, or threats are made, States are under a duty to investigate and bring those responsible to justice.

In a concrete situation, law enforcement must consider whether there are or have there been threats. In the case of [Özgür Gündem v. Turkey](#), the domestic authorities – which were aware of a series of violent actions against a newspaper and people associated with it – did not take any action to protect the newspaper and its journalists. This violated the right to freedom of expression. By contrast, in [Huseynova v. Azerbaijan](#), neither the applicant's husband (a journalist who had been murdered) nor his magazine had been subjected to acts of violence. Moreover, the applicant's husband had not lodged any application or request for protection with the domestic authorities before his murder. This meant that law enforcement could not have been expected to act proactively to protect the journalist's right to life.

In [Dink v. Turkey](#), the European Court of Human Rights found that the Turkish Government violated Articles 2 (Right to Life), 10 (Freedom of Expression), and 13 (Right to an Effective Remedy) of the European Convention on Human Rights by failing to protect journalist Firat Dink, leading to his murder. Dink, an outspoken Armenian minority member in Turkey, was killed due to his writings. Despite knowing of an assassination plot against Dink, Turkish authorities did not take action. The Court emphasised that states have a positive obligation to create a favourable environment for participation in public debate.

Law enforcement must also consider motive. For high profile journalists, it should often be assumed that the motive of an attack or a threat is linked to the journalist's professional activities. In [Khadija Ismayilova v. Azerbaijan](#), the Court held that "[i]n a situation where the applicant was well known in society specifically for her journalistic activity and for that activity only, it is difficult to discern any motive for threats of public humiliation received by her other than a motive connected to that activity."

→ Module 3: Introduction to Council of Europe Recommendation (2016)4

Module objective

The objective of this module is to provide participants with a comprehensive introduction to Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors. Participants will explore the purpose, scope, and key principles of the Recommendation, including the broad definition of journalists and media actors, the obligations of states to prevent, protect, and prosecute attacks against them, and the importance of fostering an enabling environment for free and independent journalism. The module will highlight the Recommendation's relevance to law enforcement, emphasizing their role in upholding media freedom and ensuring the safety of journalists in line with European human rights standards.

Sessions

B. 1 Small group discussions: What issues are relevant when considering the safety of journalists?

Guidance for trainers

Trainers should divide the participants in groups of three or four participants.

At the start, ask the participants to consider the following very broad question:

- ▶ When thinking about the protecting the safety of journalists, what topics are important?

Give participants five minutes to start the discussion, without giving them any further guidance.

Then, inform the participants that you would like them to think about safety from different angles:

- ▶ safety from physical attacks;
- ▶ safety from verbal threats;
- ▶ online safety;
- ▶ safety from abusive legal threats;
- ▶ other angles.

Also inform the participants that you would like them to think about what kind of actions might be required from law enforcement and other state bodies, as regards preventive action, protective action, as well as the investigation and prosecution of crimes of safety.

Let the participants discuss these more specific questions for another ten minutes, and then ask the groups briefly to report back.

The purpose of this session is to prime the participants for the very broad scope of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors.

B. 2 Presentation introducing Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors and subsequent discussion

The trainer presents a PowerPoint presentation introducing the Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

While, similar to the previous session, the information presented in the PowerPoint is somewhat technical in nature, it is not as lengthy. There is probably not going to be a need to stop throughout, but if there are questions then the trainer should engage with them. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors emphasises the fundamental role of free and independent journalism in democratic societies. Recognising the increasing threats, harassment, and violence faced by journalists, the Recommendation sets out a comprehensive framework for member states to ensure their safety through prevention, protection, and prosecution measures. It emphasizes that journalism is defined by its public watchdog function and extends protections to a broad range of media actors, including citizen journalists and bloggers. The Recommendation calls on states to uphold their positive obligations under Article 10 of the European Convention on Human Rights and to establish effective safeguards that enable journalists and other media actors to work without fear of intimidation or harm.

The Recommendation is built on four pillars:

1. Prevention
2. Protection
3. Prosecution
4. Promotion and awareness raising

Prevention

To ensuring an enabling environment for journalists and other media actors, the prevention 'pillar' of the Recommendation calls on Member States to establish a robust legal framework that ensures the independence of the media and safeguards media pluralism, including protections for public-service and community media. This framework should guarantee public access to information, uphold privacy and data protection, secure confidentiality of communications, and protect journalistic sources and whistle-blowers. It must also provide effective protection for all journalists and media actors, with specific attention to gender-related threats and labour protections to prevent undue pressures. Member States must also ensure all state surveillance and interception of communications are legally regulated, include procedural safeguards, and are subject to independent oversight to guarantee transparency and accountability.

To maintain effectiveness, the legislative framework should be subject to independent, periodic review to ensure compliance with European and international human rights standards. Reviews should assess laws on national security, extremism, and defamation, ensuring they do comply with European standards.

Independent bodies should conduct these reviews transparently, involving civil society and media representatives. Findings should be formally submitted to relevant authorities, requiring timely responses and integration into reporting mechanisms at the Council of Europe and other international organisations.

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Protection

Member States should ensure that legislation criminalising violence against journalists is effectively enforced through law enforcement and redress mechanisms. Authorities have a duty to prevent and respond to threats against journalists, taking proactive measures such as providing police protection or relocation, when necessary, with specific attention to gender-related risks.

Establishing early-warning systems and rapid-response mechanisms is crucial to ensuring journalists' safety. This includes 24-hour hotlines, emergency contact points, and secure online platforms where journalists can report threats and seek immediate assistance. Protection measures should be proactive, such as police protection for those at risk, safe relocation options, and legal mechanisms to prevent imminent harm.

Journalists deprived of liberty must be granted procedural safeguards, including the right to legal assistance, medical care, and judicial review of detention.

Training programmes and protocols should be developed for state authorities, including law enforcement, to ensure compliance with international human rights obligations and awareness of journalists' democratic role. Such training should cover threat assessments, gender-specific risks, and protocols for interacting with journalists, particularly in sensitive situations like protests and conflict zones. Journalists should also be trained in safety measures, digital security, and emergency response to mitigate risks in high-threat environments.

Member States must also guard against the misuse of laws to harass or silence journalists. This includes the misuse of defamation, national security, or anti-terrorism laws to prosecute or imprison journalists unfairly. Legal safeguards should prevent frivolous lawsuits (SLAPPs) and arbitrary administrative actions, such as burdensome licensing, accreditation, or taxation policies, that undermine press freedom.

Journalists covering protests and public demonstrations are particularly vulnerable to physical attacks, arbitrary detention, and obstruction by law enforcement. Authorities must respect the right of the media to report and ensure that journalists are not treated as participants in protests. Press credentials should be recognised, and law enforcement should be trained to facilitate, rather than hinder, media coverage. Any use of force against journalists should be subject to thorough investigation and accountability measures.

Public officials and political leaders must refrain from using hostile rhetoric that delegitimises journalists and incites threats or violence against them. Labelling journalists as "enemies of the people," accusing them of spreading "fake news," or using other forms of negative discourse erodes trust in the media and endangers journalists' safety. Governments should actively promote a culture of respect for press freedom and condemn all attacks, threats, and intimidation against journalists, regardless of the source.

Media organisations are encouraged to uphold institutional responsibilities for journalists, including safety training, insurance, legal support, and trauma counselling, particularly for those working in high-risk environments.

Prosecution

Ensuring justice for crimes against journalists is essential to prevent impunity. Investigations into killings, attacks, and ill-treatment must meet key requirements: they should be adequate, thorough, impartial, independent, prompt, and subject to public scrutiny. Investigations must establish the facts, identify those responsible, and explore potential links between violence and journalistic work, including any racist or gender-based motivations. Specialised, well-trained units should conduct these investigations, ensuring there are no conflicts of interest and maintaining public confidence in the rule of law.

Member States must prosecute all individuals involved in crimes against journalists, from instigators to accomplices, and uphold judicial integrity by guaranteeing the independence and safety of judges, prosecutors, lawyers, and witnesses. Victims and their families must have access to effective remedies, including legal action, compensation, medical and psychological support, and relocation if necessary.

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Impunity for crimes against journalists leads to a breakdown of justice. To combat this, statutes of limitations should not apply to crimes involving ill-treatment by State agents, and amnesties or pardons should not be granted without compelling justification. Public officials who obstruct justice through neglect or complicity should face aggravated penalties. If prosecutions fail, special inquiries or independent bodies may be established to investigate cases further.

Given the cross-border nature of some crimes, international cooperation in sharing information and best practices is crucial. States should also actively prioritise journalist protection and accountability for crimes against them in international forums, including reporting to bodies such as the Council of Europe Commissioner for Human Rights and the OSCE Representative on Freedom of the Media, relevant UN bodies, UNESCO. Judgments of the European Court of Human Rights should be swiftly implemented.

Promotion

The promotion 'pillar' requires Member States to promote awareness of the importance of protecting the safety of journalists, and of the Recommendation. States should facilitate the translation of the Recommendation into both national and minority languages and ensure its broad dissemination. They should actively promote awareness of its content through various publicity materials and campaigns. Awareness-raising efforts should include targeted initiatives that leverage internationally recognised observances, such as World Press Freedom Day (3 May), the International Day to End Impunity for Crimes against Journalists (2 November), and the International Right to Know Day (28 September). Additionally, Member States should engage fully with international and regional intergovernmental organisations in information-gathering, awareness-raising, and other initiatives related to the safety of journalists and media actors. These efforts should, where relevant, highlight gender-specific concerns and issues linked to prohibited forms of discrimination.

Member States should also encourage relevant institutions to incorporate this recommendation - and related educational materials covering its key themes, including gender-specific considerations - into journalism training programmes, continuing professional development for media professionals, and media and information literacy initiatives.

Finally, Member States should foster collaboration with civil society and the media to promote best practices for safeguarding journalists and media actors and addressing impunity. This should include implementing the principles of open government and open justice, maintaining a constructive and responsive approach to civil society and media reports on threats and violence against journalists, and giving due attention to gender-specific and other relevant concerns.

B. 3 Case Study: Identifying Journalists and Other Media Actors

Guidance for trainers

The following case studies, designed to be discussed in small groups, aim to help participants understand the broad scope of the term "journalists and other media actors" by engaging them in real-world scenarios and discussing the challenges of identifying individuals who should be afforded protection under this category.

Instructions for Trainers

1. Divide participants into small groups.
2. Provide each group with a set of case scenarios (see below).
3. Ask each group to discuss whether the person in their scenario qualifies as a journalist or other media actor and justify their reasoning.
4. Have each group present their findings to the wider group, followed by a facilitated discussion.
5. Conclude with a summary of the key characteristics that define journalists and other media actors, referencing the human rights standards introduced in Module 2.

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Case Scenarios

Scenario 1: The Investigative Reporter

Maria is a full-time investigative journalist employed by a major newspaper. She has uncovered corruption in local government and frequently publishes detailed reports exposing wrongdoing. Recently, she has been threatened by officials who want to silence her.

Discussion Questions:

- ▶ Does Maria fit the definition of a journalist or media actor?
- ▶ Should she be entitled to specific protections?

Scenario 2: The Freelance War Correspondent

Ahmed is a freelance journalist who covers armed conflicts. He contributes articles and photos to various international media outlets but does not have a permanent contract with any of them. While reporting on a military offensive, he is detained by security forces who claim he is not a “real journalist.”

Discussion Questions:

- ▶ Does Ahmed qualify as a journalist?
- ▶ How does his freelance status impact his protection?

Scenario 3: The Citizen Journalist

Sofia is a university student who runs a blog about social issues in her country. She records protests on her phone and posts them online, where they receive significant public attention. Recently, she was harassed by law enforcement for her coverage.

Discussion Questions:

- ▶ Should Sofia be considered a journalist or media actor?
- ▶ What protections, if any, should she receive?

Scenario 4: The Social Media Influencer

Luca has a large following on social media, where he frequently comments on political issues and shares news from various sources. He does not have formal journalism training but has been invited to speak on media panels. A politician has accused him of spreading misinformation and called for his arrest.

Discussion Questions:

- ▶ Is Luca a journalist or media actor?
- ▶ How does the role of social media complicate definitions of journalism?

Scenario 5: The Documentary Filmmaker

Elena is producing a documentary on police violence. She conducts interviews, films protests, and plans to release her work through a streaming platform. Authorities claim she is an activist, not a journalist.

Discussion Questions:

- ▶ Should Elena be recognised as a media actor?
- ▶ What risks could she face, and should she receive protection?

Scenario 6: The Whistleblower's Platform

A non-profit organisation runs an online platform that allows whistleblowers to anonymously submit evidence of corporate and government misconduct. The platform does not create news content but verifies and publishes leaked documents.

Discussion Questions:

- ▶ Does the organisation fit within the definition of “media actors”?
- ▶ Should the organisation and those who work for it be protected in the same way as traditional journalists?

Debrief and Conclusion:

After all groups have presented, facilitate a discussion on:

- ▶ The evolving nature of journalism in the digital age.
- ▶ The risks faced by various media actors, including freelancers, bloggers, and whistleblowers.
- ▶ International standards regarding the protection of journalists and media actors.
- ▶ The importance of a broad and inclusive definition to ensure adequate protection for all those who contribute to public debate.

By the end of the exercise, participants should have a clearer understanding of the diversity of media actors and the need for a wide-ranging approach to their protection.

→ **Module 4: Council of Europe Recommendation (2016)4: the prevention pillar**

Module objective

The objective of this module is to provide participants with a comprehensive understanding of the prevention pillar of the Council of Europe Recommendation (2016)4 on the protection of journalism and the safety of journalists and other media actors. The module will explore the key measures that member States should implement to prevent threats, violence, and other forms of interference against journalists. Participants will examine the importance of early warning and rapid response mechanisms, protective measures, specialised training for law enforcement, and legal safeguards to ensure a safe working environment for media professionals. Through presentation of the main requirements, follow-up discussion, and case studies, the session will equip participants with the knowledge and tools to uphold international standards and foster a culture of prevention that strengthens the safety of journalists and other media actors.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Extended Implementation Guide to selected topics under Prevention and Promotion Pillars of the Guidelines of Recommendation CM/Rec \(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 7-63
- ▶ [Self-Assessment tool for member States on selected topics regarding the protection of journalism and safety of journalists and other media actors – under the Prevention and Promotion pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 74-87

Sessions

C. 1 Brainstorming exercise: preventive measures to protect the safety of journalists

Guidance for trainers

This module opens with a group brainstorming session, facilitated by the trainer, building on the introductory session. The objective is to engage law enforcement professionals in identifying and discussing effective preventive measures to enhance the safety of journalists and protect press freedom.

The trainer explains that the goal of this session is to explore preventive measures law enforcement can take to protect journalists and prevent threats or violence against them, highlighting the importance of proactive strategies over reactive responses.

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The trainer divides the participants into five groups. Each group is asked to focus on a different category of preventive measures:

- ▶ Legal and Policy Measures
- ▶ Operational and Security Measures
- ▶ Community Engagement and Awareness
- ▶ Training and Capacity Building
- ▶ Technology and Digital Safety

Encourage participants to discuss and list practical measures within their assigned category. Use the following guiding questions:

- ▶ What measures can law enforcement take before threats materialize?
- ▶ How can law enforcement foster trust with journalists?
- ▶ What policies or protocols should be in place to prevent violence against journalists?
- ▶ How can law enforcement collaborate with media organisations?
- ▶ What role does technology play in prevention?

Following the group discussions, each group presents their key ideas to the participants. Other participants can ask questions or add suggestions. All ideas are to be collected and categorized on a whiteboard or on flipchart sheets.

