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Guaranteeing media freedom and the safety of journalists: an obligation of member States

Report[1]
Committee on Culture, Science, Education and Media
Rapporteur: Mr Mogens JENSEN, Denmark, Socialists, Democrats and Greens Group

Summary

The situation of media freedom in Europe is deteriorating. Surveys and analyses from partner organisations, as well as statistical data on threats to media operators and journalists, point to negative trends: numerous criminal acts against journalists, including murder; legal harassment and smear campaigns; threats to women journalists; and media capture, including by political forces, among others. Moreover, at the end of November 2023, 68 journalists and media professionals were detained in Europe.

All European countries should engage in the Campaign of the Council of Europe for the Safety of Journalists, develop holistic national strategies and coherent action plans, and implement within this framework adequate measures to remedy these problems. A significant parliamentary and interparliamentary dimension should feature in this campaign. National parliaments should play an active role and in particular foster the required legislative reforms and take initiatives to raise public awareness of the need to safeguard media freedom and the safety of journalists.

The Committee of Ministers and the Parliamentary Assembly should promote and support the implementation of the campaign in all member States and the development of appropriate legal and other measures, in order to establish a safe environment for journalists and other media actors.

1. Reference to committee: Doc. 15512, Reference 4648 of 28 April 2022.

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A. Draft resolution[2]

1. The Parliamentary Assembly stands firmly for the defence of the right to freedom of expression and recalls that media freedom and safety of journalists are cornerstones of true democracy. According to Article 10 of the European Convention on Human Rights (ETS No. 5, "the Convention), members States of the Council of Europe have a positive obligation to establish a sound legal framework for media pluralism and for journalists and other media actors to work safely; however, we are far from having reached this result.

2. Since the Council of Europe Platform to promote the protection of journalism and safety of journalists was established in 2015, the number of alerts posted yearly has grown constantly, and it has more than doubled in eight years, rising from 108 in 2015 to 289 in 2022. Moreover, the number of countries concerned by alerts has increased, while the percentage of alerts considered as "resolved" has significantly decreased, to less than 5% in 2023.

3. Unfortunately, State authorities and political forces in power are in many cases at the origin of threats to media freedom and safety of journalists, and the Assembly deeply regrets that, almost 10 years after the creation of the platform, its initial goals of improving protection of media professionals and fostering the adoption of adequate laws and practices have not been fulfilled. However, the Assembly welcomes the recently introduced changes to the platform, for example by mentioning what type of action is expected from member States in response to the alerts, and what circumstances might lead to the alert being considered as resolved.

4. Worrying signals also relate to a lack of proper execution of the judgments of the European Court of Human Rights, including lack of action to remedy violations in the relevant specific cases and solve systemic problems. Council of Europe member States must honour their obligations under the Convention as determined by the case law of the Court and this is not negotiable.

5. The negative economic and social consequences – in all sectors and at all social layers – of the Covid-19 pandemic and then of the war of aggression against Ukraine, have also led to the deterioration of the media environment and journalists' working conditions. Governmental control over information has been strengthened in various countries, and reaction to critical opinions has toughened. Social distress and tensions triggered by these successive crises have also translated into public demonstrations during which, tragically, journalists and their technical collaborators have been victims of violence, committed both by demonstrators and by the police. The war in Ukraine has raised new and grave concerns: journalists reporting on the biggest conflict in Europe since the Second World War put their safety and their lives at risk.

6. Year after year, the Assembly's reports and resolutions identify drawbacks in the media ecosystems of European States and urge the relevant authorities to correct them. Surveys and analysis from partner organisations, as well as statistical data on threats to media operators and journalists, point to negative trends: numerous criminal acts against journalists including murders; legal harassment and smear campaigns; threats to women journalists; and media capture, among others. Moreover, at the end of November 2023, 68 journalists and media professionals were detained in Europe.

7. The Assembly expresses its strong concern over these multiple attacks to media freedom and the too many cases of impunity, especially in relation to murders of journalists, some of which remain unresolved for more than a decade. It insists on the duty of State authorities to investigate each and every crime against journalists, and bring to justice the instigators, perpetrators and accomplices.

8. There is a pressing need to enforce the high standards on media freedom which the Council of Europe has established, to ensure effective protection of journalists and to uphold in all member States a friendly and safe environment for media independence and pluralism. All political forces should work together in promoting a change of culture in dealing with this issue: media freedom is a public good, a key asset of incommensurable value for both majority parties and opposition ones.

9. The Assembly warmly welcomes the recognition by the Heads of State and Government of the Council of Europe, who met during the 4th Summit in Reykjavík on 16-17 May 2023, of the "Council of Europe's prominent role in international standard-setting on freedom of expression and related issues such as media freedom", and their commitment to "continue [their] collective efforts for the safety of journalists and other media actors". The Assembly also commends the launch, on 5 October 2023 in Riga, of the Council of Europe Campaign for the Safety of Journalists, which provides the momentum for acting more effectively all together.

2. Draft resolution adopted unanimously by the committee on 4 December 2023.

10. Therefore, the Assembly calls on member States to fully endorse and take an active part in this campaign. Within this framework, member States should:

10.1. develop holistic national strategies and coherent action plans, also based on Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, ensure the involvement of national parliaments in their design and follow-up, and allocate adequate resources for their implementation;

10.2. review legislation which can be abused or misused to unduly restrict media freedom, threaten journalists and seek to silence them; in this respect, decriminalisation of defamation and the introduction of adequate countermeasures to strategic lawsuits against public participation (SLAPPs) – including those foreseen in the draft resolution on "Countering SLAPPs: an imperative for a democratic society" – are key steps to be taken urgently;

10.3. analyse the political, legal and economic conditions which lead to media capture, and take adequate measures to counter this phenomenon and safeguard independent media;

10.4. improve the legislative and regulatory framework against any political interference and undue concentration of media ownership; this requires, in particular, enhanced rules on transparency of formal and beneficial media ownership and control, in line with the requirements set forth by Recommendation CM/Rec(2018) of the Committee of Ministers to member States on media pluralism and transparency of media ownership and Assembly Resolution 2065 (2015) "Increasing transparency of media ownership";

10.5. support genuine public service media, securing their viability and editorial independence, according to the basic standards set by the "Guiding principles for public service media governance" appended to Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance, and the Assembly Resolution 2179 (2017) "Political influence over independent media and journalists";

10.6. ensure that financing schemes for private media outlets are based on fair and objective criteria and operated in a transparent and non-discriminatory manner; public support schemes for private media should be intended to reinforce pluralism and ensure access to quality information in all regions of Europe, also paying attention to non-commercial media outlets and media which are the expression of local perspectives, or of cultural diversity;

10.7. monitor the execution of the judgements of the European Court of Human Rights on Article 10 of the Convention, to ensure their full and timely implementation by the concerned authorities;

10.8. establish early warning and rapid response mechanisms, based on good practice, to deal effectively with serious alerts seeking to avoid threats to media freedom and the safety of journalists, or at least to remedy them rapidly; to this aim, reinforce dialogue and co-operation between media professionals, the police and the judiciary;

10.9. strengthen the operational capacity of the police and judiciary to investigate and effectively prosecute the perpetrators and instigators of unlawful acts against journalists;

10.10. adopt a gender-specific approach to counter gender-based violence, which should be regarded as an aggravating circumstance in crimes; introduce specific protective measures against harassment and threats to women journalists, especially online, and ensure that the criminal justice system is well equipped to investigate all cases of sexist violence and prosecute all those responsible;

10.11. implement adequate measures to protect journalists during public demonstrations and other public events, where they are most at risk, including awareness raising and tailored training programmes for police forces.

11. While there are serious threats to media freedom and the safety of journalists in most of our countries, the alerts on the Council of Europe Platform to promote the protection of journalism and safety of journalists and reports of media freedom watchdogs show that these problems are more acute in some member States. The Assembly is concerned, in particular, by the high level of harassment targeting journalists in Azerbaijan, the expanding phenomenon of media capture in Hungary, Poland and Serbia, and the alarming number of journalists detained in Türkiye. The Assembly urges these countries to engage in the Campaign of the Council of Europe for the Safety of Journalists and to implement, within this framework, adequate measures to remedy these issues.

12. The Assembly is aware of the difficult situation faced by the media and journalists in Ukraine who suffer from attacks and destruction of infrastructure, and urges member States to provide targeted support to Ukrainian media and assistance to journalists from Ukraine, but also to exiled journalists from the Russian Federation and Belarus, in their work.

13. The Assembly calls on all member States to engage with the partners of the Council of Europe Platform to promote the protection of journalism and safety of journalists and to establish effective response mechanisms to the alerts, followed by actions and measures intended to redress violations of media freedom and avoid their repetition in the future. A constructive approach can be taken through dialogue between representatives of the member States and partner organisations of the platform, as was the case in 2022 in Albania, Hungary and Kosovo*.[3]

14. Finally, the Assembly reiterates its full and strong commitment to the enforcement of Council of Europe standards concerning the right to freedom of expression, media freedom and the safety of journalists. It considers that the Campaign of the Council of Europe for the safety of journalists is a unique opportunity to raise awareness amongst parliamentarians and strengthen the role of parliaments in upholding media freedom. The Assembly would like a significant parliamentary and interparliamentary dimension to feature in this campaign. Therefore, it strongly encourages national parliaments to play an active role and in particular to foster the required legislative reforms and take initiatives to raise public awareness of the need to safeguard media freedom and the safety of journalists. The Assembly is ready to contribute directly to the success of the campaign and resolves to stay closely involved in the process.

3. *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.

B. Draft recommendation[4]

1. The Parliamentary Assembly, referring to its Resolution … (2024) "Guaranteeing media freedom and the safety of journalists: an obligation of member States", recalls that under Article 10 of the European Convention on Human Rights (ETS No. 5) member States must not only refrain from interfering with the right to freedom of expression, but they also have a positive obligation to establish a sound legal framework for media pluralism and for journalists and other media actors to work safely.

