

# Press Freedom in Europe: Time to Turn the Tide



Annual assessment  
of press freedom in Europe  
by the partner organisations  
of the Safety of Journalists Platform

2024

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*The association Cartooning for Peace was created in 2006 at the initiative of Kofi Annan, Nobel Peace Prize holder and former Secretary General of the United Nations, and press cartoonist Plantu. Now chaired by the French press cartoonist Kak, Cartooning for Peace is an international network of cartoonists committed to the promotion of freedom of expression, human rights and mutual respect among people upholding different cultures and beliefs, using the universal language of press cartoons.*

# Partner Organisations of the Platform to Promote the Protection of Journalism and Safety of Journalists



**EUROPEAN FEDERATION OF JOURNALISTS**  
<http://europeanjournalists.org>



**INTERNATIONAL FEDERATION OF JOURNALISTS**  
<http://www.ifj.org>



**ASSOCIATION OF EUROPEAN JOURNALISTS**  
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# Priority recommendations

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The Platform partners prioritise the following issues for the purpose of their strategic advocacy in 2024, with the recommendations below. Further recommendations to the institutions and member states of the Council of Europe and the European Union appear under the respective sections.

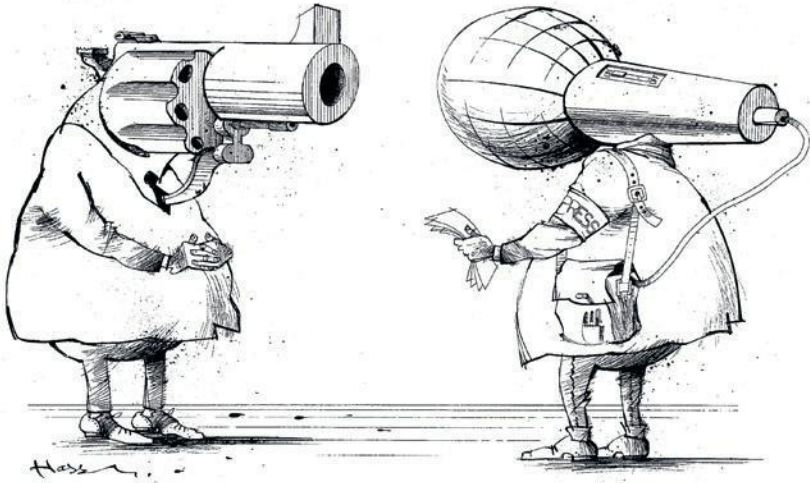
## Surveillance

1. Council of Europe member states should impose, without delay, a **moratorium on the export, sale, transfer, and use of highly intrusive spyware tools** such as Pegasus, and establish clearer, stronger regulatory frameworks for the use of modern surveillance technology.
2. Council of Europe member states must **refrain from the unlawful deployment of spyware against journalists** and comply with their obligations under the European Convention on Human Rights to ensure the legality, necessity, and proportionality of each instance of deployment.
3. Judicial authorities must fully **investigate all alleged spyware abuse**, and Governments should establish rigorous procedures to order the examination, use and storage of any obtained information.
4. Member states should guarantee the strongest possible **legal safeguards** in national legislation for the protection of journalists and media workers against spyware and wiretapping surveillance, even when these are deployed for reasons of national security, and make national oversight systems more effective and strengthen accountability.
5. Journalists should be granted, in full, their right to an **effective remedy** against unlawful surveillance.

## Visas

1. Council of Europe member states should establish **humanitarian visa schemes** and take other appropriate measures for journalists facing imminent danger or in need of respite because of persistent persecution in third countries, as well as facilitate the issue of emergency, short-term or work visas for them in such situations.





*Hassan (Iran) / Cartooning for Peace*



# Executive summary

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**P**ress freedom was again a canary in the coal mine for Europe in 2023. Although the year registered a decrease in the number of killings of journalists and in violence against the press in street protests, the alerts published on the Safety of Journalists Platform show a growing diversity of threats, pressures and constraints under which journalists must carry out their mission.

■ The past year has been again defined by wars: in Ukraine, in Karabakh and the global shock waves of the Israel-Hamas confrontation in Gaza. In Russia, war has been a pretext to tighten further the state's already harsh control on the media and to detain journalists in the name of patriotic loyalty or national security. The Russian regime also resorted to transnational repression, by harassing Russian journalists in their countries of exile, and to "hostage diplomacy" by detaining foreign journalists on flimsy charges.

■ The freedom to report on national security matters was a prominent issue in 2023. Investigative journalists were summoned or raided by state security agencies; detained and arrested under charges of terrorism or extremism; journalist organisations had to fight a long battle within the EU institutions to make sure the European Media Freedom Act exempts journalists from state surveillance, and several countries struggled with the impact of the Pegasus spyware scandal exposed back in 2021.

■ The 2024 report assesses the major issues impairing press freedom in Europe: threats and intimidation, detentions, restrictive legislation, SLAPPs (Strategic Lawsuits Against Public Participation), i.e., abusive lawsuits, media capture, and attacks on public service media. It highlights the threat of increasingly active criminal organisations as well as media bashing by politicians, which may be used as an alibi for violence against journalists. It introduces the so-called systemic threats - criminal defamation and the limits on the independence of media regulators - which affect more extensively press freedom. This year it added a review of the social and economic insecurity affecting journalists as well as the "new threats" looming over the profession, in particular artificial intelligence, the impact of social networks, disinformation, the repression of the coverage of climate change - or environment-related events - and a political atmosphere dominated by radicalisation and polarisation, hostile to the exercise of free and independent journalism.

■ The past year had also a silver lining. European institutions and a host of member states showed that they had grasped the seriousness of the crisis and acknowledged the crucial role of free press as the public watchdog in helping to inform the citizenry and to hold the powers-that-be to account. They pushed forward several bold initiatives to better defend journalists' safety and to create a more favourable environment for press freedom. The launch in October of the Council of Europe's *Journalists Matter* campaign as well as the political agreement reached in December among EU institutions on the European Media Freedom Act were major milestones in these efforts to roll back the attacks on press freedom. At national level, protection projects like *PersVeilig* in the Netherlands provided a roadmap for other states to defend press freedom.

■ Platform partners had all these issues in mind, plus the prospect of crucial elections in 2024 in Europe, when formulating their recommendations to the Council of Europe, the EU and their member states. They underlined the key link between independent media and free and fair elections. But they also put a particular emphasis this year on surveillance, the issuance of humanitarian visas for journalists wishing to escape their country's repressive rulers, and the implementation of the Council of Europe's 5-year journalists safety campaign. They reiterated their call on member states to take the alerts seriously and to remedy the failings they expose.

# Overview of media freedom in Europe in 2023

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## A year again defined by war

■ In 2024 the Council of Europe marks an important landmark: the 75<sup>th</sup> anniversary of its foundation in 1949. At that time the United Kingdom's wartime leader, Winston Churchill, supported its creation to prevent future wars and build what he called a "united Europe whose moral concepts will be able to win the respect and recognition of mankind." Yet today, Europe is the scene of one of the most terrible military conflicts since World War Two, and of pernicious and disruptive "information wars". In 2022 Russia, Europe's largest country, was expelled from the Council of Europe within weeks of launching its full-scale unprovoked invasion of Ukraine.

■ The Council of Europe, like other international human rights bodies, has concluded that the erosion of protections for freedom of expression and media freedom is a key factor in the wider democratic backsliding that Europe has witnessed in recent years. Since 2015 the Council of Europe has cooperated in a ground-breaking project together with leading journalists' and freedom of expression organisations: the Platform to promote the protection of journalism and safety of journalists. It tracks all aspects of the assault on free speech and the free press and provides a mechanism by which member states are asked to take remedial action to address serious threats to media freedom whenever they occur. This annual assessment<sup>1</sup> provides essential evidence on the trends and press freedom issues in Europe as well as guidance on how to address them at the national and European levels.

*There are signs of growing awareness of the urgency to address the backsliding.*

■ There are signs of growing awareness at the official level of the urgency to address the backsliding in press freedom. The European Court of Human Rights has established in many of its judgments that the press should have "the widest scope of protection" in law on account of its vital "public watchdog" role

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1. The 15 partner organisations of the Platform have jointly written this report. Each partner organisation reserves the right to make its own assessment of any issue or case.

of informing societies by reporting on matters of important public interest.<sup>2</sup> In October 2023 the Council of Europe launched a Europe-wide campaign entitled *Journalists Matter*, aimed at strengthening the protections for journalists in law and practice, and raising public awareness of the part played by independent news media in holding the powerful to account. The wider message of the campaign is that press freedom is a common public good which deserves the support of everyone. And in December, the EU adopted the European Media Freedom Act (EMFA), intended to defend media freedom, media pluralism and editorial independence in EU member states.

## Press freedom determines free and fair elections

■ All these initiatives arrive at the right time as, in 2024, elections will take place in many European countries, and the European Parliament elections will be held in June.

■ The strength of any plan to defend press freedom and protect journalists' safety depends ultimately on who is governing in the member states. The equation is clear: the degree of respect for media freedom largely conditions the fairness of elections, which, in turn - by determining the ruling parties and parliamentary majorities - condition the protection of journalism and the safety of journalists.

■ The Platform partners have also focused on issues which may determine the freedom and integrity of electoral processes, in particular the independence and funding of public service media and media regulators, as well as problematic factors, like state surveillance and SLAPPs (Strategic Lawsuits Against Public Participation) which constrain journalist's freedom to report on matters of public interest.

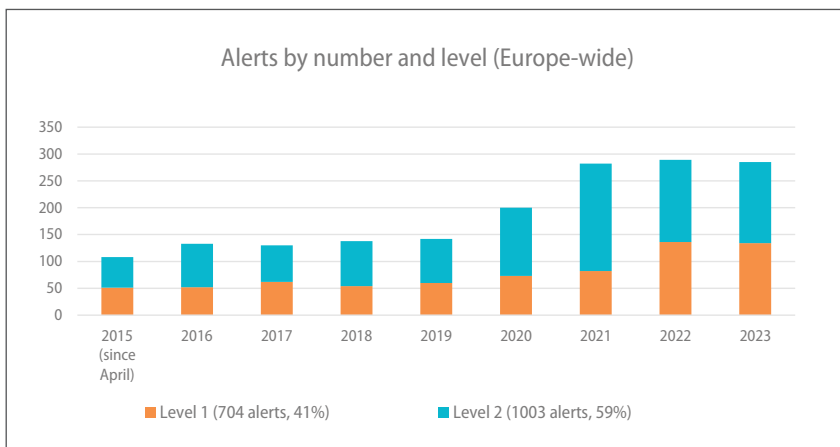
*The Platform will start displaying in 2024 threats which have a systemic impact on the state of press freedom.*

■ The findings of the 2023 report illustrate the wide range of attacks against the press. A new feature of the operation of the Platform is that it will soon display not only alerts concerning individual events or cases which are seen as representing a serious threat to media freedom but also alerts which are characterised as 'systemic' by the Platform partners – the ones which have a systemic impact on the state of press freedom in a country. The Platform

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2. European Court of Human Rights, "Protection of journalistic sources", thematic factsheet, September 2022, [https://www.echr.coe.int/documents/d/echr/fs\\_journalistic\\_sources\\_eng](https://www.echr.coe.int/documents/d/echr/fs_journalistic_sources_eng)

partners call on member states to respond swiftly and seriously to the alerts and to take remedial actions which address and resolve the structural failings in the protection of journalism and the safety of journalists.



## War remains a major threat to press freedom

■ In 2023 the state of press freedom was again shaped and battered by wars – in Ukraine, where the Russian war of aggression has been raging for close to two years, and in Karabakh, but also, indirectly, in the global spillover of the Israel-Hamas conflict.<sup>3</sup>

■ War is inexorably associated with military censorship and fierce political pressures as governments strive to control the narrative in an information war deemed as decisive as the battles on the ground.

*Two journalists were killed in 2023 while reporting on the war in Ukraine - both by Russian strikes - and several journalists have been injured.*

■ Two journalists were killed in 2023 while reporting on the war in Ukraine - both by Russian strikes - and several journalists have been injured. That death toll is sharply down compared to the 13 fatalities of the previous year. This drop is mostly attributed to the imposition by Ukrainian authorities of strict military

3. The Platform partners cover Council of Europe member states, as well as Russia following its expulsion from the Council of Europe in 2022, and Belarus, which is not a member of the Council of Europe.

rules on access to the frontlines, which has diminished journalists' exposure to deadly risks; as well as to improved security awareness thanks to the intensive support and training provided by INGOs and journalists' organisations to local and international war correspondents. Still, Ukraine has remained an extremely dangerous environment: besides the number of dead and wounded, some narrowly escaped death, one "disappeared" in unexplained circumstances, and others, who stayed in or strayed into temporarily Russian-occupied territories, were detained, imprisoned and in some cases mistreated. Russian strikes have also hit media premises, like in Kharkiv on 30 December with a hit against the city's House of Radio.<sup>4</sup>

■ In Russia, there was no respite for journalists from the government's watchful and punitive eye. The number of Russian alerts (close to 15% of all alerts posted on the Platform in 2023) testified to the rapidly deteriorating state of press freedom in a country mired in a sea of propaganda and subject to an increasingly intolerant and autocratic regime. The Russian press was directed to report on the war using only official information sources,<sup>5</sup> and numerous journalists were detained and several sentenced to prison terms for "distributing false information on the Russian Army".

■ Correspondents for foreign outlets were also targeted. On 29 March, the *Wall Street Journal* correspondent Evan Gershkovich was arrested in Yekaterinburg on fabricated spying charges,<sup>6</sup> and on 18 October Alsu Kurmasheva, a Russian-American journalist with *Radio Free Europe/Radio Liberty's* Tatar-Bashkir service, was detained for "failing to register as a foreign agent".<sup>7</sup> Both cases are cynical acts of 'hostage diplomacy'.

■ The Russian state's repressive machine was not confined to Russia's borders. Russian journalists in exile were routinely tracked, harassed and threatened online, as Russian authorities resorted to transnational repression. Andrei Soldatov and Irina Borogan, two Russian journalists well known for their investigation of intelligence services, were targeted by an injunction in Germany by a Russian Berlin-based financier<sup>8</sup> in relation to the book

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4. Alert "Russian Missile Strike Damages Multiple Media Offices in Kharkiv" <https://go.coe.int/h3N1c>
  5. Alert "Russian Watchdog Roskomnadzor Requires Media Outlets to Cover the War in Ukraine Using Only Official Russian Sources" <https://go.coe.int/XOKJU>
  6. Alert "Wall Street Journal Correspondent Evan Gershkovich Arrested in Russia on Spying Charges" <https://go.coe.int/OB6jU>
  7. Alert "Russian Authorities Detain Radio Free Europe Journalist Alsu Kurmasheva" <https://go.coe.int/zOvXL>
  8. Access Info/Article 19/Coalition For Women In Journalism *et al.*, "Germany: Solidarity with Russian dissident authors facing an injunction", statement, 24 November 2023, <https://www.article19.org/resources/germany-solidarity-with-russian-dissident-authors-facing-an-injunction/>

*The Compatriots: The Brutal and Chaotic History of Russia's Exiles, Émigrés and Agents Abroad* they had published three years earlier. A Moscow court sentenced Marina Ovsyannikova to 8.5 years in jail for crashing a live TV broadcast to protest the war in Ukraine on 14 March 2022. Ovsyannikova was successfully exfiltrated to France in October 2022, with RSF's help.<sup>9</sup>

■ Many Russian exiled journalists, as well as their families remaining in Russia, were threatened or put under surveillance.<sup>10</sup> According to a survey,<sup>11</sup> close to half of Russian journalists have faced threats even in their new home countries. Pressure was also applied to foreign journalists based abroad, as illustrated by Russia's decision to blacklist 14 British media executives and journalists.<sup>12</sup>

■ In Belarus the repression which was unleashed after the 2020 protests demanding the resignation of President Lukashenko did not abate. As of 31 December 2023, at least 37 journalists were in jail in Belarus for their work.<sup>13</sup>

## National security and state surveillance loom over independent journalism

■ Journalists and legitimate journalism around Europe were labelled as threats to national security. In Türkiye, national security has been invoked to justify imprisonment of journalists, including under the accusation of extremism or terrorism of journalists with alleged links to the banned Kurdish Workers' Party (PKK).

*Even in countries with a strong tradition of press freedom, alleged national security concerns justified judicial harassment of journalists.*

■ Even in countries with a strong tradition of press freedom, alleged national security concerns justified judicial harassment of journalists. In Finland, the Helsinki District Court convicted *Helsingin Sanomat* journalists Tuomo Pietiläinen

9. Alert "Russian TV Journalist Marina Ovsyannikova Sentenced to 8 and a Half Years in Prison" <https://go.coe.int/ZdwEc>
10. Alert "iStories Journalists Alesya Marokhovskaya and Irina Dolinina Threatened and Surveilled in Prague" <https://go.coe.int/pdDaT>; Alert "Exiled Russian Journalist Marfa Smirnova and Her Family Threatened" <https://go.coe.int/ZkoGY>
11. Justice for Journalists, "Survey of exiled media workers reveals half still feels threatened in their new home countries", statement, 4 October 2023, <https://jfj.fund/written-statement-by-justice-for-journalists-foundation/>
12. Alert "Russia Blacklists 14 British Media Executives and Journalists" <https://go.coe.int/gELy7>
13. <https://fom.coe.int/en/listejournalistes/detentions>

and Laura Halminen of disclosing information classified under state security.<sup>14</sup> In France, officers of the Directorate-General for Internal Security (DGSI) searched the home of Ariane Lavrilleux, a journalist with the French investigative media *Disclose*, and took her into custody for questioning, as part of an investigation into “the compromise of national defence secrets”.<sup>15</sup>

■ Surveillance removes the necessary protection of journalists’ confidential sources, intimidates journalists and can deter them from investigating sensitive stories. The Pegasus scandal, exposed by the journalistic collaborative project *Forbidden Stories* in 2021,<sup>16</sup> revealed that nearly 200 journalists around the world have been targeted with Pegasus spyware. Spyware had been used to surveil journalists in Azerbaijan, France, Greece, Hungary, Spain, Türkiye and the United Kingdom. Not only were the government responses to these revelations lacking transparency, but new cases emerged in 2023. The telephone of Galina Timchenko, head of the Russian-language news site *Meduza*, was reportedly infected by Pegasus while she was in Berlin in February 2023.<sup>17</sup> Spyware was also used against journalists in Armenia amidst its conflict with Azerbaijan.<sup>18</sup>

■ The PEGA report on the use of Pegasus and equivalent surveillance spyware in the EU, which was adopted by the European Parliament in 2023, unequivocally demonstrated that national security has been used as a pretext for EU member states to justify unlawful and intrusive measures against journalists.<sup>19</sup>

## Violence against journalists, a major tool of (self-)censorship

■ The number of alerts on violent attacks decreased in comparison to 2022. There was one case of a media worker, in Albania, killed outside of a war zone. However, a decrease in criminal violence does not mean journalists are safe. Criminal groups are increasingly active in Europe and the threat of mafia-type violence hangs like dark clouds above journalists on the crime beat, especially related to the drug trade.

14. Alert “Three Helsingin Sanomat Journalists Charged with Revealing State Secrets” <https://go.coe.int/Hm0xa>
15. Alert “Disclose Journalist Ariane Lavrilleux Searched and Taken Into Custody” <https://go.coe.int/72tOv>
16. Forbidden Stories, The Pegasus project <https://forbiddenstories.org/about-the-pegasus-project/>
17. Alert “Investigation Finds Russian Journalist Galina Timchenko Targeted by Pegasus Spyware” <https://go.coe.int/vHNn4>
18. Alert “Journalists and Members of the Press in Armenia Targeted by Pegasus Spyware” <https://go.coe.int/ucWCb>
19. Global Forum for Media Development, “EMFA: 80 organisations urge the European Parliament to protect journalists from surveillance and spyware”, open letter, 5 July 2023, <https://gfmfd.info/emfa-open-letter-to-protect-journalists-from-surveillance-and-spyware/>



■ On previously documented killings, law enforcement and judicial efforts to identify those responsible, secure a conviction, and sentence them are very often too slow to prevent the wider chilling effect on media freedom. Impunity for the murder of journalists remains a major concern as the lack of effective investigation, prosecution and conviction of killers – and especially of instigators or masterminds – is still the norm.<sup>20</sup>

■ By the end of 2023, 30 cases of impunity for murder concerning 49 killed media workers were active on the Platform.<sup>21</sup> Only one case was closed by the partner organisations in 2023. The Platform partners were particularly outraged when in November 2023, they learnt that Sergei Khadzhikurbanov, a former Russian police officer serving a 20-year prison sentence for his role in organising the killing of investigative journalist Anna Politkovskaya, had been pardoned by presidential decree after completing a six-month military contract fighting in Ukraine. *Novaya Gazeta* and Politkovskaya's family described the decision as monstrous injustice.<sup>22</sup> The persistence of attacks<sup>23</sup> underlines the need for the police to better protect the press in the exercise of its mission.

■ Several states which, in previous years, had been the subject of alerts related to police violence against journalists during protests, did not feature in the 2023 statistics on the Platform. This was partly due to press freedom groups' advocacy with state authorities and the adoption of measures in countries, such as Austria, Germany and France, improving law enforcement practices and protocols.

■ **Threats and intimidation**, especially online, including death threats, are now part of a "new normal". These incidents are so common that many are not even reported. In 2020 a UNESCO survey underlined how women journalists are especially targeted online because of their gender.<sup>24</sup> Such threats have a strong chilling effect, causing significant psychological harm and potentially leading journalists to self-censor. In response to these threats, several countries

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20. The Hrant Dink or Anna Politkovskaya cases, among others, underline in particular the difficulty to prosecute those giving the orders to kill journalists, Alert "Masterminds Still not Condemned, Ten Years After the Assassination of Journalist Hrant Dink" <https://go.coe.int/BE0ua>

21. See table on page 42

22. Alert "Masterminds still not Brought to Justice, Ten Years after the Murder of Novaya Gazeta Journalist Anna Politkovskaya" <https://go.coe.int/T23Fq>

23. Alert "Novaya Gazeta Journalist Elena Milashina Brutally Attacked in Chechnya" <https://go.coe.int/nV2ZX>

24. UN Educational, Scientific and Cultural Organization, "UNESCO's Global Survey on Online Violence against Women Journalists", 10 December 2020, <https://www.unesco.org/en/articles/unescos-global-survey-online-violence-against-women-journalists>

have provided special protection to journalists by the judicial authorities and the police. This is particularly the case in Italy, where journalists have been confronted for years with mafia threats.



