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The status of journalists in Europe

Report¹

Committee on Culture, Science, Education and Media

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A. Draft resolution²

1. The Parliamentary Assembly reiterates that freedom of expression and information is a fundamental right guaranteed by Article 10 of the European Convention on Human Rights (ETS no. 5). That right includes media freedom, which is a key prerequisite for the existence and development of a democratic society.

2. Professional journalists have a mission to provide the public with information on general or specialist topics of interest as responsibly and objectively as possible. Accordingly, the Assembly is concerned to observe a gradual slide into the precarity of the profession of the journalist, directly linked to the collapse of the traditional financing model used for many media following technological change and the development of online media, with their impact sometimes exacerbated by political factors related to growing tendencies driven by populism, authoritarianism or the favouring of private interests. Some media have seen their editorial independence undermined while others have had to lay off staff.

3. A drop in revenue of most media, the casting around of publishers for new business models and the virtually systematic outsourcing of work have all substantially contributed to the booming number of freelance journalists, who are confronted with a lack of professional recognition: although working in the same conditions as journalists employed on full-time contracts, they do not have the same rights and are unable, in several countries, to be represented by trade unions and negotiate their rates.

4. The Assembly is further concerned that journalists' working conditions continue to deteriorate: they are working longer hours; the demand for high output affects their ability to check information sources, investigate sensitive issues and analyse facts with a degree of detachment; many media companies do not allocate adequate resources to training; freelancers often lack preparation or insurance for working in areas where there are risks or conflicts.

5. In addition, the Assembly observes unacceptable inequality between women and men in the profession: women's careers are shorter than men's; it is considerably more difficult for them to reach managerial level; female journalists are the main victims of cyber-bullying and sexist violence. In this connection, the Assembly reminds the member States of [Recommendation CM/Rec\(2013\)1](#) of the Committee of Ministers on gender equality and media, and the need to implement it.

6. Consequently, the Assembly recommends that member States:

6.1. fully assume their positive obligation to protect media professionals, taking all necessary steps to ensure freedom of expression and the protection of sources, and put an end to impunity for attacks against journalists;

6.2. review their domestic legislation on the status of journalists with a view to identifying any areas

¹ Reference to committee: Doc. 13970, Reference 4193 of 22 April 2016.

² Draft resolution adopted unanimously by the committee on 4 December 2017.

to be updated, taking recent technological and economic developments into account;

6.3. explore avenues for alternative funding in a new media ecosystem, including:

6.3.1. the redistribution of advertising revenue generated by search engines or social media;

6.3.2. the inclusion of freelancers within the scope of labour legislation in terms of minimum pay;

6.3.3. the institutionalisation of innovatory crowd-funding initiatives, for example by giving decision-making power to donors providing more than 1% of registered capital;

6.4. support action plans to tackle the problem of gender inequality on the labour market in the media sector, including:

6.4.1. the drawing up of studies containing statistical indicators;

6.4.2. the introduction of mechanisms inciting employers' organisations to seriously tackle this problem in the long term;

6.5. support the involvement of representative social partners in the media sector to promote dialogue between workers and employers.

7. The Assembly calls on trade unions and journalists' organisations to:

7.1. adjust to rapid societal changes, including with regard to the status of journalists, which should be adaptable, as its essence lies in the tasks and not in the legal definition;

7.2. promote membership, particularly among young people and women, but also among providers and managers of content, currently excluded from many trade unions, while ensuring that all members have the requisite professional expertise;

7.3. promote the practice of mentoring for young journalists in general, enabling them to benefit from the professional experience of their more experienced colleagues, and for young female journalists in particular, to better equip them against discriminatory mentalities, harassment and sexist violence;

7.4. stimulate dialogue between professional journalists and other content-provider professions on questions of quality, professional standards and responsibility;

7.5. diversify themes and fields of training, adapting to the demands of the new media environment, and develop services for their members, in response to their specific requirements;

7.6. represent all journalists in collective bargaining and agreements, above all for basic rights such as working hours, wages, paid leave after a certain length of service and social insurance contributions covering pensions, social security and unemployment;

7.7. include and defend the rights of freelancers in the workplace and within social legislation in general, conferring upon them a core of common rights granted to salaried employees.

8. The Assembly invites the European Federation of Journalists to promote awareness of the issues raised in this resolution among its members and to facilitate exchanges of experience and the passing on of good practices regarding high-quality journalism that follows codes of ethics and is worthy of public trust.

B. Explanatory memorandum by Ms Elvira Drobinski-Weiss, rapporteur

1. Introduction

1. Questions concerning the definition of the tasks and the status of journalists are repeatedly raised not only within the profession but also in the political and legal debate as their status is not only linked to the nature of the work that they do but also to the rights and responsibilities of those who exercise this profession and ultimately to the public service provided by news media.

2. In a traditional media environment, the question of the definition, and by extension that of the status, of journalists did not in itself pose a problem: the different national approaches were all based on a lower common denominator, i.e. that journalists were people whose main activity was to work for a news media. However, since the emergence of blogs, social networks, interaction with users and the exchange of information in real time, the difference between journalists, experts or mere citizens sets the question of their status in sharper relief for legal, political and economic reasons.

3. Their status varies widely from one country to the next to such a degree that one might wonder whether it is possible or really necessary and desirable to determine who is a journalist. The ontological question with regard to journalism also raises the question of changes in the profession: not only strictly technological changes resulting from the fact that everything has gone digital but also economic developments with the complete upheaval of media funding and of societal models with the breakdown of traditional roles between “producers” and “consumers” of content.

4. In the present document I will address three issues:

- Definition of/access to the profession of journalist;
- Impact of the new media environment on the professional status of journalists;
- Role of the trade unions and professional organisations.

5. The analysis of these issues is essentially based on the expert report by Mr Gruber (AS/Cult/Inf (2017) 05), whom I thank for his excellent work. In the light of the hearing held by the Committee on 25 April 2017, I have incorporated information relating to Georgia, Turkey and Ukraine in the text. I would like to thank Ms Goguadze for her contribution regarding Georgia, as well as Ms Bilgehan and Mr Arieu for checking the information gathered by the Secretariat on Turkey and Ukraine respectively³.

6. I also wish to thank all the talking partners we met during our fact-finding visit to Poland, particularly Ms Iwona Arent, member of the Polish delegation, as well as the various Polish government and opposition representatives and representatives of Poland's journalist and publisher organisations.

2. Definition of and access to the profession of journalist: an overview of the situation in Europe⁴

7. Journalist's activities, like the activities of the media in general, are regulated in a wide range of manners in Europe and include self-regulation, co-regulation and state regulation.⁵ Compared to state regulation, there are two major advantages to self-regulation: it is more responsive, more flexible and can adapt to the changing circumstances of the media, and above all it avoids any kind of direct political interference. But it also requires a substantial degree of organisation and compliance with decisions by all of those concerned (professional organisations, employers' associations, civil society and individual journalists).

8. A number of European or international bodies have found it necessary to give a definition of journalist in the context of their activities, for example in Recommendation 2000(7)⁶ on the right of journalists not to disclose their sources of information: “*the term "journalist" means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication*”.

