

GENERAL OUTLINE

INTERNATIONAL
LEGAL RESEARCH GROUP

FREEDOM OF EXPRESSION

THE PROTECTION OF
JOURNALISTIC SOURCES



Introduction

The International Legal Research Group on Freedom of Expression — Protection of Journalistic Sources (LRG on FoE) is a cooperation between ELSA and the Council of Europe. Media and Internet Division of the Directorate General of Human Rights and Rule of Law has provided ELSA with research questions that hopefully 43 member and observer groups in our network will investigate in the framework of their respective national legislation. The official launch date is October 15th 2015. The final report will be published in June 2016.

This outline seeks to give an overview of the project. At the time of writing, the project has not been officially launched. For this reason, the content of this material is subject to change. Use this document as a starting point of reference. Updated information will be uploaded on the Internet page, <http://elsa.org/page/protection-of-journalism>. Please do not hesitate contacting lrg@elsa.org in case you have questions.

We hope you will join the flagship of ELSA's Academic Activities this year!

Bruno Filipe Lima Monteiro, Håkon Sverdstad Bjørnvik, Jakub Čája, Mark O'Reilly, Lala Darchinova and Antonia Markoviti

The International Coordination Team
ELSA International 2015/2016

1. Legal Research Groups in ELSA

A Legal Research Group (LRG) is a group of law students and young lawyers carrying out research on a specified topic of law with the aim to make their conclusions publicly accessible. Legal research was one of the main aims of ELSA during our early years. In the 1980s, when ELSA was created as a platform for European cooperation between law students, sharing experience and knowledge was the main purpose of our organisation. In the 1990s, our predecessors made huge strides and built a strong association with a special focus on international exchange. In the 2000s, young students from Western to Eastern Europe were facing immense changes in their legal systems. Our members were part of such giant legal developments such as the EU expansion and the implementation of EU Law. To illustrate, the outcome of the ELSA PINIL (Project on International Criminal Court National Implementation Legislation) has been the largest international criminal law research in Europe. In fact, the final country reports have been used as a basis for establishing new legislation in many European countries.

1.1 Previous Legal Research Groups

The more recent LRGs are electronically available - please click on the links to access. [ELSA for Children](#) (2012) was published on [Council of Europe's web pages](#) and resulted in a [follow up LRG](#) (2014) together with Missing Children Europe. In 2013, ELSA was involved in Council of Europe's 'No Hate Speech Movement'. [The final report](#) was presented at the [Online Hate Speech Conference](#) in Oslo that same year and it has received a lot of interest from academics and activists in the field of discrimination and freedom of speech. The [results of the conference](#), a guideline has, even been translated into Japanese! Last year, we organized Legal Research Group on [Social Rights](#) in cooperation with Department of European Social Charter in Council of Europe. 28 National Groups contributed to [Final Report](#) and the results are going to be presented on concluding conference in Strasbourg.

2. The Topic

There has been a large number of cases in which public authorities in Europe have forced, or attempted to force, journalists to disclose their sources. The European Court of Human Rights has reiterated that Article 10 of the European Convention on Human Rights safeguards not only the substance and contents of information and ideas, but also the means of transmitting it. The press has been accorded the broadest scope of protection in the Court's case law, including with regard to confidentiality of journalistic sources.

“Protection of journalistic sources is one of the basic conditions for press freedom. ... 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. ... [A]n order of source disclosure ... cannot be compatible with Article 10 of

the Convention unless it is justified by an overriding requirement in the public interest.” (Goodwin v. the United Kingdom, judgment of 27 March 1996, § 39).

The Council of Europe has found that violations are more frequent in member states without clear legislation. Moreover, in cases of investigative journalism, the protection of sources is of even greater importance. To shed light on this issue, ELSA has partnered with the Media and Internet Division of the Directorate General of Human Rights and Rule of Law in the Council of Europe to understand how journalistic sources are being protected in each Member-State.

3. Structure of the Legal Research Group

The International Coordination Team (ICT) will coordinate the LRG on Freedom of Expression — Protection of Journalistic Sources. Consisting of 6 persons, the ICT is at the National Research Groups' disposal.