C. 2 Presentation on the prevention pillar of Recommendation CM/Rec(2016)4

The trainer presents a PowerPoint presentation introducing the prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint covers several distinct themes. The trainer should pause after every theme and ask if there are any questions. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

The prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

Prevention is a critical component in ensuring a safe environment for journalists, enabling them to carry out their work free from threats, intimidation, or violence. Law enforcement plays a key role in this process by fostering a culture of safety through early intervention, risk assessment, proactive engagement with journalists, and the establishment of protective mechanisms. The prevention pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors recommends that states put in place a number of preventive measures and policies. As discussed in the previous section, many of these are focused on building an enabling legal and regulatory environment:

- ▶ establishing a robust legal framework that ensures the independence of the media and safeguards media pluralism, guarantees public access to information, upholds privacy and data protection, secures confidentiality of communications, and protects journalistic sources and whistle-blowers;
- ▶ specific attention to gender-related threats and labour protections to prevent undue pressures;
- ▶ state surveillance and interception of communications must be legally regulated, include procedural safeguards, and subject to independent oversight to guarantee transparency and accountability;
- ▶ the legislative framework should be subject to independent, periodic review to ensure compliance with European and international human rights standards;

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Law enforcement officers cannot change the law and so, even if a review of the legal framework shows a need for law reform this is not something that the police can deliver. However, there are various ways in which law enforcement *can* contribute or even kickstart law reform processes; and there are also various other actions that law enforcement should be taking to prevent violence against journalists.

Law reform processes

Police can contribute to law reform processes by providing information to parliament and parliamentary committees setting out the scale and specific nature of the problem of violence against journalists, and the importance to democracy of protecting journalists and other media actors. This will contribute to a better understanding of the issue among parliamentarians and contribute to a more enabling and protective legislative framework.

Proactive engagement with journalists and media organisations

Law enforcement can enhance journalist safety through proactive engagement with media professionals and media freedom organisations. Building trust through regular dialogue fosters a collaborative relationship, allowing for better communication and mutual understanding. Appointing dedicated liaison officers within police departments ensures that journalists have clear points of contact, improving response times and coordination in high-risk situations. Additionally, law enforcement should provide clear guidance on how journalists can report threats and seek police assistance, reinforcing a framework of protection that enables them to carry out their work safely and without fear.

Training and Capacity-Building for Law Enforcement

Law enforcement officers should receive specialized training on press freedom and journalist safety, emphasizing their role in safeguarding, rather than restricting, media activities. Establishing dedicated units within police forces to handle cases of violence against journalists can ensure a more focused and informed response. Additionally, law enforcement must be aware of gender-specific threats, such as the targeted harassment of female journalists, and develop appropriate strategies to address and prevent such incidents.

Ensuring Safe Environments for Reporting

Creating safe environments for reporting is essential to upholding media freedom and ensuring journalists can work without fear of harm. Law enforcement must take proactive steps to prevent the excessive use of force against journalists covering protests or public demonstrations, recognizing their right to report on matters of public interest. Officers should receive clear instructions on respecting journalists' rights, including their ability to record public events and police interactions without interference. Additionally, police should coordinate with media outlets to facilitate the safe movement of journalists in conflict zones or areas of unrest, implementing security measures that allow them to operate without unnecessary risk.

Promoting Public Awareness and Cultural Change

Fostering public awareness and cultural change is essential in ensuring the safety of journalists and other media actors, and reinforcing respect for media freedom. Law enforcement should publicly condemn violence against journalists, sending a strong message that such acts will not be tolerated. Engaging with local communities can help raise awareness about the vital role journalists play in a democratic society and the need to protect their rights. Additionally, collaborating with civil society organisations can further promote journalist safety as a fundamental human rights issue, encouraging a broader commitment to press freedom and accountability.

Participate in multi-stakeholder working groups to improve the safety of journalists

Police participation in multi-stakeholder working groups is essential to improving the safety of journalists. These platforms bring together law enforcement, media representatives, civil society, and other relevant actors to foster dialogue, build trust, and develop coordinated strategies to prevent and respond to threats against journalists. By engaging in these groups, police can gain a deeper understanding of the challenges journalists face, improve communication with the media sector, and contribute to the design of effective protection mechanisms. Such collaboration enhances transparency and accountability, promotes respect for press freedom, and strengthens public confidence in the police as a protector of fundamental rights.

C. 3 Small group discussions: Implementing the prevention pillar

Guidance for trainers

Building on the information provided through the PowerPoint presentation, the group should now revisit the suggestions made during the first session of this module and which have been written down on flipchart sheets, or on a whiteboard, or recorded somewhere else. Participants should consider whether, having listened to the PowerPoint presentation, they wish to add further suggestions or change any of the ones that were written down.

Following this stocktaking exercise, participants should divide into groups and discuss the following:

- ▶ Discuss which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation);
- ▶ Discuss how these preventive measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

The groups should use the [Self-Assessment tool for member States on selected topics regarding the protection of journalism and safety of journalists and other media actors – under the Prevention and Promotion pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 74-87 of the [Extended Implementation Guide](#).

The small groups should report back to the larger group, where follow-up discussion can take place. Participants should be encouraged to think about next steps and how, concretely, they will go about incorporating these into their work. Participants should be reminded that, following the training, they should not go back to their jobs and resume 'business as usual'.

→ Module 5: Council of Europe Recommendation (2016)4: the protection pillar

Module objective

The objective of this module is to equip law enforcement officials with a comprehensive understanding of the protection pillar of the Council of Europe Recommendation CM/Rec(2016)4 on the safety of journalists and other media actors. Participants will explore their critical role in protecting journalists and other media actors from threats, harassment, and violence, ensuring they can operate freely and without fear. The module will provide practical guidance on risk assessment, rapid response mechanisms, protective measures, and legal frameworks that enhance journalist safety, with a focus on gender considerations. Through case studies and scenario-based discussions, participants will develop strategies to effectively intervene in cases of threats or attacks, fostering a culture of protection, accountability, and media freedom within their jurisdictions.

Key reading / handouts

- [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 8-42
- [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 60-64

Sessions

C. 1 Case study: Gender-considerations in the protection of journalists

Guidance for trainers

The following case study is designed to be discussed in small groups. It aims to foster critical thinking, reflection on current practices, policy-oriented solutions, and awareness of gender-specific challenges in journalist safety.

Divide the participants into small groups, taking care that the groups are not identical to the same groups that participants have been in before (this is to prevent the development of group dynamics whereby some talk more than others), and ask them to consider the following scenario. Following discussions in small groups, there will be a report-back to the larger group.

Case Study Scenario

Anna Petrova is an investigative journalist. She has reported extensively on corruption and organised crime, and over the years she has received multiple threats. Recently, she published a high-profile investigation exposing ties between a political figure and a criminal network. Following the publication:

- ▶ She receives explicit online threats, including gender-based abuse and rape threats.
- ▶ Fake social media accounts spread defamatory content, falsely accusing her of unethical behaviour.
- ▶ Other fake social media accounts spread AI-generated faked pornographic images.
- ▶ Her home address is leaked online, leading to anonymous phone calls and messages threatening her children's safety.
- ▶ A local tabloid runs a story discrediting her, portraying her as a bad mother for pursuing dangerous stories.

She has complained to police, but law enforcement authorities have initially dismissed her concerns, advising her to stop publishing for a while and to "stay off social media".

Questions for discussion

1. Risk Assessment:

- ▶ What specific gender-based threats is Anna facing?
- ▶ How do these threats differ from those faced by male journalists?
- ▶ What additional risks arise due to her family situation?

2. Protective Measures:

- ▶ What immediate security measures should be put in place for Anna and her children?
- ▶ What role should law enforcement play, and how can they be held accountable for ensuring her safety?
- ▶ How can media organisations and journalist networks support her?

3. Legal and Institutional Response:

- ▶ What legal protections (national or international) should be invoked in this case?
- ▶ How can authorities ensure that threats against female journalists are taken seriously rather than dismissed?

4. Long-Term Strategies:

- ▶ What structural changes are needed to prevent gender-based attacks on female journalists?
- ▶ How can journalist protection programmes be made more gender-responsive?
- ▶ What role can civil society and international bodies play in supporting at-risk female journalists?

Debrief and Reflection

Following the discussion in small groups, each group presents their analysis and recommendations. The trainer will guide a discussion on best practices for addressing gender-based threats in journalism and how protection mechanisms can be improved to account for the realities faced by female journalists and their families.

C. 2 Presentation on the protection pillar of Recommendation CM/Rec(2016)4

Following the case study and group discussion of the scenario presented above, the trainer presents a PowerPoint presentation introducing the protection pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint covers several distinct themes. The trainer should pause after every theme and ask if there are any questions. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

The protection pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

This session focuses on the protection pillar of the Council of Europe's Recommendation CM/Rec(2016)4, which outlines the responsibilities of law enforcement in shielding journalists and other media actors from harm.

The Council of Europe's Recommendation CM/Rec(2016)4 outlines clear obligations for Member States to protect journalists and other media actors. Law enforcement officials play a key role in implementing these protections.

The protection pillar of the Recommendation focuses on the following points.

First, legislation criminalizing violence against journalists must be enforced effectively. Law enforcement agencies should ensure that legal protections are backed by practical enforcement measures and that victims (or their families) have access to effective redress mechanisms. Authorities must also implement precautionary protective measures, such as restraining orders, for journalists facing credible threats.

Furthermore, law enforcement must act on known threats to journalists. Building on the jurisprudence of the European Court of Human Rights discussed in previous sessions, the Recommendation states that when authorities know or should have known of a real and immediate risk to a journalist's safety, they have a duty to prevent harm. This includes providing police protection when requested and, where necessary, arranging voluntary evacuation to a secure location. Protective measures should be timely, effective, and sensitive to gender-specific risks, particularly those faced by female journalists.

It is important that early-warning and rapid-response mechanisms are established. The Recommendation encourages Member States to support hotlines, online platforms, or 24-hour emergency contact points so that journalists under threat can quickly access protection. If these mechanisms are state-run, they must allow civil society oversight and include safeguards for whistleblowers and sources who seek anonymity. Law enforcement should also cooperate with the Council of Europe's [Platform to promote the protection of journalism and safety of journalists](#), to monitor and respond to threats against journalists.

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When, in extraordinary situations, journalists are arrested or detained, legal safeguards must be followed. The Recommendation emphasizes that journalists detained by law enforcement must be treated in accordance with procedural guarantees to prevent unlawful detention or mistreatment. This includes:

- ▶ The right to inform a third party of their detention and location.
- ▶ The right to legal representation and medical assistance.
- ▶ The right to challenge the lawfulness of their detention in court.
- ▶ Prompt presentation before a judge in line with Article 5 of the European Convention on Human Rights.

Legal and administrative measures should not be used to intimidate journalists. The Recommendation warns against the misuse of laws, lawsuits, or bureaucratic measures (such as accreditation, taxation, or registration) to harass journalists. Member States must ensure that laws are not applied arbitrarily or discriminatorily to silence critical reporting.

It is imperative that journalists are protected during demonstrations, elections, and crises. [Statistics show](#) that such situations represent occasions of high risk to journalists; yet, they are also situations of high public interest during which it is imperative that journalists should be able to report. Press credentials and journalistic identification should be recognized and respected by law enforcement. At the same time, law enforcement officials should recognize that there may be times when it is not safe for a journalist to display their credentials visibly, especially [during protests when the anger of participants is directed at the media](#). In such situations, law enforcement officials should make reasonable efforts to verify their status rather than obstruct their work. Regular dialogue between law enforcement and journalist organisations is encouraged to prevent conflicts and misunderstandings.

State officials, including law enforcement officials must not undermine journalists or encourage hostility toward them. The Recommendation states that public figures must not delegitimize journalists through threats, accusations of propaganda, or attacks based on gender, ethnicity, or political bias. Instead, officials should publicly condemn violence and threats against journalists, regardless of the source. For example, on occasions when there has been violence against journalists or other media actors, or threats have been made, law enforcement officials should clearly condemn this.

To ensure implementation of these recommendations in practice, law enforcement officials should receive specialized training. The Recommendation calls for training programs and operational protocols for all State authorities involved in journalist protection, including police, prosecutors, judges, military personnel, immigration officials, and other relevant officials. Training should ensure that officials understand international human rights obligations, the role of journalists in democracy, and highlight the specific risks faced by female journalists.

The Recommendation recognises that media organisations also have responsibilities when it comes to protecting the safety of journalists. The Recommendation urges media to put in place institutional protections for their employees as well as for freelancers whose work they publish, including through:

- ▶ Security guidelines for dangerous assignments.
- ▶ Ensuring voluntary and informed deployment in conflict zones.
- ▶ Providing access to safety and digital security training.
- ▶ Providing access to insurance, legal support, and trauma counselling.

C. 3 Small group discussions: Implementing the protection pillar

Guidance for trainers

Building on the information provided through the PowerPoint presentation, and the results of the first exercise in this session, the group will now map out the situation in the country as regards protective measures and discuss how this can be improved.

Participants will breakout into small groups. Each group will assess the country's adherence to a specific standard. Guiding questions are provided for each theme. Groups should discuss strengths, weaknesses, challenges, and possible reforms.

All groups must include in their discussion how gender-specific threats impact female journalists and propose ways to improve their protection.

Group 1: Legal Protections and Law Enforcement Implementation

Guiding questions:

- ▶ What is the legislation criminalizing violence against journalists, and is this effective in practice?
- ▶ Are protective measures, such as restraining orders or police intervention, available for journalists facing threats? Are police protection and evacuation measures available for journalists under threat?
- ▶ Do laws recognize the specific threats faced by female journalists, such as sexual harassment, doxxing, and online abuse? Are female journalists provided with specialized protection measures when facing gender-based violence?
- ▶ Does law enforcement act when credible threats to journalists arise?
- ▶ What is the scope for improvement in relation to each of the above issues?

Group 2: Emergency and Rapid-Response Mechanisms

Guiding questions:

- ▶ Are there hotlines, emergency contact points, or rapid-response systems for journalists under threat?
- ▶ If these exist, are they easily accessible and effective?
- ▶ Is there civil society oversight in the operation of state-run emergency mechanisms?
- ▶ Are these emergency mechanisms designed to address gender-based threats, such as online harassment, stalking, and sexual violence?
- ▶ What is the scope for improvement in relation to each of the above issues?

Group 3: Arrest and Detention of Journalists

Guiding questions:

- ▶ When may journalists legitimately be arrested or detained? Does this happen frequently, and what is the impact on *a.* public safety and *b.* freedom of expression?
- ▶ Are there procedural safeguards in place to prevent unlawful detention of journalists?
- ▶ Do journalists have access to legal counsel, medical care, and the right to challenge their detention?
- ▶ Are these procedures consistently followed in practice?
- ▶ Are female journalists detained in conditions that ensure their safety and dignity?
- ▶ What is the scope for improvement in relation to each of the above issues?

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Group 4: Law Enforcement Training and Awareness

Guiding questions:

- ▶ Do police officers receive specific training on journalist protection? If so, when is that training delivered, and is it regularly refreshed?
- ▶ Are there established protocols for law enforcement on handling journalists in conflict situations?
- ▶ Does training cover international human rights obligations and gender-sensitive risks?
- ▶ Are officers trained to recognize and respond to gender-based violence against female journalists?
- ▶ What is the scope for improvement in relation to each of the above issues?

Plenary discussion

Following discussions in the small groups, each group presents its key findings to the plenary. The trainer then moderates follow-up discussion, identifying common challenges and key gaps. The plenary discussion should focus on identifying recommendations for improving journalist protection, in line with Recommendation CM/Rec(2016)4, with a focus on gender-specific risks.

Suggested focus areas for discussion are:

- ▶ What are the biggest weaknesses in national adherence to the Prosecution Pillar?
- ▶ Where is progress being made?
- ▶ What practical reforms can law enforcement implement?

The groups should use the [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 60-64 of the [Implementation Guide](#).

The discussion should identify which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation).

The discussion should also identify how these protective measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

Participants should be encouraged to think about next steps and how, concretely, they will go about incorporating these into their work. Participants should be reminded that, following the training, they should not go back to their jobs and resume 'business as usual'.

→ **Module 6: Council of Europe Recommendation (2016)4: the prosecution pillar**

Module objective

This module aims to equip law enforcement officials with a clear understanding of the prosecution pillar of Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors. Participants will examine their role in ensuring accountability for crimes against journalists, specifically investigating and prosecuting acts of violence, harassment, and intimidation. The module will discuss principles for effective investigations, legal frameworks for prosecuting perpetrators, and strategies to combat impunity. Through case studies and group discussions, participants will assess national challenges in prosecuting crimes against journalists and develop actionable recommendations to strengthen law enforcement's role in upholding media freedom and the rule of law.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 43-60
- ▶ [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), pp. 65-66

Sessions

C. 1 Presentation on the prosecution pillar of Recommendation CM/Rec(2016)4

The trainer presents a PowerPoint presentation introducing the prosecution pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint covers several distinct themes. The trainer should pause after every theme and ask if there are any questions. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

The prosecution pillar of Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors

This session focuses on the prosecution pillar of the Council of Europe's Recommendation CM/Rec(2016)4, which outlines the responsibilities of law enforcement in the investigation and prosecution of crimes against journalists and other media actors.

