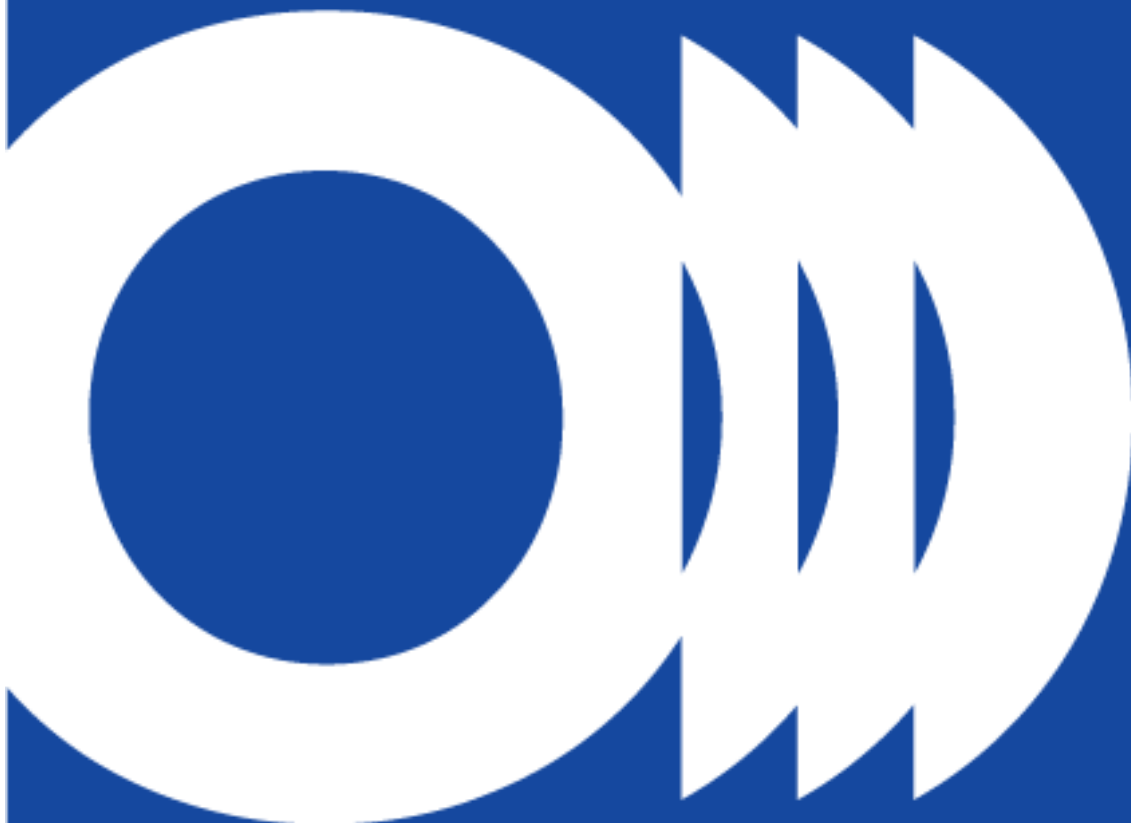


EBU

OPERATING EUROVISION AND EURORADIO

EBU Contribution to the European Commission's Roadmap on the Recommendation on Ensuring Safety of Journalists in the European Union

20 MAY 2021



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The European Broadcasting Union (EBU) is the world's leading alliance of public service media (PSM). We have 115 member organizations in 56 countries. Our Members operate nearly 2,000 television, radio and online channels and services, and offer a wealth of content across other platforms. One of the EBU missions is to enhance the freedom and pluralism of the media, the free flow of information and ideas and the free formation of opinions.

COVID-19 pandemic has exacerbated the deterioration of media freedom in Europe. Attacks and harassments online and in the real-world targeting journalists and media professionals, limits to access to information and public documents are just a few examples of this worsening situation¹. The 2021 Annual Report by the Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists noted that *'a worrying trend of hostility and violence has been registered towards PSM journalists by both politicians and members of the public'*². Alarmed by these developments, the EBU and its Members have repeatedly recalled States' positive obligation to ensure the safety of journalists to allow them to exercise their profession in a safe environment, free from physical or verbal threats and harassment.

The future EU Recommendation on Ensuring Safety of Journalists in the European Union will *'seek to ensure better and targeted implementation of a number of requirements set out in the [Council of Europe Recommendation on the protection of journalism and safety of journalists and other media actors](#)'*³, the international instrument providing detailed guidelines to Council of Europe States aimed at ensuring the effective protection of journalism and safety of journalists and other media actors.

