

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)