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Riga Conference “The pen is mightier than the sword?”

Opening remarks by Dunja Mijatović
Council of Europe Commissioner for Human Rights

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Dear Ministers, Excellencies, Ladies and Gentlemen,

Ensuring the safety of journalists is vital to the resilience of our democracies.

Therefore, as we shine a spotlight on the need to strengthen the safety of journalists today, I warmly welcome and support the launch of a promising campaign aimed at improving this critical situation.

The timeliness of this campaign cannot be overstated. Europe is one of the most favorable continents for press freedom. We have a robust framework supporting media freedom, including the case-law of the European Court of Human Rights and multiple recommendations, like the Committee of Ministers' Recommendation on the protection of journalism.

Still, during my tenure, I have witnessed a worrying decline in the safety of journalists in many European countries.

Physical violence is the most evident symptom.

From the tragic murders of investigative journalists to attacks on media houses, the threat to the lives and safety of media actors remains a grave concern. The conflict in Ukraine has exacerbated this problem, with journalists risking their lives to report on human rights abuses and war crimes. Tragically, several have already paid the ultimate price.

We all know the names of the journalists killed in the line of duty in Europe. It is a long list and they all deserve to be mentioned one by one. Regrettably, justice for their murders remains elusive, as in many other cases.

Their tragic fate is symptomatic of the wider threats against journalists. These threats take many forms, from intimidation and reprisals to police violence during demonstrations and searches of journalists' premises. Numerous journalists across our continent face legal threats, including defamation charges, misuse of anti-terror laws, and other forms of judicial harassment. One of the most insidious threats is the use of Strategic Lawsuits Against Public Participation, or SLAPPs. These coercive tactics, which abuse the legal system, are used by powerful individuals, corporations, or entities to silence critics who speak out on matters of public concern. SLAPPs are not necessarily aimed at winning in court, but at bankrupting, intimidating, and silencing critical voices.

Furthermore, impunity for crimes against journalists remains a serious problem in several member states. Investigations drag on for years and perpetrators often escape justice. This failure of state authorities to fulfil their obligation to conduct effective investigations undermines public confidence in institutions and encourages further attacks on journalists.

This dire situation has serious consequences for democracy itself. When the press is silenced, democracy withers.

The time to act is now. State authorities should turn words into action and uphold the human rights standards they have adopted to ensure the safety of journalists.

International organisations, in particular the Council of Europe, have played a key role in setting standards and monitoring their implementation. Member states must redouble their commitment to these standards and ensure that violations are met with appropriate consequences.

The first priority is to end impunity. Media freedom cannot thrive if perpetrators go unpunished, as this invites further violence. Those responsible for crimes against journalists must be swiftly and impartially investigated.

Preventing and punishing violence against journalists is equally important. While safety cannot be guaranteed in every situation, government authorities can take steps to minimise risks. This includes working with journalists, their employers, trade unions and associations. States should support these bodies and recognise their role in upholding democracy and human rights.

Another pressing concern is to ensure that threatened journalists are protected. Authorities are often aware of these threats but fail to act. Police and law enforcement agencies need to improve their response to threats against journalists, and politicians should actively condemn violence and threats against journalists.

Women journalists, who are increasingly targeted with misogynistic language and violence, require special attention.

The mental health and well-being of journalists and their families should also be an integral part of strategies to enhance media freedom and safety.

Policing of demonstrations needs to be improved to ensure that journalists can report safely and freely without fear of arrest or police violence. For this to happen, law enforcement officials should be trained to work with journalists at public gatherings.

In addition, the adoption of legislation to combat SLAPPs, while preserving plaintiffs' access to justice, should tip the balance in favour of media freedom and freedom of expression. The forthcoming Council of Europe Recommendation on combating SLAPPs has the potential to be a game changer in Europe and set a global example. I invite all member states to use it as the minimum standard to inform their legislation and practice to counter SLAPPs.

It is also important to protect and support independent journalists who have been forced into exile due to oppressive conditions in their home countries. These journalists are vital defenders of democratic values and human rights, and they deserve support and recognition for their essential work.

Crucial allies in the defence of media freedom and safety are National Human Rights Structures, such as Ombudsman institutions and National Human Rights Institutions or Commissions. They monitor compliance with international human rights standards and principles and hold governments and public authorities to account. One example of this is the annual Rule of Law report put together by members of the European Network of NHRIs, which includes information on media freedom and SLAPPs and their relationship with respect for the rule of law. Some National Human Rights Structures have the powers of legislative initiative, enabling them to propose legislation or amendments, or they can challenge laws to strengthen compliance with international human rights standards, including media freedoms and rights. Therefore, states should ensure that these institutions are truly independent, effective and well-resourced to carry out their broad human rights tasks.

All these objectives are achievable with political will - political will that recognises the interconnectedness of the challenges facing media actors and the threats to the democratic fabric of many member states. This requires a comprehensive approach that not only focuses on protecting journalists but also addresses the broader societal and legal issues that contribute to the challenges they face.

Two structural issues require the attention of our member states. First, the marked decline of the rule of law in several countries has weakened the independence of the judiciary and restricted media freedom. Without robust checks and balances, including an independent judiciary and democratic parliamentary oversight, even the most well-drafted legislation and policies to protect the media will fail.

Second, it is essential to address the growing polarisation in society. State authorities must refrain from fueling divisions and distrust of the media. Treating journalists as fair game exacerbates social divisions and fosters a dangerous distrust of the media. This worrying trend that I have observed in several member states has significant implications for democracy. Mistrust of the media can lead citizens to turn to partisan or unreliable sources and spread misinformation. Negative portrayals of media professionals can also lead to self-censorship and threats to their physical safety.

Therefore, public authorities should foster a climate of dialogue and trust with the press, recognising that the media play a vital role in a healthy democracy.

Dear ministers, ladies and gentlemen,

Reaching the conclusion of my intervention, I would like to recall the preamble of the Universal Declaration of Human Rights, the alma mater of all human rights standards, which reads: “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people”.

This aspiration remains relevant today, and media freedom and safety are integral to its realisation.