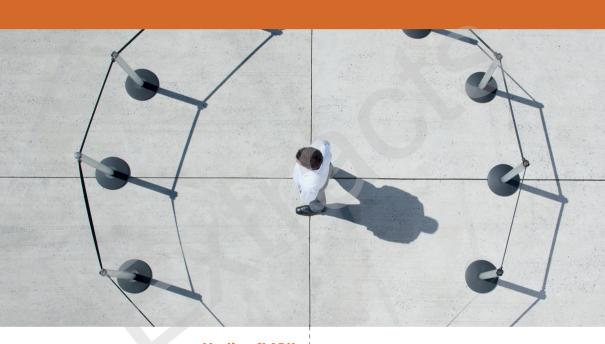# JOURNALISTS UNDER PRESSURE
Unwarranted interference, fear and self-censorship in Europe

Marilyn CLARK
Anna GRECH

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

JOURNALISTS UNDER PRESSURE
Unwarranted interference, fear and self-censorship in Europe

Authors
Marilyn CLARK
Anna GRECH

Working Group members
Anna BEVAN
Ricardo GUTIÉRREZ
William HORSLEY
Melody PATRY

Contributors
Liberato CAMILLERI
Jamie BONNICI

Council of Europe Secretariat
Onur ANDREOTTI
Urška UMEK
Shahin ABBASOV

Council of Europe

Contents

List of figures

List of tables

Foreword

The last decade has seen a significant increase in different forms of violence and abuse against journalists, as well as against whistle-blowers and public watchdogs. From physical attacks to intimidation and harassment, targeted surveillance and cyberbullying, across Europe we now see a range of tactics deployed to silence critical voices and stifle free speech.

This study sheds new light on the impact on journalists' behaviour. Many in the profession are deeply committed to reporting in the public interest, in spite of constraints on their work. It is clear, however, that many equally feel fearful for their own welfare, including, in some cases, their personal safety and that of their families and friends. Out of almost 1 000 journalists and other news providers questioned for the survey, over a third believe that there are no effective means by which they can report threats or interference.

It should therefore come as no surprise that the survey found high levels of self-censorship among journalists. A high proportion of respondents say that they feel pressured to present their reports in ways which are more amenable to their employers, withholding information when necessary. Many are compelled to tone down controversial stories, or abandon them altogether. Such constraints clearly conflict with the desire to report fully and factually, a desire which motivates many in the profession.

Despite the negative trends uncovered by this report, however, a significant number of respondents told us of their determination to resist censorship, whether it be from outside forces or self-imposed. Their resolve is laudable. The ability of the media to scrutinise elites and hold power to account is essential for the healthy functioning of any democracy. Freedom of expression, as enshrined in the European Convention on Human Rights, guarantees that everyone has the right "to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers".

The obligation to create an environment in which journalists can work free from fear of violence and intimidation rests primarily with national authorities. They alone have the power to enact journalist-friendly legislation, to establish the conditions for a pluralist media landscape and to investigate and prosecute instances of unwarranted interference.

This study therefore calls on Council of Europe member states to fully implement Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors, which proposes a range of concrete measures to protect them from attacks and to create a climate of open debate and free speech. Furthermore, it calls for a more regular and in-depth stocktaking of the state of freedom of expression across Europe, along with greater awareness raising of these vital issues. It is an important study with meaningful recommendations and I hope that all member states will give it their full support.

Thorbjørn Jagland
Secretary General of the Council of Europe

Executive summary

BACKGROUND

Freedom of expression is one of the basic conditions for the progress of society. Without safeguards for the safety of journalists there can be no free media. The safety of journalists and the issue of impunity are among the top priorities of the work of the Council of Europe. In the 2015 annual report by the Secretary General of the Council of Europe, the right to freedom of expression enshrined in Article 10 of the European Convention on Human Rights (hereinafter "the Convention") is discussed. Article 10 touches various aspects of freedom of expression and imposes upon member states an obligation to protect individuals' rights to freely express themselves without interference, either from state actors or private individuals. The reality, however, is that journalism can be a dangerous profession and journalists may experience unwarranted interference from a number of sources. This report presents data on the prevalence of unwarranted interference, fear and self-censorship among a sample of 940 journalists reporting from 47 Council of Europe member states and Belarus.[1]

WORKING DEFINITIONS

The following working definitions were adopted for the study.

Journalist – A person who is regularly engaged in collecting or disseminating information to the public with a journalistic (public interest) purpose.

Unwarranted interference – Acts and/or threats to a journalist's physical and/or moral integrity that interfere with journalistic activities. These may take the form of actual violence or any form of undue pressure (physical, psychological, economic or legal) and may emanate from state or public officials, other powerful figures, advertisers, owners, editors or others.

Fear – The perception of likelihood or anticipation of unwarranted interference including the emotional response to possible unwarranted interference.

Self-censorship – The control of what one says or does in order to avoid annoying or offending others but without being told officially that such control is necessary.

---

1. All reference in this publication to the sample of journalists surveyed from Council of Europe member states should also assume the inclusion of responses from journalists in Belarus, not currently one of the 47 member states of the Organisation.

PROJECT PURPOSE AND DESIGN

The study had the following key objectives.

