

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