Recommendation CM/Rec(2016)4 emphasizes that all crimes against journalists must be effectively investigated and prosecuted to prevent impunity and uphold the rule of law. Law enforcement and judicial authorities have a duty to ensure that investigations are adequate, thorough, impartial, and independent and that those responsible are held accountable. Failure to do so undermines public trust, weakens democracy, and creates a culture where further attacks against journalists can take place without consequence.

The Recommendation stresses that all killings, attacks, and cases of ill-treatment against journalists must be subject to prompt and effective criminal investigations. These investigations must establish the facts, identify the perpetrators, and, where appropriate, lead to prosecution and punishment. Law enforcement must take all reasonable steps to collect evidence, including forensic materials, witness testimonies, and digital records. Investigators must also assess whether the crime was linked to journalistic activity, whether racial motives played a role, and whether gender-specific factors contributed to the attack.

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To ensure credibility, investigations must be independent, both in law and in practice. Officials who are implicated in any way must not participate in the investigation. Cases involving journalists should be handled by specialized investigative units within law enforcement agencies, with personnel trained in human rights norms and press freedom protections. This is essential to prevent conflicts of interest, maintain transparency, and ensure the integrity of investigations. The Recommendation also highlights the need for public oversight, allowing independent bodies or civil society organisations to monitor the investigative process. Victims and their families must also be informed and involved to the extent necessary to protect their legitimate interests.

Beyond identifying the direct perpetrators of crimes against journalists, prosecutors must also pursue all those involved, including instigators, accomplices, and those obstructing justice. Investigations must not stop at identifying the individuals who carried out the attack but must also examine whether any public officials played a role by allowing, encouraging, or covering up the crime.

Ensuring justice for journalists requires an independent and impartial judiciary. Judges, prosecutors, lawyers, and witnesses involved in such cases must be protected from threats, intimidation, and violence. Their safety is essential for ensuring that cases are prosecuted without external pressure or fear of retaliation.

The Recommendation further emphasises that victims and their families must have access to appropriate remedies. This includes legal avenues for seeking justice, as well as financial compensation, medical and psychological support, and, where necessary, relocation to a safe environment. Importantly, the availability of these remedies must not depend on the outcome of criminal proceedings; victims must be able to seek civil remedies even if a criminal trial is still ongoing.

One of the greatest threats to journalist safety is impunity: the failure to bring perpetrators to justice. When crimes against journalists go unpunished, it emboldens those who seek to silence the press through violence and intimidation. The Recommendation makes it clear that member States must take decisive action to prevent impunity by ensuring that cases are prosecuted without delay or obstruction.

To achieve this, cases involving violence or ill-treatment by state agents must never be time-barred. This means that these crimes should not be subject to statutes of limitations that allow perpetrators to avoid prosecution simply because too much time has passed. Additionally, public officials who obstruct investigations, whether through neglect, complicity, or active interference, should face aggravated penalties. This ensures that law enforcement and government authorities are held accountable for their role in either preventing or enabling attacks on journalists.

Amnesties or pardons for those convicted of crimes against journalists should not be granted unless there are exceptional, justified circumstances. The granting of amnesty in such cases can erode trust in the justice system and sends the message that attacks on journalists will not have serious consequences.

In situations where the justice system fails to deliver accountability, the Recommendation suggests that member States consider establishing special judicial or independent investigative bodies. These can take the form of commissions of inquiry that conduct in-depth investigations into specific cases or ongoing patterns of violence against journalists. These bodies should involve respected legal experts, media professionals, and civil society representatives to ensure transparency and credibility.

Many crimes against journalists have cross-border elements, especially in cases of online threats, digital surveillance, or attacks against journalists in exile. The Recommendation urges member States to improve international cooperation in investigating and prosecuting such crimes. This includes sharing information, expertise, and best practices while ensuring that safeguards for privacy, data protection, and the presumption of innocence are respected.

Member States should also engage with regional and international human rights mechanisms that monitor press freedom violations. This includes submitting reports to the UN Human Rights Council's Universal Periodic Review, providing updates to UNESCO on the status of investigations into journalist killings, and responding to inquiries from the Council of Europe Commissioner for Human Rights and the OSCE Representative on Freedom of the Media. Additionally, member States must promptly implement European Court of Human Rights rulings that address journalist safety and media freedom violations.

C. 2 Case study: Group work analysing prosecution questions

Guidance for trainers

Divide the participants into small groups, taking care that the groups are not identical to the same groups that participants have been in before (this is to prevent the development of group dynamics whereby some talk more than others), and ask them to consider the following scenario.

The participants' task is to consider the appropriate course of action for police and prosecutors, taking into account the European standards that have been presented.

Following discussion in small groups, participants are asked to report back to the plenary and present the following:

- ▶ Recommended course of action for police and prosecutor
- ▶ All the considerations that you took into account reaching this conclusion

The trainer may moderate follow-up discussion.

The trainer should be aware that the scenario is based on the case of [Gaši and Others v. Serbia](#). The trainer should be aware that the Court found no violation of the right to freedom of expression in that case and should read the concurring opinion of Judge Koskelo. Participants may or may not be familiar with the case; if the training is held in Serbia, participants may recognise elements of the scenario as familiar to them.

Case Study Scenario

Four individuals, Egon Erwin Kisch, Magdalena Avieténaitė, Ryszard Kapuściński, and Oriana Fallaci, are widely known for their work as journalists, editors, or activists. They are prominent figures in the national media and civil society and have often been critical of government policies.

In 2024, they participated in the protests relating to the demolition of certain houses and installations in the capital city, the lack of transparency of a large-scale construction project, also in the capital city, and the changes in the management of the national public service broadcaster. The protests were known as the "bring down corruption" protests.

On 27 May 2024, the website "INFORMATION", which was run by a well-known right-wing movement, published the following:

"The assassination of [the Prime Minister] begins! The EU and the USA are paying extremists to create chaos in our country!"

The article stated that the EU and the US ambassadors in Serbia had conceived a plan for the radicalisation of the "bring down corruption" protests, through which they would try to overthrow the government. The article stated that the ambassadors were coordinating and organising the financing of the protests, which were supposed to develop into violent demonstrations and a "colour revolution" (anti-regime protests aimed at overthrowing governments). The ultimate aim was the violent occupation of institutions, even the incitement of conflict with the police and the ruling party supporters, which would lead to an "extraordinary political state". The article wrote that the atmosphere at protests would become violent in character, transforming from the previous peaceful protests. The article published photos of Egon Erwin Kisch, Magdalena Avieténaitė, Ryszard Kapuściński, and Oriana Fallaci, naming them as the organisers.

The online article was followed by 118 readers' comments. Fifteen of these referred to the organisers as domestic traitors and mercenaries, failed journalists, the easily corrupted, "sold souls", western pets, extremists and trash. These comments suggested that "domestic traitors should be marked as such for the rest of their lives", that "the yellow scum should be arrested", and stated "don't make us use shitty poles". These comments attracted dozens of 'likes'.

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On 1 June, the website's Editor-in-Chief was interviewed on "BLUE", a commercial national TV station. He repeated the allegations and named Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci. He said that the ambassadors had been exchanging written documentation relating to the protests, which were being funded as a 'project', most of the funding coming from the US, Swedish, and Danish governments as well as from some western 'human rights' foundations.

On 10 June, a follow-up article suggested that there were "new details of a big Western conspiracy against our government". The article mainly repeated the allegations from the article of the day before, again mentioning Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci. The article again attracted comments that named the four as traitors, western pets, scum, fake journalists, and called for them to "face justice".

On 13 June a television show, "Balkan Spring in the Making", was broadcast on "BLUE". The show discussed the alleged planning of the destabilisation and disintegration of the State and discussed the "bring down corruption" protests.

Between 14-15 June, there were thousands of highly negative remarks on social media discussing the behaviour of Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci, some calling for violence against them.

On 16 June, Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci lodged a criminal complaint with the police. They complained that the articles and television shows in question, together with the many comments that they had attracted, constituted a form of hate speech against them, and that they were being targeted on the basis of their political opinions. They requested that criminal action be taken against the editors and publishers of the website "INFORMATION" and the TV channel "BLUE".

Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci submitted that they had not received any direct threats, but that they had been commented on in a negative context or in a discriminatory and insulting manner on social media. They said that such allegations put them in danger, and could have dramatic consequences, of which there had been dramatic examples in recent history. James Brown submitted that his ethnicity had been mentioned, which he considered had been done in order to incite ethnic tensions.

The editor of "INFORMATION" was interrogated by police. He stated that he had intended to warn of the working methods of Egon Erwin Kisch, Magdalena Avietėnaitė, Ryszard Kapuściński, and Oriana Fallaci and their financing. He had found the information in publicly available sources, primarily on the websites of the organisations in question. Given that the applicants were themselves engaged in public work, they should have been aware that they were susceptible to criticism.

Relevant background:

- ▶ On 6 April 2010 an article, "Robert Oppenheimer: Traitor", was published. The text implied that Robert Oppenheimer, a well-known journalist and newspaper publisher, was a foreign agent who promoted LGBTQ rights, immigration, and who undermined the country's traditional Christian identity. Five days later, he was murdered. The murder remains unsolved.
- ▶ The Independent Association of Journalists has been registering attacks against journalists since 2008. It has reported that investigative journalists or those critical of the government are frequently smeared in pro-government media as criminals or members of foreign intelligence agencies. It also reported that media freedom is being undermined by editorial pressure from politicians and politically connected media owners, and direct pressure and threats against journalists. It also criticised the Regulatory Body for Electronic Media for a lack of independence, and stated that journalists had faced physical attacks, smear campaigns and other forms of pressure. Some privately owned national broadcasters and popular tabloids regularly participate in smear campaigns against the political opposition and other perceived opponents of government.

C. 3 Small group discussions: Implementing the prosecution pillar

Guidance for trainers

Building on the information provided through the PowerPoint presentation, and the results of the first exercise in this session, the group will now map out the situation in the country as regards protective measures and discuss how this can be improved.

Participants will breakout into small groups. Each group will assess the country's adherence to a specific standard. Guiding questions are provided for each theme. Groups should discuss strengths, weaknesses, challenges, and possible reforms.

All groups must include in their discussion how gender-specific crimes impact female journalists and propose ways to improve the prosecution of these crimes.

Group 1: Investigative Standards and Law Enforcement's Role

Guiding questions:

- ▶ Are all attacks on journalists (physical violence, killings, threats) investigated and thoroughly?
- ▶ Are investigations conducted promptly to avoid evidence loss or obstruction?
- ▶ Are investigators trained in journalist safety and press freedom issues?
- ▶ Are there specialized units or mechanisms for handling crimes against journalists?
- ▶ Are investigations impartial and independent from political or institutional influence?
- ▶ Is there a clear protocol for gathering evidence (including digital threats, hate speech, and online harassment)? Does the protocol take into account the right of journalists to protect confidential sources of information, and to protect journalistic materials?

Group 2: Independence and Transparency of Investigations

Guiding questions:

- ▶ Are investigations free from interference by political actors, business interests, or other undue influences?
- ▶ Are individuals or institutions implicated in the case excluded from the investigation?
- ▶ Is there public oversight (e.g., independent review bodies, civil society monitoring)?
- ▶ Are victims and their families informed and included in the investigation process?

Group 3: Prosecution and Judicial Integrity

Guiding questions

- ▶ Do cases involving crimes against journalists result in prosecution and sentencing?
- ▶ Are prosecutors and judges protected from external pressure, threats, or political influence?
- ▶ Are trials conducted fairly, without excessive delays or procedural barriers?
- ▶ Are penalties proportionate and deterrent to prevent future crimes?
- ▶ Do legal frameworks recognise and address gender-based threats against female journalists?

Group 4: Addressing Impunity and Accountability

Guiding questions

- ▶ Do most cases against journalists result in convictions, or do many remain unsolved?
- ▶ Are there systemic barriers to prosecuting crimes against journalists (e.g., corruption, political interference, weak legal frameworks)?
- ▶ If investigations fail, are independent inquiries or special investigative commissions established?
- ▶ Are public officials held accountable if they fail to act or obstruct investigations?
- ▶ Are amnesties or pardons granted inappropriately for crimes against journalists?

Group 5: Victim Support and Remedies

Guiding questions

- ▶ Do victims or their families have access to legal representation and protection?
- ▶ Are financial compensation, medical, psychological, or relocation services available for journalists facing threats?
- ▶ Can journalists pursue civil remedies even if criminal cases are unresolved?
- ▶ Are there dedicated state resources for journalists under threat?

Plenary discussion

Following discussions in the small groups, each group presents its key findings to the plenary. The trainer then moderates follow-up discussion, identifying common challenges and key gaps. The plenary discussion should focus on identifying recommendations for improving journalist protection, in line with Recommendation CM/Rec(2016)4. Suggested focus areas for discussion are:

- ▶ What are the biggest weaknesses in national adherence to the Prosecution Pillar?
- ▶ Where is progress being made?
- ▶ What practical reforms can law enforcement implement?

The groups should use the [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#) to identify specific areas for follow-up. This can be found at pp. 60-64 of the [Implementation Guide](#).

The discussion should identify which measures are immediately implementable and which require policy-level changes, and whether such changes are required to be brought through legislation or if they can be achieved by changing internal regulations or law enforcement protocols (the point being that law enforcement can change its own protocols and regulations; it cannot change legislation).

The discussion should also identify how these measures could be incorporated into law enforcement practices and the daily work of law enforcement officers.

Participants should be encouraged to think about next steps and how, concretely, they will go about incorporating these into their work. Participants should be reminded that, following the training, they should not go back to their jobs and resume 'business as usual'.

→ Module 7: Protecting the safety of journalists during demonstrations and other public unrest

Module objective

This module focuses on the critical role of law enforcement in protecting journalists covering demonstrations, protests, and public unrest, ensuring they can report freely and safely. The European Court of Human Rights has established through key judgments that journalists have a right to report from public gatherings without undue interference, as protected under Article 10 of the European Convention on Human Rights. Building on these judgments, Council of Europe Recommendation CM/Rec(2016)4 sets out practical guidelines for law enforcement, emphasizing the importance of preventing violence against journalists, avoiding unlawful arrests, and ensuring media access during public events. This module will provide law enforcement officials with the knowledge and skills to manage protests effectively while safeguarding human rights and media freedom.

Key reading / handouts

- ▶ [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), pp. 33-38
- ▶ [Self-assessment tool for member states on selected topics regarding the protection of journalism and safety of journalists and other media actors - under the Protection and Prosecution pillars of the Guidelines of Recommendation CM/Rec\(2016\)4](#), p. 64.

Sessions

C. 1 Presentation on European standards concerning the safety of journalists during demonstrations and other public unrest

The trainer presents a PowerPoint presentation introducing the main European Court of Human Rights judgments as well as parts of the protection pillar of Recommendation CM/Rec(2016)4 that deal with protecting journalists during protests, and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint covers several distinct themes. The trainer should pause after every theme and ask if there are any questions. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

European Court of Human Rights judgments and Recommendation CM/Rec(2016)4 on protecting the safety of journalists during demonstrations and other public unrest

This session focuses on European Court of Human Rights judgments and Recommendation CM/Rec(2016)4 on protecting the safety of journalists during demonstrations and other public unrest.

Journalists play a crucial role in documenting demonstrations and other public events, ensuring the public has access to information. However, their presence at such events can lead to clashes with law enforcement, particularly when dispersal orders are issued or when authorities perceive their actions as disruptive.

European Court of Human Rights judgments

The European Court of Human Rights (ECtHR) has ruled on several cases where journalists faced interference while reporting on public events, clarifying the legal principles that govern such situations. Three cases in particular are relevant.

