

# War in Europe and the Fight for the Right to Report



Annual Report  
by the partner organisations  
to the Council of Europe Platform  
to Promote the Protection of Journalism  
and Safety of Journalists

2023

**safety of  
journalists  
platform**



COUNCIL OF EUROPE



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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.*

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# 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**  
<http://www.aej.org>



**ARTICLE 19**  
<http://www.article19.org>



**REPORTERS WITHOUT BORDERS**  
<https://rsf.org>



**THE COMMITTEE TO PROTECT JOURNALISTS**  
<https://cpj.org>



**INDEX ON CENSORSHIP**  
<https://www.indexoncensorship.org>



**INTERNATIONAL PRESS INSTITUTE**  
<http://ipi.media/>



**INTERNATIONAL NEWS SAFETY INSTITUTE**  
<http://newssafety.org>



**THE RORY PECK TRUST**  
<https://rorypecktrust.org>



**THE EUROPEAN BROADCASTING UNION**  
<https://www.ebu.ch>



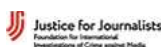
**PEN INTERNATIONAL**  
<http://www.pen-international.org>



**EUROPEAN CENTRE FOR PRESS & MEDIA FREEDOM**  
[www.ecpmf.eu](http://www.ecpmf.eu)



**FREE PRESS UNLIMITED**  
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**JUSTICE FOR JOURNALISTS FOUNDATION**  
<https://jfj.fund>

# Recommendations

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## To the Council of Europe

■ Adopt the Recommendation on Strategic Lawsuits Against Public Participation (SLAPPs) by 2024 and promote and monitor its implementation in member states.

■ Based on Recommendation CM/Rec(2016)4 and the implementation guide, put forward a priority list of legal and practical protections for the safety of journalists and the protection of journalism as guidelines for National Action Plans and the safety of journalists' campaigns in member states, with a focus on reforms of law-enforcement and judicial processes to eradicate impunity.

■ Encourage member states to take measures to effectively address concerns and recommendations for reform put forward by advocacy groups and civil society, notably during the planning and implementation of the forthcoming safety of journalists' campaign of the Council of Europe.

■ Ensure regular stock-taking on the state of Public Service Media in the member states, in particular examining if they have editorial and institutional autonomy and their funding is stable, adequate and transparent.

## To the member states of the Council of Europe

■ 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.

■ Adopt National Action Plans for the Safety of Journalists and mobilise the necessary resources to implement them.

■ Establish mechanisms to trigger emergency protection, drawing on good practice such as the Persveilig mechanism in the Netherlands or Italy's system of police protection for media workers under serious threat from organised crime.

■ Review laws, policies, and practices with particular attention to SLAPPs, and adopt comprehensive anti-SLAPP legislation that provides for early dismissal of vexatious or 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.

■ Implement Council of Europe standards which provide guarantees for the independence and sustainability of Public Service Media organisations and establish a regular dialogue with PSM providers and other stakeholders on their implementation.

■ Put in place internal mechanisms to ensure that alerts are systematically replied to and followed up with effective remedial actions, leading to a marked improvement in the rate and quality of responses to alerts as well as their resolution.

### **To the institutions of the European Union**

■ Secure the adoption of the European Media Freedom Act (EMFA) and ensure it contains strong provisions against external interference; and protects the editorial independence of the media; the role and expertise of independent regulators; the transparency of ownership structures and media concentration laws; and the stable allocation of resources to public service media.

■ Ensure that the pending draft EU anti-SLAPP Directive is broad and robust and make adoption of effective legislation a priority.

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

■ The European Commission should seek to promote and provide visibility and recognition of positive measures taken 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.

■ Ensure that the Regulation on Child Sexual Abuse protects and guarantees encryption as a fundamental right for journalists.

■ EU member states should fully investigate all reports that Pegasus has been used to surveil journalists; and provide remedy for targeted journalists, including restitution.

# Introduction

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## A war on journalism

■ 2022 was a year defined by war. And in parts of Europe, it was also a war on journalism. Since Russia launched its unprovoked aggression against Ukraine at least twelve journalists and media workers have been killed while performing their professional duties and 21 have been injured.

■ Russia's aggression had momentous consequences on the international and European scenes. In the UN General Assembly on 2 March, 141 countries – an overwhelming majority – voted to condemn Russia's invasion. On 7 March Russia was suspended from the UN Human Rights Council.

■ European institutions reacted swiftly to the invasion of Ukraine and adopted strong measures against the aggressor. On 16 March the Council of Europe expelled Russia. The European Union adopted the first of a series of sweeping sanctions on 2 March; and on the same day the Commission announced it was suspending the rights of Russia's state-owned media RT and Sputnik to broadcast anywhere in the EU.<sup>1</sup> On 25 May, the European Broadcasting Union (EBU)'s Executive Board suspended its Russian members.

■ More than 11,000 journalists have been accredited by Ukrainian authorities to report on Russia's invasion. Covering the war has been hugely challenging in the face of indiscriminate shelling, targeted strikes against broadcasting and communications infrastructure, frequent and lengthy power cuts, and attempts to target and capture journalists in Russian-occupied areas. Newsrooms have submitted their reporters' deployment to strict safety protocols. As Ukraine decreed martial law and made military secrecy a priority very few war correspondents were allowed on the frontlines. Those who did had to be particularly vigilant due to Russian forces' active hostility towards journalists. "I advise anyone going to the front to dispense of all 'press' signs", said French veteran reporter Patrick Chauvel.<sup>2</sup>

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1. Council of the European Union: EU imposes sanctions on state-owned outlets RT/Russia Today and Sputnik's broadcasting in the EU, Press release, 2 March 2022 <https://www.consilium.europa.eu/en/press/press-releases/2022/03/02/eu-imposes-sanctions-on-state-owned-outlets-rt-russia-today-and-sputnik-s-broadcasting-in-the-eu/>
  2. Telling the War, European Journalism Symposium, Brussels, 23 November 2022 <https://www.journalisme.com/les-assises-bruxelles-2022/programmeajbrussels2022/>



■ As the war unfolded, international journalists' and press freedom organisations moved to support Ukrainian and foreign reporters by providing humanitarian assistance, safety material and even by shipping generators to help newsrooms confronted with blast-induced power cuts. They investigated killings of journalists and filed complaints for violations of international humanitarian law with the International Criminal Court in The Hague. They also assisted in asylum procedures, particularly for Russian journalists. The Partner Organisations to the Platform condemned the threats to the lives and safety of journalists resulting from Russia's aggression against Ukraine and decided to continue documenting attacks on journalists and other efforts to restrict coverage of the war, to publicise such potential war crimes and demonstrate support for all journalists, who report truthfully about the unfolding war. Even though it is no longer part of the Council of Europe, the Partner Organisations pledged to continue monitoring the state of press freedom and attacks against journalists in Russia.

*In Russia, the invasion went hand in hand with a brutal crackdown on independent journalism*

■ In Russia, the invasion went hand in hand with a brutal crackdown on independent journalism. Shortly before the invasion, at the beginning of February, Russian authorities had banned broadcaster Deutsche Welle.<sup>3</sup> Following the invasion, the authorities imposed total censorship on the coverage of the war which was officially described as a 'special military operation'. Any deviation from the official discourse was criminalised. Independent journalists faced up to 15 years imprisonment if they did not toe the line. Crude and dehumanising propaganda, warmongering, incitement to hatred and disinformation overwhelmed Russia's state-controlled news space.

■ The last remaining independent media were banned, went out of business, or left the country. Hundreds of Russian journalists chose to leave and report from abroad on their country at war. The repression even fell on the 2021 Nobel Peace Prize co-laureate, Dmitry Muratov, who was forced to suspend Novaya Gazeta after nearly 30 years of combative journalism. Russian authorities took control of Internet platforms and search engines. In the first six months of the conflict "nearly 7,000 websites were blocked in Russia, including those of major independent media and human rights groups",<sup>4</sup> wrote the BBC in November,

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3. Russian Foreign Ministry: DW to close Moscow Bureau, Deutsche Welle, 3 February 2022 <https://corporate.dw.com/en/russian-foreign-ministry-dw-to-close-moscow-bureau/a-60650601>
  4. Ukraine war: Russians kept in the dark by Internet search, BBC Monitoring, 11 November 2022 <https://www.bbc.com/news/world-europe-63246153>

quoting estimates of a digital rights NGO, Roskomsvoboda. Similarly drastic measures were applied in annexed Ukrainian territories, where occupation forces set up pro-Moscow media and even branches of the Russian Union of Journalists, forcing out Ukrainian outlets and submitting all journalists to the Kremlin's information diktats. Moscow barred many foreign journalists, among them 29 from the United Kingdom, including from the BBC, Channel 4 and The Guardian.<sup>5</sup>



*Kazanevsky (Ukraine) / Cartooning for Peace*

## No stop to ‘backsliding’

■ Russia’s war in Ukraine occurred in the context of a continued degradation of press freedom across the continent. In 2022 the Platform posted 289 alerts concerning 37 countries, a figure comparable to that of 2021, which had 282 alerts. The member states’ responses to these alerts were a symptom of the continuing crisis: replies were filed for 48 alerts, which sets the reply rate at a paltry 16%, and 13 were considered as ‘resolved’ by the end of the year. The Partner Organisations declared themselves dismayed by these numbers, which raised doubts on member states’ commitment to seriously uphold their

5. Russia-Ukraine war: Some of UK’s top journalists barred from Russia, 14 June 2022 <https://www.bbc.com/news/world-europe-61796070>

obligations under the Council of Europe's statute and the European Convention on Human Rights.<sup>6</sup>

■ Apart from the journalists who died on active duty because of Russia's war of aggression against Ukraine, the Platform recorded one journalist killed in the exercise of his functions (Güngör Arslan in Türkiye), compared to four who died the previous year outside of a war zone. There were also fewer alerts on violence and threats at street protests, as Covid-related demonstrations receded. However, in several cases journalists reporting on civil disobedience and protest actions on climate change, were treated as criminals by police forces<sup>7</sup> or threatened and attacked by the subjects of their reporting.<sup>8</sup>

■ Harassment and smear campaigns online and offline continued unabated as private citizens and public officials tried to intimidate journalists and coerce them not to cover sensitive stories. Likewise, media bashing and online mob harassment, which create environments and conditions where violence against the press is legitimised, are a major concern. The canard that journalists are accomplices of - or hostages to - the 'elite', or that they are part of the 'lying press', kept feeding forms of hostility, which at any time could lead to harassment and violence.

*At the end of 2022 there were a total of  
127 journalists in prison in Europe*

■ The elements which foster violence against the press have not changed substantially. Criminal organisations have not bailed out, corruption, polarisation and populism have not receded, and, in parts of Europe, repressive state authoritarianism has not been eroded. A key indicator of the continued backsliding was the increase in the number of imprisoned journalists, 60% more compared to 2021. Together with Belarus, there were a total of 127 journalists in prison at the end of 2022 in Europe.<sup>9</sup>

■ With the repression in Russia and the Russian invasion of Ukraine, helping colleagues to get asylum became a major challenge. Russian journalists

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6. The 15 Partner Organisations participating in the work of the Platform have jointly written this report. Each Partner Organisation reserves the right to make its own assessment of any issue or case.

7. Points of Order, Volume 722, debated on Wednesday 9 November 2022 <https://hansard.parliament.uk/Commons/2022-11-09/debates/58D65132-6AD9-40EE-8F9E-7A82CD6DACE5/PointsOfOrder#contribution-11A0825E-2DEA-4C35-8F98-7E4D4EEC105A>

8. Alert "Two France 3 Journalists Attacked by Farmers" <https://go.coe.int/DbuZY>

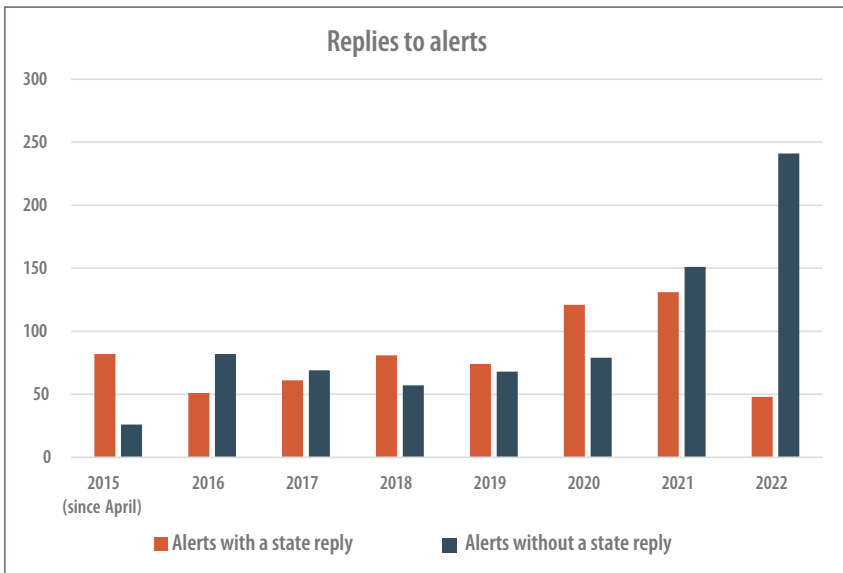
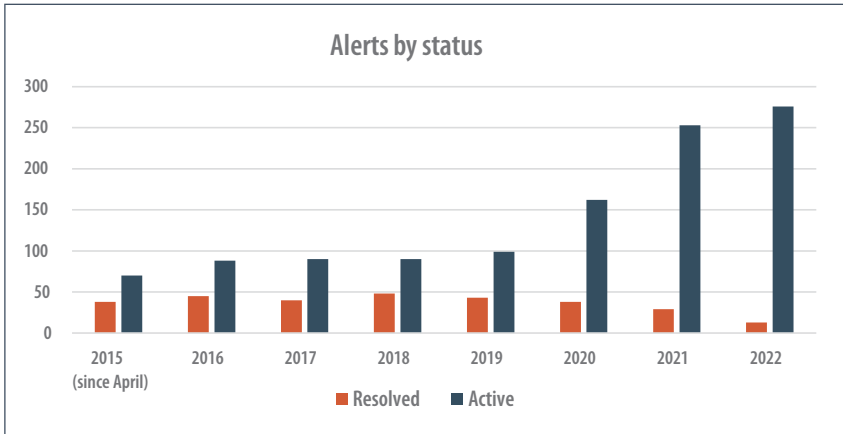
9. Safety of Journalists Platform: <https://fom.coe.int/en/listejournalistes/detentions>; European Federation of Journalists (figures which include Belarus) <https://europeanjournalists.org/blog/2022/12/31/124-journalists-to-spend-new-years-eve-in-prison-in-europe/>

fleeing repression met administrative hurdles<sup>10</sup> and, at times, mistrust in their new countries of residence. In Latvia the licence of exiled TV Rain was cancelled over alleged violations and its coverage of Russia's war against Ukraine, deemed to be pro-Moscow, a claim that the station contested.<sup>11</sup> At the end of December TV Rain has been issued a five-year broadcasting permit by the Dutch Media authority.

■ Being abroad has not provided either a foolproof protection against the long arm of the enemies of free press. On 12 June, French authorities foiled a suspected assassination attempt against Azerbaijani blogger Mahammad Mirzali, who lives in exile in Nantes. He had been under 24/7 police protection after assaults in 2020 and 2021.<sup>12</sup> In Sweden the Turkish exiled journalist Ahmet Dönmez was beaten up last March by unidentified assailants.<sup>13</sup> In September and October a leading Turkish daily ran stories revealing the locations of three exiled Turkish journalists, portraying them as criminals on the run.<sup>14</sup>

■ Ten years after the United Nations designation of 2 November as the International Day to end impunity for crimes against journalists, most assailants and their sponsors still escape from the arms of Justice. In 2022 no alert on impunity related to killings of journalists in past years could be moved to 'resolved' on the Platform. In Malta, in the iconic case of the murder of the investigative journalist Daphne Caruana Galizia, the two hitmen were sentenced to prison, but trial of the alleged mastermind and the bomb-makers remains pending.<sup>15</sup> The government of Malta failed to implement in good faith the recommendations of the Public Inquiry established after her death, which determined that the state must take responsibility for creating the conditions of impunity that led to her murder.

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10. Forced into exile by Putin's war, Russian journalists are rebuilding their lives in Riga, Reuters Institute, 20 May 2022 <https://reutersinstitute.politics.ox.ac.uk/news/forced-exile-putins-war-russian-journalists-are-rebuilding-their-lives-riga>
  11. Alert "Latvian Broadcasting Licence for Exiled Russian Broadcaster Dozhd TV Cancelled", <https://go.coe.int/auyiG>
  12. Alert "Suspected Assassination Attempt on Exiled Azeri Blogger Mahammad Mirzali", <https://go.coe.int/mAZt8>
  13. Alert "Exiled Turkish Journalist Ahmet Dönmez Attacked in Sweden", <https://go.coe.int/aXtcy>
  14. Alert "Daily Sabah Publishes Locations of Exiled Journalists", <https://go.coe.int/juchm>
  15. Alert "Investigative Journalist Daphne Caruana Galizia Killed by Car Bomb", <https://go.coe.int/a1CWZ>



## National security

■ The ‘state of war’ mindset which has gripped Europe in the wake of Russia’s aggression against Ukraine, the hybrid warfare and the negative effects of hostile states’ disinformation strategies have raised legitimate security concerns in Europe as they are understood as direct threats against democracy and the national interest. But these factors also provide ammunition to those governments which are bent on unduly restricting the journalists’ right to report on matters they consider related to national security.

■ In the United Kingdom the government put forward a National Security Bill, presented as an essential tool to “keep the people of this nation safe”.<sup>16</sup> Press freedom organisations, however, identified major concerns. “The importance of national security in a time of global instability is something we can all understand”, they said. But they warned about “the chilling effect the new legislation will have on the practice of investigative journalism”,<sup>17</sup> as the bill allows for journalists who receive financial or other assistance from abroad to be prosecuted for espionage or foreign interference. This could deter disclosure of wrongdoing by officials, effective public interest journalism and international collaborative investigations. The draft legislation has been criticised for using vague and overly broad language; it has no public interest defence or any meaningful safeguards to protect journalists, media workers and whistle-blowers.

■ National security is also part, under the terms of the US 1917 Espionage Act, of the extradition process which has been going on in London in the Julian Assange case. In June 2022, the then-Home Secretary Priti Patel approved the extradition of Assange to the United States. This followed a concerted call by media freedom organisations and human rights institutions, such as the Council of Europe Commissioner for Human Rights, Dunja Mijatović, not to extradite him as the wider human rights implications of the decision had not been adequately considered.<sup>18</sup>

■ In Denmark, the National Unit for Special Crime summoned at least seven national security reporters as witnesses in a leak investigation into the publication of classified information. It came in the wake of the stern warning against publishing state secrets, which was delivered in December 2021 by Denmark’s intelligence chiefs to three leading media houses.<sup>19 20</sup>

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16. National Security Bill reaches last stage in the House of Commons <https://www.gov.uk/government/news/national-security-bill-reaches-last-stage-in-the-house-of-commons> 16 November 2022

17. Martin Bright, “Journalism is at risk from the National Security Bill. We’re fighting back”, *Open Democracy*, 8 November 2022 <https://www.opendemocracy.net/en/national-security-bill-investigative-journalism-public-interest/>

18. Commissioner for Human Rights: Commissioner calls on UK government not to extradite Julian Assange, Letter, 18 May 2022 <https://www.coe.int/en/web/commissioner/-/commissioner-calls-on-uk-government-not-to-extradite-julian-assange>

19. World Association of News Publishers “World’s Press Alarmed by Chilling Effect on Danish Press Freedom” <https://wan-ifra.org/2021/12/worlds-press-alarmed-by-chilling-effect-on-danish-press-freedom/> 14 December 2022

20. Alert “Intelligence Services Warn Media against Publishing Classified Information” <https://go.coe.int/TgYaY>



*Amorim (Brazil) / Cartooning for Peace*

## Surveillance

■ In 2020, the Pegasus Project, one of the most ambitious transnational investigative journalism projects (coordinated by Forbidden Stories and assisted by Amnesty International’s forensic lab), exposed the use of spyware to surreptitiously penetrate journalists’ communications. Since then, the press has been on the alert, as the surveillance tools have become increasingly sophisticated and harder to detect.

■ Even though European governments and institutions promised to clamp down on illegal surveillance, new cases have emerged, especially in Greece where a new spyware, Predator, was allegedly used by the National Intelligence Agency to spy on journalists.<sup>21</sup> Spain was also accused of using spyware to surveil Catalan journalists and politicians. In an ominous twist, spooks at times used journalists as gateways to surveil other people, as they were deemed to be less technology-savvy and more vulnerable to electronic intrusion, an issue which highlights the urgent need for effective digital safety awareness and protocols in the journalistic community.

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21. Alert “Numerous Greek Journalists and Media Owners Allegedly Targeted with Predator Spyware” <https://go.coe.int/eFbQn>



*Tjeerd Royaards (Netherlands) / Cartooning for Peace*

## Fake news and disinformation

■ Disinformation is a threat to journalism. It amplifies conspiracy theories and clouds legitimate news, but also stokes an atmosphere of mistrust and media bashing, potentially leading to harassment and even violent physical attacks on journalists.

■ In March 2022, a European Parliament Special Committee published a report on “Foreign interference in all democratic processes in the European Union, including disinformation”<sup>22</sup> exposing the weaponization of information by Russia, China and other foreign actors.

■ After Russia’s invasion, the EU described Kremlin disinformation as an “operational tool in its assault on Ukraine and a direct threat to the Union’s public order and security”. It suspended broadcasting by RT/Russia Today and Sputnik within the EU until they “cease to conduct disinformation and information manipulation actions against the EU and its member states”.<sup>23 24</sup>

22. European Parliament: EU must prepare better to fight off foreign interference and disinformation, Press release, 9 March 2022 <https://www.europarl.europa.eu/news/en/press-room/20220304IPR24790/eu-must-prepare-better-to-fight-off-foreign-interference-and-disinformation>

23. Council of the European Union: EU imposes sanctions on state-owned outlets RT/Russia Today and Sputnik’s broadcasting in the EU, press release, 2 March 2022 <https://europa.eu/!fGpJKJ>

24. European Federation of Journalists: Fighting disinformation with censorship is a mistake <https://europeanjournalists.org/blog/2022/03/01/fighting-disinformation-with-censorship-is-a-mistake/>



*Countries used arbitrary or loose claims of 'fake news' to muzzle independent journalism*

This increased awareness about disinformation and foreign actors' influence strategies is welcome, but some countries used arbitrary or loose claims of 'fake news' to muzzle independent journalism,<sup>25</sup> while their captured media were in some cases the ones massively feeding the 'lie machine'.



*Bado (Canada) / Cartooning for Peace*

25. ECPMF: International groups call on Turkey's parliament to reject the 'disinformation' bill as a tool of digital censorship, 8 June 2022 <https://www.ecpmf.eu/international-groups-call-on-turkeys-parliament-to-reject-the-disinformation-bill-as-a-tool-of-digital-censorship/>

## Ministries of control

■ Several European states have been using the judiciary to punish, scare or silence journalists. The Platform has posted 39 alerts related to prosecutions based on alleged criminal offences, from accusations of fraud to terrorism. Pre-trial detention has been used to intimidate or silence journalists.

■ By the end of the year 95 journalists were listed in detention in Azerbaijan, Georgia, Poland, Russia, Russian temporarily occupied territories of Ukraine, Türkiye and the United Kingdom. The hammer of repression has fallen particularly hard on Belarusian journalists (the country was not covered by the Platform in 2022). By the end of the year 32 Belarussian journalists were in jail on trumped up or politically motivated charges.

■ Member states enacted legislation restricting freedom of expression and independent journalism. Azerbaijan's new registration rules for both local and foreign journalists were particularly intrusive, while Türkiye persisted in using legal provisions against insulting the President or spreading 'fake news'.

■ The independence of Public Service Media was a political battleground in several countries. Governments and ruling parties resorted to tricks to control them, particularly at election times, by packing their boards with allies and their newsrooms with yes-men, by undercutting their financial sustainability or bringing regulatory agencies under their control.

■ Media capture was in the same vein. Governments strove to turn public and private outlets into propaganda arms, while creating hostile economic and political conditions for independent media and constraining social platforms' freedom to publish, often under the pretext of protecting online safety and fighting hate speech, terrorism or 'fake news'.

## SLAPPs and abusive litigation

■ Abusive legal threats and Strategic Lawsuits Against Public Participation (SLAPPs) have not subsided, contributing to an atmosphere of intimidation and legal bullying.

■ Italy not only failed to decriminalise libel, but its new coalition government gave its blessing to the use of judicial procedures to silence its critics. "I am convinced that condemnations in civil and criminal procedures are the only method, in the face of defamation, that publishers, editors and journalists

understand”, the new Minister of Defence, Guido Crosetto, bluntly said.<sup>26</sup> The new Prime Minister, Giorgia Meloni pursued her lawsuit against the Italian investigative journalist Roberto Saviano, who has been in hiding since 2006 after his book “Gomorra” exposed the Naples Camorra. She had submitted a criminal complaint in 2021 after Saviano had called her and Lega leader Matteo Salvini “bastards” in a sharp rebuke of their position on migration.<sup>27</sup>

## European institutions

■ The year 2022 has confirmed a growing awareness about the threats to press freedom and what it means for the defence of democracy, the rule of law and human rights.

■ Ten years after the launch of the UN Plan of Action on Safety of Journalists and the Issue of Impunity, in the wake of journalists’ murders and rising illiberalism in member states, European institutions are called on to take meaningful actions in response.

*The failure to promptly implement so many binding court judgments remains a serious blot on Europe’s human rights record*

■ The Council of Europe has shown particular concern over the failure of certain member states to implement judgments of the European Court of Human Rights related to freedom of expression cases. More than 300 such cases were pending execution under the supervision of the Committee of Ministers by the end of 2021, the Secretary General of the Council of Europe, Marija Pejčinović Burić stated.<sup>28</sup> The failure to promptly implement so many binding court judgments remains a serious blot on Europe’s human rights record.

■ In 2022 the Council of Europe adopted new ‘soft law’ guidelines on fighting hate speech online, ensuring fair media coverage of election campaigns and promoting a favourable environment for quality journalism, while a

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26. Silvia Benedetti, “Italie: la présidente du Conseil, Giorgia Meloni, et le journaliste Roberto Saviano s’affrontent en justice”, *Le Soir*, 14 November 2022 <https://www.lesoir.be/476946/article/2022-11-14/italie-la-presidente-du-conseil-giorgia-meloni-et-le-journaliste-roberto-saviano>

27. Alert “Journalist Roberto Saviano tried on defamation charges” <https://go.coe.int/93YOB>

28. Secretary General: Press Freedom Day: Media and journalists need better protection, Statement, 2 May 2022 <https://www.coe.int/en/web/portal/-/press-freedom-day-media-and-journalists-need-better-protection>

Committee of Experts worked on a Recommendation on SLAPPs. In 2023 the Council of Europe is to announce details of its planned campaign aimed at the practical implementation of the Recommendation CM/Rec(2016)4 of the Committee of Ministers.<sup>29</sup>

■ The European Commission was active in 2022 with the coming to fruition of a series of initiatives aimed at improving media freedom and pluralism. Its proposals for an anti-SLAPP directive and its wide-ranging European Media Freedom Act were hailed as major forays into the longstanding dogma that media freedom is a preserve of member states. Press freedom groups however regretted their limited scope and ambition and expressed wariness about the likely negative reactions from some member states jealous of their sovereignty in media-related matters. The Partner Organisations were also critical of projects that may have unintended repercussions on press freedom, particularly about the proposed sharing of judicial evidence among member states (the E-Evidence Regulation) and the proposed Regulation against online child sexual abuse, which, despite stated intentions, carries the risk of impinging on the protection of journalists' sources.

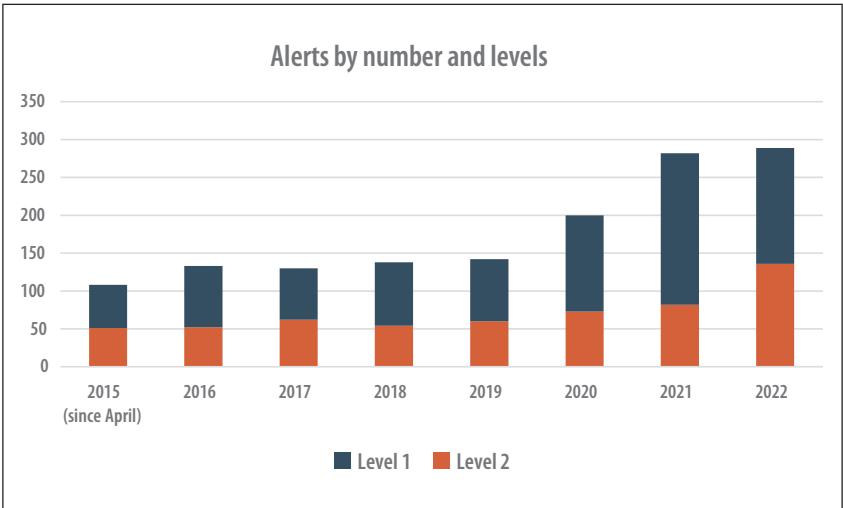
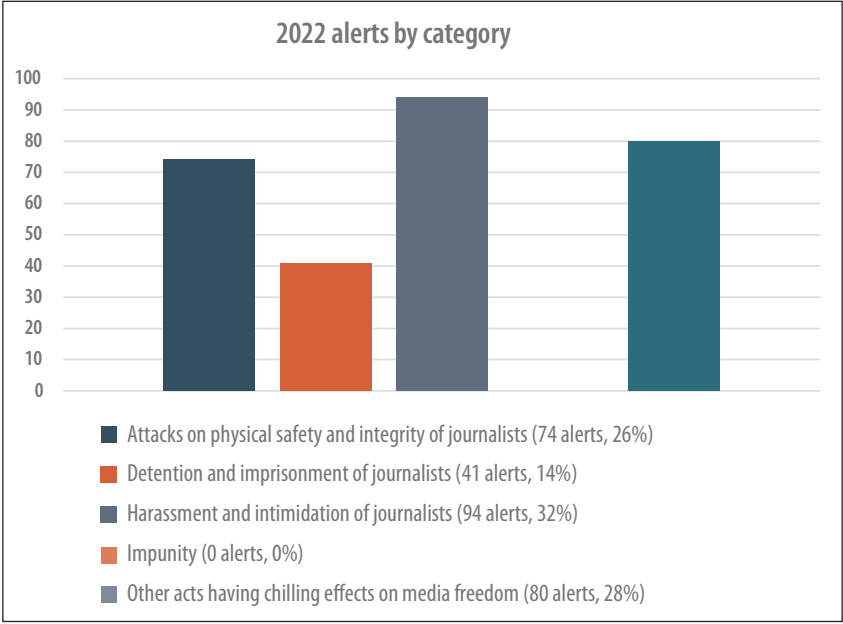
■ When governments and part of public opinion reject the principles and norms of liberal democracy and question the role and legitimacy of free and independent journalism it is even more essential to protect the 'watchdog' role of the media against corruption, the abuses of power and manipulative disinformation and misinformation. More than ever the public's right to be informed by unhindered, independent, and diverse media must be guaranteed.

*The Partner Organisations look to the Council of Europe to enforce the binding obligations which its member states have pledged to fulfil*

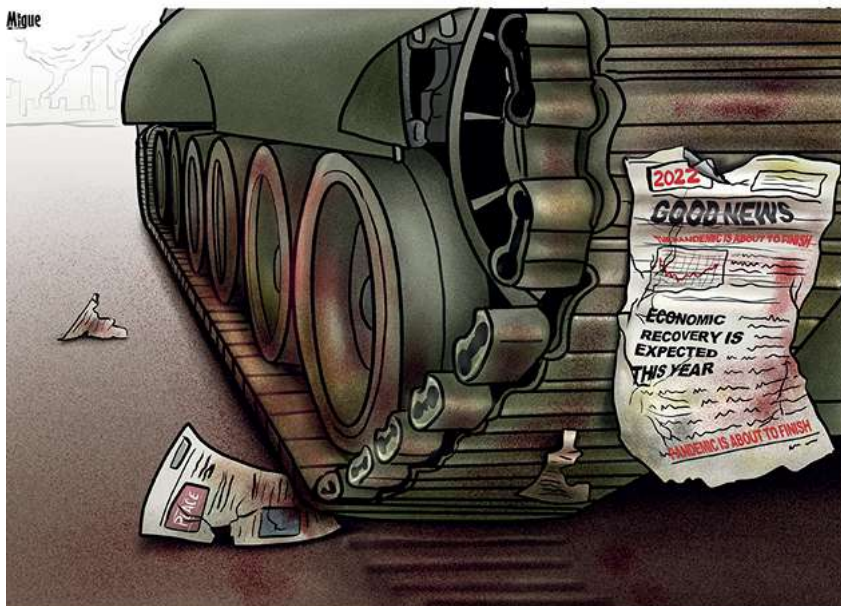
The time has come for European leaders to match the urgency of the situation with urgent and coordinated actions at the highest political level, domestically and internationally. The Partner Organisations look to the Council of Europe to reverse the tide and enforce the binding obligations which its member states have pledged to fulfil in the field of freedom of expression, the protection of journalism and the safety of journalists.

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29. Committee of Ministers: Recommendation CM/Rec(2016)4 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](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9)



# Impact of the Russian invasion of Ukraine on press freedom



*Migue (Cuba) / Cartooning for Peace*

■ “Truth”, as the adage goes, “is the first casualty of war”, trapping journalism and press freedom in the nets of censorship and propaganda. After the invasion of Ukraine, Russian authorities imposed the most draconian and intolerant censorship rules seen in Europe since the end of the Cold War. On 4 March, they fast-tracked two laws, Federal Law No. 32-FZ and Federal Law No. 31-FZ, which criminalised independent war reporting and protesting the war.<sup>30</sup> They banned the use of any information sources other than the official propaganda outlets to report on the war and decreed that the war itself must be referred to as a ‘special military operation’.

30. Committee to Protect Journalists: Understanding the laws relating to ‘fake news’ in Russia <https://cpj.org/2022/07/understanding-the-laws-relating-to-fake-news-in-russia/>

■ Article 207.3 of the Russian Criminal Code bans “public and wilful dissemination of knowingly false information about the Russian army and the exercise of powers by the Russian public authorities abroad”, punishable by up to 15-year imprisonment. At least 17 media workers were facing charges under this article by the end of the year. Five of them were in detention. Article 280.3 of the Code introduces up to five-year imprisonment for anyone who “publicly discredits the Russian army or the exercise of powers by the Russian public authorities in defending the interests of Russia and its citizens and in maintaining international peace and security”. Article 284.2 of the Code criminalised calls for sanctions against Russia, its citizens or legal entities, punishable by up to three-year imprisonment.

■ On 22 March, the ‘disinformation law’ was extended to Russian state bodies operating abroad, including among others the President and his staff, and the Federal Security Service (FSB). The earlier version of this law already punished “socially significant” information on such matters as rouble exchange rate falls, price rises, epidemics and natural disasters.

■ On 6 April the State Duma passed a law on public portrayal of the roles played by the USSR, under which “denial of the USSR’s humanitarian mission in the liberation of the countries of Europe” is punishable by 15 days in prison.

■ Under amendments adopted on 30 June, the Office of the Prosecutor General can now legally suspend any media outlet or prevent its registration without prior notice or reference to a court, for any information considered ‘false’, ‘disrespectful towards the authorities’, ‘discrediting’ the armed forces or state bodies, or calling for demonstrations or sanctions, for propaganda and for defending ‘extremism’. In the event of repeated offences, the extrajudicial suspension can continue indefinitely.

■ A law adopted on 29 June consolidated and facilitated the stigmatising ‘foreign agent’ label. Over 250 media outlets were blocked in Russia, including foreign news outlets, such as BBC, Voice of America, RFE/RL, as well as Novaya Gazeta Europe’s website, launched by the journalists in exile.<sup>31</sup> Roskomsvoboda, an NGO, estimates that over 7,000 sites have been blocked under *de facto* military censorship since 24 February, after having published war-related articles.<sup>32</sup>

■ At least 27 media outlets closed or suspended their operations in Russia in the first six months of war, according to OVD-Info.<sup>33</sup> The TV channel Dozhd/TV Rain was forced off the air. Novaya Gazeta stopped its operations and was

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31. Justice for Journalists Risk Map <https://jff.fund/risk-map/>

32. Roskomsvoboda, 23 August 2022 <https://roskomsvoboda.org/post/polgoda-voyennoi-cenzury/>

33. OVD-Info: Summary of anti-war repressions. Six months of war <https://english.ovdinfo.org/summary-anti-war-repressions-six-months-war>

deprived of its licence in September 2022. The Echo of Moscow radio station and website were liquidated by the board of directors. Several other media, like Bloomberg and The New York Times,<sup>34</sup> suspended their operations. The Russian Ministry of Foreign Affairs announced the closure of Deutsche Welle's Moscow Bureau and the revocation of journalists' accreditations for the Canadian Broadcasting Corporation. The Russian version of Euronews was suspended by Roskomnadzor, the media regulator, on 22 March.

■ The social media platforms Twitter, Facebook and Instagram remain blocked. In October, Meta Platform Inc. (the company that owns Facebook and Instagram) was added to the list of terrorist and extremist organisations.<sup>35</sup>

■ Russian authorities targeted the only independent journalists' union, the Journalists' and Media Workers' Union (JMWU). On 3 August, the Tagansky District Court in Moscow found JMWU guilty of allegedly 'discrediting the Russian armed forces' and on 14 September, following a request from the Moscow City Prosecutor's Office, the Moscow City Court ordered the liquidation of the union.<sup>36</sup>

*More than 500 Russian media workers  
left the country in 2022*

■ The total number of Russian media workers who left the country in 2022 is estimated at more than 500 by the Russian independent investigative outlet Proekt Media.<sup>37</sup>

■ In September dozens of journalists were harassed by the police while they were reporting protests after the announcement of a 'partial mobilisation'.<sup>38</sup>

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34. "The New York Times Pulls its News Staff from Russia", *The New York Times*, 8 March 2022 <https://www.nytimes.com/2022/03/08/business/media/new-york-times-russia-press-freedom.html>

35. "Russia confirms Meta's designation as extremist", *BBC*, 11 October 2022 <https://www.bbc.co.uk/news/technology-63218095>

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

37. "How "offshore journalists" challenge Vladimir Putin's empire of lies", *The Economist*, 22 November 2022 <https://www.economist.com/europe/2022/11/22/how-offshore-journalists-challenge-vladimir-putins-empire-of-lies>

38. Reporters Without Borders: Journalists systematically harassed during anti-mobilisation protests in Russia, 30 September 2022 <https://rsf.org/en/journalists-systematically-harassed-during-anti-mobilisation-protests-russia>



■ In Ukraine, at least twelve media workers have been killed in 2022 while covering Russia's invasion of its neighbour, and 21 others have been injured.<sup>39</sup> According to the National Union of Journalists of Ukraine, as of 15 December, 43 journalists and media workers were killed, including 22 journalists who joined the Ukrainian army.<sup>40</sup>

■ On 26 February the Ukrainian photojournalist Ihor Hudenko died while filming in Kharkiv, a city which was under intense fighting in the first days of the invasion.<sup>41</sup>



Amorim (Brazil) / Cartooning for Peace

*In Ukraine, at least twelve media workers have been killed in 2022 while covering Russia's invasion and 21 others have been injured*

39. Safety of Journalists Platform, special Page "Safety of journalists and media freedom following Russian Federation's aggression against Ukraine" <https://fom.coe.int/en/pagesspeciales/detail/1>
40. NSJU: Since the beginning of the full-scale Russian aggression in Ukraine, 43 media workers have died, 2 November 2022 <https://nsju.org/novini/vid-pochatku-povnomashtabnoy-rosijskoyi-agresiyi-v-ukrayini-zagynulo-43-medijnyka-nszhu/>
41. Alert "Missing Ukrainian Photojournalist Ihor Hudenko Died in Kharkiv" <https://go.coe.int/FUJCP>

■ On 1 March Russian missiles struck the radio and TV tower in Kyiv, killing<sup>42</sup> a cameraman, Yevheniy Sakun, and knocking out 32 TV channels and several dozen national radio stations. Transmission towers have been targeted by Russian missile strikes in several other cities.<sup>43</sup>

■ On 13 March the U.S. reporter and documentarian Brent Renaud on assignment for Time magazine was killed<sup>44</sup> when his vehicle came under fire at a checkpoint in the city of Irpin, outside Kyiv.

■ On 14 March a Fox News French Irish camera operator Pierre Zakrzewski and the Ukrainian journalist Oleksandra Kuvshynova were killed while reporting from Horenka, a city close to Kyiv. The Fox News reporter Benjamin Hall was seriously injured in the attack.<sup>45</sup>

■ On 23 March a Russian journalist for The Insider, Oksana Baulina, was killed by a missile while covering Russian forces' shelling of the residential areas in Kyiv's Podilskyi district.<sup>46</sup>

■ An investigation by RSF suggests that the Ukrainian photojournalist Maks Levin, whose body was found on 1 April, was likely executed by Russian soldiers in a forest near Kyiv on 13 March.<sup>47</sup>

■ On 30 March the Lithuanian documentarian Mantas Kvedaravičius was killed after being abducted by Russian soldiers three days earlier in Mariupol.<sup>48</sup>

■ Yevgeny Bal, a writer and member of the National Union of Journalists of Ukraine, was detained in his house near Mariupol and tortured in the cellar for three days by the Russian military. After being released, he died on 2 April.<sup>49</sup>

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42. Alert "Cameraman Yevheniy Sakun Killed in Missile Attack on TV Tower" <https://go.coe.int/O2VKR>

43. Reporters Without Borders: RSF refers Russian strikes on four Ukrainian TV towers to International Criminal Court, 5 March 2022 <https://rsf.org/en/rsf-refers-russian-strikes-four-ukrainian-tv-towers-international-criminal-court>

44. Alert "U.S. Reporter Brent Renaud Killed Near Kyiv, Journalist Juan Arredondo Wounded" <https://go.coe.int/d805c>

45. Alert "Attack on Fox News Crew Kills Pierre Zakrzewski and Oleksandra Kuvshynova, injures Benjamin Hall" <https://go.coe.int/Jz9Ko>

46. Alert "Russian Journalist Oksana Baulina Killed Amid Russian Shelling on Kyiv" <https://go.coe.int/L0t5m>

47. Reporters Without Borders: Exclusive RSF investigation into the death of Maks Levin: "Information and evidence collected indicates this Ukrainian journalist was executed." 22 June 2022 <https://rsf.org/en/exclusive-rsf-investigation-death-maks-levin-information-and-evidence-collected-indicates>

48. Alert "Lithuanian Documentarian Mantas Kvedaravičius Killed in Ukraine" <https://go.coe.int/1DMmo>

49. Alert "Journalist and Writer Yevgeny Bal Died After Being Tortured for Three Days by the Russian Military" <https://go.coe.int/68v9N>

■ On 13 April two journalists, Roman Nezhyborets and Zoreslav Zamoysky, were found killed in Yahidne and Bucha respectively, under circumstances that remain to be determined.<sup>50</sup>

■ On 30 May Frédéric Leclerc-Imhoff, a reporter for the French rolling-news channel BFMTV, was killed after an armoured evacuation vehicle came under 'enemy fire' as Russian troops entered the outskirts of Severodonetsk.<sup>51</sup>

■ In the occupied territories, Russians set up news outlets spreading disinformation. Russian-appointed officials launched<sup>52</sup> Za!Radio in Zaporizhzhya and ZaTV<sup>53</sup> in Melitopol. Russian operatives also hijacked Ukrainian newspapers' brands, including the Donetsk-based newspaper 'Nashe Slovo' and the Zaporizhzhia-based newspaper 'Novoye Vremya'.

■ On 30 August the Ukrainian Parliament passed a new media bill and on 29 December President Zelensky signed the bill into law.<sup>54</sup> Press freedom organisations welcomed the implementation of the European directive and the modernisation of media legislation, but the National Union of Journalists of Ukraine (NUJU) and the Independent Media Trade Union of Ukraine (IMTUU) have expressed their concerns regarding certain provisions of the law, notably its vagueness regarding the foreseen mechanism for media pre-registration as well as the lack of independence of the regulatory body which will now have newly enhanced powers over audio-visual, print and digital media.

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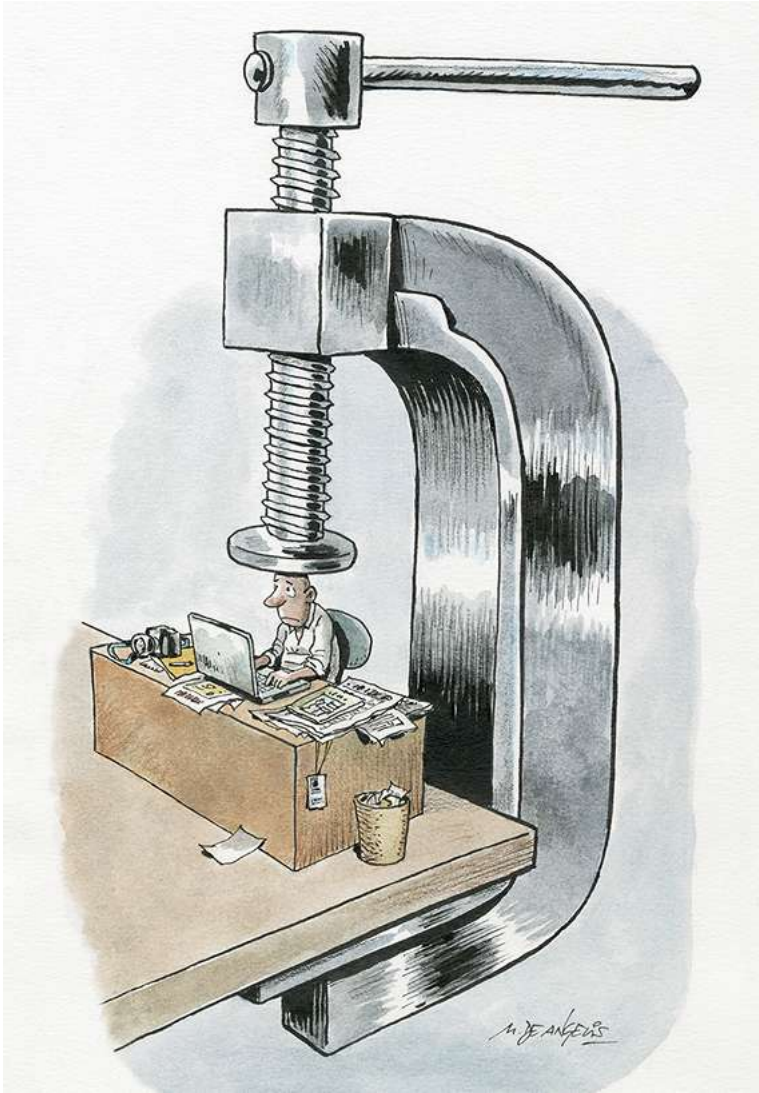
50. Alert "Two Ukrainian Journalists Found Killed in Bucha and Yahidne Following Russian Forces Withdrawal" <https://go.coe.int/ZzOJ3>

51. Alert "French Journalist Frédéric Leclerc-Imhoff Killed in Ukraine" <https://go.coe.int/1ZShY>

52. Institute of Mass Information "Occupiers launch propaganda radio in the seized part of Zaporizhzhia oblast" 12 September 2022 <https://imi.org.ua/en/news/occupiers-launch-propaganda-radio-in-the-seized-part-of-zaporizhzhia-oblast-i47665>

53. Institute of Mass Information "New propaganda TV opened in occupied Melitopol" 2 August 2022 <https://imi.org.ua/news/v-okupovanomu-melitopoli-vidkryly-novyj-propagandystskiy-telekanal-i47055>

54. Alert "Draft Bill Increases Control Over Online Media" <https://go.coe.int/3MU53>



Marco De Angelis (Italy) / Cartooning for Peace

# Belarus

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■ In 2022, Belarus was not yet covered by the Platform. Given the crack-down on media freedom in the country, the Partner Organisations have decided to include Belarus in the annual report, urging forceful action from the international community. In addition, given the magnitude of press freedom violations, as of 2023 the Partner Organisations have decided to monitor via the system of alerts on the Platform, the state of press freedom and attacks against journalists in Belarus.

*The Partner Organisations have decided to start reporting on the state of press freedom and attacks against journalists in Belarus*

■ Two years after the mass rallies against the fraudulent re-election of President Lukashenko, the Belarusian authorities have continued their repression against civil society and the press, which has been exacerbated following the Russian invasion of Ukraine.

■ In 2022, the Belarusian Association of Journalists (BAJ) reported 32 cases of detention of journalists and 55 cases of searches of journalists' homes or editorial offices.<sup>55</sup> These actions highlight the will to intimidate independent media and journalists, many of whom were forced into exile. The year was marked above all by a series of very harsh prison sentences for journalists who were just doing their job.

## **Criminal prosecutions**

■ On 6 December authorities in the south-eastern city of Homel detained Larysa Shchyrakova, a former journalist with the banned Poland-based independent broadcaster Belsat TV, after searching her home.<sup>56</sup>

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55. Belarussian Association of Journalists: Repressions against journalists in 2022, list of colleagues in prison, 10 June 2022 <https://baj.by/en/analytics/repressions-against-journalists-belarus-2022-list-colleagues-prison>

56. Belarussian Association of Journalists: Ex-journalist Larysa Shchyrakova detained in Homel, her son taken to orphanage, 7 December 2022 <https://baj.by/en/content/ex-journalist-larysa-shchyrakova-detained-homel-her-son-taken-orphanage>

■ On 2 December Dzmitryi Luksha, a freelance journalist with the Kazakh state-funded television station Khabar 24 and former reporter with Belarusian state broadcaster Belteleradio, was sentenced to four years in prison. He was accused of ‘discrediting Belarus’ and ‘organising or participating in gross violations of public order’.<sup>57</sup>

■ On 27 October the Minsk City Court convicted Ales Lyubyanchuk, a former Belsat TV reporter, of participation in an extremist formation and sentenced him to three years in prison.<sup>58</sup>

■ On 26 October a court in Minsk sentenced the investigative journalist Sergei Satsuk to eight years in prison for alleged charges of ‘inciting hatred’, ‘official misconduct’ and ‘accepting bribes’.<sup>59</sup>

■ On 6 October a court in Minsk convicted on various charges Andrei Aliaksandrau, Dzmitry Navazhylau, and Iryna Leushyna, three former and current employees of independent Belarusian news agency BelaPAN and sentenced them to prison terms ranging from four to 14 years.<sup>60</sup>

■ On 28 September a court sentenced former state TV journalist Ksenia Lutskina to eight years in prison for ‘conspiring to seize state power’. Authorities accused the journalist of having “prepared, edited, corrected various statements and appeals” of the Coordination Council, a non-governmental body created in 2020 by the opposition leader Sviatlana Tsikhanouskaya, and thereby contributed to the “destabilisation of the political, social, economic and informational situation in the country”.<sup>61</sup>

■ On 14 September the Grodno Regional Court sentenced the investigative journalist Denis Ivashin to 13 years and one month in prison. Denis Ivashin published an investigation into former members of the ‘Berkut’, the Ukrainian

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57. Viasna Human Rights Center: Dzmitryi Luksha <https://prisoners.spring96.org/en/person/dzmitryi-luksza>

58. European Federation of Journalists: Belarus: journalist Ales Lubyanchuk sentenced to 3 years in prison <https://europeanjournalists.org/blog/2022/10/27/belarus-journalist-ales-lubyanchuk-sentenced-to-3-years-in-prison/>;

59. European Federation of Journalists: Belarus: EFJ and BAJ demand the release of Sergei Satsuk, sentenced to 8 years in prison, 26 October 2022 <https://europeanjournalists.org/blog/2022/10/26/belarus-efj-and-baj-demand-the-release-of-sergei-satsuk-sentenced-to-8-years-in-prison/>

60. Committee to Protect Journalists: CPJ condemns Belarus ‘witch hunt’ after three BelaPAN journalists sentenced to lengthy prison terms, 6 October 2022 <https://cpj.org/2022/10/cpj-condemns-belarus-witch-hunt-after-three-belapan-journalists-sentenced-to-lengthy-prison-terms/>

61. Committee to Protect Journalists: CPJ condemns 8-year jail sentence for Belarusian journalist Ksenia Lutskina, 28 September 2022 <https://cpj.org/2022/09/cpj-condemns-8-year-jail-sentence-for-belarusian-journalist-ksenia-lutskina/>

riot police, being recruited into the Belarusian police. He was charged under the Criminal Code for alleged 'treason'.<sup>62</sup>

■ On 3 August the regional court in Homel sentenced the journalist Iryna Slaunikava to five years in prison in a closed trial. The journalist, who is vice-president of BAJ, was found guilty of organising collective actions 'seriously undermining public order and creating or leading an extremist group'. The latter refers to the Poland-based broadcaster Belsat TV, which the Belarusian regime considers an extremist organisation.<sup>63</sup>

■ On 14 July a Belarus court sentenced the journalist Yury Hantsarevich to two years and six months in prison on an extremism charge. Hantsarevich, a correspondent for the independent news website Intex-Press, was convicted of facilitating extremist activities over photos of military planes at a Belarusian airbase sent to Radio Svaboda, the Belarusian service of U.S. Congress-funded Radio Free Europe/Radio Liberty.<sup>64</sup>

■ On 13 July the Belarusian journalist Katsiaryna Andreeva, a correspondent with Belsat TV, was sentenced to eight years in prison on treason charges. Andreeva was detained in November 2020 while livestreaming a peaceful rally against the rigged presidential elections. She was serving a two-year prison sentence for 'organising an illegal protest' and was due to be released on 5 September.<sup>65</sup>

■ On 15 March the Zavodski District Court in Minsk sentenced the journalist Yahor Martsinovich to two years and six months in prison. Authorities charged Martsinovich with 'causing damage without signs of theft' for allegedly paying the *Nasha Niva* (the oldest newspaper of the country) office's electrical bill under a personal rate instead of a commercial one, thereby allegedly "causing damage to the state electricity company".<sup>66</sup>

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62. European Federation of Journalists: Belarus: Journalist Denis Ivashin shockingly sentenced to 13 years in prison, 14 September 2022 <https://europeanjournalists.org/blog/2022/09/14/belarus-journalist-denis-ivashin-shockingly-sentenced-to-13-years-in-prison/>

63. European Federation of Journalists: Belarus: EFJ and BAJ call for the overturn of journalist Iryna Slaunikava's sentence, 3 August 2022 <https://europeanjournalists.org/blog/2022/08/03/belarus-efj-and-baj-call-for-the-overturn-of-journalist-iryna-slaunikavas-sentence/>

64. Committee to Protect Journalists: Belarusian journalist Yury Hantsarevich sentenced to 2.5 years on extremism charges, 14 July 2022 <https://cpj.org/2022/07/belarusian-journalist-yury-hantsarevich-sentenced-to-2-5-years-on-extremism-charges/>

65. European Federation of Journalists: Belarus: journalist Katsiaryna Andreeva sentenced to 8 years for alleged treason, 13 July 2022 <https://europeanjournalists.org/blog/2022/07/13/belarus-journalist-katsiaryna-andreeva-sentenced-to-8-years-for-treason/>

66. Committee to Protect Journalists: Belarus court sentences journalist Yahor Martsinovich to 2.5 years in prison, 15 March 2022 <https://cpj.org/2022/03/belarus-court-sentences-journalist-yahor-martsinovich-to-2-5-years-in-prison/>

■ On 3 March the Savetski District Court in Minsk sentenced Aleh Hruzdilovich to a year and a half in prison for alleged participation in three protests in 2020.<sup>67</sup>

■ On 19 January the Belarusian journalist Aliaksandr Ivulin was sentenced to two years in prison for his protest coverage. The Savetski District Court of Minsk found the journalist guilty of 'organising and preparing actions that grossly disrupt public order, or active participation in them.'<sup>68</sup>

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67. Committee to Protect Journalists: Belarus authorities sentence journalist Aleh Hruzdilovich to prison; label more media 'extremist'; 11 March 2022 <https://cpj.org/2022/03/belarus-authorities-sentence-journalist-aleh-hruzdilovich-to-prison-label-more-media-extremist/>

68. European Federation of Journalists: Belarus: Journalist sentenced to prison and freelance journalist detained, 20 January 2022 <https://europeanjournalists.org/blog/2022/01/20/belarus-journalist-sentenced-to-prison-and-freelance-journalist-detained/>



# Attacks, harassment and intimidation campaigns

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Côté (Canada) / Cartooning for Peace

*In 2022 the Platform recorded 13 journalists killed in Europe, the highest death toll among journalists on the continent since its launch in 2015*

■ The Platform recorded the highest death toll among journalists on the continent since its launch in 2015, with 13 journalists killed in 2022. All but one of these deadly incidents took place in the wake of Russia's invasion of Ukraine. In Türkiye, Güngör Arslan, owner, editor-in-chief and columnist of the daily Ses Kocaeli, was shot outside his newspaper's editorial offices in the

city of Izmit. He died of his wounds later in the hospital.<sup>69</sup> Arslan had regularly been threatened for his reporting on corruption cases.

■ Several assassination attempts of journalists, some apparently driven by political motives, were foiled and serious security threats were reported.

■ The Platform recorded 74 alerts of violent attacks at public events, especially protests and rallies, a decrease from the past year, which may be attributed to fewer rallies against anti-Covid measures. But newsgathering remains hazardous for reporters in public spaces. 18 alerts concerned assaults on journalists and other media representatives by members of the public, while nine other alerts were about heavy-handed actions by security forces, down from 2020.

■ Nine alerts were also submitted to denounce actions not related to the coverage of public matters and events, resulting in serious injury. Finally, eight cases of criminal arson attacks were recorded which targeted the property of journalists and media organisations, particularly broadcast premises and offices.

■ Among the worst cases recorded in 2022 are the following:

- ▶ In Russia, on 30 May, Pyotr Ivanov, a reporter with the news outlet SOTA, was attacked<sup>70</sup> by two unidentified men near his apartment in Saint Petersburg, and hospitalised. On 13 July, RusNews journalist Maria Ponomarenko, who had been arrested for allegedly distributing ‘fakes’ about the Russian army and forcefully detained in a mental hospital, said in a letter that she had been injected with an unknown drug. She was diagnosed with ‘hysterical personality disorder’ and despite suffering from claustrophobia was kept in solitary confinement in a windowless cell. Succumbing to the psychological and physical pressure, on 17 September, Ponomarenko cut her veins in an attempted suicide. On 7 April, during a train ride from Moscow to Samara, an unidentified man, known in nationalist and veteran circles,<sup>71</sup> shouted “Muratov, here’s one for our boys” and threw red paint laced with acetone in the face of Dmitry Muratov, editor-in-chief of the newspaper *Novaya Gazeta*.<sup>72</sup>
- ▶ In Georgia, two physical attacks were recorded by the Platform. During the Fourth of July reception at the US Embassy in Tbilisi, two members of Parliament from the Georgian Dream party assaulted and slapped the founder of Pirveli TV, Vato Tsereteli, and the executive director of

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69. Alert “Turkish Journalist Güngör Arslan Killed in an Ambush”, <https://go.coe.int/4niDJ>

70. Alert “Russian Journalist Pyotr Ivanov Assaulted by Unknown Men” <https://go.coe.int/GhllG>

71. “US says Russian intelligence orchestrated attack on Nobel laureate” *Washington Post*, 28 April 2022 <https://www.washingtonpost.com/national-security/2022/04/28/russia-ukraine-muratov-attack-intelligence/>

72. Alert “Russian Journalist Dmitry Muratov Attacked with Paint” <https://go.coe.int/O21yy>

the channel, Nana Aburjanidze.<sup>73</sup> On 17 March, while interviewing a Russian refugee to Georgia in a Tbilisi bar, Formula TV reporter Nano Chakvetadze, camera operator Archil Nikolaishvili, and camera assistant Giga Tskhovrebashvili were assaulted by a customer,<sup>74</sup> who accused their channel of spreading disinformation.

## Harassment, intimidation and smear campaigns

Journalists continued to be subjected to harassment, intimidation and smear campaigns. These forms of pressure have become a new normal, up to the point that some journalists no longer report them. A total of 94 alerts were posted on the Platform, compared to 110 in 2021. Those behind the threats included private parties and representatives of public authorities. Often, perpetrators remain anonymous, making it even more difficult to seek legal redress.

*The highest number of harassment and intimidation cases were recorded in Russia but also in Serbia, Italy, Poland, Croatia and Greece*

The highest number of cases were recorded in Russia but also in Serbia, Italy, Poland, Croatia and Greece. The Greek journalist Thomas Sideris became the target of intimidation and death threats, after his radio documentary about the Ukrainian Azov Battalion was aired. He received anonymous insults and threats from trolls on social media, calls from secret phone numbers and felt pressured by the Directorate of Public Information Radio of Greece, who said it would strictly monitor his broadcasts.<sup>75</sup> Novaya Gazeta journalist Elena Milashina was forced to leave Russia after she received public threats from the Head of the Chechen Republic, Ramzan Kadyrov.<sup>76</sup>

In 19 cases law enforcement agents and judges took measures often serving the sole purpose of restricting the journalists' rights to report on public events: they ranged from denial of access to public places, arrests and detention to the use of physical force while in custody, fines and jail sentences.

In 2022, the Platform recorded eight insults and smear incidents perpetrated against journalists by private parties. In five more cases, the perpetrators

73. Alert "Pirveli TV Founder Vato Tsereteli and Executive Director Nana Aburjanidze Assaulted at Embassy Reception" <https://go.coe.int/4RpDJ>

74. Alert "Formula TV, Mtavari Arkhi Crews Attacked in Georgia" <https://go.coe.int/HPwmX>

75. Alert "Threats against Journalist Thomas Sideris" <https://go.coe.int/XRkQU>

76. Alert "Novaya Gazeta Journalist Elena Milashina Leaves the Russian Federation after Threats from Chechen President" <https://go.coe.int/QPmdC>

remained anonymous and are still unknown. These consisted mostly of anonymous phone calls, which have a strong chilling effect as the victims feel targeted in their private space.

*Novaya Gazeta journalist Elena Milashina was forced to leave Russia after she received public threats from the Head of the Chechen Republic*

■ In other cases, representatives of public authorities were involved in harassment activities. This was recorded in five alerts in 2022. Yet, the cases involving acting ministers, mayors, diplomats and members of police forces indicate that verbal attacks performed by representatives of public authorities remain problematic and demonstrate the continued relevance of the October 2021 Special Rapporteurs' Joint Declaration on Politicians, public officials and freedom of expression.<sup>77</sup>

### **Focus: Public service media in the crosshairs**

■ PSM journalists appeared to be specifically targeted by protesters and online harassers, leading to an EBU call for newsrooms to ratchet up their safety measures.<sup>78</sup> In Finland, journalists from YLE and other broadcasters reporting on anti-vaccination demonstrations were attacked.<sup>79</sup> In Romania, a reporter and her crew working for Italy's public broadcaster RAI were detained in a Bucharest police station after a Romanian Senator kept them locked up inside her office during an interview. The Romanian government later apologised.<sup>80</sup> Eric Boever, a journalist from RTBF, Belgium's French speaking public broadcaster, was attacked by a crowd of demonstrators in Brussels at the end of 2021.<sup>81</sup> In June, Johanne Montay, a health journalist at RTBF, was harassed online after tweeting about the Covid-19 threat.<sup>82</sup>

77. OSCE Representative on Freedom of the Media: Joint Declaration on Politicians and Public Officials and Freedom of Expression, 20 October 2021 <https://www.osce.org/representative-on-freedom-of-media/501697>

78. European Broadcasting Union: Public Service Media see increased journalist safety violations, 26 April 2022 <https://www.ebu.ch/news/2022/04/public-service-media-see-increased-journalist-safety-violations>

79. Alert "Threats against Media Workers During Convoy Protest in Helsinki" <https://go.coe.int/enAuL>

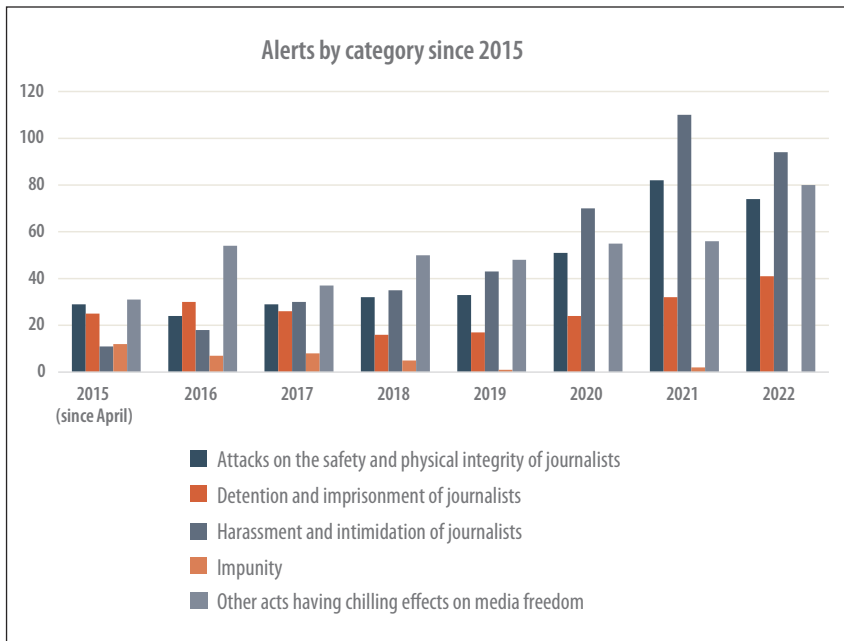
80. Alert "Italian TV Crew Locked In by Romanian Senator and Detained by Police" <https://go.coe.int/MC8GB>

81. Alert "Journalist Pepper-Sprayed During Anti-Vaccination Protest in Belgium" <https://go.coe.int/GY5TO>

82. Alert "RTBF Journalist Johanne Montay Harassed Online" <https://go.coe.int/YyVHU>

■ In Stockholm, Marcus Jordöfrom, a journalist with SVT, the Swedish PSM, was prevented from documenting a climate protest. He was detained by the police but charges against him were later dropped. Another SVT journalist was prevented by the police from filming a police building, alleging that it was an 'object of national security'.<sup>83</sup>

■ In Spain, the photojournalist Lorena Sopena was hit by protesters and her equipment damaged, as she covered a pro-independence demonstration in Barcelona for the Spanish public television RTVE.<sup>84</sup>

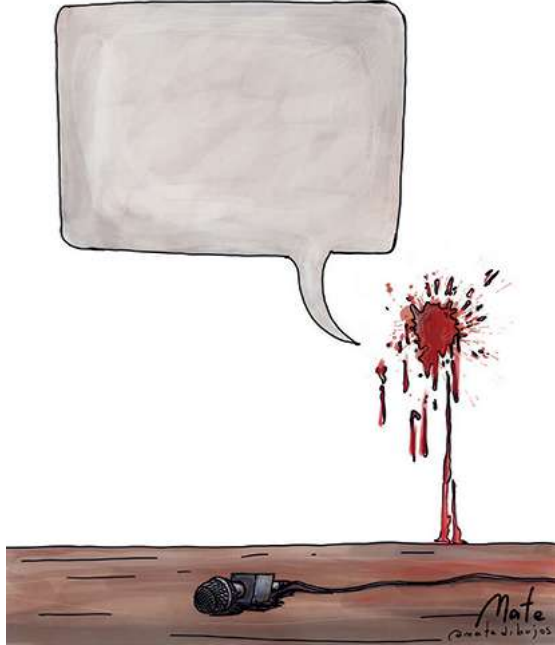


83. Alert "Journalists Detained and Harassed by Police" <https://go.coe.int/hjAJp>

84. Alert "Photojournalist Lorena Sopena Assaulted while Covering Protest in Barcelona" <https://go.coe.int/ovAeZ>

# Impunity

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*Mate (Argentina) / Cartooning for Peace*

■ No new alerts were added to impunity for murder cases in 2022.<sup>85</sup> By the end of the year, 35 impunity cases were active on the Platform, including 26 alerts concerning impunity for murder cases.

■ New developments were reported in three cases concerning impunity for murder - those of Martin O'Hagan, Rafiq Tagi, Daphne Caruana Galizia - but no alerts moved to 'progress' or 'resolved' status.

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85. The Partner Organisations define impunity as the lack of resolution of the case after two years.

*The Criminal Court in Malta  
sentenced the hitmen in the murder of  
Daphne Caruana Galizia to 40 years in prison*

■ 16 October marked five years since the assassination of Malta's leading investigative journalist, Daphne Caruana Galizia. On 14 October, following unprecedented guilty pleas, Malta's Criminal Court sentenced brothers Alfred and George Degiorgio to 40 years each for their role as hitmen in her murder. The Partner Organisations welcomed the sentencing, but the legal proceedings against the suspected bomb suppliers as well as the suspected mastermind remain pending.<sup>86</sup> The lack of implementation of the recommendations made by the landmark Public Inquiry into the assassination, and the exclusion of structured public consultation on proposed legal amendments relating to the safety of journalists and SLAPPs, remained a concern. The Partner Organisations and other press freedom groups continued to call for full justice for Daphne Caruana Galizia and implementation of the sweeping recommendations made by the report of the independent Public Inquiry into Daphne's murder.

■ The alert on the 2001 murder of Sunday World journalist Martin O'Hagan was updated following concerns that the Police Service of Northern Ireland (PSNI) might not have acted on important information that was handed over to them within 48 hours of the crime. They came in the wake of the Police Ombudsman's reports that uncovered collusive behaviour between PSNI and Loyalists (Ulster's radical Protestant militants) in Northern Ireland. O'Hagan's family has taken legal action against the PSNI and the Ministry of Defence.<sup>87</sup> Calls for an independent investigation instead of an amnesty statute that could jeopardise any investigation into the murder<sup>88</sup> remained on the agenda.

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86. Alert "Investigative Journalist Daphne Caruana Galizia Killed by Car Bomb" <https://go.coe.int/a1CWZ>

87. Alert "Continued Impunity for Murder of Journalist Martin O'Hagan in 2001" <https://go.coe.int/fhgBT>

88. Commissioner for Human Rights: UK government's legacy proposal must not undermine human rights and cut off victim's avenues to justice in Northern Ireland, Press release, 23 September 2021, Commissioner for Human Rights: Proposed United Kingdom legislation on legacy of the Troubles in Northern Ireland raises human rights concerns, 31 August 2022 <https://www.coe.int/en/web/commissioner/-/proposed-united-kingdom-legislation-on-the-legacy-of-the-troubles-in-northern-ireland-raises-human-rights-concerns>

■ On 7 July the European Court of Human Rights ruled that the denial of access by Maila Tagiyeva to the investigation into the 2011 killing of her husband, Azerbaijani journalist Rafiq Tagi,<sup>89</sup> violated Article 2 (right to life) of the European Convention on Human Rights.<sup>90</sup> The Court ordered Azerbaijan to pay €14,000 in compensation.

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89. Alert “Continued Impunity for Murder of Azerbaijani journalist Rafiq Tagi” <https://go.coe.int/GjQHP>

90. ECtHR, *Tagiyeva v. Azerbaijan*, 72611/14, 7 July 2022, para. 85 et seq. <https://hudoc.echr.coe.int/eng?i=001-218456>





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*Hall (United States) / Cartooning for Peace*

## Cases on the Platform concerning impunity for murder of journalists<sup>91</sup>

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  
Viacheslav VEREMII – 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  
Hrant DINK – Türkiye – 2007  
Anna POLITKOVSKAYA – Russia – 2006  
Elmar HUSEYNOV – Azerbaijan – 2005  
Dusko JOVANOVIĆ – Montenegro – 2004  
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:

Bardhyl AJETI (2005), Bekim KASTRATI (2001), Xhemajl MUSTAFA (2000), Shefki POPOVA (2000), Marian MELONAŠI (2000), Momir STOKUĆA (1999), Krist GEGAJ (1999), Aleksandar SIMOVIĆ (1999), Milo BULJEVIĆ (1999), Ljubomir KNEŽEVIĆ (1999), Enver MALOKU (1999), Afrim MALIQI (1998), Duro SLAVUJ and Ranko PERENIĆ (1998)

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91. Council of Europe, "26 Cases of impunity for murders of journalists", 2 November 2022, at <https://www.coe.int/en/web/human-rights-channel/end-impunity-for-crimes-against-journalists>



# Detentions, arrests and criminal prosecution

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*Sherif Arafa (Egypt) / Cartooning for Peace*

■ Arbitrary arrest and detention of journalists have become commonplace in Europe. As of 31 December 2022, 95 journalists<sup>92</sup> were reported on the Platform in detention, including 52 in Türkiye, 22 in Russia, 14 in the Russian-occupied territories of Ukraine, four in Azerbaijan, one in the United Kingdom, one in Georgia and one in Poland. This represents an increase of 60% compared to 2021.

*127 journalists were in prison  
in Europe at the end of 2022*

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92. Safety of Journalists Platform, data on detentions: <https://fom.coe.int/en/listejournalistes/detentions>

■ The situation is even more worrying when the 32 journalists and media workers imprisoned in Belarus (cases which are not yet listed on the Platform) are added, leading to a total of 127 journalists in prison in Europe at the end of 2022.

■ Many journalists have been languishing in prison for years. But the number of newly reported arrests and detentions has increased significantly. Throughout the year, the Platform listed 156 journalists who were arrested, including 89 in Russia and 36 in Türkiye. Other cases were reported in the Russian-occupied territories of Ukraine (12 journalists), Azerbaijan (4), Sweden (4), the United Kingdom (4), Greece (2), Spain (2) and Poland (1). Many more journalists and media workers were detained and held by police for short periods before being released.

■ These alerts illustrate the diversity of charges invoked against journalists, some of which go much beyond press offences, such as suspected bribery,<sup>93</sup> fraud and extortion,<sup>94</sup> financing of extremist activity<sup>95</sup> or a terrorist organisation,<sup>96</sup> participation in the activities of a foreign intelligence service<sup>97</sup> or a terrorist organisation,<sup>98</sup> insulting or disobeying a public officer,<sup>99</sup> political conspiracy,<sup>100</sup> incitement to hatred and anger,<sup>101</sup> violating the established procedure for public rallies.<sup>102</sup>

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93. Alert "Azerbaijani Journalist Avaz Zeynalli Remanded in Custody on Bribery Charges", <https://go.coe.int/t70vs>

94. Alert "Russian authorities detain journalists, media workers on extortion, fraud charges" <https://go.coe.int/w6jGg>

95. Alert "Journalist Andrei Zayakin Charged with Financing Extremist Activity" <https://go.coe.int/2Pj7l>

96. Alert "Turkish Journalist Dicle Müftüoğlu Detained for Three Days" <https://go.coe.int/r4vmi>

97. Alert "Spanish Journalist Pablo González Arrested and Charged with Espionage in Poland" <https://go.coe.int/LN5un>;

Alert "Norwegian Photographer Knut Bry Detained on Espionage Charges" <https://go.coe.int/H4Dv1>

98. Alert "Crimean Tatar Journalist Vilen Temeryanov Detained by Russian Authorities on Terrorism Charges" <https://go.coe.int/IEtjC>

99. Alert "Sota.Vision, Skat Media Journalists Detained, Homes Searched Amid Victory Day Celebrations" <https://go.coe.int/J48a0>; Alert "Authorities Harass, Detain Journalists with Sota.Vision" <https://go.coe.int/tHjX8>; Alert "Turkish Cypriot Journalist Ali Kismir Faces up to Ten Years in Prison for 'Insulting' Security Forces" <https://go.coe.int/FI1p0>

100. Alert "Journalists Ioanna Papadakou and Kostas Vaxevanis Face Criminal Conspiracy Charges" (resolved) <https://go.coe.int/dkCKF>

101. Alert "Journalist Hayri Tunç Detained on Newroz" <https://go.coe.int/EVYHG>

102. Alert "Authorities Harass, Detain Journalists with Sota.Vision" <https://go.coe.int/tHjX8>

■ Allegations of disseminating false information about the Russian armed forces<sup>103</sup> have been especially prolific in justifying the prosecution of journalists in Russia.<sup>104</sup> As the European Court of Human Rights stated in its decision on the *Kaperzynski v. Poland* case in 2012 “the chilling effect that the fear of criminal sanctions has on the exercise of journalistic freedom of expression is evident.”<sup>105</sup>

■ While being very creative in their pursuits and allegations against journalists, evidence shows that law enforcement and judicial authorities at times choose to abstain from pressing charges when journalists are the victims. They do so in particular in cases where evidence might have been planted or charges fabricated, or where charges are completely unrelated to journalistic activities.<sup>106</sup> The European Court of Human Rights has found such practices in violation of the rights to liberty and security and/or to a fair trial.<sup>107</sup>

103. Alert “The New Times Editor-in-Chief Yevgenia Albats Charged with Disseminating False Information on Russian Armed Forces” <https://go.coe.int/oOhlo>; Alert “Russian Journalist Andrei Novashov Detained, Charged with Spreading ‘Fake’ Information” <https://go.coe.int/WHx11>; Alert “Five Journalists’ Homes Searched in Investigation into ‘Fakes’ about Russian Army” <https://go.coe.int/TN7wA>; Alert “Russian Journalists Ilya Krasilshchik and Maria Ponomarenko Charged with Disseminating False Information on the Armed Forces” <https://go.coe.int/Vx9ai>; Alert “Siberian News Outlets, Management Charged for Disseminating ‘Fakes’ About Russian Army” <https://go.coe.int/ixbf4>; Alert “Editor and Founder of the Ingush News Outlet Fortanga Isabella Evloeva is Facing Three Criminal Charges on Spreading ‘FakeNews’ About the Russian Army” <https://go.coe.int/mYBKK>; Alert “Vecherniye Vedomosti Newspaper Fined Over Telegram Post” <https://go.coe.int/SNlce>; Alert “Newspaper Pskovskaya Guberniya Searched, Journalists Denis Kamalyagin and Svetlana Prokopyeva Flee Amid Home Raids” <https://go.coe.int/hLYXv>; Alert “Journalists’ and Media Workers’ Union Threatened with Liquidation” <https://go.coe.int/Zdk3S>
104. Alert “At Least Nine Journalists Detained in Diyarbakır” <https://go.coe.int/V0TFq>; Alert “Italian Police Search ‘Report’ Newsroom and Journalist Paolo Mondani’s Home” <https://go.coe.int/bxnn9>; Alert “Police Seize and Search Journalist Francesco Pesante’s Phone” <https://go.coe.int/q6t2l>; Alert “Russian Journalist Ilya Ber Investigated over Fact-check on Ukraine Deaths” <https://go.coe.int/f6wqQ>
105. See ECtHR, *Kaperzynski v. Poland*, 43206/07, 3 April 2012, paras. 70 and 74.
106. Alert “Authorities Harass, Detain Journalists with Sota.Vision” <https://go.coe.int/tHjX8>; Alert “Turkish Journalist Dicle Müftüoğlu Detained for Three Days” <https://go.coe.int/r4vmi>; Alert “Journalists Ioanna Papadakou and Kostas Vaxevanis Face Criminal Conspiracy Charges” (resolved) <https://go.coe.int/dkCKF>; Alert “Journalists’ and Media Workers’ Union Threatened with Liquidation” <https://go.coe.int/Zdk3S>
107. ECtHR, *Khadija Ismayilova v. Azerbaijan* (No. 2), 30778/15, 27 February 2020, para. 80 et seq.

■ The use of investigatory powers, including interrogation,<sup>108</sup> search and seizure,<sup>109</sup> is particularly abusive. Alerts on this issue point mainly at Russia and Türkiye. When used to reveal journalistic sources, it puts the whistleblowing on illegal conduct or wrongdoing particularly at risk. Five alerts expose this type of threat.<sup>110</sup> The Committee of Ministers of the Council of Europe has prepared guidance<sup>111</sup> for states wishing to ensure whistle-blower protection in accordance with the European Court of Human Rights criteria.<sup>112</sup>

■ The opening of preliminary investigations by police and judicial authorities, such as remand detention have a particularly chilling effect. The ECtHR has established that pre-trial detention must remain exceptional when journalists or other media actors are being investigated.<sup>113</sup> Ten alerts report remand or home detention ordered in Azerbaijan, Poland, Russia, Türkiye, and Ukraine (Russian-occupied Crimea) in combination with charges of espionage, terrorism,

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108. Alert “Spanish Journalist Pablo González Arrested and Charged with Espionage in Poland” <https://go.coe.int/LN5un>; Alert “Siberian News Outlets, Management Charged for Disseminating ‘Fakes’ About Russian Army” <https://go.coe.int/ixbf4>; 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/mYBKk>; Alert “Journalists’ and Media Workers’ Union Threatened with Liquidation” <https://go.coe.int/Zdk3S>; Alert “BTV Journalist Maria Tsantsarova Investigated over Report” <https://go.coe.int/gIPve>; Alert “Journalists Ioanna Papadakou and Kostas Vaxevanis Face Criminal Conspiracy Charges” (resolved) <https://go.coe.int/dkCKF>; Alert “Journalist Alex Jordanov Charged with Disclosure of Defence Secrets” <https://go.coe.int/T4V2L>; Alert “Journalists Tarmo Vahter and Sulev Vedler Fined Over Article” <https://go.coe.int/vFKOJ>; Alert “Crimean Tatar Journalist Vilen Temeryanov Detained by Russian Authorities on Terrorism Charges” <https://go.coe.int/IEtjC>; Alert “Journalist Emre Orman Arrested at Home” <https://go.coe.int/dvtWk>
109. Alert “Russian authorities detain journalists, media workers on extortion, fraud charges” <https://go.coe.int/w6jGg>; Alert “Italian Police Search ‘Report’ Newsroom and Journalist Paolo Mondani’s Home” <https://go.coe.int/bxnn9>; Alert “Journalist Andrei Zayakin Charged with Financing Extremist Activity” <https://go.coe.int/2Pj7I>; Alert “Azerbaijani Journalist Avaz Zeynalli Remanded in Custody on Bribery Charges” <https://go.coe.int/t70vs>; Alert “Newspaper Pskovskaya Guberniya Searched, Journalists Denis Kamalyagin and Svetlana Prokopyeva Flee Amid Home Raids” <https://go.coe.int/hLYXv>; Alert “At Least Nine Journalists Detained in Diyarbakır” <https://go.coe.int/V0TFq>; Alert “Newsroom and Editor Alin Cristea’s Home Raided by Counter-terrorism Police” <https://go.coe.int/szPb0>; Alert “Sota.Vision, Skat Media Journalists Detained, Homes Searched Amid Victory Day Celebrations” <https://go.coe.int/J48a0>; Alert “Crimean Tatar Journalist Vilen Temeryanov Detained by Russian Authorities on Terrorism Charges” <https://go.coe.int/IEtjC>; Alert “Authorities Harass, Detain Journalists with Sota.Vision” <https://go.coe.int/tHjX8>
110. Alert “Arrest Warrant for Newspaper Publisher Petros Kousoulos over Publication of an Article” <https://go.coe.int/Hk35n>; Alert “BTV Journalist Maria Tsantsarova Investigated over Report” <https://go.coe.int/gIPve>; Alert “Turkish Journalist Dicle Müftüoğlu Detained for Three Days” <https://go.coe.int/r4vmi>; Alert “Italian Police Search ‘Report’ Newsroom and Journalist Paolo Mondani’s Home” <https://go.coe.int/bxnn9>; Alert “Police Seize and Search Journalist Francesco Pesante’s Phone” <https://go.coe.int/q6t2I>
111. Committee of Ministers, Recommendation CM/Rec(2014)7 on the protection of whistle-blowers, 30 April 2014
112. ECtHR, *Guja v. Moldova* (No. 1), 14277/04, 12 February 2008, para. 80 et seq.
113. ECtHR, *Şahin Alpay v. Turkey*, 16538/17, 20 March 2018, para. 181 et seq.

extortion, bribery, and disobeying a public officer.<sup>114</sup> Four more alerts record lighter restrictions of liberty such as house arrest, travel ban, or judicial control.<sup>115</sup> Six alerts report imprisonment of journalists in Türkiye and Russia who were convicted of violation of the established procedure for public rallies, insult or disobedience to a public officer or incited to mass disruption,<sup>116</sup> breach of confidentiality,<sup>117</sup> membership in or propaganda for a terrorist organisation,<sup>118</sup> attempted disruption of the unity and integrity of the state.<sup>119</sup>

A new development is the arrest of journalists covering protests on climate change. Eight journalists have been prosecuted in this context in France,<sup>120</sup> Spain,<sup>121</sup> Sweden<sup>122</sup> and the United Kingdom.<sup>123</sup> Espionage prosecutions have also led to the arrest of journalists in Greece<sup>124</sup> and Poland.<sup>125</sup>

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114. Alert "Spanish Journalist Pablo González Arrested and Charged with Espionage in Poland" <https://go.coe.int/LN5un>; Alert "Azerbaijani Journalist Avaz Zeynalli Remanded in Custody on Bribery Charges" <https://go.coe.int/t70vs>; Alert "Russian authorities detain journalists, media workers on extortion, fraud charges" <https://go.coe.int/w6jGg>; Alert "At Least Nine Journalists Detained in Diyarbakır" <https://go.coe.int/V0TFq>; Alert "Sota.Vision, Skat Media Journalists Detained, Homes Searched Amid Victory Day Celebrations" <https://go.coe.int/J48a0>; Alert "Journalist Emre Orman Arrested at Home" <https://go.coe.int/dvtWk>; Alert "Crimean Tatar Journalist Vilen Temeryanov Detained by Russian Authorities on Terrorism Charges" <https://go.coe.int/IEtjC>; Alert "Turkish Documentary Film-Maker Sibel Tekin Arrested for Membership of 'Unknown' Terrorist Organisation" <https://go.coe.int/L0zG0>; Alert "Russian Blogger Dmitry Ivanov Arrested and Detained on Charges of Spreading 'Fakes' about Russian Army" <https://go.coe.int/hr1wV>; Alert "11 Kurdish Journalists Detained in House Raids on Terror Charges" <https://go.coe.int/cXsar>
  115. Alert "Journalist Alex Jordanov Charged with Disclosure of Defence Secrets" <https://go.coe.int/T4V2L>; Alert "Sota.Vision, Skat Media Journalists Detained, Homes Searched Amid Victory Day Celebrations" <https://go.coe.int/J48a0>; Alert "Turkish Journalist Dicle Müftüoğlu Detained for Three Days" <https://go.coe.int/r4vmi>; Alert "Russian Journalist Valery Badmayev Charged with 'Discrediting' Use of Russian Armed Forces" <https://go.coe.int/efVqD>
  116. Alert "Authorities Harass, Detain Journalists with Sota.Vision" <https://go.coe.int/tHjX8>
  117. Alert "Turkish Journalist Sinan Aygül Sentenced to Jail over Reporting" <https://go.coe.int/AVMsV>
  118. Alert "Turkish Photojournalist Abdurrahman Gök Sentenced to Prison on Terrorism Charges" <https://go.coe.int/DgE2I>; Alert "Turkish Journalist Hatice Şahin Sentenced to 6 Years, 3 Months in Prison on Terrorism Charge" <https://go.coe.int/q3lvr>; Alert "Citizen Journalist Ernes Ametov Sentenced on Terrorism Charges" <https://go.coe.int/2Pylo>
  119. Alert "Turkish Journalist Rojhat Dođru Sentenced to Life Imprisonment" <https://go.coe.int/IJxx4>
  120. Alert "Freelance Journalist Grégoire Souchay Prosecuted as an Activist" <https://go.coe.int/f1n79>
  121. Alert "Journalist Joanna Giménez and Photojournalist Charged over Protest Coverage" <https://go.coe.int/3AsSt>
  122. Alert "Journalists Detained and Obstructed by Police" <https://go.coe.int/hjAjp>
  123. Alert "Swedish TV4 Reporter Tomas Kvarnkullen Assaulted in Glasgow, United Kingdom" <https://go.coe.int/BIDPu>; Alert "Three Journalists Arrested while Covering Just Stop Oil Protests" <https://go.coe.int/91Lxv>
  124. Alert "Norwegian Photographer Knut Bry Detained on Espionage Charges" <https://go.coe.int/7Ok5B>
  125. Alert "Spanish Journalist Pablo González Arrested and Charged with Espionage in Poland" <https://go.coe.int/8k6Pb>



# Journalists in detention in Europe as of 31 December 2022<sup>126</sup>

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## Azerbaijan

1. Aslan Gurbanov
2. Avaz Zeynalli
3. Elchin Mammad
4. Polad Aslanov

## Belarus

1. Katsiaryna Andreeva
2. Ihar Losik
3. Ksenia Lutskina
4. Andrei Aliaksandrau
5. Denis Ivashin
6. Andrzej Poczobut
7. Maryna Zolatava
8. Lyudmila Chekina
9. Valerija Kastsiugova
10. Aliaksandr Ivulin
11. Yahor Martsinovich
12. Andrei Skurko
13. Iryna Leushyna
14. Dzmitry Navazhylau
15. Henadz Mazheyka
16. Iryna Slaunikava
17. Andrei Kuznechyk
18. Siarhei Satsuk
19. Yuri Hantsarevich
20. Dzmitry Luksha
21. Konstantin Zolatykh
22. Ales Lyubyanchuk
23. Yury Hladchuk
24. Ivan Muraueu
25. Pavel Mazhejka
26. Yauhen Merkis
27. Ina Mozhchanka
28. Sniazhana Inanets
29. Aliaksandr Lychauka
30. Dzmitry Semchanka
31. Andrei Famin
32. Larysa Shchyrakova

## Georgia

Nika Gvaramia

## Poland

Pablo González

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126. The source for the detained journalists, with the exception of Belarus, is the Safety of Journalists Platform <https://fom.coe.int/en/listejournalistes/detentions>, and EFJ, for the Belarussian journalists in detention: <https://europeanjournalists.org/journalists-in-jail-europe/>

## Russia

1. Abdilmumin Gadzhiev
2. Aleksandr Dorogov
3. Aleksandr Valov
4. Aleksandra Bayazitova
5. Aleksei Slobodenyuk
6. Andrei Novashov
7. Artem Prokhorov
8. Denis Shaikin
9. Dmitry Ivanov
10. Igor Kuznetsov
11. Ivan Safronov
12. Maria Ponomarenko
13. Mikhail Afanasyev
14. Rashid Maysigov
15. Sergey Mikhaylov
16. Vladimir Panfilov
17. Vladislav Malushenko
18. Yan Katelevskiy
19. Yevgeny Moskvin
20. Vladimir Vorontsov
21. Andrey Pyzh
22. Eduard Shmonin

## Türkiye

1. Abdulkadir Turay
2. Abdurrahman Öncü
3. Ahmet Metin Sekizkardeş
4. Ali Ahmet Böken
5. Ali Ünal
6. Aziz Oruç
7. Berivan Altan
8. Ceylan Şahinli
9. Cihan Acar
10. Deniz Nazlım
11. Diren Yurtsever
12. Elif Üngür
13. Emrullah Acar
14. Ercan Gün
15. Erdal Süsem
16. Erkan Akkuş
17. Erol Zavar
18. Fevzi Yazıcı
19. Gültekin Avcı
20. Habibe Eren
21. Hakan Yalçın
22. Hatice Duman
23. Hidayet Karaca
24. İbrahim Koyuncu
25. İsmail Çoban
26. Kenan Karavil
27. Lezgin Akdeniz
28. Mazlum Doğan Güler
29. Mehmet Ali Ertaş
30. Mehmet Baransu
31. Mehmet Şahin
32. Mikat Algül
33. Murat Çapan
34. Mustafa Gök
35. Mustafa Ünal
36. Neşe Toprak
37. Ömer Çelik
38. Özcan Keser
39. Öznur Değer
40. Ramazan Geciken
41. Remziye Temel
42. Safiye Alagaş
43. Selman Güzelyüz
44. Serdar Altan
45. Şeref Yılmaz
46. Seyithan Akyüz
47. Suat Doğanhan
48. Uğur Yılmaz
49. Vahit Yazgan
50. Yakup Şimşek
51. Zeynel Abidin Bulut
52. Ziya Ataman

## Ukraine (Russian temporarily occupied territories)<sup>127</sup>

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

## United Kingdom

Julian Assange

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127. All the journalists listed under detention in Ukraine, except for Dmytro Khilyuk have been arrested on the territory of the Russian-occupied Crimea. Dmytro Khilyuk has been detained by the Russian military in March 2022 <https://go.coe.int/aBEQE>

# SLAPPs and abusive legal actions against journalists

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*Kap (Spain) / Cartooning for Peace*

■ The use of legal actions aimed at intimidating and silencing journalists and media – by dragging them into courts and wasting their time and money – is a favourite tool for certain politicians, businessmen and other powerful figures. Strategic Lawsuits Against Public Participation (SLAPPs) are used across the European continent. At least 20 defamation and other types of legal proceedings were documented against journalists in 2022 with hundreds of thousands of Euros sought in damages in the name of reputational harm. Greek journalist Ioannis Stevis is for instance sued for €200,000 by a hospital director.<sup>128</sup> London courts remain a favourite place for claimants from outside

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128. Alert “Greek Journalist Ioannis Stevis Sued for €200,000 by Hospital Director” <https://go.coe.int/wtvuL>

the United Kingdom,<sup>129</sup> while journalists and media in Albania,<sup>130</sup> Bulgaria,<sup>131</sup> Croatia,<sup>132</sup> France,<sup>133</sup> Italy,<sup>134</sup> Poland<sup>135</sup> and Serbia,<sup>136</sup> are increasingly sued for defamation.

*Fighting fake news is increasingly being used as a pretext to initiate legal proceedings against journalists*

Fighting fake news is increasingly being used as a pretext to initiate legal proceedings against journalists. Multiple legal cases were initiated in Russia against journalists for 'spreading' false news. Journalists working for the New York Times, Radio Free Europe and exiled Russian journalists are amongst those being accused of disseminating false information.<sup>137</sup>

An increasing number of legal threats aimed at journalists have been instigated by politicians, including those currently in government. In both Northern Ireland<sup>138</sup> and Ireland, members of Sinn Féin have filed legal threats against journalists and media outlets, including Ireland's national broadcaster, RTÉ,<sup>139</sup> while independent MPs have also instigated legal action against the same broadcaster.<sup>140</sup> In Serbia, Dijana Hrkalović, a former state secretary at the Ministry of the Interior who is currently on trial for alleged influence

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129. Alert "US-based Forensic News Faces SLAPP in London" <https://go.coe.int/XLVBI>; Alert "Media Outlets Facing Libel Claims from Kazakhstani Endowment Fund" <https://go.coe.int/DrPxF>; Alert "British Journalist Eliot Higgins Facing SLAPP from Russian Oligarch in London" <https://go.coe.int/WrUZZ>
  130. Alert "Albanian Journalist Isa Myzyraj Faces Lawsuit after Reporting Intimidation" <https://go.coe.int/FAe45>
  131. Alert "Defamation Lawsuit against Investigative Website Bivol" <https://go.coe.int/XUNYK>
  132. Alert "Telegram.hr Editor-in-chief Jelena Valentić Faces New Lawsuit" <https://go.coe.int/aVtkd>
  133. Alert "Several Media Sued for Defamation by Avisa Partners" <https://go.coe.int/j2777>
  134. Alert "Prison Sentences Requested against Three Journalists" <https://go.coe.int/CPSo6>; Alert "Journalist Roberto Saviano Tried on Defamation Charges" <https://go.coe.int/93YOB>; Alert "Prison Sentences Requested against Three Journalists" <https://go.coe.int/CPSo6>; Alert "Domani Editor Stefano Feltri and Journalist Emiliano Fittipaldi to Be Tried on Defamation Charges" <https://go.coe.int/RgqYH>
  135. Alert "Investigative Journalist Grzegorz Rzeczkowski Loses a Defamation Case in Court" <https://go.coe.int/AfBf0>
  136. Alert "KRIK Sued by Former Interior Ministry Official" <https://go.coe.int/6jjOu>
  137. Alert "The New Times Editor-in-Chief Yevgenia Albats Charged with Disseminating False Information on Russian Armed Forces" <https://go.coe.int/bkDWg>
  138. Alert "Northern Ireland Parliamentarian Files Lawsuits against Journalists" <https://go.coe.int/3suce>
  139. Alert "Sinn Féin Leader Files SLAPP against RTÉ" <https://go.coe.int/RCfzU>
  140. Alert "MEPs Clare Daly and Mick Wallace Sue Irish National Broadcaster RTÉ" <https://go.coe.int/m7EOs>

peddling, filed a defamation lawsuit against the Crime & Corruption Reporting Network (KRIK) and its editor, Stevan Dojčinović.<sup>141</sup>

The Platform has registered several cases when journalists have been fined over their reporting. Estonian journalists Tarmo Vahter and Sulev Vedler, Polish journalist Grzegorz Rzeczkowski, Mediapool in Bulgaria, Greek journalists Elena Akrita are amongst those sentenced with fines ranging from €1,000 to €8,000.

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141. Alert “KRIK Sued by Former Interior Ministry Official” <https://go.coe.int/6jjOu>

## Defamation and other types of legal proceedings documented against journalists in 2022 on the Platform

### Legal actions

US-based Forensic News Faces SLAPP in London

<https://go.coe.int/XLVB1>

Media Outlets Facing Libel Claims from Kazakhstani Endowment Fund

<https://go.coe.int/DrPxF>

British Journalist Eliot Higgins Facing SLAPP from Russian Oligarch in London

<https://go.coe.int/WrUZZ>

Lawsuit Against Swedish Outlet Realtid Filed in London

<https://go.coe.int/Swygu>

Northern Ireland Parliamentarian Files Lawsuits against Journalists

<https://go.coe.int/3suce>

Sinn Féin Leader Files SLAPP against RTÉ

<https://go.coe.int/RCfzU>

MEPs Clare Daly and Mick Wallace Sue Irish National Broadcaster RTÉ

<https://go.coe.int/m7EOs>

Prison Sentences Requested against Three Journalists (Italy)

<https://go.coe.int/CPSo6>

Journalist Roberto Saviano Tried on Defamation Charges (Italy)

<https://go.coe.int/93YOB>

Greek Journalist Ioannis Stevis Sued for €200,000 by Hospital Director

<https://go.coe.int/wtvuL>

Several Media Sued for Defamation by Avisa Partners

<https://go.coe.int/j2777>

KRIK Sued by Former Interior Ministry Official

<https://go.coe.int/6jjOu>

Albanian Journalist Isa Myzyraj Faces Lawsuit after Reporting Intimidation

<https://go.coe.int/FAe45>

BIRN Journalist Edmond Hoxhaj Faces Private Data Breach

<https://go.coe.int/KKYBd>

Criminal Lawsuit against Gazeta Wyborcza Journalists Jarosław Sidorowicz and Paweł Figurski

<https://go.coe.int/kiyPF>

Defamation Lawsuit against Investigative Website Bivol

<https://go.coe.int/XUNYK>

Telegram.hr Editor-in-chief Jelena Valentić Faces New Lawsuit

<https://go.coe.int/aVtkd>

Satirical Paper Vigousse Faces Several Defamation Lawsuits

<https://go.coe.int/0AtrP>

Iceland Police Investigates Four Journalists over Alleged Privacy Breach

<https://go.coe.int/2NH0W>

Turkish Cypriot Journalist Ali Kismir Faces up to Ten Years in Prison for 'Insulting' Security Forces

<https://go.coe.int/LRLzQ>

Turkish Journalist Sedef Kabaş Arrested and Charged with Insult to the President

<https://go.coe.int/oJF0k>

Investigative Media Reflets Sued for Breach of Trade Secrets in Commercial Court

<https://go.coe.int/77OUR>

## **Investigations**

BTV Journalist Maria Tsantsarova Investigated over Report

<https://go.coe.int/gIPve>

## **Sentences**

Polish Journalist Paweł Gąsiorowski Convicted of Defaming Municipality

<https://go.coe.int/vPw3f>

Polityka Journalist Ewa Siedlecka Found to Infringe the Law in Defamation and Libel Case

<https://go.coe.int/AooCY>

## **Fines**

Journalists Tarmo Vahter and Sulev Vedler Fined Over Article

<https://go.coe.int/mRnGf>

Halk TV and KRT Fined and Turkish Journalist Uğur Dündar on Trial at Instigation of Minister of the Interior

<https://go.coe.int/RD5g0>



Mediapool Journalists Heavily Fined in Defamation Case

<https://go.coe.int/snfSH>

Greek Journalist Elena Akrita Ordered to Pay €8,000 in Defamation Case

<https://go.coe.int/PocZj>

Journalist Emmanuelle Anizon Fined While Covering Election Night

<https://go.coe.int/tcs6X>

Turkish Journalist Çiğdem Toker Ordered to Pay TRY 30,000 over Quotes from Public Report

<https://go.coe.int/6sRy9>

Investigative Journalist Grzegorz Rzeczkowski Loses a Defamation Case in Court

<https://go.coe.int/AfBf0>

Vecherniye Vedomosti Newspaper Fined Over Telegram Post

<https://go.coe.int/wychD>

## **'Fake news'**

Siberian News Outlets, Management Charged for Disseminating 'Fakes' About Russian Army

<https://go.coe.int/t9Qo1>

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>

Russian Journalists Ilya Krasilshchik and Maria Ponomarenko Charged with Disseminating False Information on the Armed Forces

<https://go.coe.int/WvGsn>

The New Times Editor-in-Chief Yevgenia Albats Charged with Disseminating False Information on Russian Armed Forces

<https://go.coe.int/bkDWg>

Two Exiled Russian Journalists Charged with Disseminating False Information on Russian Armed Forces

<https://go.coe.int/ql7F5>

Russian Journalist Andrei Novashov Detained, Charged with Spreading 'Fake' Information

<https://go.coe.int/a610V>

Russian Journalist Ilya Ber Investigated over Fact-check on Ukraine Deaths

<https://go.coe.int/4qwcQ>



Marco De Angelis (Italy) / Cartooning for Peace

# Restrictive legislation

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*Surveillance, fight against disinformation, legislation on state secrets or the fight against terrorism are used to pressure journalists*

■ Press freedom is also undermined in Europe through legislation which muzzles journalists and restricts their ability to exercise their profession. Surveillance, fight against disinformation, legislation on state secrets or the fight against terrorism are used in some cases to pressure journalists or to make them reveal their sources. Critical views are silenced with legal challenges or defamation lawsuits.

■ In Armenia, the government passed amendments to the media law empowering state agencies to terminate journalists' accreditation, leading to fear that authorities could bar critical journalists from covering parliamentary sessions and other government events.<sup>142</sup>

■ On 30 December 2021, the National Assembly of Azerbaijan approved a bill whose imprecise wording and alleged 'secret drafting' caused outrage locally and globally.<sup>143</sup> Azerbaijani officials dismissed criticisms, and on 8 February 2022, President Ilham Aliyev enacted the amended law on media. He also signed the implementing decree and instructed the Cabinet to draft legislation establishing administrative penalties for any violations of the law. On 26 September he signed off on new Media Registry Rules.

■ The bill's provisions include the creation of a register of journalists and a single press card. Only those journalists who hold this card and whose media has been registered by the authorities will be officially recognised as such. Journalists who are not recognised are liable to find their activities restricted, including their access to official sources. It will be the State that arbitrarily decides who is and who is not a journalist following a 'test' about which no details have been disclosed. And it will be the authorities who hold the list and personal details of all registered journalists and media outlets (including their bank accounts and work contracts).

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142. Alert "Bill to Empower State Agencies to Revoke Journalist Accreditation Passed" <https://go.coe.int/3cFly>

143. Alert "Azerbaijan Adopts New Media Restrictions" <https://go.coe.int/CZiMT>

■ Journalists will also have to comply with various new rules, including one on the 'objective' interpretation of facts and events – although 'objective' is not defined, giving judges a free hand to interpret this article as they see fit – and a ban on disseminating any information from an unofficial source.

■ One of the bill's articles prohibits the dissemination of any image of a person, even in public places, without their written permission. Inter alia, this would have the effect of preventing the publication of any video proving electoral fraud.

■ On 7 June Parliament of Georgia adopted amendments extending the maximum possible surveillance period from six to nine months and making it possible to carry out covert investigative activities in connection with additional 27 types of crimes. In reference to 77 types of crimes, changes also make it possible to surveil an individual virtually indefinitely without them being aware of it. President Salome Zurbishvili vetoed the amendments, concerned that this law would further restrict human rights, but Parliament overrode the veto in early September.

■ In an urgent opinion in August, legal and constitutional experts of the Council of Europe's Venice Commission criticised its adoption in a "hasty procedure" and urged the government to re-examine the legislation<sup>144</sup>. The EU also raised concerns about these amendments, pointing to their potential to "significantly reduce Georgian citizens' right to privacy." The EU ambassador also urged the government to inform on the results of the promised investigation into the reported massive wiretapping of Georgian and foreign citizens, as revealed in September 2021. The alleged leaked files from the State Security Services suggested that the authorities were spying on the clergy, civil society, journalists, and foreign diplomats, among others.

■ On 13 October, the Grand National Assembly of Türkiye adopted a bill aimed at combating disinformation, consisting of some 40 articles amending the Internet Law, the Press Law, and the Turkish Penal Code. Entered into force on 18 October, the law now punishes with one to three years in prison anyone found guilty of "deliberately publishing disinformation and false information" intended to arouse fear or cause panic, to endanger the country's internal or external security, public order and the health of Turkish society. These penalties can be doubled in case of publication from an anonymous account, by a person hiding his/her identity, or by any other person acting on behalf of a

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144. Venice Commission: Urgent Opinion on the Draft Law on the Amendments to the Criminal Procedure Code Adopted by the Parliament of Georgia on 7 June 2022 pursuant to Article 14a of the Venice Commission's Rules of Procedure, 26 August 2022 [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2022\)028-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2022)028-e)

criminal organisation. The law also expands restrictions on social media first passed in 2020, making it easier for the Turkish authorities to remove content from the internet. It also scaled up the powers against social media platforms to force them to remove content or face massive fines (up to 3% of global revenue), advertising bans and bandwidth throttling.”<sup>145</sup>

■ Press freedom groups, as well as OHCHR (Office of the United Nations High Commissioner for Human Rights) and the OSCE Media Freedom Representative have expressed fears that the definition of ‘disinformation’ and ‘intent’ will be left to the discretion of the Turkish judicial system, exposing millions of Internet users to criminal sanctions and potentially leading to widespread censorship and self-censorship in the run-up to the 2023 elections.

■ Under article 299 of the Turkish Penal Code, the crime of insulting the president carries a jail sentence of one to four years. On 11 March, prominent journalist Sedef Kabaş<sup>146</sup> received a two-year and four-month suspended prison sentence for ‘insulting the president.’ On 22 January he had declared on television: “A bull does not become king just by entering the palace, but the palace becomes a barn”. On 26 January President Erdoğan warned that this offence would not go “unpunished”, and later filed a separate lawsuit against Kabaş and the chairman of the TELE1 board of directors, claiming TRY 250,000 in compensation for non-pecuniary damages. Separately, on 24 January, Türkiye’s Radio and Television High Council (RTÜK) issued a 5% revenue fine against TELE1 and a five-day broadcasting ban. After a TELE1 journalist criticised RTÜK over the decision, the body issued another 3% revenue fine against the channel.

■ The President rejected a suggestion by the main opposition party to scrap the crime of insulting the president, despite the European Court of Human Rights ruling in October 2021 that the imprisonment and subsequent conviction of journalist Verdut Sorli for insulting the president was a violation of her right to freedom of expression, once again making it clear that any efforts to protect a head of state “cannot justify conferring on him or her a privilege or special protection vis-à-vis the right to (...) express opinions about him or her.”<sup>147</sup>

■ On 6 September it was announced that the Bill of Rights, which would replace the Human Rights Act, would be shelved in the United Kingdom.

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145. Alert “Draft Legislation Incriminates “Misleading Information” and Tightens Online Control” <https://go.coe.int/PiyhS>

146. Alert “Turkish Journalist Sedef Kabas Arrested and Charged with Insult to the President” <https://go.coe.int/oJF0k>

147. Resource Centre on Media Freedom in Europe: Defamation and Insult Laws in the OSCE Region: A Comparative Study, March 2017 <https://www.rcmediafreedom.eu/Publications/Reports/Defamation-and-Insult-Laws-in-the-OSCE-Region-A-Comparative-Study>

Press freedom organisations had raised concerns about the media freedom implications of the bill as it would have allowed British courts to disregard the case-law of the European Court of Human Rights and weaken the compatibility obligations with the European Convention on Human Rights, which could disrupt the processes by which media freedom and journalists protection are strengthened under British law.<sup>148</sup> Following Rishi Sunak’s appointment as Prime Minister, the Bill is expected to return to Parliament. On 20 December the Prime Minister gave evidence at the Commons Liaison Committee, but when asked, he did not clarify when parliamentary time would be given to the bill.<sup>149</sup> Earlier in December, media outlets reported that the bill was being deprioritised.<sup>150</sup> Media freedom organisations had warned that enacting the Bill could prevent applicants to courts from being able to benefit from evolving European standards on media freedom.

■ The UK Government also announced the National Security Bill “to deter, detect, and disrupt those state actors who seek to harm the UK by covertly targeting the UK’s national interests, sensitive information, trade secrets and democratic way of life”. Part 1 of the Bill replaces the existing offence of espionage, and other measures contained in the Official Secrets Acts with new offences and accompanying powers. Press freedom groups criticised its broad and vague wording and warned about the potential chilling effect on investigative journalism.<sup>151</sup> By the end of the year it had reached the Committee stage in the House of Lords.

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148. Alert “Bill of Rights Risks Weakening Media Freedom” <https://go.coe.int/OUZMq>

149. House of Commons: Liaison Committee, Oral evidence from the Prime Minister, HC 947, 20 December 2022, <https://committees.parliament.uk/oralevidence/12471/pdf/>

150. “Sunak’s next U-turn may be to ditch Raab’s bill of rights”, *The Guardian* 8 December 2022, <https://www.theguardian.com/law/2022/dec/08/rishi-sunak-next-u-turn-may-be-to-ditch-dominic-raab-bill-of-rights>

151. Alert “Media Freedom Organisations Raise Alarm over National Security Bill” <https://go.coe.int/32P7g>

# Public Service Media

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■ 2022 brought a significant development in the fight for independent and sustainable public service media with the European Commission's publication of the draft European Media Freedom Act (EMFA). The proposed Regulation highlights the necessity "to put in place legal safeguards for the independent functioning of public service media across the Union" and stresses the necessity that "public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning". As one of the safeguards it requests a transparent, open and non-discriminatory appointment for the heads of management and the members of the governing boards of Public Service Media (PSM).<sup>152</sup>

■ The EMFA publication follows the European Commission's 2022 Rule of Law report, which for the first time addressed the situation of PSM in member states. It recommended that eight member states strengthen rules and mechanisms to enhance the independence of governance and editorial independence of public service media considering the European standards on public service media. Other issues of concern are the risk of politicisation of appointments and dismissals of managers and board members, PSM governance and the lack of independence.<sup>153</sup>

■ The trends challenging the independence of PSM were addressed at the joint Council of Europe-EBU conference "Public Service Media for Democracy" in November.<sup>154</sup> The conference conclusions<sup>155</sup> call on member states to provide adequate conditions to ensure the implementation of the relevant Council of Europe standards for PSM.<sup>156</sup> They also advocate for setting up a platform for regular dialogue on the implementation, including at ministerial level.

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152. European Commission: European Media Freedom Act "The Proposal for a Regulation and a Regulation", 16 September 2022 <https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-proposal-regulation-and-recommendation>

153. European Commission: 2022 Rule of Law Report - Communication and Country Chapters, 13 July 2022 [https://ec.europa.eu/info/publications/2022-rule-law-report-communication-and-country-chapters\\_en](https://ec.europa.eu/info/publications/2022-rule-law-report-communication-and-country-chapters_en)

154. Conference: Public Service Media for Democracy, 22 November 2022 <https://www.coe.int/en/web/freedom-expression/public-service-media-for-democracy>

155. Conference conclusions: Public Service Media for Democracy, 22 November 2022 <https://rm.coe.int/psm-2022-conference-conclusions-fin-en/1680a91bee>

156. Council of Europe Standards on Public Service Media, Digest, November 2022 <https://www.coe.int/en/web/freedom-expression/digest-council-of-europe-standards-on-public-service-media>

■ Parliamentary elections, political instability, votes of non-confidence and political changes have impacted PSM.

*Several countries have reduced significantly licence fees preventing the broadcasters' to fulfil their public service mandates*

■ In several countries licence fees have been significantly reduced or not maintained at adequate levels to fulfil the broadcasters' public service mandates. The lack of financial sustainability affects their independence. In addition, the economic pressure on PSM is increasing with the growing cost of energy and services. In Bosnia and Herzegovina, BHRT continues to face the risk of closure since a part of the licence fee has been withheld and the PSM had accumulated a huge debt.<sup>157</sup>

■ In Slovenia, the public broadcaster RTV-SLO came under pressure from the previous government, resulting in content, editorial, managerial and governance problems. The scale of the Slovenian Democratic Party (SDS) spring election defeat was seen as a public rebuke of its efforts to undermine democratic institutions, including wresting control of the public broadcaster and national news agency STA. In June, however, the SDS-controlled governing board of RTV-SLO appointed Uros Urbanija as Director of public TV. Before the elections, Urbanija was the head of the government communications office UKOM and responsible for the campaign against the STA. The broadcaster has been embroiled in unrest ever since. To end the crisis the current government passed a new public broadcast reform bill aiming to depoliticise RTV-SLO management by, among other things, making appointments to the supervisory council based on nominations from civil society organisations and the RTV-SLO employees. The law was subsequently backed by almost 63% of voters in the November referendum called by the opposition SDS.

■ In October the Czech government took a similar initiative to reform the appointments process at the public broadcasting boards and to further insulate them from the risk of politicisation. Changes include ensuring both chambers of parliament are involved in appointments, increasing the number of council members and tightening rules on which organisations can nominate candidates.

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157. Alert "Threat of Closure of the Public Broadcast Media Service" <https://go.coe.int/8NZnk>



■ Parliamentary elections in Hungary,<sup>158</sup> Malta<sup>159</sup> and Serbia<sup>160</sup> brought criticism of the PSM's performance from observers of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). Charges of bias in favour of ruling parties were accompanied by recommendations that PSM should be freed from government control.

■ In the United Kingdom, in early 2022 the government announced plans to privatise the public service broadcaster Channel 4, which is funded by advertising with a specific remit to make a diverse range of original programmes matching the interests and needs of minorities. The plans brought accusations that the government wanted to stifle a critical voice. Towards the end of 2022 the privatisation plan was scrapped. The future funding model of the BBC, widely seen as the archetypal national public broadcaster, remains uncertain. The present government wants the licence fee to end in 2027. Meanwhile the BBC has announced swingeing cuts to staff numbers and original programme production in response to a significant reduction in the corporation's licence fee income.

■ In Latvia, the public broadcaster LTV reported that it had come under political pressure following an interview with Leonid Ragozin, a Russian journalist, when the Minister of Defence stated that appropriate funding for the public broadcaster would be made conditional on the editorial choices of the broadcaster.<sup>161</sup>

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158. OSCE Office for Democratic Institution and Human Rights: "Hungary, Parliamentary Elections and Referendum 3 April 2022", ODIHR Election Observation Mission Final Report, 29 July 2022 <https://www.osce.org/files/f/documents/2/6/523568.pdf>

159. OSCE Office for Democratic Institution and Human Rights: "Malta, Parliamentary Elections 26 March 2022", ODIHR Election Observation Mission Final Report, 14 July 2022 <https://www.osce.org/files/f/documents/8/7/522712.pdf>

160. OSCE Office for Democratic Institution and Human Rights: "Republic of Serbia, Presidential and Early Parliamentary Elections 3 April 2022", ODIHR Election Observation Mission Final Report, 19 August 2022 [https://www.osce.org/files/f/documents/0/0/524385\\_0.pdf](https://www.osce.org/files/f/documents/0/0/524385_0.pdf)

161. Alert "Pressure on Editorial and Financial Independence of Latvian Television" <https://go.coe.int/eddRo>

# Media capture

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■ The Platform alerts have documented how state economic and regulatory powers are abused to ‘capture’ public and private media and turn them into propaganda arms of governing parties, while also creating hostile economic and political climates for independent media. Media capture works by packing and politicising media regulation authorities and the boards of public media, by directing government funds, such as advertising and media subsidies, to pro-government media, by boosting media oligarchs dependent on government favour, and by targeting independent or opposition media with arbitrary or disproportionate sanctions.

■ Media capture often takes place under the radar and behind a thin veneer of legality which offers the government a level of plausible deniability. Yet its effect on shrinking media pluralism and independence is dramatic and is central to authoritarian strategies to stifle public dissent.

*“In the absence of free media,  
propaganda always starts preparing for war.  
Propaganda is the kitchen of war. Propaganda is war itself.”*

*Dmitry Muratov, Novaya Gazeta co-founder and Nobel prize co-laureate*

■ Russia was the incubator of media capture, and the invasion of Ukraine went hand in hand with the silencing of Russia’s remaining independent journalism with dire consequences (See section on the Russian aggression of Ukraine). As Novaya Gazeta co-founder and Nobel prize winner, Dmitry Muratov said, “in the absence of free media, propaganda always starts preparing for war. Propaganda is the kitchen of war. Propaganda is war itself.”<sup>162</sup> The propaganda war has been a wake-up call for policy makers to shake off their complacency and address its root causes in media capture.

■ In Türkiye, classic media capture was largely completed in 2018 when the Doğan media group was sold to the government aligned Demirören media group providing near dominance of the media landscape. The independent media left are subject to repeated financial penalties issued by the Press Advertising Agency (BIK) or the Radio and Television Supreme Council (RTÜK). Both bodies are filled with government appointees. In August the Constitutional

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162. Speech of the Nobel Prize co-laureate Dmitry Muratov at the 2022 Difference Day on 2 May in Brussels <https://voxeurop.eu/en/nobel-peace-prize-dmitry-muratov-propaganda-is-war-itself/>

Court condemned BIK for its arbitrary punishment of independent media that violated ‘freedom of expression and press freedom’ following extensive advertising penalties imposed on independent dailies Cumhuriyet, Evrensel, Sözcü and Birgün.

■ Fines are often weaponized against independent media. In May the RTÜK fined Tele1, Halk TV, KRTTV and Flash TV for airing a speech by the leader of the Republican and People’s Party (CHP), accusing President Erdoğan of corruption. Between January and September 2022 RTÜK issued 38 fines for a total of TL11.5 million of which only three fines were for pro-government TV channels.

■ The government is now expected to use the new ‘Law on Disinformation’ passed in October to apply similar control over the social media platforms forcing them to conform to blocking and take-down requests or face advertising bans, bandwidth throttling and fines of up to 3% of global revenue.<sup>163</sup>

■ In Hungary, the scale of the Fidesz election victory underlined its extraordinary electoral advantage thanks to its dominance of the media landscape. This is perhaps best illustrated by the fact that the leader of the opposition was afforded no more than ten minutes on the public broadcaster for the entire election campaign. The elections may have been free, but they were far from fair.

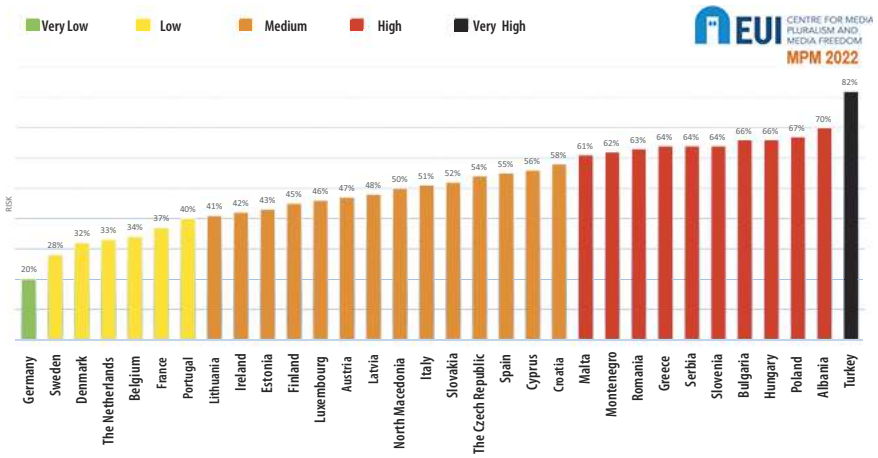
■ In July the European Commission referred Hungary to the Court of Justice of the European Union (CJEU) for breaching EU telecoms rules following the Media Council’s decision to reject Klubradio’s licence application in 2021. The Commission accuses Hungary of applying rules in a disproportionate and non-transparent manner that discriminated against Klubradio.

■ In July, Poland’s parliament elected three new members to the National Media Council, all of whom were politicians in the governing Party of Law and Justice (PiS) enabling PiS to maintain its majority in the five-person council for the next six years. This ensures PiS sole responsibility for appointing management and supervisory boards of the Polish Television (TVP), Polish Radio and the Polish Press Agency.

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163. Alert “Draft Legislation Incriminates ‘Misleading Information’ and Tightens Online Control” <https://go.coe.int/PiyhS>

■ The European Media Freedom Act (EMFA) announced in September is seen as an effort to tackle the worst aspects of media capture in EU member states (See section on the European Union). The 2022 Media Pluralism Monitor, published by the Centre for Media Pluralism and Media Freedom<sup>164</sup>, identified eleven of 32 European countries where media pluralism is at 'high risk', and 28 or 32 countries where news media concentration is also at high risk. Türkiye, Albania, Poland, Hungary and Bulgaria have the highest concentration of the media in Europe.

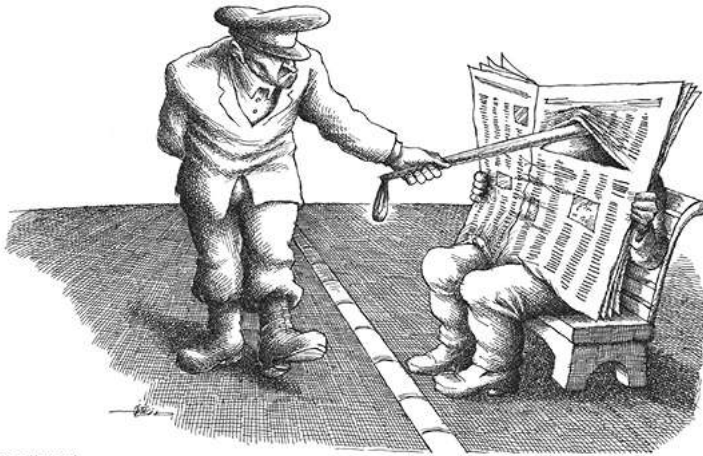


Source: Media Pluralism Monitor 2022

164. Media Pluralism Monitor 2022 <https://cmpf.eui.eu/mpm2022-general-ranking/>

# Surveillance and spyware

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Mana Neyestani  
Iran

*Mana Neyestani (Iran) / Cartooning for Peace*

*Threats posed to journalists increased in 2022  
as fresh allegations emerged about  
the abuse of spyware by governments*

■ Threats posed to journalists and their sources from surveillance increased in 2022 as fresh allegations emerged about the abuse of sophisticated spyware tools by governments in the region. Surveillance of journalists' communications poses an unprecedented threat to press freedom. It seriously weakens source protection and privacy, undermines journalistic investigations, and creates a chilling effect for whistle-blowers and other journalistic sources.

■ The journalists' concerns have intensified significantly since the publication of a major investigation by the Pegasus Project<sup>165</sup> in 2021, which revealed how intelligence authorities in multiple countries used the tools to spy on journalists.<sup>166</sup> Spyware tools such as Pegasus, sold by the cyber-security firm NSO Group, can infect operating systems and turn a smartphone into a surveillance device.

■ In Hungary, investigations continued into the use of Pegasus by state intelligence agencies to surveil at least five journalists and media owners. Among those targeted was Szabolcs Panyi, an investigative journalist covering national security issues for independent media outlet Direkt36. His phone was compromised for much of 2019. Also targeted were crime reporter Brigitta Csikász and Zoltán Varga, the owner of one of the country's largest independent news sites, 24.hu.

■ In January 2022, the Hungarian National Authority for Data Protection and Freedom of Information issued a report concluding 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. No explanation was given about why journalists posed a threat to national security. The report, and the lack of accountability, were criticised by international media freedom groups.

■ 2022 saw the emergence of a new spyware product, Predator, with revelations in Greece about its use to surveil journalist Thanasis Koukakis, as well as leading politicians. Koukakis, a journalist reporting on financial crime for international outlets, had his phone surveilled for at least ten weeks in summer 2021.<sup>167</sup> The Greek government repeatedly said it had never purchased nor used Predator, which is marketed in Greece by a firm called Intellexa. However, investigative reporting has uncovered the relationship between the PM's former general secretary, the National Intelligence Service (EYP), which had been placed under the supervision of the office of the Prime Minister in 2019, and Intellexa.<sup>168</sup>

■ In April 2022 it was revealed that before the Predator infection, Koukakis had already been wiretapped by the EYP in May 2020. When Koukakis first suspected he was being monitored, he filed a request to the Authority for

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165. Forbidden Stories: "The Pegasus Project" <https://forbiddenstories.org/case/the-pegasus-project/>

166. Alert "Journalists Targeted with Pegasus Spyware" <https://go.coe.int/LkWQg>

167. Alert "Journalist Thanasis Koukakis Targeted with Spyware Predator" <https://go.coe.int/DiaPL>

168. "Greek State and spyware vendor Intellexa: they are acquainted after all", *Inside Story*, 15 November 2022 <https://insidestory.gr/article/greek-state-and-spyware-vendor-intellexa-they-are-acquainted-after-all>

Communication Security and Privacy (ADAE). Shortly after his request, the government amended the law so that the ADAE could no longer retroactively inform citizens if they had been surveilled for national security reasons. The wiretapping of Koukakis was admitted by the head of the EYP, who later stepped down. No justification was provided about why a financial journalist was spied on under national security grounds.

■ There is evidence that another Greek journalist, Stavros Malichudis, was surveilled by the EYP in connection with his reporting on refugees and migration for the investigative platform Solomon.<sup>169</sup>

■ On 24 October, Greek journalist Tasos Telloglou, who works for the investigative outlet Inside Story, claimed in an article that he was followed and allegedly put under surveillance in connection with his reporting on the spyware scandal.<sup>170</sup>

■ On 6 November, in yet another development of what is being called the 'Greek Watergate', the Greek newspaper Documento published an article alleging that numerous journalists, media owners and figures connected to the Greek media industry were among persons targeted with Predator.<sup>171</sup> According to the newspaper, the media figures were not believed to have been the main target of the surveillance, but they reportedly had their phones hacked to access data, information or communications about political and business figures, whom the user of the spyware had deemed too risky to target directly. The administration has repeatedly denied that it purchased or used spyware.

■ The recent cases of surveillance of two journalists in Greece by the EYP, Thanasis Koukakis and Stavros Malichudis, have revealed insufficiencies of the Greek legal framework on surveillance and lack of guarantees for the respect of human rights and journalistic freedoms.

■ On 9 December the Greek Parliament passed a surveillance bill criminalising "the sale or possession of spyware and making the private use of spyware a felony from a misdemeanour, punishable by up to ten years' imprisonment".<sup>172</sup>

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169. Alert "Greek Reporter Stavros Malichudis and his Media under Surveillance" <https://go.coe.int/hPksm>

170. Alert "Greek Journalists Eliza Triantafyllou, Thodoris Chondrogiannos and Tasos Telloglou Allegedly Surveilled" <https://go.coe.int/61WKL>

171. Alert "Numerous Greek Journalists and Media Owners Allegedly Targeted With Predator Spyware" <https://go.coe.int/eFbQn>

172. "Greece passes intelligence bill banning the sale of spyware", *The Guardian*, 9 December 2022 <https://www.theguardian.com/world/2022/dec/09/greece-passes-intelligence-bill-banning-the-sale-of-spyware>

The bill had been described by Human Rights Watch as “a flawed attempt to respond to a scandal that has shaken Greek politics”.<sup>173</sup>

■ In 2022, fresh revelations also surfaced about the use of Pegasus against journalists by Spanish authorities. In April it was revealed that four Catalan journalists were among those to have their smartphones targeted or infected with Pegasus between 2017 and 2020.<sup>174</sup> According to Citizen Lab, the targeted journalists include Meritxell Bonet, who is the spouse of Jordi Cuixart, a political activist and chair of the Catalan NGO Òmnium; Marcel Mauri, who became vice-chair of Òmnium in October 2019; Marcela Topor; and the journalist and former Member of the Catalan Parliament Albano Dante Fachin. All those targeted had links to the Catalonian independence movement or figures within it. As in Greece, some of those targeted appear to have been infected as a means of spying on other individuals.

■ On 3 May Spanish journalist Ignacio Cembrero, a correspondent specialising in coverage of the Maghreb, was identified as a potential target for surveillance using Pegasus. His Spanish mobile phone number featured on a list of more than 200 Spanish numbers revealed to have been potential targets for surveillance. Cembrero has alleged Moroccan authorities were responsible. Morocco has been confirmed to have used Pegasus in the past, but it has denied spying on any foreign personalities with the spyware.

■ Experts believe that the true number of journalists to be targeted is much bigger. Although awareness of the threats posed by these tools is increasing, forensic testing facilities available to journalists to have their mobile devices tested for traces of spyware remain limited.

■ Civil society organisations and international media freedom groups have called for a global moratorium on the use and export of spyware technology by governments until stronger regulation is put in place. While the EU’s new regulation on the export of dual-use surveillance technology is now in place, civil society groups have warned that member states have multiple opportunities to decline to hand over information to the Commission.

■ The European Union’s inquiry committee to investigate the use of the Pegasus and equivalent surveillance spyware was a vital initiative for shining the spotlight on the threat posed by spyware in Europe. The draft proposal launched by the European Commission in 2022 for a European Media Freedom Act included specific rules on the use of spyware against journalists or members

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173. Human Rights Watch: Greece: Problematic Surveillance Bill, 8 December 2022 <https://www.hrw.org/news/2022/12/08/greece-problematic-surveillance-bill>

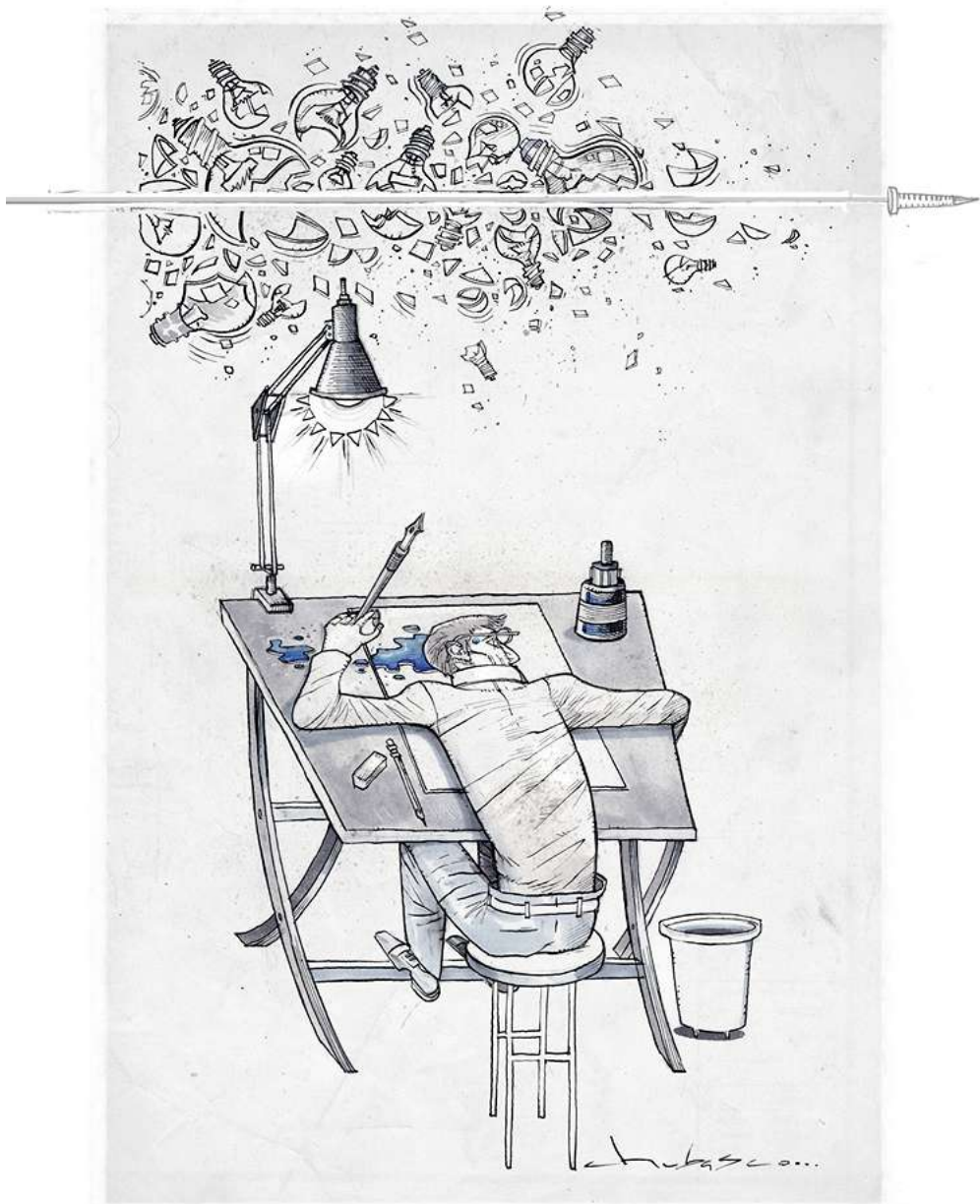
174. Alert “Several Journalists Targeted with Pegasus Spyware” <https://go.coe.int/ABmyL>



of their families. However, press freedom groups warned that, as in Greece, states can circumvent the rules on grounds of national security.<sup>175</sup>

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175. International Press Institute: "Greece: Full scale of surveillance on journalists must be unearthed", Statement, 10 October 2022 <https://ipi.media/greece-full-scale-of-surveillance-on-journalists-must-be-unearthed>



Chubasco (Mexico) / Cartooning for Peace

# Institutional sections

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## Council of Europe

■ After Russia launched an all-out war against Ukraine on 24 February, the other 46 Council of Europe member states swiftly condemned this “unjustified and unprovoked aggression”. On 1 March the European Court of Human Rights responded to a request from Ukraine by indicating urgent interim measures to the Russian government in relation to “massive human rights violations being committed by Russian troops in the course of the military aggression against the sovereign territory of Ukraine”. The Court called on Russia to refrain from military attacks on civilians and civilian targets, including schools, hospitals and residential buildings.

■ The Committee of Ministers and the Parliamentary Assembly (PACE) acted in close concert, leading to a decision on 16 March that Russia would cease to be a member with immediate effect, ending the country’s 26 years of membership. Six months later, on 16 September, Russians lost the right to make new applications to the European Court of Human Rights to protect their fundamental rights. However, Russia is legally obliged to abide by final judgments of the Court even after it ceased to be a Council of Europe member.

■ Subsequent statements by Council of Europe governments underlined that Russia, as an occupying power, bears full responsibility for respecting human rights in the territory of Ukraine, and that it must return without delay to the principles of international law. On 9 December the Committee of Ministers issued a statement on the fight against impunity regarding crimes committed in connection with Russia’s aggression against Ukraine. It called on member states to support the Ukrainian Prosecutor General’s Office in gathering evidence of possible war crimes, to cooperate closely with the International Criminal Court (ICC), and to allow the exercise of universal jurisdiction or other forms of domestic jurisdiction over ‘core international crimes’. The Committee of Ministers Conclusion also called on states to enable Ukrainian refugees to give testimony in the countries where they had fled to escape the war.

■ In her 2022 annual report Council of Europe Secretary General Marija Pejčinović Burić stated<sup>176</sup> that Russia's aggression was "a warning to us all" that what has happened once could happen again unless governments abide by their commitments, and by the standards outlined in the European Convention on Human Rights and other treaties. Against this background, she called for an exceptional Summit of Heads of State and Government of the Council of Europe to be convened.

■ The Secretary General's report and outline of future strategic priorities particularly stressed the need to strengthen member states' execution of judgments of the Court, including those arising from over 300 freedom of expression cases. Thanks in part to a record number of contributions from civil society and national human rights institutions, 1,122 cases had been closed in 2021, the last full year for which statistics were available. Thus, the backlog of pending cases had been reduced. In September 2022 the Committee of Ministers adopted new Guidelines for member states on their compliance with their legally binding obligations, emphasising the urgency of state authorities taking rapid and effective remedial actions in response to judgments of the European Court of Human Rights.

■ Ensuring freedom of expression online and offline was identified as the second overall strategic priority. The Committee of Ministers has adopted new 'soft law' guidelines on combating hate speech online, equitable media coverage of election campaigns and promoting a favourable environment for quality journalism; and a Committee of Experts on Strategic Lawsuits against Public Participation is due to complete its work of drafting a Recommendation by the end of 2023.<sup>177</sup> Secretary General Pejčinović Burić has highlighted the repressive impact of legal threats and lawsuits to limit freedom of expression and explicitly called for national legal standards to be strengthened and new ones implemented to counter the negative effects of SLAPPs.<sup>178</sup>

■ In 2023 the Council of Europe is to announce details of its planned Europe-wide campaign aimed at strengthening the safety of journalists across

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176. Secretary General: Moving forward 2022 - Annual report of the Secretary General of the Council of Europe, 2022 <https://edoc.coe.int/en/annual-activity-report/11038-moving-forward-2022-annual-report-of-the-secretary-general-of-the-council-of-europe.html>

177. Committee of Ministers: Extract from CM(2021)131-addfinal, Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP), 2021 <https://rm.coe.int/msi-slp-terms-of-reference-updated-/1680a7ad2c>

178. Secretary General: Standards must be strengthened to tackle legal threats and lawsuits aimed at limiting freedom of expression, Speech by Secretary General Marija Pejčinović Burić, 20 October 2022 <https://www.coe.int/en/web/portal/-/secretary-general-standards-must-be-strengthened-to-tackle-legal-threats-and-lawsuits-aimed-at-limiting-freedom-of-expression>

Europe, building on the upgraded commitments made. Activities are foreseen in the Council of Europe member states to achieve practical implementation of the Recommendation CM/Rec(2016)4 of the Committee of Ministers.<sup>179</sup> That Recommendation requires states to put in place a comprehensive legislative framework for the protection of their physical and moral integrity, to adopt appropriate criminal law provisions to prevent impunity and to afford journalists a broad and effective scope of protection. It is important to ensure that this campaign is sustained and implemented with participation of a wide range of civil society stakeholders, including journalists and media organisations.

■ The Secretary General's review pointed with concern at increases in the number of Platform alerts reporting threats and attacks against media freedom. During 2022 the Partner Organisations were invited to hold exchanges of views with the Committee of Ministers and the Parliamentary Assembly. In those meetings, the Partner Organisations expressed very strong concern over the decline in the number of meaningful state replies to media freedom alerts over the past few years.

### **Dialogue with Council of Europe member states and institutions**

■ The number of Platform alerts reporting threats and attacks against media freedom has increased steadily over the past few years, while the number and quality of state replies to these alerts has remained low. Equally troubling is the poor record of states in taking effective and meaningful remedial action that can lead to Platform alerts being declared 'resolved' in accordance with the Memorandum of Understanding which is the basis of its operation.<sup>180</sup>

■ The launch of the Platform in 2015 raised hopes that its good functioning would significantly improve journalists' safety. It was expected that the dialogue between stakeholders and member states arising from the Platform's operation would lead to fewer applications to the European Court of Human Rights involving threats of harm and interference in the work of journalists. Today the Partner Organisations are deeply concerned that the Platform's overriding goal of helping to bring about practical and visible improvement in member states' protection of media workers, adoption of laws and practices that establish safe and enabling environments and ending impunity in cases of journalists' killings remains so far away from being fulfilled.

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179. Committee of Ministers: Recommendation CM/Rec(2016)4 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)

180. See the charts "Replies to alerts" and "Alerts by status"

■ In 2022 the Partner Organisations were invited to hold exchanges of views with the Committee of Ministers and the Parliamentary Assembly. They encouraged member states and members of the Assembly to show urgency and determination in raising the political cost for recalcitrant member states of allowing violence and harassment of journalists to go unchecked. Equally, they asked for political leadership to combat the widespread failure of public authorities to root out the scourge of impunity in cases of serious crimes against journalists, including many targeted killings. In addition, the Partner Organisations engaged in direct bilateral dialogue on media freedom issues with the representatives of several member states, and conducted fact-finding missions in Hungary, Albania<sup>181</sup> and Kosovo,<sup>182</sup> meeting with associations, editors and journalists, members of parliament, government officials and regulatory agencies.

■ The Partner Organisations welcome these dialogues. Based on the constructive exchanges and feedback received from the member states, they resolved to introduce refinements to the Platform's system of recording and publishing alerts. The changes, which are summarised below, will be gradually introduced in 2023. The Partner Organisations continue to highly value the Platform. They have welcomed the setting up of a Group of Friends on the Safety of Journalists and Media Freedom by a dozen member states in Strasbourg and have urged those states to use their good offices to help reverse the evident backsliding in commitments to freedom of expression and journalists' safety. The Partner Organisations are also encouraged by the strong and continuous support for the Platform's work shown by members of national parliaments who sit in the Parliamentary Assembly. They reiterate with urgency their call on the member states to set up internal mechanisms to systematically reply and take remedial action in response to alerts.

#### Changes to the alert system of the Platform:

■ Individual alerts, i.e. alerts addressing individual threats, will be supplemented by a new category of *systemic* alerts. They will be relatively few, and their purpose will be to address persistent or structural issues which the Partner Organisations identify as having a systemic impact on media freedom and journalists' safety in member states.

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181. Press Release of the Partner Organisations, 18 November 2022 <https://go.coe.int/aaUuS>

182. Press Release of the Partner Organisations, 16 November 2022 <https://go.coe.int/jGewE>  
All references to Kosovo, whether the 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.

- a. Individual alerts will remain on the Platform, and the Partner Organisations will indicate the type of action expected in response to the alerts, and whenever feasible, circumstances that might lead to the alert being considered as resolved.
- b. The Partner Organisations will provide systematic feedback to replies received from member states, in the spirit of reciprocal dialogue on which the Platform's work is based, and with the goal of promoting the fulfilment by state authorities of the European Convention rights which they have undertaken to respect as members of the Council of Europe.
- c. Following Russia's expulsion from the Council of Europe, the fundamental conditions for the exercise of freedom of expression and the legitimate work of journalists in that country were practically destroyed. In response, the Partner Organisations have agreed to continue documenting attacks and serious threats which take place there, as well as those resulting from Russia's aggression and unlawful actions inside Ukraine.
- d. Similarly, the Partner Organisations agreed to report and document attacks and threats to media freedom in Belarus.

## European Union

■ The European Commission's ongoing media reforms demonstrated political commitment to press freedom. Yet questions remained around the ambition of the Commission's proposals and the political will of member states to follow suit. Due to the Commission's limited prerogatives, its legislative and non-legislative efforts will need to be matched by member states.

■ The proposal of a European Media Freedom Act (EMFA) was made public by the European Commission on 16 September. It included both a draft Regulation (a binding legislative act to be applied by member states) and a Recommendation (non-binding advice to member states) aimed at improving the functioning of the internal media market and using market mechanisms on behalf of media freedom and pluralism. EMFA seeks to address areas such as interference and editorial independence of the media; the role and expertise of independent regulators; transparency of ownership structures and media concentration laws; and stable allocation of resources to public service media.

■ The Act has been broadly welcomed by journalists and media freedom groups, many of whom however worry that while it is high on ambition it lacks in its present draft the enforcement powers necessary to end media capture, restrain state surveillance of journalists, guarantee the independence of regulators or protect journalists' sources. The Regulation also came under

pressure, particularly from member states, some of whom claimed that it was giving Brussels excessive control over their internal media matters. The media community itself is also split between those publishers, who see media regulation as a potential threat to media freedom and others who argue media freedoms can only be protected with robust regulation. The Regulation will be under scrutiny in 2023 as lawmakers negotiate on the text.

■ On 27 April the European Commission announced an anti-SLAPP package which included a draft Directive (an EU act setting out legislative goals for member states) and a Recommendation to address Strategic Lawsuits Against Public Participation in EU member states. The EU Directive would only apply to civil cases with cross-border implications, representing a small proportion of overall SLAPPs cases. However, it provides for measures on early dismissal of manifestly unfounded court proceedings; procedural costs; compensation of damages; dissuasive penalties; and protection against third-country judgments. The Recommendation proposes that member states introduce national legal frameworks to address domestic cases of SLAPPs; support training for legal professionals and potential SLAPP targets; set up awareness raising and information campaigns; provide support for targets of SLAPPs; and make available data on abusive court proceedings at national level. The important efforts taken by Brussels were also meant as a solemn rebuttal of the use of vexatious lawsuits to silence journalists.

■ The third Annual Rule of Law Report was published by the European Commission on 13 July and reported on four aspects of the rule of law: justice systems, the anti-corruption framework, media pluralism and freedom, and other institutional issues linked to checks and balances.

■ After calls from press freedom groups, the Commission did report on the state of the public service media in member states and included recommendations for each country chapter. These recommendations however often lacked specificity and therefore often did not fully serve as the clear, actionable requests to the national authorities.

■ Member states are required to report back to the Commission by March 2023 as to what actions they have taken to implement the Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union. Issued in September 2021, the Recommendation proposes 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. As a non-binding Recommendation, its active implementation depends on the political will of the member states. The Commission is currently devising a study that will include key performance indicators for the implementation of the Recommendation.

■ Negotiations on the Digital Services Act and the Digital Markets Act, two EU regulations, concluded in 2022. The Digital Services Act is set to include more targeted and restrictive compliance responsibilities for Big Tech. Platforms will need to report to the Commission by 3 July 2023 as to their compliance with both.

■ The abusive use of spyware like Pegasus against journalists was in the spotlight of the European Parliament and the European Commission. A Committee of Inquiry, set up by the European Parliament in April 2022, published its first report in November, and will be seeking to push for legislative and practical measures in 2023. The European Commission stated that member states have jurisdiction for their own investigations into possible abuses of national security. Governments or authorities allegedly responsible for spying, including Greece and Hungary, ostensibly carried out such investigations, and failed to convince journalists that the abuse had been addressed. Earlier this year, the European Data Protection Supervisor was also blunt in his call for a ban of Pegasus in the EU.

■ A draft Regulation on Child Sexual Abuse came under criticism from digital and media groups, 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. Both the European Data Protection Board and the European Data Protection Supervisor argued that the proposed limitations to people's privacy and personal data were unnecessary and disproportionate. A report by the United Nations High Commissioner for Human Rights on 4 August 2022 referenced the Regulation but highlighted how journalists cannot work without encryption and stated that the text represented "a paradigm shift that raises a host of serious problems with potentially dire consequences".

■ Negotiations continued on the proposed Regulation on European Production and Preservation Orders (E-evidence Regulation) which could allow internet companies hosting sensitive information about journalists and their sources to adjudicate whether or not to hand it to another EU member state. Press freedom advocates expressed concern about the lack of safeguards which would allow prosecutors to access journalists' data held by internet service providers in another EU member state.

■ The Daphne Caruana Galizia Prize for Journalism, awarded yearly on 16 October<sup>183</sup> to mark the day of the Maltese journalist's murder, was awarded in 2022 to French journalists, Clément Di Roma and Carol Valade, for their documentary "The Central African Republic under Russian influence", which investigated the role of the Wagner mercenary group in the country.

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183. European Parliament "The Daphne Caruana Galizia Prize" <https://www.europarl.europa.eu/news/en/press-room/20220502IPR28408/the-daphne-caruana-galizia-prize-for-journalism-call-for-submission-of-entries>

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 2022, by the partner organisations to the Safety of Journalists Platform. The Safety of Journalists Platform was set up in 2015 by the Council of Europe in co-operation with leading international NGOs active in the field of the freedom of expression and associations of journalists, 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.

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.

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