

Appendix

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

<i>Question</i>	<i>State reply</i>
Political commitment/strategy	
Has the Government expressed (e.g. through a declaration or other document/statement) political commitment on the issue of safety of journalists and other media actors, highlighting the important role of journalists in a democratic society?	
Has the Government developed and adopted a dedicated national action plan/strategy on the safety of journalists, setting a comprehensive and effective programme of activity, with urgency-based priorities and adequate resources for their implementation?	
Protection	
Early-warning, rapid response mechanisms and protection measures to ensure the safety of journalists (paragraphs 8 – 10 of the Recommendation)	
Are there any interim protective measures available to journalists and other media actors in case of threats of violence? If so:	
➤ What are the procedures in place to apply for such injunctive and precautionary forms of interim protection?	
➤ Are there any fees levied against the applicant?	
➤ What is the delay between the issue of the order and when it takes effect?	
➤ What legal sanctions (criminal/other) can be imposed in case of breach of these orders?	
➤ Can interim protective measures be obtained by the alleged victim regardless of whether s/he chooses to bring legal proceedings?	
➤ Are there any practical examples of interim protection orders issued to protect journalists and other media actors?	
Have hotlines, online platforms or 24-hour emergency contact points been established to ensure that journalists and other media actors	

have immediate access to protective measures when they are threatened? If so:	
➤ Are these run by media organisations, civil society or the State?	
➤ Do they operate round the clock?	
➤ If they are run by the State:	
○ Is meaningful civil society oversight ensured?	
○ Is confidentiality or anonymity of the victim ensured?	
➤ What is the annual number of calls made by journalists and other media actors?	
Have the authorities designed any coordination mechanism in order to reply swiftly to alerts on the Council of Europe Platform which concern the member State? If so, how does this coordination mechanism function?	
In cases in which journalists or other media actors' lives or physical integrity are at real and immediate risk, must law enforcement authorities carry out an individual risk assessment in order to identify specific protection needs of victims? Is this provided by statute? If so:	
➤ How does it function?	
In the case of a real and immediate risk to the life or physical integrity of journalists and other media actors, what type of police protection is provided? Under which provisions?	
➤ Is voluntary evacuation to a safe place provided and, if so, under what provisions and procedure, i.e.:	
○ which authority issues the decision?	
○ what is the delay between the issue of the order and when it becomes operational?	
○ has voluntary evacuation ever been used for journalists and other media actors?	
➤ Do these measures have a gender sensitive perspective (taking into consideration the gender-specific dangers faced by female journalists and other female media actors)?	
Has any comprehensive national protection mechanism for journalists and other media	

actors ¹⁴¹ been set up in your State? If so, how does it function:	
➤ Who are the beneficiaries?	
➤ Is an assessment of the lethality of the risk carried out?	
➤ What kind of protection measures can it provide?	
If police protection is provided to journalists and other media actors at risk of violence, is the relevant personnel trained in human rights standards and on gender-specific violence?	
Training on the protection of journalists (paragraph 12 of the Guidelines)	
Have any protocols or training programmes been developed for state authorities, such as judges, prosecutors, law enforcement officials touching on the safety of journalists and other media actors? If so: <i>[Please provide a separate answer for each category: judges, prosecutors, law enforcement officials]</i>	
➤ How many such professionals have been trained per year?	
➤ Does such training include awareness-raising on the important role played by journalists and other media actors in a democratic society?	
➤ Does the training bring attention to a potential link between violence/threats against journalists and other media actors and journalists' professional activities, to be taken into account during investigation?	
➤ Does it address the role of journalists and other media actors when covering public demonstrations, reporting from conflict zones or during the state of emergency?	

¹⁴¹ National protection/safety mechanisms have been set up by a few non-Council of Europe States with a capacity to provide physical protection and with the participation of both law enforcement authorities and members of civil society and the media (e.g., the Colombian and Mexican examples are provided in the Implementation Guide). These mechanisms generally serve journalists working on high risk matters such as corruption and organised crime and cover cases of attacks and attempted attacks, as well as credible threats. The mechanism should ideally, upon receipt of a threats report from journalists, carry out an assessment of the lethality of the risk, the seriousness of the situation in order to devise a security plan and provide when needed protection to journalists and other media actors. It should ensure that victims are provided with information on the different types of support services and legal measures available to them. Following any determination that an individual needs protection, the mechanism should be able to provide material measures of protection and an exit strategy providing when support to journalist should cease should also be envisaged.