2. The establishment of the Council of Europe Platform to promote the protection of journalism and safety of journalists, in 2015, has been a fundamental step as it enables the monitoring of serious threats to the safety of journalists and media freedom. Unfortunately, the level of alerts posted has risen constantly over the years, both in terms of number of alerts and countries concerned.

3. Recommendation CM/Rec(2016)4 of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors is a unique instrument providing guidelines to member States in the areas of prevention, protection, prosecution, promotion of information, education and awareness raising.

4. However, journalists and other media professionals remain subjected to threats, intimidation and violence, face imprisonment and even their lives are in danger. In addition, the judgments of the European Court of Human Rights are not properly executed, resulting in a lack of action to remedy violations in specific cases and to solve systemic problems.

5. The Assembly welcomes the final Declaration of the 4th Summit of Heads of State and Government of the Council of Europe, which took place in Reykjavík on 16-17 May 2023. This declaration reaffirms "the Council of Europe's prominent role in international standard-setting on freedom of expression and related issues such as media freedom" and member States' commitment to "continue [their] collective efforts for the safety of journalists and other media actors".

6. On 5 October 2023, the Council of Europe launched its Campaign for the Safety of Journalists, with the slogan "Journalists matter", to raise awareness of the importance of free and safe journalism for democracy, stimulate effective tackling of pressing issues in this domain and ultimately increase the safety of journalists and other media actors. The Assembly strongly supports this campaign, and recommends that the Committee of Ministers:

6.1. encourages the establishment of efficient national co-ordination structures and national focal points, and the adoption of national strategies and concrete action plans by all Council of Europe member States;

6.2. follows carefully, promotes and supports the implementation of the campaign in all member States and the development of appropriate legal and other measures aimed at establishing a safe environment for journalists and other media actors;

6.3. encourages dialogue with the partners of the Platform to promote the protection of journalism and safety of journalists, to ensure responsiveness and the adoption of adequate measures to resolve the alerts therein, in particular when threats arise from new legislations.

4. Draft recommendation adopted unanimously by the committee on 4 December 2023.

C. Explanatory memorandum by Mr Mogens Jensen, rapporteur

1. Introduction

1. The European Convention on Human Rights (ETS No. 5) entails positive obligations for States Parties to "take steps in order to safeguard Convention rights".[5] This obviously also concerns Article 10 of the Convention: not only unlawful interference by public authorities which undermines the right to freedom of expression must be avoided, but there must also be effective protection of this right – including media freedom – from threats posed by private individuals. Unfortunately, we are far from reaching this objective.

2. All over the world, even in our countries, journalists and other media professionals are subjected to threats, intimidation and violence. They are jailed, tortured and assassinated. In 2021, 282 alerts were published by the Council of Europe Platform to promote the protection of journalism and safety of journalists (hereinafter "Platform"); in 2022, 289 alerts were published concerning 37 countries.[6] As of 1 November 2023, the number of new alerts published during the year was 165 for the 46 member States and 289 taking into account Belarus and the Russian Federation. Even more worrying is the fact that very few alerts are responded to by member States (only 48 replies in 2022) and very few cases are considered as resolved (13 cases in 2022, namely less than 5%).

3. Since the Platform was established in 2015, the number of alerts posted has risen constantly, and it has more than doubled in eight years. This may be partly due to the increase in the number of partner organisations and the higher profile of the Platform, though it should be noted that each alert is explained and substantiated by one or more organisations and that the number of alerts is high and their nature is worrying. Moreover, the number of countries concerned by alerts has increased, while the proportion of alerts that are resolved has significantly decreased.[7]

4. In parallel with the rise in the number of alerts submitted to the Platform, journalists and media freedom organisations have observed worrying developments, including in the following four specific areas:

– threats to women journalists, particularly online harassment;

– legal harassment and criminalisation of journalism;

– backsliding on the independence of public service media governance and financing;

– media capture.

5. In addition, as the war in Ukraine continues to rage, the work of journalists in the biggest conflict in Europe since the Second World War, sometimes putting their safety and their life at risk, is crucial to inform the public.

6. My report revolves around the following axes:

– an overview of the most worrying attacks on media freedom and the safety of journalists for the period 2021 to 2023;

– a specific analysis of the four systemic trends mentioned above;

– the consideration of how member States could co-operate in a more structured and coherent way with each other and with the partners of the Platform, to promote the protection of media freedom and the safety of journalists both within their domestic legal order and at the global level.

7. My analysis takes account of the contributions from the experts who participated in the hearings held by the Sub-Committee on Media and Information Society (Vilnius, 21 November 2022), and by the Committee on Culture, Science, Education and Media (Paris, 6 December 2022, and Strasbourg, 27 April 2023).

2. Main threats to the safety of journalists in Europe

8. According to data from the Platform, journalists are increasingly exposed to direct attacks on their safety and physical integrity. In 2021, 82 alerts were published in this category, then 75 in 2022, against "only" 51 in 2020.

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5. www.coe.int/en/web/echr-toolkit/definitions.
6. https://fom.coe.int/en/rapports.
7. See graph in Appendix 2.

9. As of 1 November 2023, 131 journalists were in detention in the countries covered by the Platform, namely the 46 member States of the Council of Europe, Belarus and the Russian Federation. 38 alerts relating to cases of impunity were active, including 29 for murder.

10. In this respect too, the situation has greatly deteriorated in recent years. After Maltese investigative journalist Daphne Caruana Galizia was murdered on 16 October 2017, other murders have taken place in Slovak Republic, Greece and the United Kingdom. Although these cases were considered in our previous reports, we should not divert our attention from those which have not been, or are only partially, resolved. Indeed, beyond the assassinations as such, we need to deal with the impunity of the instigators and challenge the authorities' lack of commitment to investigate and resolve these crimes.

2.1. Impunity

11. Greece – On 9 April 2021, Greek television journalist Giorgos Karaivaz was shot dead outside his home as he was returning from his show on Star TV. He was shot dead with at least six bullets by two men on a scooter. Deputy Minister of Citizen Protection Lefteris Economou spoke of a link between the murder and organised crime, and police said they collected 12 bullet casings from the scene. Mr Karaivaz was covering crime and police news for various Greek newspapers and broadcasters, including Star TV and Eleftheros Typos newspaper. He had also founded the news site bloko.gr, which covers crime cases. The journalist had not reported any threats against him and had not asked for police protection. In October 2021, the Greek Government stated that "the search for the perpetrators of the assassination of George Karaivaz has been and remains a top priority for the Hellenic Police and its various agencies", and on 28 April 2023, Greek media, quoting the Minister of Citizen Protection, announced that two men suspected of being involved in the murder of Mr Karaivaz had been arrested, without prosecution thus far.

12. Slovak Republic – Although the case of Ján Kuciak was already reported previously, I would like to point out that five years after the killing, the mastermind of the murder probably remains unpunished and there are strong doubts as to whether the police and the judiciary considered all the evidence and circumstances of the case. Some time between 22 and 25 February 2018, investigative journalist Ján Kuciak was shot in the chest and his fiancée was shot in the head near the capital Bratislava. Mr Kuciak used to work on tax fraud for the Slovak news website Aktuality.sk. Tomáš Szabó was convicted and sentenced to 25 years in prison for his role as driver, and Miroslav Marček, a former soldier, had been previously condemned to 23 years in prison for the journalist's murder. However, on 19 May 2023, the Pezinoc Special Criminal Court acquitted Marián Kočner, the suspected mastermind of the killing, due to lack of evidence, holding only Alena Zsuzsová guilty and sentencing her to 25 years in prison and €160 000 in damages for having ordered the murder. The parents of Mr Kuciak and his fiancée declared that they would file appeals with the Supreme Court.

13. Malta – The case of Daphne Caruana Galizia became, unfortunately, iconic since she was murdered on 16 October 2017 by a car bomb in the town of Bidnija, near her family home. Ms Caruana Galizia was an investigative journalist and her blog "Running Commentary" was one of the most widely read websites in Malta. She was investigating Maltese politicians' alleged corruption scandals and their involvement in the Panama Papers. Before her assassination, she had been sued many times for libel and she was victim of strategic lawsuits against public participation (SLAPPs). Ms Galizia had filed a police report 15 days before her death saying she was being threatened. Therefore her case is also a blatant lack of protection of journalists. In June 2019, following almost two years of lengthy national legal proceedings, the Parliamentary Assembly adopted Resolution 2293 (2019) calling for the establishment of an independent public inquiry into her death within three months. On 29 July 2021, the board of public inquiry into Daphne Caruana Galizia's killing released its report and concluded that the "State has to shoulder responsibility for the assassination", as "it created an atmosphere of impunity, generated from the highest echelons of the administration (…) which then spread to other institutions, such as the police and regulatory authorities, leading to a collapse in the rule of law". On 14 October 2022, following a guilty plea, the Criminal Court of Malta sentenced brothers Alfred and George Degiorgio to 40 years in prison each for their role as hitmen in the assassination of Ms Caruana Galizia. Further legal proceedings are pending against the alleged mastermind, businessman Yorgen Fenech and two men who allegedly supplied the bomb. As of today, those who ordered the murder of the journalist are still to be convicted.

14. Older cases of impunity are still ongoing in Europe, and I would like to recall here the most blatant ones.

15. In Serbia, no one has been prosecuted and convicted for the killing of Milan Pantić, a correspondent at the daily newspaper Vecernje Novosti, on 11 June 2001. This is one of the oldest cases of impunity in a member State of the Council of Europe. The context of general impunity in Serbia has been raised by media freedom groups and journalists' organisations in October 2023 in an open letter to the authorities[8] deploring

that “inaction by State institutions, tabloid smear campaigns and public threats by government officials create a hostile atmosphere in which attacks on those critical of the government are normalised and even encouraged, which has a serious chilling effect on free speech and independent reporting”.

