

## **EMFA - Article 4: Protection of Journalists' Sources must be in line with Human Rights Standards**

With the European Media Freedom Act (EMFA), the EU has set itself the noble goal of strengthening media freedom in the EU. But unless the proposed Article 4 is in line with international standards, such as the European Convention on Human Rights (ECHR), the final text could fall short of this original objective. We, the undersigned organisations, have supported the inclusion of this Article from the very beginning of the legislative process. “Protection of journalistic sources is one of the basic conditions for press freedom,” as the European Court of Human Rights ruled. “Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result, the vital public-watchdog role of the press may be undermined, and the ability of the press to provide accurate and reliable information be adversely affected.”<sup>1</sup>

Considering recent developments in EU Member States, such as the proliferation of intrusive surveillance tools, it is all the more important that the EMFA effectively protects media service providers, their journalists and sources. We are deeply concerned about the chilling effect that could ensue if the final text sets conditions for disclosure of sources that fall short of international human rights standards and maintains the paragraph ‘*This article is without prejudice to the Member States’ responsibility for safeguarding national security*’.

Therefore, we call for your support in adopting robust wording in the final version of the EMFA that would ensure a high level of journalistic protection and recognise the conditions under the ECHR and case-law under which interferences with journalists’ freedoms can be justified, in particular the requirement of a prior order by an independent and impartial judicial authority. Crucially, the same conditions apply in case of interferences on the grounds of national security.<sup>2</sup> Attached, you’ll find our detailed drafting recommendations.

### **Signatories:**

1. Association of Commercial Television and Video on Demand Services in Europe (ACT)
2. European Broadcasting Union (EBU)
3. European Federation of Journalists (EFJ)
4. European Magazine Media Association (EMMA)
5. European Newspaper Publishers Association (ENPA)
6. European Publishers' Council (EPC)
7. News Media Europe (NME)
8. Global Forum for Media Development
9. International Press Institute (IPI)
10. Association of European Journalists (AEJ)
11. European Centre for Press and Media Freedom (ECPMF)
12. Lie Detectors
13. Media Diversity Institute
14. OBC Transeuropa (OBCT)
15. Public Media Alliance (PMA)
16. UNI-MEI
17. Wikimedia Europe

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<sup>1</sup> [Goodwin v. the United Kingdom](#), Grand Chamber judgment of 27 March 1996, § 39.

<sup>2</sup> [Big Brother Watch and Others v. the United Kingdom](#), Grand Chamber judgment of 25 May 2021.