*Murphy (Ireland) / Cartooning for Peace*

Journalists were also faced with verbal abuse and smear campaigns by politicians. Such attempts by figures in authority to undermine the credibility of journalists, who suffer in some countries from **low levels of public trust**,<sup>25</sup> often have the effect of compromising journalists' safety, as it contributes to a hostile atmosphere where law enforcement, magistrates, and even public opinion may feel justified to treat journalists as criminals, liars or traitors. It may also deter parliamentarians from enacting protective measures for the press as they fear being seen as supportive of an "unpopular profession".

25. Euronews, "How much do you trust European journalists?", Survey, 28 March 2023, <https://www.euronews.com/2023/03/28/how-much-do-you-trust-european-journalists>

■ In some member states **detentions and criminal prosecutions were again misused in 2023** as a tool to stop independent reporting. Journalists were arbitrarily accused of serious crimes under state security laws with vague clauses on extremism, terrorism, espionage, fake news or “discrediting” of the armed forces or other state institutions. Covering protests on environmental issues also led to arrests and short-term detentions. Journalists must be allowed to report on public protests and disturbances on behalf of the wider public.

■ **SLAPPs** are a major concern and impediment, especially for journalists investigating corruption, conflicts of interest and financial crimes. Most of the lawsuits are based on alleged defamation or damage to reputation<sup>26</sup> and their impact is aggravated by the fact that in many countries, defamation is still at least nominally a criminal offence. In 2022 in the United Kingdom, a country long considered to be a haven for the global libel industry, the Solicitors Regulation Authority defined SLAPPs as “an alleged misuse of the legal system, and the bringing or threatening of proceedings, to harass or intimidate (...) thereby discouraging scrutiny of matters in the public interest”. It also reminded lawyers of their obligation of integrity, discouraging them from taking on cases which appear to be SLAPPs.<sup>27</sup>

*Initiatives taken in 2023 testified to a growing awareness by governments of the threat to democracy that SLAPPs represent.*

■ In 2023 various positive initiatives were taken which testified to a growing awareness by governments of the threat to democracy that SLAPPs represent. Of particular significance was the adoption in the United Kingdom of the Economic Crime and Corporate Transparency Act, which introduced the first anti-SLAPP provision in England and Wales. Press freedom groups were wary however about its limitations to cases of economic crime or corruption only. The EU anti-SLAPP directive, although limited to cross-border cases, added pressure on member states to adopt stronger legislation against abusive litigation.

■ The Platform partners follow closely the work of the Council of Europe to prepare a Committee of Ministers Recommendation on Countering SLAPPs for

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26. Rafał Mańko, “Strategic lawsuits against public participation (SLAPPs)”, European Parliamentary Research Service, July 2023, [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2022\)733668](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733668)

27. Solicitors Regulation Authority, “Warning notice: Strategic Lawsuits Against Public Participation (SLAPPs)”, 28 November 2022, <https://www.sra.org.uk/solicitors/guidance/slapps-warning-notice/>

adoption in 2024. The Recommendation is expected to provide valuable guidance and benchmarks to member states on how they should meet European standards in the rules they lay down to prevent, restrict and penalise the recourse to abusive lawsuits against journalists and others.

## **Restrictive legislation, a straitjacket for journalism**

■ The legal and judicial arsenal in many member states of the Council of Europe contains an array of provisions that press freedom groups consider to be major restrictions on freedom of expression and the press, such as the criminalisation of defamation. Despite this already heavy burden weighing on the press, in 2023 several governments introduced - or tried to ram through - more restrictive legislation against the media, reducing the space for independent journalism and dissent.

■ In Hungary, a bill aimed at “protecting national sovereignty” may affect the media as the Sovereignty Protection Office will monitor “attempts at disinformation”;<sup>28</sup> in Croatia the government tried to hamper the media’s right to criticise the court or protect sources, and in the United Kingdom it was proposed to broaden the definition of ‘extremism’;<sup>29</sup> a highly charged and vague term which may curtail legitimate reporting and freedom of expression. Examples in Belarus, Russia, but also Türkiye, show how such vague legal grounds, once adopted, can easily be weaponised to censor legitimate forms of expression and public debate.

■ Administrative means were also used against independent journalism through refusal of accreditation, non-renewal of broadcasting licences and other forms of discrimination against critical or independent media outlets.

## **Public service media, pillars of strong democracies**

■ Independent public service media (PSM) are a core feature of a pluralistic and well-functioning democracy. However, governmental or political pressure has become the norm in some member states. Sometimes this occurs through the denial of adequate funding for PSM, which often jeopardises news operations and weakens their capacity to engage in challenging and investigative

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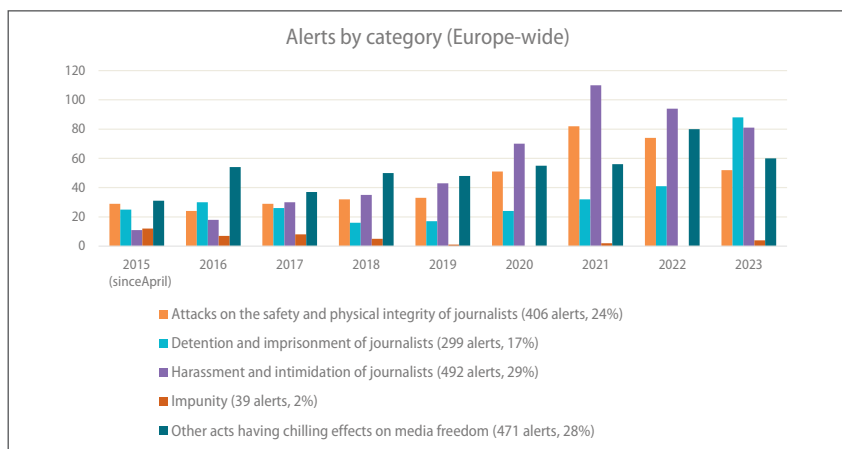
28. Edit Inotai, “Hungary’s Government Submits ‘Sovereignty’ Bill Seen Aimed at Opposition, NGO Funding”, *Balkan Insight*, 22 November 2022, <https://balkaninsight.com/2023/11/22/hungarys-government-submits-sovereignty-bill-seen-aimed-at-opposition-ngo-funding/>

29. John Crace, “Revealed: plan to brand anyone ‘undermining’ UK as extremist”, *The Guardian*, 4 November 2023, <https://www.theguardian.com/uk-news/2023/nov/04/plans-to-redefine-extremism-would-include-undermining-uk-values>

journalism.<sup>30</sup> Governments have also compromised PSM independence by replacing management and board members and dismissing journalists or editors. In Poland, where a change of government occurred in December, will provide a key test for the defence of plural, free and independent public media. (see Box on Poland on page 32)

Independent PSM are particularly important in election times. Elections cannot be free or fair if governments dominate the media scene. Media capture, meaning effective governmental control or undue influence over major public and private media outlets, is especially harmful to press freedom. It often involves turning public service media into a mouthpiece of the parties in political power. Other levers include partisan controls over regulatory agencies, arbitrary allocation of state advertising, and severe limits on the allocated speaking time for opposition voices on public media. This factor was of particular concern before and during the general elections in Poland in October and in Türkiye in May. There, the ruling parties reportedly used their governmental prerogatives to deprive their opponents of fair access to public media.

**Self-censorship** is often the consequence of all these forms of pressures on journalists. The article not written, the investigation not completed, the cartoon not drawn, the picture not taken or published -such instances could not be covered in alerts, but they are a significant reflection of media “unfreedom” in Europe and are even more pernicious when such unreported matters are of important public interest.



30. Alert “Attempts to Change Georgian Public Broadcaster’s Funding” <https://go.coe.int/Fm6Ot>; Alert “Government Slashes Budgets at Slovak Public Broadcaster RTVS by 30%” <https://go.coe.int/ItlP6>

## Editorial independence is crucial to quality journalism

Journalists' editorial independence – defined as the right to do their work according to their professional ethics without undue pressures from inside and outside the newsrooms – had a rough ride in 2023, as journalists clashed with media owners in several countries, especially over the appointment of their editors in chief or other top editorial positions. According to the European University Institute's Centre for Media Pluralism and Media Freedom (CMPF) editorial independence from media owners was at serious risk in 65% of EU member states. In terms of plurality of media providers and of digital markets, "no country (of the EU) is at the low risk level",<sup>31</sup> wrote the CMPF. This level of distortion is a clear marker of a media landscape in the grip of forces motivated in too many cases by partisan interests.

The economic and social insecurity affecting journalism exerted pressure on the capacity of journalists to perform their missions according to the highest professional and ethical standards. "Together with the newspaper sector - whose decline is long-lasting - the audio-visual sector appears to have been particularly hit by the decrease in advertising expenditure. Employment and salary conditions of journalists deteriorated, particularly for those who are freelancers", the CMPF concluded.

## A free press needs an enabling environment

New challenges are making the fight for press freedom more complex. Artificial intelligence may transform the whole ecosystem of news, impacting on newsroom staffing, but also on the "fabrication of news" with its risks of increased disinformation and falling public trust.<sup>32</sup> The controversies and polarisation related to the climate crisis, a surge in voter support for illiberal parties in European countries, as well as the platforms' slow and ineffective response to disinformation are also contributing to feelings of mistrust against the mainstream press. Such trends pose an existential threat to how journalists can provide public interest reporting to citizens in the Council of Europe region. The "moral atmosphere" - as the Austrian writer Stefan Zweig called it in the 1930s - which prevails in some European countries does not bode well for press freedom.

31. Centre for Media Pluralism and Media Freedom, "Media Pluralism Monitor 2023", <https://cmpf.eui.eu/media-pluralism-monitor-2023/>

32. The Council of Europe's Committee on Artificial Intelligence (CAI) has been working on a draft framework convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, see <https://www.coe.int/en/web/artificial-intelligence/cai>

■ In order to push back against these trends, the Platform partners issued recommendations to the Council of Europe, the EU and their member states. They highlighted issues related to surveillance, humanitarian visas for journalists and the need to support national focal points and action plans as part of the Council of Europe 5-year journalists safety campaign.

*Press freedom groups expect that a change of government in Poland will roll back state capture of the media.*

■ There has also been positive news. Press freedom groups expressed high hopes after the inauguration of a new government in Bulgaria in June 2023. Likewise, they expect that a change of government in Poland will make it possible to roll back state capture of the media and SLAPPs against independent journalists, and contempt for the rule of law by the former government.

■ 2023 has also been marked by several encouraging initiatives - the launch of the Council of Europe's *Journalists Matter* campaign, the drafting of the Council of Europe's anti-SLAPP recommendation, the adoption of the European Media Freedom Act and the anti-SLAPP Directive in the EU - which testify to the commitment of a significant number of governments to enhance press freedom and protect journalists, even if the fruits of that public commitment are in too many cases still awaited.

■ The Safety of Journalists Platform has undoubtedly played a key role in the increased awareness about the crucial role of press freedom in a democracy. Put directly under the eyes of member states, its alerts produce a comprehensive picture of the state of press freedom across the continent and underline that attacks against the press must be firmly countered and condemned. Indeed, beyond the official replies to alerts, member states and other stakeholders have a duty to create an enabling environment allowing journalists and other media actors to exercise their mission without fear or arbitrary interference, in line with Recommendation CM/Rec(2016)4 of the Committee of Ministers on the protection of journalism and the safety of journalists,<sup>33</sup> as well as the mandate agreed unanimously by European governments for the *Journalists Matter* campaign.<sup>34</sup>

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33. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, 13 April 2016, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#\\_ftn1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1)

34. Council of Europe, "Journalists matter": Council of Europe launches campaign for the safety of journalists", press release, 5 October 2023, <https://www.coe.int/en/web/portal/-/journalists-matter-council-of-europe-launches-campaign-for-the-safety-of-journalists>

■ The Group of Friends on the Safety of Journalists and Media Freedom in Strasbourg can play a proactive role, including by exerting peer pressure on recalcitrant member states to act in good faith in accordance with their binding obligations under the European Convention on Human Rights.

■ Platform partners pay close attention to specific initiatives adopted in various member states to strengthen journalists' safety, such as the *PersVeilig* project which was set up in 2019 in the Netherlands or the *Defending Free Speech* plan established in 2018 in Sweden. The identification and spread of good practices are essential for the success of the *Journalists Matter* campaign, including the National Action Plans for the safety of journalists that have been announced (in the United Kingdom for instance in October 2023),<sup>35</sup> or that are being developed by other member states.

■ However, as Platform partners have constantly stated, the proof of the value of these various initiatives will be in the real-world impact they are eventually shown to have. Political will is still in short supply. The engagement of Council of Europe member states in the *Journalists Matter* campaign and the adoption of National Action Plans will be a critical test of their commitment.

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35. National Union of Journalists, "NUJ welcomes updated National Action Plan for the Safety of Journalists", 31 October 2023, <https://www.nuj.org.uk/resource/nuj-welcomes-updated-national-action-plan-for-the-safety-of-journalists.html>



# Russian invasion of Ukraine, a direct threat to Europe's democratic order

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Bénédicte (Suisse) / Cartooning for Peace

■ The Russian war of aggression against Ukraine had major effects on press freedom and the safety of journalists. In 2023, two journalists were killed in Ukraine. On 26 April, Bohdan Bitik, a Ukrainian journalist working as a fixer for two reporters from the Italian newspaper *La Repubblica*, was shot dead on the outskirts of Kherson, most likely by a Russian sniper.<sup>36</sup> On 9 May, Arman Soldin, a journalist with the French news agency *Agence France-Presse (AFP)* was killed in a Russian rocket attack while embedded with Ukrainian soldiers in Chasiv Yar, near Bakhmut, in the Donetsk region.<sup>37</sup>

36. Alert "Journalist Bohdan Bitik Shot Dead in Ukraine, His Colleague Corrado Zunino Wounded" <https://go.coe.int/4skhD>

37. Alert "AFP Journalist Arman Soldin Killed While Covering War in Ukraine" <https://go.coe.int/OcLQ2>

*The occupying authorities attempted to force local journalists to cooperate through physical and psychological pressure, their relatives and friends were targeted as reprisals.*

■ As Russia occupied territories of Ukraine, independent media workers became amongst the first targets for persecution, illegal detention, and disappearance. The occupying authorities attempted to force local journalists to cooperate through physical and psychological pressure. In some cases, even when journalists managed to escape an occupied territory, their relatives and friends were targeted as reprisals.

■ In May 2023, Russian forces in Melitopol detained the journalist Iryna Levchenko<sup>38</sup> and her husband, Oleksandr. Iryna Levchenko's relatives lost contact with them on 5 May 2023. Iryna Levchenko worked for years as a reporter for several Ukrainian news outlets and retired from journalism after Russian forces occupied Melitopol in late February 2022.

■ Dmytro Khilyuk,<sup>39</sup> a reporter for the independent Ukrainian news agency UNIAN, was abducted by Russian forces in Ukraine in early March 2022. In July 2023, it became known that Khilyuk was being held in a prison in the Vladimir region of Russia. According to Reporters Without Borders, it is either IK-6 prison or IK-7, which hold Ukrainian prisoners.

■ Another alert relates to the disappearance of the freelance journalist Victoria Roshchina,<sup>40</sup> who planned to travel to the occupied territories of eastern Ukraine through Russia to report on the situation there. She left Ukraine for Poland on 27 July 2023 and was expected to reach the occupied territories three days later. She has been missing since 3 August and her current location is unknown.

■ On 6 October 2023, a Russian-controlled court in Simferopol sentenced the Ukrainian journalist and writer Serhiy Tsyhipa to 13 years of penal colony on charges of espionage. Originally from Nova Kakhovka, a city in the temporarily occupied Kherson region of Ukraine, Tsyhipa was detained by the Russian occupying authorities, following which these authorities used the journalist's

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38. Alert "Russian Soldiers Detain Former Journalist Iryna Levchenko in South-eastern Ukraine" <https://go.coe.int/qc7hN>

39. Alert "Ukrainian Journalist Dmytro Khilyuk Held by Russian Forces Since Early March" <https://go.coe.int/aBEQE>

40. Alert "Ukrainian Journalist Victoria Roshchina Missing in Occupied Territories" <https://go.coe.int/ljWIP>

phone to make contact with other Ukrainian journalists and activists in Nova Kakhovka.<sup>41</sup> The journalist Oleh Baturin was one of the victims of this tactic, when in March 2022 he went to a bus station after receiving a message from Tsyhipa's phone asking him to meet there and was then abducted by Russian occupying forces.<sup>42</sup>

■ Several journalists were wounded in the war. On 2 January 2023, Russian shelling in Druzhkivka injured Björn Stritzel, a reporter with the German daily *Bild*, and an unidentified Ukrainian journalist.<sup>43</sup> On 19 July, the Ukrainian journalist Yuliya Kiriienko sustained a mild concussion from the blast of Russian shelling while reporting near Lyman, in the Donetsk region.

■ On 24 July 2023, Dylan Collins, a United States journalist with *AFP*, was wounded in a drone attack while reporting at a Ukrainian artillery position near the frontline city of Bakhmut. All the *AFP* journalists at the scene were wearing press markings, and two other *AFP* journalists who were present escaped unharmed. Collins sustained shrapnel injuries and was evacuated to a nearby hospital. On 22 July, a Russian shelling attack injured Ievgen Shylko, a camera operator with the German broadcaster *Deutsche Welle (DW)*, while reporting with *DW* correspondent Mathias Bölinger in the Donetsk region. They were attacked while filming soldiers training at a shooting range on a Ukrainian army ground.<sup>44</sup> On 19 August 2023, Russian forces fired a missile that struck the northern Ukrainian city of Chernihiv, injuring Arsen Chepurnyi,<sup>45</sup> a freelance Ukrainian journalist with the local news website *Chas Chernihivskyi*. On 19 September, Oleksandr Pavlov, a Ukrainian producer with the Swedish channel *TV4*, was wounded when a drone struck his team's car in Stepanivka, near the frontline in the Zaporizhzhya region of Ukraine. The members of his team said they had been deliberately targeted after stepping out of their car to talk to local people.<sup>46</sup> On 22 December, the Ukrainian photo-reporter Vlada Liberova, was wounded by Russian fire while she was reporting near Avdiivka, in the Donetsk region.<sup>47</sup> On 30 December, Svitlana Dolbysheva, a Ukrainian

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41. Alert "Ukrainian Journalist Serhiy Tsyhipa Sentenced to 13 Years of Penal Colony on Espionage Charges" <https://go.coe.int/Q83B4>

42. Alert "Journalist Oleg Baturin Missing in Kherson Region" <https://go.coe.int/GL1rl>

43. Alert "At least 2 Journalists Injured by Russian Shelling in Eastern Ukraine" <https://go.coe.int/sLztC>

44. Alert "Shelling Injures At Least 3 Journalists in Eastern Ukraine" <https://go.coe.int/5Rdy9>

45. Alert "Journalist Arsen Chepurnyi Injured in Russian Missile Strike in Ukraine" <https://go.coe.int/FPK07>

46. Alert "Ukrainian Journalist Oleksandr Pavlov Injured in Drone Attack" <https://go.coe.int/WvMxh>

47. Alert "Photographer Vlada Liberova Wounded by Russian fire" <https://go.coe.int/tW8bf>

translator and producer for the German TV channel *ZDF* was wounded in Kharkiv after a Russian shelling on the hostel she was in.<sup>48</sup>

■ The law “On Media” which came into force in Ukraine on 31 March 2023, was generally welcomed even though it has provoked debates among press freedom organisations and Ukrainian media outlets. The law improves the Ukrainian legislation with the introduction of co-regulation mechanisms between the media regulator and media, and better transparency about media owners. Nevertheless, concerns have been raised about the real independence of the media regulator. In case of breach of the law by media, the National Television and Radio Broadcasting Council can temporarily ban the work of online mass media and demand internet providers to block access to online publications without a court hearing, issue binding orders to the editorial offices of media, regulate the work of cable and online television operators, and cancel the registration of print media.

■ On 12 October 2023, the Parliament of Ukraine registered a draft law on amendments to the law “On Media” regarding the production and broadcasting of social products containing information aimed to promote the development of the individual and society, the popularisation of ideas of humanity, justice, family values and ensuring state sovereignty. The National Union of Journalists of Ukraine, Ukraine’s major union of journalists, has raised concerns about this initiative as being an attempt to influence the editorial policy of independent media and an attempt to exert financial pressure on them. The project is still under study, it was proposed by a single MP from the majority and does not appear to have widespread Parliamentary support.

■ Journalists’ access to the plenary sessions, backrooms, and committees of the Ukrainian Parliament, Verkhovna Rada, has been restricted since Russia’s full-scale invasion in 2022. On 8 November 2023 the investigative programme *Schemes* reported that a document that would list all the access restrictions “had not been created” by the Verkhovna Rada. The Speaker, Ruslan Stefanchuk, told *Schemes* that the decision to restrict journalists’ access to the premises was taken at the beginning of Russia’s full-scale invasion of Ukraine based on recommendations by Ukraine’s security services and access would be restored “as soon as the level of danger falls”. No explanation was given why the Verkhovna Rada was not able to provide the legal basis and grounds for these access restrictions.<sup>49</sup>

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48. Alert “Ukrainian Translator and a British Security Advisor for ZDF Wounded in Russian Attack on Kharkiv” <https://go.coe.int/0mGUt>

49. Alert “Ukrainian Parliament Unable to Provide Documents Providing for the Legal Restrictions on Entry of Journalists to Parliament” <https://go.coe.int/htlXb>

## Russia takes censorship and media restrictions to new levels

■ The war has been the occasion for the Russian authorities to tighten further the legislation and increase state control on the media and to detain journalists in the name of national security.

■ On 19 October 2023, the State Duma, adopted amendments to Article 207.3 of the Criminal Code on the dissemination of false information that extended criminal punishment for disseminating false information about the National Guard of Russia (an internal military force which reports directly to President Putin). Similar amendments were made to Article 280.3 of the Criminal Code on the repeated 'discrediting' of the Russian military. The maximum punishment under the first article is up to 15 years in prison and under the second - imprisonment for up to seven years. In addition, amendments were made to Article 284.3 of the Criminal Code on "assistance in the execution of decisions" of the International Criminal Court in The Hague and other international mechanisms in which Russia does not participate, which could lead to up to five years in prison. On 25 December 2023 the law was signed by the Russian President and came into force.

