

World Press Freedom Day, 3 May 2023

# SAFETY OF MEDIA PROFESSIONALS IN SWITZERLAND

## National Action Plan 2023–27

### Art. 16

<sup>1</sup> Freedom of expression and  
<sup>2</sup> Every person has the right freely to receive  
<sup>3</sup> Every person has the right freely to receive  
accessible sources and to disseminate it.

### Art. 17

Freedom of the press, radio and television and of other forms of communication and information by means of public telecommunications is guaranteed.  
Freedom of the press, radio and television and of other forms of communication and information by means of public telecommunications is guaranteed.  
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## Freedom of the media



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Confederation

Federal Department of the Environment, Transport,  
Energy and Communications DETEC

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Links to the **National Action Plan on  
the Safety of Media Professionals**  
can be found here ►



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# Foreword



Our democracy needs independent media. The freedom of the media is expressly guaranteed by the Federal Constitution. Journalists should be able to report freely and without intimidation. Unfortunately, this is not the case in all countries - and even in Switzerland it is not always self-evident. As a consequence, the Federal Office of Communications and members of the media sector have undertaken the important work to develop National Action Plan for the Safety of Media Professionals in Switzerland.

To ensure the safety of media professionals, we do not need new laws as the current legal framework is sufficient. What is needed, however, is a greater awareness of the important role independent media has in our democracy. The Action Plan is intended to contribute to this.

I would like to thank all those involved for their commitment and wish success to all concerned.

Albert Rösti  
Federal Councillor

Head of the Federal Department of the Environment,  
Transport, Energy and Communications

# Introduction

## Situation of media professionals in Switzerland

Freedom of opinion and freedom of the media are fundamental principles of Swiss democracy and allow independent and critical journalism. However, the situation in terms of freedom of the media and the safety of media professionals in Switzerland has deteriorated in recent years. The COVID-19 pandemic accentuated this situation. Many media professionals experience hostility, hate speech and threats, in particular online. According to a survey in the «[Yearbook on the Quality of the Media 2022](#)», 49.9 percent of respondents have experienced insults or hate speech and 58.4 percent have been accused of involvement in conspiracies. More than a quarter (28.9 percent) had experienced violence in the form of sexual harassment, (cyber-)stalking, physical threats of violence or actual physical violence. Female media professionals are affected to a greater extent. The Press Freedom Index of Reporters Without Borders (RSF) also indicates that the situation has deteriorated. Switzerland fell from 10th to 14th position in 2022.

The legal framework for media professionals in Switzerland also presents certain challenges: The revision of Article 266 of the Civil Procedure Code (CPC) is intended to allow interim measures to be ordered as soon as editorial reporting causes a “serious disadvantage”, replacing the previous test of a “particularly serious disadvantage”. Media professionals and experts fear that this could lower the threshold for interim measures to prevent media reports.<sup>1</sup> Article 47 of the Banking Act may also act as a deterrent to potential whistleblowers and media professionals who are investigating matters of public interest and wish to publish their findings. Irene Khan, the UN’s Special Rapporteur on the right to freedom of speech, has criticised Switzerland on this

point.<sup>2</sup> Finally, a revision of the Intelligence Service Act (IntelSA) is ongoing, with media professionals concerned that the planned deletion of Article 28 paragraph 2 could restrict the currently applicable standard for the protection of sources.

On the Council of Europe’s [Platform to promote the safety of journalists](#), where Switzerland has only been criticised once since the platform was launched in 2015, there were two alerts in 2022. The first concerns the above-mentioned Article 47 of the Banking Act. In the meantime, the National Council’s Economic Affairs and Taxation Committee has reacted to this development: It has called for the evaluation of an amendment to the Banking Act and related financial market legislation to ensure their freedom of the media in financial market issues. The Federal Council has accepted to undertake this evaluation. The National Council adopted the motion in February 2023<sup>3</sup>. The second alert concerns the case of a satirical magazine which is facing both criminal and civil proceedings for defamation and breach of privacy after the publication of a critical article about a city authority.

In addition, Swiss media increasingly claim to be victims of unfounded or even abusive legal actions brought to suppress unwelcome media reports (so-called “Strategic Lawsuits against Public Participation”, SLAPPs). The deterring effect of SLAPPs is especially problematic, as fear of legal action can stop media professionals from publishing critical reports or even undertaking investigations in the first place.

To perform their key role in an effective democracy, media professionals in Switzerland must be able to carry out their activities without fear or threats, potentially abusive lawsuits or violence. That is no longer unreservedly the case today. In view of this, representatives of the media and the Federal Office of Communications (OFCOM) have decided to address the challenges through this National Action Plan on the Safety of Media Professionals in Switzerland.

1 The revised Civil Procedure Code had not yet entered into force at the time when the Action Plan was published in May 2023.

2 Irene Khan’s letter of 3 March 2022 can be viewed here: [OL CHE \(1.2022\) \(ohchr.org\)](#)

3 At the time of publication of the action plan in May 2023, the motion is pending in the Council of States as the second chamber.