[Pentikäinen v. Finland](#) (20 October 2015) concerned events during 2006 Asia-Europe Meeting (ASEM) in Helsinki, Finland. Pentikäinen, a journalist, was assigned to cover a protest against the meeting. Instead

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of remaining in the designated media area, he chose to embed himself within the protest. When violence erupted, the police ordered a dispersal. While most protesters left without issue, Pentikäinen stayed within the police cordon, insisting on his right to report. Despite repeated warnings, he refused to leave and was arrested alongside other demonstrators. He claimed he had identified himself as a journalist, but the police denied having heard this. He was detained for 17.5 hours and later convicted of disobeying a lawful order, although no penalty was imposed. His appeals to higher courts were unsuccessful.

The Grand Chamber of the ECtHR ruled by thirteen votes to four that his right to freedom of expression under Article 10 ECHR had not been violated. The key considerations were:

- ▶ His arrest was a consequence of failing to comply with dispersal orders, not a deliberate attempt to target him as a journalist.
- ▶ Other journalists had complied with police orders and left the area without being detained.
- ▶ His equipment was not confiscated during the demonstration, only during processing.
- ▶ Since no penalty was imposed and the conviction was not added to his criminal record, the interference with his rights was relatively light.

The key takeaways for law enforcement from this case are that journalists may be subject to general dispersal orders when public safety is truly at risk; but police must clearly communicate orders to journalists and allow them to leave safely. Any arrests must be based on non-compliance with lawful orders, not as a means to prevent reporting.

Selmani v. FYROM (9 February 2017) concerned media coverage of a heated parliamentary debate on the 2013 Budget Act in Macedonia. Against a backdrop of public protests outside and escalating tensions inside parliament, where opposition MPs disrupted proceedings, security officers forcibly removed journalists covering the proceedings from the Parliament gallery. The journalists resisted removal, arguing that it prevented public access to information on a highly significant political event. They were redirected to follow the session via live broadcast in a separate press room.

The European Court of Human Rights ruled that the journalists' removal was not justified by any immediate security threat within the Chamber; and that the protests outside the Parliament did not justify their expulsion from inside the building. It found that the journalists had neither participated in nor contributed to the disturbances, and that their removal effectively blocked them from witnessing a matter of public concern (the forced removal of opposition MPs). Their right to freedom of expression had therefore been violated.

Key takeaways for law enforcement are that removing journalists from public institutions must be justified by a clear security threat; that the authorities should avoid restricting media access unless absolutely necessary; and when alternative reporting methods are provided, such as viewing events on a TV feed in a room, these should not undermine journalists' ability to observe events first-hand.

The case of **Butkevich v. Russia** (13 February 2018) concerned events during an anti-globalisation protest at the G8 Summit in St Petersburg, in 2006. Ukrainian photojournalist Maksim Butkevich was arrested despite presenting his press credentials; Russian police alleged that he disobeyed lawful orders to cease "unlawful actions" and voluntarily enter a police vehicle. Butkevich was forcibly detained, charged with participating in an unauthorised demonstration, and convicted based on police reports. His appeal was unsuccessful, but his sentence was reduced from three days to two days' detention.

The European Court of Human Rights found that his arrest had not been justified; the six-hour delay in his release had lacked justification; and the authorities had failed to balance his right to freedom of expression against public order concerns.

Key takeaways for law enforcement are that photographing or observing protests does not equal participation; press credentials must be recognized and respected; and arrest procedures must be transparent, impartial, and allow for journalistic rights to be considered.

Across these cases, the European Court of Human Rights outlined key principles for law enforcement when dealing with journalists at demonstrations and public events:

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- ▶ Any interference with journalistic work must be necessary and proportionate.
- ▶ The public interest in the journalist's work must be considered; events of high public significance require greater media access.
- ▶ Lawful orders to leave must be justified and clearly communicated—journalists must be given the opportunity to comply.
- ▶ The severity of sanctions matters—heavy penalties or undue detentions can amount to a violation of press freedom.

Recommendation CM/Rec(2016)4

The principles laid down by the European Court of Human Rights are further elaborated in Recommendation CM/Rec(2016)4. This provides:

"Member States should take into account the specific nature and democratic value of the role played by journalists and other media actors in particular contexts, such as in times of crisis, during election periods, at public demonstrations and in conflict zones. In these contexts in particular, it is important for law enforcement authorities to respect the role of journalists and other media actors covering demonstrations and other events. Press or union cards, relevant accreditation and journalistic insignia should be accepted by State authorities as journalistic credentials, and where it is not possible for journalists or other media actors to produce professional documentation, every possible effort should be made by State authorities to ascertain their status. Dialogue between State authorities and journalists' organisations is moreover encouraged in order to avoid friction or clashes between police and members of the media."

The [Implementation Guide](#) to Recommendation CM/Rec(2016)4 reiterates that journalists play a vital role in providing the public with accurate information and holding authorities accountable, particularly in sensitive or politically charged situations. It provides guidance on several distinct issues:

Recognition of Journalists and Media Credentials

While law enforcement officials should be trained to recognize journalistic insignia and credentials to facilitate the work of the media during demonstrations and other events, a lack of official documentation should not be used as a pretext to restrict journalistic activity. Law enforcement officials should recognize that there may be times when it is not safe for a journalist to display their credentials visibly, especially [during protests when the anger of participants is directed at the media](#). In such situations, law enforcement officials should make reasonable efforts to verify their status rather than obstruct their work, through journalistic organisations, professional associations, or media outlets. Establishing regular coordination and dialogue between police forces and media professionals will help build mutual understanding, reduce conflicts, and improve operational cooperation during public events.

Preventing Violence Against Journalists by Law Enforcement

The Council of Europe Commissioner for Human Rights has identified police violence against journalists as a significant threat to media freedom, particularly in the context of demonstrations. The European Court of Human Rights has emphasized that whether or not law enforcement officers intentionally target journalists, excessive force against media professionals obstructs their ability to report and undermines press freedom.

Regulating Law Enforcement Operations to Prevent Abuse

Police operations, including the handling of public demonstrations, must be regulated by clear protocols that include safeguards against the abuse of force. This includes:

- ▶ Ensuring a defined chain of command and clear operational guidelines for officers managing demonstrations.
- ▶ Establishing strict criteria for the use of force, aligned with international human rights standards.
- ▶ Providing specialized human rights training for law enforcement personnel on handling journalists, public assemblies, and the use of force.

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Ensuring Journalists' Safety During Demonstrations

Ahead of demonstrations, briefings should be held with journalists to communicate safety protocols and expectations; law enforcement authorities should appoint designated contact points. A designated safe communication area may be established to allow the media to observe and report from an advantageous position; but unless there are clear public order concerns the media should not be restricted to that area. Police officers and other security officers involved in the policing of demonstrations should receive mandatory training prohibiting harassment, intimidation, or violence against journalists.

Jointly developed protocols

Guidelines should be jointly developed between police and media professionals on covering protests, crime scenes, and public gatherings. These should clarify:

- ▶ Journalists' rights to report freely without police interference.
- ▶ Protocols for identifying journalists on the ground.
- ▶ Steps to prevent conflicts between the media and police.

C. 2 Case study: Group work analysing a case scenario involving the protection of journalists during demonstrations and other public unrest

Guidance for trainers

Divide the participants into small groups, taking care that the groups are not identical to the same groups that participants have been in before (this is to prevent the development of group dynamics whereby some talk more than others), and ask them to consider the following scenario.

The participants' task is to consider whether to charge the journalist in this scenario for refusing to obey police orders to leave the area, taking into account the European standards that have been presented during the day. Please report back to the main group and present the following:

- ▶ Whether the journalist should be charged for refusing to obey police orders
- ▶ All the considerations that you took into account reaching this conclusion

Following discussion in small groups, participants are asked to report back to the plenary. The trainer may moderate follow-up discussion.

The trainer should be aware that the scenario is based on the case of [Pentikäinen v. Finland](#), the main principles of which have already been presented during the PowerPoint. Attentive participants may pick up on that, which is fine; [Pentikäinen](#) is a key case in this field and going through the scenario serves to reinforce the main principles at stake. The facts have however been changed to introduce a gender element.

To illustrate the importance of photojournalism, the trainer may have several well-known photos taken at times of public interest playing on a loop.

Case Study Scenario

Lee Miller is a photographer and journalist. On 9 September 2006, the employer sent her to take photographs of the demonstration which was being held in protest against the visit of a controversial president of another country. Her assignment was to conduct an extensive report.

Before the demonstration took place, the police carried out an assessment of the risk levels inherent in the demonstration and concluded that because of heightened political tensions, it could turn violent. A similar risk assessment had also been carried out in the context of two earlier demonstrations which had taken place during the same year, both of which had turned violent. During both these demonstrations, a march of approximately 1,500 persons had evolved into a riot with projectiles being thrown and property damaged. Several people had been arrested and found guilty of violent rioting.

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The 9 September demonstration started in the main square in the capital city and intended to march to the Parliament buildings some two kilometres away. This covered an area of dense traffic. The theme of the demonstration was “opposition to fascism”, with some focus on human rights issues. In posters inviting people to take part in the demonstration.

The police expected violence and, to keep journalists safe, they had created a separate area reserved for the media at the start and at the finish points of the march. The police had notified major media organisations of the protest and included the contact details of the police’s public-relations unit, which was available to discuss any questions the media might have. Furthermore, a senior officer was nominated to be present at the protest in order to answer any questions media representatives might have.

As the demonstration was about to start, a core group of about 200 demonstrators gathered at the starting point of the march. The police had made security preparations for the event by deploying 400 police officers. There were around 50 journalists in the area reserved for media, across the road from the demonstrators.

At the start of the demonstration, at 12pm, bottles, stones and jars filled with paint were thrown at the public and at police officers. More demonstrators arrived, and some kicked at and hit police officers. Soon after the start, police surrounded the area of the demonstration. The police announced several times over loudspeakers that a peaceful demonstration was allowed to take place on the spot but that the crowd was not allowed to start a march.

The violence escalated and at 12.30pm, the police considered that the event had turned into a riot. From 12.30 p.m. to 1.17 p.m. the police sealed off the area in an effort to contain the rioting. The crowd tried to break through the police cordon.

At 1.17pm the police announced over loudspeakers that they were stopping the demonstration and that everyone should leave the scene. This announcement was repeated several times.

Throughout all of this, Lee Miller had been trying to take photos. She had left the area reserved for media because the line of policemen surrounding the protesters was so tight that she could not see the protesters. Furthermore, police vehicles were blocking visibility. She had therefore moved closer to the actual protest and had managed to get inside the police cordon. Towards the end of the demonstration, she had placed herself between the police and the demonstrators. Some of the protesters turned their anger on her, shouting that she represented “fake media” and making gender-based threats towards her. Undeterred, she continued to take photos. The police continued to order the crowd to disperse, stating that any person who did not leave would be arrested.

By 3p.m., most demonstrators had left but about twenty demonstrators were still sitting on the ground, closely encircled by the police. The demonstrators held on to one another and were holding each other’s arms. The police arrested them all for refusing to obey the police order to leave.

Lee Miller had been standing next to the protestors – she was the last journalist there – and police arrested her along with the protesters and took him to a bus for detainees. In the police bus, she explained to the police that she was a magazine photographer. She held up her press card, which she had kept in an inside pocket of her jacket and started to wear it visibly on her chest thereafter. Upon arrival at the police station, the police took her camera and her memory cards. Lee Miller was kept in a police cell for seventeen and a half hours.

Miller was one of 130 people who had been arrested that day; she was the only journalist to have been arrested.

→ **Module 8: Effective cooperation between law enforcement and media: the case of PersVeilig**

Module objective

To illustrate best practices, this module introduces the Dutch 'PersVeilig' (Press Safe) initiative, a collaboration between law enforcement, media organisations, and the public prosecutor's office aimed at improving journalist safety through clear protocols, communication channels, and rapid response mechanisms. Participants will explore how PersVeilig fosters trust between journalists and law enforcement and will be asked to consider how a similar framework could be adapted and implemented in their own country. By examining this model, law enforcement officials will gain insights into practical strategies for preventing violence against journalists, responding effectively to incidents, and building long-term cooperation with the media.

Key reading / handouts

- ▶ PersVeilig [Collective Norm](#)
- ▶ PersVeilig [Press Safety Protocol](#)
- ▶ PersVeilig [Security Plan for Dutch Media](#)

Sessions

C. 1 Presentation introducing PersVeilig

The trainer presents a PowerPoint presentation introducing the PersVeilig initiative and moderates subsequent Q&A and discussion.

The PowerPoint is provided separately.

The information presented in the PowerPoint covers several distinct themes. The trainer should pause after every theme and ask if there are any questions. The trainer may provide the hand-out in advance and invite participants to read along – this may suit participants who absorb written information better than information that is presented to them.

Background for trainers / Handout for participants

PersVeilig: Background and Policy Context

PersVeilig was established in 2019 as a project aimed at tackling aggression and violence against journalists through both preventive and repressive measures. It is a collaborative initiative involving the Dutch Association of Journalists, the Society of Editors-in-Chief, the Public Prosecution Service, and the Police. The initiative was launched in response to growing societal and political concerns about the safety of journalists and their ability to carry out their work freely and securely.

Origins of PersVeilig

In 2018, the partners involved in the Steering Committee on Aggression and Violence Against Journalists signed an agreement to strengthen journalists' protection. This agreement, endorsed by the Minister of Justice and Security, set out key commitments, including:

- ▶ Raising awareness of violence against journalists and media organisations.
- ▶ Establishing a collective standard that defines unacceptable behaviour and sets out how authorities should respond.
- ▶ Enhancing journalists' knowledge and preparedness through digital tools and training.

To implement these commitments, the PersVeilig project officially started in February 2019. It is managed by NVJ and the Society of Editors-in-Chief, with funding from both the government and the media sector.

Phases of PersVeilig

PersVeilig has been developed in three main phases:

1. Preparation Phase (July 2018 – January 2019): Establishing project goals and structures.
2. Phase 1 (February 2019 – December 2019): Launching key initiatives, setting up the reporting system, and implementing the Journalist Safety Plan.
3. Phase 2 (2020–2022, extended into 2023): Expanding the initiative, refining services, and strengthening legal protections for journalists.

Phase 1 focused on raising awareness, launching support services, and training journalists. Phase 2 refined these measures and linked them to concrete outcomes.

Core Components of PersVeilig

PersVeilig includes both preventive and reactive measures to protect journalists:

Meldpunt PersVeilig (PersVeilig Reporting Point):

A platform where journalists (or their employers) can report threats, aggression, or violence. PersVeilig provides support and advice on filing police reports, ensuring media organisations follow collective reporting standards.

Resilience Training for Journalists:

Training programs for journalists, their employers, and journalism students to help them handle threats and dangerous situations.

National and International Support:

PersVeilig advises media organisations and governments on journalist safety policies and protocols.

Freelancer Protection Package:

Financial aid for freelance journalists to access safety tools (e.g., panic buttons, bodycams, home security assessments).

Balie Persvrijheid (Press Freedom Legal Assistance):

A legal support centre offering free legal aid to freelance journalists, independent publishers, and local media facing legal threats.

PersVeilig Protocol:

A set of official agreements between law enforcement, prosecutors, media organisations, and journalists. It includes commitments to:

- ▶ Swift investigation and prosecution of attacks against journalists.
- ▶ Stronger penalties for violence against journalists.
- ▶ Support for journalists before, during, and after violent incidents.

Defining Journalists and Acts of Violence

PersVeilig adopts a broad definition of “journalist”, aligned with Dutch law, covering both professional and non-professional individuals involved in news gathering. Similarly, it defines aggression and violence broadly, including physical violence, threats, and systematic online harassment.

While Dutch criminal law is clear on physical attacks, online threats present legal challenges. Some threats - such as “I wish you were dead” - may not be legally actionable, but persistent online harassment is covered under PersVeilig’s safety framework.

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Objectives of PersVeilig

The primary goal of PersVeilig is to strengthen the position of journalists against violence and aggression so they can continue fulfilling their essential role in society. This ensures that journalists do not self-censor due to safety concerns—an issue often described as the “chilling effect” on press freedom.

A key tenet of PersVeilig is that violence against journalists is treated similarly to attacks on public officials, resulting in a 200% higher penalty than provided for in the standard criminal sentencing guidelines.