9. This general definition fortunately does not include any further criteria concerning access to the profession, determined on a national basis. The following is an overview of the situation in a number of European countries.

³ Information on the status of journalists in a number of Council of Europe member States is compiled in information document AS/Cult/Inf (2017) 13 of 10 August 2017.

⁴ For more details, see information document AS/Cult/Inf (2017) 13.

⁵ With regard to self-regulation, see the OSCE guide: <http://www.osce.org/fr/fom/31498?download=true>.

⁶ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805e300c.

2.1. Definition of the profession of journalist

10. In several Council of Europe member States, the profession of journalist is defined in law. The recurrent features of different European laws defining journalists are: a) employers (media companies, daily and periodical publications, press agencies); b) the nature of the activity carried out (gathering and dissemination of news); and c) regular exercise of this activity, normally remunerated by a salary. On the latter point, less commonly, there are laws recognising the status of journalist for freelance journalists too.

11. The following handful of examples illustrates the three features mentioned above:

- In Belgium, the law defines who may be regarded as a professional journalist as follows: the person must have engaged in journalism as "their main professional activity for two years and exercise this activity on behalf of a general news media outlet";
- In France, "anyone whose main, regular and paid occupation is the exercise of their profession in one or several media outlets, daily or periodical publications, or press agencies and who earns most of their income in this way"⁷ is considered to be a journalist. One specific feature of the French legislation is to grant full journalist status to freelance journalists in the same way as salaried employees: the status of a freelance journalist in France differs substantially from that of freelancers in other countries, who are generally excluded from collective agreements and from the system of social protection for employees;
- In Georgia, the law states that "anyone employed in a media company and those systematically gathering and disseminating news for public consumption shall be considered as journalists";
- In Turkey, the law defines a journalist as anyone working at a newspaper, periodical, press agency or photographic agency and carrying out intellectual or artistic work in return for remuneration;
- In Ukraine, the law defines a journalist as a "creative employee who gathers, receives, creates and prepares news on a professional basis for the media and who exercises professional functions in the media (as a regular employee or a freelance journalist), in accordance with the job titles corresponding to journalist appearing in the state list of professions".⁸

12. In other member States, there is no legal definition of journalist. In Germany for example, the profession of journalist derives directly from Article 5 of the Constitution, which safeguards freedom of thought, of expression and of the press and prohibits censorship.⁹ Unlike countries where the profession is defined by law, journalists in Germany do not have to undergo formal or mandatory procedures. The profession is open to everyone, with no training or selection requirements. German journalists and their professional organisations have always been opposed to a binding or regulatory legal definition out of fear that parliament or the political authorities in general would restrict their freedoms. However, the membership form of the German Association of journalists defines a journalist as a person "whose main occupation is journalism or who is involved in journalism for most of his or her working time". A journalist must be "involved in the production and dissemination of news, opinions and entertainment via the media by means of written articles and reports, pictures or sounds or a combination of these means of production".

13. Another example is Poland, where the status of journalists is no longer defined by law, as was previously the case in the 1980s, when journalists had to be members of editorial staff (printed press, television, radio) and freelancers were not mentioned at all. At present, a journalist is seen and recognised as such by the public authorities and by civil society as of when they are given work by a press outlet or other media.

14. The situation in Italy is unique in Europe, if not in the entire world, as the profession of journalist is governed by the Italian Order of Journalists (*Ordine dei Giornalisti*), comprising a National council and regional branches which issues press cards, and a disciplinary board. The law requires that journalists must be registered with the ODG as professionals, a status which itself sets requirements with regard to age, length of practise and training.

2.2. Press card

15. In a number of member States, professional journalists possess a press card. It is not mandatory in all

⁷ Occasional contributors are not entitled to the status of journalist: "only those who continually make intellectual contributions to a periodical publication with a view to informing its readers shall be considered to be journalists" (Cass. soc. 28 May 1986, n°1306; Cass. soc. 1 April 1992).

⁸ <http://zakon2.rada.gov.ua/laws/show/540/97-%D0%B2%D1%80/>.

⁹ "Every person shall have the right to freely express and disseminate his opinions in speech, writing, and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship".

cases and does not necessarily define the status of journalist, but it may provide media professionals with a useful means of being identified and recognised as such, particularly by the police or judicial authorities and by the organisers of public events. The authorities issuing press cards may vary from one member State to another.

16. In Belgium, for example, journalists are not required to hold an official press card in order to have the right to work, but the press card does serve the purpose of identifying professionals¹⁰ and give them a specific social status, in particular where their pension rights are concerned.

17. In France, press cards, which are not compulsory, are issued by the "Press Card Commission", made up of sixteen full members elected or appointed for three years. The representatives of the trade unions are elected from among the six trade unions representing the profession.

18. In Germany, the non-compulsory press card (*Presseausweis*) is issued by one of five professional organisations, three of them representing journalists and two of them representing employers' organisations. However, for several years now, commercial organisations have been selling forged or "alternative" press cards without verifying the professional qualifications of the buyers, which has become a cause for concern for the legitimate organisations. The official press card is currently issued on a regional basis in each "*Land*" but as from 2018 it will be issued on a federal basis, without any change to the criteria governing its issue.

19. In Turkey, press cards are not mandatory but are a useful means of identification for journalists, particularly by police and judicial authorities at political, cultural or sports events. Holders of press cards also benefit from reduced ticket prices on public transport and free admission to public places, including museums, galleries, exhibitions and stadiums. Press cards are issued by the Directorate general for media and information, an institution placed under the authority and management of the Prime Minister. Decisions to issue press cards are taken by a Press Card Commission, comprising 15 members appointed by the Institution of media publications. The regulations governing press cards establish a restrictive list of titles which may obtain a press card, as well as quotas for different types of media and press agencies.

20. In Ukraine, legislation governing national press cards is currently being drawn up. A draft version of the regulations stipulates that the card must be issued by the Journalistic Ethics Commission, at the request of the National Union of Journalists, the Independent union of media of Ukraine or editorial offices of media outlets such as the printed press, TV and radio broadcasters and press agencies. The card will serve to confirm the journalist's professional affiliation as well as their status.

21. In the Nordic countries, press cards are issued by a single national trade union, meaning that obtaining journalist status essentially hinges on membership of the union concerned.

22. In Poland, press cards are not mandatory. They are usually issued by the respective editorial office or media company, with no restrictions applying. International press cards are issued by the professional organisations (the Association of Polish journalists and the Society of Polish journalists).

2.3. Self-regulatory bodies

23. In Belgium, the Journalists' Ethics Council (CDJ) has the purpose of issuing opinions and taking its own initiatives, as requested or in response to complaints, regarding the way in which news is handled in all media. It therefore operates along the same lines as the press councils which exist in other countries.

24. In Georgia, under the law on broadcasting, the media must set up effective self-regulatory mechanisms: anyone seeking to protect their rights may report a breach of professional ethics standards by a media company or a journalist to a specific body covering the media in question and responsible for settling disputes. This mechanism enables media companies to rectify breaches of the Code of professional standards/Code of conduct at their own level, making it easier to maintain high professional standards in journalism. In addition, the Association of independent journalists is responsible, among other things, for compliance with professional standards and the Charter of journalistic ethics, whose aim is to "heighten the public accountability of the media through the protection of professional and ethical standards and self-regulatory mechanisms".