3.1 The ICT

The persons making up the ICT are:

1. Antonia Markoviti as the International Coordinator;
2. Jakub Čája as the International Human Resources Coordinator;
3. Bruno Filipe Lima Monteiro as the International Academic Coordinator;
4. Håkon Sverdstad Bjørvik as the International Research Assistant;
5. Mark O'Reilly as the International Linguistics Editor;
6. Lala Darchinova as the International Technical Editor;

3.1.1 The International Coordinator

As Vice President for Academic Activities of ELSA International, Antonia is in charge of managing and overseeing the entire International LRG on Freedom of Expression — Protection of Journalistic Sources. Being ELSA's representative of this project to (external) parties in and outside the Network, Antonia is responsible for communicating and coming to agreements with all relevant (external) parties. Antonia can be contacted at vpaa@elsa.org.

3.1.2 The International Human Resources Coordinator

As International Human Resources Coordinator, Jakub is responsible for recruiting and appointing National Coordinators and assisting with the recruitment and approving of the participants in the National Research Groups. As the main contact person for the National Research Groups, Jakub will manage the official LRG e-mail account and is more than happy to answer any questions on the LRG. Jakub can be contacted at lrg@elsa.org.

3.1.3 The International Academic Coordinator

As the International Academic Coordinator, Bruno will coordinate the academic development of the LRG. Bruno is here to answer any academic questions from the National Research Groups and assist the National Research Groups when searching for a National Academic Supervisor. Bruno will be also in charge of proofreading and providing feedback of the national reports. Bruno can be contacted at lrg.academic@elsa.org.

3.1.4 The International Research Assistant

As international Research Assistant, Håkon will conduct literature review on issues relating to the Academic Framework in each participating Member-State. Håkon will also draft reports with the main findings and present them to IAC, Bruno. Håkon can be contacted at e-mail lrg.assistant@elsa.org

3.1.5 The International Linguistic Editor

As the International Linguistic Editor, Mark will provide the National Research Groups with a detailed guideline on citing (inter)national sources and the proper use of (plain) legal English. Upon request, Mark will assist the National Research Groups with any linguistic matters and finding National Linguistic Editors. Mark can be contacted at lrg.linguistics@elsa.org.

3.1.6 The International Technical Editor

As the International Technical Editor, Lala will provide the National Research Groups with a detailed guideline containing technical instructions on formatting and the use of Microsoft Word. Lala is more than willing to help National Research Groups facing any technical difficulties. Lala can be contacted at lrg.technical@elsa.org.

3.2 National Research Groups

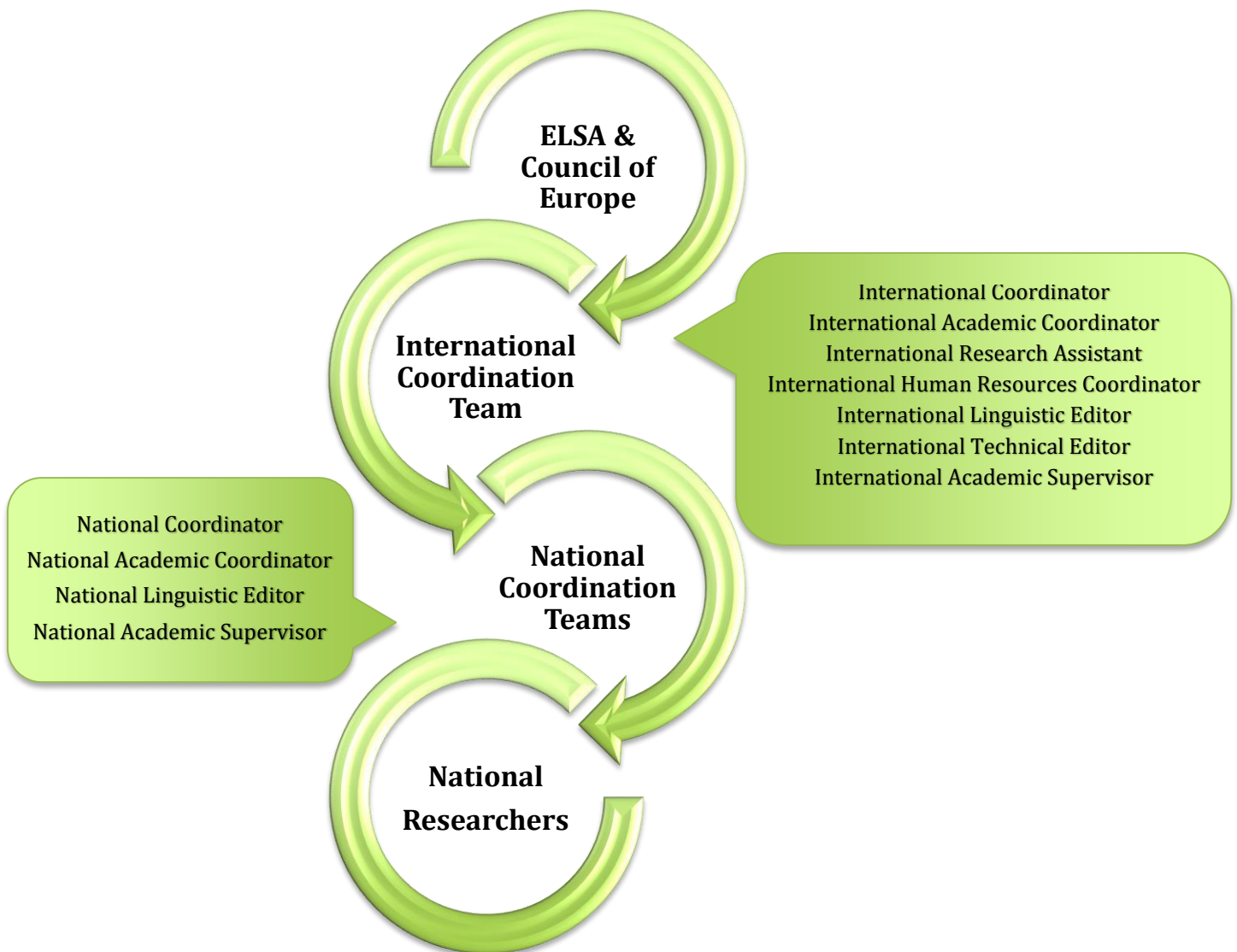
The aim is to have a National Research Group (NRG) in each of the 43 National Groups in ELSA. To ensure a high quality final national report, every NRG should be made up out of:

- 1 National Coordinator (NC);
- 1 National Academic Coordinator (NAC);
- 3-5 National Researchers (NRs);
- 1-3 National Linguistic Editor(s) (NLEs);
- 1 National Academic Supervisor (NAS).

This is a recommendation - other solutions may of course be possible. One person could for example have more than one of the above-mentioned positions. The Vice President for Academic Activities (VP AA) will coordinate the NRG in his or her respective country. In the event that the VP AA is unable to take up this responsibility, the National Group will appoint a National Coordinator. The National Academic Coordinator will complement the National Coordinator by overseeing the academic research conducted by the National Researchers. National Researchers are responsible for conducting the necessary research on topic of Protection of Journalistic Sources and writing the final national report. National Linguistic Editors

are necessary to ensure that the level of (legal) English is adequate and sources are cited in accordance with the guideline provided by the ICT. To guarantee final national reports of a high academic quality, a National Academic Supervisor, who is an expert in the field of Media Law, must be appointed to guide the National Researchers along the way.

The National Academic Coordinator, National Researchers, National Linguistic Editors and National Academic Supervisor will be pre-selected according to their academic qualities and proven motivation by the National Coordinators.



3.2.1 The Duties and Responsibilities of the National Coordinator

The NC is in charge of the overall management of the NRG in his or her respective country. As such, a NC is responsible for:

- a. Submitting the final national report that is in accordance with the expected academic quality, guidelines and deadlines provided for by the ICT. For more details on the expected academic quality, see below.
- b. Recruiting and coordinating with the National Academic Coordinator, National Researchers, National Linguistic Editor(s) and the National Academic Supervisor¹. Please refer to the following paragraphs for more details on the requirements for these positions. The application form for the different national positions can be found [here](#)²;
- c. Facilitating communication within the NRG and updating and maintaining frequent contact with the ICT³;
- d. Implementing a marketing strategy to promote the project, benefits and opportunities of participation and importance of conducting legal research in this field of law.⁴

As NCs play a vital role in this project, NCs are expected to show:

- i. Demonstrated management, leadership and cooperation skills;
- ii. The ability to work independently as well as work efficiently in a team;
- iii. A strong feeling of commitment to the project and the ability to follow through;
- iv. Sufficient availability and willingness to perform the required tasks;
- v. Flexibility, tenacity and proven reliability.