## Council of Europe resolution

In other countries, threats against media professionals are also on the rise, thus restricting freedom of speech and the freedom to receive and impart information. The Council of Europe is therefore actively committed to ensuring the safety of media professionals in Europe. In June 2021, the member states of the Council of Europe - including Switzerland - adopted a legally non-binding [resolution](#), which calls for the development of national action plans on the safety of media professionals. Paragraph 8 of the resolution states: *“Dedicated national action plans on the safety of journalists and other media actors must be established and implemented (...)”*.

Switzerland is complying with the Council of Europe’s request by drawing up this Action Plan and is following the example of three other European countries which already have national action plans on the safety of media professionals: [Sweden](#) (since 2018), the [United Kingdom](#) (since 2021) and the [Netherlands](#) (since 2022). The European Commission has also published a [recommendation](#) on the safety of journalists (2021).

## Goals of the Action Plan

The Action Plan’s main goal is to put the topic ‘safety of media professionals’ on the public agenda and to raise awareness in society and among politicians of the challenges faced by media professionals and of the fundamental importance of the media as part of an effective democracy in Switzerland.

The focus is on four specific concerns that media professionals have expressed:

- **More respect for the role and profession of media professionals**  
Journalism is a profession that requires knowledge and experience. Acknowledgement and respect for this profession lays the foundation for its protection and for the safety of media professionals.
- **Better protection against threats and hate speech online**  
Female media professionals and media professionals from social minorities need special protection, as they face additional challenges.
- **Better physical protection**  
Journalists experience violence at major events and demonstrations in particular. The threat can come both from members of the public but also from police forces and other blue-light organisations.
- **Better understanding of abusive court actions (SLAPPs)**  
Small media companies, and freelancers who cannot rely on an employer’s lawyers for support are given special consideration in the analysis.



Meeting with media industry in September 2022

Wherever possible, the Action Plan ties in with other ongoing activities. Associations, trade unions and media companies in Switzerland are already making a great effort to support and ensure the safety of media professionals. Instead of proposing an extensive set of governmental interventions, the Action Plan optimises, extends or raises the profile of existing measures. At all time, fundamental importance is attached to the independence of the media.

## Key elements of the Action Plan

**Definition of ‘media professional’:** Media professional is defined as a person who produces journalistic content for the press, radio or online media in order to provide and interpret information for public consumption. Under this definition, bloggers can be considered to be media professionals depending on their activity, but influencers are not.

**Focus:** The Action Plan focuses on the physical and psychological integrity of media professionals, both offline and online. This follows the Council of Europe’s resolution on the safety of media professionals of June 2021. The Action Plan does not cover any other areas.

**Responsibilities and roles:** The National Action Plan is under the patronage of Federal Councillor Albert Rösti. The Action Plan consists of recommendations and is not legally binding. OFCOM and the media industry have jointly drawn up the Action Plan’s measures and will implement them in cooperation with the actors concerned. OFCOM provides support by raising awareness, providing information, bringing the various actors together and searching for and implementing solutions. The evaluation is also being carried out by OFCOM in collaboration with the media industry.

## Development of the Action Plan

The Council of Europe called for the development of a National Action Plan on the Safety of Media Professionals in summer 2021. The government department responsible - the Federal Department of the Environment, Transport, Energy and Communications (DETEC) - then tasked OFCOM with developing and coordinating the Action Plan together with the relevant stakeholders. From the outset, OFCOM involved the media industry closely as it is convinced that an action plan will only be effective and beneficial if it is supported and implemented by the industry.

In a first step, OFCOM conducted a non-representative [online survey](#) on the security of media professionals in Switzerland in February 2022. In

addition to media professionals, the respondents included employers, associations, training institutions, trade unions and NGOs in the media sector. As revealed by the 198 responses, 42 percent of the journalists who took part have already experienced physical or psychological attacks. 75 percent of respondents considered a National Action Plan worthwhile.



Meeting of the Sounding Board in November 2022

In May 2022, OFCOM organised a round table event with media professionals to define the priorities for the Action Plan based on the survey results. This was followed by a discussion with the media industry on the areas of action and potential measures in September 2022. To define and finalise the Action Plan in specific terms, a sounding board was created consisting of ten representatives of media associations, media training institutions, the Swiss Broadcasting Corporation, the Swiss Press Council and trade unions (see list of members in the annex). The Sounding Board and OFCOM met for discussions several times between autumn 2022 and the publication of the Action Plan in May 2023.

OFCOM also involved the Federal Media Commission (FMED) and consulted other relevant bodies at federal and cantonal level, namely the Federal Office of Justice (FOJ), the Federal Social Insurance Office (FSIO), the Federal Department of Foreign Affairs (FDFA) and the Conference of Cantonal Police Commanders of Switzerland (CCPCS).





# Existing regulations and measures for the safety of media professionals

## Legal framework in Switzerland

Currently, there are no specific legal provisions in Switzerland on the safety of media professionals. Although journalists enjoy certain rights that are reserved for their profession, the general standards of protection under criminal, civil and administrative law apply to their physical and psychological protection. The main provisions are set out in a non-definitive summary below. Along with these rights, there are also obligations, such as respect for the privacy of other parties, compliance with criminal law and the requirement of objectivity in the specific context of radio and television. Journalists are also bound by the Journalists' Code, which adopts and builds on the legal obligations.

