Committee of Ministers: New Recommendation on Protection of Journalism and Safety of Journalists and Other Media Actors

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On 13 April 2016, the Council of Europe's Committee of Ministers adopted its Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors. This is a continuation of the Committee of Ministers' engagement with the topic, following its adoption of an identically-titled Declaration in 2014 (see IRIS 2014-7/4).

The Recommendation's opening paragraph describes the contemporary reality of attacks, threats and harassment targeting journalists and other media actors across Europe as both "alarming and unacceptable". This strong language has been prompted by very troubling statistics. According to an online platform/early warning system developed by the Council of Europe with leading free expression and journalism NGOs, there have been more than 100 registered high-level alerts of threats to media freedom in Europe over the past year, including the killing of 13 journalists.

The Recommendation comprises three structural components: a preambular section, a set of Guidelines to States and a synthesis of relevant principles that have been identified and developed by the European Court of Human Rights. The Guidelines are divided into the following categories: Prevention, Protection, Prosecution (including a specific focus on impunity for crimes against journalists) and Promotion of information, education and awareness raising. These headings help to focus the Recommendation and to explore the various themes in considerable detail.

The Recommendation's first aim is to provide detailed guidance to states on how to fulfil their (negative and positive) legal obligations under the European Convention on Human Rights (ECHR) to guarantee the safety of journalists and other media actors, as well as their right to freedom of expression and ability to participate in public debate. As those state obligations are often quite abstract, the Recommendation seeks to spell out their practical implications for different branches of states' authorities.

The Recommendation's second aim is to urge states to regularly review relevant national laws - and their implementation - to ensure that they are in conformity

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with the legal obligations created by the Convention, in particular Article 10 (Freedom of expression). Such reviews should be independent and substantive and should be carried out at regular periodic intervals. As stated in the Recommendation itself, the reviews should "cover existing and draft legislation, including that which concerns terrorism, extremism and national security, and any other legislation that affects the right to freedom of expression of journalists and other media actors, and any other rights that are crucial for ensuring that their right to freedom of expression can be exercised in an effective manner".

The Recommendation takes a broad, forward-looking view of what journalism entails and underlines its importance in a democratic society (although the Russian Federation formally indicated that "it reserved the right of its government to comply or not with the recommendation, in so far as it referred to other media actors"). It acknowledges the valuable contributions that bloggers, whistle-blowers and a growing range of other actors can make to public debate and stresses the need to guarantee their safety and freedom of expression. In this spirit, it seeks to develop themes that have only received limited attention in relevant European and international standards. One such theme is the gender-specific dimension to violence, threats and abuse targeting female journalists and commentators, especially online. Another example is the "digital security" of journalists, including confidentiality of communications and freedom from surveillance.

The Recommendation aspires to have real impact and not be merely a paper tiger. The reviews of national legislative frameworks - and their implementation - will prove crucial for the realisation of that ambition in practice.

Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 13 April 2016

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9

Council of Europe, Platform to promote the protection of journalism and safety of journalists

http://www.coe.int/en/web/media-freedom/home

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