■ A number of news outlets were labelled as "undesirable"<sup>50</sup> organisations - *Project Media*, *Open Press*, *The Insider*, *Bellingcat* (United Kingdom), *Important Stories*, *TVR Studios* (legal entity of the *Dozhd TV* channel registered in the Netherlands), *SIA TV Rain* (legal entity of the *Dozhd TV* channel registered in Latvia), *Meduza*<sup>51</sup> and *Novaya Gazeta Europe*.<sup>52</sup> In addition, a total of 239 media outlets and journalists are now considered as 'foreign agents'.

■ The crackdown on foreign news outlets continued. At least 83 media workers from the United Kingdom, Germany, the United States, Australia, Canada and Ukraine were banned from entering Russia. Media such as *BBC*, *Deutsche Welle*, *Euronews*, *Voice of America*, *France 24* and others, are not accessible in the country.

■ The Russian government is controlling the Internet with over 300 media outlets blocked inside the country. Social media platforms Twitter, Facebook, Instagram and many VPN services are blocked as well. On top of that, from 1 March 2024, an order will come into force, according to which VPN services

50. Inoteka, "Foreign agents", 1 October 2023, <https://inoteka.io/ino/foreign-agents-en>

51. Alert "Prosecutor General Labels Meduza an Undesirable Organisation" <https://go.coe.int/oGulY>

52. Alert "Several Additional Media Designated as Undesirable Organisations" <https://go.coe.int/P9WRG>

that provide access to websites banned in Russia will be blocked by the state regulatory agency Roskomnadzor.

■ On 2 November 2023 President Vladimir Putin signed a law that significantly expanded the powers of the Prosecutor General's Office to block information related to "financing the enemy in the context of armed conflict". Amendments were made to Federal laws No. 149-FZ "On Information, Information Technologies and Information Protection" and No. 125-FZ "On Freedom of Conscience and Religious Associations".

■ In 2023 the number of criminal cases under Article 207.3 of the Criminal Code (dissemination of false information about the army) increased significantly.<sup>53</sup> According to *OVD-Info*, an independent human rights group, at least 42 journalists faced criminal repressions for their anti-war stance. 13 journalists were sentenced *in absentia* for spreading false information: Alexander Nevzorov;<sup>54</sup> Veronika Belotserkovskaya;<sup>55</sup> Michael Nacke;<sup>56</sup> Ruslan Leviev; Ilya Krasilshchik; Ukrainian TV presenter Maria Efrosinina;<sup>57</sup> Sergey Podsytnik;<sup>58</sup> Evgeny Domozhirov; Dmytro Gordon; Marina Ovsyannikova; Evgeniya Baltatarova; Alexandra Garmazhapova and Pyotr Verzilov.<sup>59</sup> Not only the position on the war but also the criticism of the authorities can lead to criminal prosecution.

■ Ten journalists are serving prison sentences or awaiting the verdict under Article 207.3: Maria Ponomarenko<sup>60</sup> was sentenced to six years in prison, along with a five-year ban on journalistic activities; Dmitry Ivanov,<sup>61</sup> a blogger on the Telegram channel *Protest MSU* was sentenced to eight and a half years in prison, along with a four-year ban on administering websites; Andrey Novashov<sup>62</sup> was sentenced to eight months of correctional labour along with a one-year ban

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53. OVD-Info, "Criminal repression for anti-war stance in Russia", webpage, <https://repression.info/en/occupations/journalists>

54. Alert "Russian Journalist Alexander Nevzorov Sentenced to 8 Years in Prison" <https://go.coe.int/T1G61>

55. Alert "Blogger Veronika Belotserkovskaya Sentenced to 9 Years in Prison" <https://go.coe.int/6Qoq5>

56. Alert "Two Exiled Russian Journalists Charged with Disseminating False Information on Russian Armed Forces" <https://go.coe.int/ql7F5>

57. Alert "Ukrainian TV Presenter Maria Efrosinina Sentenced to Seven Years in Prison" <https://go.coe.int/JzgYD>

58. Alert "Russian Journalist Sergey Podsytnik Charged With Disseminating "Fake News" About the Russian Army" <https://go.coe.int/mU3Zm>

59. Alert "Mediazona Founder Pyotr Verzilov Apparently Poisoned" <https://go.coe.int/oU4O6>

60. Alert "Russian Journalists Ilya Krasilshchik and Maria Ponomarenko Charged with Disseminating False Information on the Armed Forces" <https://go.coe.int/WvGsn>

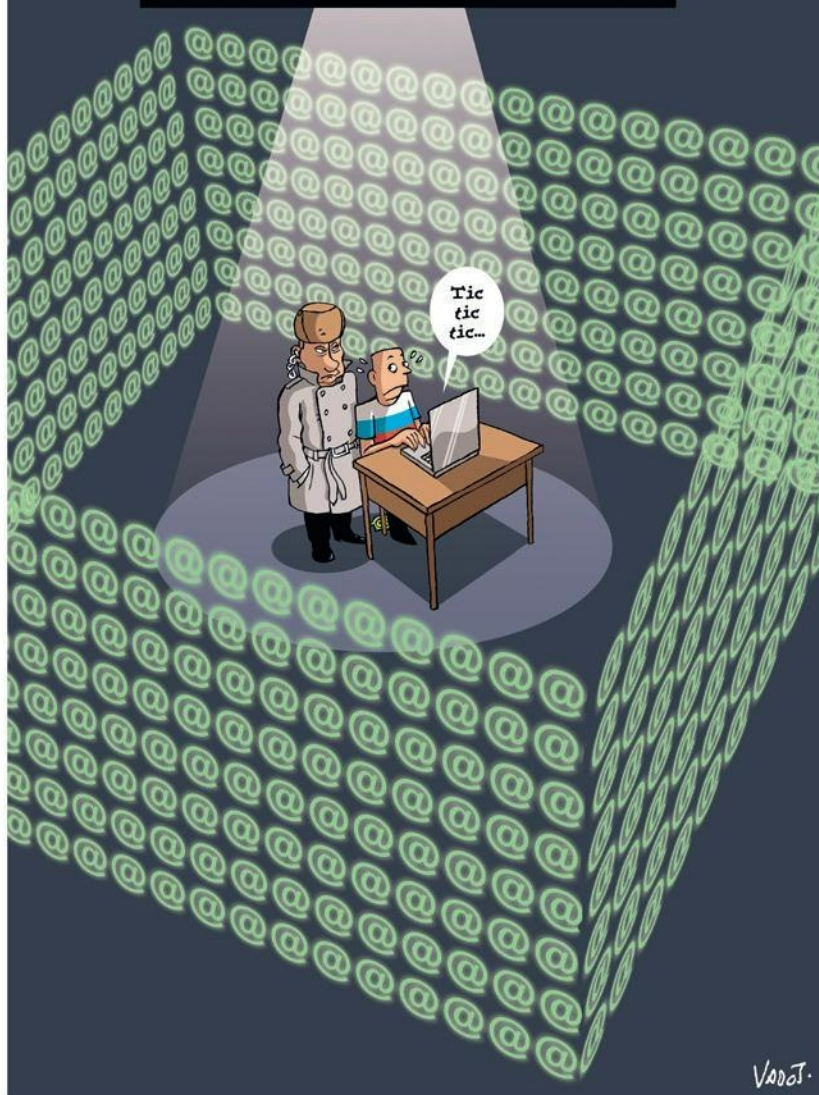
61. Alert "Russian Blogger Dmitry Ivanov Arrested and Detained on Charges of Spreading "Fakes" about Russian Army" <https://go.coe.int/hr1wV>

62. Alert "Russian Journalist Andrei Novashov Detained, Charged with Spreading "Fake" Information" <https://go.coe.int/a610V>

on journalistic activities; Ruslan Ushakov,<sup>63</sup> who runs the Telegram channel *Real Crime*, was sentenced to 8 years in prison and banned from administering Internet resources for three years; the activist and journalist Vladimir Kara-Murza<sup>64</sup> is serving 25 years in jail; the blogger Alexander Nozdrinov<sup>65</sup> was sentenced to 8 years and 6 months; the editor-in-chief of the online magazine *Novy Fokus* Mikhail Afanasyev<sup>66</sup> was sentenced to five and a half years in the general regime colony and banned from posting materials on the Internet and media for two and a half years after his release; the *RusNews* journalist Roman Ivanov,<sup>67</sup> the *Listok* publisher Sergey Mikhaylov,<sup>68</sup> and the *RFE/RL* journalist Alsu Kurmasheva<sup>69</sup> are currently detained and waiting for the final verdict.

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63. Alert "Russian Telegram Channel Administrator Ruslan Ushakov Sentenced to 8 Years in Prison" <https://go.coe.int/P3C7r>
  64. Alert "Journalist and Opposition Activist Vladimir Kara-Murza Sentenced to 25 Years in Jail" <https://go.coe.int/t6m5h>
  65. Alert "Blogger Alexander Nozdrinov Charged with Disseminating 'False Information' about Russian Armed Forces" <https://go.coe.int/ab4rb>
  66. Alert "Siberian News Outlets, Management Charged for Disseminating 'Fakes' About Russian Army" <https://go.coe.int/t9Qo1>
  67. Alert "RusNews Journalist Roman Ivanov Detained on Charges of Spreading 'Fakes' about Russian Army" <https://go.coe.int/b9bHX>
  68. Alert "Siberian News Outlets, Management Charged for Disseminating 'Fakes' About Russian Army" <https://go.coe.int/t9Qo1>
  69. Alert "Russian Authorities Detain Radio Free Europe Journalist Alsu Kurmasheva" <https://go.coe.int/zOvXL>

# LE RETOUR DU RIDEAU DE FER



*"The return of the iron curtain"*

*Vadot (Belgique) / Cartooning for Peace*



## Country focus: Poland - need for sustainable and non-partisan media sector reforms

During its eight years of ruling the country until early December 2023, the Law and Justice Party (PiS) managed to convert public media into instruments of government propaganda. It has compromised media pluralism and created a hostile environment for independent journalism, through media capture, abusive lawsuits against journalists and media outlets, as well as through regulators which applied arbitrary penalties and financial pressure on media. The new coalition government aims to end this situation but must avoid perpetuating politicisation of the public media and of the regulators.

At the time of the writing of the report in January 2024, the fight between the new governing coalition, the President and the opposition over Poland's public media was raging. The new Minister of Culture dismissed the management of the public broadcaster *TVP*, public radio and the *Polish Press Agency* that was dominated by PiS-allied journalists and replaced them with his own nominees. The PiS-allied president responded by refusing to sign a draft budget law that included a 3 billion zloty (approximately €690 million) for the public channels. To ensure budget continuity at public media, the new government placed the three companies - public TV, radio and news agency - into insolvency and appointed liquidators to take over their day-to-day running.

There is no doubt that decisive actions must be taken to address the issues in the public media. They are a manifest example of how PSM should not be - propagandists and backers of one political party, used to gain electoral advantage. However, media experts and Platform partners<sup>70 71</sup> have expressed reservations about methods used, encouraging the government to adopt sustainable and comprehensive legal and institutional changes to remedy the situation, while involving experts and civil society in the decision-making.

The **National Broadcasting Council** (KRRiT), the national media regulator, politicised by the PiS-Government and stripped of some of its competencies, must be removed of partisanship and political bias and have its functional

70. International Press Institute, "Upheaval at Polish public broadcaster must lead to comprehensive reform to restore and safeguard independence, statement, 22 December 2023, <https://ipi.media/upheaval-at-polish-public-broadcaster-must-lead-to-comprehensive-reform-to-restore-and-safeguard-independence/>

71. European Federation of Journalists, "Poland: the government put public service media in a state of liquidation", 29 December 2023, <https://europeanjournalists.org/blog/2023/12/29/poland-the-government-put-public-service-media-in-a-state-of-liquidation/>

independence restored. Politicians should not have a decisive vote in the **trustee councils** of the public media. New legislation is needed to provide for fair and transparent rules on the distribution of **state advertising** to media outlets. **Defamation** should be decriminalised, and **anti-SLAPP** legislation should be introduced.

The state-controlled company Orlen should divest its investment in the network of **regional media *Polska Press***. The authorities should adopt, in cooperation with the journalistic community, measures for protection of reporters during protests and online.

While recognising the imperative for quick changes, the Partners of the Safety of Journalists Platform call **to establish legal and institutional safeguards against political interference**. There is a wealth of analysis and studies of the Polish media sector and even drafts of comprehensive media reforms have already been prepared by the civil society, journalists' organisations and the academic community, which can serve as the basis for this reform.

Only effective separation of the public media from political interference and stable long-term funding will guarantee pluralism, reliability and objectivity, as well as the ability to implement their mission. The government must prioritise media independence and journalists' rights in its programme, ensure dialogue with the civil society, have a clear strategy and communicate on the steps it intends to take to guarantee independence, impartiality and pluralism of the media.

# Attacks, harassment and intimidation of journalists

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*Carrilho (Portugal) / Cartooning for Peace*

■ In 2023, the Platform recorded the killing of two journalists covering Russia's war of aggression against Ukraine, Bohdan Bitik and Arman Soldin (See the chapter on the Russian invasion of Ukraine). Alerts also documented the killing of security guard Pal Kola in a firearm attack on the *Top Channel* office building in Tirana, Albania on 27 March.

■ 41 alerts denounced attacks on the physical safety and integrity of journalists, a decrease from previous years. The highest number of cases were recorded in Ukraine's territories occupied by Russia (11), France (4), Türkiye (4), Italy (3) and Serbia (3). Journalists are also regularly subjects to harassment and intimidation for their work: 68 alerts were posted on the Platform in that category, compared to 94 in 2022, with the highest number of cases recorded in Russia.

■ Barring the acts of war in Ukraine, most physical attacks occurred during the coverage of public events, underlining long-standing concerns about inadequate policing of public space to protect journalists' ability to report events

of public interest. 16 alerts reported assaults on journalists and other media representatives by protestors and members of the public, while three others recorded insults, threats, damaged equipment, or obstruction.

*Steps were taken by some member states to address the problem of physical attacks on media workers.*

■ Steps were taken by some member states to address the problem. Following an increase in attacks on journalists during protests in the Austrian capital, the Vienna Police adopted robust measures to increase journalists' protection – media contact officers were set up as contact points for journalists, as well as for the initial recording of offences; de-escalation training was also offered to journalists. In Albania, police arrested and charged two suspects in the violent attack against journalist Elvis Hila and his wife.<sup>72</sup>

■ 15 alerts documented obstruction from police, security services,<sup>73</sup> judicial and religious authorities, who used powers to deny access, stop, question, seize, fine, or detain journalists and other media representatives. Eight alerts were submitted to denounce assault by police during public events in Azerbaijan, Bulgaria,<sup>74</sup> France,<sup>75</sup> Georgia, Poland, Spain<sup>76</sup> and Türkiye, a decrease since 2020, which is partly linked to fewer public Covid-19-related protests.

■ While the policing of public space remains an issue, some countries have taken measures to address it. In France, for instance, the latest version of the regulation "National law enforcement plan" (*Schéma national du maintien de l'ordre*) included several recommendations on the protection of journalists, related to violence from law-enforcement officers. The police in Vienna adopted specific measures to protect journalists during public rallies. These and other examples regarding police protection of journalists at public events, including legal provisions against obstruction of media workers, de-escalation mechanisms and complaints procedures, should be multiplied across the member states.

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72. Alert "Albanian Journalist Elvis Hila and His Wife Attacked in Lezha" <https://go.coe.int/WoHwN>

73. Alert "Russian Journalist Farida Kurbangaleeva Expelled from President Zelenskyy's Press Conference in Prague" <https://go.coe.int/nwbclJ>

74. Alert "At Least Nine Journalists Physically Assaulted, Detained or Obstructed by Police While Covering Protest in Sofia" <https://go.coe.int/rTVUP>

75. Alert "Violence, Intimidation and Obstruction on Journalists Covering Pension Reform Protests" <https://go.coe.int/zRiw4>

76. Alert "Journalists and Camera Operators Harassed While Covering Protests Across Spain" <https://go.coe.int/dJx49>

■ 30 alerts denounced actions against journalists not related to the coverage of public events. The *Novaya Gazeta* Journalist Elena Milashina<sup>77</sup> and lawyer Alexander Nemtsov were brutally attacked in Chechnya on 4 July. Milashina's head was shaved, and her face doused in green dye. She was subsequently diagnosed with a closed craniocerebral trauma. In Denmark, the president and all the board members of the national journalists' union were threatened on the social network X, ex-Twitter.<sup>78</sup>

■ Several member states took actions, including Slovakia, Bulgaria and Italy, where journalists were granted police protection following death threats. In Slovakia, the then Minister of Culture publicly condemned the death, torture, and rape threats against the RTVS journalist Marta Jančárová,<sup>79</sup> declaring that political interference in the media was unacceptable. In April, Switzerland announced the adoption of a National Action Plan on the Safety of Journalists<sup>80</sup> drawn in consultation with media employers and journalists' organisations and focusing on improved physical protection, enhanced protection against online threats, increased recognition of the role of journalists and better understanding of the challenges related to SLAPPs.

■ While these responses underscore ongoing efforts to safeguard journalists and media freedom, authorities are urged to systematically put in place effective measures of protection when journalists are subject to imminent threats and establish channels of communication for journalists to report these threats.

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77. Alert "Novaya Gazeta Journalist Elena Milashina Brutally Attacked in Chechnya" <https://go.coe.int/nV2ZX>

78. Alert "Private Address and Call for Attacks Against President of the Danish Union of Journalists Published on X" <https://go.coe.int/WblrZ>

79. Alert "RTVS Host Marta Jančárová Receives Death, Torture and Rape Threats" <https://go.coe.int/hO2kO>

80. Federal Office of Communications, "National Action Plan for the safety of media professionals in Switzerland", webpage, 25 April 2023, <https://www.bakom.admin.ch/bakom/en/homepage/electronic-media/media-policy/national-action-plan.htm>



*"Self-portrait"*

*Kak (France) / Cartooning for Peace*

True to Heraclitus' adage "Crisis is the mother of opportunity", the tyrants of this world have taken advantage of the turbulent period 2020-2023 to tighten their grip on the media, and on cartoonists.

Pandemics, wars, diplomatic tensions, digital disinformation... These are all opportunities to legitimise new regulations which, on the pretext of protecting the population, will provide the legal means to muzzle dissidents, accused in turn of "attempting to destabilise the State", "digital terrorism" or "pacting with foreign powers".

The latest *Cartooning for Peace* and *Cartoonists Rights* report<sup>81</sup> on the "Situation of cartoonists under threat around the world" shows a sharp rise in the number of alerts and presents global trends that are becoming normalised. The two organisations note that, in addition to the list of historically repressive countries beyond Europe such as China, Iran and Cuba, there are now a few countries where cartoonists are under threat: Algeria, Afghanistan, Jordan, Bangladesh, Malaysia, the Philippines... And of course, Mr Putin's Russia, where the very last critical cartoonists have had to put down their pencils or flee the country, following the example of Denis Lopatin and Viacheslav Shilov, both of whom have taken refuge in France. Or very recently in Tunisia, where, after making a joke about the new head of government appointed by Kais Saied, the cartoonist Tawfiq Omrane was arrested and interrogated for several hours before being immediately taken to court.

81. *Cartooning for Peace/Cartoonists Rights*, "Cartoonists on the line: Report on the situation of threatened cartoonists around the world 2020-2022", November 2023, [https://www.cartooningforpeace.org/wp-content/uploads/2023/11/CFP\\_Rapport2023\\_ENG\\_DIGITAL.pdf](https://www.cartooningforpeace.org/wp-content/uploads/2023/11/CFP_Rapport2023_ENG_DIGITAL.pdf)

Some warnings have even been sounded in countries closer to home. In Hungary, a member of the EU, cartoonist Gábor Pápai has incurred the wrath of religious lobbies with the blessing of Mr Orbán's party. The cartoon of the Hungarian Prime Minister earned the cartoonist Béla Weisz a media campaign of denunciation that led to his ostracism. Cartooning is going through difficult times in many European countries, where legal proceedings against the media and cartoonists are becoming increasingly common. Examples include the case brought against Nik Titanik and his newspaper for defamation in Croatia, and against the Spanish satirical magazine *Mongolia*, accused of blasphemy. There is also the case of Portuguese cartoonist Cristina, who is the subject of a complaint from a police union over a cartoon about the French police. The complaint follows an outpouring of hate messages and threats online and serves as a reminder of the ever-increasing difficulty for female cartoonists especially, to initiate dialogue, reflection and constructive criticism, particularly online. This is borne out by the extreme polarisation of opinion in the conflict in the Middle East, which has not spared the cartoonist community, who are frequently taken to task for their cartoons, when they are not simply censored or dismissed by the media outlets.

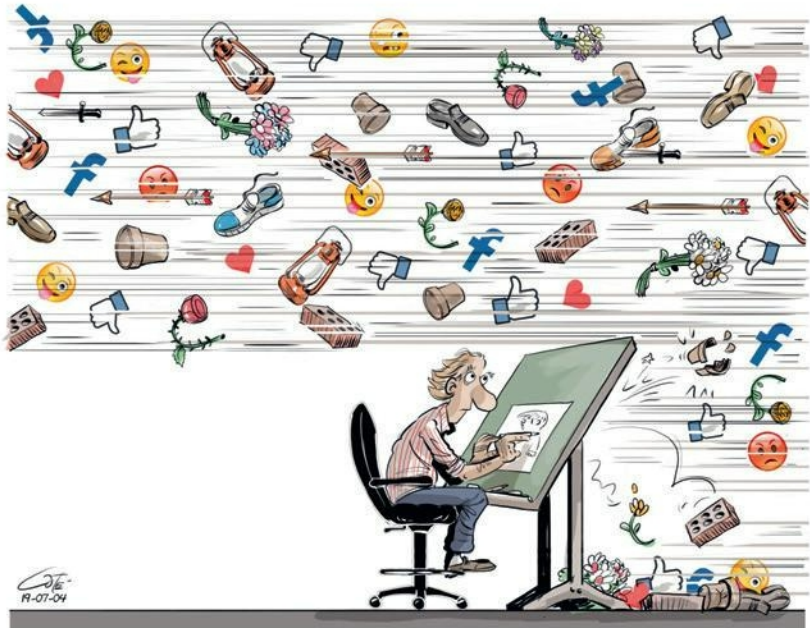
The United States is no exception when it comes to the polarisation of ideas and media chill. There have been countless controversies leading newspapers and press groups to issue apologies, or even to sack their cartoonists, as in the case of *McClatchy newspapers*, which sacked in July 2023 three winners of the Pulitzer Prize for press cartoons, on the pretext of changing readers' habits, which rather reflects a growing lack of interest in the profession. In 2021, the American Association of Editorial Cartoonists estimated that there would be fewer than 30 full-time positions left for newspaper cartoonists.