### Constitutional protection

Media freedom is of fundamental importance in a democratic state based on the rule of law. The public can only form opinions freely if the media is free. Freedom of the media is expressly guaranteed by Article 17 of the Swiss Federal Constitution of 18 April 1999 and implicitly guaranteed by Article 10 of the European Convention on Human Rights of 4 November 1950 (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966. It thus enjoys a certain protection, which also extends to the editorial activity of media professionals. Freedom of the media not only guarantees journalists the right to publish information and to express opinions via the media, but also the right to freely obtain information and freely select their communication channel.

Freedom from censorship under Article 17 paragraph 2 of the Federal Constitution is also a fundamental element of a democracy as the media must be able to address any issue without state restrictions. As a legal expression of this ban, Article 266 CPC goes even further than Article 261 CPC, which involves standard interim measures, and provides additional protection for the media. In addition, the protection of sources is also

guaranteed under Article 17 paragraph 3 of the Federal Constitution. This constitutional protection, which is implemented in Article 28a of the Swiss Criminal Code (SCC) and Article 10 of the Data Protection Act of 19 June 1992 (DPA), enables journalists to deny access to their data files if this might reveal sources of information, provide access to drafts for publication or jeopardise free opinion-forming.

Article 3a of the Radio and Television Act (RTVA) of 24 March 2006 is based on Article 93 paragraph 3 of the Federal Constitution and establishes the principle of the independence of radio and television from the state under the law. This is intended to prevent the state from putting pressure on journalists. State authorities cannot stipulate rules on the publication of content either.

### Protection of privacy

The general provisions on the protection of privacy also apply to media professionals. Article 28 of the Swiss Civil Code of 10 December 1907 (CC) not only protects them against breaches of their privacy but also takes account of the role of the media in relation to breaching the privacy of others. Therefore, it is assumed that there is an overriding public interest, if employees of media organisations publish truthful information, opinions, comments or value judgements which are not unnecessarily harmful or pejorative (Decision of the Swiss Federal Supreme Court BGE 126 III 305, E. 4 a/aa).

Article 13 of the Federal Act on Data Protection (FADP) is the counterpart to Article 28 of the Swiss Civil Code in the specific context of data protection. In particular, it states that the professional processing of personal data for the purpose of publication in the edited section of a periodically published medium is justified (para. 2 let. d). This provision will be incorporated without amendment into the revised FADP, which comes into force on 1 September 2023.

## Existing measures

Numerous associations, trade unions, media houses and non-governmental organisations in Switzerland have taken measures to support and ensure the safety of media professionals. Various institutions also carry out activities in this area at international level. Their current activities are listed below (non-exhaustive list):

### Awareness-raising and prevention

- **The Swiss Press Council's Code of Conduct:** The [Code of Conduct](#) sets out the rights and obligations of journalists in Switzerland. The Code contributes to raising the professional profile and credibility of media professionals, thereby improving their protection. The Press Council monitors compliance with the Code of Conduct as part of the media industry's self-regulation.
- **Press passes:** impressum, syndicom and the Swiss Syndicate of Media Professionals (SSM) issue the 'professional register press pass' based on standard criteria and have registered it as a trade mark. The publishers' association 'Schweizer Medien' (VSM) and some other institutions also issue press passes. impressum has also launched the 'Trusted Journalists' pilot project. Verified journalists authorised to wear a 'professional register press pass' are listed on the website [www.trust-j.org](http://www.trust-j.org).
- **Media skills:** The Federal Social Insurance Office (FSIO) operates the national platform for the promotion of media skills: "[Youth and Media](#)" is dedicated within the framework of child and youth media protection to awareness-raising and providing information, coordination and support to those involved. The Intercantonal conference on public education in French-speaking Switzerland and Ticino (CIIP) has launched various initiatives that aim to teach critical media literacy skills to school children. For example, they include the website [www.e-media.ch](http://www.e-media.ch) and the 'semaine des médias', a theme-based week during which media issues are addressed in the classroom. The 'Verlegerverband Schweizer Medien' (VSM) also carries out activities in this field, for example with its programmes on high-quality journalism [was-lese-ich.ch](http://was-lese-ich.ch). Another noteworthy project is [Lie Detectors](#).
- **Physical protection:** Some larger media companies provide their journalists with security staff who accompany them in potentially dangerous situations (e.g. at demonstrations). Some employees also provide training on working in crisis zones and psychological support. The Swiss Syndicate of Media Professionals (SSM) runs a course on 'Tactical Emergency Assistance for Media Professionals' in cooperation with the organisation [nothelferkurs.li](http://nothelferkurs.li). The course is aimed at media professionals who travel to and report from crisis areas.
- **Blue-light organisations (in particular the police force):** The level of cooperation between media professionals and the cantonal and communal police forces varies considerably. In 2022, the City of Zurich police authority issued a revised [factsheet on its media policy](#), consulting with impressum, syndicom and the Swiss Syndicate of Media Professionals (SSM) beforehand. At European level, the [Press Freedom Police Codex](#), which sets out guidelines on police conduct towards journalists, is noteworthy. Basic and continuing education and training in this area also varies considerably both in the regional police training colleges and in media training institutions. For example, students on the journalism course at the University of Neuchâtel take part in police training exercises to help improve mutual understanding.
- **Hate speech on the internet:** Various associations, companies and media trade unions provide support with regard to hate speech. The Swiss Broadcasting Corporation (SRG) has, for example, set up a working group to address hate speech. The platforms [Stop Hate Speech](#) and [Netzcourage](#), which are not just aimed at media professionals, provide a digital point of contact in Switzerland, offering information to persons affected by hate speech. Also worth mentioning is the "[Public Discourse Foundation](#)" which supports public discourse on the internet. Various projects seeking to combat hate speech also exist at an international level. For example, an [online helpdesk](#) was set up as part of the Council of Europe's 'No Hate Speech Movement' and [Guidelines on dealing with hate online](#) have been published for journalists. The International Press Institute (IPI) is also publishing [tutorial videos on dealing with hate speech](#).