25. In Germany, the Press Council (*Presserat*), a self-regulatory body which receives and assesses complaints concerning the content published by journalists in the press and online, is responsible for

¹⁰ Recipients of the press card also receive a car windscreen badge, facilitating identification of professional journalists seeking access to certain institutions or events.

ensuring compliance with the rules of professional conduct. Modelled on the British Press Council, it was set up in 1956 by the professional organisations themselves following the rejection of a draft law proposing the creation of a public law body. Complaints are dealt with by a body which examines them in accordance with the Press Code (*Pressekodex*). The penalties pronounced by the *Presserat* are: admissibility without consequences, warning, reprimand and finally censure published by the media in question.

26. In the United Kingdom, a Press Council was set up in 1953 as a self-regulatory body and replaced in 1991 by the Press Complaints Commission, which was in turn replaced in 2014 by the Independent Press Standards Organisation (IPSO). IPSO claims to be an independent regulator of the newspaper and magazine industry and exists to promote and uphold the highest professional standards of journalism in the United Kingdom and to support members of the public in seeking redress where they believe that the Editors' Code of Practice has been breached. The Editors' Code of Practice deals with issues such as accuracy or invasion of privacy. IPSO is able to consider concerns about editorial content in newspapers and magazines and about the conduct of journalists. It handles complaints and conducts its own investigations into editorial standards and compliance. It also undertakes monitoring work, including by requiring publications to submit annual compliance reports. IPSO has the power, where necessary, to require the publication of prominent corrections and critical adjudications, and may ultimately fine publications in cases where failings are particularly serious and systemic.

27. In Poland, the self-regulation system in place is represented by the Media Ethics Council ("Rada Etyki Mediów"). This self-regulatory body is made up of journalists and academics and operates on a voluntary basis. Its arbitration decisions are rarely known and followed. The body's visibility and general recognition among Poland's journalists and general public remain weak.

28. In Ukraine, a first step has been taken towards a system of self-regulation for the media with the setting up of a Journalistic Ethics Commission and subsequently of regional branches. The commission is a Ukrainian NGO addressing ethics issues at the request of a journalist or other individuals or entities seeking an ethical assessment of the professional activities of a journalist, or of an editor, a founder or owner of a media outlet or the public authority competent in the field of the media. The commission operates on a voluntary basis and comprises 15 members elected at the Congress of signatories of the Code of ethics of Ukrainian journalists. It may issue warnings, make rulings and pronounce public sanctions.

3. Impact of the new media environment

29. The current nature of the media environment results from the changeover, from the beginning of the first decade of the 21st century, to "all-digital" methods of journalistic production and dissemination. Even newspapers are produced by journalists in a digital manner in newsrooms whose methods of operation have radically changed over the past 20 years. This development has led to profound changes in the daily lives of journalists and has led to some confusion between professionals and other "media contributors".

3.1. The same status but a new technological environment

30. The official status of journalists has remained the same despite the multitude of technologies since professional journalism is still the same in essence. However new forms of production and new sources of information have emerged even in the "traditional" media.

31. Whereas traditionally sources were identified (agencies, press releases, and investigative work), information now also comes from non-professional sources (bloggers, "you-tubers", content generated by the users, etc.). The question of the "user-generated content" or the generic terms "citizen journalism" concerns this expertise in a relatively limited manner since by definition non-professionals do not have any particular status. No country in Europe grants the status of journalist to persons who do not meet the necessary requirements, i.e. that their main occupation is the processing of information and that this is how they earn their living, which does not, of course, apply to amateur bloggers. In theory, for example, bloggers in Germany may obtain a *Presseausweis* provided they meet the afore-mentioned requirements for its allocation. However, as a result of the media economy single individuals who do not sell their articles to press organisations simply cannot make journalism their main activity and source of revenue.

32. Although some more analytical platforms such as *Les Crises*¹¹ publish bloggers' contributions, the latter are not paid for their contributions and the website clearly states that such contributions do not constitute "information". At present, bloggers who are successful are either journalists who blog in addition to their normal work, or other professionals (legal and scientific experts) who do not necessarily claim to be

¹¹ For example: <https://www.les-crises.fr/>.

journalists. The debate in Germany currently concerns these *Gelegenheitsbloggers*, bloggers whose main occupation is not blogging but who nevertheless want their status to be acknowledged because they produce quality content.¹² For them the *Presseausweis* is not an end in itself but this category of bloggers cannot necessarily claim rights such as the protection of sources. In the event of libel and slander, the criteria applied by the courts in the case of disputes will be the same as for professional journalists since these rights are enshrined in the Constitution.

33. Indeed, the development of “citizen content” means that it is not so much the status of journalists that poses questions but rather that of its impact on professional journalism, i.e. verification of information, decrease in quality and above all radical changes in economic models.

34. As soon as technologies made it possible (as from 2008), the traditional media took advantage of the situation to have recourse to non-professionals not only to diversify their sources and offer a wider range of content but also to make savings in terms of salaries:

- For example, *The Blog Paper*¹³ in Great Britain planned to gather articles from bloggers and to publish them in the form of a hardcopy magazine for which payment would be required. However the project collapsed;
- The same year, in France, the free daily newspaper *Metro* drew up an agreement with the photography agency *Citizenside*, which “pays” non-professional photographers from €10 upwards;
- For many years, the German magazine *Bild* has had a “Leser Reporter” column¹⁴ based on photos and short texts sent in by readers.

35. Recourse may be had to non-professional journalists for other reasons: the *Bondy Blog*¹⁵ was set up in 2005 in the Paris suburb of Bondy by journalists of the Swiss magazine *L’Hebdo* to mitigate the lack of information during the “riots” in a number of Paris outer-city areas and by giving a voice to young people, who otherwise had difficulty in making their voice heard. The blog subsequently set up a series of partnerships with the “traditional” media, schools of journalism and sponsors and currently publishes articles by some fifty contributors.

36. These examples are cited as initial experiences but recourse to non-journalistic content has since become very widespread if not the norm. Sometimes citizens’ contributions help to improve news coverage and make it more immediate, for example when tweets bear witness to police violence during protest marches or in conflict areas.

37. There is nothing new about having recourse to non-professionals as witnesses of news that could not otherwise have been obtained (accidents or exceptional events) but making this part of the daily functioning of the media economy and making it the norm is a much more recent development.

38. This situation prompts the question of the responsibility of journalists (and in particular managing editors) as regards non-professional information sources and user-generated content. In strictly legal terms, the managing editor bears the responsibility for all published content and will therefore be presumed to be at fault. Comments on articles incur the liability of the publisher, for what are relatively common offences: defamation, racism, links to hacking sites, child pornography or jihadist content. As there is no relationship of subordination between bloggers and managing editors, the latter have no control over the articles published by bloggers. They do remain responsible, however, for what is written by outside contributors. There have been cases of online provocation, using messages aimed at making the media outlet take the blame.

