Committee of Ministers: Declaration on protection of journalism and safety of journalists and other media actors

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On 30 April 2014, the Council of Europe's Committee of Ministers (CM) adopted a Declaration on the protection of journalism and safety of journalists and other media actors. The Declaration's point of departure is the observation that:

"Journalists and other media actors in Europe are increasingly being harassed, intimidated, deprived of their liberty, physically attacked and even killed because of their investigative work, opinions or reporting. These abuses and crimes are often met with insufficient efforts by relevant State authorities to bring the perpetrators to justice, which leads to a culture of impunity" (para. 1).

The Declaration draws attention to the vulnerability of journalists and others performing public-watchdog functions through the media: they are often confronted with operational obstacles as well as threats to their safety and security. Crucially, it stresses that "Attacks against journalists and other media actors constitute particularly serious violations of human rights because they target not only individuals, but deprive others of their right to receive information, thus restricting public debate, which is at the very heart of pluralist democracy" (para. 5).

The Declaration then connects the dots between some of the most relevant emphases in the case-law of the European Court of Human Rights pertaining to the safety of journalists and other media actors. It refers to the expansive nature of the legal protection for journalistic activities (as governed by duties and responsibilities) under Article 10 of the European Convention on Human Rights (ECHR). It also refers to various positive obligations of States, e.g. to: create a favourable environment for inclusive public debate; protect individuals' right to freedom of expression "against the threat of attack, including from private individuals, by putting in place an effective system of protection" (para. 7), and eradicating impunity. It insists that: "All attacks on journalists and other media actors should be vigorously investigated in a timely fashion and the perpetrators prosecuted" (para. 8).

The Declaration recalls that States are required to tackle the sources of chilling effects on free expression and public debate, e.g.: judicial intimidation; arbitrary

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application of the law; restrictions on free access to information; lack of protection of journalists' sources, and the "surveillance of journalists and other media actors, and the tracking of their online activities [...] without the necessary safeguards" (para. 10).

The action-oriented part of the Declaration (para. 11) returns to the point of departure of the Declaration: the need to effectively counter attacks and threats targeting journalists and other media actors. It draws attention to the "specific dangers" faced by female journalists. It urges member states to fulfil relevant positive obligations and to "contribute to the concerted international efforts to enhance the protection of journalists and other media actors", along the lines envisaged by the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

The CM also pledges to "intensify its standard-setting and co-operation activities for the protection of journalism and the safety of journalists and other media actors as a priority and contribute expertise to other international organisations with regard to the particular competence of the Council of Europe". The current prioritisation of these themes in various parts of the Council of Europe is evident. Safety of journalists was the focus of the third Resolution adopted at the Council of Europe Conference of Ministers responsible for Media and Information Society in Belgrade in November 2013 (IRIS 2014-2/3). In December 2013, the CM held a thematic debate on the topic, based on a discussion paper by the Secretary General (SG) of the Council of Europe. In the run-in to the CM debate, the Council of Europe's Steering Committee on Media and Information Society (CDMSI) also devoted attention to the theme. Following the CM debate, the SG drew up a set of proposals for follow-up.

After the adoption of the Declaration, a Round Table on Safety of Journalists ('From commitment to action') was organised by the Council of Europe in May 2014 and an expert committee on protection of journalism and safety of journalists (MSI-JO) is currently drafting a Recommendation with an identical focus to that of the Declaration. As such, the Recommendation, which will be submitted to the CM for adoption in 2015, will complement the Declaration.

The Russian Federation entered a reservation to the Declaration, "specifically denying its application to 'other media actors', as it considers this term to be unspecific and without any basis in binding international legal documents" (footnote 1 to the Declaration).

Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors, 30 April 2014

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