### Protection and support against threats and violence

- **Female media professionals:** Female journalists are often faced with more serious forms of violence and threats. Some media companies have taken internal measures against this, such as the creation of specific ombudsman offices. Syndicom publishes a [factsheet on sexual harassment in the media](#). The Swiss Syndicate of Media Workers (SSM), in its function as a trade union, has negotiated regulations for the protection of personal integrity with SRG and developed far-reaching measures.

## Legal framework

- **Legal support:** Large media companies have their own legal departments which provide support for employees. Many associations and trade unions also provide legal advice and protection from which freelance professionals can also benefit (depending on the organisation, e.g. guaranteed legal protection insurance up to the highest authority with coverage of all costs). The knowledge that journalists will not have to cover the costs of legal defence themselves in the event of problems is a key factor in refraining from self-censorship for fear of legal proceedings.
- **Abusive lawsuits:** In order specifically to deal with the phenomenon of strategic lawsuits against public participation (SLAPPs), impressum, syndicom and several other organisations are involved in setting up a national coalition against SLAPPs, also known as the ‘National CASE Signal Group’. The publishers’ association ‘Schweizer Medien’ (VSM) has also formed an ad-hoc alliance on SLAPPs and other legal issues concerning freedom of the media. At an international level, there are also numerous projects to combat SLAPPs. The CASE - Coalition against SLAPPs in Europe is particularly worthy of mention in this respect.
- **Voluntary insurance for journalists in crisis areas:** The International Federation of Journalists (IFJ), which is co-financed by impressum, syndicom and the Swiss Syndicate of Media Professionals (SSM), offers [insurance](#) for journalists which also provides cover when reporting in crisis regions. This is crucial, because many insurance companies exclude cover for claims that occur in a war zone. Reporters Without Borders (RSF) also offers a special insurance package for journalists working abroad through its international secretariat in Paris.

# Areas of action

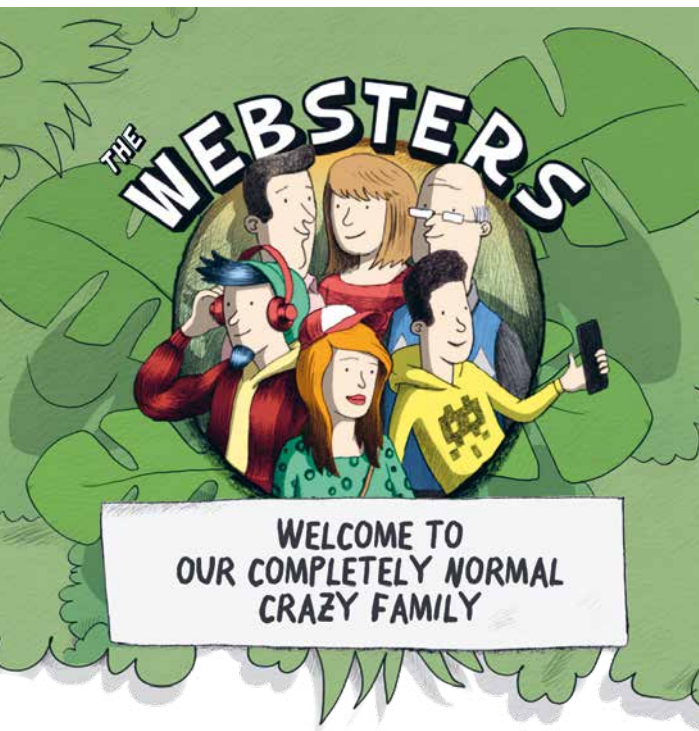


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## Area of action 1: Awareness-raising and prevention

Trust in media professionals and their perception as being independent is essential if the public is to be free to form its own opinions based on what appears in the media. Often, this confidence translates directly into a respect for the profession of media professionals. Conversely, mistrust can result in doubt over the independence of journalism and journalists as well as them being denigrated. According to the [Yearbook on the Quality of the Media 2022](#), Switzerland occupies a mid-range position compared with other European countries when it comes to trust in the media. Switzerland is also in the middle of the rankings in relation to the perception of journalistic independence in the face of economic and political influence.

