Conference Report

In a global context marked by increasing challenges for journalists and media, the UN Human Rights Regional Office for Europe (OHCHR) and UNESCO held the UN - EU high-level policy dialogue on protecting the safety of journalists, media freedom and pluralism in the European Union (EU) on 24 February 2022 in Brussels, in cooperation with Belgium.

The policy dialogue was part of the Global Drive for Media Freedom and Safety of Journalists – a joint OHCHR – UNESCO programme launched with the support of the Netherlands to foster public recognition of the value of access to information and to prompt action to protect and promote media freedom and journalists’ safety.

Close to 100 persons contributed to the interactive dialogue, representing UN bodies, the European Commission, the European Parliament, EU governments, the EU Agency for Fundamental Rights (FRA), the Council of Europe (CoE), the Organisation for Security and Cooperation in Europe (OSCE), civil society, media organisations and outlets, journalists, representatives of online platforms as well as experts from academia and think thanks.

Building on the UN Human Rights Office’s longstanding efforts to improve the protection of human rights defenders and civic space, the policy dialogue sought to foster synergy and cooperation among UN, EU, regional and national stakeholders, based on international human
rights standards, such as the UN Plan of Action on Safety of Journalists and the Issue of Impunity, of which the year 2022 marks the 10th anniversary, and informed by the work of international human rights mechanisms.

In thematic roundtables, participants examined how to better protect journalists from threats and attacks in the EU, how to strengthen media freedom and pluralism, and how to address challenges facing traditional media in the digital sphere. Particular attention was devoted to opportunities for strengthened synergy, complementarity and cooperation among the various stakeholders and initiatives – including the ambitious regulatory initiatives being shaped at EU level.

**Time for action**

The right to freedom of expression and information was recognized first and foremost as an enabler of all other human rights. Participants further stressed that action to address challenges facing journalists, media freedom and pluralism should be regarded as an integral component of broader efforts to tackle challenges affecting democracy and the rule of law.

Veronique Joosten, Director for Human Rights and Democracy at the Belgium Ministry for Foreign Affairs who delivered opening remarks on behalf of Sophie Wilmès, Deputy Prime-Minister and Minister of European and Foreign Affairs of Belgium, underlined the convergence between the UN and the EU, stating that “the EU is still one of the safest places for journalists and our media are broadly free. But nevertheless the EU needs to better protect journalists and safeguard the environment in which they work.”

**Clément Beaune, Minister of State for European affairs of France**, speaking on behalf of the Presidency of the Council of the EU, expressed France’s commitment to support, advance and amplify efforts at national, regional and international level, noting that “as the Nobel Peace Prize winner, Dmitry Muratov said: ‘we want journalists to die old’, but we see in Europe crimes against journalists in the name of their independence. This is unbearable, we must strengthen our legal arsenal.”

**Nada Al-Nashif, UN Deputy High Commissioner for Human Rights**, highlighted the importance of the investigative work of journalists and media professionals to ensure public awareness of human rights violations, and as a pillar of democracy, pluralism and accountability. She welcomed initiatives by the EU, the Council of Europe and the OSCE over the past years: “As regulatory debates progress, in particular at EU-level with the EU Recommendation on the Safety of Journalists, the Digital Services Act package, the anti-SLAPP Directive and the Media Freedom Act, we must strengthen synergies among all actors at all relevant levels.”

As the dialogue took place on the same day of the invasion of Ukraine, which also triggered an intense information war, many participants echoed the words of the UN High Commissioner for
Human Rights, who called for prompt, stronger and more coordinated action in solidarity with independent media and journalists in Ukraine and beyond.

**Michal Šimečka, Vice-President of the European Parliament**, paid tribute to the resistance and resilience of the people and journalists in Ukraine. He pointed to the deterioration of journalists’ safety and the impunity for attacks in the EU as a threat to the rule of law, taking as example the killing of Slovak journalist Jan Kuciak: “journalists need to be able do their work without fear – this is a basic principle”.

**Irene Khan, UN Special Rapporteur on Freedom of Opinion and Expression**, likewise highlighted the importance of independent reporting in Ukraine: “It’s thanks to the journalists in Ukraine that we know what is happening there at this moment. That really shows the importance of having a free media and the importance of the journalist’s work”. She expressed particular concern over attacks and impunity, but also targeted surveillance, the weaponization of laws, like criminal defamation and “fake news” provisions, to censor freedom of expression and information, as well as media capture – worldwide and in the EU.

