

Bruxelles, le 14 juin 2022
(OR. fr, en)

9688/22

LIMITE

AUDIO 50	DISINFO 48
HYBRID 50	EUAM UKRAINE 26
JAI 784	JAIEX 63
FREMP 116	POLGEN 74
CATS 31	JUSTCIV 81
ASIM 52	COHOM 55
PROCIV 72	DIGIT 112
AG 56	EJN 20
BY 4	EUROJUST 67
RELEX 719	COPEN 221
COEST 425	DATAPROTECT 177
CULT 58	CYBER 195
SOC 323	GENDER 74
VISA 94	

NOTE POINT "I/A"

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents/Conseil
N° doc. préc.:	9475/22
Objet:	Projet de Conclusions du Conseil sur la protection et la sécurité des journalistes et autres professionnels des médias - <i>Approbation</i>

Lors de sa réunion du 2 juin 2022, le Groupe audiovisuel et médias (GAVM) est parvenu à un accord sur les équilibres du projet de Conclusions annexé. Le point qui demeurerait ouvert à l'issue de la discussion du GAVM a été réglé dans l'intervalle, et la réserve d'examen qui subsistait a donc été levée.

Ainsi, le Comité des Représentants Permanents est invité à :

- Confirmer l'accord du GAVM sur le texte annexé et à le soumettre au Conseil pour approbation, et
- Marquer son accord sur la publication des Conclusions annexées au Journal Officiel.

The protection and safety of journalists and other media professionals

- Draft Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION

NOTES THAT:

1. Democracy is based on the exercise of the right to freedom of opinion and expression and the freedom of information, both offline and online. This is at the core of the profession of journalism and must be accompanied by an environment that is able to provide protection and safety to journalists and media professionals.
2. Today, many journalists and other media professionals are not able to work freely and independently everywhere as they should be. Obstacles to freedom of expression and freedom to inform and also attacks on them are increasing in Europe and elsewhere in the world¹. The insecurity they face is even greater in armed conflicts. While they are a source of impartial information, essential to establishing facts and understanding a conflict, they are especially exposed and can become targets themselves, as the ongoing Russian military aggression against Ukraine shows².

¹ Deep concern at the increased number of journalists and media workers worldwide who have been killed, tortured, arrested, detained, harassed and intimidated in recent years as a direct result of their profession was expressed in UN General Assembly Resolution A/C.3/76/L.9/Rev1 'The safety of journalists and the issue of impunity': <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N21/329/42/PDF/N2132942.pdf?OpenElement>

² As described in [the Council of Europe's Platform to promote the protection of journalism and safety of journalists \(https://fom.coe.int/en/pays/detail/11709594\)](https://fom.coe.int/en/pays/detail/11709594). See also the 2022 Annual Report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, "Defending Press Freedom in Times of Tension and Conflict" (<https://rm.coe.int/platform-protection-of-journalists-annual-report-2022/1680a64fe1>).

3. Journalists and other media professionals face multiple threats and are confronted with acts of stigmatisation, intimidation, illegal surveillance and violence in the form of physical and psychological harm, or even murder, malicious prosecution, undue economic pressure, and damage to their reputation. This violence also takes place online, in the form of insults, incitement to hatred, harassment and death threats.
4. The situation of female journalists is particularly worrying³: they are exposed to additional risks, both in number and type. Such gender-based violence takes many forms, including online harassment, rape and death threats, and incitement to hatred. Journalists belonging to minorities or socially marginalised groups are also disproportionately affected by such threats⁴.
5. The economic situation of journalists and other media professionals is also becoming more and more precarious. The financial and economic insecurity of many media outlets, which can be seen in the closure of several of them, makes media professionals more vulnerable. Moreover, the imperative of efficiency or profitability, particularly in the case of private media, can at times worsen the conditions and quality of journalists' work. The digital transformation and expansion of global players and social networks competing with media outlets in the online advertising market⁵, combined with the consequences of the pandemic⁶, during which media outlets experienced revenue losses which went beyond the decrease in national revenue, have led to a worsening of the economic insecurity of journalists and other media professionals.

³ See e.g. Media Pluralism Monitor Report, 2021 ; European Union Agency for Fundamental Rights (FRA), Violence against women: an EU-wide survey, 2014; FRA, Crime, safety and victims' rights, 2021; Annual Report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, 2021; UNESCO, Online violence against women journalists: a global snapshot of incidence and impacts, 2020; UNESCO, The Chilling global trends in online violence against women journalists, 2021; OSCE, Resource Guide on the Safety of Female Journalists Online, 2020 <https://www.osce.org/representative-on-freedom-of-media/468861>; OSCE Report 'Violence against women journalists and politicians: a growing crisis', 2021.