This is why one of the Action Plan's goals is promoting public respect for journalism as a profession and highlighting the importance of the media to effective democracy. Respect for journalism forms the basis for the safety of media professionals.



### Measure 1:

## Raising the awareness of young people about the value of the media

Awareness-raising and prevention begin in childhood. OFCOM - together with the illustrator Matthias Leutwyler - created the comic-family [Websters](#) in 2015 which make children and young people aware of the dangers of online communication in a humorous way. The first three seasons focused on dangers online and in day-to-day digital activities. In cooperation with this Action Plan, two [storylines](#) are now being launched on the topic of the media. The aim is to position journalism as a highly qualified profession and to explain the media's importance to democracy to young people.

The Websters reach their young audience via social media ([Instagram](#)). The two stories will also be published in [Maky](#) (German) and [Rataplan](#) (French), which are magazines for young people, as well as on OFCOM's website. Media associations, media training institutions and trade unions will raise awareness of the stories via their channels.

### Measure 2:

## Round table with media professionals and the police

Journalists can face potentially dangerous situations when doing their jobs. In this respect, they are dependent on successful cooperation with the blue-light organisations (police, ambulance, rescue and fire services). The relationship is multifaceted: For example, the police have to ensure safety, but must not disproportionately restrict the work of journalists. In turn, journalists must be recognisable to the police and cannot obstruct them in their duties. A Switzerland-wide harmonisation of the policy in dealing with media professionals is hard to achieve, given the country's devolved federalist system: the cantonal police forces and regional police training colleges have different regulations, agreements and training programmes.

To promote mutual trust and understanding and to avoid conflict, the Action Plan aims to establish an in-depth dialogue between journalists and the police. OFCOM regularly coordinates a round table event between the media industry (Sounding Board) and the police (represented by the press officers of the Swiss police forces (SKMP)). The topics are defined jointly based on current needs (e.g. discussion of specific incidents, possible harmonisation for Switzerland-wide policy on journalists and in terms of training and development, definition of recommendations for successful cooperation between media professionals and the police).



### **Measure 3:**

## **Gathering data on the safety of media professionals**

The situation in relation to the safety of media professionals is often illustrated by individual cases or through reference to international developments. No verified or well-structured data is available in Switzerland. This means developments cannot be observed and compared over an extended period of time. In addition, situations particular to the Swiss context are sometimes not recognised. If threats are not investigated and, as a result, remain hidden, security risks can be underestimated - which has a long-term, negative impact on media professionals as well as media services.

As part of its media research activities, OFCOM is funding an initial survey on the safety of journalists in Switzerland. This will identify security risks and their impact on journalists. It also aims to analyse whether and, if so, to what extent female media professionals and media professionals from minority social groups are more seriously affected. The specific situation of freelance journalists, who often receive little or no support from the media companies commissioning their work, will also be explored.

### **Measure 4:**

## **Industry dialogue on the standardisation of press passes**

A press pass does not have any official status in Switzerland. After they are registered with one of the three large professional associations for journalists in Switzerland (impresum, syndicom and Swiss Syndicate of Media Professionals (SSM)), the persons concerned can use the title 'professionally registered journalist' and are given a press pass. The publishers' association 'Schweizer Medien' (VSM) and certain other institutions also issue press passes. Several organisations are funded by membership fees, enabling them to issue press passes to their members.

The lack of uniformity of press passes in Switzerland makes it more difficult to identify journalists (e.g. for blue-light organisations), which has an adverse effect on respect for the profession. In view of this, OFCOM coordinates an industry dialogue on the issue of standardising press passes and the requirements for holding them. The option of issuing digital press passes is also being explored. The dialogue is being conducted with the organisations currently responsible for issuing the most widely known press passes: impresum, syndicom, the Swiss Syndicate of Media Professionals (SSM) - the issuers of the professional register press pass -, as well as the publishers' association 'Schweizer Medien' (VSM).



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## Area of action 2: Protection and support against threats and violence

The Swiss [Yearbook on the Quality of the Media 2022](#) has reported that journalists are increasingly faced with threats and violence. Most of these attacks are carried out via digital channels and are not gender-related. However, female media professionals are affected to a greater extent: They are insulted and are threatened with explicitly sexualised violence more often.<sup>1</sup> Journalists from social minority groups are also exposed to greater risk.

Threats and violence against journalists restrict journalistic freedom of speech, as issues may be addressed less critically, to a lesser extent or even not at all because of the attacks. Restricting freedom of speech and media freedom can thus also restrict the population's access to free, critical and open reporting. This is why the Action Plan aims to provide better protection and more targeted support for journalists in the event of attacks, violence and threats, both offline and online.

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<sup>1</sup> See the [OSCE Resource Guide on the Safety of Female Journalists](#)



### Measure 5:

## Industry website on dealing with threats and violence

Various services and points of contact are available, both nationally and internationally, for media professionals facing threats and violence. These include guidelines on what to do, factsheets on the rights of media professionals, legal advice, etc. However, these services and points of contact are often difficult to find or not widely known about. To remedy this, the industry is joining forces to develop a joint website that collates and lists the existing measures of associations, trade unions and independent advisory institutions, etc. Particular emphasis is placed on dealing with online hate speech, as media professionals are particularly affected by this. In addition, the website records specific support services for female journalists and journalists from social minorities. The aim is to provide information on how to deal with threats and violence online and offline and to provide quick and easy access to contact information. This will also provide support for media professionals who are freelance and do not have trade union representation.