16. In Azerbaijan, impunity is still ongoing for the murder of freelance journalist Rafiq Tagi, who died in hospital on 23 November 2011 after having been stabbed in Baku on 19 November 2011 by an unknown assailant.[9] Also in the case of Elmar Huseynov, an Azerbaijani journalist working for Monitor magazine, who was shot dead on 2 March 2005 in Baku, the authorities have not been able to bring anyone to justice[10] although President Ilham Aliyev promised to find and punish the mastermind behind the murder of the journalist.

17. In the United Kingdom, the killing of the Sunday World journalist Martin O’Hagan on 28 September 2001 in Lurgan, Co Armagh (Northern Ireland), is still unresolved; a BBC inquiry in March 2022 showed that “the police did not act” on the murder tip-off.

18. In Montenegro, the judicial authorities have still not managed to identify the accomplices and instigators of the killing of journalist Dusko Jovanovic on 27 May 2004. In April 2009, Damir Mandic, a local organised crime figure, was sentenced to 30 years in prison for being an accomplice in Jovanovic's murder, but the masterminds and the actual perpetrators are still unknown.

19. In Ukraine, the murders of Pavel Sheremet (2017), Andrea Rochelli, Andrei Mironov, Viacheslav Veremii and Oleksandr Kuchynsk (2014),[11] as well as of Georgiy Gongadze (2001) are unsolved.

20. In Türkiye, the murder of Hrant Dink, the Turkish-Armenian journalist and founder of Agos newspaper, shot dead on 19 January 2007 in Istanbul, was not investigated thoroughly according to his family. Although the murderer, a 17-year-old Turkish nationalist, and 26 of the 77 persons accused in connection with the murder – mostly police officers and other State officials – were given prison sentences, some of the persons responsible for Hrant Dink’s murder, including the instigators, have still not been prosecuted. Other cases of impunity in Türkiye include the killing of Saaed Karimian, the founder and chairman of the Persian-language GEM TV company, and his business partner, on 29 April 2017, the killing of Naji Jerf, a Syrian journalist who was gunned down in Gaziantep on 27 December 2015, the shooting of Rohat Aktaş, news editor and reporter for the Kurdish-language daily Azadiya Welat, in Cizre, on 22 January 2016.

21. Although the Russian Federation is no longer a member of the Council of Europe, it was until 16 March 2022, and I want to point out the terrible level of impunity for the killing of journalists in the country. At least six cases are still unresolved, the most emblematic one being the assassination of Anna Politkovskaya on 7 October 2008.

22. I limit this list of impunity to cases that took place after 2000.[12] As of 1 September 2023, 29 cases of impunity for murder were still pending on the Platform. I consider that it is important to recall each and every case of impunity for the killing of journalists whenever it is necessary, as long as the perpetrators, but also the masterminds, have not been brought to justice and condemned. The Assembly cannot tolerate that the physical integrity of journalists remains neglected or unprotected.

2.2. Journalists in detention

23. According to the Platform, as of 22 November 2023, 132 journalists were in detention in Europe,[13] including 39 in Belarus and 26 in the Russian Federation. Sixteen journalists are also detained in Russian-occupied territories of Ukraine (Crimea and the Donbass area). Russian repression affects all journalists, but

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8. www.mfrr.eu/threats-to-journalists-must-be-addressed-by-institutions-in-serbia/.
9. On 17 May 2017, the European Court of Human Rights accepted an application from Tagi’s widow, on the ground of Article 2 (right to life), since the Azerbaijani authorities failed to protect her husband’s right to life after he was threatened and of Article 10 (freedom of expression), because Mr Tagi was targeted on account of his journalistic activities.
10. In its judgement of 13 April 2017, the European Court of Human Rights stated that “the domestic authorities failed to carry out an adequate and effective investigation into the circumstances surrounding the killing” of Mr Huseynov, thus violating Article 2 (right to life). See here.
11. Some of these killings took place in temporarily occupied regions of Donetsk and Luhansk, which made it difficult to conduct investigations.
12. Older cases are kidnappings and disappearances of Serbian and Albanian journalists (1998-2005), and assassinations of Radislava Dada Vujasinović (Serbia, 1994), Kutlu Adalı (Cyprus, 1996) and Uğur Mumcu (Türkiye, 1993).
13. https://fom.coe.int/en/listejournalistes/detentions.

the Tatar community in Crimea is particularly affected, with closure of media outlets, undue accusations, arrests, detention and torture of journalists.[14] We must strongly condemn the tragic situation of journalists in these countries and convey to them, also through this report, our support.

24. Concerning the Council of Europe member States, 41 journalists are in detention in Türkiye, 10 in Azerbaijan, and 1 each in Poland and in the United Kingdom. When looking at the annual figures of detention and imprisonment of journalists, 2023 marks a high already in September with a total of 68 cases Europe-wide (including Belarus and the Russian Federation), which is more than the triple compared to 2018, when 16 journalists were jailed. In addition to these long detentions, numerous journalists were arrested for brief periods of time, further worsening the extent of the situation.

25. In numerous cases in Türkiye and Azerbaijan, the charges against journalists include offenses such as extremist activity, membership of a terrorist organisation, participation in foreign intelligence, insulting a public figure, political conspiracy, participation in public rallies, high treason, disseminating prohibited information, failure to prevent confidential information from being posted on the Internet, smuggling foreign currency and sometimes suspected bribery or fraud. In 2023, some journalists were accused of “misinformation”, as they had allegedly inadequately reported on the earthquake of 6 February 2023.[15]

26. In Georgia, journalist and lawyer Nika Gvaramia had been condemned on 16 May 2022 to three and a half years in prison for “abuse of power” related to his activities as Director General of the Rustavi-2 television channel in 2019. He was released one year later, on 22 June 2023, after Georgian President Salome Zurabishvili “pardoned” him by virtue of the ‘discretionary power” granted to her.

27. In Poland, the Spanish freelance journalist, Pablo González, was arrested on 28 February 2022 by officers of the Internal Security Agency (ABW), the Polish counter-intelligence service. He was charged with “espionage” while reporting on the refugee crisis generated by the Russian invasion of Ukraine. He has been detained since 2022 for “pre-trial” periods which are regularly extended by Polish courts.

28. In the United Kingdom, the iconic founder and publisher of WikiLeaks, Julian Assange, is still jailed in Belmarsh high-security prison, pending extradition to the United States. He was found guilty of breaching the UK Bail Act and the Government of the United States accused him of violating the US Espionage Act of 1917. On 6 June 2023, a High Court judge rejected an appeal against Assange’s extradition, considering that the appeal raised no arguable point of law. A worldwide campaign of media freedom groups considers his detention as abusive and disproportionate. In a letter to the British Government dated 10 May 2022,[16] the Commissioner for Human Rights of the Council of Europe expressed her concerns about the “broad and vague nature of the allegations against Mr Assange” and considered that his “extradition on this basis would have a chilling effect on media freedom”.

29. This is not about figures, statistics or ranking, but about human beings deprived of their fundamental rights to liberty and security, and to work as journalists and circulate freely. In addition to the above-mentioned cases, a major issue is pre-trial detention, which in principle should remain an exception, but has become in reality a way to muzzle journalists while they await trial, sometimes for months. Another worrying trend, for example in France, is the abusive arrest and provisional detention of journalists covering rallies on climate change or political issues.[17]

30. The Assembly should once again call on member States to respect the principles of Article 10 of the Convention and decisions of the European Court of Human Right clearly stating that pre-trial detention “should only be used as an exceptional measure of last resort when all other measures have proved incapable of fully guaranteeing the proper conduct of proceedings”.[18]

2.3. Physical and online threats

31. Journalists continue to be physically threatened, harassed and intimidated across Europe. All indicators, both from the Platform and from civil society groups, show that the number of incidents and press freedom alerts keeps increasing. The alerts recorded by the Media Freedom Rapid Response reached a

14. As of 1 September 2023, 21 alerts were active in Crimea on the Platform. https://fom.coe.int/en/recherche;motCle=crimea.
15. Also foreign journalists were harassed by the authorities who confiscated and damaged equipment from three Greek freelance journalists while they were in the eastern city of Antakya covering the aftermath of the earthquake.
16. https://rm.coe.int/0900001680a67bc0.
17. https://fom.coe.int/en/alerte/detail/107639044.
18. European Court of Human Rights, *Şahin Alpay v. Turkey, 2008,* https://hudoc.echr.coe.int/eng?i=001-181866.

monthly high in March 2023 since monitoring instruments were put in place.[19] Apart from war-torn Ukraine and pre-election Türkiye, France is the country where most incidents have been observed in 2023. A previous Assembly report already pointed out that journalists in France had been particularly put at risk during the "yellow vests" demonstrations in 2018-2019, both by demonstrators and by the police.[20] But the anti-pension reform demonstrations in early 2023 led to a new level of threats and violence against journalists, in particular due to disproportionate and undue police measures against them: use of pepper spray, holding journalists at gunpoint, seizure of their materiel, physical injuries caused by police officers to them, as well as groundless temporary arrests. In her statement of 23 March 2023, the Commissioner for Human Rights of the Council of Europe declared that "sporadic violence from certain protesters and other punishable acts committed by others in the course of a demonstration cannot justify the excessive use of force by state agents".[21] The Assembly does not forget the strong support that France gave to the establishment of the Platform, and our expectation is that France keeps on leading by example, and that the French authorities will ensure the respect of media freedom during demonstrations.

32. Physical attacks against local journalists are especially problematic. As pointed out by the European Centre for Press and Media Freedom about attacks against journalists in Germany in 2022, "local media workers are exposed to a particular threat because they cannot disappear into anonymity like their colleagues in larger cities".[22] The number of physical attacks on local journalists in Germany increased threefold between 2021 and 2022 (from four to twelve cases).