39. To protect themselves, the publishers have had to introduce prior moderation, often entrusted to an outside agency, entailing high costs, and more recently several media outlets have chosen to simply do away with comments on articles. Public involvement has shifted to external platforms such as Facebook. This may relieve pressure on editorial units but it also breaks the link of direct exchange forged between journalists and the public.

40. Besides the bloggers guesting in defined digital areas, we have also seen the development of vast free blog-hosting platforms with post-moderation, which has led to a proliferation and growing confusion, with the public unable to distinguish between bloggers’ articles and newspaper articles. At present, there is increasing confusion between journalists and bloggers. This is one of the factors that has prompted the crisis of trust faced by the press today. There is a real need, expressed by both journalists and the public, for

¹² <http://www.taz.de/!5350135/>.

¹³ <http://www.theblogpaper.co.uk/>.

¹⁴ <http://www.bild.de/news/leserreporter/leserreporter/home-15682146.bild.html>.

¹⁵ <http://www.bondyblog.fr/>.

newsrooms to take back control of the content of their media. The current tendency not to clearly differentiate between "producers of content" and "journalists" may result in total confusion, and even the extinction of journalistic work.

41. It is indispensable to carry out monitoring and checking through the supervision of outside contributors; to clearly draw a distinction in readers' eyes between representatives of the media outlet and outside contributors; to look into the anonymity of certain contributors to establish their identity as far as possible; to clearly draw the line between journalistic information and public relations or propaganda.

42. Finally, a further addition has been content generated by robots: since 2010 sectors such as sport (sports results) and finance (stock exchange developments throughout the world) have been affected by widespread recourse to "robot journalism". In sport, for example, robots are currently capable of creating a short video using photos and a text comprising three paragraphs, which was itself created by a robot.¹⁶

43. The automation of certain tasks, such as the reporting of results of sports matches or election results allow a speed of execution and a huge number of articles beyond the capabilities of humans. But the media outlet is still responsible for the information published and lays down the rules for publication. Furthermore, these "robot articles" are limited for the time being to very factual and brief reports. However, one question will arise fairly quickly and that is how to ensure that these "robots" are reliable, as the risk of hacking or remote control is a very real one.

44. Other innovations are to be expected in the coming years, for example: the Internet of objects and the recognition of pictures, which will make it necessary to reconsider how things are represented; conversational interaction, which will give the public the opportunity to ask a robot questions on the content of an article; the mixed reality, which will combine journalism and the immersive environment, etc. These innovations will be not only technological but also professional because they will have to be designed, programmed and, hopefully, controlled by human beings.

3.2. How journalists' daily lives are changing

45. Journalists need to be active on social networks (Facebook, Twitter, Instagram, etc.).¹⁷ In the United Kingdom, over 80 000 tweets are posted every year by professional journalists in the context of their work. Since 2013, the Guardian's Twitter account has had over a million subscribers and has now just gone over the 6 million mark. In Germany 30% of journalists believe that social networks are "important or very important" for their work.¹⁸ The development of media content on the social networks has brought with it new job profiles (in particular "community managers").

46. These new tasks and new skills logically raise the question of training and professional norms. Many "community managers" have no in-depth knowledge of professional journalistic norms whereas their work entails responsibilities with regard to content and vis-à-vis the public, which may pose problems in terms of quality and professional conduct. Moderating online comments is also an extremely important issue since an ECHR judgment handed down in 2015¹⁹ confirmed that an online news portal was responsible for comments made by its readers entailing "hate speech and speech that directly advocated acts of violence". The director of an information publication was also instructed to "police" online comments.

3.3. The increasing job insecurity of journalists and the explosion in the number of freelancers

47. Humans form the basis of journalism even if since the nineteen nineties staff expenditure has often been considered to be an adjustment variable by press groups, which are increasingly concentrated and dependent on financial markets. Contrary to common belief, the "press crisis" did not begin in the nineteen nineties but much earlier when media ownership changed hands from family groups to financialised and heavily concentrated economic structures with either a "vertical" form (as is the case with regard to the regional daily press in France which is in the hands of a small number of groups) or a "horizontal" concentration (when the media are amalgamated into an often multinational company and active both in journalism, fiction, telecoms, etc.). There were spectacular developments in the "consolidation" of the media in the nineteen nineties in Central and Eastern Europe with the increasing role of free-market economics,

¹⁶ <https://www.journalism.co.uk/news/report-robot-journalism-s-limitations-not-halting-its-onward-march/s2/a700429/>.

¹⁷ <https://www.journalism.co.uk>.

¹⁸ <https://de.statista.com/statistik/daten/studie/305052/umfrage/bedeutung-sozialer-netzwerke-fuer-die-recherche-von-journalisten/>.

¹⁹ Delfi AS. v. Estonia: <http://merlin.obs.coe.int/iris/2015/7/article1.fr.html>.

thereby providing the opportunity for West European groups to get their hands on almost all private media.²⁰ On grounds of national responsibility for this area, the European authorities did not prevent the concentration of ownership, sometimes with the ulterior motive of facilitating the emergence of “media giants” capable of competing with American groups.

48. Media ownership is not the theme of this report but journalists’ job insecurity is directly linked to economic pressure and the collapse of the traditional model of financing (based until recently on approximately 50% of sales revenue and subscriptions and 50% from advertising). Income from distribution remains but advertising revenue has dropped substantially, in particular as a result of the rise in power of GAFA (Google-Apple-Facebook-Amazon). Online advertising, although Internet users sometimes find it intrusive, remains relatively marginal in terms of income. If we refer to the very well documented American market, the advertising income of the press dropped from 65 billion dollars in 1999 to 20 billion in 2013, and only some 3 billion came from online advertising. Newspaper revenue dropped from 0.8% of GNP in 1990 to 0.2% in 2016.²¹ The decline in the printed press in the United States is such that the Newspaper Association of America dropped the term “newspapers” from its name in 2016 to become the *News Media Alliance*. In Europe, newspaper circulation dropped by 21% between 2010 and 2015 and advertising revenue by 23% over the same period while advertising on digital media represents no more than 20% of revenue.²²

49. This economic upheaval is one of the main factors that has led to job insecurity for journalists: the decline in revenue of the majority of the media, publishers’ casting around for new financial models (free access, “paywall” or “pay-per-view”, increasing the sales price, or doing away with the printed version) and the quasi-automatic recourse to the outsourcing of work contracts have largely contributed to journalists’ job insecurity.

50. This job insecurity is however above all the result of the explosion in the number of so-called *freelance* journalists, although recourse to atypical work relations covers a wide variety of statuses: freelance journalist, *auto-entrepreneur*, short-term or part-time contracts and sometimes even agency work. Generally speaking there is a “grey area” where the status of non-employees is concerned.²³ The common characteristic of these statuses is that most of them are imposed by employers, with the result that their title does not mean what it says since instead of being *freelancers*, such persons are *forcedlancers* or *fakelancers*, who work under the same conditions as full-time employees, the difference being that they do not have the same rights.