The MAZ and 'Centre de formation au journalisme et aux médias' (CFJM) schools of journalism are coordinating the creation of the industry website in consultation with the media associations, trade unions and other relevant organisations.

### Measure 6:

## Support from Swiss representations abroad

Journalists who work for the Swiss media as foreign correspondents are often faced with additional challenges, ranging from accreditation issues to actual attacks.

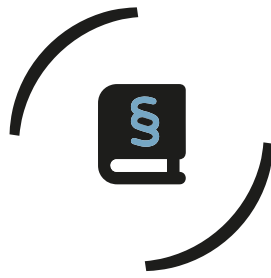
In line with the [Guidelines on Human Rights 2021-24](#) of the Federal Department of Foreign Affairs (FDFA), Switzerland is committed to protecting media professionals and promoting the freedom of the media as part of diplomatic initiatives. Swiss representations abroad will be informed about this Action Plan and made more aware of the issues facing foreign correspondents. The FDFA will hold webinars to achieve these goals. The FDFA will also provide information on a regular basis about developments concerning Switzerland's activities and expectations and opportunities in relation to freedom of opinion and freedom of the media.

### Measure 7:

## Regulation of communication platforms

Communication platforms, such as Google, Facebook, YouTube, Twitter and Instagram, are a firmly established part of our lives and influence our habits. The population is increasingly obtaining information from such platforms, participating directly in public debate and actively using them to form their opinions. On one hand, this means that these platforms have significant influence over public debate, while, on the other, the openness of the platforms and low technical access barriers have negative effects, such as spreading hate speech and disinformation. Hate speech is a widespread phenomenon that has an impact in various ways (radicalisation, the intensification of types of behaviour, or even encouraging physical violence and the 'silencing' of victims). As public figures, media professionals are particularly affected by online hate speech.

OFCOM has been instructed by the Federal Council to draft a law on the regulation of communications platforms. It aims to increase the transparency of online platforms and the protection and rights of users. This includes better protection against illegal online hate speech.



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## Area of action 3: Legal framework

The freedom of the media is guaranteed by Article 17 of the Federal Constitution, but various current and planned provisions, such as Article 47 of the Banking Act, the recently adopted revision of Article 266 of the Civil Procedure Code or the proposed deletion of Article 28 paragraph 2 of the Intelligence Service Act could restrict the effectiveness of the protection of this freedom.

Strategic lawsuits against public participation (SLAPPs) are an increasing issue in Switzerland. Freelance journalists and journalists working for small media companies are often the most seriously affected by this form of legal action as they are not automatically protected or cannot rely on the support of a legal department. The ‘chilling’ and self-censorship effect of SLAPPs is a major issue. Fear of legal action can deter media professionals from publishing critical reports or undertaking investigations at all.

The legislation in Switzerland must allow media professionals to carry out their journalistic activities without fear of criminal prosecution or abusive legal proceedings. Meaning, that the protection of sources that applies today must not be restricted. The Action Plan also aims to raise awareness amongst policymakers and the various authorities responsible for media-relevant issues of the importance of the media to democracy.

## **Measure 8:**

### **Analysis of abusive lawsuits in Switzerland**

The level of information available on strategic lawsuits against public participation (SLAPPs) and their impact on media professionals in Switzerland is unclear today. There is currently no reliable data on the actions against media journalists and media companies, not to mention the extent to which they may be classified as an abuse of process.

