



Strasbourg, 18 November 2019

EPAS(2019)70

Enlarged Partial Agreement on Sport (EPAS)

Round table on Sport and Media Freedom

Summary of the debate

Wednesday 5 June 2019

18:45 – 19:45

Lieu d'Europe

8 rue Boecklin, F-67000 Strasbourg

Introduction

Sport is practised by billions of people. It benefits from universal media coverage and contributes to a significant portion of the global economy. The media – in particular contracted rights-holding commercial partners to sport with an ‘entertainment role and focus’ – are a key link in sport economy as they connect sports competitions with the public at large. The media sector comprising non-rights holding independent news media have the twin role of providing news witness accounts in-stadia and, more widely, reports on positive and negative aspects of sport. Within the sport media sector investigative journalists are even a major vector for revealing misbehaviour and scandals that may affect sportsmen and women and sports organisations. The media are therefore in the ambivalent position of being the fuel needed to drive the economy of sport¹ and a potential threat to the reputation of sports, and beyond that, of entire nations.

The impact of this stained context hanging over the freedom of the media and the right of the public to access unbiased information was discussed during this round table, organised by the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe, on the occasion of the annual meeting of its Governing Board and Consultative Committee.

Recently, the general topic of human rights in sport has rightly jumped to the top of the political agenda when it comes to sports policies. The 15th Council of Europe Conference of Ministers responsible for Sport, which was held in October 2018 in Tbilisi (Georgia), asked EPAS to study, in partnership with relevant intergovernmental and monitoring bodies, issues of concern for the safeguard of human rights and freedoms at national and international levels, and where appropriate, in dialogue with the sports movement.

The Council of Europe, as the European-wide leading human rights watchdog, has a number of bodies and institutions that can cast a light on this issue:

- EPAS, which promotes intergovernmental co-operation on sports policies and dialogue with sports organisations;
- the Steering Committee on Media and Information Society (CDMSI), which works on policy issues related to the media and the information society from a human rights perspective;
- the European Audiovisual Observatory, which was set up to collect, analyse and provide data about the audio-visual industry in Europe and thus promotes transparency about the ways in which audio-visual industries in Europe function, both from an economic and legal point of view;
- the platform to promote the protection of journalism and safety of journalists, which monitors developments and threats affecting the freedom of media in real time, and
- all the general human rights monitoring bodies, which assess the respect of freedom of expression and, consequently, freedom of the media. Among these mechanisms is

¹ Commercial media rights partners (such as TV broadcasters) evidently generate huge sums for sport on a contractual basis, largely at the time of an event, and those commercial rights values are critical in the staging of those events. The actions of non-rights holding news sector entities do generate – on a non-contracted basis – significant sums throughout an event’s cycle (before, during and after) through news publicity, sponsor visibility and enhanced public interest.

the European Court of Human Rights, whose case law on sport-related issues has developed considerably over recent years.

The topic of sport and press freedom had not yet been explored extensively, and EPAS was delighted to take this opportunity to facilitate an exchange of views on the subject, gathering together several stakeholders.

The event

On 5 June 2019, EPAS organised a round table on media freedom, as a side-event to its annual Governing Board meeting. The round table gathered the following representatives who are journalists, members of the EPAS Consultative Committee and Media freedom experts.

- Jens Weinreich, Investigative Journalist, Germany
- Jean-Paul Savart, Representative of the Union of Sports Journalists in France (UJSF) to the International Association of Sports Press
- Michal Buchel, Vice-Chair of the EPAS Consultative Committee
- Tom Gibson, EU Representative, Committee to Protect Journalists

It was facilitated by Stanislas Frossard, Executive Secretary of EPAS.

Outcomes

In the system of the European Convention on Human Rights, media freedom is derived from Article 10 of the European Convention on Human Rights, which is devoted to freedom of expression and freedom of information. The media hold and exert immense influence on people. Media freedom means the media can produce news and views without being censored or barred by any authority.

Although media freedom is considered essential in democratic societies, all its detailed implications (e.g. access to information, protection of the sources) are not yet clarified in detail by international case-law. However, standards, doctrine and national case-law are highlighting that authorities and organisations should not exercise arbitrary discrimination in the access to information nor in making pressure on journalists, for example:

- in selecting journalists who are deemed suitable to cover their activities (press conferences or sports competitions),
- in preventing journalists from taking pictures or from filming unexpected incidents of public interest that may occur around the game or the contest itself,
- in requesting that journalists pay to access competitions,
- in putting on pressure to influence the tone or the content of press reports,
- in imposing excessive limitations on journalistic content including use and distribution of news entity copyright material or licensing control on core journalist activities,
- etc.

In some cases, sports organisations have voluntarily agreed upon a charter of good practices defining the **media-freedom compliant conditions in which sports journalists should operate**. However, participants at the round table stressed that media freedom does not mean that journalists have every right. For instance, they cannot claim

the right to get answers to their questions, but they should enjoy the freedom to freely ask questions to the relevant stakeholders.

Last but not least, journalists, especially those working on sensitive integrity issues (such as match fixing, doping, corruption) deserve **special protection, as do other investigative journalists**. They are operating in an environment where their work is not welcome due to its potential impact on the image of the concerned sports organisations and due to possible complaisance or event collusion between the authorities, the sports leadership and perpetrators of offences. Since the role of organised crime in sport integrity issues is extensively documented, journalists may therefore be exposed to pressure and violence. The Council of Europe's platform for media freedom and safety of journalists reported 20 cases of harm against physical safety and integrity, detention, imprisonment and harassment or intimidation against sports journalists in the last five years.

The round table highlighted that **media freedom issues are very relevant to sports journalists**. Their rights are often denied. When they are addressed, it is often via codes or practices and the human rights dimension of this issue is often ignored. The task of independent sport journalists to be in the general public's interest is not recognised, and some competition organisers or competitors consider sport journalists as their own public relations agents. Sometimes the journalists themselves are not aware enough of what is at stake when it comes to media freedom in sport. Broadcasters and editors employing journalists are sometimes not even eager to defend media freedom, as they may be tempted to accommodate undue requirements from sports that will then give them a competitive advantage over other media.

Sports organisations, as well as media and journalist representatives, mentioned that they are open-minded to co-operation, as they are committed to the defence of human rights and they consider that putting up barriers to the enjoyment of media freedom is not the best way to convey a positive message on sport.

On the contrary, they consider that respectful dialogue and co-operation with journalists may also help to enhance their ability to put a positive face on the benefits of sports and the laudable measures taken by sports organisations.

Proposals to follow-up

Two concrete proposals were mentioned for possible development between sport journalists' organisations, sports organisations and the Council of Europe:

- The development of voluntarily agreed charters of good conduct in relations with the media could be developed in partnership with sport journalists' organisations, governmental experts, CoE media freedom experts, to be finally adopted by sports organisations on a voluntary basis.
- Awareness-raising initiatives could be taken by sport journalists' organisations to educate journalists on media freedom and to promote good practices, in the light of the threats identified by the CoE and of the case-law of the human rights courts.