

## **Anthony spoke in French at the conference, here is a summary of his speech in English.**

To protect your source is to protect your information and your independence, and to protect your independence is to guarantee the quality of the information. The right to protect journalistic sources is recognised by international law. It has been recognised by the United Nations, the Council of Europe, the Organization of American States and the Organization for Security and Cooperation in Europe. The European Court of Human Rights said in several of its decisions that it's a key element of freedom of expression.

In most countries where a law protecting journalistic sources was adopted, the number of cases incriminating journalists on this matter has decreased or can be more easily fought back at a legal level. In countries where no such law was adopted, journalistic sources are more often threatened.

Why protect information sources of journalists?

In order to play their role of 'watch dogs', as qualified by the European Court of Human Rights, journalists need to rely on information sources. Some of these sources are official and known, but more often, they're confidential and secret. The protection of confidential sources is essential since, as described by the ECHR in the Goodwin decision in 1996, 'the protection of sources is the cornerstone of press freedom'.

That case was about an injunction made to a journalist working for The Engineer to reveal the identity of the person who had given him information on internal and confidential projects of a company.

Without protection, some informers will refuse to speak, for fear of being exposed. One of the most serious consequences of the lack of protection is the endangerment of the physical integrity of journalists, those who work in dangerous or war zones, or those who investigate on organized crime. If journalists are perceived as informers to the authorities, or as future witnesses in a trial, they can become a target. That is why the Council of Europe, in its 2007 recommendation, asked that journalists shouldn't be required to hand in their notes, photos, images or records taken in a crisis area.

Protection of sources in Europe

The European Court of Human Rights has developed a constant and heavy case law in favor of journalistic sources protection since its decision in the Goodwin case in 1996. Since then, there have been many other decisions, all confirming the right of journalists to not reveal the name of their informers.

More than 100 countries in the world have adopted laws to protect journalistic sources. In Europe, 11 countries have adopted laws or legal texts that guarantee, at different levels, the protection of journalistic sources (some of the countries adopted these laws after their condemnation by the ECHR): Armenia, Bosnia, Belgium, Cyprus, France, Iceland, Italy, Kosovo, Luxemburg, Malta and Slovakia.

Here, in the United Kingdom, protection of sources depends mostly on the capacity of journalists to defend it, even though it has been reinforced by the decisions of the ECHR in both the Goodwin and the Financial Times case. However, the Leveson report, that followed the News of the World scandal in which employees were wire-tapped, recommends that journalists should reveal the information they have when they are asked to do so. The NUJ opposed this recommendation, arguing that "if this measure is aimed at guaranteeing more transparency, it will actually make it even more difficult for confidential informers to talk".

On the other hand, Andorra, Greece, Ireland, the Netherlands, or the Holy See still haven't adopted constitutional or legal texts on sources protection, even if the Netherlands have drafted a bill that has to be reintroduced to the new parliament.

In Greece, case law guarantees real protection for journalistic sources.

In Belarus, where press freedom is regularly violated, a law, totally unfavorable to confidential journalistic sources, is in force: the law on media authorises courts to demand that sources are revealed "according to the necessities of the investigation or the interest for the case".

Journalists' sources are in danger

The war on terrorism provides an opportunity to access to journalistic sources, and we're more and more concerned that security laws also allow the violation of these sources. Dozens of countries have ultimately adopted laws on special search methods, and most of these laws give a lot of power to the authorities to, among other things, organise electronic surveillance without considering confidential sources.

The use of common communication tools, such as mobile phones or internet, put journalistic sources at great risk since the suppliers keep the data.

We must protect this data by all means.