51. In the same newsroom, two people can do the same work but have two different statuses. This poses problems of principles and engenders *de facto* inequalities. The salaried employees will receive a “net” salary whereas the freelancers will have to pay their own social contributions out of their “gross” salary. Salaried employees enjoy rights (paid leave, maternity/parental leave, sick leave, retirement pension, unemployment benefits) that freelancers do not have. There are also some positive examples in this area: in Poland, for example, tax relief is granted to the professions considered as artistic (writers, artists, etc), to which all journalists belong, meaning that Polish freelancers benefit from certain tax concessions. In general, though, the precarious situation of freelancers remains a cause for concern.

52. In addition, freelancers have difficulty in gaining professional recognition. Some of them do other work outside journalism (public relations, public services, private sector), which may clash with their independence as a journalist. Moreover, freelancers are more exposed to financial pressures or self-censorship.

53. Freelancers do not always have the possibility of being represented by trade unions and even less so of negotiating their rates since, in many countries, competition law prohibits “independents” from bargaining over the price of their services. A law recently passed in Ireland, providing for exemptions from competition rules for certain categories of freelancers, including journalists, who will be able to collectively negotiate freelance rates, is currently an exception to the rule. Even in France where the status of freelancer is defined by law, the trade unions are opposed to the status of *auto-entrepreneur* as it does not entail the same social security and tax obligations. There is also a tendency towards “personalising” journalism by inciting freelance journalists to do marketing in connection with their individual “company”, thereby leaving them less time for basic journalistic tasks. One possible means of improving the precarious situation of freelancers would be to grant them a core of common rights granted to salaried employees, as is already the case in Germany.

54. The number of freelancers varies according to the country: in Germany the number of trade unionists

²⁰ Eastern Empires: Foreign media ownership in CEE : http://subsol.c3.hu/subsol_2/contributors3/efjtext.html.

²¹ Newspapers Association of America, since 2016 called News Media Alliance: <https://www.newsmediaalliance.org/>.

²² <http://www.digitalnewsreport.org/>.

²³ http://europeanjournalists.org/wp-content/uploads/2016/10/EFJ_handbook_RRJ_2016_FR1.pdf.

who are freelancers is 26 000 out of some 43 000 employees.²⁴ In France, where the statistics gathered by the Press Card Commission are very accurate, there are some 6 600 freelancers among the 33 700 persons who renew their press cards, but it should be noted that of the 1 500 first applications in 2016, 1 080 were freelancers, i.e. two-thirds.²⁵ This situation shows that what was “atypical” has become “typical”. In Great Britain too, the figures highlight this trend: 18 000 freelancers in 2015 and 34 000 in 2016!²⁶

55. In view of this boom in the number of freelancers, professional organisations in various European countries are seeking to identify solutions to problems of job insecurity for journalists and provide them with assistance. Listed below are several good practices which could be a source of inspiration in countries where the situation of freelancers is particularly difficult:

- The International Federation of journalists (IFJ) has set up an insurance system for freelancers;²⁷
- In Belgium, the AJP has launched a campaign entitled *Pigiste pas pigeon*²⁸ (unofficial translation: *Freelancers, not free labour*) to defend freelancers' rights;
- Also in Belgium, the AJP has compiled a directory of experts from diverse backgrounds in order to create a greater variety of information sources and give more visibility to those not commonly in contact with the media;²⁹
- In Germany the ver.di union has launched *mediafon*, an initiative helping freelancers and "micro-enterprises" to network regarding professional, tax and legal issues;
- In Germany, Belgium and elsewhere, there are press councils issuing opinions and recommendations for journalists concerning topical issues.

56. The question of freelancers also raises that of the fixing of rates: while trade unions can negotiate salary scales for employees in collective conventions, it is sometimes not only difficult but also illegal for the “self-employed” to claim minimum rates as that would be contrary to legislation on free competition. That was the case in the Netherlands until the EU Court of Justice upheld the right of freelancers in 2014.³⁰

57. This increasing job insecurity mechanically entails a decrease or stagnation in salaries:

- According to a Spanish study, chief editors experienced a 24% decrease in salary between 2010 and 2015, editors a 20% decrease and the median salary in the press dropped 17%;
- Contrary to common belief, German journalists are not financially “privileged”. In Germany the average income³¹ of freelancers is approximately €2 000 per month (but scarcely more €1 000 in some *Länder* such as Sachsen-Anhalt), and the national average is €1 750 for those under 30 years of age;
- In the United Kingdom, a survey carried out in 2016 and involving 310 freelance journalists showed that a third earned less than €12 000 per year whereas the average annual salary of an editor is some €36 000. A third of British freelancers earn so little that they receive welfare benefits³² and a third of them have a second job to earn enough money.

58. Against this backdrop of increasing insecurity of the profession of journalist due first and foremost to the overturning of traditional economic models, the rise of “alternative” economic models can be observed in some countries. For the time being, they are too few in number and too recent to clearly demonstrate their effectiveness or utility but these “alternative” economic models might point to development trends in the medium and long term. One example is the donation-funded media model, seen in the United States³³ or France.³⁴ In one unique experiment in Germany, an online media outlet³⁵ managed to raise around a million euros in six weeks to support 28 journalists in their efforts to launch an ad-free online magazine. “Sponsors” agreed to pay a 60-euro annual subscription fee for journalistic content which is also accessible to the public, the difference being that the sponsors were also able to speak directly to the journalists and suggest topics and research subjects. Finally, at international level, some sites³⁶ rely on the exchange of different types of support (research, accommodation, local networks, etc.) operating on collaborative and solidarity-based lines.

²⁴ <https://www.djv.de/startseite/info/themen-wissen/aus-und-weiterbildung/arbeitsmarkt-und-berufschancen.html>.

²⁵ <http://www.ccijp.net/article-33-cartes-attribuees-en.html>.

²⁶ <http://www.pressgazette.co.uk/one-in-three-freelance-journalists-in-the-uk-are-on-state-benefits/?page=2>.

²⁷ <https://insuranceforjournalists.com/ifj/>.

²⁸ <http://www.ajp.be/pigiste-pas-pigeon/>.

²⁹ <http://www.expertalia.be/>.

³⁰ <http://europeanlawblog.eu/tag/c-41313-fnv-kunsten-informatie-en-media/>.

³¹ <https://de.statista.com/themen/729/journalismus/> which mentions the DJV.

³² <http://www.pressgazette.co.uk/one-in-three-freelance-journalists-in-the-uk-are-on-state-benefits/?page=2>.

³³ <https://www.propublica.org/>.

³⁴ <https://www.mediacites.fr/>.

³⁵ <https://krautreporter.de/>.

³⁶ For example: <https://hostwriter.org/>.

3.4. Gender inequality

59. On the jobs market, gender inequality is also being seen in the profession of journalist. In terms of the pay gap, women journalists earn 16% less than men in the European Union, and the difference is even as much as 24% in Belgium, where only 30% of journalists are women.³⁷ They are leaving the profession or not even going into it because of its precarious nature. Women are also less often employed full time, which increases job insecurity.³⁸

60. In terms of hierarchy, while the proportion of women and men is more or less balanced at the lower end of the scale, there are marked differences in the middle manager echelon, and at the highest level the ratio is one women to four men.

61. Women's careers are shorter than men's. There are more women with children than men with children, and being a parent is difficult when working as a journalist. This is all the more the case with the advent of the digital environment, as the working day does not end upon leaving work but carries on after office hours.