Additionally, raising public awareness of journalist safety is a major focus of PersVeilig. While not initially included in the project plan, this has become a priority due to increased political and public concerns over media safety.

PersVeilig Protocol

Under the PersVeilig Protocol, the media sector, police, and Public Prosecution Service each commit to taking concrete steps to combat violence and aggression against journalists.

Employers:

Media employers are responsible for ensuring the safety, health, and well-being of their journalists. This includes providing adequate preparation time and preventive measures, such as effective training for reporting or publishing content that may pose risks. A dedicated training budget is allocated within the collective labour agreement to support this. Additionally, media organisations must be prepared to handle threats to their staff and operations.

In the event of a security incident, the employer must offer full support to the journalist, recognizing that such experiences can be traumatic. Employers are responsible for providing psychosocial assistance when needed.

When a journalist is affected by aggression or threats, the employer is responsible for filing a formal complaint on their behalf. This not only relieves the journalist from handling the legal process alone but also enhances their protection by using the company's address rather than the journalist's personal details in legal filings.

Journalists:

Journalists working within the media sector - whether employed or regularly contracted - are expected to participate in security training programs provided by their employer and to adhere to the responsibilities outlined in the Dutch Media Security Plan. Freelancers without a regular client can access training through PersVeilig.

To ensure safety, journalists must report all incidents of threats or violence to both their employer and the PersVeilig helpdesk. Employers are then responsible for guiding them through the next steps. Freelancers should report incidents to their regular client, and those without a client can seek support directly from PersVeilig.

Law enforcement:

Journalists are granted a preferential legal status with the police and the Public Prosecution Service, meaning that crimes involving violence or aggression against journalists are treated with high priority. This preferential status equates journalists with public sector workers such as police officers, firefighters, teachers, and paramedics - but only when the aggression is linked to their journalistic work.

Threats or violence against a journalist in their private life are not automatically given this status unless the attack is aimed at influencing their reporting.

The police commitments include:

- ▶ Immediate follow-up on reports of aggression or violence against journalists.
- ▶ Providing guidance to victims and employers on protective measures when threats extend into a journalist's private life.

SAFETY OF JOURNALIST

- ▶ Allowing employers to file reports on behalf of their journalists.
- ▶ Enabling employers to use company addresses instead of journalists' home addresses in legal proceedings.
- ▶ Ensuring journalists receive full information and support regarding damage recovery.
- ▶ Appointing dedicated contact officers in each of the 10 police regions, available 24/7 for journalist safety concerns.
- ▶ Implementing internal procedures to safeguard journalists' rights and press freedom.

Prosecution

The Public Prosecution Service has committed to:

- ▶ Prioritising the prosecution of aggression and violence against journalists.
- ▶ Seeking penalties at 200% of the standard sentencing guidelines for such offenses.
- ▶ Ensuring victims receive full information and legal support to recover damages from the perpetrator.

Key Implementation Strategies

PersVeilig's strategies focus on:

1. Increasing journalists' resilience (training, legal protection, psychological support).
2. Encouraging incident reporting and ensuring effective law enforcement responses.
3. Raising awareness about media safety among journalists, employers, and the public.

Core actions include:

- ▶ Training for journalists and law enforcement officers.
- ▶ Improved reporting procedures for attacks against journalists.
- ▶ Legal support for journalists facing intimidation or lawsuits.
- ▶ Promoting media safety in political discussions.

PersVeilig Protocol

The PersVeilig Protocol serves as the foundation for cooperation between law enforcement, prosecutors, and media organisations. It establishes clear commitments for:

- ▶ Police and prosecutors: Fast-tracking cases of violence against journalists and ensuring strict enforcement of legal protections.
- ▶ Media organisations: Implementing preventive security measures and ensuring all incidents are reported and followed up.
- ▶ Journalists: Undergoing safety training and proactively reporting threats or attacks.

Funding and Resources

PersVeilig receives funding from both the government and the media sector, reflecting the shared responsibility of public institutions and private employers in ensuring journalist safety. Personnel for PersVeilig includes project managers, trainers, and legal experts, and the initiative is partially integrated into the Dutch Association of Journalists (NVJ).

Annual funding in 2022 and 2023 was around €440,000.

Effectiveness

A 2024 [evaluation](#) found that PersVeilig was able to have a high impact on relatively limited resources. The evaluation underscored PersVeilig's crucial role in safeguarding media freedom in the Netherlands and highlighted the importance of its continued operation in a more permanent and structurally sound capacity. Key findings included:

Transition to a Permanent Organisation: The report emphasizes the necessity for PersVeilig to evolve from a temporary project into a permanent organisation to ensure long-term effectiveness in protecting journalists.

SAFETY OF JOURNALIST

Efficient Organisation: PersVeilig operates with minimal overhead and operational costs, achieving its goals through flexible support from the Dutch Association of Journalists. This lean structure has been effective in reaching its objectives.

Financial Sustainability: Following the report's recommendations, the Ministry of OCW has committed to providing structural funding for PersVeilig starting in 2025, ensuring the initiative's continuity and stability.

Establishment of a Foundation: To solidify its organisational structure, PersVeilig plans to establish a foundation in 2025. This foundation will have a board comprising representatives from public broadcasters, publishing houses, and the NVJ, serving as both the client and quality guardian of the organisation.

C. 2 Discussion: Could PersVeilig be successful in your country?

Guidance for trainers

This session aims to explore how law enforcement officials in different European countries can initiate a journalist safety program similar to the Dutch PersVeilig model. Participants will analyse PersVeilig's structure, discuss challenges and opportunities in their own countries, and develop concrete action plans for implementing a similar initiative.

The session follows on from the presentation about PersVeilig so all participants will have a good understanding of what it entails. The session should be guided by the following questions:

- ▶ What makes PersVeilig effective? (for example, collaboration between law enforcement, prosecutors, and media organisations) Could this be replicated in your country?
- ▶ What responsibilities do each of these stakeholders have? Could this be replicated in your country?
- ▶ What legal provisions support PersVeilig? Is this similar to the legal provisions in your country?
- ▶ How do Dutch law enforcement and prosecutors ensure that threats against journalists are taken seriously? Could this be replicated in your country?
- ▶ What would be the main obstacles to a similar initiative in your country, and how could these be overcome? (e.g., lack of trust between law enforcement and journalists, political resistance, legal barriers)
- ▶ What stakeholders need to be involved from the beginning?
- ▶ What role can police leadership play in advocating for change?
- ▶ What are the first concrete steps that law enforcement can take to launch a journalist safety initiative?
- ▶ How can pilot programs be tested before full implementation?
- ▶ If setting up something like PersVeilig is not achievable in the short term, what other steps can law enforcement take to strengthen relationships with journalists?
- ▶ How can regular meetings, joint training, and dialogue improve mutual understanding?

These questions can be discussed in the larger group or, if time permits, in smaller groups followed by a larger group discussion.

The trainer should facilitate and guide the discussion, encouraging participants to think critically about *practical implementation*, and distilling clear action points from the answers to the questions.

If time permits, participants can engage in action planning and create a roadmap towards creating something like PersVeilig. Participants can be asked to outline:

1. Short-term actions (next 6 months) could focus on:

- ▶ Identify potential partners (e.g., journalist associations, prosecutors, government officials).
- ▶ Organise an initial meeting with stakeholders to discuss collaboration.
- ▶ Map existing legal frameworks and law enforcement policies related to journalist safety.

2. Medium-term actions (6 months – 1 year) could focus on:

SAFETY OF JOURNALIST

- ▶ Develop pilot programs for journalist safety training and reporting mechanisms.
- ▶ Establish a contact point within law enforcement for journalists.
- ▶ Engage prosecutors and policymakers to strengthen legal protections for journalists.

3. Long-term actions (1–3 years) could focus on:

- ▶ Expand pilot programs into permanent policies.
- ▶ Create official agreements or protocols between police, media, and prosecutors.
- ▶ Advocate for legal reforms where necessary.

By way of conclusion, the trainer summarises key insights from the workshop. Participants reflect on what they learned and what they can apply in their professional roles.

EUROPEAN STANDARDS ON FREEDOM OF EXPRESSION AND JOURNALISTS SAFETY

ARTICLE 10, EUROPEAN CONVENTION ON HUMAN RIGHTS

(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

ARTICLE 10, EUROPEAN CONVENTION ON HUMAN RIGHTS

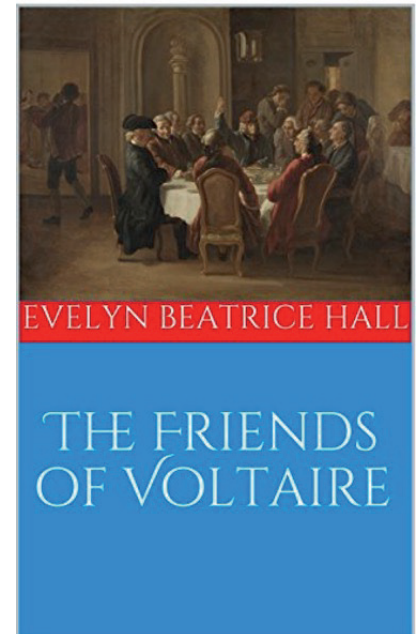
(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

THE IMPORTANCE OF FREEDOM OF EXPRESSION

THE IMPORTANCE OF THE RIGHT TO FREEDOM OF EXPRESSION

“I disapprove of what you say, but I will defend
to the death your right to say it”

Evelyn Beatrice Hall, The Friends of Voltaire



THE IMPORTANCE OF FREEDOM OF EXPRESSION

The right to freedom of expression is a cornerstone of democratic society and plays a central role in the protection of other rights.

“Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man.”

[Handyside v. the United Kingdom](#), 7 December 1976

THE IMPORTANCE OF FREEDOM OF EXPRESSION

“Democracy thrives on freedom of expression. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself.”

[Manole and Others v. Moldova](#), 17 September 2009

THE IMPORTANCE OF FREEDOM OF EXPRESSION

The right to freedom of expression protects all forms of expression. In practice, the Court has distinguished between political speech, discussion on matters of public importance, artistic expression, information of a commercial nature, and entertainment such as music.

Political expression and debate on matters of public importance is especially protected:

“freedom of political debate is at the very core of the concept of a democratic society which prevails throughout the Convention” ([Lingens v. Austria](#), 8 July 1986)

THE IMPORTANCE OF FREEDOM OF EXPRESSION

A high level of protection is afforded to discussion of all matters of public importance:

- ▶ Discussion of historical genocides ([Perinçek v. Switzerland](#), 15 October 2015)
- ▶ Criticism of the actions of the police ([Savva Terentyev v. Russia](#), 28 August 2018)
- ▶ Criticism of disproportionate pay increases for the director of a large car manufacturer ([Fressoz and Roire v. France](#), 21 January 1999)

THE IMPORTANCE OF FREEDOM OF EXPRESSION

A high level of protection is afforded to discussion of all matters of public importance (continued from previous slide):

- ▶ Discussion on the privatization of a major national insurance provider ([Radio Twist a.s. v. Slovakia](#), 19 December 2006)
- ▶ Allegations of mis-selling of insurance products ([Haldimann v. Switzerland](#), 24 February 2015)
- ▶ Discussion on employment law and policy, aimed at professionals in the human resources sector ([Herbai v. Hungary](#), 5 November 2019)

THE IMPORTANCE OF FREEDOM OF EXPRESSION

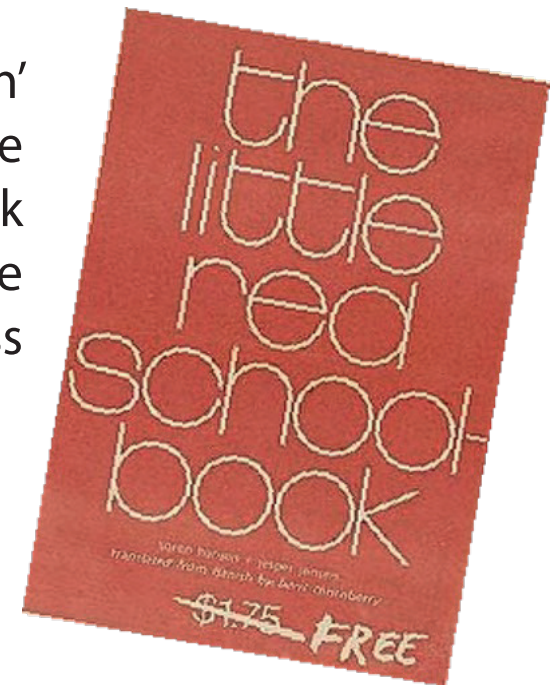
Freedom of expression applies to words that shock, offend or disturb.

“What is freedom of expression? Without the freedom to offend, it ceases to exist.” –
Salman Rushdie

THE IMPORTANCE OF FREEDOM OF EXPRESSION

“Freedom of expression ... is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’”

[Handyside v. the United Kingdom](#), 7 December 1976



BUT IS IT WISE TO BE RUDE AND OFFENSIVE?

Just because you have the right to offend someone, does not mean that is the most effective way to communicate.

Freedom of expression does not protect:

- ▶ gratuitous insults
- ▶ hate speech



[Rujak v. Croatia](#),
"Fuck your Ustaše mother!"

THE ROLE OF THE MEDIA, NGOS, AND OTHER 'MEDIA ACTORS'

THE ESSENTIAL ROLE OF THE MEDIA

The media play a particularly important role in relation to the right to freedom of expression. Whether online, through radio or television or in print, they are the means through which the vast majority of people receive news and information on issues of public interest.

“Although the press must not overstep certain bounds, regarding in particular the protection of the reputation and rights of others, its duty is nevertheless to impart - in a manner consistent with its obligations and responsibilities - information and ideas on all matters of public interest.

THE ESSENTIAL ROLE OF THE MEDIA

Not only does the press have the task of imparting such information and ideas; the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of 'public watchdog.'" - [Pedersen and Baadsgaard v. Denmark](#), 17 December 2004

THE ESSENTIAL ROLE OF THE MEDIA (CONTINUED)

This applies to online media, bloggers and particularly popular social media users as well as to 'traditional' media:

"Given the important role played by the Internet in enhancing the public's access to news and facilitating the dissemination of information, the function of bloggers and popular users of the social media may be also assimilated to that of "public watchdogs" in so far as the protection afforded by Article 10 is concerned."

- [Magyar Helsinki Bizottság v. Hungary](#), 8 November 2016

THE ESSENTIAL ROLE OF THE MEDIA (CONTINUED)

'Journalist':

"the term "journalist" means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication."

- Council of Europe Recommendation No. R (2000)7, on the right of journalists not to disclose their sources of information

NGOS AND OTHER 'WATCHDOGS'

NGOs inform the public and alert them to issues of public interest. Like the media, they are therefore also considered 'public watchdogs' with an important role in society:

"The function of creating forums for public debate is not limited to the press. That function may also be exercised by non-governmental organisations, the activities of which are an essential element of informed public debate. The Court has therefore accepted that non-governmental organisations, like the press, may be characterised as social "watchdogs". In that connection their activities warrant similar Convention protection to that afforded to the press ..."

- [Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung v. Austria](#),
28 November 2013

THE DUTIES ON THE STATE

DUTIES ON THE STATE

1. 'negative' (because, do not interfere) duty: do not interfere with freedom of expression unless as prescribed by law and as necessary in a democratic society for the protection of a legitimate aim

1. positive (because, state action is required) duty: take steps for the effective realisation of the right to freedom of expression and the protection of the safety of journalists

THE 'NEGATIVE' DUTY

NEGATIVE DUTY

Interferences with freedom of expression not permitted unless in accordance with the three part test, based on Article 10(2) ECHR:

1. The restriction has must have been prescribed by law;
2. The restriction must have been imposed in pursuit of a legitimate aim; and
3. The restriction must be demonstrated to have been 'necessary in a democratic society'.

PRESCRIBED BY LAW

In applying the 'prescribed by law' test, the Court uses a substantive test. It considers that the term 'law' includes legal provisions passed by parliament, but also ministerial regulations and similar norms, as well as judicial interpretations of the law.

PREScribed BY LAW

Further requirements include:

The legal measure on which the restriction is based must be 'adequately accessible'. Unpublished internal regulations cannot provide a basis for a restriction.