**Teresa Ribeiro, OSCE Representative on Freedom of the Media**, echoed the concerns of previous speakers: “There is no security without media freedom – it is a prerequisite for peace and stability, especially in the times we are living now where the world is polarized and critical voices are being silenced.” She underlined the need to rebuild public trust in independent media, including by countering disinformation and fostering media literacy.

**Patrick Penninckx**, on behalf of the **Council of Europe**, recalled UN recommendations on the safety of journalists in conflict and State obligations under international law during conflict. He echoed the urgency of more cooperation and synergy to act together for the protection of journalists and media in Europe and worldwide.

**Greater cooperation and synergy is crucial**

Representatives of journalists and media associations such as the **European Federation of Journalists** and the **European Broadcasting Union**, commended the dialogue as an important moment for exchange and a step towards better coordination and synergy. While progress was conditional upon States’ efforts to implement legal standards and set up effective protection mechanisms at national level, greater cooperation and synergy was essential. This included inter-State cooperation and State-led initiatives at international and regional level – as reflected in leadership initiatives by the **Netherlands** and other members of the **Media Freedom Coalition**. But it also required closer cooperation with and among international and regional bodies on standard-setting, guidance, capacity-building, awareness-raising and progress monitoring.

**Michael O’Flaherty, Director of the EU Fundamental Rights Agency (FRA)**, called for the strengthening of cooperation in defence of strong, free and quality media on four levels: (1)
among international and regional organizations; (2) between governments, including in law-making at EU level; (3) between public and private actors, including journalists and journalists’ organizations; and (4) between authorities and the general public.

The role of the EU in advancing and coordinating regulatory efforts and ensuring better monitoring and enforcement was highlighted by several participants who underscored that EU efforts should be aligned with and build on international human rights standards and mechanisms, as they would likely serve as a reference model globally.

EU efforts were explained by Marie Frenay, cabinet member of EU Commissioner Vera Jourová, Vice-President for Values and Transparency, who shared key messages on behalf of the Vice-President. She highlighted recent and upcoming initiatives of the European Commission, such as the EU Recommendation on Safety of Journalists, the EU initiative against SLAPPs (April 2022), the EU Digital Services Act Package and the upcoming EU Media Freedom Act (summer 2022).

In this regard, Tawfik Jelassi, UNESCO Assistant Director-General, pointed to the criticality of EU initiatives not only for the EU, but also at global level, as a laboratory to develop solutions for complex challenges, and expressed the hope that the opportunity would be seized to reinforce multi-stakeholder partnerships to coordinate monitoring efforts, foster political will, ensure the implementation of legal standards on the ground and to send a message of solidarity to media and journalists under attack.

Better protecting journalists against attacks and legal harassment

Powerful testimonies were delivered by victims of the worrying increase of attacks against journalists. Dimitris Karaivaz, son of Georgios Karaivaz, a Greek investigative journalist killed in 2021, expressed concern over governments’ failure to speak out against threats against journalists and media, which ultimately posed a threat to democracy. Matthew Caruana Galizia, journalist and Director of the Daphne Caruana Galizia Foundation in Malta, shared his indignation over the impunity that still surrounded his mother’s assassination. The legal harassment, including through Strategic Lawsuits Against Public Participation (SLAPPs) targeting his mother had profoundly affected her private and professional life and, after her death, exacerbated the family’s grief and frustrated their quest for justice.

The problem posed by SLAPPs was also exposed by Anita Ramasastry, member of the UN Working Group on Business and Human Rights, who reported on ongoing efforts by the Working Group to counter SLAPPs against human rights defenders and investigative journalists.

Promising initiatives and practices undertaken at national, regional and international level were presented by the Netherlands, the Council of Europe and the UN Human Rights Office.
Representatives of the *European Centre for Press and Media Freedom*, the *Committee to Protect Journalists* and the *International Press Institute* described efforts by civil society, such as the *Media Freedom Rapid Response*, and called for greater political will and leadership to ensure progress on the ground.

Among the *key takeaways* of the panel featured the need for:

- **Better monitoring of attacks** against journalists and media, **offline and online**, improved victims support, like helplines, especially for freelance journalists, and **adequate investigations and prosecutions** through enhanced cooperation among law enforcement, journalists and other actors, through **safety protocols** and **investigation steering groups**.