¹ The NC of each National Group shall submit the final report of each NRG upon review of the National Academic Supervisor and the National Linguistic Editor(s).

² The NC is responsible for pre-selecting capable participants who meet the requirements as set out below. Once pre-selected, the NC will submit a list of the recommended participants for approval by the ICT.

³ After appointing the national LRG, the NC is expected to support the research process and facilitate communication within the NRG. Additionally, the NC is expected to maintain contact with, update regularly and respond promptly to requests and inquiries of the ICT on the progress of the project.

⁴ An efficient marketing strategy is key to attracting high quality participants for this project. Firstly, NCs are to make use of the (printed and electronic) marketing materials that have been provided for by the Council of Europe and ICT. Secondly, NCs are encouraged to use existing national and local mailing lists and ask the National Board of the their respective ELSA group to include information about the International LRG on Freedom of Expression and Protection of Journalistic Sources in its newsletters. Thirdly, NCs are encouraged to make use of National Council Meetings or any ELSA events to promote the project and to identify and approach potential participants. The aforementioned are basic suggestions on how to promote this project. Feel free to be creative and tailor any promotion and marketing strategy to suit the National Group's needs.

3.2.2 Duties and Responsibilities of the National Academic Coordinator

As mentioned above, the NAC has a complementary role by overseeing the research conducted by the National Researchers and assisting the National Coordinator in all aspects relating to the academic content of the final national report. As such, the NAC is responsible for:

- a. Coordinating the academic development of the conducted research;
- b. Assisting the National Coordinator in pre-selecting a National Academic Supervisor;
- c. Answering academic questions from the National Researchers or communicating inquiries to the National Academic Supervisor for additional information;
- d. Ensuring high quality research and writing of the final national report and intervening to mitigate any issues related to academic content throughout the research and writing process when necessary;
- e. Processing and providing feedback on the final national report prior to submission to the National Academic Supervisor and National Linguistic Editor(s).

The NAC is selected according to his or her academic qualities and proven motivation. As such, NACs are expected to show:

- i. Demonstrated management, leadership and cooperation skills;
- ii. The ability to work independently as well as work efficiently in a team;
- iii. Knowledge of Law or willingness to perform extensive research in this field;
- iv. A high level of written legal English;
- v. A strong feeling of commitment to the project and the ability to follow through;
- vi. Sufficient availability and willingness to perform the required tasks.

3.2.3 Duties and Responsibilities of the National Researchers

The success of any LRG relies on the quality and competences of the NRs. The final report will be a compilation of the report produced by the national NRs after all. NRs are thus expected to:

- a. Produce a collective and cohesive final national report following the Academic Framework and that is in accordance with the expected academic quality, guidelines and deadlines provided for by the ICT. For more details on the quality, guidelines and deadlines of the final report see below;
- b. Ensure that the academic content of the final national report is accurate, cited properly and written in (plain) legal English;
- c. Maintain open and constant communication with the National Coordinator by providing regular updates and respond promptly to requests and inquiries from the National Coordinator;
- d. Respect all deadlines fixed by the National Coordinator and the ICT.

NRs are selected according to their academic qualities and proven motivation. As such, NRs are expected to show:

- i. Knowledge of Media Law or willingness to perform extensive research in this field;
- ii. A high level of written legal English;
- iii. The ability to work independently as well as work efficiently in a team;
- iv. A strong feeling of commitment to the project and the ability to follow through;
- v. Sufficient availability and willingness to perform the required tasks.

3.2.4 Duties and Responsibilities of the National Academic Supervisor

To guarantee a high academic standard of the final national report, a NAS will be appointed to review the work produced by the NRG. A NAS is expected to:

- a. Offer recommendations and advice in accordance with the Academic Framework;
- b. Monitor the academic progress of the conducted research;
- c. Analyze and provide feedback on the submitted research and drafts from National Researchers;
- d. Assist the National Academic Coordinator in answering academic questions from the National Researchers;
- e. Approve the final report.

A NAS is selected on the basis of his or her academic abilities and skills. As such, a NAS is expected to show:

- i. Significant academic experience in the field of Media law;
- ii. Sufficient availability and willingness to perform the required tasks.