62. One booming phenomenon targeting female journalists in particular is cyber-bullying. Men can be victims too but, for women and especially those aged under 30, this bullying typically comprises an element of misogyny. Where sexist violence in the workplace is concerned, one quarter of the women working in the media sector have been physically assaulted, half of them have been sexually harassed, and three quarters of them have experienced intimidation, threats or abuse.

3.5. Job losses, a problem in itself

63. At the same time as job insecurity, problems of funding and technological changes have resulted in job losses. Although Europe is not as devastated as the United States, where jobs in the press declined from 55 000 in 1990 to just over 30 000 in 2015³⁹ and the number of newspapers dropped from 2 700 to 2 000, there have been severe job losses in some European countries. In Spain, a country which has been badly affected by the economic crisis and austerity, over 12 000 jobs were lost in journalism between 2008 and 2015,⁴⁰ over 4 000 of which were in the television sector, mainly due to the reorganisation of public audio-visual services. In France, there have been a number of redundancy plans over the last few years, the most recent at *L'Obs* and *La Voix du Nord*, where over 200 posts have been cut. One concrete, verifiable example in Belgium is the daily newspaper "*Le Soir*" where the number of journalists dropped from 152 in 2 000 to 90 in 2016. In Germany, where the press sector, particularly the regional press, remains vibrant, it is mainly mergers which have led to job losses, for example 400 job losses at *Grüner + Jahr* in 2014⁴¹ and 200 at the *WAZ* in 2013.⁴² Despite the decrease in staff, the amount of work to be done has increased as, in addition to daily articles, the journalists are expected to produce news bulletins and updates for the online version. In Poland, in the period since 2009, there have been fixed job losses of some 400 salaried employees from the media sector in the broad sense (including technical staff) as a result of outsourcing, especially in the public television and radio broadcasting sector. However, economically driven job cuts have been compounded by politically driven job losses: following a change of parliamentary majority after the parliamentary elections of 2015, 220 journalists have left the industry, either receiving severance payments or being made redundant by public television and radio channels.

3.6. The deterioration of working conditions: trends and risks

64. Journalists have observed deterioration in their working conditions and the trade unions have been condemning this trend for years now. Sometimes these changes can be quantified. Studies carried out in various European countries or in the United States have, for example, revealed the following:

- Longer working hours: the Association of Bavarian Journalists (BJV) is regularly informed of members working up to 55 hours a week;⁴³
- Increase in tasks ("multiskilling"): a British study shows that 64% of the journalists questioned said that they were under pressure to provide more content within the same working hours. Whereas in the nineteen eighties a television documentary required an editor, a camera man, a sound technician and then a post-production editor, a large amount of audio-visual content is now produced by "Shiva

³⁷ 2012 FIJ report : http://www.ifj.org/fileadmin/images/Gender/Gender_documents/Gender_Pay_Gap_in_Journalism.pdf.

³⁸ *Ibid.*

³⁹ Source: <http://asne.org/>.

⁴⁰ Source: <http://www.apmadrid.es/publicaciones/informe-anual-de-la-profesion/>.

⁴¹ <http://medien-kunst-industrie.verdi.de/presse/pressemitteilungen/++co++5bff68f0-2dec-11e4-83e2-525400a933ef>.

⁴² <https://www.welt.de/regionales/duesseldorf/article114635446/WAZ-Mediengruppe-streicht-200-Stellen-in-NRW.html>.

⁴³ Source: European Federation of Journalists.

journalists”, who are responsible for performing a multitude of tasks, including following up their work on the social networks. One person currently does the equivalent of what 3 persons did in the nineteen eighties;

- Lack of clear dividing lines between professions. Generally speaking, technological developments and the multiplication of tasks mean that the division of work that previously existed in newsrooms is no longer clear-cut, thereby increasing journalists’ technical workload to the detriment of their basic work (research, verification, and creation), with the result that there is a “deskilling” of certain professions;⁴⁴
- Pressure on journalists to meet performance targets of course has an impact on their ability to carry out research and enquiries. Armchair journalism, in other words seeking information via standard and unverified press releases or on the social networks, has taken over from investigation and the diversity of sources. It has become commonplace to find the same article “copied and pasted” in several newspapers or on several websites simply because they use the text of a press release with any further alteration, whereas one of the principles of professional journalism is to check information and use a variety of sources (in terms of not only opinion but also genre and social or ethnic origin). Working conditions therefore have a direct influence on pluralism and the quality of content;
- Stress and burn-out among journalists has increased over the past few years.⁴⁵ There are many reasons for this: heavy workload, increased competition owing to the immediacy of the exchange of information, impossibility to “switch off” in the digital environment out of fear of losing one’s job, concern about the quality and consequences of the work done under pressure without being able to comply with all professional standards, lack of solidarity between colleagues, lack of counselling services in companies;
- Women journalists, particularly young women, are subjected to pressure with regard to their work-life balance.⁴⁶ There is therefore not only gender inequality with regard to pay but also with regard to stress and burn-out. Women are for example more likely to give up working as journalists;
- Lack of training or insufficient training: many media companies do not invest enough in training. Given the drastic increase in the number of freelancers, training is a crucial issue since in the absence of offers of training from employers, freelance journalists do not have the opportunity of time to undertake training;
- Freelancers often lack preparation or insurance for working in risk or conflict areas (protest marches, public events, armed conflicts), which places them in physical danger or encourages them to take disproportionate risks.

4. Role of the trade unions and/or professional organisations

65. As we said above, in Europe the professional status of journalist follows a wide variety of traditions and norms. This applies also to trade unions in the journalistic sector. The differences between France and Germany are quite striking: whereas in France – just as in Belgium - only recognised professional journalists can become members of a trade union, in Germany the two main trade unions (DJV and dju in ver.di) also include students in journalism, retired persons and categories of persons who do not have the status of journalist: presenters, bloggers, web designers, content managers and persons in charge of information intended for the public (press relations officers of public institutions and those in charge of external communications in the private sector) in the case of the DJV if they provide a ‘journalistic service’⁴⁷ or in the case of dju in ver.di if they are already members of another trade union.⁴⁸ These two trade unions have some 60 000 members.

66. Germany and France therefore have two very different examples of trade union representation: whereas the two German trade unions represent almost the entire profession and together negotiate collective agreements, only 9 403 votes in total were cast for all six unions that make up the Press Card Commission in France⁴⁹ and the total number of journalist members is approximately 4 000, signifying trade union representation of under 10%.⁵⁰ The reasons are linked first and foremost to labour law since in France the trade unions can negotiate collective agreements per branch provided that one of them secures more than 8% of the votes at elections per branch. There is a national collective agreement for each press publication.

⁴⁴ See in respect of the United Kingdom: <http://www.nemode.ac.uk/wp-content/uploads/2014/04/Antcliff-Case-study-of-television-news.pdf>.

⁴⁵ <http://www.sciencedirect.com/science/article/pii/S2213058615300103>.

⁴⁶ <https://news.ku.edu/2015/03/23/study-shows-journalism-burnout-affecting-women-more-men>.