- **Strong procedural safeguards**, support for victims, awareness-raising, due diligence by **business actors**, and engagement by the **legal community** to **counter SLAPPs** and other forms of **legal harassment** against journalists and media as well as human rights defenders.

- **Efforts to raise public awareness** about threats and attacks against journalists and to make **regional monitoring and reporting processes**, and in particular the **EU Rule of Law Review Cycle**, more **open, transparent and participatory**.

**The EU Media Freedom Act: strengthening media independence, freedom and pluralism to protect information as a public good**

As regards challenges to media freedom, independence and pluralism, participants pointed to the lack of independence of media regulators, the lack of transparency of media ownership, **market concentration** and political and economic pressures on media, in particular public service media, as the most pressing issues. Testimonies from national media outlets in the EU illustrated how these challenges concretely impacted media and journalists.

*UNESCO* informed that the notion of **information as a public good** was enshrined in the *Windhoek Declaration*, and needed to be protected and promoted at all stages of the information chain. The *European Regulators Group for Audiovisual Media* expressed its commitment to improve **cross-border cooperation** and coordination.

The *European Federation of Journalists and Reporters Without Borders*, proposed concrete sets of priorities the upcoming EU Media Freedom Act should focus on to achieve progress on the ground.

Among the *key takeaways* of the panel, participants pointed to the need for:

- **Economic independence of media, transparency of media ownership** and rules to **foster market pluralism** and **counter market concentration**.
• Safeguards and regulatory standards for editorial independence and transparency, in particular for public service media.

• Better leveraging journalists’ associations and strengthening the independence of media councils and other media regulatory bodies.

• Public support to facilitate the media sector’s transition to more sustainable business models, including investment in innovative media and digital start-ups.

Towards an enabling digital ecosystem for professional journalism and public interest information

Participants also addressed challenges facing media in the digital age, expressing concern over undue restrictions to the free flow of information online, emerging digital threats and the unprecedented economic viability crisis media outlets faced in the digital information ecosystem. The impact of these challenges on the right to freedom of expression and information were described by UNESCO, the Council of Europe, and the Danish NGO Iustitia.

Mary Lawlor, UN Special Rapporteur on Human Rights Defenders highlighted the new risks and threats brought about by information technology, such as online hate speech, surveillance and the use of illegal spyware, which greatly affected the safety of journalists as human rights defenders.

Against the background of national and EU regulatory efforts, Civil Liberties Union for Europe and European Digital Rights, alerted to the risk of a “regulatory race to the bottom”, which could have unintended and harmful consequences for freedom of expression and information online. The regional media outlet Euractiv emphasized the significant impact of regulatory efforts on quality journalism as well as on national media markets and media’s financial sustainability.

Some participants also highlighted the role of media themselves in improving the accessibility of content and audience engagement online, with the European Broadcasting Union pointing to a promising project that leveraged artificial intelligence for automatic translation to offer journalistic content in various national languages in the EU region.

Among the key takeaways of the panel, participants pointed to the need for:

• Anchoring rules regulating the online ecosystem in human rights, including freedom of expression, freedom of information, freedom of the media as well as privacy and data protection, as reflected in the amendments proposed by the European Parliament to the EU Digital Services Act proposal.
• **Enhancing the accountability of online platforms** through rules to guarantee the transparency of content moderation, balanced dissemination and effective remedies against decisions that manipulate or restrict content.

• **Restoring media viability** by shifting advertising revenues and financial compensation for the dissemination of professional journalistic content online.

• **Promoting professional and quality journalism online** by countering the proliferation of disinformation, hate speech and conspiracy theories in full respect of freedom of expression and information, investing in media literacy and encouraging journalists and media to uphold ethical and professional standards.

**A continued engagement**

*Birgit Van Hout, UN Human Rights Regional Representative,* noted that, ultimately, improvements on the ground depended on the willingness of decision-makers at all levels to harness their powers, resources and constituencies to safeguard journalists, media freedom and pluralism as an integral part of their commitment to uphold human rights, to keep civic space open, to respect the rule of law, and to protect democracy.

She conveyed the commitment of the UN Human Rights Office in Brussels to **build on the outcomes of the policy dialogue** to foster engagement by and cooperation among all different concerned – UN bodies and mechanisms, the EU, regional organizations, civil society and media actors –, with a view to **informing coherent human rights-based solutions** that would deliver tangible results.