



May 2021

Recommendations on safety of journalists in the European Union

RSF's contribution to the [European Commission public consultation](#)

On safety of journalists

- **Create independent national committees for the safety of journalists** that include representatives from the justice department, police and journalist associations in order to verify that all attacks and threats are properly investigated, improve procedures if necessary, propose protective measures if necessary, and take preventive actions to strengthen the safety of journalists. These committees will publish an annual report on threats and attacks on journalists and prosecutions by authorities, and will present their annual reports to their parliaments and governments.

On physical safety

- The creation, at the political level, of a **rapid alert mechanism** for press freedom violations and for the protection of journalists, and for a commissioner to be named as point person for this mechanism
- Press for the creation of the post of **Special Representative to the UN Secretary-General** on the safety of journalists
- Involve the European authorities more in the prevention and resolution of crimes committed against journalists. The European Parliament should conduct a **public inquiry** when there is a suspicion that national authorities did not take appropriate measures in order to prevent a crime.
- Member states should systematically **involve Europol** in criminal investigations into crimes against journalists whenever such a crime is committed in Europe.

- The **European Public Prosecutor's Office** should be strengthened in its mandate and in terms of the participating states so that its investigations can go beyond the financial interests of the European Union.
- **More transparency** about crimes committed against journalists and **exchanges of good practices** in the protection of journalists:
 - ◆ Member states should inform the European Commission regularly about violence against journalists and their efforts to eradicate such violence so that the EU executive can take stock of it in its annual rule of law reports.
 - ◆ This would allow the European Commission to gather information, to exchange information on good practices and to communicate them to the Member States.
- Concerning **law enforcement operations** (demonstrations, public events, etc.):
 - ◆ Member states should make sure that police violence against journalists, arbitrary arrests and other press freedom violations are **duly prosecuted**, and ensure that disciplinary sanctions are made public.
 - ◆ Establish a **regular dialogue** between journalists and law enforcement forces, to reinforce mutual understanding and trust
 - ◆ Ensure that law enforcement forces are **duly trained** on press freedom and journalists' rights
 - ◆ Appoint in all protests, public events and police operations a **dedicated "liaison officer"**, in charge of informing and liaising with journalists and reporters. This contact officer shall also serve as a "rapid alert mechanism", to be used by journalists to signal violence or press freedom violation.
 - ◆ Working with journalists, unions and civil society organisations to develop tools to help minimize the risks faced by journalists on the ground, such as a **dedicated digital application**, allowing journalists to rapidly signal dangerous areas, to issue urgent alerts, to share all relevant information. RSF Spain is working on such a tool that could be used as a reference.

On legal safety

- Adopt **legislative and non legislative measures** to deter Strategic Lawsuits Against Public Participation (**SLAPPs**) at national level and press for EU-wide rules providing for a consistent protection against SLAPPs. This will mark a crucial step forward towards ending this abusive practice intended to silence critical voices in EU member states and serve as a benchmark for countries in the rest of Europe and beyond.

On surveillance

Mass data collection and increased hacking powers of police services and intelligence agencies are eroding traditional legal safeguards for the protection of journalists and their sources and threaten the ability of media workers to protect the confidentiality of their communications in EU member states. Initiatives at the EU level pertaining to new means of monitoring encrypted communications are adding to concerns regarding the viability of online

safe spaces such as encrypted messenger services, which provide a means to guarantee the digital security and physical safety of journalists and their sources.

- Adopt **effective safeguards** against the surveillance of journalists and their sources at the national and European level.
- Supranational initiatives aimed at drafting **common standards and agreements** on intelligence oversight, respect for privacy and data protection must be supported and encouraged in the light of the German Federal Constitutional Court's recent ruling on the foreign intelligence law (BND-Gesetz) and the CJEU's 2020 ruling on data transfers ("Schrems II"), in accordance with requests for such common standards from the Parliamentary Assembly of the Council of Europe, the UN special rapporteur on the protection of privacy and the European Intelligence Oversight Network (EION).
- End-to-end **encryption must be protected** and its integration into communications services encouraged rather than questioned in order to safeguard citizens' and especially media workers' IT security and right to privacy and confidentiality. The development of secure open source technologies ought to be promoted through relevant EU programmes.

Addressing online threats

- Provide **training** and resources to police and magistrates on handling cases of online harassment, so as to ensure that such cases are investigated and prosecuted.
- Develop **specialized units** within national and local prosecution services and police offices dedicated solely to investigating and prosecuting cases of online hate.
- Implement systems for **alert and rapid intervention** in harassment cases. These mechanisms must be coordinated with prosecutorial authorities.
- Implement **recovery procedures** for cyber harassment victims. These could include financial restitution, medical and psychological aid, and relocation assistance
- Promote **education on digital safety**, with a focus on increasing internet users' awareness of the impact of online harassment, and the legal consequences for perpetrators.

Addressing gender-based attacks and supporting journalists representing minorities

- **Policy recommendations and mechanisms to ensure safety of journalists must incorporate a gender-sensitive approach**, namely by taking into consideration the specific threats and challenges encounter by women journalists in their work, and by providing solutions that address the specific needs of women journalists.
- Ensure that there is **adequate legislation to respond to gender-based violence**, especially against women journalists.

- **Ensure that the criminal justice system is equipped** to handle and prosecute cases of sexist violence, both physical and online violence, especially against women journalists; and ensure that cases of sexist violence and online harassment are **systematically investigated** and those responsible are prosecuted and convicted.
 - ◆ Provide additional **training** and resources to police and magistrates on handling cases of sexual violence and online harassment, so as to ensure that such cases are investigated and prosecuted. In particular, RSF recommends the appointment of more gender specialists in police and prosecutor offices.
 - ◆ Ensure that **police protection mechanisms** incorporate a gender-sensitive approach, such that specific protection measures exist and are readily activated for cases of gender-based violence, including online harassment.

- Support the **right of women journalists to work** by:
 - ◆ Promoting activities that foster gender diversity in the media field;
 - ◆ Supporting capacity-building initiatives that focus on safety of women journalists;
 - ◆ Contributing to the establishment of Women Journalist support networks, including where possible, through financing and training.

- Ensure that **government statistical reports and surveys** on the media sector and the press reflect a gender-sensitive account of the trends for women journalists, concerning violence as well as employment conditions. Take steps accordingly to create or reinforce existing monitoring and reporting mechanisms on the specific situation of women journalists