- ▶ To measure the prevalence of unwarranted interference among a sample of active journalists in Council of Europe member states.
- ▶ To document the perceptions of likelihood/fear of unwarranted interference among active journalists in Council of Europe member states.
- ▶ To investigate the relationship between experiences of unwarranted interference, perceptions of likelihood/fear of unwarranted interference and self-censorship among journalists in Council of Europe member states.
- ▶ To explore how unwarranted interference and perceptions of likelihood/fear of unwarranted interference are influenced by occupational contingencies (for example, the length of journalistic career), specific media platforms (for example, print, digital or broadcast media), the type of contract (if any), employment conditions, professional affiliations and/or several structural variables such as gender and the region where journalistic work is being carried out.

The study used an anonymous self-reporting questionnaire available in five languages: English, French, Russian, Serbian and Turkish.

THE SAMPLE

The sample consisted of a non-probability sample (convenience sample) of journalists reporting from Council of Europe member states recruited mainly from members of the following five major journalists' and freedom of expression organisations.

- ▶ Association of European Journalists
- ▶ European Federation of Journalists
- ▶ Index on Censorship
- ▶ International News Safety Institute
- ▶ Reporters without Borders

RESULTS

The results of the study show how the work of journalists may indeed be dangerous and that experiences and fear of unwarranted interference may affect freedom of expression.

Experiences of unwarranted interference

With reference to the last three years, a number of different experiences of unwarranted interference were reported, with 40% of respondents claiming that the interference was bad enough to affect their personal lives. The most common type of unwarranted interference was psychological violence – such as humiliation, belittlement, intimidation, various threats, slandering and smear campaigning

– reported by 69% of the sample. The second most reported experience of unwarranted interference was cyberbullying – in the form of accusations of being partisan, personal attacks, public defamation and smear campaigns – reported by 53% of the sample. In order of the frequency in which they were experienced, other types of unwarranted interference reported included: intimidation by interest groups (50%); threats with force (46%); intimidation by political groups (43%); targeted surveillance (39%); intimidation by the police (35%); physical assault (31%); robbery, confiscation or destruction of property (21%); non-contact personal theft (19%); and sexual harassment or violence (13%). Twenty-three per cent of survey respondents claimed to have experienced arrest, investigation, threat of prosecution and actual prosecution under a number of laws.

Male journalists were more likely to be threatened with force, intimidated by police and experience physical assault, whereas female journalists were more likely to experience sexual harassment or violence.

In terms of regional differences, experiences of physical assault were highest in the South Caucasus region, closely followed by Turkey, but presented high prevalence in the other regions as well, including in EU and non-EU Western European countries (25.1%). The experience of threats with force was highest in Turkey (69.2%), very closely followed by South Caucasus (66%) and Eastern Europe (60%). The experience of sexual harassment was highest in Turkey (18.3%) and in EU and non-EU Western European countries (15.2%). The experience of robbery and/or confiscation or destruction of property was highest in the Eastern European countries and South-East European countries. Non-contact personal thefts were lowest in Turkey (12.6%) and highest in South-East European countries (26.6%).

The experience of psychological violence was high in all regions. Journalists in Turkey reported the highest percentages in relation to being subjected to targeted surveillance (86.7%) but this was generally high across all five regions with the lowest in EU and non-EU Western European countries at 47.4%. Cyberbullying was highest in Turkey (71%), followed by South-East Europe (59%) and EU and non-EU Western European countries (56.1%). The experiences of intimidation (from various sources) were also quite high, with Turkey reporting a percentage of 64.5 in relation to intimidation by political groups. The lowest was in the South Caucasus with 34.8% of journalists in the sample from that region reporting such occurrences. Interference from interest groups was highest in the South-East European region (63%) and lowest in the South Caucasus.

Despite this high rate of unwarranted interference, 35% of respondents did not feel that they had mechanisms at their disposal for reporting such interference. Of those who had experienced unwarranted interference, 28% did not report the unwarranted interference to the company for which they worked. Fifty-seven per cent did not report it to the police and of those who did report it, 23% were not satisfied with the police's response.

Among those who belonged to a union, 40% did not report it to their union. Some 48% felt that their ability to protect their sources was currently compromised and 28% did not feel that they were adequately supported.

Perceived likelihood/fear of victimisation

The fear of becoming a victim of unwarranted interference in the future was reasonably high, especially with regard to psychological violence, cyberbullying and intimidation by individuals and interest groups. A third of respondents reported concern about their personal safety and the safety of their significant others. The perceived fear of future victimisation was significantly positively correlated with having experienced unwarranted interference during the last three years.

Consequences of unwarranted interference

The psychological impact of unwarranted interference was high and included increased stress and anxiety levels, paranoia, changes in sleeping patterns and feelings of depression and helplessness. On an interpersonal level the impact included increased preoccupation about significant others, neglect of private-life duties, conflicts with partners and family members and termination of romantic relationships. The impact of the unwarranted interference in the way journalists went about their work was also notable. Significant percentages reported toning down or abandoning sensitive, critical stories, reporting content in a less controversial manner, being selective about what items to report, framing content as acceptable discussion, withholding information and shaping stories to suit company's/editor's interests. However, 36% also stated that the experience made them more committed to not engage in self-censorship.

RECOMMENDATIONS

The findings above lend themselves to further research, most notably a qualitative study allowing for an in-depth understanding of unwarranted interference by identifying the strategies journalists use to negotiate such interference, as well as the impact on their personal and work activities.

