

HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT

# *HELP course on* **SAFETY OF JOURNALISTS**

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# Freedom of expression

- ❖ right to form, hold and express opinions without interference
- ❖ freedom of information
- ❖ media freedom

is the cornerstone of democracy

- ❖ enables making informed choices
- ❖ active participation in democratic processes
- ❖ public scrutiny over those in power
- ❖ debate on matters of public interest

60 YEARS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

## FREEDOM OF EXPRESSION



You have **the right**  
to **responsibly say**  
and **write** what you **think**  
and to **give** and **receive**  
**information from others.**  
This includes freedom of the press.



# PROTECTION & SAFETY OF JOURNALISTS

## MODULE 1: KEY PRINCIPLES AND STANDARDS

**START**

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## Journalists and other media actors: specific journalistic freedoms & favourable environment

### SPECIFIC JOURNALISTIC FREEDOMS

In light of the important roles of journalists and the media in democratic society, the Court has recognised that they should enjoy specific freedoms such as to:

Select, edit and present information and ideas in whatever way they like

Have recourse to exaggeration and provocation

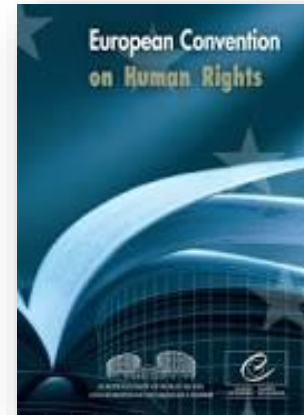
Be able to protect the identity of confidential sources

Be protected against physical violence and intimidation

Report and comment on matters of public interest

Be protected against search and seizure

Click each circle for a case summary.



### THE OTHER MEDIA ACTORS

The European Court of Human Rights has progressively recognized the valuable contributions to public debate by specific actors, such as:

Civil society organisations / NGOs

Whistle-blowers

Citizen journalists



Individuals

Academics

Bloggers

Click on each circle to find out more.

*The protection of journalism as a public good and the safety of journalists and other media actors is a pre-requisite for every democratic society.*



# PROTECTION & SAFETY OF JOURNALISTS

## MODULE 2 : THREATS TO JOURNALISM

**START**

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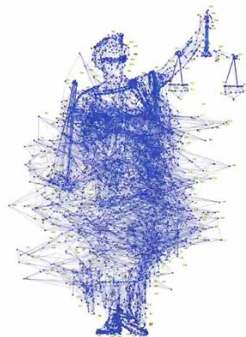
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## Threats to journalism and effects of threats

- *Physical & psychologic threats*
- *Legal threats*
- *Economic threats*
- *Digital threats*

**Threats affect how journalists work, which stories they decide to report and how they report on them**



*Ultimately, threats can:*

- *Lead to self-censorship*
- *Cause a chilling effect*
- *Have a serious psychological impact*



## Responses to threats: URGENT NEED FOR STRENGTHENED PROTECTION

### Obligations of States:

- Negative obligation to refrain from violating human rights
- Positive obligation to protect human rights and to create a favourable environment:

**These measures need to be accompanied by a strong political will to support the journalistic community and their work**

- *take legal, administrative and practical measures aiming to ensure the safety and security of journalists and other media actors*
- *ensure strict adherence to international standards*
- *condemn threats and violence against journalists and other media actors*





# PROTECTION & SAFETY OF JOURNALISTS

## MODULE 3: LEGAL FRAMEWORKS AND TOOLS AND MECHANISMS

**START**

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## Applicable legal frameworks



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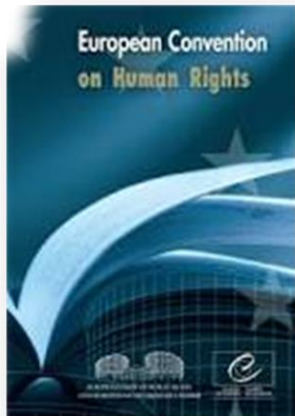


THE UNITED  
NATIONS



THE EUROPEAN  
UNION

A first step towards securing the safety of journalists is to put in place and effectively implement a system of legal and political standards



## THE COUNCIL OF EUROPE

Key rights for the protection of journalism and safety of journalists and other media actors

Click on the circles to see more.

Article 2  
Right to life

Article 3  
Prohibition of torture

Article 5  
Right to liberty and security

Article 6  
Right to a fair trial

Article 7  
No punishment without law

Article 8  
Right to respect for private and family life

Article 10  
Freedom of expression

Article 11  
Freedom of assembly and association

Article 13  
Right to an effective remedy

Article 18  
Limitation on use of restrictions of rights

## THE COUNCIL OF EUROPE AND THE SAFETY OF JOURNALISTS

Committee of Ministers' Recommendation CM/Rec(2016)4 to member States on the protection of journalism and the safety of journalists and other media actors



CM/  
Rec(2016)4  
- Full text

Journalism  
Journalists  
Other media actors

Prevention



Legislative framework, independent and substantive periodic review of laws and practices

Protection



Law enforcement, redress mechanisms, gender-specificity, safety trainings, digital security

Prosecution



General requirements (prosecutions and investigations), impunity

Promotion



Information, education and awareness-raising

Implementation







# PROTECTION & SAFETY OF JOURNALISTS

## MODULE 4: PHYSICAL AND PSYCHOLOGICAL INTEGRITY

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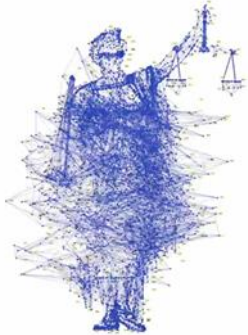
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*This module deepens the insights into States' positive obligations to protect journalists and other media actors and to investigate and prosecute for crimes against them.*



States' positive obligations do not exist in a vacuum. How States fulfil their obligations, and how effectively they do so, can depend on, or be shaped by, relationships and interaction with other stakeholders, such as associations of journalists and the media. **Communication, cooperation and coordination between State and non-State actors is therefore very important.**

## CYBER- BULLYING OF WOMEN JOURNALISTS



**Every 30 seconds women journalists are sent abusive or problematic tweets.**

*It also provides a closer look at threats and attacks targeting women journalists and their scale, seriousness and specificity.*





# PROTECTION & SAFETY OF JOURNALISTS

## MODULE 5: JOURNALISM IN ACTION

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Click on the icons to explore the content of each chapter



Newsgathering



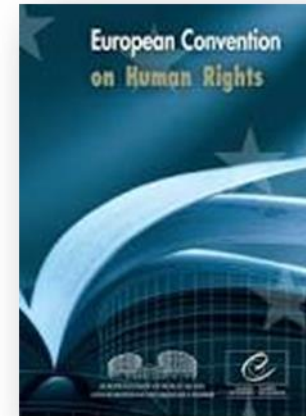
Publication



Journalism on Trial



Law-enforcement agencies and journalists



*The module discusses, among others:*

- ✓ *The time-critical nature of reporting*
- ✓ *facts v. value judgments*
- ✓ *privacy v. freedom of expression*
- ✓ *vexatious litigations*
- ✓ *sanctions in cases allegedly by/against journalists*

*"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 UK, para. 49*