33. Harassment mostly takes place online, especially against investigative journalists and those who report on misinformation and disinformation campaigns. A study on harassment of fact-checkers carried out in 2023 by the International Press Institute[23] showed that nine out of ten fact-checking organisations that participated in the survey experienced smear campaigns and online abuse from politicians, government officials, media pundits and public figures. More than half have experienced it repeatedly. A large majority (seven out of ten) of those experiencing online harassment were subjected to prolonged and/or coordinated behaviour like stalking, smear campaigns, hate speech, "doxing" or gender-based violence, among others. The frequency of harassment increased during the Covid-19 pandemic. Election periods also serve as catalysts for disinformation campaigns against fact-checkers. Most harassment happens online, predominantly on social networks. The second most frequent channel of harassment is online portals and websites. Fact-checkers tend not to report these attacks to the authorities due to a lack of confidence that their claims will be duly investigated. Perpetrators are mostly public figures who are not directly involved in politics but are engaged in political and social issues, such as media pundits, analysts, activists or leaders of groups or movements. But some are also politicians, either in power or representatives of parties not sitting in parliament.

34. In view of these developments, it is important to efficiently enforce the standards on the safety of journalists in particular during public events, following good practices such as "PersVeilig"[24] put in place since 2020 in the Netherlands, establishing a detailed protocol agreed between the media sector, the police and the Prosecutors Office.

2.4. The impact of the war in Ukraine

35. Russia's war of aggression against Ukraine had already started in 2014 with the illegal annexation of the Crimean Peninsula and the attacks in the Donbass area, but the Russian large-scale attack launched on 24 February 2022 brought the risks for journalists to a new level. As of 1 April 2023, around 12 000 journalists had been accredited by the Ukrainian authorities since the beginning of Russia's invasion. Unfortunately, twelve of them were killed in 2022 (ten men, two women)[25] and, as of 1 September, two more in 2023. Roughly half of them were Ukrainian, the others were American, Irish, French, Lithuanian and Russian. Sometimes, reporters have difficulties with the Ukrainian authorities in working directly on the frontlines, to the point that press freedom groups expressed their concerns when the teams of TF1, CNN and SkyNews were stripped off their accreditation after having covered the liberation of Kherson in November 2022.[26] Obviously,

19. https://twitter.com/MediaFreedomEU/status/1647892210677841921.
20. See Doc. 15021 "Threats to media freedom and journalists' security in Europe".
21. www.coe.int/en/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/id/206875371.
22. www.ecpmf.eu/feindbild-journalist-7-professional-peril-nearby/.
23. https://ipi.media/harassed-threatened-and-sued-the-state-of-fact-checking-in-europe/.
24. www.persveilig.nl/about-us.
25. https://fom.coe.int/en/listejournalistes/tues?years=2022&idPays=11709594.
26. https://rsf.org/en/ukraine-rsf-calls-restoration-accreditation-journalists-who-covered-liberation-kherson.

the situation on the Russian side of the front is far worse since foreign journalists are not allowed to operate anymore, and even correspondents based in the capital are threatened by the authorities and accused of spying, as was the case for Evan Gershkovich in March 2023.

36. Although the role of journalists is not to formally document war crimes, their presence in combat zones and their reports can contribute to investigating crimes.[27] An example from Ukraine is "The Reckoning Project: Ukraine Testifies" project[28] aimed at training high-performing conflict journalists and researchers to gather legally admissible testimonies so that the voices of victims may be heard in courts of law.

37. The war in Ukraine, combined with the fierce repression of journalists and bloggers in Belarus and in the Russian Federation, has led to a massive phenomenon of exiled journalists from these three countries. Many of them are now based in Lithuania, Poland, other Central and Eastern European countries, Germany and in the South Caucasus, and most of them have difficulties in continuing to work as journalists. Journalists in exile have diverse needs, but the main one is to be able to establish themselves in their host countries and continue working. Few of them can continue working in their own language, for example for the Russian-language online magazine Meduza, or for foreign-language services of European media outlets. Some even managed to create a new media, such as the Belarusian journalists of Mostmedia in Poland.[29] Their work is essential not only for themselves, but also for the public they "left behind" in Belarus and in the Russian Federation, which needs independent information, free of the State propaganda and of the violence destroying every dissident voice.

38. In early 2023, the Council of Europe set up a support mechanism for exiled journalists from Belarus[30] and many civil society groups carry out projects to help exiled journalists. I fully support the activity of the Council of Europe and I encourage NGOs to co-ordinate their work, for example by providing support on a shared platform. It is also important that member States themselves support these journalists in exile, financially or materially, since some of them are even deprived of their passports.[31]

39. Another concern in these times of war is the destruction of communication and media infrastructures. Combined with the power outages in Ukraine, attacks on the material have made the work of media professionals much more difficult, and by consequence, it is also more difficult for the public to receive independent and pluralistic information. According to data provided by the Ukrainian Institute for Mass Information and Reporters Without Borders,[32] 16 TV towers were targeted by Russian air strikes in Ukraine. In the Russian-occupied territories, the internet is being diverted towards Russian installations and is therefore subjected to propaganda and censorship. Over 200 Ukrainian media outlets had to close for reasons such as supply problems, loss of subscribers and advertisers, lack of staff and losses resulting from destruction. In total, 7 war crimes and 44 acts of violence and abuse involving more than 100 journalists were filed with the International Criminal Court and the Ukrainian Prosecutor General.[33] Russian attacks include cyber-attacks, hacks, social media threats and attacks with at least 42 cyber-crimes registered in 2022.

40. Despite this situation, there is hope: in March 2023, UNESCO delivered generators to local independent media.[34] Thanks to international support, 750 journalists were supplied with protective equipment, 91 media outlets with power sources, 28 media outlets were funded and nearly 300 journalists were trained. With the help of UNESCO, the Government of Japan and the International/European Federation of Journalists, the National Union of Journalists of Ukraine set up six "solidarity centers" in the country, where Ukrainian journalists, regardless of their place of residence, or any foreign journalist working in Ukraine, can receive assistance.[35] Also the public broadcaster UA:PBC (also known as Suspilne) received support from its counterparts in Europe to ensure that public service media remains available to the public across the country.[36] Despite the war, Ukrainian citizens can access information also through messaging channels such

27. This was the case in Bosnia and Herzegovina in 1995 and now in Ukraine, www.npr.org/2022/09/27/1125176258/russian-war-crimes-in-ukraine-reckoning-project.
28. www.thereckoningproject.com/.
29. https://thefix.media/2023/4/11/media-as-a-bridge-how-belarusian-journalists-started-an-outlet-in-poland-to-connect-two-nations.
30. www.coe.int/el/web/portal/full-news/-/asset_publisher/y5xQt7QdunzT/content/id/204267019.
31. https://europeanjournalists.org/blog/2023/09/07/belarus-exiled-journalists-denied-passport-renewals/.
32. https://rsf.org/en/ukraine-year-information-warfar e-numbers.
33. *Ibid.*
34. www.unesco.org/en/articles/unesco-delivers-generators-local-independent-media-faced-power-outages-ukraine.
35. https://nuju.org.ua/journalists-solidarity-centers/.
36. www.ebu.ch/news/2022/06/how-ebu-members-rallied-to-help-keep-ukrainian-broadcaster-uapbc-on-air.

as Telegram, where many news channels were created or developed in 2022, some of them being more successful than traditional media.[37] Also Suspilne's Telegram channel grew from 40 000 subscribers to 1.2 million during the war.[38]

41. This level of destruction has no equivalent in recent European history, and I underline that communication infrastructures have been destroyed for the same reason why media workers are threatened or killed: it is a means to silence the media and to stop the public from being informed in an independent manner.

3. Specific themes

3.1. Threats to women journalists

42. The Platform's 2022 report clearly denounces that women journalists are the target of sexist insults and threats of a sexual nature, particularly online. Studies and first-hand accounts on the subject of the safety of journalists have highlighted the systemic violence that is perpetrated against women in the media and especially against women journalists. Online threats and cyber-harassment are a truly gendered problem and are mostly targeted at women.

43. Research shows that gender equality in the media sector – in the broad sense, including the perception of safety – delivers more accurate and balanced reporting of specific issues.[39] However, women journalists still suffer from multiple discrimination: they are subject to more threats than their male counterparts, and the number of women in media leadership and editorial positions remains still low. According to a global survey of the Reuters Institute for the Study of Journalism,[40] only 22% of the top editors in media outlets identify as women. Among the European countries covered by the survey (Finland, Germany, Spain, and the United Kingdom), Finland is the least unequal country with 36% of women top editors. The perception of safety, as well as the actual safety of women journalists, are therefore essential for enhancing gender equality in the media.

44. Against the background of the feminisation of journalism in recent years, to the point that a majority of students in journalism are women, the fact that women journalists and female media professionals are being targeted and threatened specifically may lead to self-censorship, silencing women's voices and result in the denigration of women in their work, thus challenging gender equality in the media context.

45. The issue of safety of women journalists has been identified as a priority by the international policy agenda since at least 2015, with a few highlights. In 2015, the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) has launched the Safety of Female Journalists Online (SOFJO) project, which became a platform for raising awareness, for developing collective strategies, and sharing tools and resources for targeted female journalists. In 2016, Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors[41] noted that "female journalists and other female media actors face specific gender-related dangers" and called for "urgent, resolute and systemic responses". The appendix to the recommendation stated that "a gender-specific perspective should be a central feature of all measures and programmes dealing with the protection of journalists and other media actors and the fight against impunity".

46. In 2020, UNESCO published a report entitled "Online violence against women journalists: a global snapshot of incidence and impacts",[42] on the basis of a survey covering 125 countries around the world. Most of the women journalists surveyed had experienced disinformation-based attacks intended to smear them personally and professionally, ranging from accusations of peddling "fake news" to the spreading of false information about their personal lives and the use of "deepfakes".