Introduction

JOURNALISM AS A PREREQUISITE FOR DEMOCRACY

"Journalism informs society about itself" (Harcup 2009:3)

At the centre of the supreme value of democracy and human rights is the right of everyone to receive and impart information. Freedom of expression is one of the basic conditions for the progress of society and for the development of every person (European Court of Human Rights in *Handyside v. the United Kingdom*). That applies in particular to the practice of imparting information and ideas of general interest. Journalism provides that information in its most essential sense. Accordingly, the public is entitled to receive that information.

Journalists enable public debate, act as public watchdogs, inform on matters of public interest and consequently hold those high in the power structures to account, thus ensuring citizens' access to the process of governance. In order for journalists to be able to fulfil these functions, they must be able to exercise their task of examining the power structures in society without being interfered with or intimidated, and without fearing violence, being threatened, being detained without due reason and being imprisoned. In short, without safeguards for the safety of journalists there is no free media.

The Council of Europe provides for the protection of media freedom and journalists' rights through the European Convention on Human Rights (the Convention), the case law of the European Court of Human Rights (the Court) and its standard setting by the Committee of Ministers. In all their activities, the organs of the Council of Europe aim to pay the utmost attention to the importance of removing the fear of sanctions and not discouraging the media, as well as the general public, from participating in the public debate on issues of general interest and voicing their opinions.

The 2016 annual report by the Secretary General of the Council of Europe, "State of democracy, human rights and the rule of law: a security imperative for Europe" (the third annual report of the Secretary General), stresses that:

> Without genuine freedom of expression and without genuinely free and independent media, there can be no effective safeguards against incompetence and misuse or abuse of power (p. 33)

Furthermore, the right to freedom of expression enshrined in Article 10 of the Convention is described as being:

> not only a fundamental right on its own, but is also necessary for the realisation of other human rights, including the right to freedom of thought, conscience and religion, the right to freedom of assembly and association, the right to vote and the right to education. It is a central means by which power is held to account and a necessary condition for tolerance, cultural diversity and living together (p. 33).

As such, Article 10 of the Convention has a vast scope and touches on various aspects of freedom of expression. Among other things, it imposes upon the member states an obligation to protect individuals' right to freely express themselves against attack, either by state actors or private individuals. This entails but is not limited to providing a robust legal framework for that purpose, ensuring effective investigation and prosecution of crimes committed to silence free expression, and, in certain cases, taking concrete protective measures.

The reality is that journalism can be a dangerous profession and journalists may experience unwarranted interference from a number of sources. Consequently, they may have high levels of fear (Chappell and Di Martino, 2006). Their working conditions and the issues they are compelled to deal with may expose them to physical, economic, judicial and psychological intimidation. This worrying element is referred to in the preamble to Recommendation CM/Rec(2016)4 of 13 April 2016 (Council of Europe 2016a) on the protection of journalism and safety of journalists and other media actors, which states bluntly that:

> It is alarming and unacceptable that journalists and other media actors in Europe are increasingly being threatened, harassed, subjected to surveillance, intimidated, arbitrarily deprived of their liberty, physically attacked, tortured and even killed because of their investigative work, opinions or reporting, particularly when their work focuses on the misuse of power, corruption, human rights violations, criminal activities, terrorism and fundamentalism.

The importance of ensuring a free and safe environment for the work of journalists and other media actors is also reflected in the activities of other international organisations. In this regard, the United Nations (UN) Plan of Action on the Safety of Journalists and the Issue of Impunity provides for a number of concrete measures aimed at improving the safety of journalists and combating impunity. Likewise, the work of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) is based on the recognition of the crucial role that journalists play in any democratic society and the dangers faced by journalists today (OSCE 2015).

THE COUNCIL OF EUROPE'S WORK AND STANDARDS ON THE SAFETY OF JOURNALISTS

The safety of journalists and the issue of impunity are among the priorities of the work of the Council of Europe. For many years, the Council of Europe has been

regularly providing its 47 member states with recommendations, guidelines and other instruments regarding various aspects of the protection of journalists and other media actors.

This collection has made important contributions to the public debate and is intended to enable people to make effective use of their right to information. The standard-setting activities of the Council of Europe relating to media freedom are inspired by the Convention, as interpreted in the case law of the Court. Deciding on individual cases, the latter has, over decades, developed a number of principles, norms and standards related to freedom of expression and the safety of journalists. In turn, the soft-law instruments of the Council of Europe are incorporated into the case law of the Court, providing it with a more detailed policy framework or guidelines for its decision making. Among many Committee of Ministers' documents on this topic, the following can be mentioned as providing the most relevant guidelines regarding reinforcing and safeguarding the role of journalists, their rights and freedoms.

