

## Resolution No 3

### Safety of journalists

The Ministers of States participating in the Council of Europe Conference of Ministers responsible for media and information society, held in Belgrade, Serbia, on 7 and 8 November 2013, adopt the following resolution:

1. We are appalled that journalists in parts of Europe are increasingly being intimidated, physically or through other forms of harassment, deprived of their liberty and even killed because of their investigative work, opinion or reporting, often with insufficient efforts by relevant State authorities to bring the perpetrators to justice.
2. Similarly, on 20 September 2013, the Human Rights Council declared itself “Deeply concerned at the frequent violations and abuses of the human rights of journalists, including through killing, torture, enforced disappearance, arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence, as well as through measures, such as surveillance, search and seizure, when aimed at hampering the work of journalists”.
3. This situation is unacceptable and clearly violates Article 10 of the European Convention on Human Rights, which guarantees the right to freedom of expression and information
4. States are obliged to protect every person’s fundamental human rights; the right to life and the absolute prohibition of torture, which cannot be justified in any situation, as well as the right of liberty and security, the right to respect for private and family life, home and correspondence, freedom of thought, conscience and religion, and the freedom of assembly and association, as provided for by the European Convention on Human Rights.
5. The European Court of Human Rights has repeatedly ruled that States are required to create a favourable environment for participation in public debate by all persons, enabling them to express their opinions and ideas without fear. Furthermore, the Court has established that States must not only refrain from interference with the individual’s freedom of expression, but are also under a *positive obligation* to protect their right to freedom of expression against the threat of attack, including from private individuals through an effective system of protection.

6. Failures by law enforcement agencies and judicial authorities to investigate effectively and prosecute those responsible in cases of attacks on journalists, whether committed by public officials or by non-State actors, fuel a climate of impunity, which is liable to lead to further attacks and undermines the rule of law.
7. Freedom of expression cannot be upheld without free, pluralistic and independent media and the free exercise of journalistic freedoms as an instrument for the formation of opinions, ideas and decision making. Journalists serve society as a whole and democracy at large; they have a role to impart information and ideas of public interest and therefore require special protection. Freedom of expression is also essential for the protection of other human rights.
8. A definition of journalist can change from country to country depending on national legislation or case law on the subject. While Article 10 of the European Convention on Human Rights applies to everyone, the Court has afforded even stronger protection under it to journalists and others who communicate in the public interest. Related good practice in some member states includes special legal protection for journalists, for example in respect of the confidentiality of sources and their material or investigations. In some cases, violence against journalists is treated as an aggravated offence and carries higher penalties.
9. Moreover, in 2011 the Committee of Ministers recommended a new, broad notion of media to encompass all actors involved in the production and dissemination to potentially large numbers of people of content, including information, analysis, comment and opinion. The Committee of Ministers also acknowledged that, for certain purposes, some privileges which are normally recognised for journalists may extend to other actors who may not fully qualify as media (for example individual bloggers) taking account of the extent to which such actors can be considered part of the media ecosystem and contribute to the functions and role of media in a democratic society. The Committee of Ministers recommended a graduated response that should be taken into account as regards the safety and protection of various media actors.
10. In spite of member States' commitments to the European Convention on Human Rights and undertakings to intensify efforts in this regard, authoritative reports by UN agencies, the Council of Europe, the OSCE, civil society and professional groups provide compelling evidence that journalists in some parts of Europe are still the targets of persistent physical attacks, intimidation, and other forms of harassment because of their media related activities.

11. **In view of this alarming situation:**

- (a) we affirm that threats to freedom of expression and the safety of journalists must be dealt with as a matter of priority by all Council of Europe member States;
- (b) we strongly condemn physical attacks and violence, intimidation, misuses of the power of the State, including unlawful monitoring of communications, and other forms of harassment of journalists as well as others who contribute to shaping public debate and public opinion by exercising their right to freedom of expression and information;
- (c) we resolve to take all appropriate steps for ensuring the protection of journalists, in terms of both preventive measures and effective investigations;
- (d) we commit to contribute to the concerted international efforts to enhance the protection of journalists, in particular within the framework of the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, having regard to Resolution 21/12 of the Human Rights Council on the safety of journalists, and the endeavours of regional organisations, such as the OSCE and the Council of Europe, and of professional and non-governmental organisations to increase the safety of journalists;
- (e) we invite the Committee of Ministers to pursue its work, in co-operation with other institutions of the Council of Europe, including the Commissioner for Human Rights and the Parliamentary Assembly, with a view to:
  - (i) elaborating guidelines for the protection of journalism and the safety of journalists and others who carry out journalistic activity or perform public watchdog functions with a view to harmonising legislative frameworks, practice and law-enforcement processes at national level (including positive obligations as established by the European Court of Human Rights);
  - (ii) intensifying actions to implement such standards and best practices through appropriate efforts by States and through the Council of Europe's co-operation, technical assistance programmes and activities;
  - (iii) following the developments in members States, sharing and disseminating information about urgent cases and issues concerning journalists' safety and other serious threats to freedom of expression, and proposing remedial action when necessary;
  - (iv) addressing the specific challenges and threats that women journalists are confronted with in the course of their work.