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37. https://thefix.media/2023/4/21/mapping-of-telegram-channels-in-ukraine-a-year-into-the-full-scale-war.
38. https://thefix.media/2022/6/20/how-ukraines-public-broadcaster-operates-during-the-war-interview-with-suspilnes-ceo-mykola-chernotytskyi.
39. https://ecpmf.us12.list-manage.com/track/click?u=19a477fc4886d51a09341ccbe&id=d45343343b&e=481a149d3c.
40. https://reutersinstitute.politics.ox.ac.uk/women-and-leadership-news-media-2023-evidence-12-markets.
41. www.coe.int/en/web/freedom-expression/implementation-of-recommendation-cm/rec-2016-4, see article 2.
42. Online violence against women journalists: a global snapshot of incidence and impacts – UNESCO Digital Library. The report presents a snapshot of the first substantial findings from a global survey about online violence against women journalists conducted by UNESCO and the International Center for Journalists (ICFJ) in late 2020. The findings therein reflect the input of 714 respondents identifying as women.

47. In April 2021, the UNESCO published a research discussion paper entitled "The Chilling: Global trends in online violence against women journalists".[43] According to this report, 73% of the survey respondents identifying as women had experienced online violence, and 41% had been targeted in online attacks that appeared to be linked to orchestrated disinformation campaigns.

48. This report also shows that other forms of discrimination – such as racism, homophobia and religious bigotry – intersect with sexism and misogyny to worsen and deepen women journalists' experiences of online violence. For example, while 64% of white women journalists (compared to 73% of women respondents overall) said that they had experienced online violence, the rates were significantly higher for women journalists identifying as Black (81%), Indigenous (86%) and Jewish (88%). A similar pattern can be seen when looking at sexual orientation: while 72% of heterosexual women indicated they had been targeted in online attacks, the rates of exposure were much higher for respondents identifying as lesbian (88%) and bisexual (85%).

49. Online attacks against women journalists also have political motives. Political actors, extremist networks and partisan media are identified as instigators and amplifiers of online violence against women journalists.

50. With regard to Europe more specifically, other data refines the data in the UNESCO-ICFJ report, particularly in relation to professional journalists' organisations. A 2022 study published by the European Federation of Journalists[44] shows that women are clearly targeted by certain types of safety incidents. The figures for insults, harassment and hate speech are especially alarming, with nearly three quarters of women journalists being affected; moreover, online threats and intimidation affect nearly two thirds of women journalists. Nearly half of the women journalists surveyed suffered sexual harassment during the last six months of the survey. In fact, in all of these "psychological" incidents women journalists are systematically more targeted than men.

51. In June 2021, the Media Freedom Rapid Response coalition made up of NGOs and professional groups of journalists, pointed out that "in 66% of cases, women journalists and media workers were victims of verbal aggression and psychological violence, which is significantly higher than for their male colleagues (factor women/men = 1.41). This includes online and offline bullying and threats, insults and abuse, harassment, and trolling behaviour. The latter is particularly more likely to affect women (factor women/men = 4.94)".[45] In 2022, the Mapping Media Freedom mechanism of the European Centre for Press and Media Freedom[46] recorded 233 alerts affecting women journalists, also showing that women journalists face a higher rate of online attacks than their male counterparts.

52. A notable and often underestimated consequence of online violence concerns the psychological impact and mental health. Many journalists experience psychological isolation and symptoms of post-traumatic stress disorder after threats or attacks.

53. According to the UNESCO study of 2021, a number of respondents were suffering from post-traumatic stress disorder connected to online violence, and many were in therapy as a result. The mental health impacts were the most frequently identified consequence of online attacks among respondents (26%) and 12% of them said they had sought medical or psychological help due to the effects of online violence.

54. The European Federation of Journalists also highlighted this aspect in its 2022 study, which showed that psychological isolation and post-traumatic stress disorder affected many journalists after threats or attacks. Also according to the UNESCO/ICFJ study of 2021, 30% of women journalists who participated in the survey indicated that they practiced self-censorship on social networks, to avoid online violence. In addition, 20% of them avoid any form of online interaction and 18% refrain from any exchange with their audience. Those responsible for this online violence are mostly strangers (57%) who hide behind the anonymity of networks and pseudonyms. A global report published in 2021 by Reporters without boarders[47] shows that in

43. https://unesdoc.unesco.org/ark:/48223/pf0000377223_eng. The same year, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression published her collection of women journalists' personal experiences of harassment, entitled #journaliststoo; see at www.ohchr.org/sites/default/files/2021-11/JournalistsToo-en.pdf.
44. Journalists not sufficiently trained in health and safety issues – European Federation of Journalists (europeanjournalists.org).
45. www.ecpmf.eu/ensure-gender-justice-for-women-journalists-and-media-workers-mfrr-submission-to-un-special-rapporteur-on-freedom-of-opinion-and-expression/.
46. www.mappingmediafreedom.org/.
47. "Sexism's toll on journalism", RSF, 2021.

Europe, more than one third of women journalists "regard their country as dangerous or very dangerous" (Albania, Poland, Serbia, Ukraine) and more than one quarter must "modify their attire (clothes) in order to work" (Azerbaijan, Belgium, France, Slovenia).

55. Social media platforms and media organisations are still having difficulty in responding effectively even though they are regarded as major catalysts of online violence. When women journalists approach them or their employers after facing online violence, they often do not receive effective responses, and even face victim blaming.

56. Looking at data available for certain countries, we can cite, without being exhaustive, the following situations reported by journalists' organisations.

57. In Serbia, the Association of Independent Journalists of Serbia conducted data-based research compiling attacks and pressure on journalists in 2020, including threats, insults and pressure on social media, that aimed to characterise online attacks against women journalists. Around 42% of female journalists who took part in the survey said it was an isolated attack, while 18% said the attack was part of an orchestrated campaign. For example, in 2020, TV N1 journalist, Zakline Tatalovic, received threatening and insulting messages two days after the Association of Independent Journalists of Serbia issued a statement condemning the attack and the sexist insults that had been made against her during a televised debate broadcast in prime time on a national television channel.

58. In North Macedonia, a study published in November 2022 by the journalist NGO PINA showed that more than 81% of female journalists surveyed had been victims of online harassment. A majority (84.6%) knew which institution to turn to in order to report a case of online harassment, but only a quarter of them really turned to the competent institution and almost half of the respondents (43.7%) did not report at all. One reason expressed for this lack of reporting is that women are generally "very dissatisfied" with co-operation with institutions. For example, Tanja Milevska, correspondent for the North Macedonia news agency MIA, in Brussels, has been the victim of online harassment, in particular verbal abuse as well as death and rape threats on social media in 2020.

59. In Greece, the survey "Code of Silence: Fear, Stigma Surrounding Abuse of Greek Women Journalists" published at the end of 2022 by the Balkan Investigative Reporting Network,[48] confirmed that "many female journalists in Greece remain too afraid to report the abuse and harassment" and "in most cases, they are unaware of any specific procedure in place for them to do so". This study emphasised the level of harassment of women journalists in the workplace, as opposed to threats by unknown persons in the field, and the need for the media sector to develop procedures for reporting harassment.

3.2. Judicial harassment and criminalisation of journalism

60. A major form of judicial harassment consists of strategic lawsuits against public participation, which often take the form of actions for defamation or invasion of privacy. SLAPPs pose a serious threat to freedom of expression and the public's right to receive information on matters of public interest, and they abuse the legal process to cause maximum disruption to the work of journalists or publishers (claims for exorbitant amounts in damages, appeals and drawing-out of legal proceedings to force respondents to spend a lot of time and money to their defence, etc.).

61. The issue of SLAPPs is addressed in the report entitled "Countering SLAPPs: an imperative for a democratic society".[49] For this reason, my report does not revisit it in depth.

62. Judicial harassment can take many other forms, such as accusations that journalists are in contempt of court or have disclosed classified information, infringements of the principle of source protection, abuse of administrative or criminal penalties, house arrest or detention, accusations of tax offences, allegations of possession of drugs, incitement of hatred or blasphemy, breaches of curfews, "hooliganism", involvement with organisations deemed hostile to the authorities, breaches of laws on public gatherings and public order, "extremism" or terrorism.

63. The most recent cases mentioned by the Platform include obstruction of the work of journalists during demonstrations or police activities (Belgium, Sweden), accusations of conspiracy (Greece), terrorism and disinformation (Türkiye) and non-renewal of radio broadcasting licences (Hungary).

48. https://balkaninsight.com/2022/12/12/code-of-silence-fear-stigma-surrounding-abuse-of-greek-women-journalists/.
49. See Doc. 15869.

64. In reference to legislative amendments regarding the provision on "false or misleading information" in Türkiye in 2022, the European Commission for Democracy through Law (Venice Commission) stated that "the punishment of a journalist for assisting in the dissemination of statements made by another person would seriously hamper the contribution of the press to the discussion of matters of public interest".[50] Not less than 40 new articles amending the Internet Law, the Press Law, and the Turkish Criminal Code were introduced by the government. The law foresees up to 3 years' imprisonment for anyone found guilty of "publicly disseminating false information about the country's domestic and foreign security, public order and general health with the sole aim of creating anxiety, fear or panic among the public and in a manner conducive to disturb public peace." Penalties can be increased in cases of publication from an anonymous account or by a person hiding his/her identity. With prosecutors and courts subject to strong political control, such laws threaten media freedom by putting critical journalists at risk of arbitrary arrest and prosecution. Freedom of expression groups qualified the situation as "dystopian".[51] Also the Office of the United Nations High Commissioner for Human Rights and the OSCE Representative on Freedom of the media have expressed their concerns over the fact that concepts such as "disinformation" would be left to the sole appreciation of politically motivated jurisdictions.

65. According to data from the International Press Institute's #FreeTurkeyJournalists Campaign,[52] 227 journalists were prosecuted in 2022 and the total jail time handed to journalists since 2016 amounts to 1 521 years. Also in 2022, 78% of trials were adjourned to a later date, thus extending the duration of pre-trial detention or the pressure on journalists who are awaiting trial. As an example, the first journalist arrested on charges of "spreading false information" according to the laws amended in 2022 was Bitlis News website owner and Bitlis Journalists Association President, Sinan Aygül. He was reporting on a sexual abuse case in the eastern Turkish city of Bitlis, involving a 14-year-old girl and corrected an article following alleged errors and apologised for being mistaken. The journalist was detained for a week in December 2022 and imposed an international travel ban.