- ▶ Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors
- ▶ Recommendation CM/Rec(2014)7 on the protection of whistleblowers
- ▶ Recommendation CM/Rec(2013)1 on gender equality and media
- ▶ Recommendation CM/Rec(2011)7 on a new notion of media
- ▶ Recommendation CM/Rec(2007)15 on measures concerning media coverage of election campaigns
- ▶ Recommendation Rec(2004)16 on the right of reply in the new media environment
- ▶ Recommendation Rec(2003)13 on the provision of information through the media in relation to criminal proceedings
- ▶ Recommendation Rec(2002)2 on access to official documents
- ▶ Recommendation No. R (2000) 7 on the right of journalists not to disclose their sources of information
- ▶ Recommendation No. R (97) 19 on the portrayal of violence in the electronic media
- ▶ Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting
- ▶ Recommendation No. R (96) 4 on the protection of journalists in situations of conflict and tension
- ▶ Recommendation No. R (94) 13 on measures to promote media transparency
- ▶ Declaration on the protection of journalism and safety of journalists and other media actors
- ▶ Declaration on the desirability of international standards dealing with forum shopping in respect of defamation, "libel tourism", to ensure freedom of expression
- ▶ Declaration Decl-26.09.2007 by the Committee of Ministers on the protection and promotion of investigative journalism
- ▶ Declaration Decl-27.09.2006 of the Committee of Ministers on the guarantee of the independence of public service broadcasting in the member states

- ▶ Declaration on freedom of expression and information in the media in the context of the fight against terrorism
- ▶ Declaration on the protection of journalists in situations of conflict and tension
- ▶ Guidelines on eradicating impunity for serious human rights violations (30 March 2011)
- ▶ Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis (26 September 2007).

The recommendation on the protection of journalism and safety of journalists and other media actors reflects the most recent case law of the Court, in accordance with the Court's contention that the Convention is a living instrument which is to be interpreted in light of present-day conditions. It is focused on the protection of journalists and other media actors (including political bloggers and whistle-blowers), whereby those actors are understood in a broad and inclusive manner. According to the recommendation, the principle of freedom of expression, as well as the concept of media and journalism, should be understood in the light of current modes of communication. New developments in communication technologies have enabled a broad and diverse range of people and organisations to participate in public debate. Individuals, civil society organisations, whistle-blowers and academics, in addition to professional journalists, can all make valuable contributions to the public debate, thereby playing a role similar or equivalent to that traditionally played by the institutionalised media and professional journalists. This consideration was upheld as the general concept of the recommendation.[2]

The recommendation provides the most comprehensive, but not exhaustive, list of principles related to the protection of journalism and the safety of journalists, as well as guidance concerning measures for states to fulfil their obligations. Strong wording is used to condemn the increasing trend for journalists and other media actors in Europe to be subjected to various threats and interference, including physical violence, intimidation, arbitrary deprivation of their liberty, torture and killings because of their investigative work, opinions or reporting, particularly when their work focuses on the misuse of power, corruption, human rights violations, criminal activities, terrorism and fundamentalism. However, the scope of the recommendation is not limited to physical harm, threats or deprivation of liberty but extends to a full range of positive obligations, reinforcements and remedies.

The recommendation recalls the principles developed by the Court's case law, in particular the positive obligations of states in this regard. The principles are gathered under the following themes:
- ▶ freedom of expression (general principles);
- ▶ enabling environment (principles regarding the diverse set of factors contributing to creating conditions in which freedom of expression and information can thrive, including, *inter alia*, measures needed to deal with gender-related dangers faced by female journalists and other female media actors);

---

2. When adopting the recommendation, the Government of the Russian Federation reserved the right to comply or not with the recommendation, in so far as it referred to other media actors.

- safety, security, protection (rules regarding safety and security of journalists and other media actors, including the obligation to carry out effective, independent and prompt investigations into alleged killings or ill treatment by state or non-state actors, with a view to prosecuting the perpetrators of such crimes and bringing them to justice);
- contribution to public debate (regarding the freedoms having operational or functional relevance to the pursuit of journalistic activities, such as protection of confidential sources, protection against searches of professional workplaces and private domiciles and the seizure of materials, protection of news and information-gathering processes, and editorial and presentational autonomy);
- the chilling effect on the freedom of expression (referring to factors causing fear, leading to self-censorship and the impoverishment of the public debate, that can be connected with abuse of laws on defamation, anti-terrorism, national security, public order, hate speech or blasphemy).

On the basis of the respective principles, the recommendation establishes a number of guidelines on how to implement them in order to meet the challenge of ensuring effective protection of journalists and other media actors. The guidelines are organised in four pillars:

- prevention
- protection
- prosecution
- promotion of information, education and awareness raising.

Member states are urged to put in place legislative frameworks that enable journalists and other media actors to contribute to public debate effectively and without fear.

Arguably the most urgent practical recommendation for action to be taken by states, and the one with the potential to have the greatest impact, is the guideline urging member states to carry out an independent review of all the state's relevant laws and practices, including those on terrorism, extremism, national security and defamation, to verify whether the safeguards for the exercise of the right to freedom of expression in a given state are robust and effective, and whether their legislation is backed by effective enforcement machinery. The recommendation also provides that after an initial, expeditious review, further regular reviews should be carried out by an independent body or bodies which have an authoritative mandate and are supported by sufficient resources, such as human rights commissions or ombudspersons. The Committee of Ministers also calls on the member states to promote the translation of the recommendation into national and minority languages of their respective countries and to ensure its widest possible dissemination, as well as to raise awareness about its content in a variety of publicity materials.

