

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



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DROITS DE L'HOMME,
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Forum on Sport and Human Rights

Media Freedom in Sport

Presentation
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PRESENTATION TOPICS:

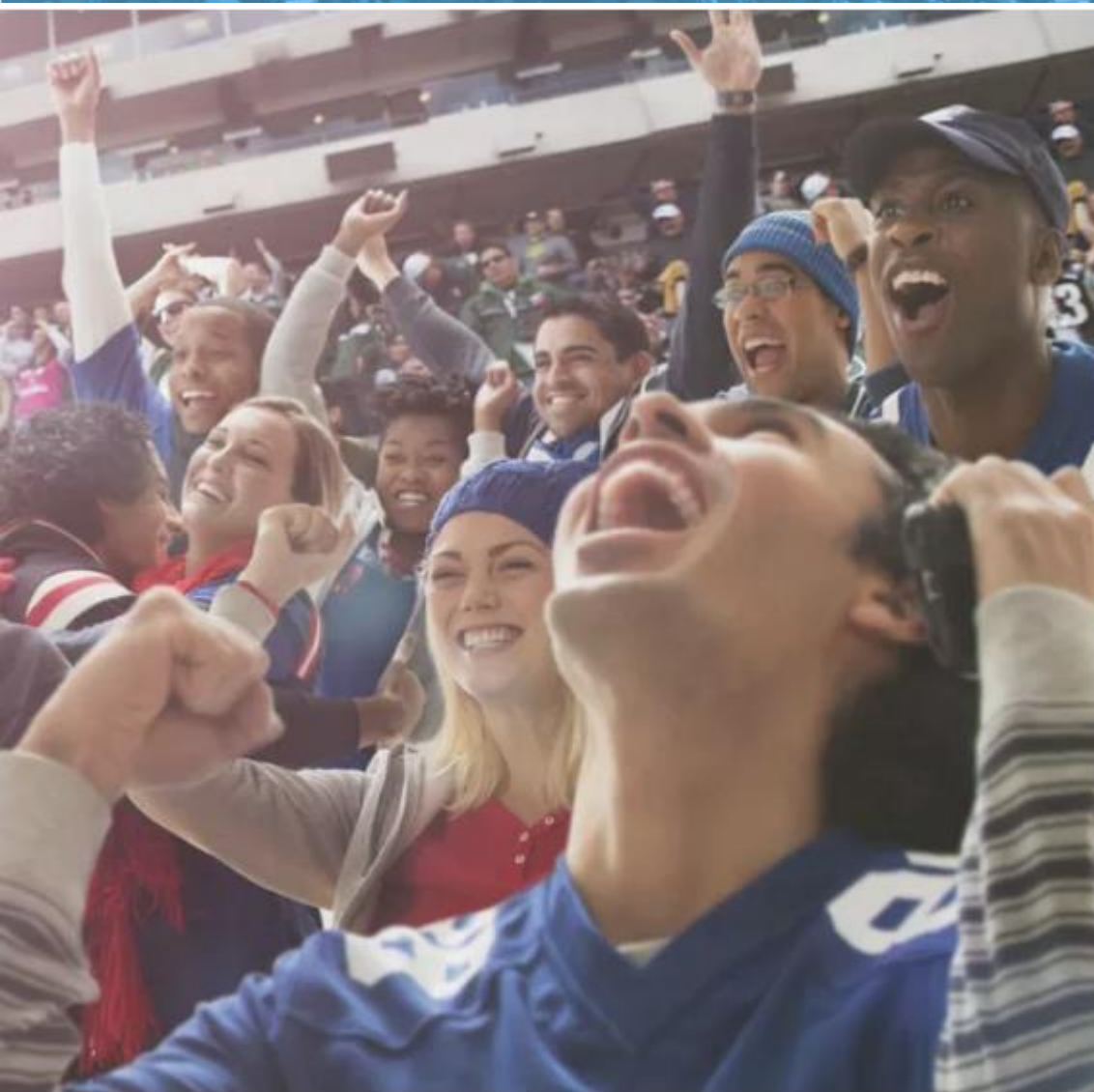
1. **Sport, society and freedom of expression**
2. Obstacles to the exercise of the right to inform
3. **Sport and women**
4. Automatic content creation
5. **Media freedom alerts involving the sport arena**
6. Relevant ECHR cases concerning freedom of expression in sports



Sport in FRANCE

- 90 billion euros business
- 448.000 jobs
- 360.000 associations
- 112.000 companies

Source: lesechos.fr



Jose Luis Pelaez Inc/Getty Image

Sport is an essential component of our societies

- A powerful **vehicle for values such as respect**, mutual understanding, integrity, respect for rules and fair play.
- **It affects everyone**, regardless of age, nationality, origin, gender or profession.
- **Many social issues are linked to it:** tolerance and citizenship, education, health, environment, etc.