The law must be foreseeable, meaning 'formulated with sufficient precision to enable the citizen to regulate their conduct' ([Sunday Times v. the United Kingdom](#), 26 April 1979). Journalists and other professionals are expected to take special care and, if necessary, to seek legal advice (see, in particular, [Delfi v. Estonia](#) (GC), 16 June 2015)

The law must afford protection against abuse and arbitrary or excessive use of the law ([Centro Europa 7 S.R.L. and Di Stefano v. Italy](#) (GC), 7 June 2012)

The law must provide for the possibility of judicial review ([Ahmet Yildirim v. Turkey](#), 18 December 2012)

LEGITIMATE AIM

There must be a realistic link between the expression that is restricted and the legitimate aim pursued; there cannot just be a hypothetical or uncertain possibility.

The legitimate aims are:

- ▶ National security: e.g. [Hadjianastassiou v. Greece](#) (16 December 1992): conviction of a military engineer who had sold classified military information to a private company pursued the legitimate aim of protecting national security.

LEGITIMATE AIM

- ▶ Territorial integrity or public safety: e.g. [Sürek v. Turkey](#) (No. 3) (8 July 1999): the publication of separatist propaganda which advocated recourse to violence could be legitimately restricted in order to protect territorial integrity and public safety
- ▶ The prevention of disorder or crime: e.g. [Rekvényi v. Hungary](#) (20 May 1999): political activities of police officers could be legitimately restricted in order to prevent disorder

LEGITIMATE AIM (CONTINUED)

- ▶ The protection of health or morals: e.g. [Müller and Others v. Switzerland](#) (24 May 1988): paintings showing explicit sex acts could be temporarily removed from a public gallery that was accessible to children
- ▶ The protection of the reputation or rights of others: e.g. [MGN v. the United Kingdom](#) (18 January 2011): a newspaper was found to have violated the right to privacy of a well-known model by publishing about her treatment for drug addiction

LEGITIMATE AIM (CONTINUED)

- ▶ Preventing the disclosure of information received in confidence: e.g. [Stoll v. Switzerland](#) (10 December 2007): conviction for publishing “secret official deliberations” concerning compensation due to Holocaust victims for unclaimed assets justified to prevent the disclosure of information received in confidence
- ▶ Maintaining the authority and impartiality of the judiciary: e.g. [Worm v. Austria](#) (29 August 1997): conviction of a journalist who had written an article which was extremely critical of a defendant in a criminal trial, and which the Austrian courts had decided could influence the outcome of a criminal trial, was justified

NECESSARY IN A DEMOCRATIC SOCIETY

Exceptions to the right to freedom of expression “must be narrowly interpreted and the necessity for any restrictions must be convincingly established” ([Observer and Guardian v. the United Kingdom](#), 26 November 1991)

In the case of [Sunday Times v. the United Kingdom](#) (No. 1), (26 April 1979), the Court elaborated on the strict meaning of the word, “necessary”:

“[W]hilst the adjective ‘necessary’, within the meaning of Article 10 (2), is not synonymous with ‘indispensable’, neither has it the flexibility of such expressions as ‘admissible’, ‘ordinary’, ‘useful’, ‘reasonable’ or ‘desirable’ ... it implies the existence of a ‘pressing social need.’”

NECESSARY IN A DEMOCRATIC SOCIETY (ELEMENTS OF THE TEST)

In determining whether there is a 'pressing social need' that would justify a restriction as being 'necessary in a democratic society', the Court requires that the following questions are addressed:

- ▶ Are the reasons given for the restriction 'relevant and sufficient'? As part of this, it needs to be assessed whether the authorities based themselves on an acceptable assessment of the relevant facts; and whether they applied standards that were in conformity with the principles embodied in Article 10?
- ▶ Is the restriction proportionate to the legitimate aim pursued?

NECESSARY IN A DEMOCRATIC SOCIETY (PROPORTIONALITY)

Various factors are taken into consideration to assess whether or not a restriction is proportionate to the aim pursued, including:

- ▶ The nature and severity of the restriction, and how long it was imposed for (see, for example, *Sunday Times v. United Kingdom* (No. 1))
- ▶ The position of the applicant and his/her role in the public debate
- ▶ The impact of the expression in question: how many individuals have read, seen or heard it (for example, in *Tamiz v. the United Kingdom* (19 September 2017) only a limited number of people had accessed an impugned blog post and so it had limited impact)

NECESSARY IN A DEMOCRATIC SOCIETY (PROPORTIONALITY)

- ▶ The right of the public to be informed on matters of general importance
- ▶ Whether the authorities have struck a fair balance between the right to freedom of expression and other rights (see, for example, [Cumpănaș and Mazăre v. Romania](#) (17 December 2004))
- ▶ Whether the authorities have applied the least restrictive means possible to achieve the legitimate aim (see, for example, [Ürper and Others v. Turkey](#) (20 October 2009))

THE 'POSITIVE' DUTY

WHAT STATES MUST DO TO PROTECT AND FACILITATE FREEDOM OF EXPRESSION AND THE SAFETY OF JOURNALISTS

States are under a strong duty to take measures to protect journalists and others who report or speak out on issues of public interest.

“States are obliged to put in place an effective system of protection for authors and journalists as part of their broader obligation to create a favourable environment for participation in public debate by everyone and to enable the expression of opinions and ideas without fear, even when they are contrary to those held by the authorities or by a significant section of public opinion and even if they are annoying or shocking for the latter.” (Dink v. Turkey, 14 September 2010)

IT IS NOT JUST ABOUT PROTECTING FREEDOM OF EXPRESSION, BUT ALSO...

- ▶ the right to life
- ▶ the right to physical integrity
- ▶ the right to respect for private life
- ▶ the right to be free from discrimination

In addition to protecting these rights, in recognition of its importance in democratic society, States must create an enabling environment for the exercise of the right to freedom of expression. Journalists and other media actors in particular should be able to speak out on matters of public importance without fear of retaliation or retribution.

WHAT STATES MUST DO TO PROTECT AND FACILITATE FREEDOM OF EXPRESSION (CONTINUED)

This entails three categories of obligations:

1. States must put in place effective criminal-law provisions to deter the commission of offences, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions;
2. where necessary, States must take preventive operational measures to protect an individual or individuals whose lives are at risk
3. When violent acts are committed, or threats are made, States are under a duty to investigate and bring those responsible to justice.

WHAT STATES MUST DO TO PROTECT AND FACILITATE FREEDOM OF EXPRESSION (CONTINUED)

An important consideration for law enforcement is whether there have been threats:

Özgür Gündem v. Turkey

the domestic authorities – which were aware of a series of violent actions against a newspaper and people associated with it – did not take any action to protect the newspaper and its journalists

Huseynova v. Azerbaijan

Neither the applicant's husband nor [the] magazine had been subjected to acts of violence. Moreover, as the Court has already found, it does not appear from the documents in the case file that the applicant's husband lodged any application or request for protection with the domestic authorities before his murder

WHAT STATES MUST DO TO PROTECT AND FACILITATE FREEDOM OF EXPRESSION (CONTINUED)

Dink v. Turkey

The European Court of Human Rights found that the Turkish Government violated Articles 2 (Right to Life), 10 (Freedom of Expression), and 13 (Right to an Effective Remedy) of the European Convention on Human Rights by failing to protect journalist Fırat Dink, leading to his murder. Dink, an outspoken Armenian minority member in Turkey, was killed due to his writings. Despite knowing of an assassination plot against Dink, Turkish authorities did not take action. Additionally, the court underscored that states have a positive obligation to create a favorable environment for participation in public debate.

WHAT STATES MUST DO TO PROTECT AND FACILITATE FREEDOM OF EXPRESSION (CONTINUED)

Always consider motive - was a threat or an attack linked to journalism or exercise of freedom of expression?

Khadija Ismayilova v. Azerbaijan

For high profile journalists, the link to journalism is presumed, unless it can be ruled out:

“In a situation where the applicant was well known in society specifically for her journalistic activity and for that activity only, it is difficult to discern any motive for threats of public humiliation received by her other than a motive connected to that activity.”

ELABORATION OF THE COURT'S PRINCIPLES

The principles discussed in the preceding slides have been elaborated upon by the Committee of Ministers, in particular in Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors.

This Recommendation will be discussed in detail in subsequent modules.

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

The recommendation is based on the case law of the European Court of Human Rights.
It:

- ▶ calls on states to uphold their positive obligations under Article 10 ECHR and to establish effective safeguards that enable journalists and other media actors to work without fear of intimidation or harm
- ▶ defines journalism by its public watchdog function and extends protections to a broad range of media actors, including citizen journalists and bloggers
- ▶ provides a comprehensive framework to ensure safety through prevention, protection, and prosecution measures, as well as through awareness raising

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

Built on four pillars:

1. Prevention
2. Protection
3. Prosecution
4. Promotion and awareness raising

PREVENTION

THE PREVENTION PILLAR OF THE GUIDELINES OF RECOMMENDATION CM/REC(2016)4

- (1) Legal framework to ensure independence of the media and safeguard media pluralism
- (2) Legislative framework guarantees public access to information, privacy and data protection, confidentiality and security of communications and protection of journalistic sources and whistle-blowers
- (3) Legislative framework guarantees effective protection of all journalists and other media actors
- (4) Implementation of comprehensive legislative framework that enables journalists and other media actors to contribute to public debate effectively and without fear

THE PREVENTION PILLAR OF THE GUIDELINES OF RECOMMENDATION CM/REC(2016)4

- (5) Independent, substantive review of legislative framework
- (6) Defamation laws include freedom of expression safeguards that conform to European and international human rights standards
- (7) Clear legal basis for surveillance and interception of communications data that includes safeguards against misuse and abuse

PROTECTION

Protection pillar:

- (1) Early warning, rapid response mechanisms, protection measures
- (2) Training
- (3) Discriminatory or arbitrary application of laws to silence journalists and other media actors
- (4) Safety of journalists during demonstrations
- (5) Hostility / undermining journalists through negative rhetoric

PROSECUTION

An effective investigation

- ▶ Investigations are capable of leading to the establishment of the facts, the identification and successful prosecution of those responsible for violence against journalists and other media actors.
- ▶ Guiding principles: adequacy; independence; thoroughness; promptness; public scrutiny

Operational requirements to stem impunity

- ▶ Practical/operational requirements to stem impunity include specialised investigation units, and the introduction of measures safeguarding the independence and safety of law enforcement/judiciary
- ▶ Where investigations and prosecutions do not result in bringing to justice the perpetrators, special judicial or inquiries by independent bodies are carried out

Appropriate sanctions

- ▶ aggravated penalties
- ▶ no limitation periods for crimes against freedom of expression and for obstruction of justice

Remedies available to journalists and their next of kin

- ▶ Effective and appropriate remedies are available, including legal redress, financial compensation, medical and psychological treatment, relocation and shelter.
- ▶ The victim's next of kin should be involved in procedures.

AWARENESS RAISING

The awareness-raising (promotion) pillar of the Guidelines of Recommendation CM/Rec(2016)4

- ▶ States should proactively highlight gender-specific issues and issues concerning impermissible grounds for discrimination.
- ▶ States should translate the Recommendation into the national and minority languages of the country
- ▶ States should ensure the widest possible dissemination of the Recommendation, in a variety of publicity materials.
- ▶ States should capitalise on the publicity opportunities provided by internationally designated days such as World Press Freedom Day (3 May), International Day to End Impunity for Crimes against Journalists (2 November) and International Right to Know Day (28 September).

The awareness-raising (promotion) pillar of the Guidelines of Recommendation CM/Rec(2016)4

- ▶ States should co-operate with information-gathering, awareness-raising and other initiatives co-ordinated by international and regional intergovernmental organisations concerning the safety of journalists and other media actors
- ▶ Journalism training school curricula pay prominent attention to the issue of safety of journalists and other media actors, including the Recommendation.
- ▶ Media and information literacy initiatives pay prominent attention to the issue of safety of journalists and other media actors, including the Recommendation.

The awareness-raising (promotion) pillar of the Guidelines of Recommendation CM/Rec(2016)4

Partnerships with civil society

- ▶ States should develop partnerships with civil society and the media for the promotion of best practices for the protection of journalists and other media actors and for combating impunity.
- ▶ States should adopt a constructive and responsive attitude to civil society and media reporting on threats and violence against journalists and other media actors.
- ▶ States should actively co-operate with media and civil society organisations in publicising and educating about safety issues and standards.

IMPLEMENTATION GUIDES

<https://www.coe.int/en/web/freedom-expression/implementation-guide>

Implementation Guide for CM/Rec(2016)4



How to protect journalists and other media actors?

IMPLEMENTATION GUIDE

📄 Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors

📄 Extended Implementation Guide to selected topics under Prevention and Promotion Pillars of the Guidelines of Recommendation CM/Rec (2016)4 on the Protection of journalism and safety of journalists and other media actors

For each priority topic area identified in the Recommendation, the Implementation Guide:

💡 **Establishes indicators** in order to generate baseline information against which progress in the Implementation of the Recommendation can be assessed;

🔍 **Provides background information** including references to the case-law of the European Court of Human Rights and to other sources;

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The two guides provide detailed implementation guidance including examples of national practice. See, for example:

C. VALUABLE PRACTICES AND INITIATIVES WHICH PROVIDE GUIDANCE IN THIS AREA

Criminal law protections

Several European countries have specific provisions in their penal codes criminalising violence against journalists, or violence that aims to silence freedom of expression. Of these, the Ukrainian criminal code is the most specific and elaborate. It includes the following provisions:

- ▶ Article 171 criminalises the interference with professional activities of journalists, defined as including illegal seizure of journalistic materials, illegal denial of access to information, illegal prohibition to cover certain topics or individuals, and any other intended prevention of a journalist's lawful professional activity. The offence extends to exerting any influence on a journalist in order to prevent them from performing their journalistic work.
- ▶ Articles 345-1, 347-1, 348-1 and 349-1 criminalise threats or violence, destruction of property, murder or attempted murder, and hostage taking of a journalist or their family in connection with the journalist's professional activity.

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

PREVENTION

RECOMMENDATION (2016)4 – THE PREVENTION PILLAR

Law enforcement plays a critical role in the prevention of violence through early intervention, risk assessment, proactive engagement with journalists, and the establishment of protective mechanisms.

The prevention pillar of Recommendation CM/Rec(2016)4 focuses on building an enabling legal and regulatory environment:

THE PREVENTION PILLAR: LEGISLATIVE FRAMEWORK

- (1) Legal framework to ensure independence of the media and safeguard media pluralism
- (2) Legislative framework guarantees public access to information, privacy and data protection, confidentiality and security of communications and protection of journalistic sources and whistle-blowers
- (3) Legislative framework guarantees effective protection of all journalists and other media actors
- (4) Implementation of comprehensive legislative framework that enables journalists and other media actors to contribute to public debate effectively and without fear

THE PREVENTION PILLAR: LEGISLATIVE FRAMEWORK (CONTINUED)

- (5) Independent, substantive review of legislative framework
- (6) Defamation laws include freedom of expression safeguards that conform to European and international human rights standards
- (7) Clear legal basis for surveillance and interception of communications data that includes safeguards against misuse and abuse

Examples of legislation on the protection of journalists

Ukrainian Criminal Code Article 171 criminalises the interference with professional activities of journalists

Ukrainian Criminal Code Articles 345-1, 347-1, 348-1 and 349-1 criminalise threats or violence, destruction of property, murder or attempted murder, and hostage taking of a journalist or their family

French penal code criminalises “interference with the exercise of freedom of expression in a concerted manner and with threats” and “hindrance, in a concerted manner and by means of beatings, violence, assault, destruction or degradation, to the exercise of freedom of expression”

Montenegro penal code grants journalists the status of persons who perform duties of public interest, while several criminal offences, including murder, infliction of serious bodily injuries, and coercion by using force or threat and endangering of safety, carry longer prison sentences when committed against journalists

Examples of legislation on the protection of journalists online

- ▶ in Austria, 'cyber-bullying' is the criminal offence of injuring the honour of a person on the Internet in a way that is perceptible to a large number of people or making highly personal facts or images available to a large number of people.
- ▶ French Penal Code defines online abuse as including "[s]tatements or behaviours imposed to the same victim by several persons, in a concerted manner or by encouragement of one of them, even though they do not present a repetitive character", as well as abuse that, although not coordinated, is perpetrated by individuals who are "aware that the victim is subject to repetitive behaviours or statements".
- ▶ To better combat online gender-motivated abuse, the law on sexual harassment defines sexual harassment as including "repeated sexual statements or behaviours directed towards a person that harm the person's dignity through their degrading, humiliating character, or by creating an intimidating, hostile or offensive situation" and specifies that this includes online harassment.