Effective co-operation with other international organisations, in particular the UN and its Plan of Action on the Safety of Journalists and the Issue of Impunity, should be recognised as an important element for the recommendation's implementation. The implementation process is also facilitated and supported by other initiatives conducted by the Council of Europe, including co-operation activities with individual member states and the online Platform to Promote the Protection of Journalism and Safety of Journalists (www.coe.int/en/web/media-freedom/the-platform). The

platform, launched in April 2015, constitutes an important tool for facilitating the effective protection of journalists and other media actors, and thus contributes to making the aims of the recommendation applicable in practice. The platform works as an early-warning and rapid-response mechanism for attacks on media freedom and journalists' safety, leading to an intensified "upstream" (prompt) dialogue with the member states. The platform is being developed into a database recording the extent and type of serious threats to media freedom, as reported by the eight journalists' and freedom of expression organisations which are designated as partners of the Council of Europe in operating the platform. Alerts are divided into five categories: attacks on physical safety and integrity of journalists; detention and imprisonment of journalists; harassment and intimidation of journalists; impunity; and other acts that have a chilling effect on media freedom. Since the platform was launched in 2015 there have been 205 alerts in 27 countries, of which 90 alerts were responded to by the member state concerned. So far, 21 cases are recorded as having been resolved. Sixteen journalists have been reported killed since April 2015.

THE EXTENT AND NATURE OF VIOLENCE AGAINST JOURNALISTS

Threats take a number of forms. They may be physical but can also be generated by legal, political, cultural and economic pressures. Fear and experience of prosecution through the arbitrary use of different types of legislation can also be risk factors for the exercise of journalistic activities. This phenomenon is commonly called "judicial intimidation" or "judicial harassment". Market politics and oligarch ownership of media outlets also play a role. The press may be reluctant to offend advertisers or other influential parties. Self-censorship is often the result. According to the third annual report of the Secretary General of the Council of Europe:

> Over the last year, there has been a decline in media freedom in some member states … Almost half of member states are failing to guarantee the safety of journalists from violence and threats, an enabling legal environment for their work and access to information held by public authorities. (Council of Europe 2016b: 33)

The report claims an increase in violence against journalists that includes fatal violence and assaults and destruction of property. It also highlights that:

> A rising problem in a number of European countries is the pressure on journalistic sources, both directly and as a result of targeted surveillance of journalists. (ibid.: 33)

The silencing of journalists as a result of unwarranted interference has existed for years, but generally attracts more attention when a Western journalist is killed. The particularly brutal killing of 12 people at the office of *Charlie Hebdo* in Paris and of several journalists abducted and held in Syria by the group known as Islamic State may have contributed to a heightened awareness of a problem that has existed for a long time. Political groups and state agents or their surrogates are also often implicated in acts of violence and abuse against journalists; that is, state actors such as public officials and non-state actors, including armed, insurgent or terrorist groups. Unwarranted interference also happens in more subtle ways; for example, restrictive laws within Europe are making it harder for journalists to do their job.

Such laws include Turkey's anti-terrorism laws and laws against insulting the country's president and other public officials, and Russia's laws on extremism and on limiting foreign ownership shares in media, as well as several laws with regard to the internet which raise concerns for the protection of online freedom of expression and privacy. Journalists in many European states complain that intrusive government powers allowing mass surveillance of electronic communications have led to many complaints about unwarranted snooping on media workers, violating the confidentiality of journalistic sources. Revelations about such misuse of law-enforcement powers has led the UK government, for example, to reform the Regulation of Investigative Powers Act (RIPA), but some political groups and journalists have also registered protests against provisions in the Investigatory Powers Bill, which is expected to replace the RIPA (UK Press Gazette article, March 2016). In France, the prime minister has the power to extensively monitor the French population without judicial control, which compromises the protection of journalists' sources and has a potential chilling effect on whistle-blowers. Poland's new surveillance law passed in 2016 expands the enforcement agencies' access to citizens' internet and telecommunication usage data without prior judicial review or approval. Poland has also adopted a new anti-terrorism law and a law on public-service media, both of which curtail freedom of expression. And Switzerland's new Intelligence Service Act allowing the Swiss intelligence service to monitor private communications has passed a referendum. The Spanish Parliament, likewise, adopted a public security law which allows the government to sanction journalists for taking pictures or filming police forces in the exercise of their duties. The European Centre for Press and Media Freedom, in their study on investigative journalism, concluded that while the countries analysed in the study protect the freedom of expression on the constitutional, statutory and self-regulatory level, restrictive rules on the freedom of the press and media also exist.

In addition, there are many other laws restricting various aspects of journalists' freedom of expression, such as the Romanian law which eliminates the TV licence fee and thus divests the public-service media of an important source of funding, or the Albanian anti-corruption law whose wording can potentially limit media freedom and impose censorship.

While threats to journalists may emanate from a number of sources, intimidation is particularly worrying when governments engage in oppressive acts to silence critical journalists for political purposes. The silencing of journalists is compounded by a culture of impunity. Impunity for crimes against journalists is one of the main factors fuelling the cycle of violent crime against the exercise of freedom of expression and human rights more broadly.

When journalists are harassed, attacked, murdered or imprisoned, our fundamental right to access information, to engage in open public debate and consequently participate as active citizens is compromised. However, despite the purported high risk of unwarranted interference, the actual extent and frequency of such interference, the different types of interference and when and where they are likely to occur, as well as the sense of fear that they cause and the consequent possibility of self-censorship among journalists, have so far not been systematically investigated, and few analytical studies exploring the diverse manifestations of unwarranted interference exist.

Discussions about journalists' experiences of unwarranted interference have focused largely on a relatively small number of highly visible incidents targeting journalists or experiences in war zones. A great deal of evidence exists (as documented in reports by the media, NGOs and human rights organisations) of attacks against journalists but no comprehensive study on the prevalence of unwarranted interference, fear and the consequences of fear has yet been made public that could provide a clear evidence base for the scope of the problem.