⁴⁷ <https://www.djv.de/startseite/profil/mitglied-werden/aufnahmerichtlinien.html>.

⁴⁸ <https://dju.verdi.de/ueber-uns/anschlusssmitgliedschaft>.

⁴⁹ In order of their representativity: SNJ, SNJ-CGT, CDFT, CFTC, FO et CGC.

⁵⁰ In 2016, fewer than 4 000 French journalists were members of a trade union (approximately 2 300 in the SNJ, 1 000 SNJ-CGT and 560 CFDT).

67. The case of Belgium is simpler as there is only one trade union organisation, the AGJPB, which represents 80% of the profession.

68. In Poland, it is only in the public audiovisual sector that journalists have organised themselves into two trade unions, Visio and Solidarność. The private media (audiovisual and print) have no trade unions. The law does not allow freelancers to form specific trade unions, which is a problem.

69. It should be noted that in the Anglo-Saxon system there are no branch agreements and that the possibility for trade unions to negotiate collective agreements at company level are linked to very high requirements of representation (over half of a company's employees must be members of a trade union – as we know a growing number of persons working in journalism are freelancers and consequently not "employed" according to the law). The NUJ currently has 27 500 members.

70. Generally speaking, journalists' trade unions in Europe mainly represent full-time journalists, self-employed journalists and photographers but also graphic designers, certain technicians, students and public relations officers.⁵¹ Finally, recent studies show that members of trade unions are confronted with the problem of the ageing of their members and low renewal rates.⁵²

71. Employers are, for their part, also grouped together in national organisations.⁵³ Although they sometimes offer training and invest in human resources, the economic situation of the past 20 years has led them to focus their efforts on problems of survival, in other words on their sources of revenue, how to decrease expenditure (particularly staff expenditure), success or failure in adjusting to the digital environment and competition with news aggregators, search engines and social media.

72. Apart from the very survival of the media, the only genuine points of convergence between trade unions and employers' organisations are generally the defence of freedom of the press and the principle of protecting intellectual ownership (although, in reality, on this last point the principle leaves room for opposition between the creator's copyright and the surrendering of such rights to employers).

73. There are many types of journalists' trade unions in Europe and they operate in very different professional and political environments: there is no real east-west or north-south dichotomy since the distinctions are between strong collective rights (France) or weak collective rights (the United Kingdom), strong representation (Nordic countries) or weak representation (France), legal recognition or social dialogue (France, Italy, Belgium and Germany) and the quasi-absence of social partners (Central Europe), etc. Finally, the professional landscape is strongly influenced by the general political climate between "open" societies and authoritarian regimes or those which are hostile to media freedom (Turkey, the Russian Federation, Azerbaijan, and "the former Yugoslav Republic of Macedonia") and conflict zones (Ukraine, Turkey, and Nagorno-Karabakh).

74. In a context where it is difficult to exercise the profession of journalist, the professional organisations in various Council of Europe member States are looking for practical solutions to cater for journalists' needs. Here are a few significant examples:

- In Austria, the GPA-djp trade union has for many years targeted workers in the digital press and those who do not necessarily consider themselves "journalists". One tangible result is a collective agreement for online workers of the ORF public broadcasting network and the inclusion of other online workers in the general collective agreement;
- In Denmark, 40% of the members of the DJ trade union are not journalists but public relations workers, graphic designers, etc;
- In Germany, the trade unions have succeeded in negotiating Article 12A of the *Tarifvertragsgesetz*⁵⁴ (collective bargaining law) making it possible to include freelancers in collective agreements under certain conditions (for example if over 50% of their income comes from a single client);
- In the Netherlands, the NVJ trade union offers free membership for students, which is a way of initiating and retaining potential paying members;
- In Norway, the NJ trade union has created a "freelance calculator", which helps to calculate how much a salaried employee would be paid for the same work.

⁵¹ <http://europeanjournalists.org/fr/2017/02/05/droits-et-emploi-dans-le-journalism-le-manuel-disponible-en-francais/>.

⁵² *Ibid.*

⁵³ Germany: BDZV, VDZ. France: SPQR, SPQN, SPQD, SPHR, FNPS, Spiil, SEPM, FFAP. Belgium: Belgian News Media, LaPresse.be, The Press, UPP, FTL. Poland: Polish Chamber of Press Editors.

⁵⁴ <http://www.juraforum.de/gesetze/tvg/12a-arbeitnehmeraehnliche-personen>.

5. Conclusions

5.1. Definition of and access to the profession

75. The issue of the status of journalists is considered from several different viewpoints in this report in order to build the discussion around the role of the journalist in today's democratic societies and suggest possible answers to the questions arising in a context of sweeping changes taking place within the profession on the technological, economic and societal levels.

76. The status of journalist is a notion that is intrinsically linked to the definition - in legal or other terms - given to this profession but above all to media professionals' rights and responsibilities. While the legal definitions may differ from one country to another, what remains important is that, in return for meeting professional responsibilities, the status of journalist entails free access to the profession and also reasonable working conditions enabling journalists to fulfil their crucial mission in a democratic society, that of correctly and neutrally informing the public.

77. While there is no harmonised definition of journalist at European level, the Council of Europe's member States have ratified a number of conventions, not least the European Convention on Human Rights, and adopted several recommendations in which the role of journalists in a democratic society is described in clear and converging terms.⁵⁵

78. This brief survey of a number of Council of Europe member States tells us that the profession of journalist is defined in legal terms in most cases. The laws in European countries normally stipulate types of media companies, the nature of the activity carried out and the regular basis of the work. Cases where there is no legal definition of a journalist, leaving the profession open to all, with no training or selection criteria applicable, are more seldom seen. In such cases, it is usually the professional associations which define the profession of journalist, in non-legal terms, as an individual whose main activity is to disseminate news, opinions and entertainment via the media.

79. The lack of a legal definition of the notion of journalist should not be a disadvantage in itself, as long as there is free and non-discriminatory access to the profession. That said, a legal definition of journalists may be useful for protecting their rights (including the right to keep their information sources secret) as well as for drawing a clear distinction between a professional journalist and a blogger. In countries where there is no legal definition of a journalist it might be advisable for legislators to consider this matter.

80. The analysis of the situation in a number of member States shows that press cards are not normally mandatory and not necessarily instrumental in defining journalist status. However, it is a useful means for media professionals to be identified and recognised as such, particularly by the police or judicial authorities and by the organisers of public events. The issuing of press cards is normally an internal matter for the profession, with the responsibility lying with the professional associations outside the control of the authorities. There are exceptions however, where press cards are issued by an institution under the authority and control of the government: obviously, in such cases, the political authorities may be tempted to exploit this situation to control access to and the exercise of the profession of journalist for ideological gain, by exerting undue pressure.

81. Accordingly, the subject of press cards (including the criteria governing their issue) should be a matter for the profession itself, in order to better guarantee the freedom to inform the public without pressure or influence.

5.2. Self-regulation within the profession

82. Given the general principle of freedom of expression and information, the activities of journalists are not normally demarcated by specific laws relating to their profession. Provisions concerning the limits of freedom of expression, such as incitement to hatred or violence, are to be found in general laws.

