

On Human Rights Day 2021 media freedom battles reach high intensity

From William Horsley, AEJ Media Freedom Representative

Human Rights Day is marked each year on December 10. It's the anniversary of the adoption in 1948 by the United Nations General Assembly of the Universal Declaration of Human Rights. This year more than ever, fierce battles over free speech and press freedom are being played out in full public view across Europe.

In a rare and highly significant move, on 3 December a vote among the 47 member states of the Council of Europe gave the go-ahead to "infringement proceedings" against Turkey, a country which is one of the most conspicuous violators of the European Convention on Human Rights with regard to media freedom. This could ultimately lead to the suspension of Turkey's voting rights, or even the country's expulsion from the Council of Europe, the continent's supreme human rights organisation. To avoid that risk Turkey must release the civil society leader and publisher Osman Kavala, after the European Court of Human Rights ruled that he was wrongfully arrested and detained in order to silence him, and that all charges against him must be dropped.

In a second very unusual development, on Tuesday the Council of Europe's Secretary General, Marija Pejcinovic Buric, challenged Poland over what has been seen as the government's attempts to interfere with the independence of the country's judiciary and to deny the role of the European Court of Human Rights as the final arbiter of the Convention. The clash followed a ruling on 24 November by the country's Constitutional Court which found that in certain circumstances Article 6 of the Convention is "not compliant with the Polish Constitution". Ms Buric wrote to the Polish Foreign Minister asking an explanation of how, in the light of that, Poland's domestic law would ensure that the provisions of the Convention will always be implemented. The issue, as she wrote, is Poland's commitment to ensuring the right of everyone to a fair trial "by an independent and impartial tribunal"
<https://rm.coe.int/rau-mfa-poland-sg-article-52-constitutional-court-07-12-2021/1680a4cd03> .

These two events demonstrate the key importance of both freedom of expression and the rule of law – upheld by judicial independence -- in Europe's postwar human rights framework, which has been based on the European Convention on Human Rights since the Convention came into force in 1953.

On Tuesday a leading Europe-based investigative reporting network, the Organized Crime and Corruption Reporting Project, condemned the "cascade" of vexatious and groundless lawsuits filed in the past month against the award-winning Serbian investigative team KRIK and its chief editor Stevan Dojcinovic
<https://www.occrp.org/en/40-press-releases/presss-releases/15619-cascade-of-frivolous-lawsuits-endangers-top-serbian-investigative-journalism-outlet-krik>
.KRIK's revelations exposed police collusion in criminal activity and ties between a Serbian oligarch and the dictator of Belarus, Aleksander Lukashenko. The attempts to silence KRIK demonstrate why free and independent journalism is essential to

challenge high-level crime and corruption, and so guard against state censorship and autocracy.

Against this background, the Council of Europe is showing a new and very public determination to challenge and reverse what senior officials say is “significant backsliding” away from their legally binding obligations to fundamental rights by member states in every part of Europe. Journalists’ safety and stronger protections for independent media against all kinds of interference are at the heart of that commitment.

At a strategic meeting of the Council of Europe’s Media Steering Committee last week on December 1 to 3, senior Council of Europe officials announced a series of initiatives over the next two years to achieve those goals, including a “dedicated campaign” across Europe to improve conditions for the safety of journalists, a new legal framework of protection against abusive or vexatious legal threats or SLAPPs (Strategic Litigation Against Public Participation); and development of fresh policies and mechanisms to guard against disinformation, political manipulation of the media, and harmful impacts on media freedom of the new age of “digital convergence” and Artificial Intelligence.

The Strasbourg-based Council of Europe, like the European Commission in Brussels, promises to reach out to journalists’ organisations and other civil society groups to contribute and participate actively in all these plans and projects. For details see the Steering Committee on Media and Information Society’s website <https://www.coe.int/en/web/freedom-expression/cdmsi> .

This year December 10 is a day for journalists and others to celebrate for a special reason. Dmitry Muratov, editor of Novaya Gazeta in Russia and Maria Ressa, founder and chief of Rappler in the Philippines, will both be in Oslo, Norway, in person to receive their joint Nobel Peace Prize. It is a truly extraordinary tribute to their courage and their inspiration to others, and a public recognition of the vital importance of journalism as a public good. The ceremony can be seen live here: <https://www.rappler.com/world/global-affairs/video-maria-ressa-dmitry-muratov-receive-nobel-peace-prize-oslo-norway-december-2021/>