➤ Does it highlight that threats and harassment online that amount to criminal offenses must be persecuted and treated like offline offenses?	
○ In this case, does it explain how to investigate threats and other criminal offenses that take place online?	
○ Does it stress that threats to life and physical integrity, including rape threats, should be prioritised for prosecution?	
➤ Does the training provided to judges focus also on prevention of arbitrary application of restrictive legislation such as defamation, anti-terrorism, national security, public order, hate speech, blasphemy and memory?	
Discriminatory or arbitrary application of legislation or sanctions to silence journalists and other media actors (paragraph 13 of the Guidelines)	
Are there legislative and/or other measures to prevent abuse of law and legal process (i.e. frivolous, vexatious or malicious use of the judicial process) to intimidate and silence journalists and other media actors?	
➤ Are there any rules and standards in place regarding criminal and civil liability in order to prevent libel tourism?	
➤ Is there anti-SLAPP legislation in force?	
➤ Are legal aid schemes available to journalists in order to ensure that they have a reasonable opportunity to present their case?	
Has any review of defamation, anti-terrorism, national security, public order, hate speech, blasphemy and memory laws been carried out to ensure that key terms and concepts are defined with sufficient precision to avoid abuse and that these laws have freedom of expression safeguards?	
If review of defamation legislation has been carried out, has it looked at and addressed the following issues:	
➤ Are the sanctions provided under the law are proportionate?	
➤ Are prison sentences are provided for as a sanction? And if yes, is their application represent and exceptional measure only where human rights are seriously impaired?	

➤ Do defamation laws provide for increased protection for public figures and for heads of State/monarchs?	
➤ Does legislation contain freedom of expression safeguards, including truth/public-interest/fair comment defences?	
➤ Is a range of civil remedies (such as apologies or correction orders) available as alternatives to damages? Are fast-track or low-cost measures available?	
➤ Are extra-judicial bodies, such as press councils, encouraged to provide a proportionate response to defamation?	
The role of journalists and other media actors covering demonstrations and other events (paragraph 14 of the Guidelines)	
Are there established channels of communication between journalists' organisations, security forces and prosecutors in order to ensure understanding and good working relations? If so:	
➤ How regular is communication via these channels? Are dedicated meetings / exchanges organised ahead of major events such as elections, protests, sports matches?	
➤ Have focal points been designated in order to ensure smooth communication between law enforcement, the media and prosecutors?	
➤ Are there any guidelines in place for law enforcement officials, setting out the rights of members of the media in situations of potential frictions (such as demonstrations) and providing rules on media identification? and,	
○ If so, do these guidelines specify that where journalists and other media actors are not able to provide documentation showing their status, law enforcement authorities should endeavour to verify it by other means?	
Hostility and undermining of journalists by public authorities (paragraph 15 of the Guidelines)	
Do State officials publicly condemn all instances of threats and violence against journalists and other media actors, and if so, what examples can be given thereof?	
Prosecution and Impunity	

Requirements for an effective investigation and operational requirements to stem impunity (paragraphs 17-22 and 24 of the Guidelines)	
Have any specific arrangements been made, including the setting up of a specialised prosecutor's office, for the prosecution of attacks against the physical integrity of journalists and other media actors or other crimes against freedom of expression?	
Are investigations into threats/violence against journalists carried out by specialised, designated units of law enforcement authorities established for this purpose? If so, have they been trained in international human rights norms and safeguards?	
Have specific protocols / methodological guidance for law enforcement / prosecutors been developed in relation to criminal investigations of crimes committed against journalists to ensure that investigations into such crimes are conducted effectively, promptly, thoroughly, independently and impartially?	
➤ If so, what does such protocols / methodological guidance prescribe to law enforcement and prosecutors?	
How does the State ensure the independence and impartiality of investigation authorities, i.e. that any official or institution implicated in any way with the case is excluded from the investigation?	
➤ Are there independent police complaints bodies?	
➤ How do they function?	
Does the State collect statistics on the number of: <ul style="list-style-type: none"> - complaints reported, - investigations opened, - prosecutions, - and convictions related to, threats, attacks against and killings of journalists and other media actors?	
➤ If so, is such data disaggregated also on the basis gender?	
Are there any examples of successful prosecutions for violence and intimidation of journalists against the full chain of actors,	

including instigators / masterminds and perpetrators?	
Are crimes committed by State agents against journalists or other media actors involving ill-treatment time-barred?	
Does your legal system provide for aggravated penalties in relation to public officials who, by neglect, complicity or design act in a way that prevents or obstructs the investigation, prosecution or punishment of those responsible for these crimes?	
Does your legal system recognise crimes against freedom of expression either as a separate category of crimes or as an aggravated circumstance leading to heavier penalties?	
Does your legal system provide that amnesties and pardons for attacks / killings of journalists and other media actors should be applied only on an exceptional basis?	
Remedies available to journalists and next of kin (paragraph 23 of the Guidelines)	
What are the types of services / remedies / support offered by the State to journalists and other media actors (and, where applicable, their families) who have been victims of violence, before, during and after the criminal proceedings?	
Has the State introduced measures to support and compensate families of murdered journalists? If so, are these measures ensured in the budget?	
Inquiries into impunity by independent specialised bodies (paragraph 25 of the Guidelines)	
Are there any non-judicial mechanisms such as parliamentary or other public inquiries, ombudspersons and or independent commissions to complement judicial remedies in cases of killings of, attacks on and ill-treatment of journalists and other media actors? If so:	
➤ What type of inquiries do they carry out and what kind of remedies can they issue?	
➤ Do they involve the participation of media and or civil society?	
➤ How many such inquiries have been carried out?	