The potential audience and the interest of sports information content therefore make it a media issue.

Media Freedom in Sports



Freedom of the press and media pluralism are important aspects of the right to freedom of expression

In a democratic society, **pluralism of opinion** in the media should not only be tolerated, but also ardently defended and encouraged.

The **different voices** and opinions present in a society must be taken into account and reflected in the media.

However, it is clear that **the freedom to inform** is not always exercised as easily and freely as it should be, for example:

- because of the weight of the economic stakes
- because sports journalists are hindered simply because they are women



Secretary General of the Council of Europe calls for an independent and pluralistic media environment

- "States should provide an enabling and **pluralistic** environment in which all media can operate on an **equal** footing.
- No media outlet or conglomerate should enjoy unfair competitive advantages; ownership, management and financial structures should be **transparent**, and public service media should be **independent** and adequately funded."

Source: [Annual report 2021](#) of the Secretary General of the Council of Europe

Criteria for an independent and pluralistic media environment

- **The public has access to a variety of print, broadcast and online media** that represent a wide range of political and social viewpoints and groups within society.
- Regulatory frameworks safeguard the **editorial independence** of media outlets.
- **Media concentration is addressed** through effective regulation and monitored by independent regulatory authorities.
- The **operating environment** for independent and community media is favourable.
- Public-service media have **institutional autonomy** and secure funding to be protected from political or economic interference.
- Journalists have **satisfactory working conditions** with adequate levels of pay and social protection.

Source: [Annual report 2021](#) of the Secretary General of the Council of Europe

Media Freedom in Sports



Particular needs in the sports sector:

- **strengthening the protection of the independence of journalists**, in particular vis-à-vis the organisers of sports events, sports federations or the communications media in the sector, and should not be subject to any direct or indirect censorship by them.
- **providing effective safeguards against the concentration** of sports media and ensuring media and information pluralism.
- **more transparent, independent and non-discriminatory access** to information and news sources to ensure quality journalism.
- an improvement in the **equality of working conditions** between men and women journalists.



Obstacles to the exercise of the right to inform

- Economic stakes and access to events
- Strict image control
- Concentration of accreditations in large private sports media
- Freedom of access to sources
- Freedom of access to events



Economic stakes and access to events

- The more media coverage an event receives, the easier it is to attract sponsors looking for visibility.
- Stadiums and arenas cannot accommodate all the journalists who want to cover a competition, especially major events such as the Olympic Games or the football World Cup.
- **Journalists' access to part of the sports information is conditioned by the event organisers who 'choose' those who will be allowed to report on their events.**

Source: Guillaume Galpin, *Droits sportifs et droit à l'information*, INA, 2016, larevuedesmedias.ina.fr



Strict image control

Sometimes the organisers of major sporting events go too far in their desire to control images.

- **EXAMPLE:** During the 2007 Rugby World Cup, the rugby authority wanted to limit the number of photos per match to 50, whereas the initial agreement proposed 6,000 photos per match.
- In order to receive accreditation, journalists had to agree to the free use of their photos for life by the organiser.
- In the end, the press agencies boycotted the event and the agreement was cancelled.



Concentration of accreditations in the large private sports media

Accreditations for journalists are mainly given to journalists from channels that broadcast matches and competitions, and therefore come from channels that pay broadcasting rights.

Jean-Marie Charon, a media sociologist, points to the turning point in the 1990s with **exclusivity contracts** which:

- tie up the word of the journalist employed by the media that has acquired the rights and,
- exclude other journalists from access to the event and thus from direct information gathering.

As a result the economic capital of a media outlet determines its ability to report on an event and its access to sources.

Sources: Le journalisme sportif aujourd'hui, fiche info du centre pour l'éducation aux médias et à l'information (CLEMI) and Guillaume Galpin, Droits sportifs et droit à l'information, INA, 2016.



Freedom of access to sources

- Communication with sport professionals is increasingly locked.
- Interviewing players becomes a difficult mission.
- Clubs set up communication strategies, they give indications on the questions that players can answer, briefing of sportsmen by press relations agents who do not hesitate to review the interview afterwards, and to correct it if necessary.
- Journalists are finding it increasingly difficult to interview sportsmen and women belonging to big football or basketball clubs.
- Players' contracts contain more and more clauses on the conditions for talking to the media, especially in the big clubs.



Freedom of access to sporting events

- The extension of the marketing of a right of access to a sporting event remains a danger to the journalist's freedom to inform.
- Without direct contact with the field and its actors (players, public, etc.), they cannot report accurately and independently on important events.



Sexism and speaking-out

- **Sexualisation** and infantilisation of sports journalists
- Sexual **harassment and violence** under the "cover of humour, paternalism or seduction"
- In 2014, Hilde Van Malderen, in the Netherlands, denounces in a book the harassment she suffered as a sports journalist from players, coaches and referees.
- In March 2021, 150 French sports journalists publishes a manifesto "Occupons le terrain" (Let's occupy the field), calling for changes in the composition of sports newsrooms, greater coverage of women's sports (only 18% of airtime) and warned of the prevailing sexism in their departments.

Being a woman journalist



Marie Portolano, author of the documentary
“ I am not a whore, I am a journalist ”

Speaking-out and self-censorship

Social networks allowed a certain liberation of speech:

- massive support is given to Internet users who decide to talk about the discrimination they have suffered;
- hashtags are multiplying rapidly giving visibility to the problems raised on the subject of sexist behaviour in the world of sports journalism ([example of Pierre Menez at Canal +](#)).

Liberation of speech is limited by self-censorship:

- accusing or denouncing a colleague = risk of losing one's job, facing a lot of criticism;
- persistence of the traditional omerta on sexist behaviours in sport;
- editorial staff sometimes decide to protect the reputation of a channel.

Inequality of representation

- **Monopolisation by man of reporting on sports:** in France, out of 5830 sports journalists, only 14% are women. Europewide women sports journalists represent only about 10% of the sports journalists' workforce.
- **The over-representation of men in important positions in sports editorial offices** places them in the position of recruiter and decision-maker, which again leads to a reproduction mechanism in the composition of teams.
- **Men still often have the role of expert**, commentator and sports technician, while women are under-represented in these roles but are more present in the role of sports presenter.

Gender stereotypes

- Media portrayals of sports and athletes can contribute to the construction of **harmful gender stereotypes**. The media tends to portray female athletes first as women, and then as athletes. While men are portrayed as powerful, independent, and valued as athletes

Short headline: **UNC** beats Louisville 72-71 on late Paige basket

Long headline: Led by a Paige game-winner, **North Carolina** defeats Louisville 72-71

Everything from the headline to the text of this basketball match report was written by a computer program. It has to know how to fit the format - saving characters here by using the abbreviation "UNC", short for University of North Carolina.

CHAPEL HILL, N.C. **Marcus Paige** scored with nine seconds remaining in the game to give North Carolina a **72-71** lead over Louisville. **The Heels** held on to win by that same score following a missed 3-pointer by Wayne Blackshear and an unsuccessful second-chance attempt by Terry Rozier.

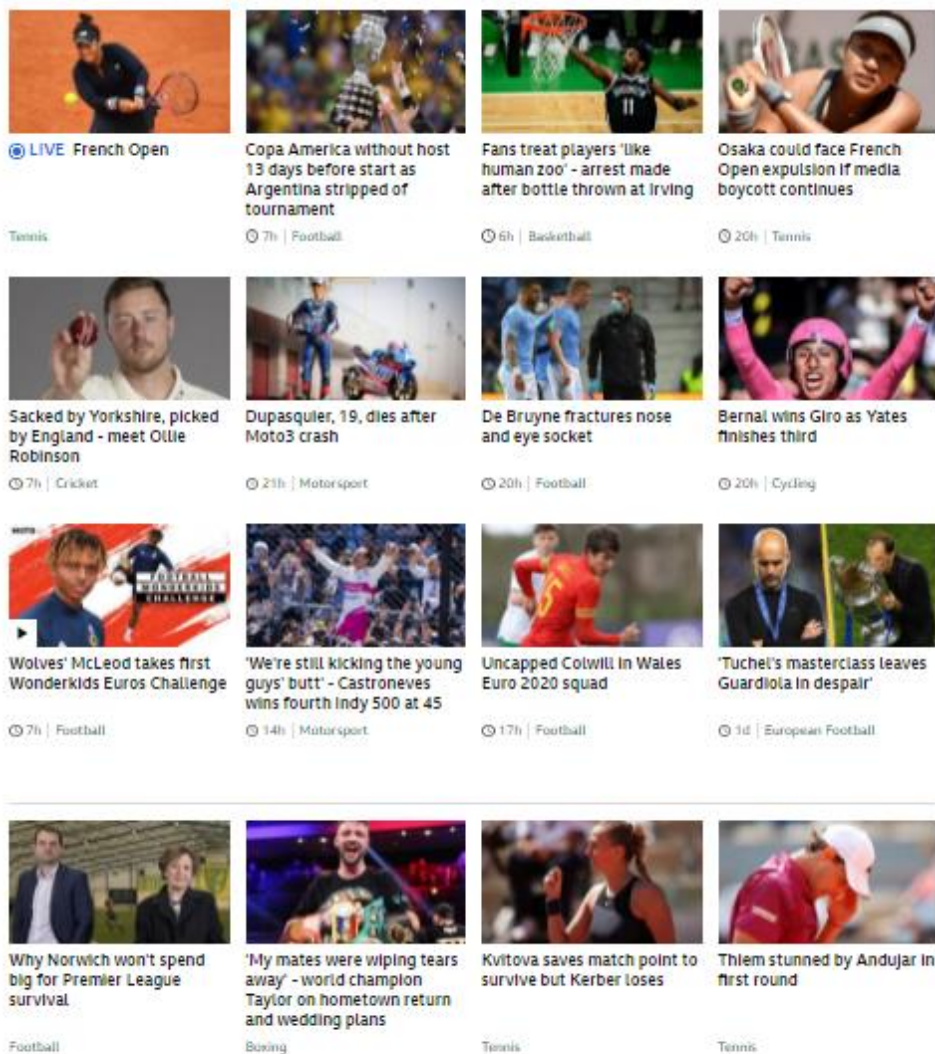
Each story starts out as a collection of data, logged during matches. That's things like tables, graphs and lists that might be hard to digest unless you're an expert. The system has a record of who did what and when, down to the second.

The Paige basket capped off a **13-point comeback** for the Tar Heels, who trailed 63-50 after a Blackshear 3-pointer with 8:43 left in the game. UNC finished the game on a 22-8 run to secure the victory. After a basket by Brice Johnson gave North Carolina a 70-69 lead with **39 seconds left**, Rozier responded with a hoop to give Louisville a one-point advantage with **26 seconds remaining**.

Automatic creation of textual content and its impact on the written press

GPT-3 is an AI system developed by OpenAI that can generate texts from precise instructions allowing the selection of variables such as the choice of argument, perspective, purpose and format of the article. The increasing use of such systems has many challenges:

- increased difficulty to detect between machine-written and human-written texts.
- possibility of an **industrialisation of disinformation**.
- risk of invading the public space, including social networks, for example with short, factual content on sports results, which could be generated more quickly than by humans.
- risk of **standardisation of opinions**, affecting media pluralism.



Automatic creation of textual content

This type of technology should:

- be limited to a **tool to assist professionals**, with intelligent human control and supervision.
- be framed by guarantees of **transparency, explicability, accountability or diversity**,

Source: CAHAI feasibility study on a legal instrument on the design, development and application of artificial intelligence.

"Quality journalism, trust in the media and an informed public are interdependent and of great importance for the functioning of democracy. "

Source: Secretary General's annual report 2021

PLATFORM TO PROMOTE THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS



Legal proceedings against the Romanian Centre for Investigative Journalism

The Romanian Centre for Investigative Journalism (CRIJ) faced mounting fines and two lengthy court cases:

- The investigative magazine participated in the European Investigative Collaborations network's **Football Leaks project**, producing a series of articles in 2016-2018 on the global football industry, which led to a number of investigations and criminal prosecutions around the world, for money laundering, fraud and tax evasion offences.
- Arif family and Malta-based Doyen Sports Investment Limited filed two civil lawsuits against CRIJ, **claiming defamation** on the basis of leaked or stolen company and personal documents.
- On 24 February 2021, **a Romanian judge dismissed the case** against the Romanian Centre for Investigative Journalism.

Defamation campaign against four sports journalists in Greece

- About **10,000 posters were put up in the streets of Athens** on the 6th of May 2020. The posters feature photos of journalists, their names and words such as "defamers", "10-euro vile", "impostors". Some posters are still visible today.
- According to the Union of Journalists of Athens Daily Newspapers, **journalists are targeted in connection with their articles, reports and commentaries on Greek football.**
- Response from the Greek authorities, Ministry of Justice: "Regarding the incident mentioned in the alert of 6 May 2020, please note that **the case is currently under investigation** by the Violence and Sports Crimes Department of the Public Prosecutor's Office, Athens Court of First Instance. »



IED attack on the offices of the Cypriot news agency MC Digital Media

- **A roadside bomb exploded at the entrance to the offices** of the Cypriot news agency MC Digital Media in the early hours of 4 March 2020. The network hosts the local online news agency Cyprustimes.com and other **titles covering sports, finance and show business**.
- No injuries were reported, and police are currently investigating whether the motive for the attack was related to his editorial activity.
- Government response: "The government condemns in the strongest possible terms the bombing of the Cyprus Times digital media group. **The government condemns any criminal action against the freedom of the press**, which is a fundamental value of our democracy. The state will do its utmost to identify the perpetrators of this attack so that they can be brought to justice. »



Freedom of expression: investigation by journalists into doping in professional sport

Ressiot and Others v. France 28 June 2012

The case concerned investigations at the premises of the newspapers L'Équipe and Le Point, as well as at the homes of journalists accused of violating the secrecy of the investigation and receiving stolen goods.

The ECHR found a violation of Article 10 (freedom of expression) of the Convention. It observed that:

- the subject of the articles in question - doping in professional sport, in this case cycling - and the problems associated with it concerned a **debate of very great public interest**.
- the articles responded to a growing and legitimate public demand for information on doping practices in sport - in particular in cycling.



Freedom of expression: public debate on corruption in football **Colaco Mestre et SIC v Portugal April 2007**

Journalist Colaco Mestre and his company were sued by the President of the Portuguese Professional Football League for insulting referees and calling him the "referees' boss" in an article concerning accusations of referee corruption in Portugal.

The Criminal Court of Porto sentenced the journalist to a fine.

The ECHR found a violation of Article 10 (freedom of expression) of the Convention. It observed that:

- The complainant was a well-known public figure who played an important role in the public life of the nation
- The debate around issues of corruption in football clearly raises questions of public interest
- Punishment of a journalist... is likely to seriously hamper the contribution of the press to the discussion of problems of general interest



Freedom of expression: striking an adequate balance

Sedat Doğan v. Turkey, Naki and Amed Sportif Faaliyetler Kulübü Derneği v. Turkey and Ibrahim Tokmak v. Turkey

The three cases concerned sporting and financial sanctions imposed on the applicants (a referee, a professional player, a sports club and a member of the board of Galatasaray football club) by the Turkish Football Federation (TFF) on account of statements in the media or messages published or relayed on social networks.

The ECHR found a violation of Article 10 (freedom of expression) of the Convention. It observed that:

- national authorities in their decisions to impose sanctions on the applicants showed **a failure to strike an adequate balance** between, on the one hand, the applicants' right to freedom of expression and, on the other, the right of the TFF's directors to respect for their private lives and other interests at stake, such as the maintenance of order and peace in the footballing community.



PACE Resolution 2200 (2018) The good governance of football

Major sports federations have a role to play in protecting freedom of expression:

"11.2.2 With regard to the protection of human rights and in particular the protection of minors, and the promotion of gender equality and the human development of all football players, **the Assembly recommends that FIFA and UEFA, each within the framework of its competences, insist that the governments of the host countries safeguard fundamental civil and political rights**, in particular freedom of expression - including freedom of the media - and freedom of peaceful assembly, not only in relation to their competitions but also beyond. "

Thanks for your
attention !



further resources:

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