



# SAFETY OF JOURNALISTS

*In many countries journalists and other media actors are facing censorship, political and economic pressure, intimidation, job insecurity, abusive use of defamation laws as well as physical attacks. These offences are often committed in a context of impunity, which has a chilling effect on media freedom. The Council of Europe advocates an enabling environment where journalists can fully exercise their public watchdog function.*

Brief overview of the latest Council of Europe guidelines and activities to promote the safety of journalists

Thematic  
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## Addressing challenges

The situation of journalists remains high on the Council of Europe's agenda, with a range of bodies, committees and other entities taking action to address growing threats, stem impunity for attacks on journalists and foster a safe and enabling environment for the exercise of the profession.

The **European Court of Human Rights (ECHR)** has emphasised that States have a positive obligation to establish a sound legal framework for journalists and other media actors to work safely. The Court's case-law sets important landmarks regarding effective investigation of attacks on journalists, protection of journalistic sources, the right of newsgathering and other relevant subjects.

The **Council of Europe Secretary General's** annual report on "State of Democracy, Human Rights and the Rule of Law" assesses the current level of protection of journalists and other media actors in member States according to specific criteria, identifies trends and provides recommendations.

Since 2015, the **Platform for the Protection of Journalism and Safety of Journalists** serves to facilitate the compilation, processing and dissemination of information on serious concerns about media freedom and safety of journalists in Council of Europe member States. Alerts are posted by contributing partners - international NGOs and associations of journalists - and can be replied to by the States concerned.

The **Parliamentary Assembly of the Council of Europe** consistently follows the situation of journalists. In January 2020, based on the report on "Report Threats to media freedom and journalists' security in Europe", it adopted a Resolution and Recommendation under the same title calling on member States to review their legislation, set up national mechanisms and take other holistic measures to ensure journalists' safety.

## Identifying and analysing risks

A number of studies and reports have been commissioned by the Council of Europe to shed light on particular aspects of journalists' safety.

The 2015 study "**Journalism at Risk**" provided a mapping of pressing challenges to a favourable environment for journalism, as well as of the gaps in and the potential of the existing protection mechanisms.

Conducted among 940 journalists and other news providers in the 47 Council of Europe member States and Belarus, the 2017 study "**Journalists under pressure**" assessed the prevalence and impact of unwarranted interference on journalists, providing valuable statistics. Its respondents have indicated high levels of unwarranted interference and self-censorship resulting from the fear of its recurrence.

The continuation of this research is the 2020 study "**The mission to inform**". It takes a closer look at the various dimensions and types of interference, as well as at journalists' strategies to overcome pressure and fear and to continue playing their 'public watchdog' role. Based on in-depth interviews with 20 journalists from 18 different countries, including the last interview Daphne Caruana Galizia ever gave, it provides insights about essential safeguards in law and

practice that need to be put in place for journalists to fulfil their mission to inform.

The "**Freedom of Expression and Defamation**" review (2016) examines the ECHR case law distinguishing principles that provide guidance to member States on preventing abuse of defamation legislation to stifle critical voices. The 2019 study "**Liability and jurisdictional issues in online defamation cases**" examines factors in law and practice that are conducive to 'libel tourism' (forum shopping in defamation cases) and provides a set of recommendations for its prevention.

## Enhancing standards

In 2016 the **Committee of Ministers of the Council of Europe** adopted a **Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors**, which remains a landmark standard setting document in this domain. The Recommendation provides specific **Guidelines to member States** in the areas of prevention, protection, prosecution, promotion of information, education and awareness rising.

For a more strategic and systematic implementation of Recommendation CM/Rec(2016)4, in 2018 the Council of Europe Steering Committee on Media and Information Society (CDMSI) approved an **Implementation Strategy**, encompassing a number of priority actions, including development of an Implementation Guide to the Recommendation.

The **Implementation guide "How to protect journalists and other media actors?"**, published in 2020, is informed by practices developed in member States to enhance the protection of journalists and contains concrete suggestions for implementation of the Recommendation CM/Rec(2016)4, with a view to removing the issue of safety and impunity from the realm of mere theory and projecting it into actionable measures. The Implementation guide also exists as an **online user-friendly version**, supplemented by statistical materials, video tutorials and interviews.

Ministers responsible for Media and Information Society in a specialised conference will focus on the responsibility of states to act to effectively prevent, investigate and sanction threats and attacks against journalists' safety and on the urgency of political engagement to match the urgency of the situation. The **Ministerial Conference (10-11 June 2021 in Nicosia, Cyprus)** is expected to result in the adoption of outcome documents that will, among others, address this important subject.

## Building capacity in member States

Over the past decade, the Council of Europe **Cooperation Programme** has been implemented in over 20 projects in member States and partner countries promoting media freedom, including various aspects of journalist's safety. Targeted activities include seminars and training sessions for law enforcement and judicial authorities on protection of journalists, methodological recommendations for police on dealing with situations involving journalistic activities and legal support for journalists, victims of abuse.

A new free online **HELP course on "Protection and Safety of Journalists"** aims at assisting legal and other professionals, as well as university students, in understanding the European standards concerning safety of journalists and effectively applying them at the national level.