The most striking example is India. Narendra Modi and his henchmen have joined the family of outspoken censors, supported by fundamentalist Hindu currents. The country has fallen to 161st place out of 180 in the Reporters Without Borders "World Press Freedom Index", and cartoonists find themselves surrounded by repressive measures and hordes of social networkers, coordinated by a government that is well versed in the proper use of digital harassment.

With the largest democracy in the world now put into question, most human beings are now living in countries that practise censorship. This is yet another warning to all of us to not only cherish freedom of the press and the right to irreverence, but also to defend them at all costs in the face of the conquests of despotism and the disastrous advances of online disinformation campaigns.

Kak, Cartoonist, Chairman of Cartooning for Peace

QUE DEVIENT LE MÉTIER DE CARICATURISTE ?



*"What's happening to the profession of cartoonist?"*

*Côté (Canada) / Cartooning for Peace*



# Impunity, a licence to kill

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The killing of a journalist is the ultimate form of censorship and has been called “the world’s safest crime”. In 9 out of 10 killings, the mastermind is never brought to justice.<sup>82</sup> The lack of accountability further aggravates the chilling effect on journalists and society as a whole, emboldening perpetrators and leading to more killings.

■ In 2023, four cases of impunity were added to the Platform, including that of Greek journalist Sokratis Giolias,<sup>83</sup> who was killed by two assailants in police uniforms in front of his house on 19 July 2010. Giolias was a former radio journalist and TV editor who started the popular news blog *Troktiko*. Yet after thirteen years, no one has been arrested for the murder. A 2023 report<sup>84</sup> by the A Safer World for the Truth Initiative found no authorities have ever been held to account for their investigative failures amid ongoing impunity in the case.

■ The more recent killing of Greek journalist Giorgos Karaivaz<sup>85</sup> was marked as a case of impunity by the Platform partners. Two years after the killing in April 2021, there was little progress in the murder investigation. The Greek veteran reporter was gunned down outside his home in an Athens suburb as he returned from a shift on a daytime show on *Star TV*. The Attica Security Division started a manhunt, and the Directorate of Forensic Investigations opened an investigation to establish the motive of the attack and whether it was related to journalistic work. In April 2023 media reported that two suspects had been arrested.

■ Another setback for press freedom was the acquittal in Slovakia in May 2023 of Marián Kočner, the suspected mastermind of the killing on 21 February 2018 of the investigative journalists Ján Kuciak (and of his fiancée Martina Kušnírová),<sup>86</sup> over lack of evidence. Kuciak’s family and civil society organisations expressed deep disappointment over the verdict.

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82. Free Press Unlimited/Committee to Protect Journalists/Reporters Without Borders, “A Safer World for the Truth”, website, <https://www.saferworldforthetruth.com/>

83. Alert “Impunity in Killing of Greek Investigative Journalist and Broadcaster Sokratis Giolias” <https://go.coe.int/cP9ZN>

84. A Safer World For The Truth, “Impunity in Europe: Uninvestigated Murder of Greek Journalist Sokratis Giolias”, webpage, September 2023, <https://www.saferworldforthetruth.com/investigations/sokratis-giolias.html>

85. Alert “Impunity for Murder of Veteran Crime Reporter Giorgos Karaivaz” <https://go.coe.int/gCFX1>

86. Alert “Impunity for Murder of Slovak Investigative Journalist Ján Kuciak” <https://go.coe.int/tdcox>

*By the end of the year, 30 impunity for murder cases, concerning 49 killed media workers were active on the Platform.*

■ By the end of the year, 30 impunity for murder cases, concerning 49 killed media workers were active on the Platform. One case, the killing of Ukrainian journalist Viacheslav Veremii, was declared as closed in 2023. On 6 October 2023, considering the prison sentence handed down to Yuriy Krysin, the partner organisations declared this case to be resolved, concluding it was no longer an active threat to media freedom.<sup>87</sup>

■ Journalist murders are rampant, including in formally democratic countries. To add insult to injury, impunity is the norm. The murder of a journalist and subsequent impunity send an ominous message to newsrooms, editors, and reporters: keep your mouth shut. Rather than mere individual injustices, widespread impunity poses a fundamental threat to democracy, and the need for determined government action has never been greater.



*Meddy (Tanzania) / Cartooning for Peace*

87. Alert "Journalist Viacheslav Veremii Killed in Kyiv" <https://go.coe.int/QKdeY>

## Cases on the Platform concerning impunity for murder of journalists<sup>88</sup>

Giorgos KARAIVAZ – Greece - 2021  
Ján KUCIAK – Slovakia – 2018  
Jamal KHASHOGGI – Saudi Arabia Consulate in Türkiye – 2018  
Daphne CARUANA GALIZIA – Malta – 2017  
Saaed KARIMIAN – Türkiye – 2017  
Pavel SHEREMET – Ukraine – 2016  
Rohat AKTAŞ – Türkiye – 2016  
Naji JERF – Türkiye – 2015  
Timur KUASHEV – Russia – 2014  
Andrea ROCCELLI and Andrei MIRONOV – Ukraine – 2014  
Oleksandr KUCHYNSK – Ukraine – 2014  
Mikhail BEKETOV – Russia – 2013  
Akhmednabi AKHMEDNABIYEV – Russia – 2013  
Nikolai POTAPOV – Russia – 2013  
Rafiq TAGI – Azerbaijan – 2011  
Gadzhimurad KAMALOV – Russia – 2011  
Sokratis GIOLIAS – Greece - 2010  
Aleh BYABENIN – Belarus - 2010  
Hrant DINK – Türkiye – 2007  
Anna POLITKOVSKAYA – Russia – 2006  
Elmar HUSEYNOV – Azerbaijan – 2005  
Dusko JOVANOVIĆ – Montenegro – 2004  
Yuri SHCHEKOCHEIKHIN – Russia - 2003  
Milan PANTIĆ – Serbia - 2001  
Martin O'HAGAN – United Kingdom – 2001  
Georgiy GONGADZE – Ukraine – 2000  
Kutlu ADALI – Cyprus - 1996  
Dada VUJASINOVIĆ – Serbia – 1994  
Uğur MUMCU – Türkiye – 1993

Impunity for the killings, kidnappings and disappearances of journalists in Kosovo\* between 1998 and 2005:

Senol ALIT (1999), Bardhyl AJETI (2005), Ismail BËRBATOVCI (1998), Vladimir DOBRIČIĆ (1998), Gabriel GRÜNER (1999), Bekim KASTRATI (2001), Volker KRÄMER (1999), Xhemajl MUSTAFA (2000), Shefki POPOVA (2000), Marian MELONAŠI (2000), Momir STOKUĆA (1999), Krist GEGAJ (1999), Aleksandar SIMOVIĆ (1999), Ljubomir KNEŽEVIĆ (1999), Enver MALOKU (1999), Afrim MALIQLI (1998), Nebojša RADOŠEVIĆ (1998), Duro SLAVUJ and Ranko PERENIĆ (1998)

88. Council of Europe, Human Rights channel, <https://human-rights-channel.coe.int/end-impunity-for-crimes-against-journalists-en.html>

\* All references to Kosovo, whether to territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



*Pakman (France) / Cartooning for Peace*

# Detentions, arrests, and criminal prosecution: journalism's ordeals



*Semih Poroy (Türkiye) / Cartooning for Peace*

**M**ore than three years after the crackdown on the media that followed the 2020 protests demanding the resignation of Aleksandr Lukashenko, authorities in Belarus continue to stamp out any independent reporting. In 2023, more than 20 Belarusian journalists were arrested, half of whom have already been sentenced to prison terms under a variety of charges: support for extremist activities;<sup>89</sup> dissemination of extremist content;<sup>90</sup> operations to discredit Belarus;<sup>91</sup> participation in a terrorist organisation; preparation of actions that grossly violate public order, or active participation in them.

89. Alert "Belarusian Cameraman Vyacheslau Lazarau Detained on Undisclosed Charges" <https://go.coe.int/NHjzm>; Alert "Belarusian Journalist Andrei Tolchyn Detained on Extremism Charges" <https://go.coe.int/L9tp5>

90. Alert "Ranak TV Journalists and Media Workers Detained and Fined" <https://go.coe.int/0ifHh>

91. Alert "Several Journalists Arrested Throughout Belarus" <https://go.coe.int/8VB2Z>

■ The victims and their families were often confronted with the same *modus operandi*: a sudden and disproportionate house raid conducted by the police or KGB, the country's security service; the confiscation of professional equipment (thus endangering sources); forced confessions in front of a camera;<sup>92</sup> the imposition on lawyers to sign non-disclosure agreements,<sup>93</sup> a trial behind closed doors;<sup>94</sup> and then the silence of imprisonment or house arrest.

■ The media purge has even affected the Belarusian propaganda apparatus and media hitherto considered neutral or accommodating. Self-censorship no longer shields journalists. In the state media, it only takes one 'bad' source or one wrong word to incur the wrath of the authorities. The list of extremist content grows longer every day, often without explanation.<sup>95</sup>

■ The Russian authorities have held at least 27 journalists in detention in December 2023, plus 17 Ukrainian media professionals from the occupied territories. While journalists have been detained for a few days for attempting to cover trials or political meetings,<sup>96</sup> or deported on undisclosed reasons,<sup>97</sup> charges of spreading false information against the armed forces constitute the bulk of the indictments.

■ On 23 April, the journalist Maria Ponomarenko was sentenced to six years in jail for publishing so-called "false information" about a Russian airstrike on a theatre in Mariupol, Ukraine, for which Russian authorities deny responsibility.<sup>98</sup> In August 2023, Russia's Supreme Court upheld the 22-year prison sentence for the journalist Ivan Safronov, convicted of state treason for his reporting.<sup>99</sup> The editor-in-chief of the local online newspaper *Novy Fokus*, Mikhail Afanasyev, was sentenced to five and a half years' imprisonment for

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92. Alert "NEXTA Journalists Raman Pratasevich, Stsiapan Putsila and Yan Rudzik Tried on Myriad of Criminal Charges" <https://go.coe.int/cLvqw>

93. Committee to Protect Journalists, "Belarusian journalist Yauhen Merkis sentenced to 4 years in prison", 30 May 2023, <https://cpj.org/2023/05/belarusian-journalist-yauhen-merkis-sentenced-to-4-years-in-prison/>

94. Alert "Belsat TV Correspondent Iryna Slaunikava Sentenced to Five Years in Prison" <https://go.coe.int/Ry4V0>

95. Reporters Without Borders, "Belarus media purge now reaching into propaganda apparatus", 8 August 2023, <https://rsf.org/en/belarus-media-purge-now-reaching-propaganda-apparatus>

96. Alert "Sota.Vision Journalists Ilya Makarov and Maksim Litvinchuk Detained for 15 days" <https://go.coe.int/EovwL>

97. Alert "Russian Authorities Deport Kazakh Journalist Vladislav Ivanenko Ahead of Court Hearing" <https://go.coe.int/WBz7p>

98. Alert "Russian Journalists Ilya Krasilshchik and Maria Ponomarenko Charged with Disseminating False Information on the Armed Forces" <https://go.coe.int/WvGsn>

99. Alert "Russian Journalist Ivan Safronov Arrested over Charges of Treason; Journalists Detained at Protests for his Release" <https://go.coe.int/ooNLK>

“spreading false information” on 7 September.<sup>100</sup> He had reported that 11 members of Khakassia’s riot police had refused to go and fight in Ukraine. This made him one of the first journalists to receive a jail sentence under article 207.3.2 of the Criminal Code, for publishing “false information” about the Russian armed forces.

■ Since the annexation of Crimea in 2014, Russian authorities have cracked down on independent media in the peninsula, notably on journalists covering human rights issues affecting Crimean Tatars. In 2023, the persecution continued, as illustrated by the detention of journalists Lutfiye Zudiyeva and Kulamet Ibraimov in July,<sup>101</sup> the sentence of the journalist and writer Serhiy Tsyhipa to 13 years in a penal colony on charges of espionage in October,<sup>102</sup> and the authorities’ repeated denial of proper medical treatment for journalist Irina Danylovych, sentenced to 6 years and 11 months on fabricated charges of handling explosives.<sup>103</sup> In December 2023, at least 17 Ukrainian journalists were detained by Russia from Crimea and other occupied territories of Ukraine.

*The year was also marked by the return of the practice of institutionalised hostage taking in Russia.*

■ The year was also marked by the return of the practice of institutionalised hostage taking in Russia, with the arrests of Evan Gershkovich<sup>104</sup> at the end of March, and Alsu Kurmasheva<sup>105</sup> in mid-October, both United States nationals and journalists, seen by the Russian authorities as potential bargaining chips.

■ In 2023, Russian authorities also tried *in absentia* and sentenced to prison<sup>106</sup> numerous journalists, primarily on charges of spreading “false information” about the Russian army, thus criminalising journalism beyond its borders.

■ Türkiye has pursued the wave of arrests it began in 2022 against those reputed to be pro-Kurdish: on 25 April, in the run-up to the parliamentary and presidential elections, 13 media professionals were arrested in a large-scale

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100. Alert “Siberian News Outlets, Management Charged for Disseminating ‘Fakes’ About Russian Army” <https://go.coe.int/t9Qo1>

101. Alert “Journalists Lutfiye Zudiyeva and Kulamet Ibraimov Detained in Crimea” <https://go.coe.int/KtnaH>

102. Alert “Ukrainian Journalist Serhiy Tsyhipa Sentenced to 13 Years of Penal Colony on Espionage Charges” <https://go.coe.int/Q83B4>

103. Alert “Citizen Journalist Iryna Danilovich Missing in Crimea” <https://go.coe.int/t3cOb>

104. Alert “Wall Street Journal Correspondent Evan Gershkovich Arrested in Russia on Spying Charges” <https://go.coe.int/OB6jU>

105. Alert “Russian Authorities Detain Radio Free Europe Journalist Alsu Kurmasheva” <https://go.coe.int/zOvXL>

106. Alert “Two Exiled Russian Journalists Charged with Disseminating False Information on Russian Armed Forces” <https://go.coe.int/ql7F5>; Alert “Ukrainian TV Presenter Maria Efosinina Sentenced to Seven Years in Prison” <https://go.coe.int/JzgYD>

police operation targeting pro-Kurdish circles in Diyarbakir and 20 other Turkish cities, including Istanbul, Ankara and İzmir<sup>107</sup> for alleged membership of the outlawed Kurdish Workers' Party (PKK). Most of them were freed after several days in police custody, several are awaiting trial risking long prison sentences.

■ On 6 June 2023, a United Kingdom High Court judge rejected the appeal against Julian Assange's extradition.<sup>108</sup> The appeal claimed that the US-UK extradition treaty excludes extradition for political offences and that Assange was being prosecuted for protected speech.

■ In many cases, journalists detained by the police, albeit for short periods of time, were covering social movements and demonstrations, particularly against climate change and fossil fuels. Among others, the journalists whose detention was the subject of an alert were documenting the blocking of a freeway (Netherlands),<sup>109</sup> a protest by the Just Stop Oil movement in the United Kingdom,<sup>110</sup> a demonstration against the forced removal of activists who had set up a blockade against intensive logging in the Carpathians in Poland,<sup>111</sup> and a mining project in a village placed under siege by the authorities in Azerbaijan.<sup>112</sup> Each time, the journalists had identified themselves as members of the press. Following the double earthquake of 6 February that hit Türkiye and Syria, journalists dispatched to the devastated towns of southern Türkiye were questioned, intimidated and - for some - arrested on spurious grounds, just for doing their job, in circumstances where - access to reliable information can be a matter of life and death.<sup>113</sup>

■ In Azerbaijan, authorities sentenced journalists to month-long 'administrative' detentions in retaliation for their work. The journalists Vugar Mammadov and Nurlan Gahramanli were jailed for 30 days on vague charges of "disseminating prohibited information," while Vali Shukurzade received the same sentence on dubious charges of "hooliganism" and "resisting police".<sup>114</sup> The journalists

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107. Alert "Turkish Police Detain at Least 10 Journalists in Diyarbakır Crackdown" <https://go.coe.int/eizFh>

108. Alert "Continued Detention of WikiLeaks Founder and Publisher Julian Assange" <https://go.coe.int/2OXis>

109. Alert "Three Journalists Covering Protests Detained, Forcibly Removed by Police" <https://go.coe.int/EWboS>

110. Alert "British Journalist Rich Felgate Arrested while Covering Coronation Protest" <https://go.coe.int/llydb>

111. Alert "Polish Journalist Maciej Piasecki Covering Protest Forcibly Removed" <https://go.coe.int/3pWHD>

112. Alert "Azerbaijani Journalists Detained, Beaten, and Obstructed by Police over Protest Coverage" <https://go.coe.int/Z87Qg>

113. Alert "Journalists Covering Earthquake Detained, Harassed and Obstructed" <https://go.coe.int/5O5fG>

114. Alert "Azerbaijani Photojournalist Vali Shukurzade Sentenced to Administrative Detention" <https://go.coe.int/2NCjq>



with *Abzas Media*, Ulvi Hasanli, Sevinc Vaqifqizi and Nargiz Absalamova, were detained in late November. All were ordered pre-trial detention pending investigation on charges of ‘smuggling foreign currency’.<sup>115</sup>

■ In a piece of good news in Georgia, on 22 June President Salome Zourabichvili pardoned Nika Gvaramia, director of the broadcaster *Mtavari Arkhi*, and the only journalist imprisoned in the country.<sup>116</sup>

## Criminal prosecution

■ Every quarter for the past 20 years, an average of 200 journalists have been brought before the courts under Türkiye’s anti-terrorism legislation or Criminal Code in connection with their work. The “lèse-majesté” provisions have also been used to prosecute journalists on charges of insulting the President.<sup>117</sup> New grounds for prosecution were enacted with the law of 18 October 2022 which introduced prison sentences for disseminating ‘misleading information’ about security, public order, and the general health of the country that causes concern, fear, or panic. In November 2023 police arrested the journalists Tolga Şardan and Cengiz Erdinç on these charges over a column and social media posts about an alleged report in which the Turkish Intelligence Organisation (MIT) drew the Presidency’s attention to alleged corruption within the Turkish judiciary, after the Presidency’s Directorate of Communications had denied the existence of such a report.<sup>118</sup>

■ In some cases, detention hangs like a sword of Damocles over the heads of journalists for years. In October, journalist and RSF’s Türkiye representative Erol Önderoğlu had to appear for the 19th time at a hearing postponed yet again, in a judicial saga dating back to June 2016, which has seen him alternately imprisoned, indicted, cleared, then seen his acquittal overturned in October 2020, and tried again since February 2021 on the same charges.<sup>119</sup> A new hearing is scheduled for February 2024.

■ In France, the home of the *Disclose* journalist Ariane Lavrilleux was searched, followed by her placement in police custody for 39 hours by agents

115. Alert “Abzas Media’s Executive Director and Editor-in-chief Detained, Newsroom Raided” <https://go.coe.int/3U9v4>

116. Alert “Georgian TV Channel Rustavi 2 Faces Crippling Court Measures in Civil Case” <https://go.coe.int/jwtBY>

117. Reporters Without Borders, “Erdoğan has used his control of the media to rig Türkiye’s elections”, 25 May 2023, <https://rsf.org/en/erdo%C4%9Fan-has-used-his-control-media-rig-turkiye-s-elections>

118. Alert “Journalists Arrested and Investigated over Suspected ‘Disinformation’” <https://go.coe.int/RU7kU>

119. Reporters Without Borders, “Retrial of RSF Türkiye representative: six years of judicial persecution”, 13 June 2022, <https://rsf.org/en/retrial-rsf-turkey-representative-six-years-judicial-persecution>

of the General Directorate for Internal Security (DGSI). This kind of procedure, part of an investigation “for compromising national defence secrecy and revealing information that could lead to the identification of a protected agent”, is perceived by many observers as an intimidation method aimed at identifying the sources of journalists who have revealed sensitive cases and preventing other similar revelations.<sup>120</sup>

■ Also in France, three *Libération* journalists investigating the death of a young man killed by a member of the Anti-Crime Brigade (BAC) in northern France were summoned for questioning as suspects for “breach of investigation secrecy”, “concealment for breach of investigation secrecy” and “public defamation by reason of the function or status of a public official”.<sup>121</sup>

■ On 31 October, an appeal court rejected requests to quash the prosecution of another French journalist, Alex Jordanov, who had been indicted in June 2022 for charges including appropriation and disclosure of secret military information, following his investigation into the functioning of the DGSI.<sup>122</sup>

■ Since July 2023, the freelance photojournalist Yoan Sthul-Jäger has been under investigation for “organised deterioration” and “criminal association” for covering a militant action by an environmental group at a Lafarge cement plant in southern France. He remained in custody for 80 hours and his professional equipment was seized by police from the Anti-Terrorist Sub-Direction (SDAT) during a search of his home, but has still not been returned to him, which prevents him from resuming his work.<sup>123</sup>

■ In Greece, the Franco-Canadian journalist Romain Chauvet was given a six-month suspended prison sentence in October on charges of “disseminating false information”. The journalist was at the Athens airport to interview passengers from a plane chartered by the Canadian Ministry of Foreign Affairs to evacuate Canadian nationals from Israel. Following his questions to an employee about the plane, airport police appeared and informed Chauvet that he had issued a fake warning about a bomb in the plane and detained him.<sup>124</sup>

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120. Alert “Disclose Journalist Ariane Lavrilleux Searched and Taken Into Custody” <https://go.coe.int/72tOv>

121. Alert “Three *Libération* Journalists Summoned for Questioning” <https://go.coe.int/M8ITL>

122. Alert “Journalist Alex Jordanov Charged with Disclosure of Defence Secrets” <https://go.coe.int/1mWbJ>

123. Reporters Without Borders, “French authorities must drop investigation into environmental photo-journalist”, 14 September 2023, <https://rsf.org/en/french-authorities-must-drop-investigation-environmental-photo-journalist>

124. Alert “Journalist Romain Chauvet Sentenced to Prison over Alleged Dissemination of False Information” <https://go.coe.int/UJFux>

■ In early November, the publisher of *Documento*, Kostas Vaxevanis, and one of the daily's journalists, Vangelis Triantis, were summoned as suspects as part of a criminal investigation into alleged 'fencing violation of official secrecy' in connection with an article that disclosed details from a report on the audit by the Economic Crimes Enforcement Agency (SDOE) of supply and service contracts concluded by the Secretariat General of Anti-Crime Policy to combat the spread of COVID-19 in prisons, outlining how the state had reportedly lost €2 million to companies. Following the publication, the Deputy Prosecutor at the Supreme Court and former head of the Economic Crime Prosecutor's Office requested the Athens Prosecutor's Office to investigate how the SDOE report came into *Documento's* possession.<sup>125</sup>

■ The judiciary and the law enforcement agencies continue to use abusive or vaguely worded legislation or to interpret their mandate in ways which contradict the fundamental rights of journalists to report on issues of public interest. These cases bring a level of arbitrariness which questions the reality of the rule of law and undermines, by its uncertainties, the mission of journalism.