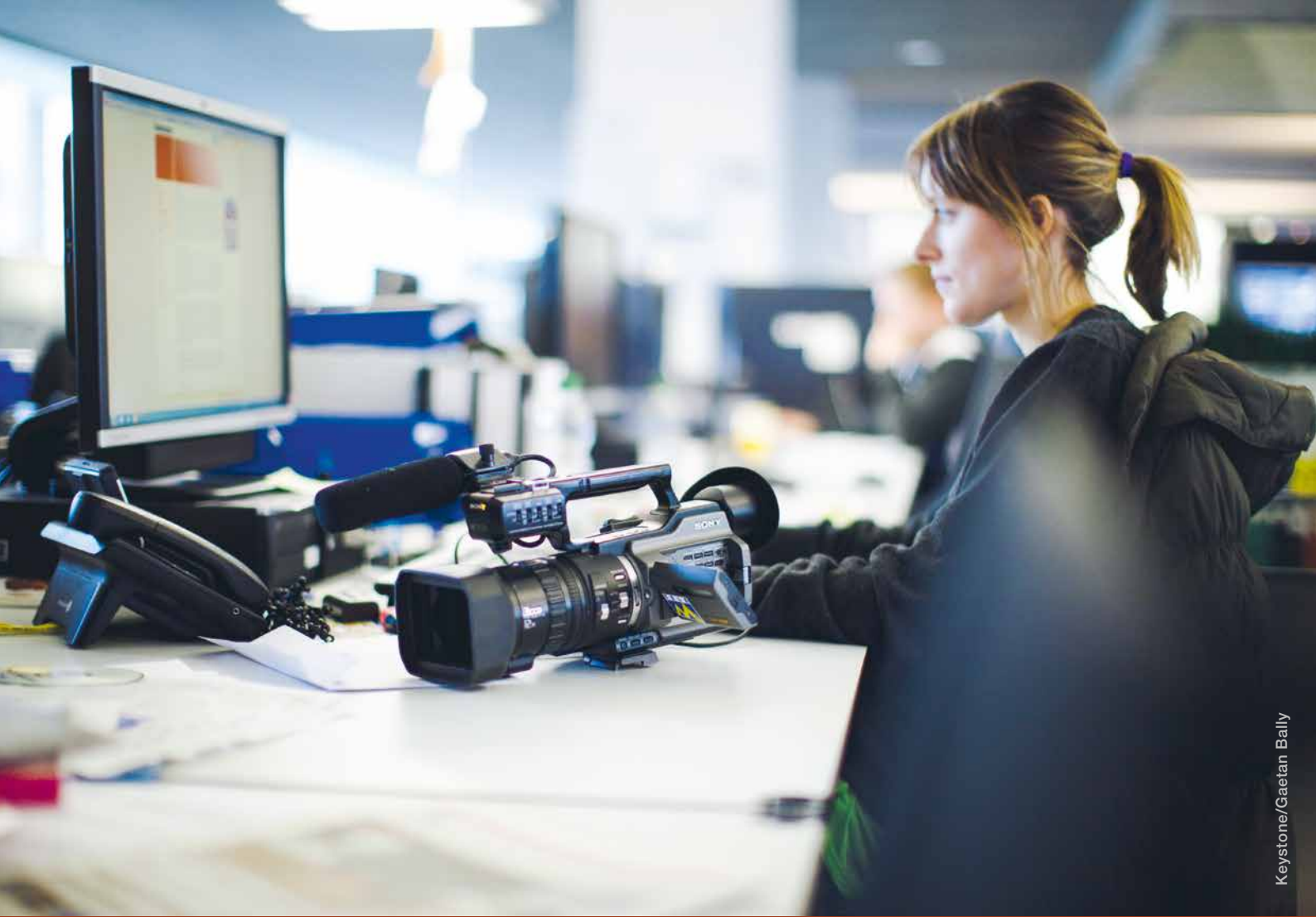
In order to counteract this lack of clarity, OFCOM is investigating the extent and characteristics of SLAPPs in Switzerland as part of its media research. If it is confirmed that a problem exists, the issue of its impact on the work of media professionals and media companies will be explored in a second step. The extent of the phenomenon of self-censorship due to fear of legal action and its impact on the content of reporting will also be analysed. As part of the analysis and on other legal matters concerning freedom of the media, OFCOM will consult with the ad-hoc alliance on SLAPPs, which was convened by the publishers' association 'Schweizer Medien' (VSM), and with the 'National CASE Signal Group'.

## **Measure 9:**

### **Action against abusive lawsuits at European level**

To monitor and address the issue of SLAPPs beyond Switzerland, OFCOM also participates in the Council of Europe's Committee of Experts on SLAPPs. The expert committee plans to draw up a recommendation on the handling of SLAPPs by member states by the end of 2023. This would then be put to the Council of Europe's Committee of Ministers for adoption in spring 2024. OFCOM, in cooperation with the relevant partners, will coordinate the implementation of this recommendation at national level.

OFCOM will also closely monitor developments at European Union (EU) level. In April 2022, the EU presented a draft version of a directive against SLAPPs which aims to ensure that clearly abusive lawsuits can be dismissed more quickly.



# International commitment

The development of this Action Plan is also in line with the [“UN Plan of Action on the Safety of Journalists and the Issue of Impunity”](#), which Switzerland supports. The Action Plan is also in line with Switzerland’s broader international commitment in this area.