3.2.5 Duties and Responsibilities of the National Linguistic Editors

To ensure a coherent and presentable final publication, the National Coordinator will appoint one to three NLE(s). NLEs are expected to:

- a. Assist and instruct National Researchers on the proper use of citations and (plain) legal English, following the guidelines provided for by the ICT;
- b. Amend the structure of the final national report if necessary;
- c. Proofread the final national report and amend if necessary.

NLEs are selected according to their academic qualities and proven motivation. International exchange students, being perhaps native English speakers, are recommended! NLEs are expected to show:

- i. A strong legal English background;
- ii. A high level of written legal English;
- iii. The ability to work independently as well as work efficiently in a team;
- iv. A strong feeling of commitment to the project and the ability to follow through;
- v. Sufficient availability and willingness to perform the required tasks.

3.3 Be part of our team!

All 43 national groups, members and observers, in ELSA can join the LRG. We have now opened the [call for National Coordinators](#).

If you want to apply for a position other than the National Coordinator, please communicate with the Coordinator listed at on our webpage elsa.org/page/protection-of-journalism or contact your [national ELSA group](#) - and in particular the Vice President for Academic Activities.

4. Supporting materials

The Academic Framework, i.e. the questions your NRG are required to answer, can be [accessed here](#). Until November 20th 2015, you have the opportunity to comment on the framework. ICT will consider all inputs and issue a final version. If you have any questions regarding the academic content of the project, please contact lrg.academic@elsa.org.

ICT will also provide you with [General Guidelines for the Final National Reports](#). These guidelines include instructions on the academic methodology, the style and form of the final national report. These guidelines are mandatory and are to be strictly followed.

Moreover, marketing materials will be distributed to the Network prior to the launch on 15th of October. [Download them here](#).

Articles with focus on Freedom of Expression and Protection of Journalistic Sources which can provide you an overview of the topic are the part of [58th edition of Synergy Magazine](#). Furthermore, a recommended reading list will also be provided by ICT in the Academic Framework.

Finally, [an application form](#), to be used to recruit participants for your NRG, can be found here.

5. Opportunities

There are of course many good reasons for joining this project. Below you will find some incentives listed:

- a) You will be a contributor to an international publication that is a cooperation between the world's largest law students' association and the Council of Europe.
 - b) The final compiled report will be published by the Media and Internet Division of the Directorate General of Human Rights and Rule of Law.
- c) All participants will receive a certificate of participation, issued by the Council of Europe and ELSA. The ICT will do its very best to give the participants the opportunity to present the research to external parties.
- d) The topic concerns many young people and raising awareness of these issues represents and strengthens our commitment to human rights.
- e) The previous LRGs have resulted in conferences, citations and considerable recognition from the legal community. We aim at continuing this success!

6. Academic quality of the project

It is of course of great importance to assure high academic quality of the final publication. For this reason, these concrete measures will be applied.

- a) All National Coordinators (NC) will be appointed by the ICT. If the NC does not fulfill his/her obligations, the ICT reserves the right to dismiss this person and appoint a capable candidate. The NC will carefully pre-select the participants of the NRG and put forward the recommended participants for the ICT's approval;
- b) All NRGs will involve an National Academic Supervisor who assists and approve the results;
- c) The ICT will engage an International Academic Advisor who will answer questions regarding the Academic Framework.
- d) The Academic coordinator and the Linguistic Editor of the ICT will assure a certain level of quality and take action if necessary, e.g. by requesting the NRG to submit an improved edition. The ICT may also decide to not include the national report in the final publication.
- e) There will be a mid-term deadline for submitting, to the ICT, a first draft of the national report.

7. Communication

The LRG email-list will be the main channel of communication. All National Coordinators, and others who wish so, will be subscribed to this. Besides, less important information and informal communication will be posted in the [facebook group](#). All participants of the project are invited to join this group!

In case you have any questions, please contact lrg@elsa.org. The ICT will do its best to be as accessible as possible and we would be more than happy to arrange Skype meetings with participants.

8. Draft timeline

2015

15th October – Launch of the Project, Call for National Coordinators

8th November – Deadline for National Coordinator applications

20th November – Deadline for inputs on Academic Framework

30th November – Deadline for submitting National Teams applications

6th December - Confirmation of National Teams by ICT

2016

3rd January – Deadline for Clarification Questions regarding Academic Framework (in order to include them to FAQ)

15th of March – Mid Term Deadline. Submit your 1st draft

15th of April – Deadline for Final Report

May-June – Compilation of Reports

June - Publication

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