"The risk of war journalism... - he took out a pen, I got scared"

Urbs (France) / Cartooning for Peace

125. Alert "Documento Publisher Kostas Vaxevanis and Journalist Vangelis Triantis Summoned as 'Suspects' in Criminal Investigation" <https://go.coe.int/qiypD>

# Journalists and other media workers in detention

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## Member states (55)

### Azerbaijan

1. Arshad Ibrahimov
2. Aslan Gurbanov
3. Avaz Zeynalli
4. Aziz Orujov
5. Elnur Shukurov
6. Hafiz Babali
7. Ibrahim Humbatov
8. Mahammad Kekalov
9. Nargiz Absalamova
10. Osman Narimanoglu Rzayev
11. Polad Aslanov
12. Rashad Ramazanov
13. Rufat Muradli
14. Sevinc Vaqifqizi
15. Shamo Emin
16. Ulvi Hasanli

### Poland

Pablo González

### Türkiye

1. Ahmet Metin Sekizkardeş
2. Ali Ahmet Böken
3. Ali Ünal
4. Dicle Müftüoğlu
5. Erdal Süsem
6. Erol Zavar
7. Furkan Karabay
8. Gültekin Avci
9. Hatice Duman
10. Hidayet Karaca
11. Ismail Çoban
12. Kenan Karavil
13. Mehmet Baransu
14. Mikdat Algül
15. Murat Çapan
16. Mustafa Gök
17. Nazli Ilıcak
18. Selahattin Kaygusuz
19. Şeref Yılmaz
20. Ziya Ataman

### Ukraine (territories temporarily occupied by Russia)

1. Amet Suleymanov
2. Asan Akhtemov
3. Dmytro Khilyuk
4. Ernes Ametov
5. Iryna Danilovich
6. Iryna Levchenko
7. Marlen Asanov
8. Osman Arifmemetov
9. Remzi Bekirov
10. Rustem Sheikhaliev
11. Serhiy Tsyhipa
12. Server Mustafayev
13. Seyran Saliev
14. Timur Ibragimov
15. Victoria Roshchina
16. Vilen Temeryanov
17. Vladislav Yesypenko

### United Kingdom

Julian Assange

## Other European countries and regions (65)

### Belarus

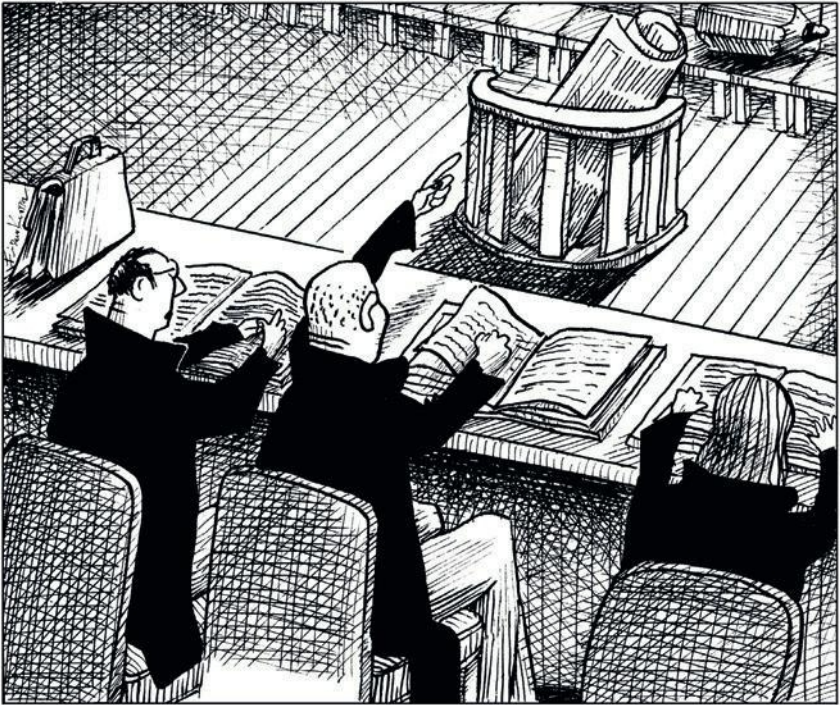
1. Ales Lyubyanichuk
2. Ales Sabaleuski
3. Aliaksandr Ziankou
4. Aliaksei Batsiukou
5. Alyaksandr Mantsevich
6. Andrei Aliaksandrau
7. Andrei Famin
8. Andrei Kuznechyk
9. Andrei Tolchyn
10. Andrzej Poczobut
11. Dzianis Ivashyn
12. Dzmitry Harbunou
13. Dzmitry Luksha
14. Dzmitry Navazhylau
15. Dzmitry Semchanka
16. Henadz Mazheyka
17. Ihar Karnei
18. Ihar Losik
19. Ina Mozhchanka
20. Iryna Leushyna
21. Iryna Slaunikava
22. Ivan Murauyou
23. Kanstantsin Zalatykh
24. Katsiaryna Andreeva
25. Ksenia Lutskina
26. Larysa Shchyrakova
27. Ludmila Andenka
28. Lyudmila Chekina
29. Maryna Zolatava
30. Pavel Mazhejka
31. Pavel Padabed
32. Siarhei Satsuk
33. Valerija Kastsiuhova
34. Vyacheslau Lazarau
35. Yauhen Merkis
36. Yulia Dovletova
37. Yuri Hantsarevich
38. Yuri Hladchuk

### Russian Federation\*

1. Abdulmumin Gadzhiev
2. Aleksandr Dorogov
3. Aleksandra Bayazitova
4. Aleksei Slobodenyuk
5. Alexander Nozdrinov
6. Alsu Kurmasheva
7. Andrei Novashov
8. Andrey Pyzh
9. Denis Shaikin
10. Dmitry Ivanov
11. Eduard Shmonin
12. Evan Gershkovich
13. Igor Kuznetsov
14. Ivan Safronov
15. Maria Ponomarenko
16. Mikhail Afanasyev
17. Mikhail Lebedev
18. Nika Novak
19. Parvinakhan Abuzarova
20. Roman Ivanov
21. Ruslan Ushakov
22. Sergey Mikhaylov
23. Vladimir Kara-Murza
24. Vladislav Malushenko
25. Yan Katelevskiy
26. Yevgeny Kurakin
27. Yevgeny Moskvina

\* Expelled from the Council of Europe on 16 March 2022

## Legal actions against journalists and SLAPPs



*Firuz Kutsal (Türkiye) / Cartooning for Peace*

**M**edia freedom and free expression continued to be hindered by legal actions, including Strategic Lawsuits Against Public Participation (SLAPPs), initiated by politicians, businessmen and other powerful entities. Journalists and media outlets were sued for defamation, their assets were frozen, and they faced fines by regulatory bodies. Initiatives aimed at regulating these vexatious procedures, within the EU or in the United Kingdom, were therefore closely monitored by press freedom groups.

■ Some cases stood out. In the United Kingdom former Minister of Natural Resources of Iraqi Kurdistan, Ashti Hawrami, a United Kingdom citizen and resident, sued journalists over their reporting on an oil deal.<sup>126</sup> In Serbia, the mayor of Belgrade Aleksandar Šapić sued the *Balkan Investigative Reporting Network* (BIRN) after they revealed he had not registered a house worth €820,000.<sup>127</sup> In Slovakia, the political party Sociálna Demokracia (SMER) sued three political commentators after they criticised the party and its president Robert Fico.<sup>128</sup>

■ Several alerts contained hallmarks of SLAPPs. In the Netherlands, the newspaper *Het Financieele Dagblad* (FD) received a summons from Willem Blijdorp, founder and majority shareholder of the wholesale company B&S over two articles. The claimant sought the removal of both articles, a correction and €150,000 in damages as it considered, inter alia, that the *FD* approached too many persons with questions about the case, that were allegedly “suggestive and partially incorrect”.<sup>129</sup> Bulgarian insurance company Lev Ins sued *Mediapool* in Bulgaria seeking € half a million for reputational damage.<sup>130</sup> *Mediapool* had written about a public interest matter, namely about problems in Bulgaria with the international insurance certificate for motorists (Green Card). The requested damages could bankrupt the media. The same could happen to *La Lettre A*, sued by the French retailer Casino for €13.7 million in damages over reports on the group’s poor financial situation;<sup>131</sup> and *Zielone Wiadomości*, sued by the Polish state-owned Gaz System over reports on an environmental rally against plans to build an LNG terminal.<sup>132</sup>

■ The alerts show that the legal basis used to send legal threats and initiate legal actions against journalists and media outlets varies, with national laws on protection of reputation (criminal and civil defamation, insult, libel) being used most frequently. This corresponds with the findings of a recent report<sup>133</sup> from the Coalition Against SLAPPs in Europe (CASE) which found that “the large majority of lawsuits are based on national defamation laws or similar provisions on insult or honour”.

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126. Alert “Will Jordan, Daniel Balint-Kurti and Journalism Development Network Sued for Defamation over Investigative Report” <https://go.coe.int/kmL5x>

127. Alert “BIRN Serbia Sued by Belgrade Mayor Over Reports” <https://go.coe.int/OQxoU>

128. Alert “Slovak Journalists Michal Havran, Marián Leško and Tomáš Hudák Face Defamation Complaints” <https://go.coe.int/RfH2J>

129. Alert “Het Financieele Dagblad Sued for Defamation Over Reports” <https://go.coe.int/jn5Mh>

130. Alert “Mediapool Sued for Record €500,000 by Bulgarian Insurance Company” <https://go.coe.int/so10G>

131. Alert “Casino Retail Group Sues ‘La Lettre A’ for Defamation and Seeks 13.7 Million € in Damages” <https://go.coe.int/F3zXH>

132. Alert “Gaz System Sues Zielone Wiadomości for Defamation” <https://go.coe.int/R1yQX>

133. Coalition against SLAPPs in Europe: “SLAPPs: A Threat to Democracy Continues to Grow: A 2023 report”, August 2023, <https://www.the-case.eu/latest/how-slapps-increasingly-threaten-democracy-in-europe-new-case-report/>

■ Journalists also faced legal proceedings. In an Italian defamation case, the prosecutor ordered the seizure of a hard copy of the indicted article in the *Domani* newspaper, even though the contested article was available online. In a joint reaction, international media freedom organisations stated that: “Such atypical proceedings by the Court of Rome represent an alarming abuse of legal actions at the hands of Italian authorities and public officials”<sup>134</sup>

■ Criminal defamation remains a serious concern in several countries. In Poland, the police initiated a criminal investigation in connection with an article published by *Nowa Gazeta Trzebnicka* and *Gazeta Wyborcza*. The article alleged that Anna Morawiecka, the Prime Minister’s sister, held a fictitious position at the Trzebnica Town Hall.<sup>135</sup> In Armenia, the Court of General Jurisdiction ordered a freeze of 9 million Dram (€21,890) of the assets of the journalist Davit Sargsyan, as well as another 9 million Dram of the assets of his employer, 168 hours after a civil defamation lawsuit was filed on 31 March by the Deputy Mayor of Yerevan, Tigran Avinyan.<sup>136</sup>

■ The Platform has registered at least three instances where regulatory proceedings were initiated against media outlets, some of them resulting in fines. In Poland, the Chairman of the National Broadcasting Council (KRRiT) Maciej Świrski initiated proceedings against the *TVN* network and *TOK FM* under Article 18 section 1 of the Broadcasting Act. This provision allows the KRRiT to investigate and sanction “the promotion of actions contrary to law and Poland’s national interest, and attitudes and views contrary to morality and social good”.<sup>137</sup> In Türkiye, the Radio and Television High Council (RTÜK), Türkiye’s telecommunications regulation authority, fined *Halk TV* and *TELE1* five percent of their annual revenue and *FOX TV Türkiye* three percent on vague charges. RTÜK also suspended the next five episodes of the *Halk TV* and *TELE1* programmes which aired criticism of the government’s earthquake preparation and rescue efforts.<sup>138</sup>

■ Despite the efforts to reduce their effects vexatious lawsuits remain one of the major threats against journalism in the public interest. They continue

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134. Article 19/Articolo 21/European Centre for Press and Media Freedom *et al.*; “Italy: Press freedom under threat as Domani newspaper faces seizure order”, statement, 14 March 2023, <https://www.article19.org/resources/italy-seizure-order-article-domani/>

135. Alert “Criminal Investigation against Nowa Gazeta Trzebnicka and Gazeta Wyborcza over Article” <https://go.coe.int/FP7h1>

136. Alert “Assets of Journalist Davit Sargsyan and Outlet 168 Hours Frozen in Defamation Proceedings” <https://go.coe.int/ptXGv>

137. Alert “Regulatory Proceedings against TOK FM and Radio Zet” <https://go.coe.int/l8mJM>

138. Alert “Three Turkish TV Channels Fined for Airing Criticisms of the Government” <https://go.coe.int/7qWmQ>



to intimidate journalists and at times to deter them from covering abuses and failings which participate in the democratic backsliding in Europe.

### **Progress against SLAPPs in the United Kingdom**

Due to its role in the global financial market and a legacy of high damages awarded by courts, the United Kingdom has played a prominent role in SLAPPs, both within the United Kingdom and across Europe.

Following a public consultation, the Government of the United Kingdom made a commitment in July 2022 to bring forward legislative measures to stamp out SLAPPs. A stand-alone Anti-SLAPP Bill is still not forthcoming but some measures to tackle SLAPPs have nonetheless been taken by Parliament and by regulators.

The Solicitors Regulation Authority (SRA) has established a Warning Notice to ensure solicitors and their firms avoid SLAPP-enabling behaviour, while also carrying out a thematic review to map the legal landscape and understand the legal profession's knowledge of SLAPPs.

On 26 October 2023, the Economic Crime and Corporate Transparency Act received royal assent. This act includes the first anti-SLAPP provision in England and Wales. However, it falls short of providing universal protection from SLAPPs as it only protects reporting on economic crime, requires the court to identify the intent of the filer and lacks any means of compensating the defendant or punishing the claimant.

The Government of the United Kingdom has also formed a task force that is made up of state officials and representatives of civil society - including several Platform partners - to explore non-legislative measures to address SLAPPs and engage with the National Committee for the Safety of Journalists.

# Restrictive legislation or when the law is used to muzzle journalism

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ADENE

*Adene (France) / Cartooning for Peace*

**T**he legal and judicial arsenal in many Council of Europe member states contains an array of provisions that press freedom groups consider to be major restrictions on freedom of expression and the press, such as the criminalisation of defamation. Despite this already heavy burden weighing on the press, in 2023 several governments introduced - or tried to ram through - more restrictive legislation against the media, reducing the space for independent journalism and dissent. Administrative means were also used against independent journalism through refusal of accreditation, non-renewal of broadcasting licences and other forms of discrimination against critical or

independent media outlets. Hungary passed a law on the Act on the Defence of National Sovereignty which watchdogs said threatened to put a final nail in the coffin for the independent media.<sup>139</sup> The law establishes a body with an investigatory mandate to demand documents or testimony – both physical and digital – from any organisation or person in Hungary within 15 days. The target of such an investigation can include journalists, media organisations, civil society, and any person or entity engaged in ‘advocacy’. Initiating an investigation does not require any criminal suspicion or judicial review, and failure to comply can lead to public censure and forwarding of information to other agencies. This breadth is entirely intentional; the Act’s own commentary plainly asserts that it grants ‘wide powers of investigation in relation to the organisations under investigation, state and local government bodies and other organisations and persons involved in the case’.

■ In July 2023 the Republika Srpska of Bosnia and Herzegovina re-criminalised defamation and insult despite major opposition from international and national press freedom organisations whose analysis indicates that the law violates international human rights standards.<sup>140</sup> The law is part of a package of laws, including a so-called ‘foreign agent’ law which has passed the first vote within the National Assembly, designed to stigmatise critical voices.

■ In Belarus, amendments to the media law passed in July 2023 empower the Ministry of Information to ban foreign media “in the event of unfriendly actions by foreign states against Belarusian media”, and their distribution, activity, accreditation in the country. The amendments also broaden the basis for blocking news websites and aggregators and empower authorities to cancel the registration of outlets involved in activities deemed ‘extremist’ or ‘terrorist’. The amendments largely legalised practices that are currently in use.<sup>141</sup>

■ The authorities of several countries introduced prospective bills which, if passed, would further threaten media freedom.

■ The Sarajevo Canton in the Federation of Bosnia and Herzegovina introduced a bill to empower police and courts to fine purveyors of false information that seriously disrupts public order. This law expands the definition of a public place to the internet. Press freedom groups urged the repeal of this piece of legislation, as it includes vague definitions that would leave the door wide open to abuses and seriously undermine freedom of expression.<sup>142</sup>

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139. Article 19, “Hungary: Defence of National Sovereignty Act must be repealed”, 8 January 2024, <https://www.article19.org/resources/hungary-defence-of-national-sovereignty-act-must-be-repealed/>

140. Alert “Bill to Re-Criminalise Defamation and Insult in Republika Srpska” <https://go.coe.int/Cz3Xs>

141. Alert “Media Law Amendments Allow for Bans on Foreign Media” <https://go.coe.int/hyt3W>

142. Alert “Draft Law to Fine Purveyors of ‘Fake News’ in Sarajevo Canton” <https://go.coe.int/oeClf>

■ In Croatia, a new bill on media, if adopted, would oblige journalists to register; ban journalists from criticising the work of courts and public prosecutors; oblige journalists to disclose their sources to their editor-in-chief upon request; introduce a right to compensation for persons whose name is published in the media where the information was obtained “illegally” and introduce regulation by a Media Council elected by the majority in Parliament. Critics said that if enacted, the bill could end independent journalism in Croatia and shape a new state-controlled media era, at odds with European standards.<sup>143</sup>

■ Another bill in Armenia would empower the authorities under martial law to temporarily block websites, applications, and social media networks and restrict internet access. According to the draft, the government would be authorised to intervene in TV and internet broadcasting to disseminate information and ensure that films and programmes feature “exclusively military patriotic content”. These broad, unrestricted powers, coupled with the lack of transparency over decisions, could lead to politically motivated decisions.<sup>144</sup>

■ The government of the United Kingdom proposed expanding the definition of ‘extremism’ to include anyone who “undermines” the country’s institutions and its values, a highly charged and vague term which may curtail legitimate reporting and freedom of expression.

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143. Alert “Alarm Over Draft Bill on Media” <https://go.coe.int/4q4U1>

144. Alert “Proposals to Provide Wartime Blocking and Intervening Powers” <https://go.coe.int/2H5eh>

# Public Service Media, a battleground for independent journalism

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Independent Public Service Media (PSM) once again came under pressure in 2023 with several EU member states mentioned in the EU's 4th annual Rule of Law report as failing to guarantee broadcasters' protection from political influence. On the positive side, Slovenia, in the wake of a change of government, took steps to implement EU Rule of Law recommendations to ensure democratic governance of its PSM.<sup>145</sup>

Legal guarantees of editorial independence must be accompanied by stable and adequate funding to allow PSM to fulfil its expected role. Funding cuts put at risk the viability of public broadcasters in several European countries. Bosnia and Herzegovina's public broadcaster BHRT has seen its financial situation deteriorate throughout the years and risks facing a financial collapse<sup>146</sup> in 2024 due to the lack of a sustainable funding solution for the public broadcasters in the country.<sup>147</sup> In Slovakia, one of the first moves of the new government in December 2023 was to slash the PSM budget by 30%. Previous government had already weakened the financial independence of the PSM by abandoning the licence fee system and its replacement by a government grant.<sup>148</sup> A similar move has been mooted in Croatia.

After years of stagnation, the Czech government has announced the first licence fee rise for 15 years to start in January 2025.<sup>149</sup>

Without sufficient resources to fulfil its public interest service, PSM are weakened, they are unable to produce quality content and innovate; their public becomes disillusioned leading to less relevance and to even less funding.

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145. European Commission, "2023 Rule of Law Report", 5 July 2023, [https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters\\_en](https://commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters_en)

146. "The Fate of BHRT is still uncertain", *Sarajevo Times*, 29 December 2023, <https://sarajevotimes.com/the-fate-of-bhrt-is-still-uncertain/>

147. European Broadcasting Union, "Authorities must protect media freedom in Bosnia and Herzegovina", 17 March 2023, <https://www.ebu.ch/news/2023/03/authorities-must-protect-media-freedom-in-bosnia-herzegovina>

148. Alert "Government Slashes Budgets at Slovak Public Broadcaster RTVS by 30%" <https://go.coe.int/ItIP6>

149. Public Media Alliance, "Česká Televize's licence fee: up or down?", 13 November 2023, <https://www.publicmediaalliance.org/ceska-televizes-licence-fee-up-or-down/>

Underfunding also threatens investigative journalism of PSM which requires significant investment in time, staff and legal review. Collaboration between PSM on public interest stories have helped to overcome the difficulties to a certain extent. Examples are the EBU-coordinated investigations on the missing children of Ukraine and on russification in occupied Ukraine.