Moreover, intimidation may not be openly acknowledged, reported or addressed. Journalists may themselves be unwilling or unable to speak out when they experience routine intimidation or restrictions on their journalistic independence and integrity. The monitoring of the extent of this day-to-day intimidation, its impact on self-censorship and the societal reaction to it is still, at best, embryonic.

In 2015 the International News Safety Institute (INSI) and the International Women's Media Foundation (IWMF) jointly published a report that provided a comprehensive picture of the different kinds of violence and threats experienced by female journalists and the consequent impact on their work. The study explored violence and harassment, as well as physical, sexual and digital threats, the location of such incidents and the characteristics of the perpetrators. The study used a convenience sample of almost 1 000 women from around the world. It found that almost two thirds of survey respondents reported some kind of interference in their journalistic activities. INSI and IWMF reported how much of the intimidation in the women's workplace and emanated mainly from employers, supervisors and colleagues. This, however, often went unreported, even though many of the women claimed that they were psychologically affected. Less than one third of women participating in this study reported being provided with any form of emotional support or counselling following the intimidation.

Kodellas et al. (2014) examined the prevalence of workplace victimisation experiences and the associated fear among journalists in a convenience sample of 635 active professional journalists in Greece and Cyprus. This study showed a relatively high prevalence of physical victimisation, an exceptionally high prevalence of psychological abuse and an average level of prevalence of property victimisation. Journalists, however, experienced relatively low levels of fear and those with lower educational attainment had higher levels of fear of intimidation. Those journalists working mainly in electronic media, freelance journalists and those with a temporary, or without a contract, expressed higher levels of fear. Journalists working in the news sector expressed higher levels of fear than those working in other areas.

A research project titled "Online hatred and journalists' freedom of speech", documented in a text by Hagen (2015), found that close to half of Norwegian journalists and editors surveyed reported having experienced harassment, threats or violence in the past five years (48%). Both males and females reported having experienced online harassment, and there was little difference between males and females in how often they experienced this. Twenty-five per cent of journalists reported that they had experienced threats during the past five years. Slightly more men than women reported having received threats. A fifth of respondents felt silenced because of harassments or threats, highlighting the possibility of self-censorship.

The gender differences appear when the numbers are analysed in relation to age: almost twice as many young female journalists in the age range of 26 to 35 reported harassment compared to their male colleagues of the same age. One in four female (24%) and one in 20 (5%) male journalists and editors reported experiencing sexual harassment. The Committee to Protect Journalists (CPJ) found that a proportion of journalists all over the globe had experienced sexual violence. While women often find it hard to report such experiences they are more likely to do so than men, who are more likely to remain silent for fear of stigmatisation. In 2016, the OSCE published a research project addressing the challenge of online abuse of female journalists (OSCE 2015). The publication highlighted the complex nature of such abuse and provided guidelines for action to counter the abuse and create a safer internet environment.

SELF-CENSORSHIP

Censorship in journalism may take two main forms.

1. Censorship which is coerced or directly imposed by either authorities or private parties.

2. Self-censorship which is effected by the individuals doing the newsgathering and reporting to avoid reprisals, censure or penalties.

It is well established that self-censorship – which is widely recognised as a serious threat to freedom of expression and to journalism – is commonplace in journalism and may occur as a result of the experience of unwarranted interference and/or the experience of fear. However, self-censorship is not always the result of fear of sanctions for the content of one's reporting; it may also be a result of an attempt to avoid creating disputes, upsetting a particular audience, instigating legal action or other undesirable repercussions. In some countries, the state may be the major player coercing journalists to censor their news stories. In liberal democracies, the coercion may be even more subtle with privately owned companies using advertising as a weapon to put pressure on journalists. A study by Skjerdal (2010) concluded that self-censorship is often motivated by commercial and economic pressures in addition to political reasons. It is also well known how advertising can pose a threat to independent media. At other times, journalists may self-censor as a result of cultural expectations as well as gender, racial and religious issues. In some countries, organised criminal groups may exert pressure on journalists to prevent them from covering stories about their illicit activities.

Journalists may hide the facts, censor information and fail to research sensitive issues. In a survey of nearly 300 journalists and news executives in the United States undertaken by the Pew Research Center and the Columbia Journalism Review (2000), some 25% of the journalists reported having "purposely avoided newsworthy stories", while nearly as many admit having "softened the tone of stories to benefit the interests of their news organisations". The research identifies commercial and/or competitive forces as reasons for self-censorship. The study also shows how conflict with organisational interests was an important motivator for self-censorship, with 35% reporting that stories that might damage the economic interests of the media

entity are often or sometimes unreported. Twenty-nine per cent claimed the same about stories that would damage the interests of advertisers.

DEFINITION OF KEY TERMS

A number of key terms used in this study are defined as follows.

Journalist – A person who is regularly engaged in collecting or disseminating information to the public with a journalistic (public interest) purpose. The Council of Europe's Committee of Ministers in 2000 defined a journalist as "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" (Appendix to Recommendation No. R (2000) 7 on the right of journalists not to disclose their sources of information). Recommendation CM/Rec(2011)7 on a new notion of media recognised that the new media created by both technological and social change has seen the entry onto the scene of a new breed of reporters: bloggers, citizen journalists and others who create user-generated content. The adoption of this new notion of media necessitates the recognition that "the scope of media actors has enlarged as a result of new forms of media in the digital age" (Council of Europe 2014).