83. Experience shows that the best solution for ensuring the freedom and responsibility of the press is self-regulation within the profession. In most Council of Europe member States journalists have instituted such systems, including press councils, ethics committees, codes of ethics for journalists, etc. These mechanisms differ in nature and effectiveness from one country to another but, in all cases, self-regulation within the profession is a key requisite for the freedom of the media on the one hand, and for their

⁵⁵ The crucial role played by journalists in particular and the press in general in a democratic society has been emphasised time and time again in the case-law of the European Court of Human Rights.

responsibility on the other hand. Consequently, the Council of Europe should encourage the development and consolidation of self-regulation systems in its member States.

5.3. Adapting to the new media environment and economic context

84. The profession of journalist is currently undergoing sweeping changes in several respects. Firstly, the distinction between professionals and other "media contributors" is now becoming increasingly blurred. While it is true that the official status of journalist remains unchanged, as no European country grants this status to those who do not meet the criteria, the new, so-called "alternative" forms of news production and sources, are booming and are having a marked influence on journalists' activities and working methods.

85. In the face of "user-generated content", which calls for increased responsibility and vigilance on the part of every journalist, one question requiring closer examination concerns the responsibility of the managers of publications and the scope/limits of that responsibility. In view of the risks of inflammatory statements via anonymous or camouflaged contributions from outside, which are always possible with post-checking, something that might be considered is reviewing the legislation presuming liability on the part of the publishers. Even so, a diminishing of their liability can only be effective if, at the same time, we are capable of identifying and sanctioning the real culprits, so that user rights are not less protected. This makes it particularly complex to strike a new balance between the responsibility of those who disseminate content and the protection of the public.

86. The advent of fully-digital environment is radically transforming the nature of news work. Features of the new media environment currently complicating the profession of journalist include: increased competition driven by the immediacy of information exchange, more tasks to be handled causing work overload and a lack of training. Things are no better economically speaking, with the collapse of the traditional model of financing constituting one of the prime factors in job insecurity for journalists and the escalating number of freelancers.

87. This unfavourable context poses a very real risk of a drop in the quality of journalists' work. It is difficult to say today what the responses to these challenges should be. Multiple responses are required, through good cooperation between professional organisations, regulators, legislators, civil society and public authorities.

5.4. Pointers for possible solutions

88. The **national authorities** should explore avenues for alternative funding in a new media ecosystem, and this might include the redistribution of advertising revenue generated by search engines or social media.⁵⁶ They should also explore new forms of legal status for media companies, such as "non-profit media companies"⁵⁷ to arrive at a funding system that is both viable and independent (in addition to public media service). Where freelancers are concerned, they could be included within the scope of labour legislation in terms of minimum pay, which would avoid having to consider regular freelancers from the perspective of competition laws.

89. At present, the printed press is populated almost exclusively by privately-owned media whereas the audiovisual sector operates a system where commercial and public services function alongside one another. At a time when technological convergence is tending to blur these distinctions in terms of online news "consumption", and when journalists are having to handle tasks extending across all media, it seems a good idea to develop models of governance and finance that are innovative, in that they are distinct from traditional advertising revenue and the demand for returns on shareholder investment. It would be a good idea to institutionalise crowd-funding, for example by giving decision-making power to donors providing more than 1% of registered capital. This would be a hybrid model somewhere between foundations and joint-stock companies.

90. The national authorities should also introduce regulations ensuring respect for the norms and rights of the media, particularly regarding impunity for attacks against journalists, the protection of sources and freedom of expression. There are still numerous shortcomings in terms of media rights: for example, prosecutions of perpetrators of attacks on journalists are not always accompanied by efforts to find the people who ordered them or quite simply not enough is done to track them down. These shortcomings are also reflected in a lack of protection for journalists' sources: there are still too many exceptional interventions on security grounds and too much use of electronic eavesdropping, and in some cases there is no

⁵⁶ See for example: <https://rohanjay.com/2017/02/23/facebook-dont-give-journalism-money-share-profits/>.

⁵⁷ <https://questionsdecommunication.revues.org/10247>.

appropriate legal framework. On the subject of freedom of expression in general, the Platform to promote the protection of journalism and safety of journalists⁵⁸ shows that national legal instruments are still inadequate to ensure respect for the rights of the media in accordance with Article 10 of the European Convention on Human Rights. The national authorities should take the necessary steps to resolve these problems.

91. Another problem requiring more input from national authorities is inequality between women and men on the labour market. To identify practical solutions to this phenomenon, it must first be analysed, and the States should provide backing for the studies needed; short-term action plans should then be recommended, with statistical indicators for media companies, backed up by campaigns to raise awareness of labour market inequalities. Beyond norms banning sexist behaviour, there is much to be done to change improper conduct, mentalities and stereotypes. The national authorities should introduce mechanisms inciting employers' organisations to seriously tackle these problems in the long term, as employers tend to deny that they exist or take action only if a crisis arises.

92. Moreover, the national authorities should authorise and encourage the involvement of representative social partners in the media sector to promote dialogue between trade unions and employers.

93. With regard to **journalists' trade unions and organisations**, they should promote membership, particularly among young people and women (since the profession is ageing and has an increasingly dominant proportion of women). These bodies should "throw open their doors" not only to professional journalists but also to other content providers or managers who are currently excluded from many trade unions. It should not be absolutely necessary to hold a professional press card to become a member of a journalists' trade union. In general, the professional organisations should encourage dialogue between professional journalists and other professions providing content on matters concerning quality, professional standards and responsibility.

94. Professional organisations of journalists should adapt to societal changes. The status of journalist should be adaptable, as its essence lies in the tasks and not in the legal definition. One good example is that of Great Britain and the Nordic countries where press cards are granted in relation to the activity and not the definition set out in the labour contract or the collective agreement.

95. The professional organisations should also diversify themes and fields of training, adapting to the demands of the new media environment: marketing, self-promotion, digital rights, etc. In addition, they should develop a wider range of services for their members (online networks, legal assistance, handbooks for freelancers).

96. The trade unions should continue to negotiate collective agreements, including where possible freelancers who work on a permanent basis ("*fakelancers*"). They should include and defend the rights of freelancers and temporary workers in the workplace but also in labour legislation in general. Given the huge increase in the number of freelancers, the professional organisations should find solutions to counteract job insecurity and support journalists. This report cites a number of good practices that might serve as a source of inspiration in countries where the situation of freelancers is particularly difficult.

97. There are still European countries where trade unions are not allowed to represent non-salaried workers, and above all many situations where, even if unions include freelancers and "atypical" workers, the latter categories are not included in collective bargaining. Now that the "atypical" workers are becoming the majority, if not the norm, it is necessary for all journalists to be covered in collective agreements and bargaining, and in any case for basic rights such as working hours, wages (freelance or hourly rate), paid leave after a certain length of service, social insurance contributions covering pensions, social security, unemployment, etc. The social partners should be allowed to negotiate on behalf of all journalists.

98. Finally, beyond upholding the freedom of the media, the trade union organisations should also have input with regard to improving working conditions, increasing salaries and training for the new media. At least on the latter point, employers' organisations should join forces with the unions.

⁵⁸ <https://www.coe.int/en/web/media-freedom>.