■ The independence of public media is particularly crucial to the integrity of elections, as illustrated by the bitterly fought campaign last October in Poland. A joint observation mission from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the OSCE's Parliamentary Assembly and the Council of Europe's Parliamentary Assembly found that "public television, (...) exhibited an editorial policy to deliberately distort and present socio-political events through the promotion of the ruling party, the government and its policies while heavily attacking its main political rival and its leader, further deepening the political polarisation in society".<sup>150</sup> The Law and Justice Party (PiS) had to concede defeat to an opposition coalition which pledged to re-establish the independence of PSM. In December the new government put the public companies (radio, television and news agency) into liquidation, a move which would allow them to continue operating while restructuring took place. These decisions which are described as necessary to reestablish an independent and pluralistic public media were denounced by the PiS and opposed by the President, who was elected with the PiS support. (see Box on Poland on page 32)

*Political pressure exerted on public broadcasters led to a growing number of alerts on the Platform.*

■ Political pressure exerted on public broadcasters led to a growing number of alerts on the Platform. The change of government in Italy saw the abrupt departure in May 2023 of Carlo Fuortes, CEO of the public broadcaster *RAI*, who resigned citing government interference in the board and efforts to impose programming changes.<sup>151</sup> This opened the way for appointments of government-allied journalists and executives to key posts in *RAI* compromising its independence. It also led to programme changes including the cancellation of a new *RAI* TV show which was to have been hosted by the journalist and outspoken government critic, Roberto Saviano.<sup>152</sup>

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150. Office for Democratic Institutions and Human Rights, "International Election Observation Mission, Republic of Poland, Parliamentary Elections, 15 October 2023", Statement of Preliminary Findings and Conclusions, <https://www.osce.org/files/f/documents/2/4/555048.pdf>

151. Alert "Change in RAI Leadership and a Subsequent Cascade of Leadership Appointments Reveal the Government's Stranglehold on Public Broadcasting" <https://go.coe.int/JzQ5J>

152. Alert "RAI Show Cancelled Following Request by Political Parties" <https://go.coe.int/bs83r>

■ In Latvia, the ‘National Security Concept’ which was approved by the Parliament, established that all content created by the PSM after 1 January 2026 should only be in Latvian language or other languages “belonging to the European cultural space”, i.e., EU, candidate countries and European Economic Area. The move would essentially prohibit *Latvian TV* and *Latvian Radio* from producing content in Russian language as of 2026 and deprive the Russian-speaking population, the largest national minority, from Russian language PSM services. International NGOs issued a public statement denouncing the plan as counter-productive.<sup>153</sup> The government has responded to the alert stating that a decision has not been taken on the future of Russian-language broadcasts.

■ In Georgia, the Parliament adopted amendments to the Broadcasting Law in November attempting to change the funding mechanism of the *Georgian Public Broadcaster* from a share of the GDP to an annual allocation in the state budget. The amendments were adopted without prior assessment, without consultations with the public broadcaster and without an open public debate with stakeholders and experts. Several media freedom organisations said the change might undermine Council of Europe standards for independent and adequate funding.

■ A climate of growing mistrust towards journalists working for public media and a polarised political environment in some European countries, were conducive to physical attacks on PSM reporters, especially during protests, as well as frequent physical and online attacks from far-right or far-left groups. In Austria for instance, a music reporter and a camera operator at *ORF*, the public broadcaster, were assaulted while covering protests following a broadcast which aired allegations of abuse of a female singer by Rammstein band leader Till Lindeman.<sup>154</sup> In Slovakia, Marta Janackova, a TV host at the public broadcaster *RTVS*, received threats of sexual assault and death threats after the station declined to interview a politician from the SMER party.<sup>155</sup>

■ Recent studies, such as the ones produced by the EBU,<sup>156</sup> show the extent that PSM can have on the health of democracies and the solid correlation between strong and independent PSM and democratic culture, high public participation, social trust and accountable institutions. Member states are expected to renew their commitments to provide stable, transparent and adequate funding to PSM, ensure their editorial independence and institutional autonomy and ensure the accessibility of PSM to the public at large.

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153. Alert “Proposal to Prohibit Content in Russian Language in Latvian Public Media” <https://go.coe.int/dnd58>

154. Alert “ORF TV Crew Attacked in Vienna after a Concert” <https://go.coe.int/TDILY>

155. Alert “RTVS Host Marta Jančkárová Receives Death, Torture and Rape Threats” <https://go.coe.int/hO2kO>

156. European Broadcasting Union, “Democracy and Public Service Media”, report, 17 October 2023, [https://www.ebu.ch/publications/research/login\\_only/report/democracy-psm](https://www.ebu.ch/publications/research/login_only/report/democracy-psm)



Vladimir Kazanevsky (Ukraine) / Cartooning for Peace



# Media capture

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**M**edia capture, by the government, is the misuse of state powers to assert control over the media. It has four key elements: the political takeover of public service media, the control of media regulators, the acquisition of private media by individuals closely allied to and backed by the government, and the discriminatory distribution of state funds to finance pro-government media.

Media capture asserts control by stealth, using apparently legal means to create economic and regulatory barriers to independent media, limiting their ability to generate income, operate and inform the public. It is a popular tool of authoritarian and populist governments for controlling public information.

As public and policy maker awareness has grown about the threat media capture poses to democracy, so efforts have increased to address the issue and introduce policy reforms to protect media independence. Most significant has been the EU's Media Freedom Act (See the chapter on the European Union) drafted with key chapters designed to protect public service media and editorial independence, increase transparency of ownership, ensure media pluralism, end the misuse of state funds and reinforce regulatory independence.

In 2023 the Council of Europe Platform issued 31 alerts of abusive administrative measures taken by politically captured regulators. These include denials of accreditation of outlets or journalists,<sup>157</sup> non-renewal of broadcasting licences,<sup>158</sup> labelling of outlets as 'undesirable' or 'extremist' organisations,<sup>159</sup> listing of journalists as 'wanted terrorists',<sup>160</sup> country bans,<sup>161</sup> prosecution of

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157. Alert "Russia Blacklists 14 British Media Executives and Journalists" <https://go.coe.int/gELY7>; Alert "Russia Fails to Renew Dutch and Finnish Journalists' Visas and Accreditation" <https://go.coe.int/hY2Rj>; Alert "Parliament Suspends Accreditation of 6 Journalists and Media Workers" <https://go.coe.int/HBMnz>; Alert "Finnish Correspondent Arja Paananen Stripped of Her Accreditation" <https://go.coe.int/xnpb8>

158. Alert "Deutsche Welle Closes Türkiye Office Following Denied Licence Extension" <https://go.coe.int/ahPsn>; Alert "Licences of Six TV Channels Suspended by the State Commission for Exceptional Situation" <https://go.coe.int/X1bNP>

159. Alert "Prosecutor General Labels Meduza an 'Undesirable Organisation'" <https://go.coe.int/oGuY>; Alert "Dozhd TV's Branches SIA TV Rain and TVR Studios BV Labelled as 'Undesirable Organisations'" <https://go.coe.int/jwFlq>; Alert "Radio Wnet and Radio Unet.fm Labelled as 'Extremist'" <https://go.coe.int/cEWXR>; Alert "Belarusian Journalists' Association and Brestskaya Gazeta Declared 'Extremist'" <https://go.coe.int/8KeBA>; Alert "Several Additional Media Designated as 'Undesirable Organisations'" <https://go.coe.int/P9WRG>; Alert "Belarusian Investigative Centre labelled as 'Extremist'" <https://go.coe.int/KBNL1>

160. Alert "15 Turkish Journalists Listed as 'Wanted Terrorists'" <https://go.coe.int/b3eS3>

161. Alert "Several Russian Journalists and Media Workers Denied Entry to Georgia" <https://go.coe.int/b7zOt>; Alert "Belarus Bans Polish Journalist Justyna Prus" <https://go.coe.int/LqejX>

foreign outlets,<sup>162</sup> regulatory investigation and sanction over reporting,<sup>163</sup> pressure on editorial and governance,<sup>164</sup> blocking of access to information,<sup>165</sup> and other blacklisting and impeding practices.<sup>166</sup>

■ In Türkiye, *Deutsche Welle* lost its broadcast licence, 15 Kurdish journalists were labelled terrorists, and broadcasters received numerous fines and bans over their reporting of the earthquake tragedy as well as for their election coverage. News reports on President Erdoğan's sons have also been blocked.

■ In Russia, 14 British journalists were banned, while a Dutch and Finnish journalist lost their accreditation. Meanwhile, Russian language news site *Meduza* and *Dozhd TV*, which must now operate from outside Russia, were labelled as "undesirable organisations".

■ In Poland, the media regulator issued proceedings against the broadcaster *TVN*, and fined both *Radio Zet* and *TOK FM* in the build up to the October election. Despite PiS enjoying a "clear advantage through its undue influence over the use of state resources and the public media" according to OSCE monitors,<sup>167</sup> the election was eventually won by the opposition coalition providing hope of media reform and the unravelling of media capture.<sup>168</sup>

■ In Belarus, *Radio Wnet*, *Unet.fm*, the *Belarusian Association of Journalists* (BAJ) and the *Belarusian Investigative Centre* were all labelled extremist organisations.

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162. Alert "Kazakh Outlet Arbat.Media Summoned by Russian Court over Ukraine War Coverage" <https://go.coe.int/pLZPQ>

163. Alert "Regulatory Proceedings against TOK FM and Radio Zet" <https://go.coe.int/l8mJM>; Alert "Regulatory Proceedings Against Private Broadcaster TVN" <https://go.coe.int/urnWVv>; Alert "Radio Television High Council Fines TV Channels Over Earthquake Coverage" <https://go.coe.int/PDejw>; Alert "Radio and Television High Council Suspends TELE1 Broadcast for a Week" <https://go.coe.int/o2Wj4>; Alert "Journalists Attacked, Critical Outlets Investigated in Türkiye Election Aftermath" <https://go.coe.int/r5Nw6>; Alert "Radio Television High Council Imposes Fines and Broadcast Suspension on Several Media" <https://go.coe.int/4xAjW>

164. Alert "Change in RAI Leadership and a Subsequent Cascade of Leadership Appointments Reveal the Government's Stranglehold on Public Broadcasting" <https://go.coe.int/JzQSj>; Alert "RAI Show Cancelled Following Request by Political Parties" <https://go.coe.int/bs83r>

165. Alert "Turkish Court Blocks Access to News About Bilal and Burak Erdoğan" <https://go.coe.int/LdJub>

166. Alert "Media Outlets Excluded from Official Government Visit to Rwanda" <https://go.coe.int/COGrY>; Alert "Opaque Accreditation Practice Hampers Reporting in Ukraine" <https://go.coe.int/PTWOI>; Alert "Commission of Inquiry Into Russian Influence Threatens Press Freedom in Poland" <https://go.coe.int/Yekmb>

167. Office for Democratic Institutions and Human Rights, "International Election Observation Mission, Republic of Poland, Parliamentary Elections, 15 October 2023", Statement of Preliminary Findings and Conclusions, <https://www.osce.org/files/f/documents/2/4/555048.pdf>

168. Media Freedom Rapid Response, "Report: Media freedom at a crossroads – Journalism in Poland faces uncertain future ahead of election", mission report, 5 October 2023, <https://ipi.media/report-media-freedom-at-a-crossroads-journalism-in-poland-faces-uncertain-future-ahead-of-election/>

■ Other alerts include Georgia, Ukraine and the United Kingdom.

■ In an important move against media capture, the Czech government passed an amendment to the law on conflict of interest that bans politicians from owning media companies. This led to former prime minister Andrej Babis selling *Mafra Media* which had been a critical asset to help project him to political power.

■ In Slovakia the return to government of SMER led by Robert Fico bodes ill for media freedoms in the country, quickly threatening to exclude critical media<sup>169</sup> and then slash public media funds.<sup>170</sup> The new minister of culture is from the extremist Slovak National Party which boycotts critical media and wants to end the political independence of the public media. Meanwhile *Penta Group*, notoriously linked to corruption scandals and with business interests in other sectors, has expanded its media investments to take over the country's largest tabloid paper *Nový Čas*, which creates further pressure on media pluralism.

■ In Serbia a new law enables state owned companies to acquire media as an indirect form of nationalisation. The law legalises Telekom Srbija's media assets that it acquired in breach of the 2014 legislation.<sup>171</sup> The law opens the path for the further direct capture of private media by the state.

■ The struggle against media capture needs concerted efforts by policy makers, media leaders and civil society to ensure independent journalism and the rule of law. The European Media Freedom Act provides a template for action but must be backed up by national reforms and safeguards against political interference to protect media independence and pluralism.

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169. Alert "PM Denigrates, Reviews Accreditation of Several Media, Slovakia" <https://go.coe.int/OT9iR>

170. Alert "Slovak government slashes PSM budget by 30%" <https://go.coe.int/ItlP6>

171. Alert "Controversial media legislation adopted in Serbian Parliament" <https://go.coe.int/a6o3R>

## Kosovo\* - Tensions in the north impacted safety of journalists

2023 was a challenging year for journalists and media workers in Kosovo\* notably related to escalating tensions between Kosovo\* and Serbia. The wave of attacks on journalists was the most intense in Kosovo\*'s recent history. They include physical assaults on journalists and media workers and the vandalism of equipment such as cameras and vehicles.

While Kosovo\* is not a member of the Council of Europe and not covered by the alerts on the Platform, the Association of Journalists of Kosovo\* (AJK) registered 63 cases of incidents and attacks against journalists out of which 30 were recorded in the north.<sup>172</sup>

At least ten journalists or media workers have been injured. In Zvečan/Zveçani, journalists working for Albanian-speaking media had to hide inside a cafeteria close to the municipal building for an hour to escape from attacks. Serbian journalists also claim discrimination by officials in accessing venues as well as intimidation by representatives of the local political party. A meeting between media representatives and the Ministry of Internal Affairs representatives did not result in better protection of journalists. Journalists' and press freedom organisations condemned the targeting of journalists and media workers and urged national authorities and KFOR to protect journalists and to bring the perpetrators to justice.<sup>173</sup>

On 14 June, the Ministry of Industry, Entrepreneurship and Trade suspended the business certificate of major private television broadcaster, *Klan Kosova*, and brought criminal charges against its representatives.<sup>174</sup> According to international organisations, the order to suspend the certificate was arbitrary and was not taken on a solid legal basis.<sup>175</sup> The announcement was made without prior warning, the procedure used to justify the suspension does not appear to be applicable within relevant national law, and the Business Registration Agency did not possess the competence to unilaterally suspend a certificate. *Klan Kosova* challenged the decision before the Basic

172. Article 19/Balkan Investigative Network/Civil Rights Defenders *et al.*, "Law enforcement must protect journalists amidst tensions in northern Kosovo", statement, 2 June 2023, <https://www.ecpmf.eu/law-enforcement-must-protect-journalists-amidst-escalating-tensions-in-northern-kosovo/>

173. European Federation of Journalists, "Kosovo: More attacks on journalists amid escalating tensions", 31 May 2023, <https://europeanjournalists.org/blog/2023/05/31/kosovo-more-attacks-on-journalists-amid-escalating-tensions/>

174. European Centre for Press and Media Freedom/European Federation of Journalists/International Press Institute *et al.*, "Kosovo: Media freedom groups raise alarm over Klan Kosova business certificate suspension", statement, 16 June 2023, <https://www.ecpmf.eu/klan-kosova-media-freedom-threat/>

175. *Ibid.*

Commercial Court and got an interim injunction which allows them to temporarily continue their operations.<sup>176</sup> The case continues before the court.

On 3 August 2023, the Independent Journalists' Association of Serbia (IJAS) published a statement condemning videos and publications, circulating online, directed against *Kosovo online*, *Radio Kontakt plus*, *Radio Kosovska Mitrovica*, *TV Most* and the portal *KoSSev*, that publish and broadcast in Serbian language. On the Telegram channel *Zečevi KiM*, the outlets were described in anonymous posts and videos as "enemies of the Serbian people and Serbia who are under the influence of NATO and the West". Tatjana Lazarevic, *KoSSev*'s editor-in-chief, filed a report with the Special Prosecution Office for the Fight against High-Tech Crime.<sup>177</sup>

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176. Article 19/Association of Journalists of Kosovo/European Centre for Press and Media Freedom *et al.*, "Kosovo: EFJ, AGK and media freedom groups welcome Klan Kosova court injunction decision", statement, 3 August 2023, <https://europeanjournalists.org/blog/2023/08/03/kosovo-efj-agk-and-media-freedom-groups-welcome-klan-kosova-court-injunction-decision/>
177. Alert "Several Serbian-Language Kosovo\* Media Outlets Threatened Online" <https://go.coe.int/B0YAy>



ZACH



Zach (Philippines) / Cartooning for Peace

# Surveillance and spyware

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**M**edia freedom and the digital security of journalists across Europe continued to be threatened by the ongoing use of advanced spyware technology to surveil journalists and media actors. In 2023, new cases involving journalists being spied on were documented, while accountability for previous use of surveillance technology against media continues to prove evasive.

■ While a landmark report by the European Parliament’s Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA)<sup>178</sup> shone a spotlight on the use of spyware technology across the bloc and provided first-of-a-kind recommendations for tackling the abuse of the technology, investigations within certain EU member states into spyware use against journalists both lacked transparency or legal clarity, and or failed to provide remedy to journalists for the abuse.

*The proliferation of the surveillance industry and lack of international regulation of the use, trade and sale of the technology have a chilling effect on European journalism.*

■ The splintering of the market and the proliferation of the surveillance and spyware-for-hire industry around the world available for governments to use, in combination with the lack, or poor implementation, of international regulation of the use, trade and sale of the technology, jeopardise journalistic privacy and source confidentiality and have a chilling effect on European journalism.

■ In May 2023, a group of rights organisations issued a joint report, revealing that Pegasus software was used to surveil a number of public figures in Armenia, including at least five journalists.<sup>179</sup> Likewise, the report revealed how the spyware was used against journalists and others amidst the conflict between Azerbaijan and Armenia over the Karabakh region.<sup>180</sup> It was understood to be the first documented example of the weaponisation of spyware

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178. European Parliament, “Spyware: MEPs sound alarm on threat to democracy and demand reforms”, press release, 8 May 2023, <https://www.europarl.europa.eu/news/en/press-room/20230505IPR84901/spyware-meps-sound-alarm-on-threat-to-democracy-and-demand-reforms>

179. Alert “Journalists and members of the press in Armenia targeted by Pegasus spyware” <https://go.coe.int/ucWcb>

180. Access Now, “Hacking in a war zone: Pegasus spyware in the Azerbaijan-Armenia conflict”, 25 May 2023, <https://www.accessnow.org/publication/armenia-spyware-victims-pegasus-hacking-in-war/>

to surveil journalists in the context of an international conflict.<sup>181</sup> Among the victims targeted by Pegasus between October 2020 and December 2022 were two journalists from *Radio Free Europe/Radio Liberty* (RFE/RL). The report could not conclude which side to the conflict was responsible; but noted that both sides could be interested in placing the journalists under surveillance. It noted that Azerbaijan was a “likely Pegasus customer” and that other Azerbaijani journalists had had devices infected with Pegasus; whereas it was not aware that Armenia was a Pegasus user.

■ Pegasus spyware was also confirmed to have been used to hack into the telephone of Galina Timchenko, head of the independent Russian-language news outlet *Meduza* while she was in Berlin in February 2023.<sup>182</sup> An investigation found that the infection took place shortly after the Russian Prosecutor General’s Office designated *Meduza* as an ‘undesirable organisation’ – a measure that banned the outlet from operating in Russia – and likely lasted several days or weeks. According to the investigation, Apple had warned Timchenko and “other targets” in June that their devices may have been targeted with state-sponsored spyware.

■ According to *Access Now*, it was the first documented case of Pegasus surveillance of a Russian journalist.<sup>183</sup> The investigation reported that the attack could have come from Russia, one of its allies, or an EU state. Timchenko is based in Latvia along with other *Meduza* staff. Media freedom groups called on Latvian and German authorities to investigate the hack and identify the perpetrators.<sup>184</sup> No one has yet been held accountable.<sup>185</sup>

■ The investigations into illegal spyware surveillance of journalists continued throughout in 2023.<sup>186</sup> In Greece, the criminal investigations into the use of spyware to infect the phone of the finance and banking journalist Thanasis Koukakis and other media figures - the so-called “Predatorgate” - have lacked

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181. International Press Institute, “IPI condemns use of Pegasus spyware against journalists amidst Armenia-Azerbaijan conflict”, 14 June 2023, <https://ipi.media/ipi-condemns-use-of-pegasus-spyware-against-journalists-amidst-armenia-azerbaijan-conflict/>

182. Alert “Investigation Finds Russian Journalist Galina Timchenko Targeted by Pegasus Spyware” <https://go.coe.int/vHNn4>

183. Access Now, “Hacking Meduza: Pegasus spyware used to target Putin’s critic”, 13 September 2023, <https://www.accessnow.org/publication/hacking-meduza-pegasus-spyware-used-to-target-putins-critic/>

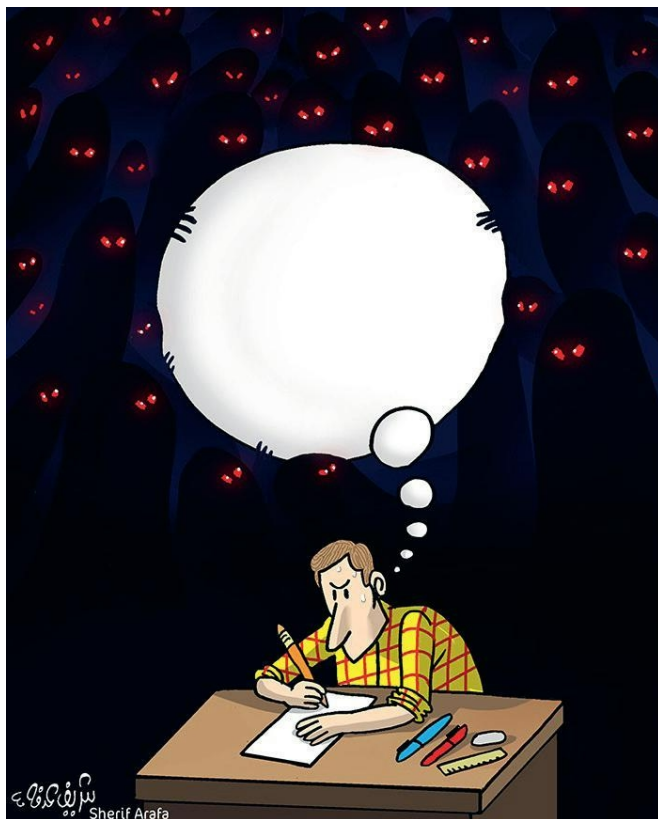
184. Committee to Protect Journalists, “Investigation finds Russian journalist Galina Timchenko targeted by Pegasus spyware”, alert, 13 September 2023, <https://cpj.org/2023/09/investigation-finds-russian-journalist-galina-timchenko-targeted-by-pegasus-spyware/>

185. International Press Institute, “IPI demands investigation into use of Pegasus against Galina Timchenko”, statement, 19 September 2023, <https://ipi.media/ipi-demands-investigation-into-use-of-pegasus-against-galina-timchenko/>

186. Alert “iStories Journalists Alesya Marokhovskaya and Irina Dolina Threatened and Surveilled in Prague” <https://go.coe.int/pdDaT>



clarity and guarantees that such surveillance was necessary, legal and proportionate.<sup>187</sup> In October 2023, the authorities were accused of undermining the probe into the surveillance of Koukakis and others which had been launched by the Hellenic Authority for Communication Security and Privacy (ADAE).<sup>188</sup> A Greek court summoned both a former and current board member of the independent watchdog, who are accused of disclosing state secrets to Koukakis. On 23 October, a Supreme Court Prosecutor then ordered the transfer of the ‘Predatorgate’ investigation from the first-instance prosecutor’s office to the Supreme Court.