Legislation protecting women journalists

- ▶ In Romania and in the Netherlands, it is an aggravating circumstance for any crime to be motivated by gender discrimination.

How can law enforcement contribute to a better legislative framework?

If a review of the legal framework shows a need for law reform this is not something that law enforcement can deliver. But there are various ways in which law enforcement can contribute:

- ▶ engaging with and providing information to the legislature on the problem of violence against journalists, and the importance to democracy of protecting journalists and other media actors;
- ▶ providing information to the legislature on legislative improvements needed to better protect journalists

Other ways law enforcement can contribute to preventing violence

(specific protective measures are dealt with in the 'protection pillar', discussed in the next module)

- ▶ Proactive engagement with journalists and media organisations
- ▶ Building trust through regular dialogue
- ▶ Appointing dedicated liaison officers within police departments
- ▶ Provide clear guidance on how to report threats and seek police assistance
- ▶ Provide clear guidance on measures that journalists can take to prevent becoming the victim of violence

Training and capacity-building for law enforcement

Law enforcement officers should receive specialized training on press freedom and journalist safety, emphasizing their role in safeguarding, rather than restricting, media activities.

- ▶ Establishing dedicated units within police forces to handle cases of violence against journalists can ensure a more focused and informed response.
- ▶ Law enforcement must be aware of gender-specific threats, such as the targeted harassment of women journalists, and develop appropriate strategies to address and prevent such incidents.

Participate in / provide safety training to journalists

Examples:

- ▶ Spain: State Security Forces and Corps is offering trainings courses to journalists regarding self-protection, reaction techniques and procedures in conflict zones
- ▶ Ireland: training seminars were held on crime prevention, where an Garda Síochána presented on both personal protection and suggested ways to interact with a hostile group; and online safety, where online platforms presented the practical tools available to journalists to increase online safety

Ensuring Safe Environments for Reporting

- ▶ Prevent the excessive use of force against journalists covering protests or public demonstrations, recognizing their right to report on matters of public interest.
- ▶ Law enforcement officers should receive clear instructions on respecting journalists' rights, including their ability to record public events and police interactions without interference.
- ▶ Law enforcement should coordinate with media outlets to facilitate the safe movement of journalists in conflict zones or areas of unrest, implementing security measures that allow them to operate without unnecessary risk.

Promoting Public Awareness and Cultural Change

- ▶ Law enforcement should publicly condemn violence against journalists, sending a strong message that such acts will not be tolerated.
- ▶ Engaging with local communities can help raise awareness about the vital role journalists play in a democratic society and the need to protect their rights.
- ▶ Collaborating with civil society organisations can further promote journalist safety as a fundamental human rights issue, encouraging a broader commitment to press freedom and accountability.

Participate in multi-stakeholder working groups on safety of journalists

Law enforcement in various States take part in working groups on the safety of journalists, alongside media, prosecution, civil society and other stakeholders. Examples:

- ▶ Lithuania: Working Group established in 2022, headed by the Ministry of Culture and including Prosecutor General's Office, the Office of the Equal Opportunities Ombudsperson, the Ministry of Social Security and Labour, the Ministry of Foreign Affairs of the Republic, Office of the Inspector of Journalist Ethics, media representatives, National Courts Administration, Police Department
- ▶ Dutch 'PersVeilig' (press safe) initiative of law enforcement, prosecution, media, journalists (discussed in detail in Module 8)

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

PROTECTION

RECOMMENDATION (2016)4 – THE PROTECTION PILLAR

Council of Europe Recommendation CM/Rec(2016)4 outlines clear obligations for Member States to protect journalists and other media actors. Law enforcement officials play a key role in implementing these protections.

The Protection 'Pillar' of the Recommendation elaborates several actions that law enforcement agencies need to take.

Protection pillar:

- (1) Early warning, rapid response mechanisms, protection measures
- (2) Training
- (3) Discriminatory or arbitrary application of laws to silence journalists and other media actors
- (4) Safety of journalists during demonstrations
- (5) Hostility / undermining journalists through negative rhetoric

Early warning, rapid response mechanisms, protection measures

- ▶ mechanisms such as hotlines or online platforms to report incidents and obtain assistance
- ▶ effective and timely provision of police protection, with due regard for gender-specific dangers faced by female journalists and other media actors;
- ▶ availability of schemes providing for relocation, safe houses or shelter;
- ▶ comprehensive national protection mechanisms, in cooperation with media and appropriate other authorities
- ▶ effective cooperation with the Platform to promote the protection of journalism and the safety of journalists

Examples of early warning, rapid response mechanisms, protection measures:

- ▶ The International Committee of the Red Cross [hotline for journalists on dangerous assignments](#), the [Press SOS hotline of Reporters Without Borders](#)
- ▶ Ukraine's Institute of Mass Information [hotline](#)
- ▶ The Dutch Persveilig (press safe) mechanism can facilitate various protective measures for journalists under threat, including [home security equipment](#)
- ▶ The German [SchutzKodex](#) program can facilitate safety personnel for journalists under threat
- ▶ Irish police established a [dedicated incident report registration process](#) for journalists

Examples of early warning, rapid response mechanisms, protection measures (continued):

- ▶ Italy's **Coordination Center on the phenomenon of acts of intimidation against journalists** coordinates various responses ranging from round-the-clock police protection to surveillance measures to monitor and deter potential aggressors. It also provides regular check-ins and coordination with local law enforcement
- ▶ Sweden: **national contact point for freelance journalists** who lack support of an employer. Facilitates access to legal assistance, psychological support, protective equipment

Training

Training for judges, prosecutors, LEAs should be provided on a regular basis, including:

- ▶ their obligations under international human rights and humanitarian law
- ▶ the important role played by journalists and other media actors in a democratic society
- ▶ special protection needs of journalists and other media actors, including gender-specific issues.
- ▶ NHRIs and journalists' associations should be involved in the development of training programmes and in the provision of training to judges, prosecutors, LEAs

Examples of training programs

- ▶ training for prosecutors and police officers in Bosnia and Herzegovina on the safety of journalists
- ▶ joint training programs for law enforcement and journalists in Austria
- ▶ UNESCO online course for police officers on freedom of expression and safety of journalists
- ▶ in Sweden, regular interaction and joint training sessions between media houses and police, fostering a more open and collaborative environment

Discriminatory or arbitrary application of laws to silence journalists and other media actors

- ▶ Review of law and practice (defamation, public order, national security, etc.): restraint in legal prosecutions of journalists and other media actors
- ▶ Proportionality and necessity requirements must be implemented in practice
- ▶ Public officials, including law enforcement, must tolerate criticism of their functioning
- ▶ no SLAPP cases are brought or supported by law enforcement
- ▶ Training of judges in order to avoid arbitrary application of restrictive legislation
- ▶ Legal aid should be available, especially for freelance journalists
- ▶ Protection of confidential sources is crucial

Safety of journalists during demonstrations

(module 7 will go into this in detail)

- ▶ Press or union cards, relevant accreditation and journalistic insignia are accepted but not required to be worn. Where professional documentation cannot be provided, every possible effort is made by state authorities to ascertain journalistic status.
- ▶ Guidelines are issued to military and the police prohibiting harassment, intimidation or physical attacks on journalists.
- ▶ Effective channels of communication exist between journalists' organisations and security forces concerning coverage of street protests, demonstrations and public events

Hostility / undermining journalists through negative rhetoric

- ▶ The government, including law enforcement officials, take a public stance on the important role of journalists in society and the need to ensure their safety
- ▶ Law enforcement officials publicly condemn all instances of threats and violence against journalists and other media actors
- ▶ Law enforcement officials refrain from undermining or attacking the integrity of journalists and other media actors
- ▶ Law enforcement officials refrain from coercing, inducing or pressuring journalists into abandoning professional standards and disseminating propaganda

RECOMMENDATION (2016)4 ON THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS AND OTHER MEDIA ACTORS

PROSECUTION

RECOMMENDATION (2016)4 – THE PROTECTION PILLAR

- ▶ calls on states to uphold their positive obligations under Article 10 ECHR and to establish effective safeguards that enable journalists and other media actors to work without fear of intimidation or harm
- ▶ journalism is defined by its public watchdog function and extends protections to a broad range of media actors, including citizen journalists and bloggers

GUIDING PRINCIPLES

Requirements for an effective investigation

Investigations are effective (capable of leading to the establishment of the facts, the identification and, if appropriate, punishment of those responsible) and respect the essential requirements of:

- ▶ adequacy;
- ▶ independence;
- ▶ thoroughness;
- ▶ promptness;
- ▶ openness to public scrutiny/accessibility to the victims or their families

Independence

- ▶ The investigation must be independent from those implicated in the events ([Najafli v. Azerbaijan](#))
- ▶ If there are allegations against the police, there should be no connections between the investigators and the officer against whom a complaint has been filed; there should be practical independence ([Enukidze and Girgvliani v. Georgia](#))
- ▶ The investigation should not rely entirely on the evidence produced by police officers allegedly implicated, nor should the investigation be led by their colleagues and those employed by the same authority ([Ramsahai v. the Netherlands](#))

Adequacy

The investigation must:

- ▶ be capable of leading to the identification and punishment of those responsible;
- ▶ shed light on the cause and circumstances of the death, as to whether any use of force was justified under Article 2 ([Nachova v. Bulgaria](#))
- ▶ take reasonable steps to secure all the relevant evidence concerning the incident including, among others, eyewitness testimony, forensic evidence and, where appropriate, an autopsy providing a complete and accurate record of injury and an objective analysis of clinical findings, including the cause of death ([Hugh Jordan v. UK](#))
- ▶ consider the possibility of state officials' (such as members of the security forces) implication in attacks ([Yasa v. Turkey](#))
- ▶ make genuine efforts to identify those who commissioned the killing (the 'mastermind(s)') ([Mazepa and others v. Russia](#))

Thoroughness

The investigation must:

- ▶ address all of the relevant background circumstances, including any racist, gender-based or other discriminatory motivation, any political motivation and possible link between the violence and the exercise of journalistic activities by the victim ([Adali v. Turkey](#))
- ▶ be capable of identifying any systematic failures that had led to the violation, taking all reasonable steps to secure evidence, and assess the evidence in a thorough, consistent and objective manner ([Guidelines and reference texts on eradicating impunity for serious human rights violations](#), H/Inf(2011))
- ▶ where there is some evidence that the crime at issue may be a crime against journalism, the investigation should be conducted with the presumption that it was so, until proven otherwise and relevant lines of inquiry related to the victim's journalistic activities have been exhausted ([Joint Declaration on Crimes against FoE](#))

Promptness

- ▶ the investigation must be prompt, in order to secure quality evidence. Any delay in investigating and prosecuting threats or violent crimes towards journalists and other media actors gives a sign that such crimes are assigned low priority, and feeds the phenomenon of impunity
- ▶ the authorities must act of their own motion, once the matter has come to their attention, and should not require the initiative of the next of kin to instigate an investigation
- ▶ when a victim does not wish to lodge an official complaint, later withdraws such complaint, or decides to discontinue the proceedings, this does not absolve the authorities from their obligation to carry out an effective investigation ([Yasa v. Turkey](#))

Public scrutiny

- ▶ the complainant must have effective access to the investigatory procedure ([Yasa v. Turkey](#))
- ▶ victim or next of kin should in practice be able to receive information on the investigation, including having access to the case file, and to present evidence ([Huseynova v. Azerbaijan](#))
- ▶ next of kin should be involved in the procedure to the extent necessary to safeguard their legitimate interests ([Adali v. Turkey](#))
- ▶ public scrutiny is required to ensure accountability and maintain public confidence in the justice system. While it may be sufficient for the investigation to be carried out in private, a thorough report must be made public in some cases, accountability to the public may require that the investigation be conducted in public ([Paul and Audrey Edwards v. the UK](#))

OPERATIONAL REQUIREMENTS

**(in addition to 'regular' requirements regarding
the investigation and prosecution of crime)**

Specialised investigation units

The establishment of specific units within the police, as well as in the prosecutor's office, with specific expertise in human rights and the safety of journalists can improve the effectiveness and impartiality of investigations.

Conflict of interest rules must nevertheless apply also in relation to these specific units/arrangements: if a member of that specific unit/police force be implicated in a specific case, it would need to be referred to an independent body.

Prioritised attention to crimes against journalists: examples

- ▶ **Special prosecutor** appointed in Public Prosecutor's Office of Sarajevo Canton, to ensure that the cases are processed efficiently and as a matter of priority
- ▶ Swedish police **Democracy and Hate Crime Unit** addresses crimes that threaten democratic values, including those targeting journalists
- ▶ in Kosovo, the **Police Serious Crimes Unit** has been designated as responsible for the investigation of crimes against journalists and coordinators have been appointed at courts
- ▶ in Montenegro, an instruction was issued to all prosecutors to intensify work on cases of violence against journalists, requiring monthly update reports

Judicial/non-judicial inquiries

Where investigations and prosecutions do not result in bringing to justice the perpetrators, special judicial or non-judicial inquiries / inquiries by independent specialised bodies are carried out.

Example: [Public Inquiry into murder of Daphne Caruana Galizia](#)

Independence and safety of judiciary is guaranteed

- ▶ independence of judiciary guaranteed through (1) the manner of appointment; (2) duration of term of office; (3) protection against outside pressures;
- ▶ judiciary and prosecutors, as well as lawyers and witnesses able to conduct/participate in the investigation free from fear and from political or other pressure;

Appropriate criminal law framework

- ▶ aggravated penalties
- ▶ removal of limitation periods for the prosecution of crimes involving ill-treatment by state agents, crimes against freedom of expression and for obstruction of justice
- ▶ no amnesties/pardons

(see also [Guidelines on eradicating impunity for serious human rights violations, H/Inf\(2011\)7](#), adopted by the Committee of Ministers, 30 March 2011)

Remedies available to journalists and their next of kin

Effective and appropriate remedies are available, including:

- ▶ legal redress;
- ▶ financial compensation;
- ▶ medical and psychological treatment, relocation and shelter;
- ▶ the victim's next of kin can be involved in the procedure.

JOURNALISTS REPORTING ON DEMONSTRATIONS AND OTHER PUBLIC EVENTS

Pentikäinen v. Finland, Selmani v. FYROM, Butkevich v. Russia

ECHR PRINCIPLES

1. Any interference with newsgathering must be justified as necessary and proportionate
2. Degree of public interest in the journalism concerned?
3. Was there a formal and justified order requiring journalists to leave the area and how did the journalist respond?
4. What sanction is imposed?

Key European Court of Human Rights judgments:

- ▶ Pentikäinen v. Finland
- ▶ Selmani v. FYROM
- ▶ Butkevich v. Russia

PENTIKAINEN V FINLAND: FACTS

The Asia-Europe Meeting (ASEM), a biannual summit fostering cooperation between European and Asian leaders, faced significant protests during its 2006 Helsinki event. Journalist Pentikäinen, assigned to cover the demonstrations, chose to embed himself in the protest rather than staying in the designated media area. During the “Smash ASEM” protest on 9 September 2006, violence erupted, and the police ordered dispersal. While most attendees left without consequences, Pentikäinen remained within the police cordon, asserting his journalistic role.

PENTIKAINEN V FINLAND: FACTS

Despite warnings, he refused to leave, leading to his arrest alongside other protesters. Pentikäinen claimed he identified himself as a journalist during the arrest, but the police denied hearing this. He was detained for 17.5 hours. In 2007, Helsinki prosecutors charged him with disobeying a lawful order. Although the District Court found him guilty, it imposed no penalty, considering his actions “excusable.” Appeals to higher Finnish courts were unsuccessful.