Unwarranted interference – Acts and/or threats to a journalist's physical and/or moral integrity in the exercise of journalistic activities. This may take the form of actual violence or any form of undue pressure (physical, psychological, economic or legal) on journalists. Unwarranted interference may emanate from state or public officials, other powerful figures, advertisers, owners, editors or others.

Fear – The perception of likelihood or anticipation of unwarranted interference including the emotional response to possible unwarranted interference.

Self-censorship – The controlling of what one says or does in order to avoid annoying or offending others but without being told officially that such control is necessary.[3]

---

3. http://dictionary.cambridge.org/dictionary/english/self-censorship.

Chapter 1
Methodology

The previous section of the report presented the background to the study, documented existing evidence on unwarranted interference on journalists and located gaps in the field. This chapter explores the research design and other methodological issues.

1.1. RESEARCH AGENDA

The study is an attempt to investigate the prevalence of unwarranted interference among journalists in the 47 Council of Europe member states and Belarus.[4] The study has the following main objectives.

1. To measure the prevalence of unwarranted interference in a sample of active journalists in Council of Europe member states.

2. To document the perceptions of likelihood/fear of unwarranted interference among active journalists in Council of Europe member states.

3. To investigate the relationship between experiences of unwarranted interference, perceptions of likelihood/fear of unwarranted interference and self-censorship among journalists in Council of Europe member states.

4. To explore how unwarranted interference and perceptions of likelihood/fear of unwarranted interference is influenced by occupational contingencies – for example, the length of journalistic career, specific media platform (print, digital or broadcast media), type of contract (if any), employment conditions, professional affiliations – and/or structural variables such as gender and the region where journalistic work is being carried out.

---

4. All reference in this publication to the sample of journalists surveyed from Council of Europe member states should also assume the inclusion of responses from journalists in Belarus, not currently one of the 47 member states of the Organisation.

1.2. RESEARCH TOOL

The study used an anonymous self-report questionnaire exploring survey respondents' perceptions of unwarranted interference encountered in their engagement in journalistic activities. Official statistics on victimisation are particularly unreliable because they do not uncover the "dark figure" of crime. Many instances of unwarranted interference of journalists will go unreported and consequently will not make their way into official data. On the other hand, self-report surveys can bring to light those unreported and consequently undocumented experiences of unwarranted interference and constitute an irreplaceable tool for measuring the reality of the intimidation experienced by journalists. However, because self-report surveys measure people's perceptions of victimisation, it can never be ascertained that such victimisation has occurred. In this study, however, perception of having been interfered with is evidence enough in the sense that this same perception will have important implications for one's work as a journalist generally and more specifically will influence self-censorship.

The research tool consisted of 44 questions organised into seven sections: background of the study, definitions and instructions; personal information; experience of unwarranted interference; responses to unwarranted interference; threats to journalists' sources; fear; the chilling effect. A copy of the research tool may be found in Appendix B.

The questionnaire was available in five languages: English, French, Russian, Serbian and Turkish. The questionnaire was comprised of a series of closed questions, some Likert scale questions and a small number of open-ended questions. It took approximately 10 minutes to complete and reached the potential respondent by e-mail. The research tool was uniquely tied to the recipient's IP address, thus ensuring the journalists could complete the survey only once.

1.3. SAMPLING METHODOLOGY

The sample consisted of a non-probability sample (convenience sample) of journalists recruited mainly from members of the following five major journalists' and freedom of expression organisations.

- ▶ Association of European Journalists
- ▶ European Federation of Journalists
- ▶ Index on Censorship
- ▶ International News Safety Institute
- ▶ Reporters without Borders

The Association of European Journalists (AEJ) was set up in 1962 to promote critical journalism in the European integration process and to defend the freedom of information and freedom of the press in Europe. Through its activities, the AEJ contributes to advancing the ethical and material status of the journalism profession and deepening understanding of European affairs. The AEJ was represented on the

Council of Europe's Committee of Experts that drafted the 2016 recommendation on the protection of journalism and the safety of journalists.

The European Federation of Journalists (EFJ) is the largest organisation of journalists in Europe, representing over 320 000 journalists across 39 countries. The EFJ was created in 1994 within the framework of the International Federation of Journalists (IFJ) constitution to represent the interests and defend social and professional rights of journalists working in all sectors of the media across Europe.

Index on Censorship (Index) was founded in 1972 to publish the untold stories of dissidents behind the Iron Curtain. It is an international organisation that promotes and defends the right to freedom of expression. To do so, Index uses a unique combination of journalism, campaigning and advocacy. It reports and monitors from around the world to expose and raise awareness of attacks on free speech, with the promotion of events and debate on complex and controversial issues, and direct advocacy and campaigning to drive real change in laws and policies.

The International News Safety Institute (INSI) is the news industry's safety body and its members represent some of the biggest names in media. The INSI advises its members on how to keep their journalists safe and facilitates information exchanges within the industry; it conducts research into journalists' safety and provides safety training to local journalists working in developing countries and conflict zones.