66. In Azerbaijan, the media environment has recently become more difficult, following the adoption of laws which increase control over the media and curtail freedom of expression. There are in particular concerns about the creation of a single and restrictive registry of media entities, the issuing of press cards to eligible journalists by a State agency, the requirements pertaining to the establishment of media entities, the licensing of all audiovisual media and restrictions on foreign ownership of media. The Venice Commission came to the conclusion that, "in the context of an already extremely confined space for independent journalism and media in Azerbaijan, the Law will have a further "chilling effect".[53] The law was adopted by the Parliament on 30 December 2021 and enacted by the President on 8 February 2022. This was the last regulatory move in Azerbaijan, where a series of previous measures have been used to intimidate and harass journalists.

67. On 22 July 2023, over 60 Azerbaijani journalists and media representatives co-signed a letter[54] to several bodies and institutions of the Council of Europe, expressing concern about the application of the amended Media Law and the Media Registry, stating that "at least 50 media have been refused entry into the register, and some State institutions decline to respond to information requests from journalists and media outlets that are not registered". Also in 2022, criminal laws were misused to prosecute journalists. For example, on 10 September 2022, Avaz Zeynalli, owner and chief editor of the independent news outlet Xural TV was accused of "bribery" and detained for four months, although he stated that the detention was politically motivated.[55] On 15 February 2022, Sevinj Sadygova, a reporter working for the news website Azel.tv, and Fatima Mövlamli, a reporter for the news website Azadliq, were detained while covering a protest in Baku and were released without charge after several hours.[56] On 20 November 2023, the Executive Director of Abzas Media, Ulvi Hasanli, was arrested by the police and detained, while his apartment and newsroom were searched. Mr Hasanli was stopped on the way to Baku airport and charged with "smuggling foreign currency". He pleaded not guilty and denounced the charges as unfounded.[57] What is even more worrying is that Mr Hasanli was a speaker at a hearing organised by the Assembly in April 2023 on the situation of journalists and human rights defenders in Azerbaijan. Finally, the "Pegasus files" in 2021 revealed that 48 journalists

50. www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)034-e.
51. www.article19.org/resources/turkey-dangerous-dystopian-new-legal-amendments/.
52. https://freeturkeyjournalists.ipi.media/.
53. www.coe.int/en/web/freedom-expression/-/joint-opinion-of-the-venice-commission-and-dgi-on-law-on-media-of-azerbaijan-adopted.
54. www.turan.az/ext/news/2023/7/free/Social/en/6739.htm.
55. https://fom.coe.int/en/alerte/detail/107637997.
56. https://fom.coe.int/en/alerte/detail/107637142.
57. https://fom.coe.int/en/alerte/detail/107640263.

may have been targeted for surveillance in Azerbaijan.[58] The use of specific laws and the misuse of general legal tools to seek to suppress freedom of expression are particularly problematic for media freedom and pluralism in the country.

68. In Georgia, in September 2022, the Parliament overrode President Zurabishvili's refusal to make it possible to carry-out "covert investigative activities" in relation to 27 types of crimes, and extended the possibility to eavesdrop on individuals in relation to 77 types of crimes. This "wiretapping" legislation is threatening the possibility for journalists to work freely and reinforcing concerns over surveillance of newsrooms.[59]

69. The persistence of criminal defamation in Europe is still a major tool for criminalising journalists. In this respect, in its Resolution 2035 (2015), the Assembly called on Council of Europe member States to review legislation on defamation "in accordance with Resolution 1577 (2007) "Towards decriminalisation of defamation". Such review should deal with criminal law penalties as well as civil procedures for defamation which could financially threaten, in a disproportionate way, journalists and media" (paragraph 11).

70. In Azerbaijan, despite a judgment of the European Court of Human Rights in the *Mahmudov and Agazade v. Azerbaijan* case and continuous calls by journalists' organisations, criminal defamation laws continue to exist, including with prison sentences. Since the judgment dates from 2008, it is now more than 14 years that Azerbaijan has failed to comply with a binding decision of the Court to remove prison sentences for defamation in its criminal law. Also the Venice Commission had adopted already ten years ago an Opinion on the Legislation pertaining to the Protection against Defamation of the Republic of Azerbaijan, stating that it was "worrying that, in spite of the authorities' repeatedly stated commitment to work towards decriminalisation (...) defamation is still associated with excessively high criminal sanctions, including imprisonment".[60]

71. Defamation remains a criminal offence in Italy, with threats of imprisonment of up to six years and/or heavy fines. Even when a journalist wins a case, the accuser has no obligation to repay the journalist's legal expenses, which has of course an additional chilling effect on media. An emblematic case took place on 22 November 2022, when the journalist and investigative reporter Emiliano Fittipaldi announced that he and the publishing director of the daily newspaper Domani, Stefano Feltri, had been taken to court by Prime Minister Giorgia Meloni on defamation charges. On 3 March 2023, journalists from the same newspaper found out that Claudio Durigon, the Undersecretary at the Ministry of Labour and Social Affairs, had also initiated legal action against them. Although journalists have to respect the law, Italy should decriminalise defamation, as the Assembly has already urged the Italian Legislature to do in its Resolution 2035 (2015),[61] in order to put an end to the climate of fear and pressure on journalists.

72. In Türkiye, article 299 of the Criminal Code still foresees a jail sentence of one to four years for the crime of insulting the president, despite the fact that the European Court of Human Rights ruled that the imprisonment and subsequent conviction of a journalist for insulting the president was a violation of the right to freedom of expression, given that a head of state cannot be conferred "a privilege or special protection vis-à-vis the right to (…) express opinions about him or her".[62]

73. But there is worse: countries where defamation was decriminalised are turning back. It is the case in Bosnia and Herzegovina, where the Republika Srpska's National Assembly voted on 21 March 2023 in favour of amendments to the criminal code reintroducing criminal penalties for defamation, following a proposal by President Mirolad Dodik. The Republika Srpska had decriminalised defamation in 1999 in line with developing international standards and practices. Now a conviction leads to fines of between 2 500 and more than 10 000 euros, a huge sum in a country where the average monthly wage is roughly 630 euros. Following a mission on 22-25 October 2023,[63] European media freedom watchdogs considered that "media freedom is in survival mode" in the country, with a "package of interlinked legislation aimed at further stifling the space for critical reporting and contributing to a wider atmosphere of pressure and isolation amongst the journalistic community in Republika Srpska".

74. In Armenia, "grave insult" was temporarily criminalised in October 2021, but the new Criminal Code in force since July 2022 does not include provisions on liability for "grave insult".

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58. www.theguardian.com/news/2021/jul/19/spyware-leak-suggests-lawyers-and-activists-at-risk-across-globe.
59. https://oc-media.org/leaked-recording-suggests-surveillance-of-georgian-newsroom/.
60. www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)024-e.
61. In paragraph 11 of Resolution 2035 (2015), the Assembly urged the Italian Parliament to resume consideration of its legislation on defamation in accordance with the opinion by the Venice Commission of 6-7 December 2013.
62. https://hudoc.echr.coe.int/fre?i=002-13439.
63. www.mfrr.eu/bosnia-and-herzegovina-media-freedom-in-survival-mode/.

3.3. Backsliding on the independence of public service media governance and financing

75. Public service media are part of the general media ecosystem in Europe. They are sometimes criticised for their news, but on average, information represents only 30% of the programmes, a majority of them being fiction and entertainment.

76. A recent report by the European Broadcasting Union[64] on PSM reveals a fall in their revenues, which was exacerbated by the Covid-19 crisis. In 2019 and 2020, PSM financing decreased in 66% of the European countries studied. This trend is reflected in a contraction of financial resources between 2016 and 2020 of 1.2%, or 6.9% when inflation is factored in.

77. In 2020, the amount of public funding for PSM averaged out at €0.10 per day per citizen in Europe.[65] This is a modest amount when one considers that the services obtained in exchange for it are essential to inform citizens and sustain public debate. Recent research shows that traditional media, and PSM in particular, tend to be more trusted than social or online media at times of crisis, which proves that the public recognises the essential role of public service broadcasting in times of crisis.[66]

78. However, the 2022 Digital News Report of the Reuters Institute[67] also revealed that against the backdrop of increased pressure on their independence, some PSM organisations, including references such as the BBC in the UK, have suffered significant falls in levels of trust in recent years.

79. The "Media Pluralism Monitor 2023" issued by the European University Institute[68] mentions grave concerns over the independence of PSM in terms of funding ("the legal mechanisms for the adequate funding of the online public service missions of the PSM without distorting competition with private media actors") and governance ("the legal framework for the appointment and dismissal procedures relating to the PSM management, with specific consideration of the fairness and transparency criteria"). According to this report, Bulgaria, Czech Republic, Cyprus, Hungary, Italy, Poland, Romania, Serbia, Slovak Republic, Spain and Türkiye are "high risk" countries, and Austria, Croatia, France, Greece and Ireland are "medium risk" countries.

80. The previous report of the Media Pluralism Monitor and other sources gave precise examples of problems of funding for PSM in Europe. For example, in the Slovak Republic, the inadequate funding of RTVS has even been lamented by the country's Supreme Audit Office, as the licence fee has not increased for nearly 20 years (since 2003).

81. In Bosnia and Herzegovina, the public broadcaster BHRT is threatened with closure because of accumulated debts and the failure to collect the license fee. A clear issue with the financing of PSM is the capacity of governments to set the level of financing at their own discretion without public discussion, and with no clear mission, nor adequate financing, for the online activities of those PSM.

82. Even in countries with a long tradition of PSM, licence fees are being called into question or abolished. In France, for instance, the replacement of the licence fee with a government grant has drawn fierce criticism from journalists' organisations, which feel that this will undermine the independence of these media outlets without resolving the issue of financing.

