



# Fundamental rights

Grondrechten  
Derechos fundamentales  
Основни права  
Cearta bunúsacha  
Grundläggande rättigheter  
Direitos fundamentais  
Temeljne pravice  
Alapvető jogok  
Pamattiesības  
Základné práva  
Prawa podstawowe  
Pagrindinēs teisēs  
Drepturile fun  
Drittijiet f  
Θεμελιώδ  
Perusoikeudet  
Colloquium  
Základní práva  
Põhioigused

BRUSSELS, 17 - 18 November 2016

## Session 1c: Protecting journalists and their freedom of expression

Media freedom and pluralism depend heavily on the journalists' freedom and safety. They should be protected from threats and undue pressure emanating from different public or private actors. This also means applying defamation laws in a proportionate way.

This panel will be discussing the following issues: limitation imposed on journalistic activities by state measures (including laws related to security); pressures from private actors; limitations related to privacy and data protection imposed on journalistic activities; the abuse of defamation laws; journalists' safety and security; and censorship (including self-censorship).

Although the media environment in the EU is generally safe and pluralistic, the situation is far from perfect. According to the International Federation of Journalists, 16 journalists and media staff were killed in Europe in 2015: 11 in France, 2 in Ukraine, 1 in Azerbaijan, 1 in Poland and 1 in Turkey. This is the highest figure in the last 15 years. The horrific attack on Charlie Hebdo is a recent manifestation of the risks faced by journalists. Since 2014, the Mapping Media Freedom platform, an independent crowd-sourced project funded by the EU, has reported more than 1800 incidents of threats, violations and limitations faced by members of the press (1146 for EU Member States only). This pressure takes various forms, going from censorship and abuse of the law to silence journalists to violent attacks. Among the 1146 occurrence having taken place in the EU only, 229 related to physical threats or attacks, 126 to defamation cases and 53 to (self)-censorship.

Earlier this year, in a Recommendation, the Committee of Ministers of the Council of Europe encouraged states to prevent violations of media freedom – including physical violence against journalists – to effectively protect journalism and journalists, and to prosecute crimes committed against them.

The United Nations General Assembly adopted a Resolution in 2013 urging countries to do their utmost to prevent violence against journalists and media workers, to ensure accountability, bring to justice perpetrators of crimes against journalists and media workers, and ensure that victims have access to appropriate remedies.

A large majority (3/4) of respondents to the public consultation in preparation for the 2016 Annual Colloquium said that they were aware of, or have experienced limitations on journalistic activities by state measures and more than 2/3 of respondents said they have experienced or are aware of censorship/self-censorship.

Analysing existing legal systems alone is not sufficient to determine the status of media freedom: practices are important<sup>1</sup> and must be monitored. Several key indicators of the Media Pluralism Monitor, run by the Centre for Media Pluralism and Media Freedom, concentrate on freedom of expression and journalism. They analyse the state of Protection of freedom of expression, Protection to right to information and Journalistic profession, standards and protection in each Member State<sup>2</sup>. The results show that threats are existing inside the EU.

In May 2014, the International Press Institute (IPI) launched an online “perceptions survey” on defamation laws in the EU and candidate countries. Over 80 percent of respondents said that defamation laws have a medium or high impact on the press in their country; 85 percent of respondents said they were aware of civil or criminal defamation proceedings brought against journalists in their country, and a further 80 percent stated they believe that such proceedings were commonly brought for an improper purpose, such as chilling freedom of expression or interfering with journalism.

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Indicative questions to steer the discussions:

1 – What actions would you expect Member States and employers to take to foster freedom of expression of journalists and how can impunity of crimes against journalists and media workers be fought?

2 – How to address censorship (including self-censorship) of journalists in the EU? Which solutions could be found to address different types of threats, including in relation to journalists' physical safety?

3 – What are the best practices that reconcile security and other legitimate concerns of individuals and the public opinion, media freedom and free speech in a way acceptable in a democratic society?

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<sup>1</sup> <https://ecpmf.eu/news/legal/investigative-journalism-new-comparative-study-on-legal-regulations-across-europe>

<sup>2</sup> See the results of the MPM <http://monitor.cmpf.eu.eu/>