Reporters without Borders (RSF) is an international non-governmental organisation established in 1985 to promote and defend freedom of information and freedom of the press. Through its worldwide network of around 150 correspondents, RSF gathers information and conducts investigations of press freedom violations and works with governments to fight against censorship. RSF also provides material, financial and psychological assistance to journalists assigned to dangerous areas or who are being prosecuted.

A number of other entities, contacted through the partners on the online Platform to Promote the Protection of Journalism and Safety of Journalists (www.coe.int/en/web/media-freedom/the-platform), were involved in the recruitment of the sample. Since it is not certain how many journalists received the call to participate, a response rate cannot be calculated.

The main bias in convenience sampling is that representation of the entire population is not ensured because the sample is not chosen at random. This can lead to the under-representation or over-representation of particular groups. We also do not know why some journalists agreed to take part in the survey, while others did not. Was it because some journalists were simply too busy? Perhaps they did not trust the intentions of the survey? Did others take part out of kindness or because they had a particular grievance? This undermines the ability to make generalisations. The results, however, can be considered indicative if not definitive.

1.4. PROCEDURE

The study was organised into two main phases.

1.4.1. Pre-testing procedure

The first phase saw the conceptualisation, development and translation of the research tool by a working group created specifically for this purpose. The working group was comprised of experts from the following entities: the EFJ, Index on Censorship, the INSI, the AEJ and Reporters Without Borders. The working group was led by an associate professor from the Department of Psychology at the University of Malta. In January 2016, following an initial completion of the drafting of the research tool, a pilot study to test the efficacy of the research tool was conducted. The questionnaire was sent to 30 selected journalists and 15 valid questionnaires were sent back. The 44 questions on the research tool were considered to be relevant by the respondents – as indicated by one response: "Perfectly valid. Especially appreciated concern for trauma" – and the ease of comprehension was emphasised. The logic of the tool was also highlighted: "[The] last three years' experience makes it current and relevant. Easy to follow". The respondents who participated in the pilot study stressed the importance of exploring the issues dealt with in the survey:

> It would be great if journalists would start talking about these experiences more openly, as these are more common than one would think. I am struggling myself with (mostly) psychological pressure, and I believe this can severely affect the long-term performance and life quality of a journalist.

They highlighted the importance of examining self-censorship – "We need more information about self-censorship and why we are not reporting the issues that were discussed in the survey" – and gave some interesting consequences of unwarranted interference: "I stopped working as a correspondent, I do work which does not satisfy me any longer but is safer" and "I became more suspicious and paid more attention to personal safety."

Following the pilot study the working group engaged in some further editing of the research tool. The research tool was then translated from English into Serbian, Turkish, Russian and French by official translators at the Council of Europe and translated back into English by members of the working group.

1.4.2. Survey procedure

Phase two of the research project saw the final research tool in five languages being disseminated via Survey Monkey in April 2016 by e-mail to a non-probability sample (convenience sample) of journalists (as per sampling strategy above). The data collection time frame was extended to 15 July 2016 and a number of reminders were sent out by the entities in question after which the questionnaire was closed.

The data was exported to the Statistical Package for Social Sciences version 22 (SPSS 22.0) and was subjected to both descriptive and inferential analysis. The data from open-ended questions was subjected to a thematic analysis using NVivo 11.

1.5. ETHICAL CONSIDERATIONS

In research, safeguarding participants' rights is of the utmost importance. This research deals with personal information about unwarranted interference, therefore confidentiality and anonymity were considered a priority. In the introductory section of the questionnaire, the participants were assured that all information would be treated with strict confidentiality and anonymity, and that it could not be traced back to them. Participants were not deceived throughout the questionnaire. Participants were free to withdraw from the questionnaire at any time. Since this was an online survey, it was easier to reassure the participants of their anonymity. Raw data was not available to unauthorised persons.

The study went through a thorough and comprehensive review process prior to being conducted and received ethical clearance from the University Research Ethics Committee at the University of Malta (UREC).

Appendices

APPENDIX A – REGIONS JOURNALISTS REPORTED FROM

Regions	Percentage
EU and non-EU Western European countries	
Belgium	9
United Kingdom	7
Romania	2
France	7
Sweden	3
Italy	6
Finland	2
Greece	6
Slovakia	0.3
Germany	4
Norway	1
Spain	3
Slovenia	2
Hungary	3
Liechtenstein	0.1
Cyprus	1
San Marino	0.1
Bulgaria	1
Croatia	4
Switzerland	2
Czech Republic	0.3
Denmark	1
Monaco	0.1
Estonia	1
Ireland	1
Latvia	1
Lithuania	1

Regions	Percentage
Luxembourg	1
Malta	2
Netherlands	1
Austria	2
Poland	3
Portugal	0.3
Iceland	0
Andorra	0.1
Total	**78.3**
Eastern European countries	
Ukraine	11
Russia	4
Moldova	0.3
Belarus *(not a Council of Europe member state)*	8
Total	**23.3**
South Caucasus countries	
Azerbaijan	3
Armenia	2
Georgia	1
Total	**6**
South-East European countries	
Bosnia and Herzegovina	8
Serbia	6
"the former Yugoslav Republic of Macedonia"	3
Montenegro	5
Albania	2
Total	**24**
Turkey	13

Percentages do not add up to 100 because respondents could choose more than one country from which they reported during a 12-month period

EU and non-EU Western European countries	78.3%
Eastern European countries	23.3%
South Caucasus countries	6%
South-East European countries	26.8%
Turkey	13%