⁴ IPI, Newsroom Best Practices for Addressing Online Violence against Journalists.

⁵ Council conclusions on safeguarding a free and pluralistic media system, December 2020.

⁶ Roberta Carlini and Konrad Bleyer-Simon: *Media economy in the pandemic: a European perspective* ; Technical Report; Centre for Media Pluralism and Media Freedom (CMPF), 2021/01. [https://cadmus.eui.eu/bitstream/handle/1814/71004/Media economy in the pandemic - A European perspective.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/71004/Media_economy_in_the_pandemic_-_A_European_perspective.pdf?sequence=1&isAllowed=y)

6. The European Commission has presented a proposal for a Directive on strategic lawsuits against public participation (SLAPPs)⁷, that suggests to the European Parliament and the Council the introduction of procedural safeguards against such lawsuits, and an accompanying Recommendation⁸ that provides guidance to Member States on such matters.
7. Member States and the European Commission have been invited⁹ to implement a European Strategy for the Cultural and Creative Industries Ecosystem in order, *inter alia*, to facilitate access to information on available funding for media outlets by merging the CultureEU funding guide and the interactive mapping tool for audiovisual and news media, so that news media professionals and companies have a single multilingual digital portal listing the various potential funding opportunities available to them.
8. The European Commission will continue its support in 2022 for the Rapid Response Mechanism for Violations of Press and Media Freedom as part of the Creative Europe Programme, which allows for support, *inter alia*, for cross-border media collaborations, including independent and investigative journalism, in the form of Journalism Partnership grants¹⁰.

⁷ 8529/22 - COM(2022) 177 final.

⁸ C(2022) 2428 final.

⁹ Council conclusions on building a European Strategy for the Cultural and Creative Industries Ecosystem, 4 April 2022 (2022/C 160/06).

¹⁰ Annual work programme 2022 for the implementation of the Creative Europe programme, ref.Ares(2021)6656465.

WELCOMES THE FACT THAT:

9. On 16 September 2021 the European Commission adopted a Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, which constitutes important guidance for Member States. The European Commission has announced its intention to publish a study on, *inter alia*, the indicators used to monitor the implementation of its Recommendation, which could address online safety and in particular support for female journalists and those belonging to minorities.

INVITES THE EUROPEAN COMMISSION TO:

10. Encourage, in the framework of the existing European News Media Forum, the organisation on a regular basis of discussions and exchanges of best practices on the protection and safety of journalists and other media professionals, facilitating dialogue with stakeholders on relevant developments.
11. Continue evaluating the existing pilot projects and preparatory actions for supporting media freedom and pluralism, with a view to making them more extensive and long-term.
12. Strengthen funding for independent and investigative journalism¹¹, which makes a crucial contribution to public and democratic life, building *inter alia* on the News Initiative¹² and drawing on for example InvestEU.
13. Take into account online safety and freedom of speech for journalists and other media professionals in all relevant initiatives following from the EU's digital strategy.

¹¹ Journalism is guided by ethical principles, such as truthfulness, appropriate means of verification and proof, and impartiality in presentation, description and narration, as underlined in the Council of Europe Parliamentary Assembly's Resolution 1003 (1993) – Ethics of Journalism, and Resolution 2066 (2015) – Media responsibility and ethics in a changing media environment, and in the Council of Europe's Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age

¹² <https://digital-strategy.ec.europa.eu/en/policies/news-initiative>

INVITES THE MEMBER STATES AND THE EUROPEAN COMMISSION, WITHIN THEIR RESPECTIVE AREAS OF COMPETENCE AND IN LINE WITH THE PRINCIPLE OF SUBSIDIARITY, TO:

14. Encourage lifelong learning¹³ about the protection of journalists and media professionals for all stakeholders concerned, such as newsroom managers, law enforcement authorities, judges and other authorities involved in digital safety.
15. Encourage the development of media and information literacy initiatives aimed at raising awareness on the safety of journalists and other media professionals¹⁴.
16. Promote the online safety and digital empowerment of journalists and other media professionals, particularly as regards female journalists, those belonging to minorities or socially marginalised groups, for example by fostering the creation of dedicated expert groups that could gather information and share good practices on how to address online attacks and threats, which could bring together media representatives and regulators at EU or Member State level, law enforcement officers and cybersecurity officials.
17. Encourage closer cooperation between online platforms and civil society organisations that have particular expertise with regard to fighting coordinated online attacks, threats, harassment, online surveillance or incitement to hatred against journalists and other media professionals, with a view to understanding these threats better, responding to them better and adapting the practices of platforms accordingly. This could be done, for example, via regular dialogues that could include public authorities.