*Sherif Arafa (Egypt) / Cartooning for Peace*

187. Alert “Journalist Thanasis Koukakis Targeted With Spyware Predator” <https://go.coe.int/DiaPL>

188. Reporters Without Borders, “Predatorgate scandal in Greece: RSF denounces the political sabotage of the investigation”, statement, 2 November 2023, <https://rsf.org/en/predatorgate-scandal-greece-rsf-denounces-political-sabotage-investigation>

■ Greece passed a law in December 2022 to ban outright any use of spyware but legal issues around the wiretapping of journalists are blurred. Legal complaints have been filed, yet no accountability for the violation of individual privacy or the confidentiality of journalistic sources has been achieved. Koukakis is taking the case to the European Court of Human Rights.

■ In Hungary, where at least four journalists,<sup>189</sup> media workers and media owners were surveilled using Pegasus in 2021, journalists have launched various legal proceedings and are still seeking justice. The Hungarian National Authority for Data Protection and Freedom of Information maintains that in all the cases they investigated, including those involving journalists, all legal criteria for the application of the spyware were met and the spyware was used to protect national security.

■ Both Hungary and Greece were singled out for criticism in the report of the Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA), adopted by the European Parliament on 15 June 2023.<sup>190</sup> The Committee made targeted recommendations for Hungary, Poland, Greece, Cyprus and Spain. MEPs said spyware “should only be used in member states where allegations of spyware abuse have been thoroughly investigated, where national legislation is in line with the recommendations of the Venice Commission and case-law of the Court of Justice of the EU, and where export control rules have been enforced”.

■ While the PEGA inquiry was lauded by journalists and media freedom groups as having contributed to shining a spotlight on the issue of spyware and its threats to journalism and democracy, groups including Amnesty International criticised the report for falling short of calling for an immediate moratorium on the sale, acquisition, transfer, and use of spyware.<sup>191</sup> The EP report did propose tighter regulation of spyware.

■ On 27 January 2023 Dunja Mijatović, the Council of Europe Commissioner for Human Rights, called on member states to impose a strict moratorium on the export, sale, transfer, and use of zero-click spyware such as Pegasus, and

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189. Karine Pfenniger, “Pegasus Project: what has happened since the revelations?”, *Forbidden Stories*, 17 July 2023, <https://forbiddenstories.org/pegasus-project-impacts-map/>

190. European Parliament, “Spyware: MEPs call for full investigations and safeguards to prevent abuse”, press release, 15 June 2023, <https://www.europarl.europa.eu/news/en/press-room/20230609IPR96217/spyware-meps-call-for-full-investigations-and-safeguards-to-prevent-abuse>

191. Amnesty International, “EU: Final vote on spyware inquiry must lead to stronger regulation”, 15 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/eu-final-vote-on-spyware-inquiry-must-lead-to-stronger-regulation/>

to put in place a precise, human rights compliant legislative framework for the use of modern surveillance technology.<sup>192</sup>

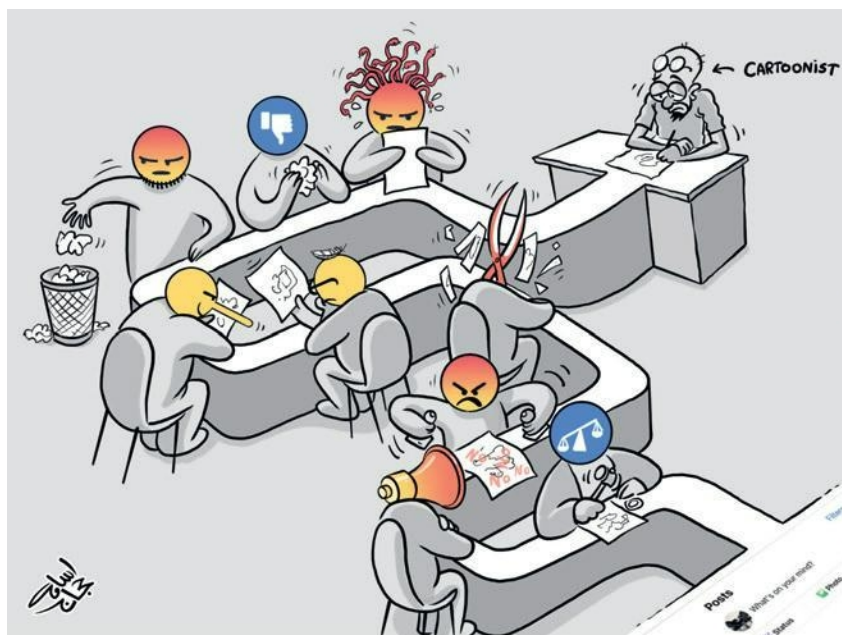
■ Though limited in number, the continued cases involving the abuse of spyware to target journalists in Europe and the severity of the breaches – including those against exiled journalists supposedly in the safe havens in the EU or those reporting on international conflicts – continue to underscore the need for international regulation of the technology.<sup>193</sup>

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192. Commissioner for Human Rights, “Highly intrusive spyware threatens the essence of human rights”, human rights statement, 15 June 2023, <https://www.coe.int/en/web/commissioner/-/highly-intrusive-spyware-threatens-the-essence-of-human-rights>

193. Access Now/Active Watch/Agrupación de Periodistas de UGT *et al.*, “Urgent appeal to European Parliament: Ban spyware against journalists”, open letter, 27 September 2023, <https://www.ecpmf.eu/urgent-appeal-to-european-parliament-ban-spyware->

# Journalistic profession and standards



Osama Hajjaj (Jordan) / Cartooning for Peace

In a democratic society, it is essential that journalists act independently from political and commercial or corporate interests. Moreover, the Council of Europe member states have obligations to “create a favourable environment for participation in public debate by all persons concerned, enabling them to express their opinions and ideas without fear”, says the European Court of Human Rights.<sup>194</sup>

194. European Court of Human Rights, *Dink v. Turkey*, applications Nos. 2668/07, 6102/08, 30079/08, judgment of 14 September 2010.

*The representative organisations, which must be the essential interlocutors of the public authorities, are targeted.*

■ The enabling environment presupposes the existence of decent working conditions for journalists, effective protection against legal threats, editorial independence from media owners<sup>195</sup> and political power, and the possibility for journalists to organise themselves within the framework of trade unions or professional associations. These representative organisations, which must be the essential interlocutors of the public authorities, are sometimes targeted, with the most extreme examples found in the two European countries outside the Council of Europe - Belarus and Russia. In Belarus, the Belarusian Security Service (KGB) has declared the Belarusian Association of Journalists (BAJ) - in exile - to be an extremist organisation, which exposes all affiliated journalists to a 10-year prison sentence.<sup>196</sup> At the end of 2022, the Russian authorities ordered the liquidation of the Journalists' and Media Workers' Union, which has had to register in France in order to be able to continue its activities.<sup>197</sup>

■ Some measures restricting press freedom or media pluralism result in increased social precariousness for journalists. For instance, in Türkiye, the refusal to renew the licence of the television broadcaster *Deutsche Welle (DW)* was to result in the loss of employee status for journalists, all of whom were invited to become freelancers.<sup>198</sup>

■ In France, two newsrooms were in conflict with their media owners: the journalists of the business daily *Les Echos* went on a signing strike following the announcement that its managing editor, Nicolas Barré, had been ousted under pressure from Bernard Arnault, the head of the title's main shareholder, LVMH group;<sup>199</sup> journalists at *Le Journal du Dimanche (JDD)* went on strike against the appointment as editor-in-chief of Geoffroy Lejeune, previously

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195. Tenets of what is meant by editorial independence are spelled out e.g. in: International Federation of Journalists, "Editorial Democracy in European Media - IFJ / EFJ Final Declaration", 27 March 1995, <https://www.ifj.org/media-centre/news/detail/category/africa/article/editorial-democracy-in-european-media-ifj-efj-final-declaration>

196. Alert "Belarusian Journalists' Association and Brestskaya Gazeta Declared 'Extremist'" <https://go.coe.int/8KeBA>

197. Alert "Journalists' and Media Workers' Union Threatened with Liquidation" <https://go.coe.int/fWEBC>

198. Alert "Deutsche Welle Closes Türkiye Office Following Denied Licence Extension" <https://go.coe.int/ahPsn>

199. Alert "Signing Strike at Les Echos Following Announcement of Managing Editor Ousting" <https://go.coe.int/aYWHL>

with the (generally qualified as far-right) weekly *Valeurs Actuelles*, as part of the takeover of the media company by Vincent Bolloré's Vivendi group.<sup>200</sup>

■ As specified in Recommendation CM/Rec(2016)4 of the Committee of Ministers,<sup>201</sup> member states should pay attention “to the importance of adequate labour and employment laws to protect journalists and other media actors from arbitrary dismissal or reprisals, and from precarious working conditions that may expose them to undue pressures to depart from accepted journalistic ethics and standards”.

■ According to the latest study by the “Media Pluralism Monitor”,<sup>202</sup> only four European countries out of the 32 analysed, offer good working conditions for journalists: Denmark, Germany, Ireland and Sweden. The results of the study show a particularly worrying labour situation in Croatia, Hungary, Montenegro and Romania, where journalists who do not enjoy the status of employee, often lack adequate social protection.

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200. Alert “Suspected Interference by Vivendi Group in Paris-Match and Le Journal du Dimanche Newsrooms” <https://go.coe.int/HNZG7>

201. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, 13 April 2016, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#\\_ftn1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1)

202. Centre for Media Pluralism and Media Freedom, “Monitoring Media Pluralism in the Digital Era”, report, 2023 [https://cadmus.eui.eu/bitstream/handle/1814/75753/MPM2023\\_General\\_report.pdf](https://cadmus.eui.eu/bitstream/handle/1814/75753/MPM2023_General_report.pdf)

# Journalists in exile

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Vladimir Kazanevsky (Ukraine) / *Cartooning for Peace*

*An unprecedented number of media workers in Europe are being driven into exile abroad.*

**A**n unprecedented number of media workers in Europe are being driven into exile abroad, a trend which is likely to grow in the coming years. Independent media outlets and journalists forced into exile face numerous challenges. Main reasons for fleeing are physical risks to life and liberty, legal prosecution; and harassment, threats and intimidation - and these risks do not stop at the borders of the countries from which journalists flee. A major concern for the ability of journalists in exile to continue their work is transnational repression. This is on the rise with reports of physical attacks, kidnappings, and even extrajudicial killings in journalists' country of exile. Furthermore, threats such as online harassment and cyber-attacks transcend borders and continue to haunt journalists that have fled their home country. Family members also become the target of attacks, to force critical journalists to cease their reporting from abroad.

■ *Belarusian journalists.* According to the Belarusian Association of Journalists, at least 400 Belarusian independent journalists have emigrated since the 2020 mass protests demanding the resignation of Aleksandr Lukashenko. They settled primarily in the Baltic countries and Poland.

■ In September 2023, Belarus banned its citizens from being able to renew their passports from outside the country.<sup>203</sup> In addition, Belarusian journalists in exile can now be stripped of their citizenship if they were previously convicted on “anti-state” charges.

■ *Russian journalists.* Since the Russian invasion in Ukraine, according to a *Moscow Times* report in February 2023,<sup>204</sup> over 1,000 journalists were forced to leave Russia, most of them to other European countries, including Armenia, Czechia, Georgia, Germany, Latvia, Lithuania, the Netherlands, Poland, and Türkiye.

■ Exiled journalists are targeted with prosecution<sup>205</sup> by the Russian judiciary over their reporting and are put on Russia’s wanted lists or tried and convicted *in absentia*.<sup>206</sup> 13 journalists forced to leave Russia, were persecuted under Article 207.3 of the Criminal Code (dissemination of false information about the Russian armed forces) and arrested *in absentia*. Others have been harassed, surveilled and several were allegedly poisoned.

■ In July 2023, it was reported that Marfa Smirnova,<sup>207</sup> a Russian journalist based in Georgia with independent media outlet *The Insider*, had received threats from unidentified individuals. Smirnova received messages via Telegram warning her to stop writing and producing journalistic materials. *The Insider* reported that she also received a wiretap that captured conversations within her family’s apartment in Moscow.

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203. “Belarus bans citizens from renewing passports abroad, spreading fear among those who fled repression”, *Associated Press*, 5 September 2023, <https://apnews.com/article/belarus-passports-poland-lukashenko-1f458e034bdb124902c4a55ba5d46b0f>

204. “1K journalists have fled Russia since Ukraine Invasion”, *The Moscow Times*, 3 February 2023, <https://www.themoscowtimes.com/2023/02/03/1k-journalists-have-fled-russia-since-ukraine-invasion-report-a80135>

205. Alert “Editor and Founder of the Ingush News Outlet Fortanga Isabella Evloeva is Facing Three Criminal Charges on Spreading “Fake News” About the Russian Army” <https://go.coe.int/IVESY>

206. Alert “Bellingcat Director Christo Grozev ‘Arrested in Absentia’ Over Alleged Illegal Border Crossing” <https://go.coe.int/suE9B>; Alert “Two Exiled Russian Journalists Charged with Disseminating False Information on Russian Armed Forces” <https://go.coe.int/ql7F5>; Alert “Ukrainian TV Presenter Maria Efrosinina Sentenced to Seven Years in Prison” <https://go.coe.int/JzgYD>

207. Alert “Exiled Russian Journalist Marfa Smirnova and Her Family Threatened” <https://go.coe.int/ZkoGY>



■ On 19 September 2023, it became known that the *iStories* journalists Alesya Marokhovskaya and Irina Dolinina,<sup>208</sup> exiled in Prague, had been receiving threats from unknown persons since the beginning of March. There is also evidence that they were victims of surveillance. Galina Timchenko, the head of *Meduza*, who is residing in Latvia, has found malicious Pegasus software on her device while she was in Berlin in February 2023.<sup>209</sup>

■ On 15 August 2023, Elena Kostyuchenko and Irina Babloyan<sup>210</sup> were reported to have had unexplained health problems since October 2022, showing symptoms of being poisoned. Both experienced severe weakness, disorientation, abdominal pain, and swelling, as well as other poison-related symptoms. Both journalists were tested for toxins at Berlin's *Charité* hospital. Elena Kostyuchenko's testimonies from the war in Ukraine contributed to documenting the war crimes committed by the Russian military there.<sup>211</sup> German prosecutors have confirmed that they were investigating the attempted murder of Kostyuchenko.

■ In parallel, some countries which became the new homes for media outlets in exile, have been tightening their immigration and residency laws. Those include requirements, for instance in Latvia, to pass a state language test, prove availability of regular and sufficient financial resources and re-register Russian vehicles within a specific period. They also impose bans on importing property from Russia and limitations for Russian and Belarusian passport holders to enter neighbouring states.

■ A recent survey<sup>212</sup> among Russian and Belarusian media workers discovered that 60% of respondents have secured some degree of assistance from governmental and non-governmental organisations after their relocation while 40% received none. Among the primary needs quoted by the journalists are financial support; legal and visa help, assistance with professional education and access to the local media communities; and psychological support.

■ *Turkish journalists.* On 30 December 2022, the exiled Turkish journalist Can Dündar revealed that he had been added to the so-called terrorist "grey

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208. Alert "iStories Journalists Alesya Marokhovskaya and Irina Dolinina Threatened and Surveilled in Prague" <https://go.coe.int/pdDaT>

209. Alert "Investigation Finds Russian Journalist Galina Timchenko Targeted by Pegasus Spyware" <https://go.coe.int/vHNN4>

210. Alert "Russian Journalists Elena Kostyuchenko and Irina Babloyan Allegedly Poisoned" <https://go.coe.int/1FU3K>

211. Elena Kostyuchenko, "I want to live - and that's why I'm writing", *Meduza*, 15 August 2023, <https://meduza.io/en/feature/2023/08/15/i-want-to-live-and-that-s-why-i-m-writing>

212. Justice for Journalists, "Survey of exiled media workers reveals half still feels threatened in their new home countries", statement, 4 October 2023, <https://jfj.fund/written-statement-by-justice-for-journalists-foundation/>

list”, a database published by the Turkish Ministry of the Interior that identifies alleged terrorists and offers rewards for their capture. 14 other Turkish journalists in exile are on the list.<sup>213</sup>

■ *Exiled journalists from around the world.* Due to significant safety threats, journalists across the globe are seeking exile in Europe. After the Taliban invasion in 2021, large numbers of journalists left Afghanistan in search for safety, including in the United States and Europe. In February 2023, the citizenship of over 200 Nicaraguan political opponents and dissidents, including media workers, was cancelled as they were accused of “spreading false information” and “conspiracy to undermine national integrity”. The Spanish government offered citizenship to the exiled journalists.<sup>214</sup> In different European countries, exiled media outlets and journalists from Sudan,<sup>215</sup> Iran,<sup>216</sup> Syria, Burundi, and Pakistan have resumed their work.<sup>217</sup>

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213. Alert “15 Turkish Journalists Listed as ‘Wanted Terrorists’” <https://go.coe.int/b3eS3>

214. Gabriela Selser, “Nicaragua strips citizenship from 94 political opponents”, *Associated Press*, 16 February 2023, <https://apnews.com/article/politics-spain-government-caribbean-daniel-ortega-4907d12691ef14a243adffb5fb34ce82>

215. Free Press Unlimited, “Dabanga – Media for a democratic Sudan”, project, <https://www.freepressunlimited.org/en/projects/dabanga-media-democratic-sudan>

216. Zamaneh Media, webpage, 2020, <https://en.radiozamaneh.com/about/>

217. Körber-Stiftung, “Exile Journalism in Europe: Current challenges and support programmes”, 2022, [https://koerber-stiftung.de/site/assets/files/17086/exile\\_journalism\\_in\\_europe-1.pdf](https://koerber-stiftung.de/site/assets/files/17086/exile_journalism_in_europe-1.pdf)



*Boligán (Mexico) / Cartooning for Peace*

# Good practices – outcomes matter

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**W**hat counts as “best practice?” The 2016 Committee of Ministers Recommendation on the safety of journalists called on member states to take “far-reaching measures” in law and practice to reverse what it termed the unacceptable scale of attacks on journalists and their work. The subsequent Implementation Strategy<sup>218</sup> and Implementation Guide<sup>219</sup> provide guidance, including detailed protocols and safeguards, to assist the member states to review and amend domestic laws and put in place effective protection measures.

■ The Council of Europe’s *Journalists Matter* campaign calls on member states to set up multi-stakeholder national committees that should elaborate and implement national action plans, leading to those recommended reforms.<sup>220</sup> National Committees must be genuinely multi-stakeholder bodies. They should be open to all categories of journalists, including those whose work is critical of the authorities, and bring together representatives of state and public bodies with a range of civil society actors. The most urgent tasks are to establish effective protections against physical and online attacks, misuses of law, stigmatisation and arbitrary treatment, failures of judicial protection and impunity.

■ Strong and visible political leadership is required to achieve genuine improvements. Peer pressure to comply with obligations under the European Convention on Human Rights can be an effective way to steer governments to remedy injustices, enact safeguards against abuses and reform bad laws. With regards to the parts of Europe where freedom of expression and freedom of the press are stifled and disempowered, the governments which are committed to universal civil and political rights have a responsibility to speak out against press freedom violations.

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218. Council of Europe, “Implementation CM/Rec(2016)4”, webpage, <https://www.coe.int/en/web/freedom-expression/implementation-of-recommendation-cm/rec-2016-4>

219. Council of Europe, “Implementation Guide: How to protect journalists and other media actors?”, webpage, <https://www.coe.int/en/web/freedom-expression/implementation-guide>

220. Council of Europe, “Campaign for the safety of journalists”, concept note, 6 March 2023, <https://rm.coe.int/soj-campaign-concept/1680ab0d11>

■ During 2023 several member states initiated or updated national action plans for journalists' safety and media freedom, which vary greatly in their nature, ambition and degree of development.

*The PersVeilig project in the Netherlands is a leading example of a national safety plan which has served as a model for others.*

■ The *PersVeilig* project in the Netherlands is a leading example of a national safety plan which has served as a model for others. Its distinctive feature is the high degree of commitment and seriousness shown by the national police, public prosecutors' office and relevant ministries to deliver effective protections through close cooperation with the union of journalists, the association of chief editors and media houses. All sides agreed to a Press Safety Protocol which mandates the police to act immediately in response to reports of aggression or violence. The Public Prosecutors Office gives high priority to targeted attacks against journalists; and aggravated penalties can apply to such crimes. *PersVeilig's* Security Plan for the Dutch Media sets out in detail the various safety-related responsibilities of media owners and journalists. The *PersVeilig* scheme takes full account of the need for particular forms of protection for female journalists who face gender-related abuse and threats, and it explicitly accords the same rights of protection and support to freelancers as to full-time company employees.<sup>221</sup>

■ Sweden's national action plan *Defending Free Speech*<sup>222</sup> was adopted back in 2017 to "safeguard active democratic debate" through measures to protect journalists, elected representatives and artists from threats and hatred. Linnaeus University was commissioned to assist newsrooms and news media organisations to counter threats to journalists' safety by strengthening their own capacities, backed by a dedicated database and a telephone helpline. The police were also mandated to open a dialogue to improve channels of communication with journalists' groups and develop new means of ensuring their safety. In 2023 an amendment to the Criminal Code gave enhanced protection to journalists under the criminal law.