83. In the UK, the future funding of the BBC is unclear and subject to a "review",[69] with the government declaring in November 2022 that they "examine the future of the licence fee" and would "set out further detail on their plans in due course".

84. In many countries, there is a high risk of influence over appointments to the boards of directors and executive management of PSM.

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64. https://www.ebu.ch/publications/research/membersonly/report/funding-of-public-service-media.
65. According to the European Broadcasting Union study, "Funding of public service media", of March 2022, these figures concern the 46 member or associate member countries in Europe and the Mediterranean region, with calculations that take account of all public funding sources (licence fees, government grants, taxes, etc.). See: www.ebu.ch/publications/research/membersonly/report/funding-of-public-service-media.
66. www.ebu.ch/research/loginonly/report/bridging-value-and-trust.
67. https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022.
68. https://cmpf.eui.eu/media-pluralism-monitor-2023/. Previous reports are available at https://cmpf.eui.eu/media-pluralism-monitor/.
69. https://lordslibrary.parliament.uk/future-funding-of-the-bbc-lords-committee-report/.

85. For example, in Slovenia, the government had appointed its head of communication as director of the public broadcaster RTV-SLO, provoking a long period of strikes and unrest. A new law had to be adopted to "depoliticise" RTV-SLO following a referendum which was massively supported in November 2022.[70]

86. In Latvia, the Minister of Defence, declared in 2022 that appropriate funding for the public broadcaster would be made conditional on "right" or "wrong" editorial choices. Following criticism over these declarations, a new governing body, the Public Electronic Media Council, has been established as a supervisory mechanism for the State-owned public service television broadcaster LTV, and an Ombudsperson has been set up as a self-regulatory and accountability mechanism.

87. At the European Union level, a major step was taken in 2022 with the proposal of the European Media Freedom Act (EMFA)[71]. According to Article 5.2, "The head of management and the members of the governing board of public service media providers shall be appointed through a transparent, open and non-discriminatory procedure and on the basis of transparent, objective, non-discriminatory and proportionate criteria laid down in advance by national law." Article 5.3 requires that "Member States shall ensure that public service media providers have adequate and stable financial resources for the fulfilment of their public service mission. Those resources shall be such that editorial independence is safeguarded." In this respect, Recital 18 of the proposal explains that: "public service media can be particularly exposed to the risk of interference, given their institutional proximity to the State and the public funding they receive. This risk may be exacerbated by uneven safeguards related to independent governance and balanced coverage by public service media across the Union. […] It is thus necessary, building on the international standards developed by the Council of Europe in this regard, to put in place legal safeguards for the independent functioning of public service media across the Union. It is also necessary to guarantee that, without prejudice to the application of the Union's State aid rules, public service media providers benefit from sufficient and stable funding to fulfil their mission that enables predictability in their planning. Preferably, such funding should be decided and appropriated on a multi-year basis, in line with the public service mission of public service media providers, to avoid potential for undue influence from yearly budget negotiations." These standards are relevant for, and should be met by, non-EU countries too.

88. To complete the EMFA proposal, I wish to remind Assembly Resolution 2179 (2017) "Political influence over independent media and journalists",[72] which contains detailed recommendations on PSM governance mechanisms and financing, namely in paragraphs 7.6 to 7.8. Given that the situation has not improved since then and that it is somewhat even worsening, I believe it is worth insisting again on the same calls in the present draft resolution. I also suggest that the role of parliaments, including oppositions, be reinforced when it comes to PSM governance, financing and reforms in terms of standards and professionalism, with a view to preventing a biased approach of governments.

89. The backsliding of PSM, combined with further media concentration, also represent a threat to local democracy. The existence of an independent local media scene serving the public interest is a cornerstone for democratic societies, in particular to counter disinformation and misinformation. However, in the past years, the existence – or the sustainability – of local and regional media is threatened in many areas of the European Union, to a point that scholars and professionals identified "news deserts" in Europe,[73] namely areas "where the citizens do not receive public interest information, their right to receive plural and quality information on social and political local questions is not guaranteed, and their so-called 'critical information needs' are not fulfilled". This has a direct impact on topics that affect the quality of the lives of citizens, such as education, health, public transport, voting procedures, budget issues, and infrastructure. A survey issued in April 2023 by the European Federation of Journalists[74] shows the extent of the problem: in Croatia, "many local media are owned by local governments of cities, counties and municipalities, so their independence from the authorities is questionable", in Portugal, "more than half of the municipalities are news deserts or are on the verge of becoming so", and in Türkiye, "85 percent of the news published in [local] digital media is not original, but a copy".

90. I welcome the report of the Congress of Local and Regional Authorities of the Council of Europe on "Local and regional media: watchdogs of democracy, guardians of community cohesion"[75] adopted on 25 October 2023, which calls on governments of member States to develop media policies taking into account

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70. www.ebu.ch/news/2022/12/slovenian-referendum-backs-rtv-slo-reforms.
71. Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU; see at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0457.
72. https://pace.coe.int/en/files/23989/html.
73. https://cmpf.eui.eu/what-are-news-deserts-in-europe/.
74. https://europeanjournalists.org/blog/2023/04/11/news-deserts-arent-new-the-cases-of-croatia-portugal-and-turkey/.

the information needs of local communities, with particular attention to rural and disadvantaged communities which are at increased risk of becoming local media deserts. The topic of media concentration should be further examined by a specific report of the Assembly in the close future.

3.4. Media capture

91. Media capture[76] is the phenomenon whereby persons in power take direct or indirect control over journalistic content without using force. This phenomenon has amplified in recent years in Europe; it is complementary to, but distinct from, concentration of media ownership.

92. Different methods and tools are used by vested political and business interests to capture independent media. Usually, media capture includes control over or interference in editorial policies of public service broadcasters, instrumentalisation of media regulatory bodies with political appointees, distortion of the media market in favour of pro-government media, and the creation of a circle of "loyal" businesspeople to control private media in the government's interest.

93. According to the Media Pluralism Monitor report of 2023, "Political independence of the media continues to score medium risk, on average (54%). Six countries record low risk: Austria, Belgium, Germany, Ireland, Portugal and Sweden. High risk is mostly manifested in Central and South-Eastern Europe, where the media, including digital natives, are most affected by political control exerted via ownership means." In particular, high-risk levels for political independence exist in Albania, Hungary, Malta, Poland, Romania, Serbia and Türkiye. The highest level of risk, on average, was recorded in relation to the indicator on "editorial autonomy". The report considers that "politicisation of media outlets is very often subsequent to the lack of regulatory mechanisms that aim to prevent political capture, through direct or indirect ownership, by politicians, businesspeople with vested interests, or family members who act as proxies".

94. As pointed out by the 2023 report of the Platform,[77] "media capture often takes place under the radar and behind a thin veneer of legality which offers the government a level of plausible deniability"; however, media capture seriously threatens media pluralism and the right of citizens to access balanced and independent news sources. It also weakens public trust in media reliability, as news and reports systematically presented under a positive angle for the government will be perceived as biased, and, even worse, could lead citizens to put undue trust in low-quality journalism and misinformation.

95. The Platform's 2022 report stressed that, "within the European Union, Hungary has established the most advanced level of State capture of the media, and attempts to replicate its model, adapted to each national context and with varying degrees of success, have been made in Poland and Slovenia".

96. Hungary has been a European "laboratory" for media capture for many years. According to the Vienna-based International Press Institute, this phenomenon "involved the coordinated exploitation of legal, regulatory and economic power to gain control over public media, concentrate private media in the hands of allies, and distort the market to the detriment of independent journalism".[78] The process was progressive since 2010 and the accession of Prime Minister Orbán's Fidesz party to power. A first step was the acquisition of the major media by State-dependent businesses close to the prime minister, at the same time as independent foreign-owned media left the country. In return, these media benefited from large State advertising budgets, whereas critical voices were deprived of public support. At the same time, members of the Media Council were politically appointed according to the ruling party Fidesz messaging. The same Media Council has the power to block or suspend broadcast licenses of independent media such as Klubrádió. The process of media concentration in favour of the government was made possible with the blocking of mergers of independent media as opposed to the approval of fusions of pro-government outlets. Public media (both the broadcaster MTVA and the press agency MTI) have been turned into propaganda tools of the government, without editorial independence for its journalists and providing mostly unbalanced news coverage, especially during election periods when the opposition parties receive nearly no airtime.[79] On top of this, the Pegasus Project revealed that Hungary is one of the countries where spyware is being most abused by the government, in

75. www.coe.int/en/web/congress/-/local-and-regional-media-council-of-europe-congress-calls-for-more-support-to-prevent-local-media-deserts.
76. The English term "media capture" is variously rendered in French as "captation", "confiscation" or "appropriation". The original French text of the present document follows the wording in the Platform's reports.
77. https://fom.coe.int/en/rapports/detail/18.
78. https://ipi.media/publications/media-freedom-in-hungary-ahead-of-2022-elections-mission-report/.
79. www.theguardian.com/world/2022/apr/02/hungary-independent-media-editors-reporters-orban.

particular on media.[80] This "model of domestic media control in Hungary has been designed in such a way as to give Fidesz plausible deniability against accusations of meddling", concludes the International Press Institute report. Other central and eastern European countries followed the same logic of media capture.

97. In the Czech Republic, the government led by Prime Minister Andrej Babiš was linked to Mafra, a media conglomerate owned by Mr Babiš, which provided coverage favourable to him and influenced other oligarch-owned media outlets.

98. In Poland, the centrepiece of the government's "media reform" was to "repolonise" and "deconcentrate" the media market, which despite apparent positive intentions of creating greater pluralism, concentrated more media under the control of the ruling party and its allies. Since 2015, State institutions and State-owned and controlled companies have progressively decreased subscriptions and advertising in independent media, cutting off an important source of funding for them. Media and journalists are also subject to discrimination in access to information, with public officials refusing communication or interviews with certain media. In the report "Media freedom at a crossroads: Journalism in Poland faces uncertain future ahead of election" published in October 2023[81], a coalition of media freedom groups deplored that "media capture and the widespread use of vexatious lawsuits have been used to create a hostile climate for independent journalism" in the country. The report also found that "the public media have been fully converted into a propaganda arm of the ruling party, the National Broadcasting Council, KRRiT, has abused its licensing powers to create business uncertainty and is applying arbitrary financial penalties to impose fear and self-censorship in newsrooms" and that "State advertising has been weaponised by the government to fund favourable media outlets and undermine independent journalism which exacerbates the financial pressure on media".