- At the **United Nations (UN)**, Switzerland is active in the negotiations on resolutions and decisions on the safety of media professionals and supports the mandate of the UN Special Rapporteur on the right to freedom of opinion. Switzerland is also a member of the ‘Group of Friends on the Safety of Journalists’ in New York.
- **UNESCO** is taking the lead on implementing the ‘UN Plan of Action on the Safety of Journalists and the Issue of Impunity’ and is receiving political and financial support from Switzerland in this role. For example, Switzerland contributes to the Global Media Defense Fund managed by UNESCO.
- Switzerland supports the mandate of the **Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe (OSCE)** and endorses the OSCE’s 2018 decision on the safety of media professionals. As female journalists are often the victims of attacks and face additional challenges, Switzerland supports the OSCE’s ‘Safety of Female Journalists online’ project. Switzerland also funds a position at the office of the OSCE’s Representative on Freedom of the Media.
- At the **Council of Europe**, Switzerland actively contributes to recommendations on the safety of journalists, including the 2021 resolution calling on member states to draw up national action plans. Switzerland also supports the Council of Europe’s platform to promote the safety of media professionals and is part of the ‘Group of Friends on the Safety of Journalists’ in Strasbourg.
- Switzerland is endeavouring to strengthen freedom of speech and freedom of the media worldwide as part of the **Media Freedom Coalition (MFC)**. All member states have signed the ‘Global Pledge on Media Freedom’, a political declaration aimed at strengthening collaboration on promoting freedom of the media and the safety of media professionals at national and global level.
- In 2019, Switzerland joined the **Partnership for Information and Democracy**. This partnership, initiated by Reporters without Borders (RSF), aims to have the global information and communication space recognised as a shared public good and to protect access to reliable information. Its priorities also include protecting media professionals and developing sustainable business models to enable high-quality, independent journalism.
- Switzerland also belongs to the **Freedom Online Coalition (FOC)**. The FOC’s 36 member states support freedom of the internet worldwide. This also involves promoting freedom of speech, association and assembly and protection of privacy online.
- In view of the fact that the business model of independent media in fragile, low-income countries represents a major challenge, Switzerland has also made a funding contribution to the **‘International Fund for Public Interest Media’** since 2022. This fund aims to promote the financial viability of independent media in such contexts.
- Complementing this commitment, Switzerland supports the **Global Forum for Media Development (GFMD)** with the implementation of the ‘International Media Policy and Advisory Centre’, which provides expertise and knowledge on the development of the media in developing countries.
- Switzerland provides bilateral support for the development of independent media through various **programmes of the Swiss Agency for Development and Cooperation (SDC)**, such as those in Egypt, Benin, Burkina Faso, the African Great Lakes region, Mali, Tanzania, Chad, Tunisia, Romania and Moldova, including in cooperation with the ‘Fondation Hironnelle’ and local partners.

# Implementation and evaluation

The measures recommended in this Action Plan will be implemented gradually with the involvement of the relevant actors.

The Sounding Board, which was created in 2022 to draw up the Action Plan and comprises representatives from media associations, media training institutions, the Swiss Broadcasting Corporation, the Swiss Press Council and trade unions, will continue to exist and is responsible for the implementation of the Action Plan by the media industry.

OFCOM will coordinate the evaluation of the National Action Plan. Every year, it will invite the members of the Sounding Board to a meeting to discuss progress on implementing the Action Plan.

The participants will carry out a review after a four-year period in 2027. OFCOM and the media industry (represented by the Sounding Board) will jointly decide whether and, if so, how the Action Plan should be continued beyond 2027. The decision will take account of the collection of data on the safety of journalists (measure 3) and the analysis of abusive lawsuits in Switzerland (measure 8).

If the continuation of the Action Plan is approved, it may be amended and updated in line with the requirements of the media industry after 2027.

# Annex

Representatives of the media industry and the Federal Office of Communications (OFCOM) have jointly drawn up the National Action Plan on the Safety of Journalists and will implement it together. The following institutions and authorities participated in drawing up the Action Plan:

- Centre de formation au journalisme et aux médias CFJM
- Conference of Cantonal Police Commanders of Switzerland CCPCS (represented by the press officers of the Swiss police forces (SKMP))
- Federal Department of Foreign Affairs FDFA
- Federal Media Commission FMEC
- Federal Office of Communications OFCOM
- Federal Office of Justice FOJ
- Federal Social Insurance Office FSIO
- impressum
- investigativ.ch
- MAZ - Die Schweizer Journalistenschule
- Médias Suisses, Association des médias privés romands
- Radios Régionales Romandes RRR
- Reporters Without Borders (RSF) Switzerland
- Stampa Svizzera
- Swiss Syndicate of Media Professionals (SSM)
- syndicom
- Telesuisse
- The Press Council
- The Swiss Broadcasting Corporation SRG SSR
- Union nicht-gewinnorientierter Lokalradios UNIKOM
- Verband Medien mit Zukunft VMZ
- Verband Schweizer Online-Medien VSOM
- Verband Schweizer Privatfernsehen VSPF
- Verband Schweizer Privatradios VSP
- Verband Schweizer Regionalmedien VSRM
- Verlegerverband Schweizer Medien VSM

## **Members of the Sounding Board:**

- Corinne Bachmann, Swiss Syndicate of Media Professionals (SSM)
- Martina Fehr, MAZ - Die Schweizer Journalistenschule & Press Council
- Daniel Hammer, Médias Suisses, Association des médias privés romands
- Simon Jacoby, Verband Medien mit Zukunft VMZ
- Marc-Henri Jobin, Centre de formation au journalisme et aux médias CFJM
- Nicolas Roulin, the Swiss Broadcasting Corporation SRG SSR
- Urs Thalmann, impressum
- Stephanie Vonarburg, syndicom
- Philippe Zahno, Radios Régionales Romandes RRR
- Andreas Zoller, Verlegerverband Schweizer Medien VSM

The Sounding Board was set up by OFCOM and consists of a maximum of ten members from all areas of the media, including associations, trade unions, media training institutions, the Press Council and the Swiss Broadcasting Corporation. The Sounding Board may involve additional actors in specific areas if required to implement the Action Plan.