■ The Swedish Union of Journalists wants more practical government support in the form of effective police protection schemes and the provision of resources such as psychological support; and sustained efforts by the police to develop an effective framework of protections through dialogue with civil society.

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221. PersVeilig, "Journalisten zorg voor jezelf! PersVeilig helpt", webpage, <https://www.persveilig.nl/>

222. Ministry of Culture, "Action plan: "Defending free speech - Measures to protect journalists, elected representatives and artists from exposure to threats and hatred", 4 May 2018, <https://www.government.se/information-material/2018/05/action-plan-defending-free-speech/>

■ The United Kingdom established a multi-stakeholder National Committee for the Safety of Journalists in 2020.<sup>223</sup> Its work has brought results including the appointment of journalism safety liaison officers in over 20 police forces and a SLAPPs task force which is credited with expediting the adoption in 2023 of Europe's first Anti-SLAPPs legislation. The Economic Crime and Corporate Transparency Act includes provisions for early dismissal of SLAPPs and cost protection mechanisms, which journalists and other stakeholders say are urgently needed. (see Box on progress against SLAPPs in the United Kingdom).

■ Lithuania's 2023-2025 Action Plan for the Protection, Safety and Empowerment of Journalists<sup>224</sup> not only mandates law enforcement bodies to cooperate closely with journalists' organisations but also sets out deadlines, allocates responsibilities and details specific reforms to be achieved in each of more than 20 areas. Practical outcomes listed include coordinated mechanisms for journalists' safety in times of crisis and emergency and promotion of best practices in the investigation of crimes against journalists with support from Europol and/or Eurojust. The plan links each target action with the relevant clause in the EU's 2021 Recommendation on the safety of journalists.

■ Italy responded to the cases of targeted intimidation, including death threats, directed against journalists by operating a national system of police protection for journalists who face such threats. Information provided by the Italian Ministry of the Interior<sup>225</sup> shows that in a typical year about 20 journalists who face the most serious or imminent threats are provided with close police protection, while a larger number receive lesser levels of protection.

■ In Slovakia, following the mafia-style murder of Ján Kuciak and his fiancée Martina Kušnírová in 2018, *PersVeilig*, Reporters Without Borders and the Dutch Embassy cooperated with journalists' organisations to launch the country's first online monitoring tool, the Survey on journalists' safety. In 2022 the *Safe. Journalism.sk* project was established by the *Investigative Centre of Jan Kuciak* (ICJK).<sup>226</sup> The Platform documents all threats towards journalists and media workers and has the ambition of prompting an effective protection mechanism to prevent violent attacks with the necessary support from the government.

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223. National Committee for the Safety of Journalists, webpage, <https://www.gov.uk/government/groups/national-committee-for-the-safety-of-journalists>

224. Minister of Culture, "Žurnalistų saugumo veiksmų planas", webpage, 22 November 2023, <https://lrkm.lrv.lt/lt/veiklos-srityys/visuomenes-informavimo-politika/zurnalistu-saugumo-veiksmu-planas/>

225. Ministry of the Interior, "Operativo al Viminale il Centro di coordinamento contro le intimidazioni ai giornalisti", webpage, 6 December 2017, <http://www.interno.gov.it/it/notizie/operativo-viminale-centro-coordinamento-contro-intimidazioni-giornalisti>

226. Investigatívne centrum Jána Kuciaka, webpage, <https://icjk.sk/>

■ Greece established in 2022 a task force with government and civil society representatives, charged with monitoring the working environment for journalists and making proposals to strengthen protections. Clear-cut evidence that effective new safeguards are being introduced is awaited. A mission to Greece in 2023 by press freedom organisations made a series of recommendations to the authorities to address concerns about physical and legal threats and end the delays and uncertainties related to investigations into cases including the murder of journalist Giorgos Karaivaz in 2021.<sup>227</sup>

■ The decriminalisation of defamation laws has gathered pace since the 1990s, prompted by critical judgements from the European Court of Human Rights and by public campaigns under the motto that “Journalism is not a crime”. In 2023 the Council of Europe listed 13 member states which had completely removed defamation from their domestic criminal law, while four others – Bulgaria, Cyprus, Lithuania and Serbia – had implemented partial decriminalisation.<sup>228</sup>

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227. Media Freedom Rapid Response, “Murdered, surveilled and sued: decisive action needed to protect journalists and salvage press freedom in Greece”, 27 September 2023, <https://www.ecpmf.eu/murdered-surveilled-and-sued-decisive-action-needed-to-protect-journalists-and-salvage-press-freedom-in-greece/>

228. Council of Europe, “How to protect journalists and other actors?”, Extended Implementation Guide, DGI(2023)05, pp. 52-53, <https://rm.coe.int/prems-102223-gbr-2018-how-to-protect-journalists-part-ii-16x24-web/1680acae91>

# Council of Europe

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**O**n 16-17 May 2023 the Council of Europe held in Reykjavik its 4<sup>th</sup> Summit of Heads of State and Government. The Summit condemned “in the strongest possible terms” Russia’s war of aggression against Ukraine and confirmed the setting up of a Register of Damage Caused by the aggression. Secretary General Marija Pejčinović Burić called on the leaders of all member states to ensure that Russia would be the last country to break away from the Council of Europe and its values.<sup>229</sup>

■ The Summit proclaimed the Reykjavik Principles for Democracy, committing to ensure “the right to freedom of expression, including academic freedom and artistic freedom, to hold opinions and to receive and impart information and ideas, both online and offline”.

■ On 5-6 October an international conference in Riga, launched the Council of Europe’s five-year campaign *Journalists matter*. The campaign’s declared goal is “to safeguard the vital role played by journalists in society, and to effectively prevent, investigate and sanction threats and attacks against their safety offline or online”. The outline of the campaign was approved in 2021 at a conference of the Council of Europe where ministers responsible for the media publicly acknowledged the “democratic backsliding” which has taken place in recent years across Europe and pledged to halt it.

■ The campaign aims to stimulate initiatives at national level to raise public awareness of and generate support for the essential role of journalists in democratic societies. The target groups include stakeholders of every kind – journalists and media houses, press councils, civil society groups, educational and academic centres, and other national and international organisations; also judges, prosecutors, lawyers, law-enforcement officials and other public authorities, as well as government officials, political parties, and parliamentarians. Platform partners have strongly welcomed the campaign and seek greater clarity and assurances that nationally driven reforms to laws and practices will be transparent, carried out free from political influence, and bring real improvements for personal safety and the working environment for journalists.

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229. Secretary General, “State of democracy, human right and the rule of law 2023”, annual report, April 2023, <https://edoc.coe.int/en/annual-activity-report/11589-state-of-democracy-human-right-and-the-rule-of-law-2023-annual-report-of-the-secretary-general-of-the-council-of-europe.html>



■ The Council of Europe plans to organise four major thematic events which will take place annually around the four pillars of Recommendation CM/Rec(2016)4 of the Committee of Ministers,<sup>230</sup> starting with an international gathering in 2024 focused on “Protection” (of journalists from attacks and harassment). In the three subsequent years up to 2027 this will be followed by thematic events on the other pillars of the overarching policy on the safety of journalists – namely “Prevention” (of attacks), “Prosecution”, and “Promotion” (of information, education and awareness).

## Policy work to protect journalism and the safety of journalists

■ Over the past ten years the vital role of the Council of Europe and the European Court of Human Rights in setting and upholding legal standards, policy and guidance in the fields of media freedom, media pluralism and the digital environment, has been expanded thanks to a new focus on member states’ implementation of the standards and norms that are derived from the case-law of the Court and “soft law” instruments adopted by the Committee of Ministers.

■ The engine room of that agenda is the Steering Committee on Media and Information Society. In 2022 the Committee produced draft “soft law” guidance on combating hate speech, media coverage of elections, the impacts of digital technology on freedom of expression, and promoting a favourable environment for quality journalism in the digital age. In 2023 committees made up of government-appointed and independent experts were due to complete work on a further three soft law texts, including one on the integrity of online information;<sup>231</sup> another on increasing resilience of media;<sup>232</sup> and a third on Strategic Lawsuits Against Public Participation (SLAPPs).<sup>233</sup> The Committee on Artificial Intelligence<sup>234</sup> has been mandated to elaborate, by the end of 2024, a framework convention on the development, design, and application

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230. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, 13 April 2016, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#\\_ftn1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1)

231. Committee of Experts on the Integrity of Online Information (MSI-INF), webpage, <https://www.coe.int/en/web/freedom-expression/msi-inf>

232. Committee of Experts on Increasing Resilience of Media (MSI-RES), webpage, <https://www.coe.int/en/web/freedom-expression/msi-res>

233. Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP), webpage, <https://www.coe.int/en/web/freedom-expression/msi-slp>

234. Committee on Artificial Intelligence (CAI), webpage, <https://www.coe.int/en/web/artificial-intelligence/cai>

of artificial intelligence, based on the Council of Europe’s standards on human rights, democracy and the rule of law.

■ The Council of Europe has also prioritised work to bring the efficiency, independence and integrity of the judiciaries in member states into line with European standards and repair widespread failings revealed by its own fact-finding surveys.<sup>235</sup> A glance at the breakdown of alerts published on the Platform in 2023 shows that the “backsliding” in this crucial area is still going on in too many states. Bilateral and regional cooperation projects in 2023, consisting largely of training programmes for journalists, public officials and lawyers, ranged from Freedom of Expression and Freedom of the Media in South-East Europe to specific initiatives in support of free and independent media in Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova and Ukraine.

### **Platform partners' activities in 2023**

■ The Platform partners 2023 annual report was widely publicised at a hybrid meeting in the Brussels Press Club on 7 March. The partners held intensive meetings with senior figures in the European Commission and Parliament. They went on to The Hague to exchange views with Dutch officials concerned with strengthening protections for threatened journalists and heard at first hand from leading figures managing the impressive work of the *PersVeilig* organisation.

■ In October 2023, representatives of the 15 partner organisations met with Council of Europe officials as well as Latvian and Latvia-based exiled journalists and media support organisations. The partner organisations prepared the first groups of a new category of “systemic” alerts for the Platform – defined as alerts that document and address persistent or structural issues which have a systemic negative impact on media freedom and journalists’ safety. They are intended to lead to concrete improvements in member states’ laws and practices which give effect to existing standards and state obligations. By the end of 2023, the partners proposed to submit systemic alerts on defamation issues, and on the independence and good functioning of media regulatory bodies, which are to be issued in the first quarter of 2024.

■ In June 2023, representatives of the partners’ organisations took part in an exchange with the Committee of Ministers, where they presented evidence

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235. High-Level Conference of Ministers of Justice and representatives of the Judiciary, Council of Europe Plan of Action on “Strengthening Judicial Independence and Impartiality”, CM(2016)36 final, 13 April 2016, [https://search.coe.int/cm/Pages/result\\_details.aspx?Objectld=090000168064174a](https://search.coe.int/cm/Pages/result_details.aspx?Objectld=090000168064174a)

of the widespread chilling effect of abusive legal threats or SLAPPs on the legitimate work of journalists and the public's right to know and put forward recommendations on how to curb those abuses. And in preparation for the start of the Council of Europe's *Journalists Matter* campaign, Platform partners held a substantial exchange of views with state delegates at the June plenary meeting of the Steering Committee on media and information society.<sup>236</sup>

■ The partners kept up their dialogue with representatives of the member states in the Strasbourg-based Group of Friends of the Safety of Journalists and Media Freedom. These forums for dialogue and debate are valued as channels that can promote long overdue reforms to reverse the "backsliding" of recent years in terms of media freedom and other basic democratic standards.

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236. Council of Europe, CDMSI and expert committees, webpage, <https://www.coe.int/en/web/freedom-expression/cdmsi-and-expert-committees>

# Recommendations to the Council of Europe

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**A**dopt the Recommendation on Strategic Lawsuits Against Public Participation (SLAPPs) without delay; vigorously promote and monitor its implementation in member states.

■ Use Platform alerts as a practical tool to identify areas of concern, prepare and carry out remedial actions or reforms, and adopt policies and oversight mechanisms which strengthen protections for journalists and media freedom.

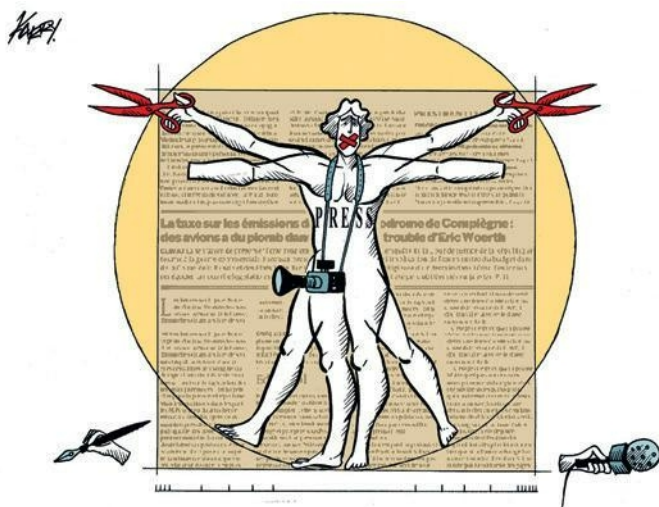
■ Promote effective implementation of Recommendation CM/Rec(2016) with the full and open participation of independent media, journalists' organisations and civil society stakeholders.

■ Act decisively to ensure member states' compliance with judgments of the European Court, when a state is in defiance of an injunction from the Court in a life and limb case or it has ordered the immediate release of an individual who has been falsely jailed for exercising his or her rights under the European Convention on Human Rights.

■ Council of Europe member states are urged to:

1. Respond promptly and substantially to alerts on the Platform, including the following actions:
  - ▶ Setting up internal mechanisms to manage alerts, with the authority to liaise with all relevant governmental, judicial and security institutions or bodies. Such mechanisms should have adequate mandate to achieve effective coordination of alerts, leading to a marked improvement in the rate and quality of responses to alerts as well as their resolution.
  - ▶ Designate points of contact for facilitating dialogue between the authorities of the member state and the Platform partners.
  - ▶ Investigate the reported threat in the alert and make public the fullest possible information about the progress of the investigation on the Platform. Put in place effective measures of protection when journalists are subject to imminent threats of physical harm and establish channels for journalists and media actors to report and seek redress for abuses at the hands of state or public officials.

- ▶ Azerbaijan and Türkiye are urged to return to the dialogue with the Platform partners and to respond to alerts, in accordance with the Memorandum of Understanding signed by the partner organisations and the Secretary General of the Council of Europe on behalf of all member states.
2. Adopt National Action Plans for the Safety of Journalists and mobilise the necessary resources to implement them, including the establishment of journalist safety platforms or mechanisms.
  3. Ensure editorial independence and institutional autonomy of Public Service Media, provide stable and adequate funding and enable a governance system with independent supervisory bodies.
  4. Encourage media organisations, without undue interference in their editorial autonomy, to provide full, comprehensive and equitable work conditions to their journalists, whether salaried, freelance or otherwise employed, which would include inter alia life, health and travel insurance package as well as effective safety and digital security training.
  5. Review laws, policies, and practices with particular attention to SLAPPs, and adopt comprehensive anti-SLAPP legislation that provides for early dismissal of abusive lawsuits, imposes the burden of proof on the plaintiff, protects journalists and other media actors against excessive or disproportionate penalties, minimises the harm caused to SLAPP victims, and applies dissuasive sanctions against those who use SLAPPs.



*Karry (Peru) / Cartooning for Peace*

# European Union

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**2**023 was crucial for seeing through EU initiatives, as the end of the mandate of the current European Commission (which had committed itself following the 2019 elections to an ambitious program on media freedom reform) was approaching. At the end of the year, press freedom advocates began to turn their attention to the European elections, scheduled in June 2024, and how the mandate of the next European Commission could build on this legacy and accelerate political momentum around Europe to strengthen reforms.

■ On 15 December, EU institutions reached a political agreement on the European Media Freedom Act (EMFA), an EU law whose purpose was to strengthen media pluralism and independence in EU member states. Although the final text was not available at the time of drafting of this report, statements indicate it will in large part meet many commitments. These include measures intended to protect journalists against surveillance, frameworks to ensure media plurality, safeguards for public service media, strengthened transparency on media ownership as well as state advertising, national assessments of media market concentrations, and the establishment of a European Board for Media Services, whose role it will be to overview the application of the law. At the time of writing, the text was subject to formal approval by the European Parliament and the Council. Once approved, political support will be needed from member states to ensure that the European Media Freedom Act is applied as robustly as possible.

■ On 30 November, the EU institutions also reached a political agreement on the EU Directive to address Strategic Lawsuits Against Public Participation. The Directive, which applies only to civil cases with cross-border implications (representing a small proportion of overall SLAPPs cases), originally provided for measures on early dismissal, procedural costs, compensation of damages, dissuasive penalties, and protection against third country judgments. Although a text was not available at the time of writing, it was reported by the Coalition Against SLAPPs in Europe that the final text includes some positive measures, such as enabling national courts to dismiss SLAPPs in an accelerated procedure early in proceedings, and a broad definition of what constitutes SLAPPs with cross-border implications. However, it may include some unclear language on other safeguards, including the decision to award compensation or defining the threshold test used to dismiss SLAPPs. EU member states should now consider the Directive as a minimum requirement that should be implemented

in conjunction with ambitious measures to address the prevalence of such lawsuits at national level. Formal approval was still pending at the year's end.

■ The European Commission undertook internal measures to assess the Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the EU, issued in September 2021. The Recommendation, a piece of non-binding EU legislation, had put forward actions for member states, including ensuring effective investigation and prosecution of criminal acts against journalists; improving protection of journalists at protests or demonstrations; training for journalists and law enforcement bodies; as well as strengthening the online security of journalists and empowering female, minority journalists and those working on equality issues. Having conducted an internal study, through an external consulting company, to determine levels of implementation by member states, the Commission was preparing to publish findings by 2024. Initial indications suggest that some member states have taken up protection measures, yet progress was slow, and protection responsibilities were often marred by the complexity and fragmentation of governance systems at member state level.

■ A draft Regulation on Child Sexual Abuse continued to divide opinion between member states as it would, if passed, compel online platforms to scan user content and metadata for harmful images, paving the way for backdoors to encrypted content. The proposal could force companies to scan everyone's private digital communications, on behalf of governments, all the time. Tech companies would be able to break end-to-end encryption, jeopardising journalists' ability to protect their sources and violating the right to confidential communications. At the time of the writing of the report it was unclear if the Regulation would advance further before elections, given such a polarised debate between the potential effectiveness, or even the legality, of the text.

■ The fourth Annual Rule of Law Report was published by the European Commission in July and reported on media pluralism and freedom, as one of four assessment criteria. Civil society groups continued to make calls to strengthen the report, including the Commission's coordination and communication with press freedom organisations and journalists; its visibility and awareness with journalists and the question of building trust; the lack of measurable and precise recommendations; and the effectiveness of official EU country visits.

■ The European Commission and the Council of the European Union lack powers, and often political will, to challenge the abusive use of spyware against journalists in EU member states. The European Parliament's PEGA Committee of Inquiry, set up in April 2022 to investigate the use of spyware in EU member

states and non-EU countries, issued its final report in June. Finding that the illicit use of spyware had put “democracy itself at stake”, its broad recommendations to EU member states included calling for credible investigations, legislative changes and better enforcement of existing rules to tackle abuse. Political will from the EU institutions and member states to follow up on the recommendations was inadequate. Further criticism was made at the end of the year that the European Commission and the Council had failed to enforce the 2021 Regulation of dual use technology - which seeks to regulate the export of spyware to countries that risk using such software to abuse human rights, including placing journalists under surveillance.

■ The EU started the process of implementing the Digital Services Act (DSA), to be applied in full by member states by 2024. During the second half of the year, there were questions about the speed, transparency, and effectiveness of the social platforms’ response to journalists’ complaints, and the extent to which platforms’ risk assessments and mitigation measures handle media freedom concerns effectively.

■ With the European elections scheduled for 2024, press freedom advocates started to envisage possible prerogatives for a new European Commission, including if the incoming President of the European Commission would re-establish a Vice-President with a clear press freedom mandate, with the necessary political commitment of resources, staffing and budget to oversee the implementation of the existing Commission’s legacy.



# Recommendations to the institutions of the European Union

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■ Once formally approved, EU member states should seek to ambitiously transpose and implement the European Media Freedom Act in order to better safeguard media pluralism and independence at national level.

■ Once formally approved, EU member states should seek to transpose and take all measures to effectively implement the Anti-SLAPP Directive to better protect journalists at national level from vexatious and abusive lawsuits intended to silence their reporting.

■ The Rule of Law Report of the European Commission should be strengthened, by developing its coordination and communication with civil society groups, and by including measurable recommendations that can serve as benchmarks for improvement in member states.

■ The European Commission should seek to promote and provide visibility and recognition of positive measures by EU member states, taken in line with the Recommendation on ensuring the protection, safety and empowerment of journalists, and seek to call out member states whose measures have been ineffective.

■ The Regulation on Child Sexual Abuse should ensure the protection and guarantee of encryption as a fundamental right for all journalists.

■ The European Commission should investigate the unjustified deployment of spyware against journalists in the member states and seek to make legislative proposals to respond to it.

Visit the Platform website:  
<https://fom.coe.int>

This publication presents the annual assessment of threats to media freedom and safety of journalists in Europe in 2023, by the partner organisations of the Safety of Journalists Platform. The Platform was set up in 2015 by the Council of Europe in co-operation with associations of journalists and leading international NGOs active in the field of the freedom of expression, with the objective of improving the protection of journalists and better addressing threats and violence against media professionals in Europe.

The Platform facilitates the dissemination of information on serious threats to media freedom, reinforces the Council of Europe's response to the threats and the accountability of its member states. It enables the Council of Europe to be alerted in a timely and systematic way to these threats and to take co-ordinated and prompt action and policy responses when necessary.

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[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

**safety of  
journalists  
platform**



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE