



FREEDOM OF EXPRESSION IN 2023



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Report on trends in freedom of expression in Council of Europe member states

prepared for the Democratic Institutions and Freedoms Department

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Introduction and methodology

In October 2023, the Council of Europe launched 'Journalists Matter', a Europe-wide campaign for the safety of journalists aiming to promote press freedom and protect journalists from violence, threats, and harassment in the performance of their duties.¹ The campaign has been launched in response to a nearly decade-long decline in respect for the safety of journalists, as recorded *inter alia* by the Council of Europe's online [Platform to promote the protection of journalism and safety of journalists](#) (Platform for the safety of journalists). 2023 saw a slight improvement in this decline compared to previous years, but respect for freedom of expression remains fledgling with 199 recorded incidents across Council of Europe member states.²

The Russian Federation's war against Ukraine continued to pose serious challenges for the safety of journalists. During 2023, two journalists were killed whilst reporting on the conflict, Arman Soldin and Bohtan Bitik. Nineteen journalists were detained in the temporarily occupied territories; and many others suffered attacks and harassment.

Journalists also lost their lives and suffered violent attacks outside of conflict zones. In Albania, a firearm attack on the premises of the media outlet Top Channel resulted in the death of security guard Pal Kola, and across Europe there were 24 situations of impunity for the murder of a journalist. As well as journalists, human rights defenders, artists, politicians, and others who spoke out on issues of public interest also suffered attacks, both physical and verbal. In many countries there continued to be violence against those who spoke out in the defence of the rights of members of the LGBTI community. Whilst in several countries there has been progress in the adoption of national initiatives on the safety of journalists, the successful implementation of these initiatives in the face of such levels of violence and harassment faces considerable challenges.

Concerns about threats to the editorial independence of media are long-standing and did not diminish in 2023. In several countries, there were overlapping political, commercial, and financial pressures on media which impaired their independence and led to a situation where the public no longer has access to information from a functioning pluralistic media environment. Compounding this negative trend is the emergence of so-called 'news deserts': large areas, particularly local and regional areas outside or large urban centres, are no longer effectively served by the media. This leads to a situation where political accountability is severely impaired, and corruption can thrive. The enactment of the European Media Freedom Act³ by the European Union (EU) is highly anticipated to contribute to countering these trends, along with measures to promote independent quality journalism.

There was a continued fall in trust in traditional media in 2023. Public service media (PSM) remained the most trusted news sources, although for younger audiences, influencers and social media personalities increased in importance. Propaganda, disinformation, and misinformation were a growing concern; this was reflected in the work of both the Council of Europe and other intergovernmental organisations.

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1. Journalists Matter: Council of Europe Campaign for the Safety of Journalists, at www.coe.int/en/web/freedom-expression/safety-of-journalists-campaign.
 2. See <https://fom.coe.int/en/alerte> (click on cumulative total for the year 2023).
 3. Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (EMFA), available at <http://data.europa.eu/eli/reg/2024/1083/oj>. Although the EMFA is an EU instrument, its provisions are expected to be influence regulatory approaches in EU accession countries and in other neighbouring countries in Europe.

This report follows a methodology that has been established for the past eight years. By relying on measurement criteria extrapolated from relevant Council of Europe standards and findings of Council of Europe bodies and mechanisms, as well as other reliable intergovernmental, non-governmental and academic sources:

- ▶ it considers developments in the legal framework that regulates the exercise of the right to freedom of expression, noting the impact of new or proposed legislation;
- ▶ it maps trends in arrests, incidents of violence, and other forms of harassment against journalists and others who speak up on matters of public interest;
- ▶ it surveys the overall environment for an independent and pluralistic media; and
- ▶ it examines developments relating to reliability and trust in information.

The purpose of this report is to identify overarching trends in freedom of expression and freedom of the media in Council of Europe member states during 2023, highlighting both progress and areas of common concern. It seeks to provide a concise and comprehensive overview of existing information to support the work of the Council of Europe in this field, particularly under the purview of the Steering Committee on Media and Information Society (CDMSI).

1. Legal guarantees for freedom of expression

Legal guarantees are crucial to ensure respect for the right to freedom of expression. Under the European Convention on Human Rights (the Convention), states are under a ‘positive’ duty to enact such laws and regulations as are necessary to ensure that all within their jurisdiction can exercise the right to freedom of expression, including the right to receive information. In addition, states are under a ‘negative’ duty not to adopt any laws or regulations that restrict freedom of expression more than is necessary in a democratic society for the pursuit of aims such as the prevention of crime, the protection of the rights of others, and other legitimate aims.⁴ Laws should also guarantee respect for rights that are crucial to ensure the enjoyment of freedom of expression, such as the right to privacy, and ensure that surveillance or similar measures remain within the boundaries established by the Convention. This chapter reviews developments in member states in this regard during 2023.

MEASUREMENT CRITERIA

- 1.1. Freedom of expression is guaranteed offline and online. The internet is available, accessible and affordable to everyone without discrimination. Any restrictions of freedom of expression, including any filtering of content, are prescribed by law, pursue the legitimate aims set out in Article 10, para. 2, of the Convention, and are necessary in a democratic society.
- 1.2. Robust safeguards exist against the abuse of laws that restrict freedom of expression offline and online, such as public order and anti-terrorism laws, including control over the scope of restrictions exercised by public authorities or private actors, and effective judicial review and other complaint mechanisms.
- 1.3. The right of access to information and documents held by public authorities is guaranteed in law and in practice. Any restrictions, including on grounds of national security, are clearly prescribed by law and necessary in a democratic society, in compliance with Article 10, para. 2, of the Convention.
- 1.4. There is no general obligation on internet intermediaries to monitor content which they merely give access to, or which they transmit or store. Internet intermediaries are not held responsible for the content that is transmitted via the technology they supply except when they have knowledge of illegal activity and content and do not act expeditiously to remove it.
- 1.5. Any surveillance of users’ communication and activity online is carried out in a manner consistent with Article 8 of the Convention.
- 1.6. Defamation laws are in line with standards developed by the European Court of Human Rights. There are no criminal offences of blasphemy or religious insult, unless incitement to violence, discrimination and hatred is an essential component.
- 1.7. Criminal laws aimed at combating ‘hate speech’ are clear and precise and meet the requirements of Article 10, para. 2, of the Convention.

FINDINGS

In 2023, the European Court of Human Rights (the Court), the ultimate arbiter concerning the respect by member states of human rights guaranteed by the Convention, issued 85 judgments in freedom of expression cases, finding a violation in 73. The execution of judgments of the Court in cases decided in previous years was slow: by the end of 2023, 241 remained pending, of which 58, nearly a quarter had been pending for more than five years. In 31 cases execution had been pending for more than 10 years.⁵ These statistics are highly concerning.

4. Legitimate aims for the restriction of the right to freedom of expression are listed in Article 10(2) of the Convention.

5. According to the Department for the execution of judgments of the European Court of Human Rights, at <https://hudoc.exec.coe.int/>.

Of the Court's cases, more than half were against only two states – the Russian Federation and Türkiye – and of these, the majority concerned restrictions that had been imposed concerning public protests in the Russian Federation.⁶ Novel issues of law were decided in only a small number of cases, concerning whistleblowers,⁷ the exercise of the right to freedom of expression in the online environment,⁸ and the portrayal of same-sex relationships in a children's book.⁹ Of the remaining cases, the majority concerned convictions of media and others in defamation or insult cases, areas of law where the jurisprudence of the Court has long been settled and there is abundant guidance to member states. This continues a trend seen in previous years and indicates a lack of alignment between domestic practice and the standards set by the Court.¹⁰

Data gathered on the Platform for the Safety of Journalists as well as research commissioned by the European Parliament indicate a high number of defamation cases that can be considered strategic lawsuits against public participation (SLAPPs).¹¹ The European Parliament study analysed cases reported between 2022 and August 2023 in EU member states, identifying 47 legal actions against 102 defendants.¹² Political figures, public officials, and companies made up 54% of claimants. Journalists and media outlets formed 80% of the targets, NGOs another 14%. The study warned that this was likely to only be the tip of a much larger iceberg since most SLAPPs go unreported. A quarter of all cases was in Italy, and a significant number of cases was also reported in Spain, Greece, France, and Bulgaria. 90% of cases concerned defamation lawsuits, both civil and criminal in nature.¹³ Legislators in some member states reintroduced or considered strengthening criminal defamation laws, raising the prospect of further SLAPPs.¹⁴ The United Nations, Organization for Security and Cooperation in Europe (OSCE), Council of Europe and European Union released a joint statement expressing dismay at the re-criminalisation of defamation by the National Assembly of the Republika Srpska in Bosnia and Herzegovina.¹⁵

Against this background, the work of both the Council of Europe and European Union to counter SLAPPs acquired additional relevance and urgency. The Parliamentary Assembly adopted a Recommendation and a Resolution on Countering SLAPPs: an imperative for a democratic society,¹⁶ while by year-end a draft Recommendation on Countering Strategic Lawsuits against Public Participation (SLAPPs) was being considered for adoption by the Committee of Ministers;¹⁷ both bodies urging member states to act against the use of SLAPPs by those in positions of power to silence their critics. At the European Union level, a political agreement was reached¹⁸ on a directive to provide safeguards against cross-border civil SLAPP proceedings,¹⁹ that complements the non-binding Recommendation urging states to apply similar safeguards in lawsuits that are not of a cross-border nature, adopted in 2022.²⁰

6. There were 38 judgments against the Russian Federation and 11 against Türkiye. Restrictions on the right to protest were central in 22 of the cases against the Russian Federation.
7. [Halet v. Luxembourg](#) [GC], no. 21884/18, 14 February 2023.
8. [Sanchez v. France](#) [GC], no. 45581/15, 15 May 2023; [Hurbain v. Belgium](#) [GC], no. 57292/16, 4 July 2023.
9. [Macatė v. Lithuania](#) [GC], no. 61435/19, 23 January 2023.
10. As highlighted in the 2023 Report of the Secretary General of the Council of Europe, [State of Democracy, Human Rights and the Rule of Law](#), p. 40.
11. European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, [Open SLAPP Cases in 2022 and 2023](#), Directorate-General for Internal Policies, PE 756.468 - November 2023.
12. *Ibid.*
13. *Ibid.*, p. 8. See also OSCE Representative for Freedom of Media (RFoM), [Regular Report to the Permanent Council](#), 11 May 2023, and [Regular Report to the Permanent Council](#), 23 November 2023.
14. [Bill to re-criminalise defamation and insult in Republika Srpska](#), Alert No. 84/2023, 20 March 2023; [Proposed penal code reform could see journalists more easily jailed for defamation](#), Alert No. 280/2023, 29 December 2023.
15. UN, OSCE, Council of Europe and EU in Bosnia and Herzegovina, [Joint statement regarding the Republika Srpska Criminal Code amendments re-criminalizing defamation](#), 20 July 2023.
16. Parliamentary Assembly, [Countering strategic lawsuits against public participation \(SLAPPs\): an imperative for a democratic society](#), Resolution 2531 (2024) and Recommendation 2267 (2024), adopted on 25 January 2024.
17. Committee of Ministers, [Recommendation CM/Rec\(2024\)2 on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), adopted on 5 April 2024, On the process leading to the adoption of the Committee of Ministers recommendation, see www.coe.int/en/web/freedom-expression/msi-slp.
18. See [Anti-SLAPP: MEPs reach deal with member states to defend critical voices](#), Press Release, 30 November 2023.
19. Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'), OJ L, 2024/1069, 16 April 2024.
20. Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation'), C/2022/2428.

In a number of member states other legislative changes were considered or introduced that raised concerns about the right to freedom of expression. In Türkiye, the Constitutional Court rejected a request to annul a 2022 amendment to the Criminal Code on the publication of false or misleading information, despite a negative opinion by the Venice Commission and criticism by the Parliamentary Assembly of the Council of Europe.²¹ Other developments of concern included a draft Law to impose fines on purveyors of ‘fake news’ in the Sarajevo Canton in Bosnia and Herzegovina;²² a draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organisations which is expected to impact on the exercise of the right to freedom of expression;²³ and media regulation bills in Croatia,²⁴ Georgia,²⁵ Hungary,²⁶ and Serbia,²⁷ that proposed to place various restrictive regulations on the media. The Council of Europe Commissioner for Human Rights criticised missed opportunities for positive law reform in Spain, particularly in relation to criminal provisions on the glorification of terrorism, insult (especially criminal provisions that protect the crown), and the 2015 Law on Citizens’ Safety that is often used to fine protestors and restrict reporting on demonstrations.²⁸

The abuse of surveillance powers against journalists and civil society activists, in particular spyware such as Pegasus, was reported in numerous countries, raising concerns about the lack of adequate safeguards against such abuse under domestic legislation despite standards set by the Court.²⁹ The Parliamentary Assembly urged Poland, Hungary, Greece, Spain and Azerbaijan to promptly and fully investigate all cases of abuse of spyware, and raised the alarm at

mounting evidence that Pegasus and similar spyware have been used illegally or for illegitimate purposes by several member States, including against journalists, political opponents, human rights defenders and lawyers. Pegasus and other spyware have also been exported from member States to authoritarian regimes outside Europe.³⁰

The Parliamentary Assembly furthermore called on member states to limit the use of such technology

should be limited to exceptional situations, as a measure of last resort, to prevent or investigate a specific act amounting to a genuine and serious threat to national security or a specific and precisely defined serious crime, targeting only the person suspected of committing or planning to commit those acts, and always under court supervision.³¹

The European Parliament and the OSCE Representative on Freedom of the Media raised similar concerns.³²

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21. Turkish Constitutional Court, Decision no. 2023/189, 8 November 2023; European Commission for Democracy through Law (Venice Commission) and Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe, [Urgent joint opinion on the draft amendments to the Penal Code regarding the provision on “false or misleading information”](#), no. 1102/22, 21 October 2022, CDL-AD(2022)034-e; Parliamentary Assembly, [The Honouring of obligations and commitments by Türkiye](#), Resolution 2459 (2022) adopted on 12 October 2022, para. 10.7.
 22. [Draft law to fine purveyors of ‘fake news’ in Sarajevo Canton](#), Alert No. 139/2023, 24 May 2023.
 23. Venice Commission and the OSCE Office for Democratic Institutions and Human Rights, [Bosnia and Herzegovina - Joint Opinion on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations](#), 13 June 2023, CDL-AD(2023)016. Commissioner for Human Rights, [Letter to the President of the National Assembly of Republika Srpska](#), CommHR/DM/sf 026-2023, 18 September 2023.
 24. [Alarm over draft bill on media](#), Alert No. 184/2023, 28 July 2023.
 25. [Bill requires internationally funded media to register as ‘foreign agents’](#), Alert No. 61/2023, 3 March 2023 (Bill was withdrawn but re-introduced in 2024); Commissioner for Human Rights, [Letter to the Chairman of the Parliament of Georgia](#), CommHR/DM/sf 006-2023, 22 February 2023.
 26. [Ruling coalition to table legislation on “Foreign-funded” media](#), Alert No. 229/2023, 12 October 2023.
 27. [Controversial media legislation adopted in Parliament](#), Alert No. 265/2023, 21 December 2023.
 28. Commissioner for Human Rights, [Report following Visit to Spain](#), CommHR(2023)9, 13 April 2023, pp. 19-26.
 29. Parliamentary Assembly, [Pegasus and similar spyware and secret state surveillance](#), Resolution 2513 (2023) and Recommendation 2258 (2024), adopted 11 October 2023. See also several Platform alerts, including [Journalists and members of the press in Armenia targeted by Pegasus spyware](#), Alert No. 142/2023, 26 May 2023; [iStories journalists Alesya Marokhovskaya and Irina Dolinina threatened and surveilled in Prague](#), Alert No. 219/2023, 21 September 2023; [Mediapart journalist put on file by intelligence company](#), Alert No. 197/2023, 10 August 2023; [Investigation finds Russian journalist Galina Timchenko targeted by Pegasus Spyware](#), Alert No. 215/2023, 15 September 2023; [Secret inquiry into alleged surveillance of journalists Trevor Birney and Barry McCaffrey](#), Alert No. 182/2023, 27 July 2023. The relevant case law of the Court is summarised in the Parliamentary Assembly Report on [Pegasus and similar spyware and secret state surveillance](#), doc. 15825, 20 September 2023, paras 64-72.
 30. Parliamentary Assembly, [Pegasus and similar spyware and secret State surveillance](#), Resolution 2513 (2023), adopted on 11 October 2023, para. 5.
 31. *Ibid.*, para. 4.
 32. [European Parliament recommendation of 15 June 2023 to the Council and the Commission following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware \(2023/2500\(RSP\)\)](#), OSCE RFoM, [Communiqué No. 1/2023 on the Use of Digital Surveillance Technology on Journalists](#), 7 September 2023.

Concerns were also expressed about the lack of safeguards in some member states to prevent potentially disproportionate or arbitrary regulations of online information, often in the context of national security or public order.³³ In Türkiye, the Platform for the safety of journalists recorded several instances of these laws being used against journalists. Incidents included listing fifteen journalists as ‘wanted terrorists’ and the arrest and detention of several dozen others under national security-related laws for apparently journalistic activities; an EU report criticised these cases as diverging from the Court’s case law.³⁴ Also of concern were extremely high fines imposed on news channels by the Turkish Television and Radio Supreme Council, instances of blocking of websites critical of the government, and the demand by the Turkish authorities that a Sweden-based investigative reporting website be shut down.³⁵ In both Greece and in Türkiye, concerns were raised about the abuse of ‘fake news’ laws against journalists.³⁶

The Council of Europe Group of States against Corruption (GRECO) expressed concern that in several countries, the law still accords the authorities a broad margin of discretion for determining what is in the public domain; that government entities remain reluctant to disclose information; and that there is an inconsistent approach across government entities.³⁷ Amongst others, GRECO recommended limiting the use of restrictions and improving efficiency of access to information in Portugal;³⁸ the establishment of an independent oversight mechanism to examine complaints against the authorities’ refusal to disclose public interest information and to guarantee the effective implementation of freedom of information legislation in Romania;³⁹ an independent analysis of the exceptions to the right to access information and the application of these exceptions in practice, the applicable deadlines, the system of fees and the enforcement of the access to information act in Cyprus;⁴⁰ improved proactive transparency, the creation of a register of requests for public interest information, the handling of requests for public interest information within the statutory time-limit, the proportionate application of the legitimate grounds for limitations of access to public interest information, and training for public officials in the Republic of Moldova;⁴¹ the adoption of freedom of information legislation in Austria;⁴² an independent assessment on access to information requirements in order to revise the legislation and ensure a timely access to such information and the necessary implementation measures in Bosnia and Herzegovina;⁴³ and the establishment of an independent oversight mechanism to guarantee the effective implementation of the freedom of information legislation in Poland.⁴⁴ These are in addition to recommendations made to other states in previous years (assessment is not annually), indicating a wide range of areas where states need to improve access to information practices.⁴⁵

There were also positive developments. Particularly significant was the political agreement on the adoption by the European Union of the European Media Freedom Act,⁴⁶ which, inter alia, aims at protecting

33. OSCE RFoM, [Regular Report to the Permanent Council](#), 23 November 2023.

34. 2023 Communication on EU Enlargement policy, [Türkiye 2023 Report](#), SWD(2023) 696 final, 8 November 2023. See also numerous Platform alerts: [Turkish journalist Sezgin Kartal arrested over alleged PKK membership](#), Alert No. 6/2023, 24 January 2023; [Turkish police detain at least 10 journalists in Diyarbakır crackdown](#), Alert No. 120/2023, 26 April 2023; [Turkish journalists Sedat Yılmaz and Dicle Müftüoğlu detained ahead of presidential election](#), Alert No. 126/2023, 4 May 2023; [Turkish journalist Merdan Yanardağ arrested over commentary](#), Alert No. 158/2023, 30 June 2023; [Journalists detained in Ankara, Diyarbakır, Istanbul and Izmir over tweet](#), Alert No. 183/2023, 27 July 2023.

35. The Commissioner for Human Rights criticised the use of fines by RTÜK as “an important tool in stifling critical reporting” and also raised concern at the blocking of more than 700,000 domains, 150,000 URL addresses, and 55,500 tweets: [Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye](#), CommHR(2024)16, 5 March 2024. See also Platform alerts: [Turkish court blocks access to news about Bilal and Burak Erdoğan](#), Alert No. 191/2023, 1 August 2023; [Turkish authorities demand closure of investigative website Nordic Monitor](#), Alert No. 257/2023, 6 December 2023.

36. [Journalist Romain Chauvet sentenced to prison over alleged dissemination of false information](#), Alert No. 244/2023, 13 November 2023; [Journalists covering earthquake detained, harassed and obstructed](#), Alert No. 36/2023 15 February 2023; [Journalists arrested and investigated over suspected ‘disinformation’](#), Alert No. 245/2023, 13 November 2023.

37. Council of Europe Group of States against Corruption (GRECO), [Anti-corruption trends, challenges and good practices in Europe & the United States of America](#), 24th General Activity Report (2023), March 2023.

38. GRECO, [Evaluation Report Portugal](#), Fifth Evaluation Round, 24 March 2023 (published 10 January 2024), GrecoEval5Rep(2022)3.

39. GRECO, [Evaluation Report Romania](#), Fifth Evaluation Round, 9 June 2023 (published 7 September 2023), GrecoEval5Rep(2022)4.

40. GRECO, [Evaluation Report Cyprus](#), Fifth Evaluation Round, 9 June 2023 (published 2 October 2023), GrecoEval5Rep(2022)6.

41. GRECO, [Evaluation Report Republic of Moldova](#), Fifth Evaluation Round, 1 December 2023 (published 12 March 2024), GrecoEval5Rep(2023)4.

42. GRECO, [Evaluation Report Austria](#), Fifth Evaluation Round, 2 December 2022 (published 1 March 2023), GrecoEval5Rep(2022)1.

43. GRECO, [Evaluation Report Bosnia and Herzegovina](#), Fifth Evaluation Round, 2 December 2022 (published 9 March 2023, GrecoEval5Rep(2022)8).

44. GRECO, [Second Compliance Report Poland](#), Fifth Evaluation Round, 9 June 2023 (published 20 July 2023).

45. Previous reports may be found on the GRECO website, at www.coe.int/en/web/greco/evaluations.

46. Council of the EU, [Council and Parliament strike deal on new rules to safeguard media freedom, media pluralism and editorial independence in the EU](#), Press release, 15 December 2023.

journalists from the use of spyware and other illegitimate surveillance. Slovenia and Spain ratified the Tromsø Convention on Access to Official Documents,⁴⁷ the first binding international legal instrument to guarantee the right of access to official documents held by public authorities, bringing the total number of ratifications to fifteen. The Access Info Group, the monitoring body set up by the Tromsø Convention, is in the process of carrying out a baseline evaluation report of the first eleven parties to the Convention, due to be published in 2024. Access to information laws were reportedly strengthened in Czechia, Lithuania, where measures were taken to improve journalists' access to information, and the Slovak Republic, where a greater number of bodies were made subject to access to information requirements.⁴⁸

Other positive legislative developments at the national level included an agreement in Spain between journalists' unions and state authorities to regulate professional secrecy and better protect the confidentiality of journalists' sources;⁴⁹ and an amendment to the Criminal Code in North Macedonia to ensure that threats and attacks on journalists are punishable with longer prison sentences and can be prosecuted *ex officio*.⁵⁰ In the United Kingdom, the first legislative steps were taken to limit SLAPPs through the adoption of anti-SLAPP provisions in the Economic Crime and Corporate Transparency Act, which protects those who speak out on economic crime.⁵¹

47. Council of Europe Convention on Access to Official Documents, CETS No. 205, 18 June 2009.

48. Communication from the Commission to the European Parliament, the Council, the European economic and social committee and the Committee of the regions (2023 Rule of Law Report), 5 July 2023, COM(2023) 800 final, 2023 (2023 EU Rule of Law Report).

49. OSCE RFoM, Regular Report to the Permanent Council, 11 May 2023.

50. OSCE RFoM, Safety of Journalists Toolbox, National Instruments and Initiatives, at <https://osce-soj.glide.page/dl/b33482>.

51. Economic Crime (Transparency and Enforcement) Act, 2022.

2. Safety of journalists and others who speak up

In a democratic society, individuals should be able to express their opinions without fear of reprisal, even when their views diverge from the mainstream. Tolerance and open-mindedness are fundamental principles without which there can be no democracy. There should be no hostility towards the media; journalists should be able to carry out their reporting duties safely, free from intimidation and harassment. Politicians should refrain from negative rhetoric against the media or individual journalists, and they should unequivocally condemn any violence or mistreatment, whether in person or online.

MEASUREMENT CRITERIA

- 2.1. There are no killings, physical attacks, disappearances or other forms of violence against journalists, bloggers, artists, politicians or others who use their right to freedom of expression to speak up on issues of public interest.
- 2.2. There is no impunity for crimes against those who speak out on issues of public interest. There is an effective legal framework in place including criminal law provisions dealing with the protection of the physical and moral integrity of the person, and there are independent, prompt and effective investigations of all crimes against those who speak out.
- 2.3. Political leaders and public officials engage positively with the media and do not denigrate journalists or others who speak out. Verbal intimidation or harmful rhetoric against media actors and others who speak up in political discourse is promptly condemned by authorities.
- 2.4. All those who face threats to the exercise of their right to freedom of expression are provided with adequate protection when requested.
- 2.5. Journalists and other media actors are not arrested, detained, imprisoned or harassed because of critical reporting. There are no selective prosecutions, sanctions, inspections or other arbitrary interferences against journalists and other media actors, and others who speak out on matters of public interest, nor are they subjected to state surveillance for their exercise of the right to freedom of expression.
- 2.6. There are no reprisals against whistle-blowers who, in good faith and as a matter of last resort, provide information to journalists and other media actors on matters of public interest.
- 2.7. Journalists and other media actors are not forced to reveal their confidential sources unless ordered by an independent authority, when the legitimate interest in the disclosure clearly outweighs the interest in keeping the information secret and when alternative measures were not available.

FINDINGS

The Russian Federation's war against Ukraine continued to claim the lives of journalists reporting on the conflict. In April, Ukrainian journalist Bohdan Bitik, who was working for the Italian newspaper *La Repubblica*, was shot dead by a Russian sniper despite wearing a bulletproof vest that had 'PRESS' written on it.⁵² In May, AFP journalist Arman Soldin was struck by a rocket when he and his team were with a group of Ukrainian soldiers. He had been in Ukraine for eight months, leading his team's video coverage and travelling regularly to the front lines.⁵³ This is fewer than in previous years due to improved safety practices, and reduced access for journalists to the front lines, but B. Bitik and A. Soldin's deaths remain of high concern. Throughout the year, several dozen others were attacked, shelled, or got caught in crossfire, whilst some were detained or imprisoned by occupying forces.⁵⁴ The latter category included a thirteen-year term of imprisonment in a Russian penal colony for Ukrainian journalist Serhiy Tsyhipa, on charges of espionage.⁵⁵

As in previous years, there was an unacceptably high level of incidents of violence against journalists, human rights defenders, and civil society activists, as well as against politicians. In many countries, public opinion has become polarised, debates have harshened, and aggressive attitudes against political opponents have led to a climate in which verbal as well as actual violence has been normalised as a response to criticism. This led to the death of a security guard at an Albanian TV station that was attacked by gunmen, 49 physical attacks against journalists, 67 incidents of harassment, and 49 other incidents that threatened the safety of a journalist (these statistics leave attacks against non-journalists, of which there are many, out of the equation). Incidents occurred in more than two-thirds of Council of Europe member states, with only thirteen states not reporting any.⁵⁶

New cases of 'impunity' were identified: in Serbia, the 2021 murder of the journalist Milan Pantić was added to the list of journalists for whose murder no one has been brought to justice;⁵⁷ and the murders of Greek journalists Sokratis Giolias and Giorgos Karaivaz were also marked as constituting cases of 'impunity', illustrating the worrying and growing culture of a lack of accountability for crimes against journalists.⁵⁸ This brings the total number of such cases across Europe to 24: all of them journalists who have been murdered for their journalism, and whose murderers - both those who pulled the trigger and those who paid for and 'ordered' their killing - have not been brought to justice.⁵⁹ Setbacks in prosecutions included the May 2023 acquittal in the Slovak Republic of the suspected mastermind behind the 2018 killing of investigative journalists Ján Kuciak and his fiancée Martina Kušnírová.⁶⁰ In Montenegro, the lack of effective judicial follow-up of older cases of impunity for crimes against journalists was criticised.⁶¹

In addition to numerous incidents of physical violence and attacks, there was a high number of cases of verbal violence and threats, many of them online. A worryingly high number of such cases and threats was committed by politicians and public officials, thus contributing to an overall hostile environment for journalists. Threats against journalists were recorded in many countries including Belgium, Croatia, France, Italy, the Netherlands, Serbia, Spain, and Türkiye. In the Slovak Republic, the Prime Minister denigrated members of the media;⁶² Serbia recorded anti-media smear campaigns;⁶³ in Romania, a leading politician threatened

52. [Journalist Bohdan Bitik shot dead in Ukraine, his colleague Corrado Zunino wounded](#), Alert No. 122/2023, 27 April 2023.

53. [AFP journalist Arman Soldin killed while covering war in Ukraine](#), Alert No. 130/2023, 10 May 2023.

54. E.g. [At least 2 journalists injured by Russian shelling in eastern Ukraine](#), Alert No. 1/2023 6 January 2023; [Journalists attacked, harassed while reporting from Kyiv-Pechersk monastery](#), Alert No. 104/2023, 5 April 2023; [Journalist Arsen Chepurnyi injured in Russian missile strike in Ukraine](#), Alert No. 204/2023, 30 August 2023; [Shelling injures at Least 3 journalists in eastern Ukraine](#), Alert No. 188/2023, 31 July 2023; [Ukrainian journalist Oleksandr Pavlov injured in drone attack](#), Alert No. 235/2023, 23 October 2023; [Photographer Vlada Liberova wounded by Russian fire](#), Alert No. 282/2023, 29 December 2023.

See <https://fom.coe.int/en/pays/detail/11709594> for full list of Ukraine war-related alerts.

55. [Ukrainian journalist Serhiy Tsyhipa sentenced to 13 years of penal colony on espionage charges](#), Alert No. 236/2023, 23 October 2023.

56. According to Platform data.

57. Commissioner for Human Rights, [Report following Visit to Serbia](#), CommHR(2023)25, 6 September 2023, para. 61.

58. [Impunity for murder of veteran crime reporter Giorgos Karaivaz](#), Alert No. 60/2021, 12 April 2021; [Impunity in killing of Greek investigative journalist and broadcaster Sokratis Giolias](#), Alert No. 241/2023, 31 October 2023.

59. According to Platform data, excluding cases in the Russian Federation (including the Russian Federation, there are 32 alerts concerning 'impunity').

60. [Impunity for murder of Slovak investigative journalist Ján Kuciak](#), Alert No. 18/2018, 26 February 2018.

61. 2023 Communication on EU Enlargement policy, [Montenegro 2023 Report](#), SWD(2023) 694 final, 8 November 2023.

62. [Prime Minister denigrates, reviews accreditation of several media](#), Alert No. 277/2023, 29 December 2023.

63. [Smear campaign and political pressure on UM media outlets in Serbia](#), Alert No. 145/2023, 1 June 2023.

critical journalists online;⁶⁴ in Finland, politicians were part of a smear campaign against a journalist;⁶⁵ in Albania, the mayor of Tirana referred to an investigative journalist as a ‘contract killer’.⁶⁶ An orchestrated anti-media smear campaign in Serbia was condemned by both the UN Special Rapporteur on Freedom of Opinion and Expression and the Council of Europe Commissioner for Human Rights; the Special Rapporteur warned that “some political leaders and media outlets appear to interpret freedom of expression as the right of the majority to vilify the minority”⁶⁷ while the Commissioner expressed concern that Serbian media described the environment for their work as “toxic” and deplored the constant labelling by public officials of independent journalists as “criminals”, “traitors”, or “enemies of the state”, in tabloids and on social media.⁶⁸

Such negative rhetoric and smear campaigns, especially when led by politicians and public officials, directly contravene undertakings made by states under the auspices of the Council of Europe. As pointed out by the Public Inquiry into the murder of Maltese journalist Daphne Caruana Galizia – another case of impunity where those responsible for ordering her murder have yet to be brought to justice – anti-media hate speech is a significant contributing factor to cases of actual violence.⁶⁹

An example of good practice was the strong condemnation by the Slovak Minister of Culture of the death, torture, and rape threats against RTVS journalist Marta Jančkárová, stating that political interference in the media was unacceptable.⁷⁰

For several years now, research has indicated the heightened level of online violence against female journalists, politicians, civil society activists, and other women who speak out on issues of controversy or matters of public importance. The OSCE Representative on Freedom of the Media published dedicated Guidelines for Monitoring Online Violence against Female Journalists.⁷¹

Cyber-attacks against media outlets were a matter of concern in numerous European countries. For example, in Azerbaijan, the website of Mikroskop Media, which reports on human rights issues, was disabled; hackers demanded to be paid EUR 12,500 to unblock it. Mikroskop had already been accused of ‘treason’ for its reporting on the Nagorno-Karabakh conflict.⁷² In Greece, two websites were disabled by distributed denial-of-service (DDoS) cyber-attacks that crashed their servers, following their reporting on a controversial Turkish businessman;⁷³ in Hungary, there was a wave of distributed denial of service attacks against 22 websites, all of them known for their critical reporting stance.⁷⁴

Throughout 2023, journalists were detained or imprisoned in high numbers, but in only a small number of countries. Eight new incidents of imprisonment or detention involving eighteen journalists were recorded in Azerbaijan, bringing the total number of journalists imprisoned there to 22, whilst in Türkiye 11 incidents were recorded involving 42 journalists. The Commissioner for Human Rights expressed strong concern at the “pattern of dramatically increasing numbers of prosecutions and convictions against persons having exercised their right to freedom of expression” in Türkiye and called on the authorities to “put an end to the hostile environment affecting human rights defenders, journalists, NGOs and lawyers and to stop silencing them by means of administrative and judicial action.”⁷⁵ By year-end, a total of 61 journalists were imprisoned in Azerbaijan, Poland, Türkiye, and Ukraine (in territory under the control of occupying forces).⁷⁶ In the United Kingdom, Julian Assange continued to be detained pending extradition despite calls for his release by

64. [G4Media journalists threatened online by leading politician](#), Alert No. 5/2023, 23 January 2023.

65. Commissioner for Human Rights, [Statement: Online threats against Finnish journalist Ida Erämaa should be investigated and condemned](#), 6 July 2023.

66. [Tirana mayor calls BIRN journalist Ola Xama «contract killer»](#), Alert No. 171/2023, 18 July 2023.

67. [Serbia: UN expert alarmed by rise in hateful rhetoric after mass shootings](#), 5 June 2023.

68. Commissioner for Human Rights, [Report following Visit to Serbia](#), CommHR(2023)25, 6 September 2023, p. 16.

69. [Public Inquiry Report Daphne Caruana Galizia](#), 29 July 2021, pp 405-409. In October 2023 the Commissioner for Human Rights expressed concern at the lack of justice: [Malta: Commissioner raises concerns over freedom of expression and the lack of justice for Daphne Caruana Galizia](#), 3 October 2023.

70. [RTVS host Marta Jančkárová receives death, torture and rape threats](#), Alert No. 60/2023, 2 March 2023.

71. J. Posetti, D. Maynard, and N. Shabbir, [Guidelines for monitoring online violence against female journalists](#), OSCE, 2023.

72. [Mikroskop Media's website hacked](#), Alert No. 216/2023, 19 September 2023.

73. [Documenta and Koutipandoras targeted by DDoS cyber-attacks following articles on Turkish businessman](#), Alert No. 43/2023, 21 February 2023.

74. [Wave of DDoS attacks against Hungarian news websites](#), Alert No. 127/2023, 4 May 2023. Similar attacks were reported in Poland, Moldova, and Ukraine.

75. [Memorandum on freedom of expression and of the media, human rights defenders and civil society in Türkiye](#), CommHR(2024)16, 5 March 2024.

76. See <https://fom.coe.int/en/pays/detail/11709594>.

several international bodies including the Parliamentary Assembly's General Rapporteurs on Human Rights Defenders and Whistleblowers, and on Political Prisoners.⁷⁷ Police raided media outlets and brought various criminal charges against journalists in countries including Germany, Ukraine, Italy, Poland, Azerbaijan, France, and Greece, contributing to a challenging legal environment for media and journalists.

In Georgia, concern has been raised at court proceedings against opposition media owners, which have had a negative effect on critical media reporting.⁷⁸

In contrast to these incidents of violence, harassment, raids, detention, and imprisonment stood several positive developments. In response to calls from the Council of Europe as well as from others, a growing number of countries have taken steps to improve the safety of journalists and other media actors, including through the adoption of national plans of action. In Switzerland, during recent elections over 400 candidates signed the so-called 'Manifesto for Press Freedom' underlining the need for press freedom in democracy, for free access to information, and for safe working conditions for journalists.⁷⁹ In Croatia, the Ministry of the Interior signed a cooperation agreement with the Croatian Association of Journalists and the Croatian Journalists' Union to promote a safe working environment, by improving communication and coordination between media workers and by more effectively investigating crimes against journalists.⁸⁰ National action plans for the safety of journalists were adopted in Lithuania, Switzerland, and the United Kingdom,⁸¹ adding to the growing number of countries that have recognized the urgency to democracy of improving the safety of journalists. The Council of Europe Campaign "Journalists matter", launched in 2023, is expected to provide further impetus to Member States' efforts in improving the safety and protection of journalists.

77. Legal Affairs and Human Rights Committee, [PACE rapporteurs warn against extradition to the United States of Julian Assange](#), 20 June 2023. See also calls by the UN Special Rapporteurs on the right to freedom of opinion and expression, Irene Khan (available at www.ohchr.org/en/press-releases/2024/03/ukus-time-end-prosecution-julian-assange-un-expert-says) and on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Alice Jill Edwards (available at www.ohchr.org/en/press-releases/2024/02/un-special-rapporteur-torture-urges-uk-government-halt-imminent-extradition).

78. 2023 Communication on EU Enlargement policy, [Georgia 2023 Report](#), SWD(2023) 697 final, 8 November 2023.

79. OSCE RFoM, [Regular Report to the Permanent Council](#), 23 November 2023, p. 5.

80. *Ibid.*, pp. 8-9.

81. Minister of Culture of the Republic of Lithuania, [Įsakymas dėl žurnalistų apsaugos, Saugumo ir įgalinimo užtikrinimo 2023-2025 metų veiksmų plano patvirtinimo](#) (Order on Ensuring the Protection, Security and Empowerment of Journalists, Approval of the 2023-2025 Action Plan), 4 September 2023; Swiss Federal Office of Communications, [National Action Plan for the safety of media professionals in Switzerland](#), 25 April 2023; [United Kingdom National Action Plan for the safety of journalists](#), 30 October 2023. Other initiatives, including those adopted in previous years, are compiled and referenced on the page on National Chapters of the Council of Europe "Journalists Matter" campaign, at www.coe.int/en/web/freedom-expression/soj2023-2027-nationalchapters and the webpage of the OSCE Safety of Journalists Toolbox, at <https://osce-soj.glide.page/dl/54886d>.

3. Independent and pluralistic media environment

Democracy thrives when there is a diverse media landscape offering a range of perspectives, ensuring the public's right to receive information from a wide array of voices. To achieve this, upholding both media independence and regulatory autonomy is crucial. It is imperative that all media outlets compete on a fair basis, preventing any undue advantage for one over another. Striving for media pluralism demands a nuanced media policy that acknowledges economic factors while fostering a sustainable media ecosystem. Media regulatory bodies should be independent from political or other undue interference.

MEASUREMENT CRITERIA

- 3.1. The public has access to a variety of print, broadcast and online media that represent a wide range of political and social viewpoints, interests and groups within society, including local communities, minorities and those with special needs. Political parties and candidates have fair and equal access to the media, and ownership of media by political actors is strictly regulated. Coverage of elections by broadcast media is balanced and impartial.
- 3.2. Regulatory frameworks safeguard the editorial independence of media outlets from government, media owners, and political or commercial interests, and are respected in practice. Print, broadcast and internet-based media are not subject to direct or indirect censorship.
- 3.3. Media concentration is addressed through effective regulation and monitored by independent regulatory authorities vested with powers to act against concentration. Information about media ownership and economic influence over media is easily accessible to the public. Media and platforms identify paid-for content.
- 3.4. The operating environment for independent and community media is favourable. All types of media (public service, private, and community) have fair and equal access to technical and commercial distribution channels and electronic communication networks, as well as to state advertising and state subsidies and other funding schemes. They are encouraged to develop new business models including through supportive fiscal and regulatory regimes.
- 3.5. All state support measures for media take into account the distinct role and contribution to journalism of different media actors (public service, private, and community media, as well as independent journalists). National frameworks providing for support measures are based on clear, objective and transparent criteria and include appropriate safeguards to protect the editorial independence and operational autonomy of all media.
- 3.6. Public service media (PSM) have institutional autonomy, secure funding and adequate technical resources to be protected from political or economic interference. They play an active role in promoting social cohesion and integration through proactive outreach to diverse sectors and age groups of the population, including minorities and those with special needs.
- 3.7. Journalists have satisfactory working conditions with adequate levels of pay and social protection. All content creators, including individuals as well as media businesses, are fairly rewarded for their work and copyright is protected against abuse, including online.
- 3.8. Journalists are not subjected to undue requirements before they can work. Foreign journalists are not refused entry or work visas because of their potentially critical reports.

FINDINGS

The 2024 edition of the Media Pluralism Monitor (MPM 2024), the pre-eminent academic resource that since 2013 has monitored media pluralism across Europe,⁸² indicated that market plurality has remained an area of concern.

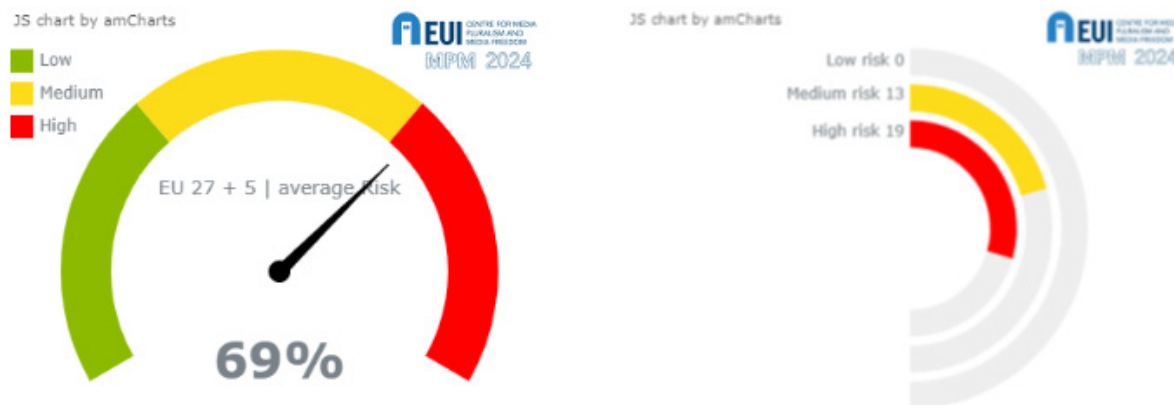


Figure 1 Source Media Pluralism Monitor 2024, p. 4

The MPM measures several aspects of media pluralism, taking into account the existence of different media providers; the existence of the different and competitive offers in the distribution of and access to the media; transparency of media ownership; editorial integrity and the autonomy of journalists from business influence; and economic sustainability of the media. A high risk score indicates a risk to democracy; in 2023, a total of 19 countries fell into this category, with a slight decrease as compared to the previous year. The average 'risk' remained stable at 69%, with no countries falling in the 'no risk' zone. The main drivers for this worrying score, which continues a trend seen in previous years, are the concentration of media ownership and the concentration in digital markets in the hands of a few gatekeepers.⁸³ A separate research institution, the Euromedia Ownership Monitor, similarly showed concerns about the concentration of ownership both within and across different countries.⁸⁴ There was progress in some countries: an EU report praised the Republic of Moldova for its legislation to prevent the concentration of media and ensure transparency, although it added that the Audiovisual Council needs to boost efforts to implement these rules.⁸⁵

According to the MPM 2024, the trend towards progress as regards transparency of ownership was confirmed, due to new regulations at both the national and the EU levels, while concerns remain as to the transparency of ultimate ownership especially of online media.⁸⁶ Additionally, there were concerns among transparency advocates about the implications of a November 2022 judgment of the Court of Justice of the European Union that held that a right of unfettered access to ownership information violates privacy and data protection rights.⁸⁷ In January 2024, the EU Council announced new rules according to which journalists, NGOs, and other individuals or entities fulfilling a watchdog function in society will continue to have access to beneficial ownership registers (publicly accessible databases that provide information on who owns or controls a company), but access will be restricted for those members of the general public who cannot demonstrate a legitimate interest.⁸⁸

82. K. Bleyer-Simon, D. Da Costa Leite Borges, E. Brogi, R. Carlini, J. Kermer, I. Nenadic, M. Palmer, P.L. Parcu, U. Reviglio, M. Trevisan, S. Verza, M. Žuffová, *Monitoring Media Pluralism in the Digital Era. Application of the Media Pluralism Monitor In the European Member States and in Candidate Countries in 2023*, Centre for Media Pluralism and Media Freedom, 2024 (MPM 2024). The 2024 Media Pluralism Monitor covers European Union Member States plus Albania, Montenegro, North Macedonia, Serbia, Türkiye, Ukraine, and Moldova.

83. *Ibid.*, p. 5.

84. Euromedia Research Group, *Euromedia Ownership Monitor*: <https://media-ownership.eu/>.

85. 2023 Communication on EU Enlargement policy, *Republic of Moldova 2023 Report*, SWD(2023) 698 final, 8 November 2023.

86. *MPM 2024*, p. 69.

87. CJEU, Judgment of the Court (Grand Chamber) of 22 November 2022, *WM and Sovim SA v Luxembourg Business Registers*, joined cases C-37/20 and C-601/20, ECLI:EU:C:2022:912. For discussion of the implications see *Transparency versus privacy: where will we end up on beneficial ownership registers?*, 29 January 2024.

88. Council of the EU, *Anti-money laundering: Council and Parliament strike deal on stricter rules*, Press Release, 18 January 2024.

The MPM 2024 reports a worsening trend for the economic sustainability of the media industry. In 30 out of the 32 European countries covered, a medium or high risk to the economic and financial viability of media was reported with only Luxembourg and the Netherlands rating a low risk. This reflects the combined impact of the waning of the positive effects of the post-COVID rebound and high inflation rates. This affected in particular print media, whose decline has been long-lasting and is well-documented with an unusually high 88% average risk in the revenue trends for newspapers,⁸⁹. Particularly worrying is the emerging phenomenon of ‘news deserts’: large geographic areas that are no longer covered by any news media because it is not economically viable for them to do so. This threatens local and community media and represents a real risk to democracy in the localities concerned,⁹⁰ as has been flagged up by the Council of Europe Congress of Local and Regional Authorities.⁹¹

The average risk level of editorial interference by owners or due to commercial pressures has shifted for the first time to high risk,⁹² with only one country, the Netherlands, scoring at low risk. This shift reflects a lack of, or insufficiently enforced, formal protections through regulatory and self-regulatory frameworks.⁹³ This occurs in a context where the risk due to owners’ interests remains significant when media owners have substantial stakes in non-media sectors and/or there is a lack of transparency about such conflicts of interest.⁹⁴ Finally, the EU enlargement report found that in Türkiye, both private and public media failed to ensure editorial independence and impartiality in their coverage of the 2023 elections, detracting from the ability of voters to make an informed choice.⁹⁵

In many European countries, media depend on advertising from public bodies. This means that they can be vulnerable to politically motivated decisions to withhold advertising, something which happened in a number of countries.⁹⁶ The MPM 2024 indicates the distribution of state advertising, with a high risk at 76% level on average, as the main risk factor in the overall state regulation of media resources.⁹⁷ However, several countries introduced regulations to ensure that advertising allocations are transparent and take place based on fair criteria.⁹⁸

During 2023, there were alerts indicating concerns about the independence of media regulatory bodies in some countries. EU reports raised concern about the independence of regulators in Georgia, Hungary, North Macedonia, Slovenia, and Poland, whilst flagging up that the regulators in Greece and Romania had insufficient resources to carry out their mandate.⁹⁹ The Council of Europe Platform for the Safety of Journalists recorded several alerts about apparently politically motivated regulatory proceedings against the media. In Poland, regulatory proceedings were started against several independent media;¹⁰⁰ in the Republic of Moldova, several broadcasters had their licence suspended;¹⁰¹ and in Türkiye, there were several alerts concerning licence suspensions and the imposition of high fines.¹⁰² There were some positive developments, with

89. MPM 2024, p. 6, data referred only to the 27 EU member states.

90. S. Verza, T. Blagojev, D. Borges, J. Kermer, M. Trevisan, U. Reviglio (eds) Centre for Media Pluralism and Media Freedom, Uncovering news deserts in Europe. Risks and opportunities for local and community media in the EU, 2024. See also the preceding study, preliminary report T. Blagojev, D. Borges, E. Brogi, J. Kermer, M. Trevisan, S. Verza, News desert in Europe: Assessing risks for local and community media in the 27 EU Member States, July 2023. .

91. Congress of Local and Regional Authorities, Current Affairs Committee Report: [Local and regional media: watchdogs of democracy, guardians of community cohesion](#), CG(2023)45-11final, 25 October 2023.

92. MPM 2024, p. 6 and 94. However, methodological changes in the measurements are recognised to have played a role.

93. MPM 2024, p. 94.

94. The average risk level for this sub-indicator scored at 77% for the EU+5 and 80% for candidates countries only. MPM 2024, p. 95.

95. 2023 Communication on EU Enlargement policy, [Türkiye 2023 Report](#), SWD(2023) 696 final, 8 November 2023.

96. [EU Rule of Law Report](#), 2023; particular concerns were raised about Hungary. See also 2023 Communication on EU Enlargement policy, [North Macedonia 2023 Report](#), SWD(2023) 693 final, 8 November 2023.

97. MPM 2024, p. 6 and 94.

98. Notably in Austria, Bulgaria, and Lithuania, [EU Rule of Law Report](#), 2023, p. 20, as well as Denmark and Slovenia, [MPM 2024](#), p. 127.

99. [EU Rule of Law Report](#), 2023; [EU enlargement strategy and reports](#), November 2023.

100. [Regulatory proceedings against TOK FM and Radio Zet](#), Alert No. 87/2023, 22 March 2023; [Regulatory proceedings against private broadcaster TVN](#), Alert No. 149/2023, 6 June 2023.

101. [Licenses of six TV channels suspended by the State Commission for Exceptional Situation](#), Alert No. 249/2023, 20 November 2023.

102. [Radio Television High Council fines TV channels over earthquake coverage](#), Alert No. 81/2023, 16 March 2023; [Radio and Television High Council suspends TELE1 broadcast for a week](#), Alert No. 196/2023, 9 August 2023; [Radio Television High Council Imposes Fines and Broadcast Suspension on Several Media](#), Alert No. 271/2023, 29 December 2023. See also OSCE RFoM, [Regular Report to the Permanent Council](#), 11 May 2023, and [Regular Report to the Permanent Council](#), 23 November 2023, which highlights similar concerns in several other countries.

legislative amendments to increase the independence of media authorities reported in Czechia, Lithuania, and Ireland, whilst restructuring processes were ongoing or being prepared in Estonia, Spain, and Sweden.¹⁰³

PSM play a key role in countering disinformation and providing the public with an independent and pluralistic media environment. The European Broadcasting Union (EBU) published research in 2023 showing clear links between strong and independent PSM and the accountability of government institutions, a more egalitarian scope of political rights and civil liberties, a lower tendency to embrace authoritarian ideas, and better controls on corruption.¹⁰⁴ In Luxembourg, Slovenia, Germany, the Slovak Republic, and Czechia the regulatory framework for PSM was strengthened between 2022 and 2023.¹⁰⁵ For 2023, the MPM 2024 reports a stable, but slightly increased, risk for the independence of PSM, with concerns focusing on legal procedures for appointments and dismissals of management and independence of the PSM editorial line from political influence.¹⁰⁶ The Council of Europe Platform for the Safety of Journalists registered alerts over threats to the funding of the public service broadcaster in Georgia;¹⁰⁷ concerns about interference with Italy's public service broadcaster;¹⁰⁸ delays in the appointment of the councils of North Macedonia's media regulator and public service broadcaster;¹⁰⁹ and budget cuts for the public service broadcaster in the Slovak Republic.¹¹⁰

The combination of factors such as such as political ownership, the unfair and non-transparent distribution of state resources, and the influence exerted from the top over editorial newsrooms, through governance and funding procedures in PSM also affects editorial autonomy, which is scored at medium risk in the MPM 2024, with high risk detected in 12 countries.¹¹¹

A deterioration in journalists' working conditions was noted in a number of countries,¹¹² and there were numerous incidents where journalists were refused accreditation or refused access to events or premises on apparently arbitrary grounds. In Czechia, a Russian journalist was evicted from Ukrainian President Zelensky's press conference;¹¹³ in Germany, the parliamentary accreditation of six journalists and media workers was cancelled;¹¹⁴ in the Slovak Republic, the accreditation of several media outlets was reviewed;¹¹⁵ in the United Kingdom, there appeared to be politically motivated exclusions of certain media from events;¹¹⁶ and in Ukraine, the alert was raised over opaque accreditation practices that hindered reporting.¹¹⁷

In December, the EU's political institutions reached an agreement on the European Media Freedom Act, which intends to bring in new rules to improve editorial independence and media freedom.¹¹⁸ Under the EMFA,¹¹⁹ EU member states are required to ensure that framework conditions are in place to safeguard editorial independence; protect PSM, notably through the introduction of safeguards for the hiring and dismissal of management positions; develop national media ownership databases; ensure that the allocation of state advertising follows transparent, objective, proportionate and non-discriminatory criteria; and safeguard against media market concentrations. The Act also gives media a 24-hour grace period for suspending content moderation decisions that affect their editorial content, so long as they are editorially independent.

103. [EU Rule of Law Report](#), 2023.

104. EBU Media Intelligence Service, [Democracy and Public Service Media](#), October 2023.

105. According to the [EU Rule of Law Report](#), 2023. Reforms were being discussed in Cyprus, Ireland and Sweden.

106. The indicator scored an average 53%, i.e. medium, level of risk, with a 1% increase compared to the previous assessment, with ten countries in the low risk band, nine countries in the medium risk, and thirteen scoring high-risk values, [MPM 2024](#), p. 128.

107. [Attempts to change Georgian public broadcaster's funding](#), Alert No. 251/2023, 22 November 2023.

108. [RAI show cancelled following request by political parties](#), Alert No. 190/2023, 1 August 2023; [Change in RAI leadership and a subsequent cascade of leadership appointments reveal the Government's stranglehold on public broadcasting](#), Alert No. 144/2023, 31 May 2023.

109. 2023 Communication on EU Enlargement policy, [North Macedonia 2023 Report](#), SWD(2023) 693 final, 8 November 2023.

110. [Government slashes budgets at Slovak public broadcaster RTVS by 30%](#), Alert No. 278/2023, 29 December 2023.

111. [MPM 2024](#), p. 112-113.

112. OSCE RFoM, [Regular Report to the Permanent Council](#), 23 November 2023.

113. [Russian journalist Farida Kurbangaleeva expelled from President Zelensky's press conference in Prague](#), Alert No. 166/2023, 7 July 2023.

114. [Parliament suspends accreditation of 6 journalists and media workers](#), Alert No. 115/2023, 20 April 2023.

115. [Prime minister denigrates, reviews accreditation of several media](#), Alert No. 277/2023, 29 December 2023.

116. [Media outlets excluded from official government visit to Rwanda](#), Alert No. 85/2023, 20 March 2023; [Charges for accreditation to the Conservative Party's annual conference](#), Alert No. 159/2023, 30 June 2023.

117. [Opaque accreditation practice hampers reporting in Ukraine](#), Alert No. 155/2023, 23 June 2023.

118. *Supra*, notes 3 and 46; see also generally the page on [Media freedom and pluralism](#) of the Commission website, at <https://digital-strategy.ec.europa.eu/en/policies/media-freedom>.

119. For an overview see the [EMFA page](#) on the Commission website, at https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en.

4. Reliability and trust in information

Information is the oxygen of democracy. The information that is required for democracy to thrive is best produced through quality journalism and open and honest interactions between individuals on social media channels. The challenge in present-day Europe, as elsewhere in the world, is that quality journalism is in short supply, because it is no longer economically viable, and social media interactions are polarised and driven by algorithms that prioritise clicks and profitability over the quality of information shared. As a result, the information sphere is awash with disinformation, an enemy of democracy, and trust in information is very low. People are polarised in their own information bubbles and instead of open and honest debate, there is a war of words across information trenches.

MEASUREMENT CRITERIA

- 4.1. Quality journalism, which seeks to provide accurate and reliable information of public interest, and complies with the principles of fairness, independence, transparency, and public accountability, is acknowledged as a public good that is essential to the health of democracies.
- 4.2. There are effective measures to tackle disinformation whilst respecting the right to freedom of expression. Politicians and public officials refrain from creating, feeding, or amplifying disinformation.
- 4.3. Journalists, including freelance journalists, media actors and individuals are committed to producing quality journalism, have access to life-long training opportunities to update their skills and knowledge, specifically in relation to their duties and responsibilities in the digital environment, including through fellowship programmes and financial support measures.
- 4.4. The media's commitment to verification and quality control is complemented by effective self-regulatory mechanisms such as ombudspersons and media councils. The public is aware of relevant complaints mechanisms allowing for the flagging of content that breaches journalistic ethics. Media regulatory bodies are pluralistic and broadly representative of wider society.
- 4.5. There are effective self- or co-regulatory mechanisms in place to deal with risks related to algorithmic decision-making regarding online content, and to tackle the dissemination of contentious, harmful, and illegal content on digital platforms. Decision-making is transparent and respects the rights of all users. Digital platforms ensure that there is independent oversight and access to effective remedies for all alleged violations of human rights.
- 4.6. Educational policies are in place to further media and information literacy among all age groups. Media literacy initiatives promote the cognitive, technical and social skills that enable people to make informed and autonomous decisions about their media use, grant trust to credible news sources, and communicate effectively, including by creating and publishing content.

FINDINGS

Following the adoption in 2022 of the Council of Europe's Recommendation on promoting a favourable environment for quality journalism in the digital age,¹²⁰ only some countries seem to have taken concrete steps to support journalism whilst ensuring the independence of media.¹²¹ For example, Denmark and the Netherlands were named as examples of only a few countries where subsidies for local news are provided through mechanisms that protect against editorial interference.¹²² In the United Kingdom, the Parliament recommended that the government should create a long-term public interest news fund with a remit to support innovation, that it should protect small publishers in their financial standing vis-à-vis large platforms, and that it should ensure that philanthropic donations to media are tax-free.¹²³

Public service media were the most trusted in 2023. According to the Eurobarometer Survey carried out in EU member states, 48% of the public view public service media as their most trusted news source, followed by print media and their websites which were trusted by 38% of respondents. Private TV and radio stations were the most trusted news source of only 29% of the public.¹²⁴ The University of Oxford Reuters Institute Digital News Report 2023, which also covers some non-EU member states, reflects this finding but notes that the reach of public service media is in decline with younger audiences.¹²⁵ Its research also shows a structural switch towards digital, mobile, and platform-dominated media environments. Only a fifth of its research respondents said that they prefer to start their news journeys with a website or app, with most instead consuming news via Facebook (despite its shift away from news), Twitter, YouTube, Instagram, Snapchat, and TikTok. On platforms such as Instagram, Snapchat, and TikTok, celebrities, influencers, and social media personalities get more attention than professional journalists, whereas on Facebook and Twitter, news media and journalists remain central.¹²⁶ Influencers have a particular reach to younger audiences: 79% of Europeans aged between 15 and 24 follow influencers or content creators.¹²⁷

Overall, the Reuters Institute Digital News Report reports a 2% drop in trust in media, although there are large variances: in Finland, trust in media is very high (69%), while in Greece, following a year characterised by heated debates about the independence of the media, only 19% of the public trust the media.¹²⁸ A significant proportion of the public (36%) avoids the news.

Concern about disinformation and misinformation rose, in the context of specific topics such as the Russian Federation's war against Ukraine and climate change, but also as a general trend. Disinformation also continued to be an important driver behind hate speech and the spread of discrimination and hatred. Research indicated that disinformation spread through private groups on platforms such as Telegram may not be as widespread as thought, but nevertheless reaches a very active community of individuals and its impact should therefore not be underestimated.¹²⁹

Academic research flagged up that there is a particular problem concerning disinformation that originates with politicians and public officials:

politicians and government officials remain a major source of disinformation across Europe, which poses significant problems as these people are those in charge of crafting anti-disinformation policies and regulations.¹³⁰

120. Committee of Ministers, [Recommendation CM/Rec\(2022\)4 on promoting a favourable environment for quality journalism in the digital age](#), adopted on 17 March 2022.

121. S. Verza, T. Blagojević, D. Borges, J. Kermer, M. Trevisan, U. Reviglio (dir.) (2024) [Uncovering news deserts in Europe. Risks and opportunities for local and community media in the EU](#).

122. P. Shah (2023) [Overcoming the financial problem – strategies used by local media in Europe](#).

123. House of Commons, Digital, Culture, Media and Sport Committee, [Sustainability of local journalism](#), Seventh Report of Session 2022–23, 17 January 2023.

124. Eurobarometer, [Media & News Survey 2023](#).

125. Reuters Institute, [Digital News Report 2023](#).

126. Ibid.

127. Eurobarometer, [Media & News Survey 2023](#).

128. Reuters Institute, [Digital News Report 2023](#).

129. A. Herasimenka, J. Bright, A. Knuutila, P.N. Howard (2023) Misinformation and professional news on largely unmoderated platforms: the case of telegram, *Journal of Information Technology & Politics*, 20:2, 198–212, <https://doi.org/10.1080/19331681.2022.2076272>. The researchers note that their findings support the theory that users consuming misinformation are potentially more deeply affected by the news than their mainstream counterparts.

130. M. Dragomir, J. Rúa-Araújo, M. Horowitz (2024) Beyond online disinformation: assessing national information resilience in four European countries, *Humanities and Social Sciences Communications*, 11, 101: <https://doi.org/10.1057/s41599-024-02605-5>.

Countries have taken a combination of steps to combat disinformation, both at a national level and at the intergovernmental level. The Council of Europe produced a Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions, focusing on the importance of fact-checking, platform design, and user empowerment.¹³¹

Within the European Union, the Digital Services Act (DSA)¹³² holds large technology companies more accountable for the spread of misinformation online, by conducting risk assessments and putting in place mitigation measures, removing demonstrably false content, and through increased transparency about how they handle content moderation and algorithmic recommendations.¹³³ The DSA is also influential in non-EU countries, through accession agreements or through the reality that large companies harmonise their procedures across borders.

Research by the European Broadcasting Union (EBU) showed a strong correlation between the strength of public service media and the extent to which the public perceived disinformation as a problem. Simply put, the stronger the PSM brand, the lesser the problem of disinformation:¹³⁴

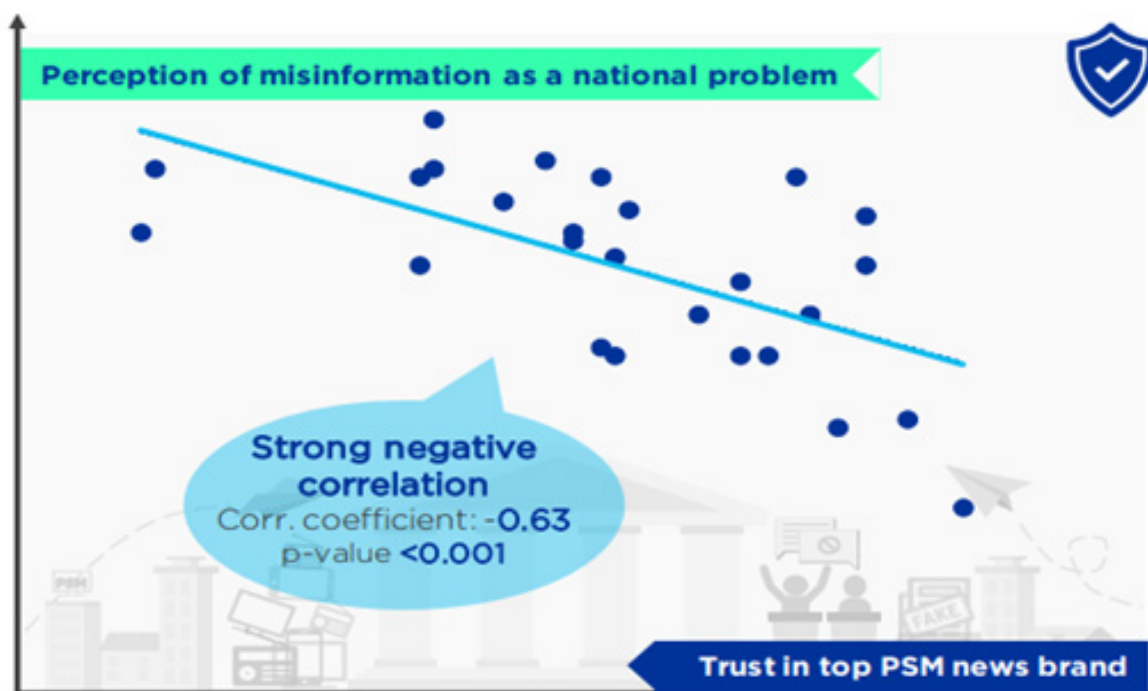


Figure 2 Source: EBU based on Reuters Digital News Report 2023

Throughout the year, there has been continued investment in fact-checking initiatives. The European Media and Information Fund, managed by the Calouste Gulbenkian Foundation and with a steering committee chaired by a European University Institute representative, funds researchers, fact-checkers, not-for-profits, and other public interest groups working on disinformation research and strengthening media literacy and fact-checking initiatives.¹³⁵ Nuanced information and media literacy efforts are crucial; research flagged up the Finnish National Audiovisual Institute's "inclusive media education" project as a positive example.¹³⁶ The European Digital Media Observatory (EDMO), a network of 14 hubs covering 28 European countries, continued its work to convene fact-checkers, media literacy experts, and academic researchers to better

131. See note 151.

132. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27.10.2022, p. 1–102, available at <http://data.europa.eu/eli/reg/2022/2065/oj>.

133. See generally the page on [the Digital Services Act package](https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package) of the Commission website, at <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>.

134. European Broadcasting Union (EBU), *Democracy and Public Service Media*, 2023.

135. See <https://gulbenkian.pt/emifund/emif-at-a-glance/>.

136. Dragomir et al. (2024), *supra* note 129, at 7.

understand disinformation, together with media organisations, platforms and media literacy experts.¹³⁷ It established task forces on the war in Ukraine, the Israel-Hamas conflict, the 2024 European elections, climate change, and AI; it also announced a Europe-wide evaluation of media literacy initiatives, to be conducted in 2024.¹³⁸

Awareness grew of how generative AI creates and feeds disinformation, in the form of deep fake video and audio as well as written content.¹³⁹ In 2023, the Committee on Artificial Intelligence (CAI) of the Council of Europe made progress in finalising the text of the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, that was later finalised, approved by the Committee of Ministers and open to signature.¹⁴⁰ The Framework Convention will be the first international treaty on AI. It places the protection of human rights central, focusing on transparency and oversight, accountability and responsibility, equality and non-discrimination, and the protection of privacy and personal data protection. While there was concern about AI driving misinformation, AI can also be used to combat disinformation: for example, the AI4TRUST project was started to support media professionals in tackling disinformation by monitoring social media platforms in almost real-time and flagging content with a high risk of being disinformation for review.¹⁴¹ Similarly, the Horizon Europe 2023/24 Work Programme will support projects that use AI to combat disinformation.¹⁴² Research has highlighted how AI can be used to enhance quality journalism.¹⁴³

Research also flagged that laws to criminalise the publication of disinformation and ‘fake news’ are counterproductive and can be used to stifle legitimate freedom of expression.¹⁴⁴ This is underlined by several Platform alerts during the year concerning the use of ‘fake news’ laws against journalists.¹⁴⁵

137. See <https://edmo.eu/about-us/edmoeu/>.

138. European Digital Media Observatory (EDMO), *Call for literature: Evaluation of media literacy initiatives in Europe by Ecorys*, 29 February 2024.

139. Euractive, *Generative AI puts trust in the news media to the test*, 1 December 2023.

140. At its 133rd Session on 17 May 2024, *CM/Del/Dec(2024)133/4*, the Committee of Ministers adopted the text of the AI Framework Convention (as per *CM(2024)52-final*) and took note of its Explanatory Report (as per *CM(2024)52-addfinal*). At the Conference of Ministers of Justice held in Vilnius (Lithuania) on 5 September 2024, the Framework Convention was open for signature. See more on the page of the Committee on the Council of Europe website, at www.coe.int/en/web/artificial-intelligence/cai.

141. See <https://cordis.europa.eu/project/id/101070190>.

142. See <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/horizon-cl4-2023-human-01-05>.

143. A. L. Opdahl, B. Tessem, D. Dang-Nguyen, E. Motta, V. Setty, E. Throndsen, A. Tverberg, C. Trattner (2023) Trustworthy journalism through AI, *Data & Knowledge Engineering*, 146, <https://doi.org/10.1016/j.datak.2023.102182>.

144. G. Lim, S. Bradshaw, *Chilling Legislation: Tracking the Impact of “Fake News” Laws on Press Freedom Internationally*, Center for International Media Assistance (CIMA), July 2023.

145. *Journalists covering earthquake detained, harassed and obstructed*, Alert No. 36/2023, 15 February 2023; *Draft Law to fine purveyors of ‘fake news’ in Sarajevo Canton*, Alert No. 139/2023, 24 May 2023; *Journalist Romain Chauvet sentenced to prison over alleged dissemination of false information*, Alert No. 244/2023, 13 November 2023; *Journalists arrested and investigated over suspected ‘disinformation’*, Alert No. 245/2023, 13 November 2023.

5. Council of Europe work and priority areas of action in 2023

During 2023, the support of initiatives to improve the safety of journalists was a priority. The launch of the ‘Journalists Matter’ campaign marked a milestone in the efforts by the Organisation to promote press freedom and protect journalists across Europe from violence, threats, and harassment while performing their duties.¹⁴⁶ The campaign encourages states to appoint focal points on journalists’ safety and set up national chapters to transpose the campaign at the domestic level and, as appropriate, to develop and implement national action plans in the field, focusing on the identification and sharing of good practices, as well as, notably, to take effective implementation measures.

An Extended Implementation Guide has been issued on the prevention and promotion pillars of Recommendation [CM/Rec\(2016\)4](#) on the protection of journalism and safety of journalists and other media actors, complementing the existing Implementation Guide for the Protection and Prosecution pillars of the recommendation.¹⁴⁷

The Steering Committee on Media and Information Society (CDMSI) approved the text of a draft Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs), elaborated by a dedicated expert committee. Recommendation [CM/Rec\(2024\)2](#) was subsequently approved by the Committee of Ministers in 2024.¹⁴⁸ The Parliamentary Assembly of the Council of Europe also adopted a Resolution on Countering SLAPPs: an imperative for a democratic society, as well as a corresponding recommendation.¹⁴⁹ Both the Committee of Ministers and the Parliamentary Assembly urged member states to take steps against the abuse of legal processes by those in positions of power to silence their critics or opponents.

During the year, the CDMSI also adopted *Guidelines on the responsible implementation of artificial intelligence (AI) systems in journalism*¹⁵⁰ and a *Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions*;¹⁵¹ and endorsed a report on Good practices for sustainable news financing.¹⁵²

In 2024 and the following years, the ‘Journalists Matter’ campaign will continue to support initiatives to strengthen the freedom and safety of journalists across Europe. In addition, the CDMSI and its expert committees will work on online aspects of the right to freedom of expression, including the [impacts of generative artificial intelligence on freedom of expression](#) and the [online safety and empowerment of content creators and users](#).

146. See note 1.

147. Council of Europe, [How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#), DGI(2020)11.

148. See note 17.

149. See note 16.

150. [Guidelines on the responsible implementation of artificial intelligence \(AI\) systems in journalism](#), CDMSI(2023)014, 30 November 2023.

151. [Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions](#), CDMSI(2023)015, 30 November 2023.

152. [Good practices for sustainable news media financing](#), report prepared by the Committee of experts on increasing resilience of media (MSI-RES), endorsed by the CDMSI at its 24th meeting, on 30 November 2023.

The right to freedom of expression enshrined in the European Convention on Human Rights has for several decades been of central importance to the Council of Europe. The right of individuals to form, hold and express their opinions freely is crucial for the realisation of all other human rights, it enables citizens to make informed choices and to participate actively in democratic processes, ensuring that powerful interests are held to account.

In the digital era, freedom of expression and the freedom of the media to report on matters of public interest without undue interference deserve the highest attention. Consecutive yearly assessments have shown that threats to this anchor of democratic societies have been growing across the continent. This has proven detrimental to our resilience in crisis situations, such as the aggression against Ukraine. The core principles of freedom of expression and media independence and pluralism are indispensable for European democracies and of crucial value even more acutely in times of crisis.

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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.