PENTIKAINEN V FINLAND: JUDGMENT

The Grand Chamber delivered a majority judgment (thirteen votes to four). The Court first stated that

“[e]ven if the impugned measures were not aimed at the applicant as a journalist but were the consequence of his failure to comply with police orders to disperse, addressed to all those present in the cordoned-off area, his exercise of his journalistic functions had been adversely affected. . .” [para. 83]

The Grand Chamber then held that the main issue was compliance with police orders.

It found it highly relevant that all other journalists except Pentikäinen had obeyed the police orders and left the area and that he had given the opportunity to leave without any consequences at any time.

The Grand Chamber also considered that the police did not confiscate his camera equipment and memory cards during the demonstration, but only during the apprehension process in accordance with normal procedures.

The Grand Chamber noted that his arrest was made pursuant to a law and his conviction did not have adverse material consequences for him as no penalty was imposed and the conviction was not entered into his criminal record.

It concluded that “the authorities did not deliberately prevent or hinder the media from covering the demonstration in an attempt to conceal from public gaze the actions of the police with respect to the demonstration in general or to individual protesters.”
[para. 114]

Accordingly, the Grand Chamber ruled that the interference with Pentikäine's right to freedom of expression was "necessary in a democratic society" and did not amount to a violation of Article 10 of the European Convention on Human Rights.

Key considerations:

- ▶ when is an order to disperse justifiable, proportionate, lawful?
- ▶ when is requiring a journalist to leave necessary and proportionate?

SELMANI V. FYROM: FACTS

On 24 December 2012, during a contentious parliamentary debate in Macedonia over the 2013 Budget Act, journalists reporting from the Parliament gallery were forcibly removed by security officers. This occurred amidst protests outside and escalating tensions inside the Chamber, as opposition members disrupted proceedings. The journalists resisted removal, arguing it impeded public access to information about the significant political event. They were redirected to follow the session via live broadcast in the press room or online.

SELMANI V. FYROM: FACTS

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SELMANI V. FYROM: JUDGMENT

The Court held that it had not been demonstrated that it was necessary or justified to remove the applicants from the Parliament gallery. In particular, there was no indication that there had been any danger from the protests which had taken place outside the Parliament building on the day of the incident, from the applicants themselves (who had neither contributed to nor participated in the disturbance in the chamber) or from the MPs who had been at the origin of the disorder. Nor was the Court convinced that the applicants had effectively been able to view the ongoing removal of the MPs, a matter which had been of legitimate public concern.

The removal of the journalists therefore violated their right to freedom of expression.

BUTKEVICH V. RUSSIA: FACTS

This case involves Ukrainian journalist Maksim Butkevich, who was arrested in St. Petersburg, Russia, on 16 July 2006 while photographing an anti-globalisation protest during the G8 summit. Although Butkevich claimed he was not participating in the protest and presented his press credentials, the Russian police alleged he disobeyed orders to stop his “unlawful actions” and to enter a police vehicle voluntarily. He was forcibly detained and charged with participating in an unauthorised demonstration and disobeying lawful police orders.

At a trial later that day, Butkevich was convicted based on police reports and sentenced to three days’ detention, later reduced to two days on appeal. Butkevich argued that the authorities disregarded his status as a journalist and failed to recognise his right to seek and report information. He brought his case to the European Court of Human Rights.

BUTKEVICH V. RUSSIA: JUDGMENT

The Court found in particular that neither the domestic courts nor the Russian Government had justified Mr Butkevich's arrest or a six-hour delay in releasing him on 18 July 2006. Furthermore, the proceedings in which he had been convicted were in breach of the requirement of objective impartiality on account of the lack of the prosecuting party at the court hearing on his case. Those proceedings were also unfair because the police officers who had arrested him and produced the pre-trial reports on which his conviction had been based were not questioned during that hearing.

The Court found furthermore that the domestic decisions had not weighed in the balance Mr Butkevich's right to freedom of expression against the prevention of disorder, ignoring his argument that he had been acting as a journalist and not examining adequately whether the demonstration had been peaceful or not.

RECOMMENDATION (2016)4

When policing protests or other situations of unrest where media are likely to be present, police should:

- ▶ respect the role of journalists and other media actors covering demonstrations and other events. Press or union cards, relevant accreditation and journalistic insignia should be accepted by State authorities as journalistic credentials
- ▶ where it is not possible for journalists or other media actors to produce professional documentation, every possible effort should be made by State authorities to ascertain their status.
- ▶ Dialogue between State authorities and journalists' organisations is moreover encouraged in order to avoid friction or clashes between police and members of the media. (par. 14)

PRESS CARD / CREDENTIALS / INSIGNIA

- ▶ a lack of official documentation should not be used as a pretext to restrict journalistic activity
- ▶ there may be times when it is not safe for a journalist to display their credentials visibly, especially during protests when the anger of participants is directed at the media
- ▶ law enforcement officials should make reasonable efforts to verify their status rather than obstruct their work, through journalistic organisations, professional associations, or media outlets

EXAMPLES OF NATIONAL PRACTICES

- ▶ UK: [National Action Plan for the Safety of Journalists](#); Public Order training for police officers expanded to prevent the unlawful arrest of journalists covering news events. There are frequent meetings.
- ▶ France: the [National plan for the maintenance of order \(SNMO\)](#) facilitates journalists reporting on protests. Press pass, or letter from employer, accepted as means of identification.
- ▶ Netherlands: Special protocols during protests and other incidents; journalists can contact the operational commander of the unit that polices a demonstration so the police know that media are present.

EXAMPLES OF NATIONAL PRACTICES (CONTINUED)

- ▶ Spain: standard protocols for conduct during protests and demonstrations “collaboration agreement with journalists unions and interior ministry - primary objective is to facilitate the work of media professionals, particularly during events or in locations where situations of risk or conflict may arise.”
- ▶ Croatia: [Cooperation Agreement](#) between the Republic of Croatia and the Ministry of the Interior affairs and the Croatian Journalists’ Association and the Union of Croatian Journalists, covering police handling of incidents of violence against media and procedures and responsibilities to ensure safe media coverage of public gatherings
- ▶ Austria: [police protocols to facilitate journalists’ work](#) during public events and police operations, while ensuring safety and maintaining order

BUILDING SAFETY PARTNERSHIPS BETWEEN POLICE AND MEDIA: THE NETHERLANDS CASE STUDY

THE NETHERLANDS: PERSVEILIG (PRESS SAFE)

[HTTPS://PERSVEILIG.NL/ABOUT-US](https://persveilig.nl/about-us)

PERSVEILIG

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Trainingen

Nieuws

Over PersVeilig

English

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About Persveilig

The media sector, the police and the Prosecutors Office took steps in 2019 against violence and aggression against journalists. This resulted in the platform PersVeilig. With PersVeilig the various parties aim to reduce threat, violence and aggression against journalists and people in the media. The parties involved all signed a Press Safety Protocol for the purpose of this goal. The media has drawn up a collective norm. This means that journalists always file a complaint by the police when something happens within the norm. The parties involved within PersVeilig underline the importance of this collective norm to make it known that such behavior is not accepted and action will be taken...

Joint initiative of the Dutch Journalism Association, Editors-in-Chief of national media, the Police and the Public Prosecution, and led by a steering committee consisting of all these stakeholders

Aims to strengthen the position of journalists against violence and aggression on the street, online (social media) and in legal claims

History:

2017: Investigation by the National Ombudsman of the Netherlands:

- ▶ 61% of journalists experienced violence or threats
- ▶ 79% experienced threats in the execution of their jobs

2019 : Introduction of Persveiligw

2020-2024

2020: National Coordinator for Counterterrorism and Security flags up an extreme and radical undercurrent in relation to attacks on journalists

2021-2024: strong polarisation in society as a result of COVID, migration, war in Ukraine, Israel-Palestine conflict, etc.

Result: increase in attacks on journalists (not related to Persveilig introduction, but Persveilig means police and others are well-placed to deal with the increase in attacks)

THE NETHERLANDS: PERSVEILIG (PRESS SAFE)

[HTTPS://PERSVEILIG.NL/ABOUT-US](https://persveilig.nl/about-us)

- ▶ Press safety protocol PersVeilig
- ▶ Collective norm PersVeilig
- ▶ Security Plan Dutch Media

PERSVEILIG PROTOCOL

- ▶ media sector, the police and the Public Prosecution Service are taking steps against violence and aggression against journalists

Employers:

Employers in the media sector are responsible for the safety, health and well-being of the journalists working for them. This means that employers ensure sufficient preparation time and preventive measures, such as effective training, for any form of reporting or publication that may involve risks. For this purpose, a training budget is included in the collective labor agreement, which is earmarked for this purpose. In addition, the employer ensures that the company itself is also prepared for threats.

PERSVEILIG PROTOCOL

Employers:

In case of safety incidents, the employer stands with the employee or contractor. Full support is required. The experiences can be traumatic. The employer provides psychosocial assistance.

The employer makes a declaration instead of the journalist. After unpleasant events, this may be part of the employer's duty of care. In addition, the address of the employer is then included in the declaration, which offers extra protection to the journalist.

PERSVEILIG PROTOCOL

Journalists:

Journalists employed or with a regular client in the media sector attend training courses that the employer offers and will act in accordance with the responsibilities set out in the Dutch Media Security Plan. For freelancers without a client, training courses will be offered by or via PersVeilig.

For journalists, it is of the utmost importance that all incidents are reported to the employer and to the PersVeilig helpdesk. The employer then has the responsibility to support the journalist in the next steps. For freelancers, they report incidents to their regular client. Freelancers without a client can go to the PersVeilig helpdesk.

PERSVEILIG PROTOCOL

Law enforcement:

Journalists have been given a preferential position with the police. This means that police and the Public Prosecution Service give high priority to the investigation and prosecution of the suspects of aggression and violence against journalists. Journalists have been given the same legal status as employees with a public function (such as police officers, firefighters, teachers, paramedics, etc.). The preferential position only applies if the offense is related to the performance of the position of journalist.

Violence and aggression against the journalist as a private person does not lead to a preferential position, unless a threat occurs in the private sphere with the aim of having the journalist report differently than he would under normal circumstances.

PERSVEILIG PROTOCOL

Police have committed to, amongst others:

- ▶ Reports of aggression and / or violence against journalists receive immediate follow-up.
- ▶ If it appears that aggression and / or violence against a journalist extends to the private sphere, then the declarant and / or employer is advised about measures to be taken.
- ▶ Employers can report aggression and violence against their employees.
- ▶ The employer's address can be specified as the home address.
- ▶ Police optimally inform the injured party and support the recovery of damages.
- ▶ Each police regio (10) have a contact officer who is available 24/7
- ▶ Internal instructions on how to safeguard the freedom and rights of journalists

PERSVEILIG PROTOCOL

Prosecution have committed to, amongst others:

- ▶ High priority to the prosecution of aggression and violence against journalists
- ▶ Demand 200% 'normal' penalty
- ▶ Public Prosecution Service optimally informs the injured party and supports the recovery of the damage from the perpetrator

Collective norm media sector

The media sector agrees that PersVeilig is always notified of behaviors that are perceived as threatening and intimidating in relation to journalistic work. This is necessary to stay up to date with regard to threats.

The media sector also agrees with the collective norm below. The police and the Public Prosecution Service support this standard and, in the event of a violation of the collective standard, will act in accordance with the agreements in the PersVeilig protocol .

A declaration is always made in the following cases. This is the collective norm of the media sector:

- Threat (for example, verbally, via a threatening letter, via social media or via sources, unless the journalist decides for ethical reasons that no declaration must be made (disclosing sources, for example)
- Physical violence (if there is injury and / or damage)
- Sexual violence (rape , assault, attack , etc.)
- Discrimination (based on skin color, religion, gender, sexual orientation or preference)
- Stalking / systematic intimidation (whether or not via social media)
- Theft
- Destruction

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- ▶ Destruction of property

Threat

- With open violence
- With any crime that may endanger the general safety or health of persons or cause a general danger to property.
- With rape / actual assault of honor
- Targeted against life with any crime
- With hostage, severe mistreatment, arson or terrorism
- Via social media. The threat must be direct, not 'wishful thinking'. Since the wording of the threat is very close, it must be considered at a time whether it is punishable.

Physical violence

- Pushing, pulling, grabbing is punishable under certain circumstances if it causes pain or causes injury
- Beating if there is pain or injury
- Kicking if there is pain or injury
- Injured if it happens intentionally

Sexual violence

- Rape
- Sexual assault, grinding, squeezing, etc. if it involves sexual acts

Discrimination

- By sex, skin color, religious beliefs and sexual orientation or preference if it is offensive

Stalking / systematic intimidation

- If there is systematicity. Therefore keep all the evidence to prove this

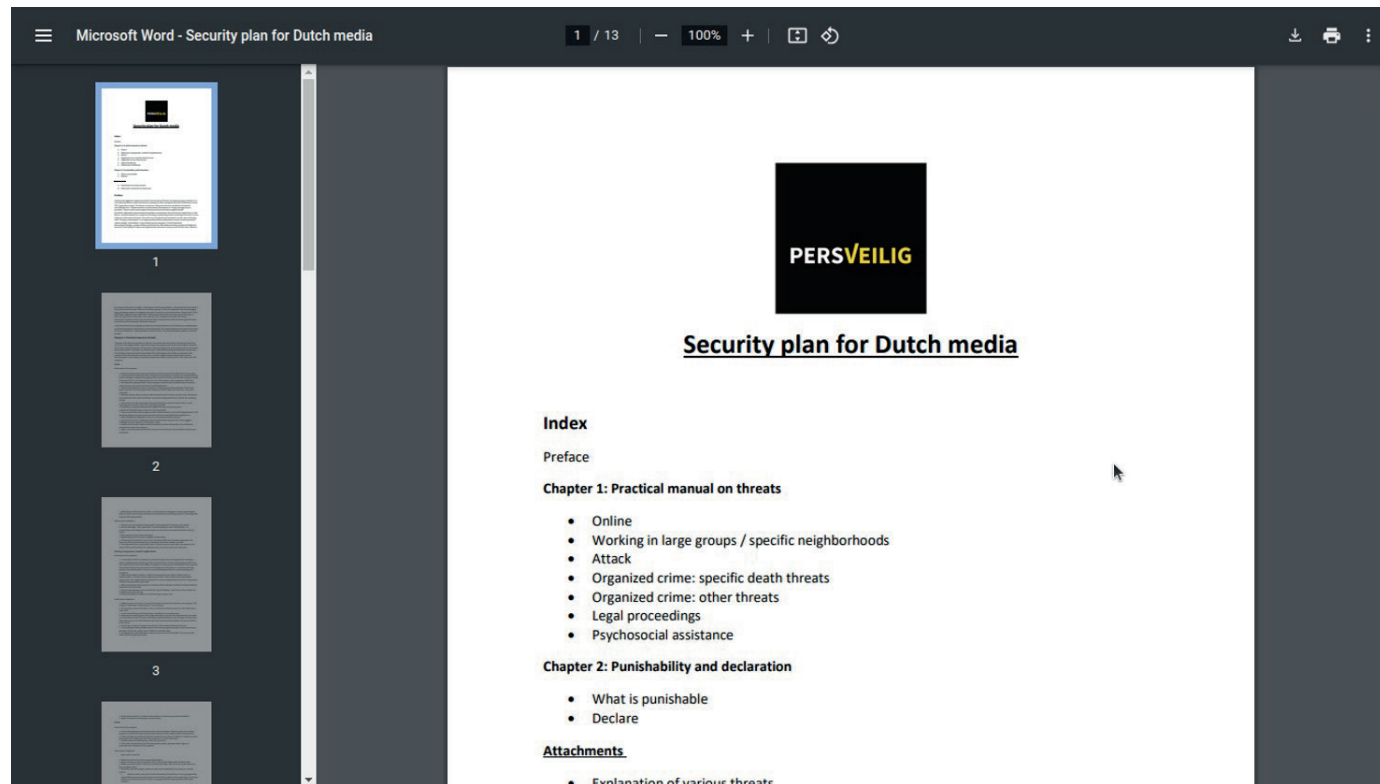
Theft

- Punishable at all times. Also applies to robbery.

Destruction

- Punishable at all times. This also includes damaging or rendering unusable equipment or other journalistic aids.

<https://a.storyblok.com/f/285119/x/5ae829586f/security-plan.pdf>





**Council of Europe,
Cooperation on Freedom of Expression
Contact: foe.cooperation@coe.int**

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