99. In Serbia, where the government does not have direct ownership, control is achieved by providing advertising revenue, allocating State funds, or exercising direct influence over owners of media outlets. Media capture includes print media as well, with the blatant example of Informer, the newspaper with the highest circulation in the country, whose owner and editor has been close to President Vučić for decades, and which issued a cover story headlined "Ukraine has attacked Russia" on 25 February 2022.

100. In Bulgaria, lack of information over ownership and business interests – including in the media industry – in a country with the highest level of corruption and organised crime in the European Union, makes the picture "murkier", according to press freedom groups.[82] In recent years, the Bulgarian media market has gone through major changes, with many leading media outlets changing hands and positive developments could be expected, provided the political situation of the country stabilises and authorities succeed in tackling corruption.

101. In Austria, the allocation of government advertising to the media on the basis of political favouritism rather than quality is an issue of concern.

102. In Greece, the report "Controlling the message" published in March 2022 by the Media Freedom Rapid Response group[83] states that "there has been a deterioration of press freedom since Nea Dimokratia's electoral victory in 2019, who are obsessed with controlling the message and minimising critical and dissenting voices". In these circumstances, media capture by business interests has increased and become a serious issue for media pluralism and journalists' reporting. "Interests of owners and the government's politics often align, making it difficult to find strong oppositional voices in these media".[84] The allocation of State advertising to media as a tool of capture is particularly acute in Greece: a striking example is the scandal of the so-called "Petsas list" (named after former Deputy to the Prime Minister and government spokesperson Stelios Petsas), during the Covid-19 pandemic. The government allocated 20 million euros to distribute among media outlets to publish public health messages. Following pressure from civil society groups, the government published the names of the supported outlets, and it came out that the funds had been distributed according to political acquaintances, including to non-existent websites, personal blogs and religious outlets, whereas some independent media did not receive any funds.

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80. The phones of Szabolocs Pany and András Szabo, both investigative journalists for Direkt36, had been infected with the spyware. Other potential target are journalist Dávid Dercsen and Central Media Group owner Zoltán Varga. www.theguardian.com/news/2021/jul/18/viktor-orban-using-nso-spyware-in-assault-on-media-data-suggests.
81. www.mfrr.eu/media-freedom-at-a-crossroads-journalism-in-poland-faces-uncertain-future-ahead-of-election/.
82. https://ipi.media/publications/media-capture-in-bulgaria/.
83. www.mfrr.eu/controlling-the-message-challenges-for-independent-reporting-in-greece/.
84. *Ibid.*

103. In Türkiye, media capture occurs through companies and persons affiliated to the government's views (namely Turkuvaz Media Group, Demirören Media, Doğuş Media Group), and through dissuasive and disproportionate penalties imposed by regulatory authorities or a State-controlled judicial system on independent media outlets which are too critical of the government. Members of the Press Advertising Agency (BIK) and the Radio and Television Supreme Council (RTÜK) are appointed by the government. In August 2022, BIK was condemned by the Constitutional Court for having imposed arbitrary fines on independent media such as Cumhuriyet, Evrensel, Sözcü and Birgün. According to the Constitutional Court, these fines violated freedom of expression and press freedom laws. When looking at the fines imposed by RTÜK, less than 10% were for pro-government TV channels in 2022.[85] This media capture is particularly worrying in times of elections, as it was the case in the 2023 presidential elections when RTÜK fined or imposed temporary bans on several broadcasters because of their critical reporting.[86] This includes foreign media like German broadcaster Deutsche Welle (DW).

104. The collusion between governments and businesses created a disproportionately high concentration of wealth in the media in several countries in Europe. Journalists' organisations and independent media have raised the issue for more than a decade (since 2010 in the case of Hungary), and it is now urgent to prevent further development of this phenomenon. The basic requirements to do so would be to enforce a system that introduces limits on company access to public funds and imposes new ownership rules for media organisations.

4. Conclusions – How can States and partners of the Platform better protect media freedom?

105. By the time this report will be debated by the Assembly, the Platform of the Council of Europe to promote the protection of journalism and safety of journalists will have existed for almost 10 years. As I pointed out, the number of alerts published on the Platform reporting threats and attacks against media freedom has been steadily increasing, and this is not only due to the remarkable work of the partners of the Platform, it also has to do with an actual increase in threats against journalists all over Europe. The situation is really concerning: more alerts and less replies from member States. While we expected that the system could lead to fewer applications to the European Court of Human Rights thanks to dialogue with journalists' organisations and rapid reactions to alerts, we did not observe any improvement in the field of media freedom over the past years.

106. Moreover, calls to member States in previous Assembly resolutions have largely remained unanswered and there is little evidence that targeted requests addressed to specific governments have been followed by legislative reviews and reforms, or by other concrete measures.

107. The Assembly, when adopting this resolution, should reiterate these previous calls to member States and should insist on the need to set up a mechanism to reply in a systematic way to the alerts, and to take action to remedy identified problems. In this respect, I welcome the fact that the Platform will follow a "systemic" approach by categorising individual threats following "persistent or structural" criteria. It is also a very welcome initiative to ask partners of the Platform to formulate what action they actually expect from the concerned member State in response to a given alert.

108. We are proud to champion democratic values and human rights, but democracy is not viable without freedom of information and a sound ecosystem for independent and pluralistic media and safety of journalists. Systematic attacks to media freedom and threats to journalists are worrying symptoms of a tendency to slide away surreptitiously from what we are used to call "liberal democracy", towards systems of "illiberal democracies."[87] We need to avoid that our democratic systems lose their souls, and we must all commit to safeguard together more effectively media freedom as a pillar of true democracy.

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85. https://fom.coe.int/en/rapports/detail/18.

86. https://europeanjournalists.org/blog/2023/04/13/turkey-broadcast-regulator-must-stop-punishing-critical-reporting-ahead-of-elections/.

87. Although the term sounds like an oxymoron, "illiberal democracy" has been widespread in the academic and political environment since its first use, in 1995, by academics Daniel A. Bell, David Brown, Kanishka Jayasuriya and David Martin Jones in their book *Towards illiberal democracies* (https://link.springer.com/book/10.1057/9780230376410). Illiberal democracies ignore or bypass constitutional limits on the political power and do not adequately protect individual rights and freedoms. According to their promoters, illiberal democracies do not consider freedom as a central element of State organisation, but rather the defense of social groups, from the family to the nation. In 2014, Hungarian Prime Minister Viktor Orbán openly described Hungary as an illiberal democracy (https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/).

109. On 5 October 2023, in Riga, the new Council of Europe Campaign for the Safety of Journalists was launched, with the slogan “Journalists matter”. National parliaments and the Assembly should engage resolutely in this campaign, be actively involved in its promotion, use all of their leverage to prompt the adoption of national action plans and closely monitor their effective implementation.

Appendix 1 – Dissenting opinion presented by Ms Zeynep Yıldız (Türkiye, NR), member of the Committee on Culture, Science, Education and Media, pursuant to Rule 50.4 of the Rules of Procedure

Freedom of expression and the safety of journalists are important pillars of democracy, human rights and the rule of law. In this sense, this report seeks to address highly sensitive and significant issues within the member States.

This dissenting opinion does not aim to undermine the Parliamentary Assembly's efforts in ensuring and maintaining media freedom and that the safety of journalists is respected in member States. The rapporteur examines many countries based on the findings of the Council of Europe's Platform to promote the protection of journalism and safety of journalists, journalists and media freedom organisations. Essentially, his work provides a thorough overview that identifies the various threats to freedom of information and journalists.

However, there are some points in the explanatory memorandum which do not reflect the truth in Türkiye. This type of partial and biased assessment could damage the credibility of the hard work carried out by the rapporteur and the committee.

First of all, I would like to emphasise once more that Türkiye is committed to safeguarding and upholding freedom of expression and information. The Turkish Constitution guarantees media freedom, and Türkiye has an independent, active, and free media community that offers diverse news and opinions.

The report draws attention to the legislative amendments made in 2022 relating to "false or misleading information." It has been suggested that these amendments could lead to politically motivated prosecutions. The legislative amendments that were implemented in 2022 were a direct response to eliminate the problems caused by disinformation in the public sphere and the evolving needs of society and they only aimed to fight disinformation and misinformation, while simultaneously safeguarding people's freedom of information, which is a constitutional right.

I would like to mention that there are several countries which have enacted laws aiming to address disinformation and misinformation. In 2017, the Bundestag passed the Network Enforcement Act (Netzwerkdurchsetzungsgesetz) with the primary objective of combating hate speech and fake news on social networks. In 2021, Austria enacted the Federal Law on Protective Measures for Users of Communication Platforms which aimed to make social media companies channels more transparent, accountable and responsive. On 20 November 2018, the law on the fight against the manipulation of information was adopted by the French National Assembly. The purpose of the law in question is to prevent the spread of fake news in digital media and to prevent the manipulation of social networks by foreign States. There are also regulations drawn up by international organisations, such as the EU, UN, OSCE, Council of Europe etc., in order to fight misinformation and disinformation.

Despite the fact that several member States have enacted laws in order to fight disinformation and misinformation, the rapporteur only mentions Türkiye and expresses his concerns that this law could be misused. Thus, I respectfully submit this dissenting opinion due to this biased attitude towards Türkiye.

Appendix 2 – Number of alerts submitted to the Platform to promote the protection of journalism and safety of journalists, and number of resolved alerts since 2015 (Source: Platform. The figures represent the state of play as of 1 November 2023)