The 2016 Recommendation and its guidelines are based on an extensive body of principles anchored in the European Convention on Human Rights and in the relevant judgments and decisions of the European Court of Human Rights. The guidelines start with a 'prevention' and a 'protection' pillar. They integrate a gender-equality perspective and emphasize that *'State officials and public figures should not undermine or attack the integrity of journalists and other media actors, for example on the basis of their gender or ethnic identity, or by accusing them of disseminating propaganda, and thereby jeopardise their safety'*. They reaffirm the necessity for Member States to clarify the legal bases of *'State surveillance and interception of communications data and the procedural safeguards against misuse and abuse, such as the possibility of review by a competent judicial authority, due process and user notification'*.

The 'prosecution' pillar includes a focus on impunity in cases of attacks on, ill-treatment or killings of journalists and other media actors.

¹ For more examples, see the [2020 EBU News Report](#), pages 68, 69 and 71

² See the [2021 Annual Report by the Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists](#), page 11

³ See the European Commission's discussion papers on the safety of journalists prepared on the run up to the European News Forum on Safety of Journalists, 23-25 March 2021, see: <https://digital-strategy.ec.europa.eu/en/events/european-news-media-forum-safety-journalists> [Accessed May 7, 2021]

The three first pillars are completed with a fourth pillar on 'promotion of information, education and awareness raising'. The guidelines are followed by the contextualisation of the principles, including a recommendation that Member States refrain from adopting measures making access to information for journalists and other media actors more cumbersome or limiting access by arbitrary decisions.

In 2020 the Council of Europe published an [Implementation Guide of the Guidelines from the Recommendation on the protection of journalism and safety of journalists and other media actors](#), which is also a useful resource aimed at helping Member States design national action plans on the safety of journalists.

The effective and full implementation by the EU Member States of the 2016 Council of Europe's Recommendation on the protection of journalism and safety of journalists and other media actors is particularly opportune to contribute to improve media freedom in Europe. In addition, Member States should be encouraged to organise multi-stakeholder dialogues on a regular-basis and set up cooperation mechanisms between State authorities, law enforcement authorities, media organisations, media professionals, national media regulatory/supervisory authorities and online platforms.

Concerning online violence targeting journalists, media professionals and more particularly women journalists and media professionals, digital platforms need to take more responsibility for removing illegal online content from their platforms. Any policy interventions in relation to illegal content must take due account of the impact on fundamental rights. Such measures should therefore be designed in a careful, targeted manner, paying utmost attention to the proportionality principle.

Online platforms should implement user-friendly tools to flag and/or report illegal activities and content. The flagging and/or reporting systems should be accompanied by appropriate explanations in a timely and effective manner on the follow-up given to flagged/reported content and on transparent, easy-to-use and effective procedures for the handling and resolution of complaints. Automated tools can be used to detect illegal content and prevent their reappearance provided that there are relevant safeguards. The use of automated or algorithmic tools should be accompanied by appropriate human oversight.

These duties should be accompanied by measures that ensure their effective enforcement, including regulators' competence to sanction non-compliance, in particular by imposing deterrent fines. Online platforms' cooperation with competent authorities should include the submission of regular reports on the application of content policies, on measures adopted to fight illegal content and on safeguards applied to protect fundamental rights.

To obtain reliable information on the extent of online violence against journalists and media professionals, digital platforms also need to take part in data-collection mechanisms and provide gender-disaggregated data.

National regulatory authorities for the media play a vital role to ensure media pluralism and safeguard freedom of expression and information. They should be adequately involved in any future EU proposal addressing online violence targeting journalists and media professionals, including women journalists.

States' legal framework aimed at ensuring the safety of journalists, including the right to exercise their profession in a safe environment, free from physical or verbal threats and harassment, should be reviewed in light of the International and European Human Rights framework in order to ensure that laws and rights designed to protect women journalists offline are also applied online.

In line with the [OSCE recommendations set out in the 2018 Decision on the Safety of Journalists](#), State bodies and law enforcement agencies should be provided with training programmes covering procedures encouraging women journalists and media professionals to report online attacks to the competent authorities⁴.

⁴ See the EBU's Contribution to the Commission's Consultation on Gender-Based Violence Against Women – Focus on Online Violence: <https://www.ebu.ch/news/2021/05/ebu-puts-forward-views-to-european-commission-on-online-violence-against-women-journalists>