

1211 Meeting, 12 November 2014

5 Media

5.1 Setting-up of a Freedom of Expression Platform to promote the protection of journalism and safety of journalists – Memorandum of Understanding between the Council of Europe and partner organisations



Memorandum of Understanding on the setting-up of an Internet-based Freedom of Expression Platform to promote the protection of journalism and safety of journalists

between the Council of Europe and the following partner organisations:

International Federation of Journalists (IFJ), Brussels
Association of European Journalists (AEJ), Brussels
Reporters Without Borders (RWB), Paris
Article 19, London
International News Safety Institute, (INSI), London
Open Society Institute (OSI-Media), London



Memorandum of Understanding on the setting-up and operation of a **Freedom of Expression Platform** to promote the protection of journalism and safety of journalists between:

The Council of Europe and the following partner organisations:

- International Federation of Journalists (IFJ)
- Association of European Journalists (AEJ)
- Reporters Without Borders (RWB)
- Article 19
- International News Safety Institute (INSI)
- Open Society Institute (OSI-Media)

Whereas

1. The aim of the Council of Europe is to achieve greater unity between its member States for the purpose of safeguarding and realising the ideals and principles that are their common heritage. In pursuit of this objective, the core values for which the Council of Europe stands are human rights, democracy and the rule of law.

2. In the field of freedom of expression, these values translate into action to promote media freedoms and pluralism in order to preserve the vital role of the media in democracy and democratic processes.

3. A fundamental aspect of freedom of expression and of the right to receive and impart information is the safety of journalists and other media actors, as well as other persons communicating in the public interest. The Committee of Ministers of the Council of Europe and the Conference of Ministers responsible for media and information society (Belgrade, November 2013) called for further action to ensure the safety of journalists and expressed support for the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.

4. The Parliamentary Assembly of the Council of Europe made a proposal for the creation of an internet-based platform for interested media freedom organisations to report serious concerns about media freedom to the relevant Council of Europe bodies. This proposal was supported by the Committee of Ministers in the context of its discussions on the protection of journalism and the safety of journalists. In a Declaration on the protection of journalism and safety of journalists and other media actors adopted on 30 April 2014, the Committee of Ministers “decide[d] to facilitate the development of an Internet-based platform drawing on information supplied by interested media freedom organisations to record and publicise information on possible infringements of the rights guaranteed by Article 10 of the European Convention on Human Rights”.

5. The Partner Organisations have the shared purpose of advocating the protection of journalism and safety of journalists and other media actors as a means of achieving respect for freedom of expression and of promoting this right. Their objectives and actions include documenting and reporting instances of violence against journalists and other concerns about media freedoms, raising awareness, assisting in legislative and policy development, training and taking steps to address violence.

In the pursuit of the shared objective stated above, the Council of Europe and the Partner Organisations have agreed to sign this Memorandum of Understanding:

Article 1

The aim of this Memorandum of Understanding is to create a framework for co-operation between the Council of Europe and the Partner Organisations on an Internet-based platform drawing on information supplied by the Partner Organisations to record and highlight serious concerns about media freedom and journalists’ rights.

Article 2

The information published on the Platform may serve as a basis for timely action by the Council of Europe as well as for an upstream dialogue with the member States concerned regarding proposals for possible protective or remedial action.

Article 3

The Council of Europe will be in charge of setting up, hosting and providing technical arrangements for the Platform, in accordance with Instruction No. 47 of 28 October 2003 on the use of the Council of Europe's Information System. Information will be submitted and posted by Partner Organisations in English or French, unless urgency requires an alert to be submitted in another language.

Article 4

The Platform will allow the Partner Organisations to publicise information as referred to in article 1 above, subject to their own verification processes and standards. The content posted will be publicly accessible. The Council of Europe will not edit this information. However, it may remove posts that do not meet the requirements set out in this Memorandum of Understanding. The name and logo of the publishing Partner Organisation will be posted on the site together with the information. There will be an indication that each contributing Partner Organisation is responsible for content which it posts and a clearly worded disclaimer by the Council of Europe.

Article 5

Other than in respect of information already in the public domain, strict compliance with privacy rules requires anonymity or the consent of persons who are identified or identifiable. The Partner Organisation posting content will be responsible for obtaining consent if and when necessary. In all cases, information on serious concerns about media freedom and journalists' rights, notably safety of journalists, posted for public access by the Partner Organisations will be reliable and based on verified facts. Postings will follow agreed format or standardised presentation. The Partner Organisations will refrain from posting opinions or legal assessments.

Article 6

In accordance with the regulation of 17 April 1989 outlining a data protection system for personal data files in the Council of Europe, the Council of Europe will take all reasonable steps to ensure the security of confidential information and personal data, and will inform promptly the Partner Organisations and/or other interested entities in case of a security breach.

Article 7

When the circumstances allow it, the Council of Europe and a member State which is directly referred to in information posted on the Platform may post reports on action taken by their respective organs and institutions in response to that information.

Article 8

The Council of Europe will draw up regular reports based on information submitted to it by the Partner Organisations. These reports will also include information on action taken by different Council of Europe organs and institutions or member States, without prejudice to cases that require discretion or involve silent diplomacy. Prior to publication and distribution, the reports will be circulated to the Partner Organisations for information and possible comment. They will be submitted to the Committee of Ministers and to the Parliamentary Assembly, together with comments made by member States concerned.

Article 9

The relationship between the Council of Europe and the Partner Organisations will be built on mutual trust. Any disputes between the Parties arising out of or relating to the present Memorandum of Understanding shall be settled by mutual consultation.

Article 10

In order to facilitate communication, a liaison person will be designated by the Council of Europe and by each Partner Organisation to act as the first point of contact.

Article 11

The Council of Europe and each Partner Organisation will manage their own budget, without being liable to each other for reimbursement or compensation for expenses incurred, unless specifically agreed on a case-by-case basis.

Article 12

Nothing in this Memorandum of Understanding shall be interpreted as obliging either the Council of Europe or any of the Partner Organisations to take part in, contribute to or in any other way support any activities planned or action proposed or undertaken by another organisation.

Article 13

This Memorandum of Understanding will become effective upon signature by the Council of Europe and the above-mentioned organisations, and will be extended automatically every twelve months unless either side indicates otherwise in writing six months before the expiry date. In case one or several Partner Organisations unilaterally withdraw their consent, it will remain in effect with respect to the remaining organisations.

Article 14

Following consultation with the Partner Organisations and upon invitation by the Council of Europe, other organisations can adhere to this Memorandum of Understanding.

Article 15

An evaluation on the effectiveness of the Platform shall be made after an initial trial period of one year.

Done in ..., in two copies in English and French, both texts being equally authentic, on ...

For the Council of Europe

For the Partner Organisations

International Federation of Journalists

Association of European Journalists

Reporters Without Borders

Article 19

International News Safety Institute

Open Society Institute