¹³ As defined in point 1 of Article 2 of Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

¹⁴ See Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors.

18. Support the implementation of projects and initiatives for the protection of female journalists and those belonging to minorities, and notably those that enable improvements to be made as regards transparency and information on attacks and discrimination against them, and those promoting equality and inclusion in the media industry and in newsrooms, as well as initiatives that raise awareness about preventing and fighting violence and harassment against journalists and other media professionals.
19. Further improve, in particular through research, knowledge regarding potential risks to media professionals and the best practices that may help, particularly as regards their protection and safety in areas of armed conflicts.
20. Support initiatives and mechanisms aiming to improve the economic and financial sustainability of media outlets, including those resulting from the transposition of neighbouring rights introduced for press publishers in Directive (EU) 2019/790¹⁵, and those aiming to improve the recruitment of journalists and other media professionals, and conduct studies on their working conditions, in line with the Council Recommendation of 8 November 2019.
21. Promote initiatives and mechanisms that support young and new entrants to the labour market of journalists and media professionals, as well as freelance journalists and media professionals and those working in local and regional media, thus reinforcing their freedom to inform.

¹⁵ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92–125).

22. Support initiatives and mechanisms that promote the exchange and reinforcement of professional best practices, particularly by raising awareness among journalism and media students of the risks they may encounter in their future careers and the best ways to address them, and promote greater participation in significant European experiences during their studies so that they can discover diverse environments and various investigation and publication practices.
23. Encourage the sector to develop initiatives and indicators for the trustworthiness of news and media outlets, such as the employment of journalists, fact-checkers and other media professionals, with the aim of stimulating platforms and advertisers to demonstrate responsibility in participating in the availability of trustworthy information and diverse perspectives.
24. Commit to protecting journalists and other media professionals around the world in the relevant multilateral fora, in bilateral relations, at national level and in international initiatives to protect journalists and the freedom to inform, paying particular attention to the protection and safety of journalists and other media professionals working in or coming from conflict zones.
25. Support journalists and other media professionals who are striving to cover armed conflicts in an independent and impartial manner, in particular the ongoing Russian military aggression against Ukraine, and encourage initiatives that promote their work and its dissemination, for example dedicated sections in media services, in particular in the Ukrainian language.

26. Support independent and exiled journalists and media professionals, particularly from countries such as Ukraine, Belarus and the Russian Federation, in light of their individual situations and causes of exile. This support could be, where relevant, professional, financial, social, administrative or legal assistance, including from the private sector, and would be aimed at creating safe working conditions and assisting in the resumption of their professional activity, for example through residencies or initiatives facilitating the identification of employment opportunities.
27. Exchange on Member States' experiences regarding how best to welcome journalists and other media professionals from conflict-affected regions.
28. Exchange best practices and take stock of the implementation of these conclusions by 2025.

EU treaties

- The Treaty on European Union, particularly Article 2 thereof: ‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’
- The Charter of Fundamental Rights, particularly Article 11 thereof: ‘Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.’

Council documents

- Council conclusions on safeguarding a free and pluralistic media system (2020/C 422/08)
- Council conclusions on building a European Strategy for the Cultural and Creative Industries Ecosystem of 4 April 2022
- Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01)

Commission documents

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Democracy Action Plan, COM(2020) 790 final

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, ‘Europe’s Media in the Digital Decade: an Action Plan to Support Recovery and Transformation’, COM/2020/784 final
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2021 Rule of Law Report, COM/2021/700 final
- Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union

Council of Europe documents

- Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors
- Resolution on the safety of journalists (2021)
- Recommendation CM/Rec(2022)4 of the Committee of Ministers to Member States on promoting a favourable environment for quality journalism in the digital age

United Nations documents

- Security Council resolution 2222 (2015) on protection of journalists and the issue of impunity
- UN General Assembly Resolution A/C.3/76/L.9/Rev1 ‘The safety of journalists and the issue of impunity’
- 2021 Report ‘Violence against women journalists and politicians: a growing crisis’